

Official Minutes of the City of Cottonwood
Planning & Zoning Commission Regular Meeting
Held, November 17, 2014, at 6:00 P.M. at the City Council Chambers
826 N. Main St. – Cottonwood, Arizona

CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 6:02 p. m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Ed Kiyler	Robert Williams	Philip Rosen
Judd Wasden	Jean Wilder	Ray Cox
Suzanne Poslaiko		

Staff Members Present

Berrin Nejad, Community Development Director
Scott Ellis, Community Development Planner
Christina Papa, Administrative Coordinator, Recorder

APPROVAL OF MINUTES OF AUGUST 18, 2014-REGULAR MEETING

Motion: ***To approve the minutes of 8/18/2014-regular meeting***

Made by: ***Commissioner Wasden***

Second: ***Commissioner Williams***

Vote: ***Unanimous***

ELECTION OF VICE CHAIR

Open to floor for nominations, Commissioner Williams was nominated.

Motion: ***To appoint Commissioner Williams Vice Chair of Planning & Zoning***

Made by: ***Commissioner Rosen***

Second: ***Commissioner Wilder***

Vote: ***Unanimous***

CALL TO THE PUBLIC (NONE)

UNFINISHED BUSINESS (NONE)

NEW BUSINESS

1. **PCU 13-010 LOZANO IMPOUND YARD** –Annual review of a Conditional Use Permit for an impound yard in a C-2 zoned property located at 698 East Highway 89A. APN 406-06-009G and 406-06-009H. Address: 698 E. Hwy. 89A. Owner: Debbie Bluff. Agent: Anthony Lozano.

Planner Ellis began meeting with a summary of the conditional use permit that is in review. Below is Ellis's report:

Background: The Planning & Zoning Commission first reviewed this project in August 2013 and requested the applicant submit a landscaping, lighting, fencing, and sign plan for review. At the November 2013 commission meeting the applicant provided the requested information for review and the commission approved a Conditional Use Permit with the following stipulations:

1. The chain-link fence be slatted and not show the impound yard.
2. New landscaping shall be installed as indicated on the new site plan submitted October 11, 2013.
3. The secondary sign frame below the main sign be removed.
4. Overall height of the sign will not exceed ten (10) feet above ground level.
5. The yellow and blue sign colors be muted.
6. The PCU is to be reviewed in one (1) year (November 17, 2014) by the P&Z Commission.

Investigation: A site inspection was performed on November 6., 2014 and it was found that some of the landscaping is not in compliance with the landscape plan submitted in October 2013. There appeared to be some spots where bushes/trees were planted, however, they have since been removed and have not been replaced.

RECOMMENDATION: Staff has not received any complaints about this property or its use since the original approval of the PCU and recommends renewal on the condition the property owner updates the landscaping to be in compliance with the October 2013 landscaping plan.

Commissioner Wasden asked staff if they had any communication with the applicant about the landscaping. Staff mentioned that they have had little to no contact with the applicant. The owner of the property Debbie Bluff was present at the meeting on behalf of the applicant and mentioned at that time to the commission that they would be replacing the dead plants. Commissioner Wasden had mentioned that they do not have to use vegetation, and would like to see the project back for a review in one year. Commissioner Williams mentioned that the applicant keeps the place neat and clean, and would be fine with just decorative rocks, boulders, or plants in place of the dead plants. Staff mentioned that one of the problems is that there wasn't any water, but rocks could

be used to make it not look as industrial. Commissioner Wilder mentioned that the commission should not require vegetation if water is not available.

Motion: *Landscaping be updated to reflect the approved landscaping plan on October 11, 2013, applicant can substitute rocks or boulders for vegetation, and that the Conditional Use Permit be reviewed by the Commission in one (1) year (November, 2015).*

Made by: *Commissioner Williams*

Second: *Commissioner Rosen*

Vote: *Unanimous*

2. **ZO 14-012 POOL SETBACKS-** Consideration of a Zoning Ordinance text amendment to modify section 404.G.6.a. regarding Swimming Pools to allow a 5 foot setback. The specific text changes are indicated below.

*Swimming Pools: A swimming pool, in any zone shall not be located in the required front yard, shall be at least ~~ten (10)~~ **five (5) feet** from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone. Below is Nejad's report:*

Director Nejad began meeting with a summary of the zoning ordinance text amendment. Below is Nejad's report:

Background:

Section 404.G.6.a (General Provisions) Swimming Pools and Detached Accessory Buildings, currently provides a brief description of what is allowed for swimming pool setbacks.

Currently the ordinance requires all swimming pools to be setback at least ten (10) feet from the main structure on a property. Some of the newer subdivisions in town are building homes on small lots that do not provide for large rear yards. This has created issues with residents being unable to install swimming pools in their rear yards and meet the 10 foot setback requirement.

In the past few months staff has received complaints from several area pool installers regarding the 10 foot setback. Each one has indicated that Cottonwood is the only community in the area that requires this distance, most of the other communities require only a 5 foot setback for swimming pools. Staff researched surrounding communities and found that they only require 5 foot setbacks or do not specify a setback for swimming pools. The Fire Department and Building Department were consulted to determine if a 5 foot setback would be a concern

for life/safety issues around a structure. This is not an issue with the either department.

Proposed Zoning Amendment.

6. Swimming Pools and Detached Accessory Buildings

a. Swimming Pools: A swimming pool, in any zone shall not be located in the required front yard, shall be at least ~~ten (10)~~ **five (5)** feet from the main structure, shall be at least five (5) feet from the rear and interior side lot lines and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.

Commissioner Cox had asked staff if we had received any comments from the Fire Department, or anything from other departments regarding this change. Staff mentioned that they had not received any concerns from the Fire Department regarding this change. Chairman Kiyler asked staff why the change in the ordinance. Staff mentioned that permits are being held, and that staff cannot approve these applications, builders are becoming upset along with the homeowners. Chairman Kiyler asked if there is a fence required. Staff mentioned that they will have to follow all 2009 Building Codes, and that yes the fence is a requirement within those codes. Commissioners Wasden and Rosen both understand why staff is wanting this change and did not see anything wrong with it.

Motion: *To recommend for Council Approval the ammendment to Section 404G.a of the Zoning Ordinance to allow a five (5) foot setback from the main structure.*

Made by: *Commissioner Williams*

Second: *Commissioner Wasden*

Vote: *Unanimous*

UNFINISHED BUSINESS-NONE

DISCUSSION ITEMS/ INFORMATIONAL REPORTS AND UPDATES

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

1. Commissioner Cox's term is ending.
2. Taylor Padget Project began.
3. Main Street.

ADJOURNMENT

Meeting adjourned at 7:05 p.m.