



Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Meeting  
Held, December 15, 2008 at 6:00 p.m. at the Council Chambers  
826 N. Main Street - Cottonwood, Arizona

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**Call to Order**

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

**Roll Call**

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

Staff Present:

George Gehlert, Community Development Director  
Carol Hulse, Planning Technician

Public Present:

Lozano, Angela	Mongini, Michael
Lozano, Lupe	Several who did not sign, including applicants and others

**Reconsideration of minutes from the October 20, 2008 Commission meeting, including corrections/additions on pages 8 and 9.**

*Motion: To accept the minutes for October 20, 2008 as written.*  
*Moved by: Kiyler*  
*Second: Smith*  
*Vote: Unanimous approval.*

**Consideration of minutes from the November 17, 2008 Commission meeting.**

*Motion: To accept the November 17, 2008 minutes as presented.*  
*Moved by: Lovett*  
*Second: Gonzales*  
*Vote: Unanimous approval.*

**CONSENT AGENDA to officially terminate or alter existing conditional use permits as outlined below. The following items are considered routine and non-controversial by the Commission and will be approved by one motion. There will be no separate discussion of these items unless a Commission Member or a citizen so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.**

- A. PCU 98037 Water storage tank in an R-1 Zone APN 406-33-131H  
108 S. Candy Lane  
Consider permanent status for the Use Permit with no further reviews required.
- B. PCU 96043 Two water storage tanks in an R-1 Zone APN 406-23-035C  
413 W. Yuma Street  
Consider permanent status for the Use Permit with no further reviews required.
- C. PCU 98032 Manufactured Home in an AR-20 Zone APN 406-43-027B  
Consider permanent status of the Use Permit with no further reviews required.
- D. PCU 97025 Ceramics manufacturing operation in a C-1 Zone APN 406-34-001, 002 1019 N. Main Street  
Consider closing Use Permit as there is no manufacturing of ceramics occurring at this site.
- E. PCU 249 Park Place APN 406-05-036H 1125 E. Hwy 89A  
Consider permanent status with a review in 5 years.
- F. PCU 67 Auto sales facility in a C-1 Zone APN 406-04-041B  
847 S. Main St.  
Consider extending the Use Permit with a review in 5 years.
- G. PCU 97037 Placement of a nine (9) unit RV Park in an R-4 Zone APN 406-37-222 427 N. 15<sup>th</sup> Street  
Staff recommends review in 5 years.

Director Gehlert explained there were seven past use permits on the consent agenda that staff reviewed and recommended approval based on a sequence of recommendations for each one. He noted that the Commission could remove any item from the list that they wanted to review.

Chairperson Gillespie asked that PCU 96043 be removed for discussion.

Director Gehlert read through the consent agenda list.

Commissioner Smith commented that most conditional use permits end up with a permanent status and questioned why a permanent zone change would not be more appropriate. Director Gehlert explained that, frequently, requests for use permits are generated because the Code states specifically that a particular use is allowed under a conditional use permit, or it is an interim use for something that will change over time.

Chairperson Gillespie opened the floor to the public. There was no response so he closed the floor and called for a motion.

**Motion:** *To approve the consent agenda with the removal of Item B, PCU 96043.*  
**Moved by:** *Kevin*  
**Second:** *Gonzales*  
**Vote:** *Unanimous approval*

Chairperson Gillespie explained that he wanted PCU 96043 removed from the consent agenda because it was advertised as two water tanks and the recommendation states that there is one

water tank installed. He was confused about whether there were one or two water tanks. Director Gehlert said it was his understanding that there was only one water tank but approval was given for two tanks.

**Motion:** *To approve PCU 96043 for permanent status with one (1) stipulation and no scheduled reviews.*

**Stipulation:** *P&Z Commission approval required if a second water tank is proposed.*

**Moved by:** *Gillespie*

**Second:** *Smith*

**Vote:** *Unanimous approval*

**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.**

Director Gehlert provided an explanation and history of the use permit. He said there had been little activity on site but there was some grading nearby off site. He said there were some folks present who wanted to address the issue of dust control. Staff had no other issues.

Director Gehlert read the following staff recommendations.

1. That the applicant provide Staff with a copy of the stormwater Notice of Intent (NOI) and Stormwater Management Plan (SWMP) as required by ADEQ.
2. That a suitable dust control plan be developed and submitted to staff for approval.
3. That the project is operated in a manner that avoids depositing mud on city streets.
4. That hours of operation be limited to between 7 a.m. and 10:00 p.m.
5. That any processing of onsite materials be approved by the City Council.
6. That the permit be reviewed in 1 year.

Commissioner Smith questioned how this use permit was approved in the first place. He said that when it went to City Council there was no talk of an aggregate process. He said it was described (to Council) as “it would be developed RV storage for transitional use and the Mongini House parcel would be an affordable housing concept. How did it get to be a ...?” Director Gehlert said the request before the Commission is a review of a conditional use permit for the materials processing yard located at the end of Happy Jack Way. Smith: “So that’s all we’re discussing tonight?” Gehlert: “That’s right. That’s the only thing.”

Smith: “From everything I’ve seen ... [this] is contrary to ... what ... was originally asked for.”

Vice Chairperson Kiyler said he received a copy of a memo just prior to the start of the meeting and asked if Director Gehlert had an opportunity to read it. Gehlert asked if he was referring to a letter from Mr. Oliphant and Kiyler confirmed he was. Gehlert said he got about halfway through it. Kiyler said he did not recall seeing any of the information contained in the memo at the time they approved the prior request for a conditional use permit. He said it clearly talked about an RV park and affordable housing in the memo. Kiyler acknowledged that they were there to review the permit but said this (the information in the memo) could make the difference between approval or not.

Commissioner Smith said he had a copy of the City Council meeting on May 17, 2005, which states that (re: RV storage and affordable housing).

Commissioner Kevin asked if it would be appropriate for them (the Commission) to liaison to the City Council at this point and get their opinion, if City Council wanted this property to be used for other uses.

There was further discussion that the presentation to the Council was in 2005 and the Commission granted the use permit in 2007. Chairperson Gillespie asked if this was a separate action. Director Gehlert suggested that Gillespie might want to discuss that with the applicant. He said he believed that what they were alluding to was some of the discussion and agreements in association with the leasing of the property to Mr. Mongini, which basically involved the area that they were looking at. Last year we reviewed and approved a conditional use permit for the materials processing in that location and that was what was on the agenda that evening.

Commissioner Smith said his question was, if it (materials processing) was never approved by City Council, and the City Council said they were going to put affordable housing in. That is exactly what it reads. Commissioner Kevin said he was asking if they should bounce this off City Council. Vice Chairperson Kiyler said he thought they should table it and gather some clarification about what the Council was thinking.

Mr. Mongini: "Before you table it, could I speak?"

Chairperson Gillespie: "Not yet. Just let us ..."

Vice Chairperson Kiyler began the following motion.

**Motion:** *To table RCU 07-037 pending further information regarding City Council's intent for land use at this location.*

**Moved by:** *Kiyler*

**Second:** *Kevin*

**Vote:** *Unanimous approval*

Director Gehlert asked if the Commission was directing staff to go to City Council, get some clarification, and put this back on the agenda. Vice Chairperson Kiyler said they want clarification about the intent (of the 1995 Council action) from the official City of Cottonwood files. Chairperson Gillespie said enough commissioners received prior information that was not clear about what was happening with the property and around the property that the conditional use permit involved. Gehlert said he would consult with the City Council as directed.

**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.**

Director Gehlert explained the request for a conditional use permit to move the City's utilities department to the location of the Foxworth-Galbraith location. The property overlaps two zoning districts – C-1 and AR-20. The AR-20 portion is the basis for the request. Gehlert

explained the proposed site plan and how the uses might affect the adjacent residential property. He also explained the two proposed access points from Main Street and from 17<sup>th</sup> Street. He noted a potential need for additional screening along 17<sup>th</sup> Street. Gehlert also emphasized the proposed use of 17<sup>th</sup> Street along the residential area. He noted a portion of the site that would be used as evidence storage by the Police Department.

Director Gehlert said there were cosmetic issues that came up at the administrative or Design Review Board levels that were highlighted in the staff memo. He said staff recommended approval of the use permit subject to stipulations, which he read.

Commission discussion/questions covered the following.

- The utilities department is moving from 6<sup>th</sup> Street
- The back half of the property would be used as evidence storage by the Police Department
- Code Review items, except the follow-up design review issues, have been met
- There is no full-scale design submittal yet because of ongoing negotiations with the owners and possible improvement requirements
- Dan Lueder wants to know if it is a valid use before they go further with the commitment
- A conditional use permit provides a higher level of control than a zoning change would
- The gate on 17<sup>th</sup> Street would be primarily for employee access
- Some light trucks might use that access
- The Police Department provided no input.

Responding to Chairperson Gillespie's invitation, Roger Biggs, Project Coordinator for the Utilities Department, represented that department. He and an assistant gave a Power Point presentation. Points of Mr. Biggs' commentary were as follows.

- All code review comments would be addressed
- Due to a recent change, contractors are responsible for materials used on the job, which reduces the amount of truck traffic to the yard
- They are considering Xeriscape landscaping and may work with the Community Garden folks
- Explained increase in parking and where parking would be located
- Explained evidence impound location
- They do not anticipate heavy usage of 17<sup>th</sup> Street for truck traffic but would like to have some deliveries
- There would be outdoor storage of pipe, fittings, gravel, sand, and valves towards the rear of the property
- Thirty employees would use 17<sup>th</sup> Street access
- Plan heavy landscaping along rear fence – would improve neighborhood – would talk to residents and get their thoughts (on screening)
- Will split building with the Police Department's evidence storage.

Chairperson Gillespie expressed an opinion that thirty employees could equate to 120 entry/exits per day and that would be significant. The Commission could make a recommendation to improve 17<sup>th</sup> Street.

Commissioner Fisher expressed concern about impacts on an old neighborhood and a residential street.

Vice Chairperson Kiyler inquired about the Police Department's use of the property and security. Patrol Commander, Tim Pierce responded. His primary comments were as follows.

- As the building is now, it would not be secure. They would improve the building and add features such as better locks and, in time, a motion sensor security system.
- A security benefit to this location would be that employees of the Utilities Department would come and go at all hours, day and night. The current building only has eyes on it from 9-5.
- Another benefit is that this building is where officers would drive by (on routine patrol) and could check the building.
- Money was set aside in the budget for an upgraded storage facility.
- The building is large enough for them to dismantle a car inside and put it back together.
- The building would probably not be used for storage of impounded vehicles because they have another location for that.

Chairperson Gillespie opened the floor to the public. He closed it again when there was no response and called for a motion.

- Motion:** *To approve PCU 08-054 with five (5) stipulations (four staff recommended and one additional).*
1. *That the development conform to the site plan dated 11/12/08 and the letter of intent dated 10/26/08, as may be further modified by the Design Review Board.*
  2. *That all comments from the Code Review meeting of 11/12/08 be addressed, including submittal of access, parking, drive aisle, dumpsters, landscaping, lighting, colors and signage.*
  3. *That the 17th Street access be used by employees only.*
  4. *That better screening be provided; and a streetscape proposal be developed for the site along 17th Street at the rear of the property subject to staff or DRB approval.*
  5. *That the Development Review Board carefully consider traffic impacts on 17th Street and the possible need for street improvement.*

**Moved by:** *Smith*

**Second:** *Kiyler*

**Vote:** *Unanimous approval*

The Commission discussed the 17<sup>th</sup> Street access issues between the second to the motion and the vote. Chairperson Gillespie proposed stipulation five and Commissioners Smith and Kiyler agreed to its addition to the motion before the vote.

**FP 08-057 Consideration of a request for Final Plat approval for the Coppergate Commercial/Industrial Subdivision. The project is a proposed 8-lot subdivision on approx. 16.5 acres located on Alamos Drive just west of SR 89A in the vicinity of Black Hills Drive. APN 406-32-082E, 083J, 084B, 084C, 087, 019E. Owner: Commerce 89 Development LLC. Agent: Tom Pender.**

Director Gehlert explained the request, reviewed the history of the project through the preliminary plat, explained that it has been streamlined since preliminary plat approval, and explained that, because there are less than 10 lots, the Subdivision Code does not require a new approval of the preliminary plat. He explained differences between the approved preliminary plat and the proposed final plat.

Director Gehlert highlighted the following from the staff memo.

- Staff supports the request for a new access point.
- The distance between Black Hills and Scenic Drive is about 3,500 feet and this would be the only access point between those two locations.
- The Public Works Department recommended a right-in-right-out-only access.
- Screening – the large lot at the rear of the property is not subject to development at this time.
- The typical screening where it abuts a residential district would be a six-foot block wall. That would come with the development of that property although staff, P&Z Commission, and Development Review Board could require something beyond that – depending on how the property was developed.
- There are no deed restrictions with this project and staff felt a common architectural theme with the subdivision would be a good idea. It is not required but something they could negotiate.
- Public Works requested additional time to review grading and drainage information. They recommended that Council hold off action on the plat until the review was concluded. Director Costello was ok with proceeding up to the point of recordation.

Director Gehlert said staff recommended approval subject to stipulations, which he read, explained, and answered Commission members' questions.

Chairperson Gillespie invited the applicant to speak. Tom Pender represented the applicant. He complimented Director Gehlert's presentation and explained that they changed the plat after an economic evaluation showed that the original plan was not viable. There were significant access problems (in the original plat). He obtained ADOT's support for the right-in-right-out access point on Hwy. 89A. Pender said he had no problems with the stipulations. He noted that the developer would probably come up with an architectural plan anyway. However, there might be one theme for the commercial portion and another theme for the industrial.

Mr. Pender explained the differences between the first plat and the one currently under consideration. He noted that the first plan had drainage problems and there were concerns about who would have responsibility. The current plan puts drainage to roads and to one detention basin that meters out into the wash. Pender noted that the plan has conceptual approval by the city engineer.

The commissioners' discussion and questions resulted in the following points.

- There would be curbs, and sidewalks on both sides of the street within the project
- Curbs on the roadway leading into the project
- Off-site (89A side) would have a six-foot wide sidewalk the entire frontage
- There would be a turn lane paved to ADOT standards in the front
- Mr. Pender identified the washes for the commissioners and discussed potential trail system links
- The two front businesses would probably be retail such as a convenience market
- The reference to adult uses just relates to the zoning. There are no plans to have adult uses there.

- Commissioner Kevin noted a discrepancy between packet materials that referred to the street as “Alamos” and the plat reference of “N. Alamos”. Mr. Pender agreed to verify the correct name.
- In response to previous questions regarding the significance of the wash to the city trail system, Director Gehlert displayed a trails map and there was discussion.
- Commissioner Lovett asked if the developer would be ok with a trails easement. Mr. Pender said he did not think there would be a problem because it is a drainage easement area.

There were no comments from the public and Chairperson Gillespie closed the floor to the public. He called for a motion.

**Motion:** *To approve FP 08-057 with the twelve (12) staff recommended stipulations revised to read as follows:*

1. *Development in conformance with the letter of intent, dated 11/20/08; and with the final plat, seal dated 11/12/08, as may be further modified by the Commission or City Council.*
2. *That all Code Review comments from the 12/2/08 meeting be addressed.*
3. *That adult uses be restricted from the rear 500 feet of the property, as required by code. Conditional Use Permit approval would be required for such uses among the remainder of the property.*
4. *That the drainage report, grading, paving, drainage and construction plans be approved by Public Works, prior to recordation.*
5. *That Alamos Drive be dedicated with full improvements provided to the north property boundary, as part of the recording.*
6. *That a non-access easement be dedicated along the 89A frontage with the exception of the potential access for Coppergate Drive.*
7. *That a screen wall be required with the development of lot 8, subject to the Design Review process.*
8. *That the applicant submit a dust control plan, for approval by Public Works.*
9. *That the applicant address all Public Works comments pertaining to grading and drainage prior to recordation. Any significant changes to the plat shall first be referred back to the P&Z Commission.*
10. *That the final plat may not be recorded until the new access onto 89A (Coppergate Drive) is approved by ADOT.*
11. *That the cost estimates and financial assurances are reviewed and approved by the City Engineer, City Attorney and City Council, prior to recording.*
12. *That an architectural concept be reviewed and approved by DRB and incorporated into the deed restrictions prior to recording.*

**Moved by:** Lovett

**Second:** Gonzales

**Vote:** Unanimous approval

**FSP 08-019 Consideration of final site plan approval for a seven dispenser fueling station with a 43' x 126' fueling canopy and an 8' x 22' kiosk located in front of the Fry's Marketplace Store located at 1100 S. Hwy 260. APN 406-04-057V. Applicant: Fry's Food Stores of Arizona / Jeff Guyette. Agent: Tait and Associates / Elizabeth Ohep**

Director Gehlert presented the staff memo. He highlighted the following points.

- Specific location of the fueling station on the site
- Traffic control on SR 260 – may need access restriction such as a pork chop
- Lighting – possible lighting conflict because the canopy is higher than the road bed
- Pedestrian routes – possible separation of pedestrians and vehicle movement, perhaps with additional landscaping
- Cottonwood Area Transit's (CAT) request for the addition of a bus stop in this location and a \$7,000 contribution from the applicant

Director Gehlert said staff supports approval subject to stipulations, which he read.

Gehlert and the Commission discussed a possible location of the bus stop and that the bus currently stops at the curb in front of the stores.

Chairperson Gillespie invited the applicant to speak. Jeff Guyette of Fry's Food Stores represented the applicant. Mr. Guyette made the following points.

- Fry's installed benches inside the store so bus riders would have a safe place out of the weather to wait for the bus
- Fry's would work with CAT regarding the bus stop
- Guyette believes the current bus stop is better than the proposed stop in the middle of the parking lot because patrons are safer and they are out of the weather.

There was extensive discussion about the bus stop location. Vice Chairperson Kiyler asked if the bus stop was mandatory. Director Gehlert replied that CAT requested it. The requested amendment to the site plan intensifies the use. It is not unusual to ask for an exaction in that situation. Most commission members agreed with Mr. Guyette that the current drop-off-at-the-door situation is preferable to a stop in the middle of the parking lot where people would have to walk through traffic and inclement weather to get to the store(s).

Chairperson Gillespie invited comments from the public.

City Engineer Morgan Scott, representing Tim Costello, Public Works Director, said the CAT manger, Shirley Scott, was unable to attend the meeting. He said Ms. Scott was not particular about where the bus stop would be located on the site but she wants it somewhere on the site.

Chairperson Gillespie asked if anyone else from the public wanted to speak for or against the project. When there was no response, he closed the floor to the public and called for a motion.

- Motion: To approve FSP 08-019 with the six (6) staff recommended stipulations after amending stipulation #5. The stipulations were as follows.***
- 1. That the development conform to the site plan dated 11/06/08 and the undated letter of intent provided in the packet; as may be further modified by the Design Review Board.***

2. *That all Code Review comments from the meeting of 5/06/08 be addressed, including comments regarding surfacing requirements, curb cuts, submittal of a drainage study, and any additional info as may be required.*
3. *That the applicant submit a letter acknowledging and agreeing to the possible future placement of a “pork chop” style (right-in, right-out) traffic control improvement to the Fry’s driveway access at SR 260.*
4. *That the applicant work with staff and the Design Review Board to address issues relating to canopy lighting, landscaping and traffic control.*
5. *That the applicant be responsible for providing improvements to existing bus stops in the shopping center, subject to Cottonwood Area Transit specifications. Note: the Commission members opposed creating a bus stop in the middle of the parking lot and abandoning the current drop-at-the – door practice.*
6. *That the applicant submit separate permit applications for all signs.*

*Moved by: Gonzales*

*Second: Kevin*

*Vote: Unanimous approval*

### **Discussion of possible future work sessions.**

Director Gehlert reported that no work sessions were planned.

### **Possible discussion of monthly Departmental reports, such as Building Department and Code Enforcement reports.**

Commissioner Smith reiterated his belief that the enforcement actions on 224 S. 12<sup>th</sup> Street and 228 S. 13<sup>th</sup> Street should proceed. Director Gehlert explained that there are 2 or 3 similar things that are with the city attorney. His understanding is that the city attorney’s office is backlogged.

### **Informational Reports and Updates**

Vice Chairperson Kiyler expressed appreciation to resigning members Gillespie and Fisher for their many years of excellent volunteer service to the City of Cottonwood. Other commission members and Director Gehlert also thanked them. Jim Gillespie responded saying he enjoyed it and the current commission is one of the better commissions that he was involved with during his twelve years. He also noted that staff was excellent.

Commissioner Kevin made a comment on procedure citing the five page letter that Mr. Oliphant handed to the Commission five minutes before the meeting began. Kevin questioned if Mr. Oliphant and the public expected the commission to respond to it. He said he would rather receive such documents ahead of time noting that most members were only able to read a portion of it before the meeting. Commissioner Gonzales said things like that should be given to George (Gehlert) in time to be included in the commission packets. Other members agreed but questioned how they could make that happen. Further discussion generated comments and suggestions such as:

- Refuse to accept written documents at the meeting
- The Commission cannot act on anything that has not been advertised
- Such things should be part of the agenda

- A person could distribute that type of document during the public comment portion of an agenda item but the Commission would not have time at that point to read and consider it
- A person could read their document to the Commission during the public comment portion of an agenda item, if the document was not too lengthy.

Technician Hulse suggested that the Commission develop a policy statement about that and the policy statement could be printed on the agenda. The Commission expressed approval. Director Gehlert pointed out that, while you could do that and say written materials must be submitted three days before the meeting, there would still be the dilemma of what to do if someone tried to submit something at the meeting.

Vice Chairperson Kiyler asked about moving the call to the public to the front of the agenda. Director Gehlert said staff looked at the bylaws to see if a format was identified and it was not. Staff planned to make that change in January.

Director Gehlert distributed certificates of appreciation to each Commission member and thanked them for their service. He also presented a ten-year service certificate to Carol Hulse, Planning Technician.

### **Call to the Public**

Bill Dwyer, President of the homeowners association at Cottonwood Ranch, explained that he was at his granddaughter's concert at the beginning of the meeting and missed the sand and gravel operation item. He asked to be allowed to speak to that. Chairperson Gillespie informed him that nothing on the agenda could be discussed at that time and, additionally, that agenda item was tabled. Gillespie and Gehlert explained that the item would be on a future agenda and Mr. Dwyer could submit something in writing three days before that meeting or speak at the meeting. Mr. Dwyer said that they (Cottonwood Ranch residents) are not against the project; they are for conditions that are enforced.

### **Adjournment**

*Chairperson Gillespie adjourned the meeting at 7:48 p.m.*

Minutes prepared by: Carol Hulse

Date Approved: \_\_\_\_\_