

**PLANNING
COMMISSION
APRIL 16, 2013**

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, APRIL 16, 2013, 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, April 16, 2013, at 4:00 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	Present
	Ida-Meri deBlanc	Present

Community Development Staff:

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar

Others in Attendance: Lisa O'Neill, Jim Gemmill, Bill Snyder

1. **AGENDA ITEM: CALL TO ORDER:** The Chairperson called the meeting to order at 4:00 p.m.
2. **AGENDA ITEM: ROLL CALL:** The 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: MINUTES:** Consideration of the **Regular Meeting Minutes of March 19, 2013**. The Chair entertained a motion to accept the minutes. Commissioner deBlanc motioned to approve the Regular Meeting Minutes of March 19, 2013. Commissioner Viarengo seconded the motion. The motion passed unanimously.
5. **AGENDA ITEM: REPORTS:**

Chairperson & Members Report:

None

Director's Report:

Community Development Director Filardo provided the following updates:

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- 1. Water Resource Management Program:** Tuesday, April 30 from 5:30 – 7:30 p.m. is the first scheduled public meeting for this project: Introduction to the Science of Water. This meeting will provide background on the Sustainable Clarkdale Initiative and the goals of the Water Resource Management Program. The discussion will focus on where our water supply comes from and what tools we can use to better understand our water resources.
Director Filardo and Senior Planner Escobar attended the 2nd National Climate Assessment Town Hall at ASU on April 1. This conference focused on responses to the National Climate Assessment Report. Dr. Susanne Moser of Stanford University gave a very interesting presentation regarding best practices for communicating the impacts of climate change to the public. The Director distributed a handout 'The National Climate Assessment: Information about the Draft Third National Climate Assessment Report' to the Commission.

**The National Climate Assessment:
Information about the Draft Third National Climate Assessment Report**

What is the National Climate Assessment (NCA)?

The NCA is an important resource for understanding and communicating climate change



science and impacts in the United States. It informs the nation about already observed changes, the current status of the climate, and anticipated trends for the future. The NCA report process integrates scientific information from multiple sources and sectors to highlight key findings and significant gaps in our knowledge. The NCA also establishes consistent methods for evaluating climate impacts in the U.S. in the context of broader global change. Finally, findings from the NCA provide input to federal science priorities and are used by U.S. citizens, communities, and businesses as they create more sustainable and environmentally sound plans for the nation's future.

What is new about the Third NCA?

The NCA process and third report set the stage for more comprehensive assessments in the future. It differs from previous U.S. climate assessments in a variety of ways:

- It is an ongoing process, rather than a periodic report-writing activity
- The NCA includes climate impacts and projections, but also assesses progress in response activities such as adaptation and mitigation
- Partnerships inside and outside of the government support this effort, including entities in both the public and the private sectors
- National indicators of change within regions and sectors are being developed, along with consistent and ongoing methods for evaluation
- This NCA report will be entirely web-based and the final report will be submitted as an e-book; this allows easier access to data for citizens and scientists and transparent "line of sight" between data and conclusions
- This NCA is designed to support decision making processes within and across regions and sectors of the U.S. while also considering the international context of U.S. activities and impacts

What are the objectives of the NCA?

The NCA is envisioned as an inclusive, nationwide process with many key objectives, including:

- Evaluating, integrating, and assessing relevant climate science and information from multiple sources
- Summarizing and synthesizing the findings of the U.S. Global Change Research Program
- Increasing understanding of what is known and not known about climate change
- Informing climate science research priorities
- Building climate assessment capacity, including vulnerability assessment and documentation of impacts in regions and sectors
- Supporting climate-literacy and skilled use of NCA findings

Who is responsible for the NCA?

The Global Change Research Act of 1990 requires an assessment report at least every four years. The federal government is responsible for producing these reports through the U.S. Global Change Research Program (USGCRP), a collaboration of 13 federal science agencies. A 60 member federal advisory committee, the National Climate Assessment Development Advisory Committee (NCADAC), has been charged with developing the NCA report and recommendations about the ongoing assessment process. The report is being written by 240 authors drawn from academia; local, state, and federal government; the private sector; and the non-profit sector.

How do I comment on the draft NCA report?

The NCADAC released their draft of the Third NCA Report for expert review and public comment in early 2012 (review period: 1/14/12 – 4/22/12). The review period allows individuals and groups to determine the current version of the report and provide comments (if needed) in writing. The report and an online comment tool are available at <http://ncadac.globalchange.gov>.

What Topics are covered in the Third NCA Report?

The Third NCA Report documents how climate change impacts regions (depicted on the map below) and sectors across the United States and society's responses to climate change.



- Our Changing Climate
- Water Resources
- Energy Supply and Use
- Transportation
- Agriculture
- Forestry
- Ecosystems and Biodiversity
- Human Health
- Water, Energy, and Land Use
- Urban Systems, Infrastructure, and Vulnerability
- Tribal, Indigenous, and Native Lands and Resources
- Land Use and Land Cover Change
- Rural Communities
- Biogeochemical Cycles
- Oceans and Marine Resources
- Coastal Zone Development and Ecosystems
- Decision Support
- Mitigation
- Adaptation
- Research Agenda for Climate Change Science
- The NCA Long-Term Process

Next Steps

The NCADAC's draft report will be reviewed by scientists and experts from inside and outside the federal government, the National Academy of Sciences, and the public. The report will be revised in response to these comments. Sustained assessment process activities, such as developing a system of indicators, are already underway. The focus on a continued assessment process means regional and sectoral activities are expected to be ongoing, and reports will be produced on a more frequent basis.

Expected Outcomes and Benefits

The NCA will present a comprehensive picture of the changes in regions and sectors that occur in response to climate variability and change, including effects on public health and human well-being, the economy, infrastructure, and the environment. This information will help decision makers throughout the country design adaptation policies, help citizens prepare themselves for climate change impacts, and help everyone understand how their everyday decisions impact the climate and the environment.



How can I get involved in the NCA?

There are multiple ways to be involved, including joining NCAnet, a network of organizations working with the NCA to engage producers and users of assessment information; providing review comments on NCA reports; or by directly engaging in data collection, regional or sectoral assessment activities, outreach efforts, or other components of the sustained assessment process. Visit the NCA website, <http://assessment.globalchange.gov>, for more information.

The National Climate Assessment is an activity of the United States Global Change Research Program, which is supported by Congress and funded by diverse agencies to address the challenges of climate and global change.

- 2. Economic Development:** Staff has been informed Caduceus Cellars has signed their lease for the Clarkdale Investments building and will begin construction in May. Their tentative opening date is Labor Day weekend. The business will be called 4 to 8 Wine Works.
- 3. Crossroads at Mingus:** Staff continues to work with this development on a draft 4th Amendment to the Development Agreement. We anticipate moving this forward to Council in May for initial discussions.

6. OLD BUSINESS

AGENDA ITEM:

- **PUBLIC HEARING:** An Ordinance amending the Town of Clarkdale Zoning Code to revise Chapter Eleven – Section 13: Approval Standards and Criteria for Site Plan Review; Section 2.a: Traffic Access and Parking, to clarify language regarding requirements for acquiring and improving street access for new development.
- Staff Report

The Planning Commission first reviewed this proposed change in a worksession at their March 19th meeting.

The new language clarifies the requirements for acquiring and improving access to any new non-residential development and establishes the same standards for street improvement as applies to new subdivisions.

The proposed changes were included in the Commissioner's packets:

2. TRAFFIC ACCESS AND PARKING

- a. **Adequacy of Roadway System:** Vehicular access to the site must be on roads that have adequate capacity to accommodate the additional traffic generated by the development. The Developer shall be responsible for the acquisition of any private easement necessary to provide adequate access to the proposed development. Each commercial/multi-family development shall provide for adequate traffic circulation based on Average Daily Traffic (ADT) and the classification system below:*

STREET CLASSIFICATION AND MINIMUM DESIGN STANDARDS

	Street Category	Travel Lane Width	Parking Lane Width	Total Improved Width	Curb or Shoulder	Graded Areas or Sidewalk	Surface	ROW/ Easement Width	Maximum Avg. Daily Traffic (ADT)	Design Speed MPH
I	Arterial	12'	None	60'	Vertical	Sidewalk		76'	3,000+	55
II	Industrial	12'	12'	48'	Rolled	Graded		64'	3,000	40
III	Commercial	12'	8'	40'	Vertical	Sidewalk		60'	3,000	40
IV	Residential Collector	16'	None	28'	Vertical	Sidewalk	2" w/6" base or 3" w/4" base	40'	3,000	40

Any streets determined to be necessary to support the new development shall be constructed, by the developer, to the Street Classification and Minimum Design Standards set above herein and adopted by the Town or any other standards adopted by the Town. Upon completion of any access roads to these standards, the roadway, upon acceptance by the Public Works Director, shall be dedicated to the Town as public right-of-way.

- Open Public Hearing: The Chairperson opened the Public Hearing.
- No Public Comment
- Close Public Hearing: The Chairperson closed the Public Hearing.

Commission Discussion: The Commission had no questions regarding the proposed changes.

Commission Action: Commissioner Olguin motioned to move the draft ordinance forward to Town Council for consideration. Commissioner de Blanc seconded the motion. The motion passed unanimously.

- **PUBLIC HEARING:** An Ordinance adding Section 3-17 Entertainment District to Article 3 of the Town of Clarkdale Zoning Code to adopt an overlay Entertainment District with specific zoning requirements in the central Clarkdale area.

Staff presented the following report:

As discussed in the March 19 worksession Entertainment Districts are overlay districts that can provide a mechanism to permit businesses serving alcohol to locate within 300 feet from schools and churches. Per Arizona Revised Statute (ARS) 4-207, the state shall not issue a liquor license for any establishment within 300 horizontal feet of a school or church. With an Entertainment District Overlay the Council has the ability to approve an exemption from the distance restriction

per ARS 4-207. A town with a population under 200,000 may designate one Entertainment District.

The Entertainment District will also create a focal area for the downtown business district to support ongoing economic development. Staff will continue to work with the businesses and property owners in the area to create a vibrant and flourishing downtown Clarkdale.

Section 3-17-2 of the new proposed code adopts design guidelines for the Entertainment District. These guidelines are structured to drive new commercial development within the District boundary that reflects the existing character of the Central Business District.

At a March 26, 2013 meeting with Central Business District property owners, the proposed Entertainment District was enthusiastically supported.

Staff has provided copies of the information related to the proposed Entertainment District to both churches in the area and asked for feedback.

Per the direction of the Commission, the boundaries of the Entertainment District have been expanded to include the Verde Canyon Railroad. They are supportive of this inclusion, and looking forward to working with the Town on development of the District.

The Commission reviewed the proposed ordinance:

Section 3-17 Entertainment District

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Section 3-17-1 Purpose

The purpose of this overlay district is to three fold:

- To promote economic development in the Clarkdale.
- To preserve the historic look of the Central Business District.
- To allow for the approval of exemptions from the distance restrictions prescribed in Arizona Revised Statute (ARS) 4-207 regarding the location of establishments serving alcoholic beverages in relation to schools and churches.

Section 3-17-2 District Boundaries

The Clarkdale Historic District was listed on the National Register of Historic Places in 1998. The Central Business District, a zoning designation, lies within this historic designation. The Central

Business District originally provided a wide variety of services for residents of the original Clarkdale Town Site.

The Entertainment District is an overlay district encompassing all of the Central Business District and some adjacent property with commercial zoning or the potential to rezone property from a residential district to a commercial district.

Section 3-17-2 Design Guidelines

Per the 2012 Clarkdale General Plan:

'The context of a place considers its history as well as its future.'

Properties within the Central Clarkdale Heritage District should closely consider the surrounding context of the existing structures when designing new or remodeled buildings. Incorporation of the following features is recommended:

- Relationship to adjoining spaces
- Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping
- Brick facades and/or partial brick inlays
- Clearstory windows
- Pedestrian connection
- Main entrance from a public sidewalk
- Rounded arches
- Varied roof lines

New development in the Entertainment District shall place public parking behind buildings or participate in the development of new central public parking areas.

The front yard setback in the Entertainment District is reduced to zero if the main building abuts a public sidewalk.

Landscaping must include shade trees along the front boundary. These trees shall be from the approved plant list in Chapter Nine of the Zoning Code.

All other development and performance standards are as found in the underlying zoning district.

Section 3-17-3 Exemptions

Pursuant to ARS 4-207-4, the Clarkdale Town Council may approve an exemption to the distance restrictions in this section of state statute for businesses within the Entertainment District. Requests for exemptions must be submitted in writing to the Town Council. Review of the exemption request will be scheduled on a Council agenda upon verification that the property owner is up to date on all utilities fees due to the Town, has a current business license and there are no current code enforcement issues regarding the subject property.



- **Open Public Hearing:** The Chairperson opened the Public Hearing.
- **Public Comment:**

Lisa O'Neill with the Verde Canyon Railroad expressed support of the proposed ordinance. Ms. O'Neill stated that she has seen this concept be successful in other communities and the Verde Canyon Railroad is supportive of this effort.

Jim Gemmill, representative of St. Thomas Episcopal Church, stated that the church board members have reviewed the proposal and have no issues.

- **Close Public Hearing:** The Chairperson closed the Public Hearing.

Commission Discussion: Commission Olguin asked whether any feedback had been received from Immaculate Conception Church. Staff explained that an information packet had been given to the Church, but no comments had been submitted to staff.

Commission Action: Commissioner Olguin motioned to move the draft ordinance forward to Town Council for consideration. Commissioner Viarengo seconded the motion. The motion passed unanimously.

7. NEW BUSINESS

- a. **WORKSESSION:** Discussion regarding the status of the Mountain Gate Subdivision.

This item was moved to after item 7.b on the agenda.

Director Filardo provided the following update on this project:

- A worksession with Council was held on April 9, 2013.
- The Second Amendment to the Development Agreement and the Second Re-statement to the Subdivision Agreement will be on the April 23 Council agenda for consideration.
- The Town will receive several benefits as a result of the revised development agreement, including a stream of payments to complete the cost sharing obligation for the new wastewater treatment plant, \$300,000 towards the acquisition of private property necessary to complete the Centerville Road Extension, the developer will reimburse the Town \$285,000 for the Arsenic Treatment Plant and will complete the trail system including five pocket parks.

Commission Discussion: Commissioner de Blanc asked whether the trails and parks would be open to the public. Director Filardo explained that the trail and pocket park system will be dedicated to the Town. The Developer, BC Land Group, has agreed to maintain the trail system for 3 years after completion and dedication to the Town. Upon this dedication, the Town will assume the maintenance responsibilities. The proposed recreation facilities for the subdivision will remain private.

There was no action taken on this item.

- b. **WORKSESSION:** Discussion/possible action regarding a proposed new Wireless Communication Facilities Ordinance.

This item was moved before item 7.a on this agenda.

Staff presented the following report:

Staff has received inquiries from two separate wireless communication providers regarding the potential for placing a tower within the Town boundaries. For both AT & T and Verizon, a tower in Clarkdale would be one component of their plan for the Verde Valley.

Federal Regulations:

Wireless communications are regulated by the Federal Communications Commission (FCC). The Telecommunications Act of 1996 provides the framework for local government oversight of siting of personal wireless service facilities. Section 704 of the Act preserves the zoning authority of the Town allowing the Town, through its Zoning Ordinance, to adopt requirements for the siting of a wireless communication facility. The regulations require that the Town have at least one zoning district permitting placement of a wireless communication facility. The FCC regulations prohibit discrimination regarding service providers.

The Telecommunications Act also prohibits the regulation of the ‘placement, construction and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.’ In other words, the FCC is the only government body that has the authority to assign a health risk to a wireless facility.

Finally, the Act requires the Town to be timely in its response to applications.

Existing Code:

In our current Zoning Code, wireless communications facilities are not listed in any zoning district as a permitted use. This is a violation of FCC requirements to allow facilities within our boundaries.

Long Term Plan

Director Filardo has secured a grant from the Digital Arizona Council to work on development of a regional wireless communication facility plan. This would involve working with Yavapai County and the municipalities in the Verde Valley to create a plan for the best placement of facilities throughout the area, as well as adopting consistent procedures for processing applications.

Staff anticipates it will take six months or more to develop this regional plan.

Proposed Ordinance

As an immediate strategy in order to bring the Zoning Code into compliance with FCC regulations, staff is recommending the Town adopt a Wireless Facility Ordinance that includes the following components:

- Allows wireless communication facilities in the Commercial and Industrial Zoning District with a Conditional Use Permit.

- Allows a tower of greater height in the Industrial Zoning District. The existing maximum building height is 50 feet. Staff is proposing the Industrial Zoning District be split into two areas or zones. The first would include the industrial zoned property along Broadway, in Lower Clarkdale, and south of Miller Road. The maximum allowable height for a cell tower in this area would be 60 feet. For the remainder of the industrial zoned area, basically all of the property north of Miller Road, staff is proposing a maximum height of 200 feet.
- In addition, placement of wireless facilities along the SR 89A corridor could be prohibited due to the view impact of the towers. Section 3-14 of the Zoning Ordinance, the 89A Corridor Commercial Overlay District identifies this corridor as an important viewshed.
- Staff is recommending wireless communication facilities be exempt from site plan review and design review. Typically, towers are accompanied by a small equipment building. The aesthetics of the tower and accessory structures could be discussed during the Conditional Use Permit review process.
- Lighting would have to conform to the Zoning Code, unless overridden by FCC requirements. For example, towers are required to have an unshielded red light on top of the tower to warn airplanes. (*Staff Note: Some communities charge penalty fees if the red light doesn't function. Staff would like to discuss this possibility with the Commission.*)

Adopting these general guidelines into our zoning code meets federal regulations and provides a base for discussions regarding a future regional wireless facility plan.

The Commission reviewed the draft ordinance:

Section 2-1 Definitions:

Add the following language:

Wireless Communication Facilities: Structures, including towers and accessory buildings, which support through-the-air transmission of information.

Section 3 Zoning Districts

Section 3-11 Commercial (C) add the following language:

C. Conditional Uses Permitted:

Move the current language in #6: '*Any such other use determined by the Community Development Director ...*' to #8 and add the following new language:

6. Wireless Communication Facilities that meet or exceed FCC standards.
7. Accessory structures used in direct support of a Wireless Communication Facility.

Section 3-15 Industrial District (I)

C. Conditional Uses Permitted: *strike the existing language* (Not requiring a permit) *and replace with* (Use permit required)

Move the current language in #5: '*Any such other use determined by the Community Development Director ...*' to #7 and add the following new language:

5. Wireless Communication Facilities that meet or exceed FCC standards.
 - a. In zone A, to a maximum height of 60 feet
 - b. In zone B, to a maximum height of 200 feet
6. Accessory structures used in direct support of a Wireless Communication Facility.

Section 4 General Provisions

Section 4-18 Standards for Wireless Communication Facilities

Purpose: Minimize the impacts of wireless communications facilities on surrounding areas by establishing standards for location, structural integrity and compatibility while encouraging the availability of broadband wireless connectivity for residents and visitors.

Permitted zones:

Wireless communication facilities are permitted in the Commercial and Industrial Zoning Districts with a Conditional Use Permit except for properties located within the 89A Overlay District protected viewshed.

Co-location of providers is encouraged.

Towers and accessory structures shall, as much as feasible, be visually unobtrusive. Landscaping from the Town's approved plant list shall be used to screen all structures. Stealth towers may be approved through the Conditional Use Permit process.

Outdoor storage of equipment shall not be permitted at the site.

Lighting shall be fully shielded and used for security reasons only unless otherwise regulated by the Federal Communication Commission.

This section does not apply to non-commercial amateur radio antennas.

Amend Section 5-6 Conditional Use Permit

Add the following language:

14. A conditional use permit for Wireless Communication Facilities shall include:

- An accurate site plan showing the exact location of the tower and supporting facilities with dimensions for each structure and setbacks from property boundaries.
- A map of all locations owned, leased or operated by the applicant and their coverage located within 10 miles of the proposed site.
- A scaled drawing of the exterior of the proposed facility including a cross-section detail of the tower, including height from grade, number of poles and number of arms.
- An environmental assessment of the site.
- Exterior paint or finish samples.
- Letter of authorization from the property owner.
- A signed statement stating the radio frequency emissions comply with FCC standards.
- Proof of an FCC license to transmit/receive radio signals.
- A summary of any planned community outreach regarding the application.

Section 11-9 Purpose and Applicability for Site Plan Review

Amend the language in A.4 to read:

The site plan review requirement is waived for Wireless Communication facilities.

Commission Discussion:

Commissioner Olguin asked staff whether we could require co-location on towers. Director Filardo explained that she did not think so but staff would check with our attorney. Director Filardo explained that the desire to co-locate is usually driven by the cost savings of sharing the development costs for a facility.

Chair Van Wye commented that the central tower at the Phoenix Cement Plant is over 400 feet, to provide a perspective on what 200 feet would look like.

Chair Van Wye asked whether the fact that only the FCC could determine health and safety issues exempted the Town from any liability. Director Filardo replied that staff would research the answer to this question.

The Chair invited the public to provide comments on the proposed ordinance. Mr. Reg Destree, a representative of Verizon Wireless, addressed the Commission and explained that existing topography at the facility site determined the tower height and that towers placed in the industrial zoning District would need to be higher to make up for the fact the terrain is at a lower elevation. Also, new towers must be able to communicate with existing towers in order to avoid signals timing out.

Mr. Destree also explained that towers below 199 feet to not need to be lighted unless near and Airport or existing flight paths.

Commission Action:

The Commission directed staff to make modifications as discussed and schedule the proposed draft ordinance for review in public hearing.

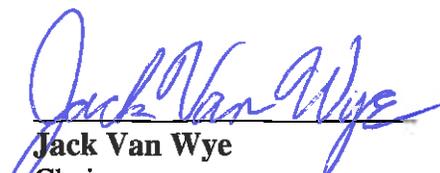
8. AGENDA ITEM: FUTURE AGENDA ITEMS:

- The Commission agreed to begin working on the Arizona Smart Growth Scorecard in May.
- Staff will schedule the Wireless Facilities Ordinance as a Public Hearing on the May agenda.
- A new Commissioner should be appointed by May.
- The Chair informed the Commission that he will be out of the area in June and July.

9. AGENDA ITEM: ADJOURNMENT: The Chair entertained a motion for adjournment. Commissioner Olguin motioned to adjourn the meeting. Commissioner de Blanc seconded the motion. The motion passed unanimously. The meeting adjourned at 5:00 p.m.

APPROVED BY:

SUBMITTED BY:


Jack Van Wye
Chairperson


Beth Escobar
Senior Planner