

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, OCTOBER 16, 2012, IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A Regular Meeting of the Planning Commission of the Town of Clarkdale was held on Tuesday, October 16, 2012, at 6:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

Planning Commission:

Chairperson	Jack Van Wye	Present
Vice Chairperson	Vic Viarengo	Present
Commissioners	Jorge Olguin	Excused
	Ida-Meri deBlanc	Present
	Dave Puzas	Present

Community Development Staff:

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar

Others in Attendance: None.

1. **AGENDA ITEM: CALL TO ORDER:** The Chairperson called the meeting to order at 6:00 p.m.
2. **AGENDA ITEM: ROLL CALL:** The Community Development Director called roll.
3. **AGENDA ITEM: PUBLIC COMMENT:** The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit his or her comments to **FIVE MINUTES**.

There was no public comment.

4. **AGENDA ITEM: ELECTIONS: Chairperson and Vice Chairperson. Commissioner Puzas made a motion to elect Commissioner Van Wye as Chairperson. Commissioner Viarengo seconded the motion. Commissioner Van Wye accepted the nomination and was elected unanimously.**

Commissioner Puzas made a motion to elect Commissioner Viarengo as Vice Chairperson. Commissioner deBlanc seconded the motion. Commissioner Viarengo accepted the nomination and was elected unanimously.

5. **AGENDA ITEM: MINUTES:** Consideration of the **Regular Meeting Minutes of September 18, 2012.** The Chair entertained a motion to accept the minutes. **Commissioner Puzas motioned to approve the Regular Meeting Minutes of September 18, 2012. Commissioner Viarengo seconded the motion. The motion passed unanimously.**

6. AGENDA ITEM: REPORTS:

Chairperson & Members Special Events Report:

The Commission discussed the draft Sustainability Checklist developed by the team of Commissioner Olguin and deBlanc:

Sustainability Components

- Economic – Defer to FFII
- Social (?)
- Environmental - Focus of this “checklist”

Environmental Sustainability

Trying to identify:

- ◆ Things that could be impacted by development
- ◆ Materials/practices introduced by development that could have an impact on the existing environment

Siting

- ✓ Wildlife
- ✓ Plant life
- ✓ Topography
- ✓ Open spaces

Air Quality

- ✓ Outdoor
- ✓ Indoor

Energy

- ✓ Renewable v “Traditional”

Water Management

- ✓ Groundwater
- ✓ Rainwater Runoff
- ✓ Aquifer
- ✓ River
- ✓ Marshes
- ✓ Wetlands
- ✓ Washes

Infrastructure

- ✓ Utilities
- ✓ Traffic

Construction

- ✓ Materials of construction
- ✓ Design
- ✓ Landscaping

Density

The Commission provided the following direction regarding the checklist:

- Rename document as core values and identify what we, as a Town, believe is important.
- Do not develop a voluminous document.
- Provide a skeleton checklist; a menu.
- Explore developing negotiation possibilities.
- Develop as an educational tool.

Commissioner deBlanc informed the Commission that she had enough information for the team to move forward.

Director's Report:

Community Development Director Filardo presented the following information:

- 1. Crossroads at Mingus:** Staff met with Steve Biasini, project manager and landscape architect for Crossroads at Mingus to discuss the timing of the development of the park on Tract F. Steve has priced out costs of the full development at approximately \$160,000. Since the developer has no incoming cash from the development, they would like to develop the park to a level that would cost approximately half this amount at first. Staff believes a usable neighborhood park can be developed for this amount, and then expanded after the developer starts to sell houses. Staff will work on fine tuning the list of required amenities for the first phase and submit this back to the developer in time to schedule review of the park by the Design Review Board in December.

Chair Van Wye asked whether financial assurances will be required of the developer prior to work starting on the park. Director Filardo explained that this was not part of the development agreement negotiated when the subdivision was originally approved, so the Town could not require assurances. The Commission agreed that having assurances for this construction was a critical issue.

- 2. Mountain Gate Subdivision:** Community Development Director Filardo and Senior Planner Escobar met with representatives of BC Land Group to discuss their reactions to the draft Second Amendment to the Development Agreement. BC Land Group asked for several points of clarification regarding some of the content of the draft. In general, there do not appear to be any large areas of disagreement, although BC Land Group has some issues with the timing of payments that are being requested. They will submit a counter proposal within the next few months.

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- 3. Centerville:** Community Development staff attended the Centerville Neighborhood meeting on Monday, September 24 from 5:30 – 7:00 p.m. at Centerville Park to discuss emergency access for the Centerville neighborhood and whether or not the residents supported continued access to Centerville Road directly from the neighborhood. Approximately 13 residents and property owners attended.

Town of Clarkdale staff, including the Town Manager, Gayle Mabery, Community and Economic Director Jodie Filardo, Utilities and Public Works Director Wayne Debrosky and Police Chief Randy Taylor were present as well as Clarkdale Fire District Chief Joe Moore and Clarkdale Councilman Renee Radoccia. Attendees were presented with information regarding traffic counts and public safety response times.

The following **options** for emergency egress were discussed:

Immediate Action:

Leave the existing connection from the Centerville Road current terminus to Avenida Macias.

Gate the current existing connection to have an emergency access only.

Completely block the Avenida Macias access to Centerville Road and improve a gated emergency access connection to the extension of Company Hill Road in the Mountain Gate subdivision.

Long Term Action:

Permanently connect Avenida Macias to the Centerville Road extension.

Leave a gated emergency access only connection to the Centerville Road extension.

Completely block the Avenida Macias access to Centerville Road and improve a gated emergency access connection to the extension of Company Hill Road in the Mountain Gate subdivision.

Issues such as the safety of children playing in the road, traffic noise and lights from cars at night were expressed as opposition to a permanent connection.

Ease of connecting to Broadway and the ability to get to Cottonwood without going through the roundabouts or encountering large truck traffic on SR 89A were expressed as positive reasons for having a permanent connection.

Speeding on Avenida Centerville and the other streets in the neighborhood was identified as a continuing issue. Solutions such as reducing the speed limit to 15 mph and more police patrol were presented.

The attendees at the meeting were divided regarding the solution.

Based on feedback from the meeting, Police Chief Randy Taylor and Officer Ron Ekholm canvassed the neighborhood on Sunday, September 30th. While there, they delivered 91 copies of the survey. Of those who responded directly to Chief Taylor and Officer Ekholm, 47 of 51 responses favored keeping the neighborhood connection open to Centerville Road.

- 4. Economic Development:** The Focused Future II Action Team will be meeting on October 17, 2012 to review the draft Economic Development Plan. This plan will be presented to the public in November, and presented to Town Council for approval in on December 11.

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- 5. Sign Code:** At their October 3, 2012 meeting, the Design Review Board reviewed the draft changes to the Sign Code, Chapter Seven of the Zoning Code. The Board recommended that these changes be reviewed, in a public hearing, by the Planning Commission. This will be scheduled for the Commission's November meeting.

- 6. Arizona Planning Association:** On Thursday, October 25, the Community Development Department will be hosting the monthly North Central Section meeting of the Arizona Chapter of the American Planning Association. The meeting will be held in the Clark Clubhouse. An invitation is included in your packet. Please let staff know if you plan to attend so we can post a notice of quorum.

- 7. Arizona Commerce Authority Visit:** On Thursday, November 1st from 10 a.m. until noon at the Men's Lounge, Keith Watkins, Senior Vice President, Economic Development and Rural Development plus Ben Bronson, Manager of Rural Development will be presenting at a Special Council Meeting on economic development. Town Council, the Planning Commission, the Focused Future II Action Team and downtown property owners plus staff are all invited to attend.

OLD BUSINESS

- 7. AGENDA ITEM: WORKSESSION:** Discussion regarding the 89A Corridor Commercial Overlay District.

Senior Planner Escobar presented the following staff report:

At the September 18, 2012 meeting, the Commission directed staff to craft a new ordinance incorporating initiatives from the General Plan and Form Based Code principles to replace the existing ordinance.

Staff has been exploring this concept further, and would like to present another option to the Commission.

As previously discussed, it would be challenging to create a new code and retain the restriction of 50 percent lot coverage, including parking areas, and the 50-foot front setback, due to current laws related to the diminution of private property value. Although, in staff's opinion, neither of these stipulations work well enough to guide the type of development appropriate for the 89A commercial corridor, i.e. clustered neighborhood-focused development as opposed to a strip mall, it may be more appropriate to maintain this code as it exists, and create an alternate code allowing developments to incorporate desirable elements into the project design in exchange for relaxation of existing requirements of the overlay district.

For example, a commercial development can gain 'credit' in four categories: sustainable design, multi-modal accessibility, reduced visual impact and water conservation.

This credit can be applied to increase the lot coverage above 50 percent and/or reduce setback requirements.

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Obviously this alternate code would need to be carefully crafted to drive the development of the project to a desirable result; however, since it would be the developer's choice to work within the alternate code, there would be no diminution of property right's exposure.

Recommendation:

Staff is asking for the Commission's input regarding this approach. If the Commission agrees this is an alternative worth exploring, staff would like to discuss this option with Town Council in a worksession before proceeding with development of a draft ordinance.

Discussion:

Chair Van Wye asked if an alternative code was developed, could some choose to use some portion of each code. Staff explained, a developer would need to choose between the existing 89A Overlay District code, or the alternative code. By choosing the alternative code, the developer recognizes there are certain specific requirements in exchange for a relaxation of the existing code standards. This acknowledgement vacates and private property devaluation impact.

The Commission supported the flexibility an alternative code would provide.

This being a work session only, there were no actions taken. Staff was given direction to pursue the alternative code option and discuss with Town Council in a worksession.

NEW BUSINESS

8. AGENDA ITEM: WORKSESSION: General discussion regarding the following topics in preparation for possible future Zoning Code amendments:

- i. Short-term rentals
- ii. Definition of family
- iii. Rental of guest houses and other accessory structures
- iv. Proposed option for Entertainment District

Senior Planner Escobar presented the following staff report:

Staff has been responding to questions regarding several recurring planning issues related to the definition of family and permitted uses in a single-family residential zone. These are complex issues associated with the conflict between an older zoning code and today's changing societal customs.

In addition, staff has begun exploring the creation of an Entertainment District. This would be an addition to our existing zoning code as an overlay district.

Staff would like to discuss these issues with the Planning Commission to determine whether ordinance amendments should be developed to deal with specific matters.

Definition of family:

The Clarkdale Zoning Code defines a family as:

Family: Any number of persons living together as a single housekeeping unit under a common housekeeping management plan.

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The issue with this definition is it allows for an unlimited number of people in a single residence.

Family is further defined in the code as:

Family, Immediate: Husband, wife, child, stepchild, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

However, this definition does not provide a limiting number of people for a single residence.

A single-family residence is defined as:

Dwelling, Single-Family: A building containing one single-family dwelling unit.

Still no limiting factors are being provided.

There is not a definition in our code for the terms 'single-family' or 'multi-family'.

Based on the definitions in the code, one single-family house could have an unlimited amount of residents.

The traditional definition of single-family neighborhood in suburbia has been a Dad, Mom and kids. As baby boomers have aged, grandparents have been added to the listed. As society's interpretation of family has changed, today, it can be any combination of relationships.

In the last six months, staff has received one complaint regarding a tenant in a basement apartment of a single family residence, and one complaint regarding too many people in an apartment.

In both cases, there was no zoning code violation. However, in the case of the tenant, the space being used in a single-family home had been converted into an apartment without a building permit. Through resolution of the complaint, the Building Official was able to resolve code issues, include installation of a window access and smoke detectors.

Without the complaint being received, the safety issues for the tenant would not have been resolved.

Guest Homes

Staff has also become aware, through a non-complaint process, of guest homes being used as rentals.

This is a violation of the Zoning Code, which defines Guest Quarters:

One or more rooms designed, occupied or intended as separate living area for the use of short term guests.

Many cities and towns in Arizona have instituted a policy for Accessory Dwelling Units (ADU's). The regulations for ADU's vary, but they all create a process for allowing long-term rental of detached accessory units or portions of a single-family home and provide the ability to monitor occupancy and use for this situation.

Short-term Rentals

Also known as Vacation Rentals, this is a situation where a property owner rents their single-family home by the week or by weekend to visitors. Vacation Rentals can be a sensitive issue to the surrounding neighbors, who see different vehicles and people at the location, creating a transient appearance.

Once again, our current code does not provide a clear method for denying the use of a single-family home as a vacation rental. Any attempt to develop new regulations restrict to prohibit this use would have to be closely analyzed for property rights impact.

In the current economic reality, unconventional uses of a single-family home may provide income to a home owner struggling to hold on to their investment. In addition, ADUs often can provide an affordable housing option. Vacation rentals may provide an economic benefit to the town, both through additional taxes and patronage of local businesses.

Entertainment District

As part of the economic development focus, staff would like to create an entertainment district for the original Town business district. A benefit of an entertainment district is the requirement of a business serving alcohol to be at least 300 feet from a church is vacated. This is an important consideration since there are two churches in this area.

An Entertainment District can also be used to drive other specific factors, such as creating common design elements. It would also provide a definition for the geographical area.

The district boundaries and requirements are determined as part of the development of the overlay district.

Recommendation:

Staff is asking for the Commission's input regarding these issues.

Discussion:

The Commission expressed concern regarding the health and safety issues surrounding non-permitted accessory dwelling units. The Commission stated ADU's provide an affordable housing option, so they should not be prohibited. The Town needs a way to monitor the health and safety issues.

The Commission did not feel short-term rentals were a major issue as long as business licenses were issued and sales tax collected. Chair Van Wye stated adopting rules for short-term rentals would put an enforcement burden on Town staff.

This being a work session only, there were no actions taken. Staff was given direction to:

- Develop a process to monitor use of accessory dwelling units in order to ensure health and safety issues are addressed
- Not take any action at this time regarding short-term rentals.
- Move forward with development of an Entertainment District overlay ordinance included the central business district and wrapped around Broadway to include the Zunick Building, the Yellow School House and the Verde Canyon Railroad area.

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8. AGENDA ITEM: FUTURE AGENDA ITEMS:

- a. Revisions to the sign code
- b. Agricultural uses in residential zones

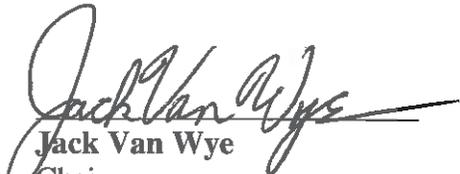
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Chair Van Wye requested that only one public hearing be scheduled per Commission meeting so sufficient time could be given to the matter and the audience would not have to sit through a series of public meetings to get to their item of interest.

- 10. AGENDA ITEM: ADJOURNMENT:** The Chair entertained a motion for adjournment. Commissioner Puzas motioned to adjourn the meeting. Commissioner Viarengo seconded the motion. The motion passed unanimously. The meeting adjourned at 7:40 p.m.

APPROVED BY:

SUBMITTED BY:


Jack Van Wye
Chairperson


Beth Escobar
Senior Planner