



Official Minutes of the City of Cottonwood
Planning & Zoning Commission Meeting
Held November 17, 2008 at 6:00 PM at the Council Chambers
826 N. Main Street - Cottonwood, Arizona

Call to Order

Vice Chairperson Kiyler called the meeting to order at 6:00 PM.

Roll Call

Chairperson Gillespie	Absent	Member Kevin	Absent
Vice Chairperson Kiyler	Present	Member Lovett	Present
Member Fisher	Present	Member Smith	Present
Member Gonzales	Present		

Staff Present:

George Gehlert, Community Development Director
Charlie Scully, Planner
Carol Hulse, Planning Technician
Leslie Wager, Admin. Coordinator / Planning Technician

Public Present:

Bob Oliphant

Consideration of Minutes of October 20, 2008.

Motion: *To approve the regular Commission meeting minutes of 10/20/2008 with corrections noted by Terry Fisher.*

Moved by: *Jake Gonzales*

Second: *Darold Smith/Diane Lovett (simultaneously)*

Vote: *Unanimous approval*

Note: *due to corrections, these minutes will be reconsidered at the next meeting.*

Although not an agenda item, Darold Smith requested moving the “Call to the Public” portion of the agenda so it appears before new business. Director Gehlert believed that could be worked out but said he would consult the by-laws.

RCU 07-037 Review a Conditional Use Permit to allow aggregate material processing utilizing imported materials on 5 acres (approx.) of a 65-acre parcel located on Happy Jack Way west of Hwy. 89A and south of Mingus Ave. in an I-2 (Heavy Industrial) zone. APN: 406-08-002L. Applicant: Happy Jack Lodge L.L.C. Agent: Michael Mongini.

Following the recommendation of staff to postpone the item to allow additional time for notification and without discussion, the Commission made and acted upon the following motion.

Motion: *To postpone the review.*

Moved by: *Jake Gonzales*

Second: *Diane Lovett*

Vote: *Unanimous approval*

PCU 08-054 Consideration of a request by the City of Cottonwood for a Conditional Use Permit to enable further development and operation of the City Utilities Department including offices and storage of vehicles and equipment on a 1.62 acre site at 111 N. Main Street (formerly the Foxworth-Galbraith building) currently zoned C-1 and AR-20. APN 406-43-008. Owner: Foxworth-Galbraith Lumber. Agent: City of Cottonwood.

In response to the applicant's letter requesting postponement, the Commission made and acted upon the following motion.

Motion: To postpone consideration of PCU08-054.

Moved by: Jake Gonzales

Second: Darold Smith

Vote: Unanimous approval

ZO 08-051 Review and possible action on proposed code amendments pertaining to the Cottonwood Zoning Ordinance Section 201 (Definitions) regarding new definitions for "Family" and various types of housing, including boarding house, bed and breakfast establishment, group home for the handicapped, correctional transitional facility, and similar institutional housing types; and amendments to Section 404 (General Provisions) adding procedures and standards for boarding house, correctional transitional facility, and bed and breakfast establishments.

Director Gehlert noted that staff was waiting on communication from the city attorney. Following the recommendation of staff and without discussion, the Commission made and acted upon the following motion.

Motion: To table ZO 08-051

Moved by: Diane Lovett

Second: Jake Gonzales

Vote: Unanimous approval

ZO 08-052 Review and possible action regarding proposed amendments to the Zoning Ordinance, Section 404 (General Provisions) by adding a new section pertaining to Camping Within the City Limits, and amending Section 201 (Definitions) by adding new definitions for "camp" and "camping."

Planner Scully presented the proposed changes to the City Code and to the Zoning Ordinance. He said that the Planning and Zoning Commission considered the proposed amendments at their October 20, 2008 meeting and recommended changes, which were included in the revised report. Planner Scully presented background and history of the proposed amendment. He said the changes would prohibit camping outside of authorized locations, such as on public streets, vacant properties, and commercial properties within the city limits. However, the changes would allow temporary guests of single-family residences to stay for a limited time in RVs or trailers parked in a driveway. Mr. Scully explained some of the challenges of enforcement of over-night camping rules in retail parking lots and how the proposed amendments would address those.

Terry Fisher asked how other cities penalize flagrant violators. Scully said ongoing problems are the responsibility of the property owner. This sparked a discussion about posting notices in

parking lots or at the entrance to the city. Director Gehlert said the city could not post private property. He also said that posting a sign as you come into town was an interesting thought.

Charlie Scully cited camping on larger undeveloped lots as a problem for law enforcement because it is difficult for them to determine if the camper is a guest of the property owner, or not. Additionally, there were no clear cut rules to allow law enforcement to remove unwanted campers. This proposal would take care of those problems.

Terry Fisher asked if this would still be complaint driven and who would handle the complaint. Director Gehlert said there would be the option of going through the Hearing Officer or for the Police Department to enforce through the Municipal Code.

Ed Kiyler asked how you can have an ordinance without penalties. Director Gehlert said penalties are covered under another section of the Municipal Code. Charlie Scully added clarification saying that it would be a Class 3 Misdemeanor.

Vice Chairperson Kiyler opened the floor to the public but there was no response.

Ed Kiyler asked if the city could require commercial entities such as Wal-Mart to post signs. Director Gehlert responded in the negative. Charlie Scully explained that there are books that tell how to camp at Wal-Marts and they list Cottonwood as a place where you can do that - it is like a sub-culture. He said he could look into having signs that say something such as "No Overnight Camping". Scully also noted that it has not been a problem here – not many camp that way. He said, however, that if you allow one you have to allow all.

Terry Fisher was adamant that the regulation must be posted by either the city or the businesses. Ed Kiyler said it should be posted outside the city limits.

Motion: *To forward to City Council as submitted with recommendation for approval*
Moved by: *Diane Lovett*
Second: *Darold Smith*
Vote: *Unanimous approval*

ZO 08-053 Review and possible action regarding proposed amendments to Zoning Ordinance, Section 405 (Sign Code) for the purpose of establishing standards for handheld signs (otherwise known as "sign-walkers").

Planner Scully presented the staff memo.

He said the Planning and Zoning Commission considered this issue at their October 20, 2008 meeting. Some changes were made.

Scully explained that some concern with adding the new section for sign walkers comes from the state statutes approved earlier this year. Scully read two paragraphs from the statutes regarding sign walkers and emphasized that the statute requires municipalities to allow sign walkers but stressed they "may adopt reasonable time, place, and manner regulations" saying that opens it up for discussion. Scully said you have to allow this type of signage on the sidewalk or on their

property. You cannot restrict them completely. However, some of the things that could be addressed are:

- Limit advertising to things occurring in the City of Cottonwood
- Signs can be held but not thrown, twirled, etc. or handled in a manner that would be a distraction to traffic
- Limit to one sign per business or use
- There could be general language prohibiting blocking visibility, creating a safety hazard, prohibiting in medians or streets
- Sign walker definition could include mascots, costumes
- Could set a height limitation such as eight feet.

Planner Scully said the current ordinance talks about a site visibility triangle and that seems applicable here. The proposed ordinance would include mascots, people wearing costumes, and people holding signs. However, there is a height limit of eight feet. This applies to commercial signs, which require a permit. Non-profit, fund-raising groups and political signs would be exempt from the permitting process. Diane Lovett asked how non-profit or fund-raising groups would know the regulations if they are not required to get a permit. Scully said staff could put it on the website and educate. Director Gehlert commented that it was a good question.

Terry Fisher said he still does not like sign walkers; they make the city look trashy. However, he felt Scully had done a good job to regulate them.

There was brief discussion regarding how the state law came into being and about political signs.

Motion: *To pass ZO 08-053 as presented with recommendation to Council for approval*
Moved by: *Terry Fisher*
Second: *Jake Gonzales*
Vote: *Unanimous approval*

Discussion and possible recommendations regarding the Arizona Smart Growth Scorecard.

Director Gehlert began the discussion by explaining that the Arizona Smart Growth Scorecard was developed by the Arizona Department of Commerce at the direction of the Governor to determine how well communities in Arizona are responding to sustainability issues. The scorecard would be used to grade us and could affect funding. The scorecard lists a series of questions wrapped around a variety of sustainability issues. The state is very serious about sustainability.

Mr. Gehlert explained he had struggled with a method for reviewing the scorecard with the Commission. He added that anytime money is involved, the issue warrants consideration by the City Council. The Council is interested in the Commission's thoughts about the questions and how to respond to them. Some Commission members' comments were as follows.

Kiylar – it is a waste of time but because money is involved it must be done.

Fisher – agreed. Let staff iron it out and the Council decide.

Kiylar – it seemed like some of the questions are repeated, just in a different manner.

Smith – agreed with Fisher. Said he had no clue about question #48.

Kiylar – some questions are difficult to answer because of the economy.

Director Gehlert asked if there was anything the Commission wanted to highlight. He discussed miscellaneous subjects such as accountability. He read through some of the sections and noted that Cottonwood is qualified as a “medium sized” city. Gehlert said he scored us as a 2 or 3 on most things. Some things he scored lower on and noted that most of those issues were discussed during joint sessions. He gave some examples and said the important thing is that the City Council agreed with their response.

Director Gehlert asked the Commission where they would score the city the highest. Ed Kiyler said that for the size of the community and the people in it, Cottonwood is one of the best run cities he knows of. Gehlert pressed forward explaining how he had scored specific sections and where he had questions. He said the deadline is by the end of 2008 or before any application for discretionary funding from the state.

Director Gehlert said no motion was needed. He was only looking for a response.

Vice Chairperson Kiyler provided direction to staff that they review the questions and bring their responses back to the Commission for review.

Responding to Terry Fisher’s question, Director Gehlert said staff would put it together for City Council and copy the Commission.

Discussion of possible future work sessions.

There was no discussion.

Discussion of monthly departmental reports, such as Building Department and Code Enforcement reports.

Fisher – code enforcement is doing a good job.

Gehlert – Gardner Recycling is on the Hearing Officer agenda in January. They are working on a possible relocation.

Lozano boarding houses may be part of the same hearing. Staff is waiting on a response from the city attorney.

Darold Smith asked about the David Carl case and why it has taken over a year. He also asked why the city cannot pursue the Lozano case more aggressively since they pled guilty. Gehlert and Scully explained the process, the steps taken to date, and the responses received.

Smith questioned the decline in building permits. Gehlert explained that about a year ago, an impact fee was instituted. Just before that went into effect, there was a rush to get permits and about 140-150 were issued. Since then, we have only issued about six. From the group of 140-150 permits, only about two dozen were activated.

Smith asked about the status of businesses in town in light of the economic downturn. There was miscellaneous discussion about rumored business closings.

Informational Reports and Updates

Director Gehlert announced:

- Jim Gillespie's intention to resign from the Commission at the end of his term December 31
- The volunteer appreciation function would be December 10 at 6:00 p.m. at the Civic Center
- The sign-walker and camping issues would be part of the City Council work session on December 9
- Items to be on the December 15 P&Z Commission agenda
- Items to be on the December 18 DRB agenda
- Staff continues to meet with Mr. Nackard on proposals for his property at Willard and Mingus
- Boards and Commissions conference in Phoenix on December 5.

Darold Smith asked about status of the slag pile project. Gehlert said the last thing before permits is finalization of the reclamation fund.

Call to the Public

No response.

Adjournment

Vice Chairperson Kiyler adjourned the meeting at 7:10 p.m.

Minutes prepared by: Carol Hulse, Planning Technician

Date Approved: December 15, 2008