

Official Minutes of the City of Cottonwood
Planning & Zoning Commission Regular Meeting
Held, March 15, 2010, at 6:00 P.M. at the Council Chambers
826 N. Main Street – Cottonwood, Arizona

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	Richard Kevin	Judd Wasden
Diane Lovett, Vice Chair	Robert Williams	
Jake Gonzales	Raymond Cox	

Staff Members Present

George Gehlert, Community Development Director
Renee George, Administrative Coordinator

CALL TO THE PUBLIC

This is the time for the public to comment on any matter that does not appear on the agenda. Members of the Commission may not discuss items not specifically identified on the agenda. Pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date. Comments are limited to five minutes for each person.

No comments from the public.

APPROVAL OF MINUTES OF FEBRUARY 8, 2010 SPECIAL MEETING

MOTION: Move to approve the minutes from the February 8, 2010 meeting.

MADE BY: Commissioner Wasden

SECOND: Commissioner Kevin

VOTE: Unanimous

APPROVAL OF MINUTES OF FEBRUARY 8, 2010 WORK SESSION

MOTION: Move to accept the minutes from the February 8, 2010 work session.

MADE BY: Commissioner Wasden

SECOND: Vice Chair Lovett

VOTE: Unanimous

APPROVAL OF MINUTES OF FEBRUARY 22, 2010

MOTION: Motion to approve the minutes of February 22, 2010.

MADE BY: Commissioner Wasden

SECOND: Commissioner Cox

VOTE: Unanimous

UNFINISHED BUSINESS

1. Monthly update regarding proposed annexation of State Trust Land.

Director Gehlert presented an update on the progress of the annexation process and the commission entered into a discussion regarding the possibilities for the land use plans. Public involvement is critical in the planning process and there have been public meetings to get their suggestions. The city council will ask for the commission's input in the form of an amendment to the General Plan. As part of the annexation process it will be the commission's responsibility to review, approve and develop this aspect of the process. The commission's mission is to help the city council accomplish the annexation so it would be good for the members of the Planning and Zoning Commission to stay updated and informed on the meetings that are taking place.

Commissioner Wasden discussed the idea of using gray water and solar panels on the future developments to help the environment. Commissioner Williams was concerned about leaving large areas of land between developments. All the commissioners liked the three different land use ideas that Coe and Van Loo created. Chair person Kiyler asked if it would be possible to invite someone from the State Land Department to a meeting to discuss the issues that they will be reviewing regarding the annexation.

Discussion only; no action taken.

2. Update and possible discussion regarding possible Hillside/Slopes Ordinance.

Director Gehlert gave an update on the Hillside/Slopes Ordinance. Last year they began the process of updating the Grading Ordinance, but there are more requirements that need to be written, like what you have to do when you grade, 50 cubic yards equals a grading permit, 1000 cubic yards there has to be a civil engineer involved. Anything over 1000 yards will go to Design Review, the developer needs to show what will be done with the landscaping. Technically this is attached to the site plan, if there are slopes approximately 20% of the site plan, you need to show what the area will look like after the work is done. The area of disturbance has to be identified on the site plan and then the improvements should be shown. We are establishing a physical review of the site in advance of the site improvements. The Slopes Ordinance will have a significant impact on the cut and fill treatments, retaining walls, driveways, culverts, and retention areas. This will also create a more

defined Grading Ordinance, which encompasses more of the process and the issuance of permits. The Slopes Ordinance has to do with more of the design aspect of it, when you need a permit, what you need to show and submit to us in the form of a site plan. We are working with the staff from Public Works, the civil engineering staff and some people from the public sector in reviewing this code.

Commissioner Cox asked about the requirement for a major cut & fill project. Director Gehlert stated that the requirements are written in the Building Code as packing requirements since we have no grading ordinance yet. Our basic grading requirements do not address that, it is not in the Slopes Ordinance as well. The Building Code refers to the compaction of the retaining area. Commissioner Wasden stated that it would be better to leave the land intact as much as possible so that it could retain its natural landscape and geographic configuration in the area, even if it means building fewer homes. Discussion continued regarding past subdivision grading projects and how the Slopes Ordinance will give the developers guidelines to follow and the staff will have a more complex code review process to follow.

Discussion only no action taken.

3. Update and possible discussion regarding the propose Design Review Policy Manual.

Director Gehlert updated and discussed with the commission the progress of the Design Review Policy Manual. Charles Scully has been putting together a more tangible policy manual. There are standards we would like to bring to the code itself or as part of a working, manual. Charles has developed this as an amendment to the Design Review Code, which is the procedural code to the Zoning Ordinance, in the way it is laid out, it is a numerical bulleted system of codes that do overlap other sections of the Zoning Ordinance. We are trying to achieve something that anyone can follow.

Most of this is very general by design it can be applicable to any area in the city, any kind of development, other standards would be more localized as part of that process we would be doing community area planning. We will be planning a joint session with the City Council within the next couple of months and we will be doing a bi-annual update of the General Plan. In one of those sessions I would like to discuss the idea of community area planning so we can begin establishing guidelines pertaining to localized planning for specific areas of the city. We are also assembling a technical advisory committee from various city staff and members of the commission and people from the private sector.

Discussion only no action taken.

NEW BUSINESS

1. **PCU 10-003** Review of a new Conditional Use Permit to allow short term rental of a guest bedroom which is part of a single family residence, located in a R-2 (Single family / Multiple family) zone on the north side of North Cactus Street, just north of its intersection with west Pima Street in Old Town. The site includes lots 2-4, Block 3 of Willard Addition Subdivision. Address: 910 North Cactus Street. APN: 406-22-050A. Owner/Agent: Rita Childers.

Director Gehlert stated that this request is for a form of lodging (short-term rental) that currently we have no standards for however, this form of lodging seems to fit into the Bed & Breakfast (B&B) standards that the City Council adopted within the last year, even though it is not a facility that will necessarily serve breakfast. This is a historical structure that's been renovated, and the owner would like to use the front part of the building as a guest unit, for short-term rental which would be 1-14 days. In addition to this request there is a historical structure that is a covered basement, which the applicant is requesting a Variance to build a hobby shop over the top of it, this has been scheduled to go before the Board of Adjustment on March 17, 2010. The commission however is only responding to the Conditional Use Permit and the Design Review components requested by this applicant. Staff is suggesting basic landscaping along the front of the property and that the construction with the hobby shop complement the primary structure and stay with the historic qualities of the surrounding neighborhood.

Chairperson Kiyler asked if the building was ADA compliant. Director Gehlert stated that he did not think it was, but he would research it and find out. Vice Chair Lovett expressed concern for setting a precedence for operating a Bed and Breakfast or short term rental in a residential area. Vice Chair Lovett inquired if the guests would have kitchen privileges. And what type of guests would she consider renting to? The applicant, Rita Childers responded that she would like to rent to tourists coming into town who would like to stay in a home setting for one to fourteen days. Rita Childers also stated that she would advertise on "Craigslist" for people wanting a reasonable rate for lodging. Vice Chair Lovett asked if she was going to do background checks on her clients? Miss Childers replied no, not at this time. There was further discussion regarding parking availability and it was determined there is adequate space for an extra vehicle. Chairperson Kiyler opened the floor to the public for comments.

Karen Leff, owner and manager of the Cottonwood Hotel in Old Town Cottonwood, stated that the city should create standards for this type of business in a residential zoned area. Ms. Leff was concerned that Ms Childers was already doing business in her home and did not have the proper business license and was not collecting tax on this business. Ms Leff stated that she looked forward to people encouraging the tourism in the community, but felt that they had to comply with all the other rules and regulations that other business owners have to follow.

Annabel Sclipa, owner and manager of The Annabel Inn, L.L.C, on 7th Street in Cottonwood, stated that she concurred with Karen Leff's statement regarding complying with all the other rules and regulations that they had to follow. Ms. Sclipa stated that she should not be doing business before she got all the business permits and said that was

how Ms. Childers could charge such a low rate, lower than any other bed and breakfasts or hotels in Cottonwood.

Chairperson Kiyler closed the floor to the public. Discussion continued regarding the request and the stipulations that have been recommended by staff for approval and the owner's ability to comply with all stipulations.

MOTION: Approve PCU 10-003 and DR 10-003 with the following stipulations:

- 1. That the request conform to the applicant's site plan and Letter of Intent, dated 2-15-10.**
- 2. That the use be limited to one (1) guest room, subject to conformance with all other Zoning Ordinance standards associated with the Bed and Breakfast Residence (Sec. 404.BB.1)**
- 3. That all Code Review Comments from the February 2nd Code Review meeting be addressed.**
- 4. That the applicant, provide a street side landscaping plan and elevations for any structural additions visible from the street, subject to staff approval.**
- 5. That the application be reviewed by the Commission in one year for compliance.**

MADE BY: Commissioner Gonzales

SECOND: Commission Williams

VOTE: Motion carried with a No vote by Vice Chair Lovett.

2. Discussion regarding possible Certificate of Compliance process.

Director Gehlert stated this is a response to a Conditional Use Permit, where there is a series of stipulations required by the staff that sets performance standards to be completed by the applicant. This is a process to check the stipulations and to make sure the applicant is addressing and finishing all stipulations that now are incorporated in the Reviewable Use Permit. The applicant must now apply for the Certificate of Compliance. This is not a Certificate of Occupancy. A Certificate of Occupancy is the last step to their Building Permit.

Certificate of Compliance can be required by the Planning and Zoning Commission, Board of Adjustment, City Council or the Director of Community Development. Code Enforcement officers have been assigned through the Police Department.

DISCUSSION ITEMS

1. Possible future work sessions. Director Gehlert stated Monday, April 5, 2010 (tentative) will be the next work session.
2. Review of Departmental reports. The Building & Zoning Summary Report was presented, no comments or discussion.
3. Miscellaneous Updates. Director Gehlert discussed TAO Fellowship has contracted with a new attorney from Scottsdale, Paul Gilbert; Dollar General's retention pond; Wal Mart's paint job; review of slage pile; upcoming meetings of the Historical Preservation committee and the Humane Society. Director Gehlert spoke of the Open House – Potluck for city employees and their families on March 26, 2010 at the new Parks and Recreation Center and extended an invitation to the commission to attend.

INFORMATIONAL REPORTS AND UPDATE

Tentative moving date to new building for Planning & Zoning is April 11, 2010. Discussion in regards to color of the building and traffic concerns on 6th and Mingus intersection.

ADJOURNMENT

Chairperson Kiyler adjourned the meeting at 7:50 p.m.