

Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Regular Meeting  
Held, August 17, 2015, at 6:00 P.M. at the City Council Chambers  
826 N. Main St. – Cottonwood, Arizona

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CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 5:59 p. m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Ed Kiyler                      Robert Williams                      Ray Cox  
Judd Wasden                              Suzanne Poslaiko

Planning & Zoning Commission Members Absent

Philip Rosen                              Jean Wilder

Staff Members Present

Berrin Nejad, Community Development Director  
Scott Ellis, Community Development Planner  
Charlie Scully, Community Development Planner  
Tyler Roberts, Community Development Assistant Planner/Code Enforcement Coordinator  
Christina Papa, Administrative Coordinator, Recorder

APPROVAL OF MINUTES OF JUNE 15, 2015-REGULAR MEETING

***Motion:***                      ***To approve the minutes of 6/15/2015-regular meeting***

***Made by:***                      ***Commissioner Williams***

***Second:***                      ***Commissioner Poslaiko***

***Vote:***                              ***Unanimous***

CALL TO THE PUBLIC (NONE)

NEW BUSINESS

1. **DR 15-006- RIDGECREST APARTMENTS:** Design Review approval to further develop land for apartments. The proposed site is located between 12<sup>th</sup> Street and 16<sup>th</sup> Street, and is zoned R-2 (Single Family/Multiple Family)

Residential). APN: 406-06-456Y, 406-06-456Z and 406-016-605. Owner: Jackson Investment Properties LLC. Agent: Bill Jackson. Below is Ellis’s report:

The applicant is requesting approval of a Design Review application to further develop land for apartments. The proposed site is located between 12<sup>th</sup> Street and 16<sup>th</sup> Street, and is zoned R-2 (Single Family/Multiple Family Residential). Currently the site consists of three parcels, with construction to be completed in phases.

**PROJECT DATA AND FACTS:**

<b>Applicant/Owner</b>	Jackson Investment Properties
<b>Project Manager</b>	Bill Jackson
<b>Location of Property</b>	Between 12 <sup>th</sup> Street and 16 <sup>th</sup> Street, South of 89A, North of Fir Street.
<b>Present Zoning and Land Use</b>	R-2 (Single Family/Multiple Family Residential)
<b>Description of Applicant’s Request</b>	Phased development of a lot to provide duplex “townhome” style apartments.

**LAND USE:**

<b>Description and Character of Surrounding Area</b>
The site is east of 12 <sup>th</sup> Street and west of 16 <sup>th</sup> Street.  <b>North:</b> C-2 (Heavy Commercial) Retail Store/large unused yard. <b>East:</b> R-2 (Single Family/Multiple Family Residential) Assisted Living Housing. <b>South:</b> R-2 (Single Family/Multiple Family Residential) Assisted Living Housing. <b>West (Across 12<sup>th</sup> Street):</b> AR-43 (Agricultural/Residential) Single Family Homes.

**PROJECT PROPOSAL:**

<b>Background</b>
The site is mostly vacant and undeveloped. In October 2013 the applicant was given Design Review approval to construct the first 4 units (2 buildings), with a requirement that any additional development be given Design Review approval. The project will be built in phases as demand warrants. The structures will be built in a “townhome” style and will be 2 bed/2 bath, with a two car attached garage.  The proposed development is in accordance with the intent and goals of the General Plan, consisting of High Density Residential Development. It also meets the requirements of the R-2 (Single Family/Multiple Family) zoning designation as described in Section 414 of the Cottonwood Zoning Ordinance.

**STRUCTURE DESIGN:**

Number and Proposed Use of Building (Complete Project)	19 Buildings for a total of 38 Residential units.
Number of Stories	1(for all buildings)
Square Footage	1,100 sq.ft. Livable Unit Area (per residence) 478 sq.ft. Garage (per residence) 1,652 sq. ft. Total Footprint (per residence)

**Parking:**

Each residence will have a two-car garage and a concrete driveway for parking. Additional parking will not be included in the development.

**Lighting:**

Lighting will comply with Dark Sky regulations. Recessed can lighting will be installed in the entry way and above the garage of each residence. There will be 1 fully shielded wall mounted fixture on the rear of the units.

**Signage:**

The applicant does not propose to have any signage at this time.

**Access:**

Access for the first phase will be from Skyline Dr. west of 16<sup>th</sup> Street. The applicant will construct the street continuing Skyline Dr. into the proposed development. New “streets” will be constructed within the development, however, since they are not going to be dedicated to the City as public streets, the applicant will only need to meet parking lot standards for this development. If in the future the streets are dedicated to the City, they will be required to be constructed to City standards. Future phases will include access to 12<sup>th</sup> Street. The Fire Department is currently working with the applicant regarding emergency access to the center of the project, along S. 14<sup>th</sup> Street. Depending on what is agreed to and Fire Department requirements, the applicant may need to adjust the location of some of the buildings from where they are currently shown on the site plan.

**Landscape Plan:**

A full landscaping plan has not been submitted for the entire site. Most of the site is not yet developed and has been graded to allow for construction. The submitted plan incorporates landscaping along the new street and additional landscaping to be placed in front of, and surrounding the buildings as they are constructed. Landscaping will include Ash Modesto trees, shrubs & groundcovers, and various sized rocks. One inch layer of crushed flagstone or degraded gravel will be placed over a layer of commercial grade filter fabric in landscaped areas. All landscaping will adhere to requirements/recommended plants as per the Cottonwood Landscaping Ordinance.

**Utilities:**

All utility plans will be submitted to Public Works/Streets for approval and requirements prior to continued site improvements/development.

**Architecture, Materials, Colors:**

The buildings will be constructed of typical structural grade lumber and concrete masonry where applicable. All structures and materials will meet International Building Code requirements. Olive colored architectural grade asphalt shingles will be used on the roof. A 2x6 moss-green wood fascia will surround the building, and garage doors will be deep recessed mocha color. Buildings will have an exterior finish using Western-1-Kote stucco with a leather-tan color. HVAC units will be roof mounted. The applicant will use different color combinations (as seen on the color samples) throughout the project to eliminate a monotonous look.

**CRB Review:**

This project was reviewed by the Code Review Board on August 20, 2013 for the initial approval and applicant has already met most of the requirements from staff. A second code review was done on June 30, 2015 with comments provided. The applicant is currently working with staff to address all comments from both code review meetings. All requirements will be met before certificates of occupancy are issued.

**RECOMMENDATION:**

Staff has reviewed this project and finds it fits within the Cottonwood General Plan Land Use and Zoning requirements, therefore recommends approval of DR 15-006 subject to the following stipulations.

1. The applicant submit full, detailed site plans, including street/driveway layout, landscaping, and lighting calculations for each phase, before building permits are issued. These plans must conform to the general site plan submitted on August 5, 2015 for Design Review approval.
2. That the project conforms to Design Review stipulations dated October 21, 2013, Code Review Board requirements from each City department, dated August 23, 2013, July 8, 2015, August 5, 2015, and changes that may be dictated by the Cottonwood Fire Department for emergency access for future phases.

Any other stipulations the Design Review Board deems necessary.

Chairman Kiyler asked if a full landscaping plan needed to be submitted. Staff mentioned that it is typical landscaping and that what is submitted is fine. Commissioner Cox asked why Fire Department issues are being brought up now. Staff mentioned that they wanted the commission to be aware that the applicant and the Fire Department are working together to address the issues, along with neighboring property owners. Applicant responded that he has talked with the Fire Department and that at this time he has not set up a meeting with the neighboring property owners. Commissioner Wasden asked the applicant where the access on 12<sup>th</sup> street was. Applicant mentioned that he hasn't made a decision on whether that will be a gated entrance or not, he also mentioned that he wanted to have flexibility with the plants for the landscaping plan and would use only what was on the approved list in the City

Zoning Ordinance, plants that are depicted on the plan are not always readily available, leaving the plan open for other options allows landscaping to be complete. Commissioner Poslaiko thought that was a good idea, as long as it is on the approved list. Commissioner Williams asked the applicant if he would have any issues with the stipulations. Applicant replied that he would not, there are not going to be any drastic changes than the two duplexes that were approved before. Chairman Kiyler asked if the streets will be designated to the City. Applicant responded that they will never be City designated streets.

**Motion:** *Approval of DR 15-006 Ridgecrest Apartments subject to the following two stipulations, the applicant submit full, detailed site plans, including street/driveway layout, landscaping, and lighting calculations for each phase, before building permits are issued, these plans must conform to the general site plan submitted on August 5, 2015 for Design Review approval, and that the project conforms to Design Review stipulations dated October 21, 2013, Code Review Board requirements from each City department, dated August 23, 2013, July 8, 2015, August 5, 2015, and changes that may be dictated by the Cottonwood Fire Department for emergency access for future phases.*

**Made by:** Commissioner Williams  
**Second:** Commissioner Wasden  
**Vote:** Unanimous

2. **PCU 15-001- COYOTE TRAILS GOLF COURSE SIGN:** Request of a Conditional Use Permit approval to allow the off-site placement of a special directional sign for Coyote Trails Golf Course which is located at 696 W. On the Greens Blvd. APN: 406-23-036W. Owner: Aultman Land & Cattle LLC. Agent: Ken Inchausti. Below is Ellis's report:

**REQUEST:**

The applicant is requesting approval of a Conditional Use Permit to allow placement of a Special Directional Sign for their golf course facility and subdivision. The sign will be placed on private property, located north of Groseta Ranch Road and east of State Route 89A. The property is currently vacant land zoned PAD.

**Applicant:**  
Ken Inchausti  
PO Box 2423.  
Cottonwood, AZ 86326

**Property Owner :**  
Aultman Land & Cattle LLC  
PO Box 1619  
Cottonwood, AZ 86326

**BACKGROUND:**

An existing manufactured home park and golf course, known as On the Greens, which will be changed to Coyote Trails, is located approximately 750 feet north/east of State Route

89A and Groseta Ranch Road. The golf course is open to the public and provides recreational activities to local residents and visitors.

The property was recently acquired by new owners who have contacted the City regarding signage that would be visible from State Route 89A. City of Cottonwood zoning allows for off-premise Special Directional Signs if they meet certain criteria, and provide significant recreational facilities to residents and visitors of Cottonwood.

**Section 405. G.**

9. *Special Directional Signs may be permitted as conditional uses in Commercial and Industrial Zones or on public rights of way for the purpose of directing the public to any public facility or subdivision within the city limits of Cottonwood that provides significant recreational facilities to the general public. Such sign can be placed on either the property to which the public is directed or an off-site property along the route to the public facility or subdivision. Special directional signs must comply with all applicable sections of the ordinance and the following requirements:*
  - a. *Conditional use permits shall be required for all special directional signs.*
  - b. *Only one special directional sign may be allowed per subdivision. All conditional use permits for a subdivision special directional sign shall be granted for a specific period of time.*
  - c. *A special directional sign shall be constructed of materials intended to be of a substantial nature.*
  - d. *The total allowable size of the sign area shall be forty (40) square feet, and no sign shall exceed ten (10) feet in height.*
  - e. *All A. D. O. T. and City permits, including right of way permits shall be obtained for a special directional sign.*

**SIGN DETAILS:**

The sign will be a monument style, with all lettering and logo a dark brown color and composed of 1/4" aluminum, which will not be illuminated. The face of the sign will be 4' x 10' (40 sq.ft., max allowed by ordinance). There will be 9' tall columns made with cinder blocks, wrapped in a faux stone. A compacted fill berm will be constructed above the existing grade to allow visibility of the sign. This will be covered with geotextile fabric and native 3" to 6" stone. The overall height of the sign, including the footings in the ground, will be 14 feet, however, the visible part of the sign sitting above ground will only be 10'. The overall size of the monument will be 9' x 14' (126 square feet).

**RECOMMENDATION:**

Staff has reviewed the submitted sign proposal and finds it fits the requirements relating to Special Directional Signs in Section 405 of the zoning ordinance.

Commissioner Cox asked why there is a timeline on the sign regarding the golf course home wording on the sign. Staff wanted to make sure that the commission is aware of the ordinance. Commissioner Wasden asked what the sign height is from street grade. Staff mentioned that they were unsure, but the applicant is present at the meeting to answer those questions. Commissioner Poslaiko asked why there were differences in the submittal regarding the wording on the sign. Staff mentioned that they had different layouts, and were submitted at different times. Applicant mentioned that the intent of the sign is to get the word out to the public about the Golf Course. Commissioner Cox asked for a better description of the berm. Applicant mentioned that it will be compacted fill, and thought about landscaping it, however, cattle are placed on that lot for grazing and there would be no point to invest in landscaping. Commissioner Wasden asked what the road height was. Applicant mentioned that the berm is to the height of the sidewalk. Commission overall thought the sign looked good, and was designed well.

***Motion:***            ***Approval of PCU 15-001 Coyote Trails Golf Course Sign as presented and submitted.***

***Made by:***         ***Commissioner Williams***

***Second:***         ***Commissioner Poslaiko***

***Vote:***             ***Unanimous***

3. **ZO 15-001 CONDITIONAL USE PERMITS:** Consideration of a Zoning Ordinance text amendment deleting Section 302. "Conditional Use Permits" in its entirety and replacing with new Section 302. "Conditional Use Permits" with amended procedures for review, approval, appeal and revocation of Conditional Use Permits. Below is Scully's report:

**BACKGROUND**

The Planning and Zoning Commission has expressed concern regarding the enforcement and timing of conditions for Conditional Use Permits. The following review of the Cottonwood Zoning Ordinance, Section 302. "Conditional Use Permits" is intended to provide greater understanding of the overall process. The intended outcome is to ensure the CUP process is effective, as well as fair and up-to-date. The entire Section 302 is reviewed from start to finish. Several structural changes are proposed for consideration.

**REVIEW OF CONDITIONAL USE PERMIT (CUP) PROCEDURES:**

1. **AUTOMATIC REVIEW vs. NO TIME LIMITS.**

CUPs in Cottonwood have typically been subject to automatic review at recurring cycles. Sometimes the review has been set at 1 or 2 years. In other cases the review of the CUP has been as much as 5 or 10 year intervals. The amendment considers the CUP as a Permitted Conditional Use. The process would not assume an automatic review of every CUP. However, if a violation or a pattern of violations is identified, then review and revocation is possible at any time.

In some cases where the impact of a use on surrounding properties may be in question, it would still be possible to require a review after a set time period. The specific reason for requiring a CUP to be reviewed by the Commission after a time period should be stated in the findings of fact when the condition is established. The option to have a case come back for review would still be there – it should be limited to cases where there are specific questions or concerns about certain impacts. For example, if it was unclear whether a use might produce excess noise or there was uncertainty regarding activities, then the Commission could stipulate a review period in the conditions of approval based on those specific concerns.

## **2. APPLICABLE TO A PERSON vs. RUN WITH THE LAND.**

*Section 302. B. General Regulations.* The ordinance has conflicting information regarding when the permit is applicable to a person (“*shall be personal*”) and when and how it is classified to “*run with the land*” and otherwise be transferable. Amendments to this Section are intended to clear up these procedures.

A key point is that a CUP would typically be approved to run with the land for an indefinite period of time. The permit is applicable to the “use” and not the “person.” It essentially functions as a permanent decision to allow establishment of a use. Where the conditions of approval are not established or maintained as required, then the use would be subject to review.

## **3. ADDING NEW CONDITIONS TO EXISTING CUPs.**

Once a Conditional Use Permit has been issued, the primary expectation is to maintain the use according to the conditions of approval. With few exceptions, properties are not expected to upgrade to new standards once they are legally established. New conditions would not be applied retroactively. A statement to such effect could be included for clarification and consistency.

## **4. FINDINGS OF FACT.**

The proposed amendment expands on the existing process by referencing the specific authority or basis for required conditions. The references to the criteria or legal authority for applying condition is reorganized. “Findings” are used to identify the reasons for applying conditions required to obtain a permit. The findings help support a legally enforceable process.

**A. Existing Criteria for CUP:** Currently, the ordinance provides references to criteria for the approval of a CUP in the following two sections:

**Existing Section 302. D. 1.**

“The Commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated and the influence that such factors are likely to exert on adjoining properties.”

**Existing Section 302. D. 4.**

“In order to grant any Use Permit, the findings of the Commission must be that the establishment, maintenance, or operation of the use or building applied for will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.”

**B. Proposed Criteria - New Section with Required Findings:** The findings are intended to provide a legally supportable process for review and decision. A proposed new section would expand and categorize the criteria for consideration of a CUP, as follows:

**5. Required Findings.** A Conditional Use Permit shall only be granted if the approving body determines that the project conforms to all the required findings in this Section. If it is determined that it is not possible to affirmatively confirm the required findings for the proposed CUP, whether as submitted or through conditions that may be required, the application shall be denied. The specific basis for any decision shall be established in the record as findings of fact. The following criteria shall be considered as the basis for the findings to approve, approve with conditions or deny the CUP:

- a. Compatibility with Surrounding Uses: (*see expanded sections in draft ordinance.*)
- b. Traffic and Circulation:
- c. Infrastructure Capacity:
- d. Environmental Impacts:
- e. Nuisance Activities:
- f. Buffering and Screening; and
- g. Consistency with General Plan and other Plans and Policies.

**5. REVOCATION.**

**A. Existing Procedure:** Section 302. G. Revocation indicates the Zoning Administrator shall determine if a CUP is in violation of its conditions and if so

determined, shall revoke a CUP through an administrative process that involves sending a letter to the property owner. The current procedures are problematic on a number of levels. Revised procedures are recommended.

**B. Proposed Revocation Procedures:**

- 1) The Planning and Zoning Commission would be identified as the public body responsible for the review and potential revocation of CUPs.
- 2) Standard Findings are included for the review of any revocation. Is the use in violation of conditions? Is the use operating as an ongoing public nuisance? Has the use failed to be established? Has an established use ceased to operate?

Commissioner Wasden complimented Staff on the good work, and then mentioned that this amendment would apply to certain situations and will not have to come back before the commission. Staff mentioned that is correct. Commissioner Wasden thought that this cleared up the section in the Zoning Ordinance. Commissioner Poslaiko had some questions regarding the language, not the content of the text amendment. Chairman Kiyler asked if this would be reviewed by the City Attorney, and he can make changes with the language if need be. Staff mentioned that a summary was sent to the City Attorney prior to the meeting tonight and he thought that it looked good. Commissioner Wasden said that it looked good and to move it forward. Staff mentioned that the City Attorney will review it prior to it going to City Council.

**Motion:** *To recommend ZO 15-001 Conditional Use Permit Section 302 to the City Council.*

**Made by:** *Commissioner Williams*

**Second:** *Commissioner Wasden*

**Vote:** *Unanimous*

4. **ZO 15-002 CERTIFICATE OF ZONING COMPLIANCE:** Consideration of a Zoning Ordinance text amendment adding a new Section 311. "Certificate of Zoning Compliance" providing a method to document completion of conditions required for certain development applications. Below is Scully's report:

**BACKGROUND**

The Certificate of Zoning Compliance would provide a standard method to review conditions and provide a status update to the Planning and Zoning Commission in a timely manner. Yavapai County and a number of other jurisdictions use a Certificate of Compliance as a method to document stipulations or conditions of approval within a specified time frame.

**REQUESTED ACTION**

Consider the amendment to the Zoning Ordinance adding a new Section 311 for “Certificate of Zoning Compliance” and provide a recommendation to the City Council.

## **REVIEW OF ISSUES**

### **Applicability**

The Certificate of Compliance could be used by the Planning and Zoning Commission for Conditional Use Permits, Design Review, and any other cases where the Commission has final decision-making authority. This process would also be applicable to Planning applications decided on by the City Council, such as rezoning cases or appeals of CUPs. The Board of Adjustment could also use the Certificate process to ensure any stipulations related to variances were met within a specified time frame.

### **Procedures**

If the conditions are not met within a specified time frame, there is a method to revoke the Certificate. There is also a process to request an extension of time with a reason. An Appeal process also has to be included. The proposed Certificate of Zoning Compliance would be authorized by an amendment to the Zoning Ordinance adding new Section 311. “Certificate of Zoning Compliance,” which requires approval by the City Council.

### **Other Approvals**

A Certificate of Occupancy is a separate document that is issued by the Building Official based primarily on completion of construction requirements. Completion of certain development requirements, such as landscaping and parking, may be required before issuance of Certificate of Occupancy – but the C of O is not as specialized or adaptable to cover the range of potential Zoning stipulations that may be applied. The Certificate of Zoning Compliance would directly address P&Z conditions of approval and a time frame for completion. The C of O is a separate document that would continue to be applied based on its own requirements and timing.

Commissioner Cox asked if this ties to the occupancy of current zoning, or is this more attached to the person or property. Staff mentioned that this would tie into the case that comes to the commission whether it is a PCU, DR, or Zoning etc. Commissioner Wasden clarified that this is a way to track. Commissioner Cox asked if this is function of the owner or business. Staff is working on a process that tracks businesses that are going into existing spaces, like a Zoning Clearance. Commissioner Wasden mentioned that there was no ordinance in the packet to review.

**Motion:**            *To table ZO 15-002 Certificate of Zoning Compliance.*

**Made by:**        *Commissioner Williams*

**Second:**        *Commissioner Wasden*

**Vote:**            *Unanimous*

## **DISCUSSION ITEMS**

*There was a brief update/discussion in regards to the following, no action was taken, these were only for informational purposes.*

1. I-2 Zone Amendment.

#### INFORMATIONAL REPORTS AND UPDATES

1. New Assistant Planner/Code Enforcement Coordinator- Introduced Tyler Roberts
2. 18 N Main Street Update on Just Cause

#### ADJOURNMENT

Meeting adjourned at 7:45p.m.

APPROVED