

**SUMMARY REPORT  
OF COUNCIL ACTION TAKEN AT THE JANUARY 25, 2010, REGULAR MEETING OF THE  
COTTONWOOD PLANNING & ZONING COMMISSION**

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This summary is a statement of discussions engaged in and action taken by the Planning & Zoning Commission of the City of Cottonwood, Arizona, at a regular meeting pursuant to A.R.S. § 38-431.02(D), and is being provided as required by A.R.S. § 38-431.01(D).

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CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 6:00 p.m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Ed Kiyler, Chairman	Jake Gonzalez	Richard Kevin	Judd Wasden
Diane Lovett, Vice Chair	Raymond Cox	Robert Williams	

Staff Members Present

Doug Bartosh, City Manager	Steve Horton, City Attorney
George Gehlert, Community Development Director	Dan Lueder, Utilities Director
Sharon Caldwell, Administrative Coordinator	Richard Smith, Deputy Clerk
Kyla Allen, Executive Assistant to the City Manager	

APPROVAL OF MINUTES—REGULAR MEETING OF DECEMBER 21, 2009

The Commission unanimously approved the minutes of its regular meeting of December 21, 2009.

ELECTION OF OFFICERS FOR 2010 (CHAIRMAN AND VICE-CHAIRMAN)

The Commission unanimously approved the re-election of Diane Lovett as Vice-Chair and Ed Kiyler as Chairman of the Commission.

UNFINISHED BUSINESS

1. CUP 05-031 AND DR 05-031 EXTENSION OF TIME ASSOCIATED WITH A CONDITIONAL USE PERMIT FOR MAGO GARDENS SHUTTLE STOP AND WELCOME CENTER. THE REQUEST ALSO PROVIDES FOR AN AMENDMENT TO THE ORIGINAL PERMIT TO ESTABLISH A THEME-ORIENTED PRIVATE PARK THAT WOULD BE OPEN TO THE GENERAL PUBLIC ON A DAILY BASIS; AND DESIGN REVIEW ASSOCIATED WITH PROPOSED AMENDMENTS TO THE SITE PLAN. REQUESTED SITE PLAN REVISIONS WOULD ESTABLISH A SERIES OF OUTDOOR ORNAMENTS AND STATUES ON THE PROPERTY, INCLUDING AN APPROXIMATELY 50 FOOT TALL STATUE LOCATED WITHIN VIEW OF SR 89A. THE SITE INCLUDES 6.4 ACRES, ZONED AR-70 (AGRICULTURAL/RESIDENTIAL) LOCATED AT THE NORTH CORNER OF THE INTERSECTION OF SR 89A AND BILL GRAY ROAD. ADDRESS: 685 BILL GRAY ROAD. APN:

407-23-019, 407-23-003T, AND 407-23-003Y. OWNER: OASIS ARABIANS LLC. AGENT:  
AMY KO

Pursuant to A.R.S. §38-431.03.(A)(3), the Commission may vote to go into executive session  
in order to obtain legal advice from the City Attorney.

Chairman Kiyler explained this was a formal Planning and Zoning hearing for a Conditional Use Permit (CUP) agreement between the city and a landowner for land use not otherwise permitted by zoning regulations for that property.

Mr. Gehlert gave a synopsis of the changes that had occurred on the property which did not comply with the CUP agreement and enumerated the conditions under which the city would permit its continued use under a modified CUP agreement.

Bill Ring, Esq., attorney for the Tao Fellowship, presented alternative limitations the applicant wished the Commission to consider. This was followed by a series of questions from Commission Members regarding details of his statements.

Forty-nine members of the audience who had filled out requests to speak did so. There were 22 in favor of allowing the use of the property as it existed and envisioned in the future and 25 opposed. Two speakers stated it should be a matter for only the citizens of Cottonwood to decide.

Commission members discussed the issues of non-compliance and the compromise desirable to achieve compliance with the land use issue. The Commission unanimously moved to apply a modified solution proposed by staff with the following stipulations:

1. An extension of time be approved for an additional six months, during which time a master development plan and associated zoning proposal for the ultimate use of the property shall be submitted, subject to review by the Planning & Zoning Commission and the City Council. Failure to submit the master development plan shall automatically terminate the Conditional Use Permit.
2. The large Mago statue be removed and that all other monuments be moved to within the required building envelope (i.e. set backs associated with the AR-70 zone) within 30 days from today.
3. That proper screening be provided such that the statues and other ornaments are no longer visible from the public street.
4. That all associated improvements be installed subject to a code review and design review process subject to final approval by the Planning & Zoning Commission.
5. That the manufactured home shall be used as a caretaker's residence by only the property owner or their agent, and not be rented out as a separate residential unit and that

any other commercial or institutional use of the property will require either zoning or further amendment to the Conditional Use Permit, depending on the request.

6. That the manufactured home and site shall continue to include upgraded design features including stucco walls, covered entries, and landscaping.

7. That an engineering analysis be provided by a licensed Arizona P.E. (Professional Engineer) demonstrating concurrence that the retaining wall for the corner signage is adequate.

8. That in the event that the Bill Gray Road intersection is signalized, the fill height of the corner monument shall be reduced to one foot above the grade of Bill Gray Road.

9. That all disturbed areas be covered with some form of aggregate or plantings in conformance to the city's landscape code.

10. That all other stipulations of P.C.U. 05-031 continue to be observed.

11. The use permit be reviewed by the commission for compliance within six months.

12. The parking area be surfaced subject to the parking code standards.

The Commission also moved to deny expansion of the property as the Mago Earth Park, subject to the submission of a master plan by the applicant.

NEW BUSINESS—None

## DISCUSSION ITEMS

### 1. POSSIBLE FUTURE WORK SESSIONS

Mr. Gehlert stated a tentative calendar of work sessions and hearing dates for the year 2010 had been distributed to the Commission. Meetings would be held every other Monday. A Slopes Ordinance and the Design Review Manual would be discussed February 8th. There would be a special meeting to discuss one or two items including the expansion of the Red Rock Care Facility on Willard Street.

### 2. REVIEW OF DEPARTMENTAL REPORTS

Mr. Gehlert stated there would be an update on the annexation proposal for State Trust Lands on Wednesday, at 10 a.m., in the Public Safety Building.

## CALL TO THE PUBLIC

There were no comments from any members of the public.

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ADJOURNMENT

The regular meeting adjourned at 11:10 p.m.