

**PLANNING  
COMMISSION  
JUNE 18, 2013**

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, JUNE 18, 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, June 18, 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	Excused
Commissioners	Jorge Olguin	Present
	Ida-Meri deBlanc	Present

**Staff:**

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar

**Others in Attendance:** Drake Meinke, Donna Whitmore, Cliff & Nancy Pollay, Jody Stone, and other unidentified citizens.

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 May 21, 2013. The Chair entertained a motion to accept the minutes. Commissioner de Blanc motioned to approve the Regular Meeting Minutes of May 21, 2013. Commissioner Olguin seconded the motion. The motion passed unanimously.

**5. AGENDA ITEM: REPORTS:**

Chairperson & Members Report: None

Director's Report: Director Filardo provided the following updates:

- A new process is in place regarding Council meetings. Two worksessions will be scheduled with Council on all ordinances and zoning related issues, unless Council directs staff otherwise.

- Council reviewed the proposed Wireless Communication Facilities on June 11 and this item will be scheduled for action by Council on July 9.
- Also on the July 9<sup>th</sup> Council agenda will be the Sustainable Community and Economic Development Plan.
- Staff is making preparations for the Altria Group visit in July. These volunteers will be doing site development at the Tuzi RAP and TAPCO RAP site.
- Council appointed John Erickson to the vacant Commission seat. John will join the Commission

## **6. OLD BUSINESS**

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

### **Staff Report:**

Town Council reviewed the proposed Entertainment District Ordinance in a worksession on May 14, 2013. The Council requested the district be expanded to include properties along Phoenix Cement Road. There might be a potential for redevelopment in this area once the proposed development of a road connection from Broadway to Phoenix Cement Road is complete.

Otherwise, Council was supportive of the proposed ordinance.

The term 'entertainment district' is taken from Arizona Revised State Statutes. The term 'entertainment' however has caused some concern from property owners. In reality, the proposed Clarkdale district will emphasize the history of Clarkdale, the vibrancy of the art community, and hopefully grow to include a variety of attractions for local residents and tourists.

The proposed entertainment district is an overlay district. Adoption of the district does not change the existing zoning or uses of any property. Any property in the district that is currently zoned for residential use would need to receive zone change approval prior to beginning any commercial use.

For additional consideration, the team of community leaders creating the Clarkdale Community & Economic Development Plan at their meeting on June 4, 2013 suggested the district concept be expanded into an arts and entertainment district.

### **Review**

The ordinance is crafted to accomplish three goals:

- Provide a mechanism to permit businesses serving alcohol to locate within 300 feet from schools and churches as provided in Arizona Revised Statute (ARS) 4-207. This exemption to the distance stipulation requires Council approval on a case by case basis.

- Create a destination area. Examples of other entertainment districts in the state include the 'ED', the commercial area in Prescott Valley including Tim's Toyota Center; and Copper Square in downtown Phoenix, centered on the historic site of the original settlement and the ball park. If the proposed ordinance is adopted, the Clarkdale arts and entertainment district will be integrated into all of the Town's economic development efforts. The first step would be to name the district. Staff is proposing a contest be held to engage the public in naming the district.
- Adopt design guidelines for the area to apply a consistent architectural theme for all new development within the district boundaries. These guidelines reflect the existing buildings in the Central Business District, a Planning Sub-Area per the 2012 Clarkdale General Plan. This area is rich in history and consists of several specific design elements that can be integrated into new development in the area.

Adoption of the overlay district is supported by the Tejido Study completed in the 1990s. This study identified the downtown area as a vibrant commercial center for the Town. The 2012 Clarkdale General Plan also supports creation of an arts and entertainment district. One objective of the Economic Development Element is to:

*'Assist efforts to develop the downtown as a mixed-use activity center that includes a variety of economic development choices and services.'*

Development of the arts and entertainment district is supported by the Sustainable Community & Economic Development Plan to be presented to Town Council for adoption in July 2013. This Plan includes the following strategic implementations:

Short-term Strategies – zero to 2 years:

1. Create the overlay boundaries for the arts and entertainment district.
2. Develop the marketing strategy to include naming, branding, signage, and streetscape improvements.
3. Work with the Broadway/Main Street intersection team of design location for a new district entryway.
4. Develop, support and promote destination events throughout the Town to increase attractions for people, residents, and tourists to come to Clarkdale.

Notifications of the June 18, 2013 public hearing were sent to 134 property owners within the proposed district and within 300 feet of the district boundaries.

Staff has received an email from Andrew Dall, Operations Manager for the Clarkdale Metals Corp, requesting their property be left out of the district. The following was read into the record:

'The primary focus of Clarkdale Minerals/Clarkdale Metals is the recycling/recovery of metal containing slags, a smelted byproduct of ores, previously extracted from the mines in Jerome. A portion of the proposed Entertainment District encompasses our planned Industrial metals recovery area. Based on current plans, we respectfully request Assessor Parcel Numbers, 400-

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01-007F, 400-02-004H, and 400-06-003A be excluded from inclusion into the Entertainment District as currently designated.'

In summary, the Arts & Entertainment district is seen as a tool to assist in revitalizing the downtown Clarkdale area and therefore increase sales tax collection. As residents of Clarkdale, staff and the Commission recognize the importance of preserving our small town character.

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

Mr. Drake Meinke of Clarkdale informed the Commission that he fully supported the Entertainment District Proposal. The Town has 386 buildings on the National Historic Register. Clarkdale is the third largest historic district in the state behind Phoenix and Tucson. The unique art and architecture of the district was cited in the findings of the National Park Service when historic district was recognized.

Ms. Donna Whitmore of Clarkdale spoke in opposition of including private residences within the boundaries of the proposed district. Ms. Whitmore presented a list of issues of concerns to the Commission.

Donna Whitmore, Resident, 22 N. 10<sup>th</sup> St., Clarkdale, AZ  
Comments on the proposed Arts and Entertainment District  
Clarkdale Planning and Zoning Commission Meeting, June 18, 2013, 4:00pm

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Good afternoon. I'm Donna Whitmore; I live at 22 N. 10th Street. My comments regarding the proposed district come from a residential owner-occupant point of view. I am requesting that you exclude the residences from the district for the following reasons:

**HEALTH & SAFETY**

I am concerned that these older homes present such a challenge in bringing them up to commercial code that the Town may choose to relax or waive important safety or health standards.

**HOURS OF OPERATION**

Permissible hours of operation are not addressed in the ordinance. I believe any business serving wine or alcohol should be restricted to a Main Street location, away from private homes.

**PARKING**

Parking is a big issue. Converting backyards to parking lots is not acceptable. Home occupants will lose their backyard privacy. Allowing business patrons to park in front of adjoining homes encroaches on the occupants' parking rights and is also not acceptable.

**ENVIRONMENT**

Noise, dust and litter will increase and will degrade property values and present health and environmental issues.

**PEACE & QUIET**

The ordinance gives no consideration to the right of home occupants to the peaceful, quiet enjoyment of their own homes.

**UTILITIES**

Water and sewer lines are already stressed by existing connections and are of serious concern. A study of the electric grid should be done to determine if it will adequately meet the needs of the anticipated new businesses.

**INFRASTRUCTURE**

The pavement on Tenth Street north of Main is crumbling, and can't handle increased use.

**BUSINESS TRAFFIC**

Noise, dust and traffic will increase with additional trucks servicing the businesses, and put further stress on streets and alleys. Right now, the town ordinance regulating delivery and service hours is not observed and this condition will get worse.

**LIGHTING & SIGNAGE**

Outdoor lighting and location of signage at a business may be problematic for nearby home occupants.

**NEIGHBORHOOD CHARACTER**

Most businesses require additional areas for storage, holding, trash receptacles and unloading. These change the character of a neighborhood and should be kept at the rear of the business to minimize their impact.

**MUSIC**

Music is not addressed in the ordinance but is often part of an entertainment business. No music should be allowed that can be heard outside of the business or is an annoyance to neighbors.

**ENFORCEMENT**

Ordinance enforcement in Clarksdale is often on the back burner. However, this proposed ordinance will require diligent monitoring and enforcement by the Town to ensure residents of upper Clarksdale are protected from potential negative impact.

**HISTORIC HOMES**

If not used for generating income, historic residences are eligible for a tax exemption. By encouraging conversion of historic homes to commercial or business use, the ordinance will remove the financial incentive for owners to maintain the historic character of their homes.

**EXCLUSION FROM PLANNING**

Area business owners were consulted about this proposed ordinance throughout 2012 and had input into the planning. No residential property owners were included in the discussion, putting us at a great disadvantage. We should have been included because of our close proximity to the business district and its effect on our quality of life.

Please consider the exclusion of all homes from the Arts and Entertainment District. They hold much of the charm and character of Clarksdale and are what visitors to Clarksdale are surprised and delighted to see. That's why I have spent countless hours and dollars preserving and restoring my home. I understand and appreciate Clarksdale's need for additional revenue, but I do not want to live in Old Town Cottonwood!

I am providing a copy of these remarks for your records.  
Thank you for your consideration.

Ms. Sarah Irani of Clarkdale informed the Commission she was excited to hear of things happening in the downtown area, however, she had some concerns about balancing appropriate uses, and believes an emphasis on arts and culture is more appropriate than an emphasis on bars.

**Close Public Hearing:** With no additional members of the audience wanting to speak, the Chairperson closed the Public Hearing.

**Commission Discussion:**

All members of the Commission stressed their appreciation for the participation of the residents of the area.

The Commission agreed that balancing uses in the proposed district is important. Commission Olguin stated that the purpose of the proposed district is not to change the small town we all enjoy, but to promote the amenities of the area.

Staff explained that any property that requests a zone change from current permitted uses would be subject to stringent review regarding the impact of this rezoning by staff, the Commission and Town Council. Stipulations could be applied that minimize the impact of the rezoning.

Staff also pointed out the properties with existing Commercial, Central Business or Industrial Zoning have a wide range of permitted uses, including bars and restaurants. The only difference with the proposed district is the allowance to request from Council the waiver of the 300 foot distance requirement. This waiver would be through the public process, and adjoin property owners would be notified of the proposal.

Chair Van Wye had specific questions regarding the impact of new businesses on the Town's existing infrastructure, specifically utilities. Staff explained that businesses are responsible for any necessary upgrades to the water and wastewater systems that connect into the Town's main lines.

Commissioner de Blanc asked why the businesses in the Industrial Area were requesting not to be included in the proposed district boundaries. Staff stated these owners did not see a connection to the purpose of the proposed district and may have concerns about the proposed design guidelines.

**Commission Action:** The Commission directed staff to specifically address each of Ms. Whitmore's concerns and present findings and solutions at the next Commission meeting.

## **7. NEW BUSINESS**

**AGENDA ITEM: PUBLIC HEARING:** A zone change request for an approximately 11.25 acre portion of Verde Valley Ranch, Assessor's Parcel Number 400-07-001B, to change the zoning from PAD (Planned Area Development) to C (Commercial). The acreage proposed to be rezoned is located northwest of the intersection of Sycamore Canyon Road and Tuzigoot Road.

**Staff Report:**

**Background:**

Verde Valley Ranch is a mixed-use master-planned community development approved by Clarkdale Town Council in 1991. The project originally involved approximately 978 acres owned by Phelps Dodge Corporation and included property adjacent to the northeast corner of the Town of Clarkdale boundaries. The original development included 1210 residential units, 15 commercial acres and 210 acres of open space. In 1991, approximately 300 acres owned by Phelps Dodge were annexed by the Town, per the Development Agreement signed between the Town and Phelps Dodge. Subsequent proposed annexations involving parcels north of the current Town boundary have never occurred.

The approved Planned Area Development (PAD) has gone through two revisions, once in 1998 and once in 2004. These revisions were handled through amendments to the Development Agreement

The project currently consists of the following parcels within Town boundaries:

Parcel Number	Acreage
400-01-006A	213.36
400-01-043	227.27
400-07-001B	363.15
400-02-003F	101.94
400-02-007	28.05
400-06-011	11.00
<b>TOTAL:</b>	<b>944.77</b>

The zone change approval for the original PAD was determined to be vested upon recording of the first Development Agreement ON January 24, 1991. The original Development Agreement did not include any obligation for the developer to begin the project by a specific time period.

In 1996, an approximately 17.79 acre portion of the original Master Plan was given to the Archaeological Conservancy and is now APN 400-02-003E. This portion of the Verde Valley Ranch was designated 'OS' open space prior to the transfer of ownership.

A revised 2004 agreement, the 'Restated Development Agreement' supersedes the original agreement in its entirety. No deadlines for beginning the project were included in this agreement; therefore the zoning continues to be fully vested. The 2004 agreement amended the approved Master Plan by reducing the number of residential units to 900.

In 2004, Phelps Dodge transferred a portion of the property within the Verde Valley Ranch to Arizona State Parks. This parcel, Assessor's Parcel Number 400-07-001A, is approximately 10 acres. In the Master Plan it is designated as 'GG', retail use and 'FF' Open Space. This parcel is the proposed location of the Town's Tuzigoot River Access Point, Tuzi RAP, a project partially funded through a Heritage Grant. The transfer of ownership removed the parcel from the Verde Valley Ranch project and suspended the PAD zoning. Arizona State Parks is exempt from the zoning regulations of the Town of Clarkdale. If at any point in the future, the property

were to transfer to a private owner, the underlying zoning of the property would need to be determined.

In March of 2007 Phelps Dodge was acquired by Freeport McMoRan Inc., an international mining company with headquarters in Phoenix, Arizona. As a result of this acquisition, Freeport McMoRan became the owner of the Verde Valley Ranch property.

In 2010, a 'First Amendment to Restated Development Agreement' was recorded. This document removed approximately five acres of property from the master plan. This is the property where the Clark Mansion was located. Freeport McMoRan had planned to swap this parcel with Verde Exploration, in exchange for another property in Jerome the two companies had previously exchanged. Verde Exploration was interested in promoting the development of a commercial use within the Clark House. With the destruction of the Clark House in a fire, the proposed land exchange dissolved and the property was never split off into a separate parcel.

**Land Use:**

The master plan for Verde Valley Ranch includes the following land uses:

Verde Valley Ranch	Original PAD	Current	With Approval of Zone Change
Land Use	Acreage	Acreage	
Clark House	1.4	1.4	
Club House	7.7	7.7	
Commercial	4.5	4.5	
Golf Course	198.1	198.1	
Hotel	7.2	7.2	
Lake	98.3	98.3	
Open Space	255	237.2	
Public Facility	1	1	
Residential	346.4	346.4	
Retail	11.3	9.2	
Wastewater & Water Infrastructure	1.1	1.1	
Street Right of Way	27.3	27.3	
<b>TOTAL</b>	<b>959.3</b>	<b>939.4</b>	

Verde Valley Ranch is proposed to include 900 single-family homes, at a density of 2.5 dwelling units per acre. The preservation of Pecks Lake was included in the original Master Plan. A public facility is proposed on a one-acre portion of the project, and a hotel is proposed on a 7.2 acre portion of the property. The project is designed to include private roads and a water and wastewater system.

Access to the Verde Valley Ranch is from Sycamore Canyon Road, a 60-foot wide easement maintained by the Town per an agreement recorded in 1998.

The net impact to the Verde Valley Master Plan of the previous parcel transfers includes an overall reduction of size by 27.8 acres.

**Previous Rezoning of Clark Mansion parcel:**

In April of 2010 the Town Council, upon recommendation by the Planning Commission, approved a rezoning of an approximately 5-acre parcel where the Clark House was located. The plan was for Freeport McMoRan to transfer this 5-acre parcel to Verde Exploration, to honor an obligation incurred when Freeport McMoRan conducted a remediation project at the Jerome mine site. In order to complete the remediation project Freeport McMoRan needed to acquire a portion of a property adjacent to the Jerome mine site owned by Verde Exploration. The property where the Clark House was located was rezoned, per Council action, to Commercial.

This proposed land exchange dissolved subsequent to the Clark House being destroyed by fire. Staff will be requesting the Town Council to vacate this previously approved rezoning.

The Minor Land Division to carve out this 5-acre process was never recorded.

**Current Application:**

**Land Division:**

Freeport McMoRan has applied for a Minor Land Division to divide approximately 11.25 acres from APN 400-07-001B, a portion of the Verde Valley Ranch project, creating a separate parcel. Per Section 12-6-1 of the Subdivision Regulations, a Minor Land Division provides for the division of land into no more than three parcels. This would be the second division of this particular parcel. The transfer of one portion of this parcel occurred when ownership of parcel 'GG' was transferred to Arizona State Parks in 2004.

The current request therefore qualifies as a Minor Land Division.

Minor Land Division applications are approved by the Director of Community Development. Staff has reviewed this application and determined it complies with the zoning requirements for a Commercial District and qualifies for approval.

**Rezone Request:**

Freeport McMoRan is requesting to rezone the new, approximately 11.5 acre parcel created by the Minor Land Division, from the current zoning, Planned Area Development, to Commercial. The proposal is to transfer this property to Verde Exploration as part of the previously structured land exchange. At this time there are no immediate plans to develop the property.

The original approved Land Use Summary for Verde Valley Ranch indicates the property proposed to be split off from the project is approved for a commercial land use and a residential land use. Removal of the subject property, and approval of rezoning of the approximately 11.5 acres to commercial, will reduce the total commercial acreage in Verde Valley Ranch by 4.5 acres and the residential acreage by 7 acres.

An existing 20-foot wide permanent sewer easement and a 70-foot wide temporary construction easement traverse the proposed parcel from west to east. This easement has been recorded in anticipation of future development of the Verde Valley Ranch property.

Staff has requested the land survey for the lot split include a non-vehicular access easement (NVAE) along the south boundary adjacent to Tuzigoot Road. This would prohibit any driveway access from Tuzigoot Road and require the access into any future commercial development be from Sycamore Canyon Road. This avoids any turning conflicts with traffic along Tuzigoot Road, especially the proposed entrances for the Tuzi RAP project. The NVAE becomes part of the public record entailed to this property upon recording of the survey provided for the Minor Land Division.

Future development along Sycamore Canyon Road in this area would have to coordinate with the proposed access to the subject property.

**Commercial Zoning:**

The regulations for Commercial Zoning are included with this report. A variety of uses are allowed in a Commercial Zoning District. There is no lot coverage maximum in the Commercial Zoning District, and setbacks of 30 foot in the front, 20 foot in the rear, and zero side setbacks.

**General Plan**

This property is designated as PAD, Planned Area Development, in the 2012 Clarkdale General Plan. Per Section 6-2-A-1 of the Zoning Code, a PAD is intended to:

‘Provide for various types and combinations of land uses (such as commercial centers, single and multi-family housing, industrial complexes, and public spaces) through the adoption of preliminary and final development plans’

Amending the zoning for this property from PAD to Commercial conforms to the General Plan since this is a type of land use included in Planned Area Developments. The threshold for a General Plan Amendment is not triggered by this application.

**Community Benefits**

Freeport McMoRan has agreed to include a 24-foot wide pedestrian/vehicle ingress/egress access across the property. Currently, this access is proposed to follow the existing dirt pathway across the property; however, the easement dedication is designed to be flexible to allow the location of the easement to be adjusted, if necessary, when the property develops. This easement would provide access for pedestrians and vehicles from Sycamore Canyon Road to the adjacent property owned by the Town abutting the Verde River. With the 60-foot width of Sycamore Canyon Road there is room for parallel parking in front of the property.

In addition, staff is negotiating with Freeport McMoRan for access across property upstream from the Town of Clarkdale northern boundary. The Town plans to develop a river access point here at this property.

The location of the subject property could accommodate a well-designed commercial project. Tuzigoot Road is well traveled with vehicles going to the National Monument.

A Design Review and Site Plan Review application would be required for any commercial development on this property. A traffic study would be a required component of this review.

**Water and Wastewater Connections**

Currently, this property is not served by the Clarkdale Water or Wastewater Utility.

Staff is recommending a stipulation be included in the zone change approval requiring the developer of the subject property to connect to the Town's water and wastewater system and participate in the funding of the construction required to complete this connection.

**Surrounding Land Uses**

The approximately 900-acre Verde Valley Ranch development is bordered on the west and south by the Verde River. The eastern boundary of the project is the dividing line between Clarkdale and the City of Cottonwood. North of the project, and outside of Town boundaries, is approximately 360 acres of undeveloped land also owned by Freeport McMoRan. There are no active land uses in this area.

Tuzigoot National Monument is just past the eastern boundary of the project.

The Town is developing the Tuzigoot River Access Point on the property previously transferred to Arizona State Parks and directly across from the subject property of this application.

**Amendment to the Planned Area Development**

The minor land division and zone change request has been determined by the Community Development Director to qualify as a Major Amendment to the Planned Area Development approval, per Section 6-2-B-6 of the Zoning Code. The applicant shall be required to submit an amended Land Use Plan to be approved by the Planning Commission and Town Council. This amended Land Use Plan must show the new boundaries of the project, including the removal of the properties transferred to Arizona State Parks, and a new Land Use Summary table.

**Summary**

The proposed Minor Land Division would result in a reduction of approximately 11.5 acres from the Verde Valley Ranch Land Use Plan. The requested rezone would result in an increase of approximately 7 acres of commercial zoning within the Town, an increase of two percent of all of the commercial property within the Town.

The subject property, located at the intersection of two improved streets, is appropriate for a commercial land use.

The applicant is providing an access across their property to the Town of Clarkdale property to the west, thus providing public access to the Verde River.

In addition, Freeport McMoRan has entered into a lease with the Town allowing development of public access to the Verde River approximately 4 miles north of the Tuzi RAP site.

In general, staff would not recommend approval of 'spot' zoning, a zoning change not related to any future development plan or surrounding land use. However, in staff's opinion, this is a unique situation based on the following:

- 4.5 acres of the subject property was already dedicated for commercial use as part of the Verde Valley Ranch project.
- Since there is no development in this area, rezoning of the subject property to Commercial is not in conflict with any existing uses. The Verde Valley Ranch is a mixed-use development and commercial uses have previously been approved in this area as part of the original project.
- A public benefit is being provided through the pedestrian/vehicular access across the subject property allowing access to the Verde River.
- The Zoning Code does not specifically prohibit 'spot' zoning, and the application from Freeport McMoRan has complied with all of the necessary requirements for a zone change application.

Staff informed the Commission that the application had been distributed to Yavapai County, the City of Cottonwood and the Clarkdale Fire District for review. The Fire Chief submitted written comments regarding concerns about development in this area, specifically the water service needed to support required fire suppression systems. These concerns would need to be addressed prior to any development in this area.

After the Commission review, the application will need to move forward to Town Council in a public hearing. If the zone change request is approved, staff will work with Freeport McMoRan to bring forward an amendment to the PAD that reflect current land use.

**Recommendation:**

Per Section 13-2-F of the Zoning Code, the Planning Commission shall make a recommendation to Town Council regarding the rezoning application. Staff is requesting the Planning Commission consider approving the requested zone change with the following stipulations:

1. Development on the new, approximately 11.5 acre parcel created by Minor Land Division #090606, will be required to connect to the Town's Water and Wastewater Systems, and upon negotiation with the Town fund all or a portion of the cost to construct this connection.
2. Further subdivision of this approximately 11.5 acres shall be subject to the rules and regulations of Chapter 12-Subdivisions of the Town Zoning Code.
3. Freeport McMoRan agrees to revise the existing Development Agreement to reflect the return of the 5-acre Clark Mansion parcel to the Verde Valley Ranch project and the removal of the 11.5 acre subject property from the parcel.

4. Freeport McMoRan agrees to revegetate, with native trees and shrubs from the Town's approved plant list, Parcel 'FF' of the project, transferred to Arizona State Parks in 2004, per the original zoning stipulations included in the Restated Development Agreement recorded in February 25, 2004. This re-vegetation will be coordinated with the Town's Tuzigoot River Access Project.

Staff informed the Commission that after further investigation and discussion, stipulation #4 was not appropriate. This portion of the Verde Valley Ranch Master Plan was legally transferred to Arizona State Parks through an approved lot line adjustment, thus vacating the portion of the 2004 Development Agreement. Staff is therefore removing these recommended stipulations.

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

Jody Stone, of Camp Verde, surveyor for the applicant, summarized the application for the Commission. Mr. Stone explained the goal to prepare an appropriate sized property to trade to Verde Exploration to balance a debt of land owed. This had been the impetus behind the proposed rezoning of the Clark Mansion parcel. Mr. Stone stated that everyone is happy with this solution.

**Close Public Hearing:** With no other members of the audience wishing to speak, the Chairperson closed the Public Hearing.

**Commission Discussion:**

Commissioner de Blanc asked for an explanation of an anomaly on the aerial map included in the packet. Staff explained these were some old out buildings from the previous use of the property.

Chair Van Wye asked about maintenance of the proposed easement and liability exposure. Staff explained this will be determined by Council, but is assumed that the Town will accept the maintenance and liability responsibilities for any property being promoted as public access. Staff anticipates fees for use of the new recreation areas along the Verde River would help ameliorate some of these maintenance costs.

Chair Van Wye asked about the wastewater and water connections. Staff explained these would have to be fully engineered and permitted. Perhaps the utilities could be brought across the river and hidden in a pedestrian bridge.

**Commission Action:**

Commissioner de Blanc motioned to recommend to Town Council approval of the proposed zone change. Commissioner Olguin seconded the motion. The motion passed unanimously.

**AGENDA ITEM: WORKSESSION:** Discussion regarding the Arizona Smart Growth Scorecard and its application to the Town, specifically in relationship to the 2006 Verde Valley Regional Land Use Plan.

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The Chair called for a recess at 5:20 so the Commission could review the related material. The meeting resumed at 5:25.

Chair Van Wye shared with the Commission the idea of appealing to thru hikers, such as the Great Western Trail, where revenue is generated by renting cache spaces. He also stated he likes the idea of a 'menu' of implementation items as presented in the Regional Land Use Plan.

The Commission discussed the importance of communication through all levels and the critical need to ensure everyone was not working at cross purposes.

Director Filardo stated she will investigate the possibility of sharing the Town Manager's report with the Commission.

The Commission requested more time to review the Verde Valley Regional Land Use plan. This item was continued until the next meeting.

**8. AGENDA ITEM: FUTURE AGENDA ITEMS:**

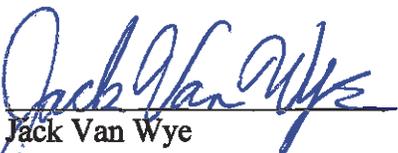
Chair Van Wye will be on vacation in July and will not be able to attend the July meeting.

- a. The continued public hearing for the proposed Art & Entertainment District will be scheduled for the next Commission meeting.
- b. The continuing review of the Verde Valley Regional Land Use Plan will be scheduled for August when all members of the Commission are expected to be present.

**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 5:35 p.m.

APPROVED BY:

SUBMITTED BY:

  
Jack Van Wye  
Chairperson

  
Beth Escobar  
Senior Planner