

**NOTICE OF A REGULAR MEETING
OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE**

In accordance with Resolution #215 of the Town of Clarkdale, and Section 38-431.02, Arizona Revised Statutes,

NOTICE IS HEREBY GIVEN that the Planning Commission of the Town of Clarkdale will hold a REGULAR Meeting Tuesday, August 20, 2013 at 4:00 p.m., in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

All members of the public are invited to attend.

The undersigned hereby certifies that a copy of this notice was duly posted on the Town Hall bulletin board, located at 890 Main Street, Clarkdale, Arizona on the 12th day of August 2013 at 9:00 a.m.

Dated this 12th day of August 2013 by:

Vicki McReynolds

Vicki McReynolds
Administrative Assistant II

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR DISCUSSION AND POSSIBLE ACTION, UNLESS OTHERWISE NOTED.

1. CALL TO ORDER:

2. ROLL CALL:

3. 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 comments to **FIVE MINUTES**.

4. MINUTES: Consideration of the **Regular Meeting Minutes of June 18, 2013.**

5. REPORTS:

- a. Chairperson and Members Report
- b. Director's Report

6. OLD BUSINESS

- a. **PUBLIC HEARING:** An Ordinance adding Section 3-17: Arts & 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**
- **Open Public Hearing**
- **Invite Public to Speak**
 - (Public is asked to state their name). There is a time limit for comments.
- **Close Public Hearing**
- **Commission Discussion**
- **Commission Action**

- b. **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.

7. FUTURE AGENDA ITEMS:

8. ADJOURNMENT:

Reasonable accommodations may be requested by contacting Town Hall at (928)-634-9591, (TTY: 1-800-367-8939) at least 72 hours in advance of the meeting.

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 9th 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

- a. 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 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-

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. 10th St., Clarkdale, AZ
Comments on the proposed Arts and Entertainment District
Clarkdale Planning and Zoning Commission Meeting, June 18, 2013, 4:00pm

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 Clarkdale is often on the back burner. However, this proposed ordinance will require diligent monitoring and enforcement by the Town to ensure residents of upper Clarkdale 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 Clarkdale and are what visitors to Clarkdale 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 Clarkdale'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 |
| TOTAL: | 944.77 |

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 | |
| | | | |
| TOTAL | 959.3 | 939.4 | |

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.

s 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 it 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.

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:

Commissioner 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



Director's Report

Agenda Item: Department Update
Community Development Department

Staff Contact: Jodie Filardo

Meeting Date: August 20, 2013

1. **Mountain Gate Subdivision:** Work began on August 5 on the required improvements to Tract T of this subdivision. This is the 0.07-acre tract of land located at the boundary of Mountain Gate and Centerville subdivisions. Tract T will be improved with an asphalt surface and concrete curbing and be incorporated into the existing road surface of Centerville Road. This will widen the turn where Centerville Road meets Avenida Macias to improve the access for both subdivisions, but specifically, to provide a second ingress/egress for the Centerville subdivision. Eventually this connection will be further improved as Centerville Road is connected to the round-about at SR 89A. BC Land Group, the new owner of Mountain Gate, is responsible for completing this work. The entire road system will eventually be dedicated to the Town.
2. **Crossroads at Mingus:** As-builts for the four infrastructure components; drainage system, water & wastewater, trails and street systems, have been submitted to the Town per Section 14.2 of the original development agreement. Town staff has 30 business days to review these plans and respond to the developer. If the plans are determined to be correct, the infrastructure components will be scheduled for acceptance by Town Council. If there are deficiencies needing to be corrected, notice will be sent to the developer. Yavapai County is also reviewing the as-builts for the water and wastewater system in preparation of issuing an approval to operate. Once this is issued by the County, and the water & wastewater components have been dedicated to the Town, operation of the systems may begin.
3. **Agricultural Uses:** After two worksessions with Town Council regarding the proposed Agricultural Uses Ordinance, staff withdrew this draft from consideration at the July 9th Council meeting. There was no consensus among the Council regarding the requirements for this proposed regulation. In addition, the Council expressed concerns about the impact of agricultural uses on the available water resource. Staff will reexamine this proposed ordinance after the findings of the Water Resource Management Program are completed, and perhaps bring a modified ordinance back through the process.
4. **Economic Development:** Several staff members will be attending the Arizona League of Cities and Towns annual conference from August 27-30. Guss Espolt,



Director's Report

Planner II, has prepared stand-up banners for this event. The banners will also be used for the AAA Travel Show in November, our first ever foray into tourism outreach. The forum will be held at the Phoenix Convention Center.

5. **Sustainable Clarkdale:** The Altria Group of volunteers came to Clarkdale in July and completed work at both our Tuzigoot and TAPCO River Access Points. With sixteen volunteers, and an accompanying security team, hospitality crew, film crew plus a generous helping of Town of Clarkdale staff and the mayor, two upgraded boat launch facilities were created with new seating areas along the river's edge. In addition, the ADA pathway, previously only an aggregate path built by the Vetraplex team and our crew as part of the Heritage Grant previously received was completed with a Portland cement topping to stabilize the path. With trail grooming at both locations, it was amazing to see the progress made by this dedicated band of volunteers and by the Public Works Team led by Director Wayne Debrosky. With support from the CDD team in building all the plans, ordering materials, creating and fabricating the signs, and the tracking of the expenses, this portion of the project has been successfully completed.

6. **Freeport McMoRan Zone Change Request:** Town Council conducted a worksession on July 9th to review this zone change application. Some members of the Council had concerns about the variety of permitted uses in the Commercial Zoning District, specifically the allowance for auto sales. Council directed staff to contact the applicant regarding zoning the property to Neighborhood Commercial as an option. Staff has begun those discussions with Freeport.

2013 League Annual Conference
in
August 27 - 30, 2013
Retractable Banners

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How Flexible Parking Requirements Spur Economic Development Reprinted from LA.Streets.Blog.org

It's hard to imagine today, but Santa Monica's commercial areas – now home to Silicon Beach, tourism and bustling retail – were sleepy, underperforming and shabby just a few decades ago. In an effort to revive its commercial heart in particular, the city approved millions in funding for municipal parking structures in the heart of downtown. These garages still stand today on streets parallel to the Third Street Promenade.

City leaders hoped that this would create a convenient means for potential patrons to reach the Promenade, allowing them to park once and do all their subsequent shopping, dining and recreating on foot, thus keeping the streets clear of excessive car trips. More easy parking seemed like the obvious fix, but those garages alone weren't enough to generate the commercial transformation Santa Monica sought.

What Santa Monica needed – and eventually got – was a different kind of parking change. The critical policy was to create a by-right process allowing developers to build, and businesses to operate, with less on-site parking. It was a dramatic break from what is typical of virtually every city in America: require every business to provide abundant on-site parking, free of charge to all its patrons, regardless of whether or not the business deems it necessary.

This new policy would ultimately allow small-scale developers and entrepreneurs to find and implement the most successful uses for those properties without having to worry about whether meeting the expensive minimum parking requirements was practical or cost-effective.

That was the change that would ultimately lead to a vibrant commercial district generating significantly more revenue for schools, libraries, transit and other municipal services.

Santa Monica's Parking Innovation

In 1986 the Santa Monica City Council approved a business assessment district to fund improvements for the Promenade area. Part of that program included this critical piece: it gave developers the ability to opt out of providing the required on-site parking by paying an annual fee of \$1.50 per square foot of floor area added for which there was no parking provided. (In other words, if you provided all the typically-required parking, you paid no fee.)

Further, it allowed changes in a given building's land use – say, from a nail salon to a restaurant – without triggering the typical increase in parking requirement from one parking space per 300 square feet to one per 75 square feet. If that business is in an older building that takes up most of the parcel, there's usually no feasible way to adaptively reuse that building as a restaurant – or any other business that has a higher parking requirement than whatever occupies the space presently.

Indeed, much of downtown Santa Monica's building stock predates parking requirements. So many of its charming and historic buildings take up all or nearly all of the parcel. No room to add parking! If the law requires you to add parking to change a land use to a more productive use, and there's nowhere to add parking, you either have to tear down the building and build strip style parking or underground parking. And the latter is often infeasible for financial and geometric reasons.

So what we saw in downtown Santa Monica pre-1986 is what we see across many commercial districts with small plots of land: storefronts filled with business just eking it out, not because no one would invest there, but because parking requirements make it essential impossible to invest there without getting a costly and politically perilous variance.

Downtown Santa Monica today, as we know, has thriving pedestrian-friendly retail streets filled with successful restaurants and shops. The question that I wanted to answer in my capstone project was: To what extent was 1986's flexible parking option responsible?

How We Measured the Impact of Parking Requirements

To determine the impact of the making parking requirements more flexible in downtown Santa Monica, I evaluated what was happening along one of the boundaries of the parking district, where on one side you had the flexible parking program and on the other side you had the standard parking requirements still in place.

It turned out that Wilshire Boulevard, that iconic Southland Street, was one of those boundary lines. The north side of Wilshire between 2nd Street and 4th Court was a commercial stretch with the standard parking requirements, and the south side was likewise zoned for commercial uses, but with the flexible parking requirements. Thus, comparing the two sides should reveal the impact of the parking requirements.



The parcels highlighted red had standard parking requirements and the parcels in green had the flexible parking requirements.

To compare the two sides, I measured a series of variables relating to city finances, parking and urban form. The findings were dramatic.

What We Found

The properties in the flexible parking requirement area generated **eight times more sales tax revenue per parcel square foot** than the properties in the standard parking requirement area. Not only that, the businesses on those parcels generated all that sales tax revenue with a fraction of the onsite parking. Parcels in the flexible requirement area had an average of 4.4 spaces per parcel, while the parcels in the standard-requirement side averaged over a hundred spaces per parcel.

| Variable | Standard-Requirement Side | Flexible-Requirement Side |
|---|---------------------------|---------------------------|
| Number of Restaurants | 1 (Small café) | 6 |
| Total Santa Monica Sales Tax Revenue Per Year (2011-12 Two-Year Average) | \$97,245 | \$447,305 |
| Sales Tax Revenue Per Square Foot of Building Area (2011-12 Two-Year Average) | \$0.22 | \$2.19 |
| Sales Tax Revenue Per Square Foot of Parcel Area (2011-12 Two-Year Average) | \$0.52 | \$3.98 |
| Sales Tax Revenue Per Front Foot (2011-12 Two-Year Average) | \$47 | \$298 |

All that extra parking space meant that an estimated 340,000 square feet of prime Santa Monica real estate – blocks from the palm tree-lined bluffs – was dedicated to meeting standard parking requirements. That total represents about 75% of the square footage of the actual leasable space in those buildings.

| Variable | Standard-Requirement Side | Flexible-Requirement Side |
|--|---------------------------|---------------------------|
| Count of Parcels with On-Site Parking | 5 | 2 |
| Average Parking Spaces Per Parcel | 126 | 4.4 |
| Median Parking Spaces Per Parcel | 16 | 0 |
| Spaces Per 1,000 Square Feet of Building Area | 2.3 | 0.25 |
| Estimated Square Feet of Parking Area (300 Square Feet/Space) | 339,300 | 15,900 |
| Estimated Square Feet of Parking Area As a % of Square Foot of Building Area (300 Sq Ft/Space) | 75.5% | 7.8% |
| Number of Sidewalk Driveway Ramp Curb Cuts | 5 | 1 |
| Linear Feet of Automobile Facilities Along Sidewalks | 270 | 30 |
| Linear Feet of Retail, Restaurants and Shops | 640 | 1,200 |
| Percent of Frontage that is Retail, Restaurants and Shops | 31% | 80% |

But the impact of parking requirements isn't limited to just city finances and floor area. It affects the built environment and the street-level pedestrian experience – especially important in an important commercial district.

So I measured the amount of linear street front that was filled with by ground-floor shops and how much was taken up by parking infrastructure like surface parking lots, driveways and garages. On the flexible-requirement side, 80% of the street front was taken up retail, restaurants and shops – all those things that make a shopping district interesting to walk around. In contrast, the standard-requirements side had only 30% of its linear street frontage dedicated to retail. Contributing to this stark difference is the fact that the standard-requirement side had ten times more street front dedicated to parking infrastructure than the flexible-requirement side.

Particularly revealing was the fact that there were six restaurants on the flexible-requirement side versus only one – a small café that was about the change locations – on the standard parking side. Why does that matter? Restaurants typically have among the highest parking requirements because of their high customer turnover, so they serve as a good “indicator species” for whether a higher parking requirement is precluding certain business. In Santa Monica’s case, an array of successful restaurants in the flexible-requirement study area – i.e. T’s Thai, California Pizza Kitchen, P.F. Chang’s and Hillstone – also generate a lot of sales tax revenue and employ a lot of people.

Conclusions, Implications and Recommendations for the City of Los Angeles

So, one side of Wilshire Boulevard has lots of thriving businesses, less on-site parking and a more pleasant pedestrian environment. The other side has fewer businesses and more parking, including surfacing parking lots two blocks from the Ocean. It’s easy to imagine that an entrepreneur could find a more valuable use of that land if they had the flexibility to develop that lot, which they currently do not. Since the City of L.A. was the client for my “client project,” I wanted to be able to answer the question: What can L.A. learn from this? What neighborhoods would benefit from more flexible parking requirements?

An obvious candidate for this type of intervention would be Westwood Village, a similarly once-thriving commercial district with older building stock where onerous parking requirements help keep storefronts vacant today.

Additionally, many of Los Angeles’ commercial boulevards are lined with older, pedestrian friendly storefronts. As Mott Smith showed, these buildings cannot be re-purposed without providing the now-required parking or seeking a costly, risky variance; providing that parking in a cost-effective manner often means turning older, pedestrian-friendly shops into strip mall or drive-through Taco Bell type establishments.

Los Angeles could implement an ordinance that allows the adaptive reuse of existing buildings — without having to meet outdated parking requirements — on boulevard commercial stretches. This could be modeled after the adaptive reuse ordinance that has helped transform downtown L.A. into a more livable, prosperous community. After all, almost all of Los Angeles’s great commercial boulevards – Wilshire, Van Nuys, Pico, Vermont, Crenshaw, etc. – are served by frequent bus or rail service and are surrounded by fairly dense walkable neighborhoods.

These are exactly the areas where we don’t need to require every business to operate as if every patron will drive alone in a car. On the contrary, we should be encouraging trips by foot, bike and transit in these neighborhoods. In fact, our decades-old parking requirements have encouraged driving and traffic, and they have degraded the pedestrian environment.



Staff Report

Agenda Item: **PUBLIC HEARING:** (Continuation) 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 Contact: Beth Escobar

Meeting Date: August 20, 2013

Presented to: Planning Commission

Background:

The Planning Commission held a public hearing on June 18, 2013 to review the proposed ordinance creating an Arts and Entertainment District.

The Commission received written comments from a property owner on Tenth Street expressing concerns about the potential impact of the proposed District. The Commission directed staff to address these comments at the next meeting.

General points to review:

- The proposal is for an overlay district. This does not change the existing zoning for any of the properties within the District.
- There are nineteen private residences within the proposed district boundaries.
- These properties were first identified in the Tejido Study completed in the 1990's as possible candidates for conversion because of their proximity to the Central Business District.
- Home occupations and Bed & Breakfast establishments are already permitted uses in residential zones.
- Any property currently zoned residential would need to receive zone change approval prior to converting to a commercial use. During the application period, issues such as available parking, health and safety concerns, noise and impact to the neighbors would be reviewed. Zone change approval would be based on the applicant's ability to mitigate negative impacts to the neighbors.

Specific responses Ms. Whitmore's comments:

- Health & Safety
 - 'the Town may choose to relax or waive important safety or health standards'
 - Although the Town is always committed to working with property owners to find solutions, we never waive or relax building code requirements. In addition, the Clarkdale Fire District, an entity



Staff Report

separate from the Town, has autonomous authority regarding fire safety in a building.

- Hours of Operation
 - For businesses serving alcohol, the hours are determined by the AZ Department of Liquor. The Town does not restrict hours of operation in the Central Business District. Hours of operation for homes converting to commercial zoning would be reviewed at the time of the application and could be restricted through stipulations of approval.
- Parking
 - 'Parking is a big issue'
 - Staff has analyzed the existing parking, public and private, available in the Central Business District and feels there is adequate existing parking, and available future parking, to accommodate current and future uses in the Central Business District.
 - The design guidelines being recommended for the District, Section 3-17-2, refer to parking being placed in the back. This is directed at new development. Parking for any single-family residential conversion to commercial zoning would be reviewed on a case-by-case basis during the re-zone application.
- Environment
 - 'Noise, dust and litter will increase and degrade property values'
 - The Town has a property maintenance code to prevent and abate these issues.
 - Noise in the Central Business district is controlled by Performance Standards #5 included in Section 3-9 of the Zoning Code. General noise issues are regulated by Article 10-1.
 - It is believed the Arts and Entertainment District will serve as a catalyst for revitalization of this area.
- Peace and Quiet
 - The nineteen homes proposed to be included in the district are already in close proximity to the downtown commercial area and a heavily used Town park. This situation has existed since construction of the Town was completed in 1919.
- Utilities
 - The impact of any new commercial business on existing utilities is assessed during the permitting process.
- Infrastructure
 - 'The pavement on Tenth Street north of Main is crumbling, and can't handle increased use.'



Staff Report

- Staff is aware of the existing condition of Town streets. Due to cuts in state funding and drops in revenue funding is not available to make repairs. The Arts and Entertainment District is a mechanism to help increase sale tax revenue for the Town, generating more funding to address repairs.
- Business Traffic
 - Main Street and the alleys behind the commercial area are designed to carry commercial traffic.
- Lighting and Signage
 - All commercial businesses must comply with the lighting and sign ordinance.
- Neighborhood Character
 - The area being proposed for the entertainment district consists of the original commercial core of Clarkdale, plus it includes some of the adjacent homes. This portion of Clarkdale has always been the Town center, with a mix of residential and commercial uses in a small area.
- Music
 - Outdoor music is regulated by Section 10-1-11 of the Town Code and #5 of the Performance Standards.
- Enforcement
 - Additional revenue provided by increased sales tax could support more staffing to address code enforcement issues.
- Historic Homes
 - It is staff's opinion that the Arts & Entertainment District would help preserve the historic district by increasing recognition of this area.
- Exclusion from Planning
 - Staff first met with Ms. Whitmore in February this year because she had seen the notice in the paper regarding the February 19, 2013 meeting. She expressed her concerns to staff at this time. Staff encouraged Ms. Whitmore to attend the February worksession and to check the website for future meetings on this subject. Staff also advised Ms. Whitmore that comments could be submitted in writing to staff, who would present the comments to the Planning Commission.

Summary:

The Arts & Entertainment District does not change the zoning of any properties within the boundaries of the proposed district. The majority of the properties within the proposed district are already zoned Central Business (which is a commercial zoning) or Commercial.

Any of the 19 single-family residences within the proposed district boundaries requesting to change the zoning for their property would need to receive zone change approval through a public process with hearings before the Planning Commission and Town Council. The public



Staff Report

process would identify any issues regarding the proposed zone change. Neighbors would be provided notice of the proposal and have the opportunity to provide input at the public meetings. Any issues would need to be mitigated and addressed prior to the Planning Commission's recommendation and Town Council action on a re-zone request.

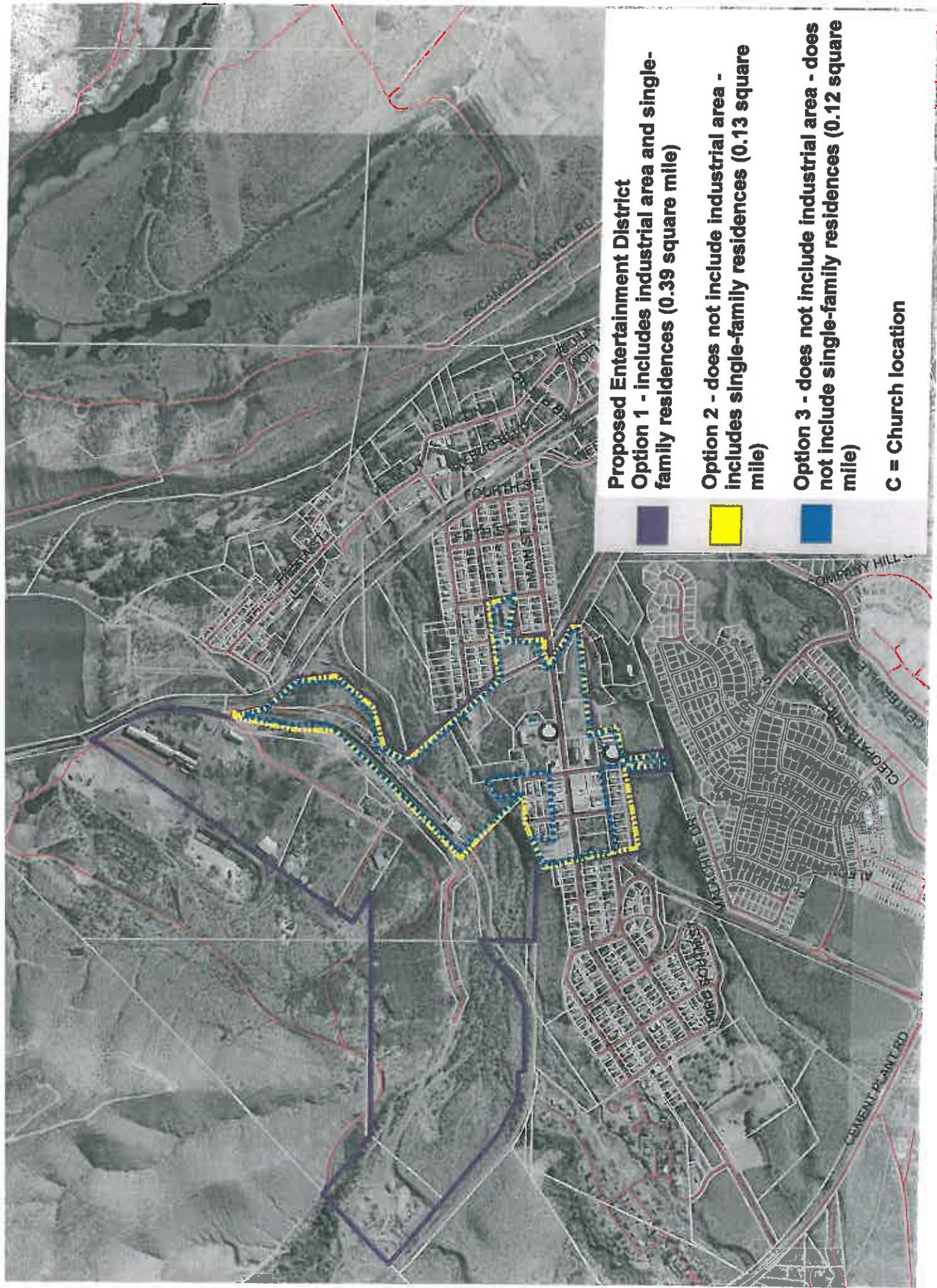
Recommendation:

Staff is requesting the Commission move the draft ordinance forward to Town Council for further review and action.

Attachments:

1. Revised Map of proposed arts and entertainment district – 3 boundary options
2. Revised Map with annotations
3. Draft Ordinance
4. Excerpt from Town Code regarding the noise ordinance
5. Central Business District Performance Standards

Note: Ms. Whitmore's comments are included in the minutes for June 18th



Proposed Entertainment District

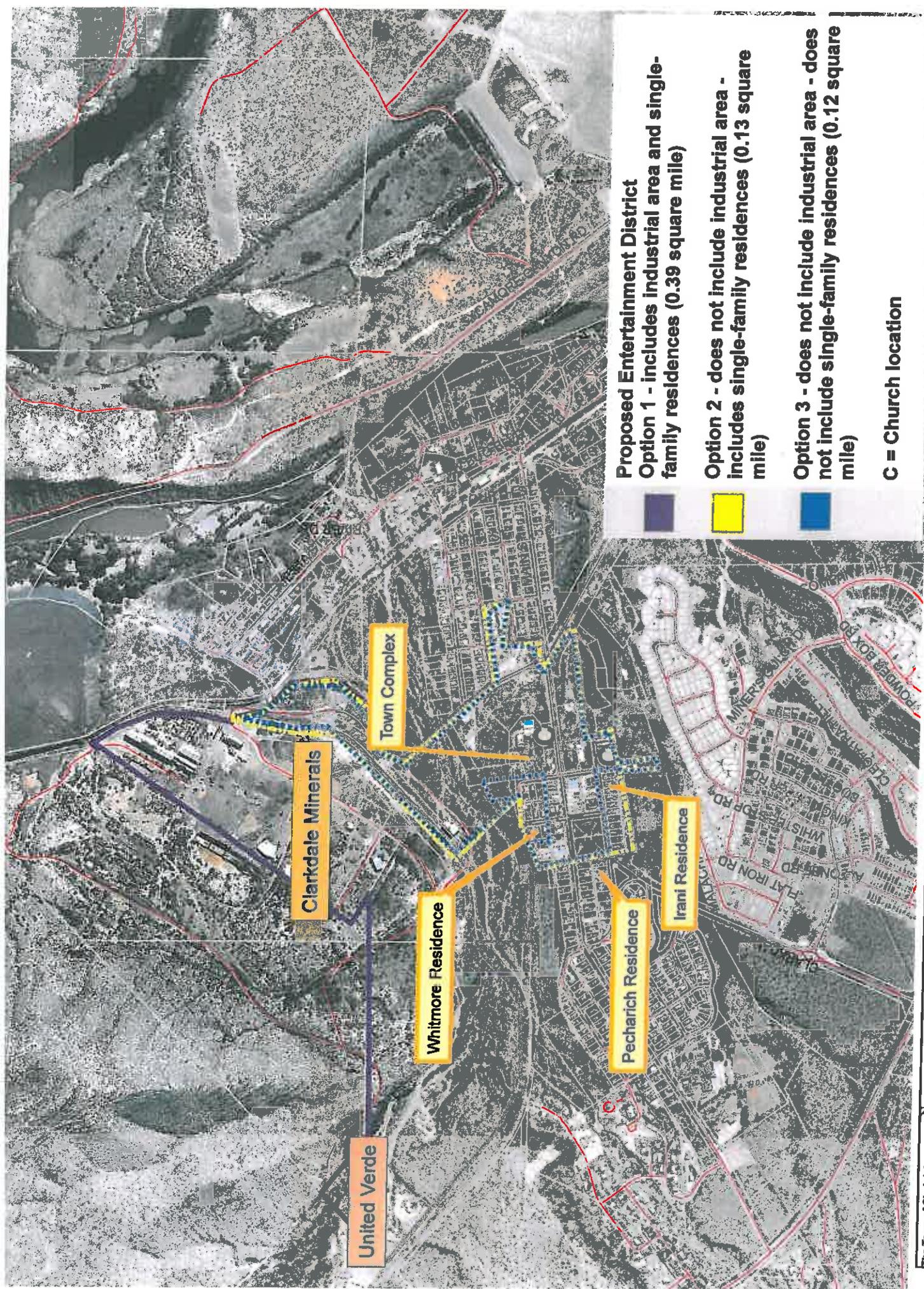
Option 1 - includes industrial area and single-family residences (0.39 square mile)

Option 2 - does not include industrial area - includes single-family residences (0.13 square mile)

Option 3 - does not include industrial area - does not include single-family residences (0.12 square mile)

C = Church location





Proposed Entertainment District

Option 1 - includes industrial area and single-family residences (0.39 square mile)

Option 2 - does not include industrial area - includes single-family residences (0.13 square mile)

Option 3 - does not include industrial area - does not include single-family residences (0.12 square mile)

C = Church location



The Town of Clarkdale
 Community Development Department
 1000 W. 2nd Street
 Clarkdale, AZ 85301
 (928) 858-2000

Proposed Entertainment District

This map is provided for informational purposes only and is not survey accurate. The Town of Clarkdale assumes no liability for the information contained on this map.

August 2013

Section 3-17 Entertainment District

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Section 3-17-1 Purpose

The purpose of this overlay district is 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 State 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 district, 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, some adjacent property with commercial zoning or the potential to rezone within the original Town site, and extending along Broadway Road and into the Industrial Zoning 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 Clarkdale Entertainment District should closely consider the surrounding context of the existing structures when designing new or remodeled buildings. Incorporation of the following features is recommended:

- Establishment of a relationship to adjoining spaces
- Continuity of street scape along Main Street through inclusion of benches and appropriate landscaping
- Brick façades and/or partial brick inlays
- Clearstory windows
- A strong pedestrian connection to existing sidewalks or extension of the sidewalk system
- A main entrance from a public sidewalk
- Rounded arches
- Large storefront windows
- 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 Heritage 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.

CHAPTER 10 OFFENSES

Section 10-1-10 Loitering

It is unlawful for any person, other than the owner, manager or his authorized representative, to interfere individually or collectively with free enjoyment of such property by the owners thereof; or interfere with the conduct of any lawful business by obstructing entrance to such business or by obstructing free passage of persons or merchandise or commodities within such place of business, or by obstructing service rendered by such business to its customers.

Section 10-1-11 Noise

- A. It is hereby declared to be a public nuisance, and it is unlawful for any person, firm or corporation owning or operating or in control of any restaurant, hotel, dance hall, show, store or any place of public amusement, entertainment or accommodation, to play or permit to be played any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the slumber, peace and quiet, or otherwise interfere with or annoy the comfortable enjoyment of life or property of any person and is no less a nuisance because the extent of the annoyance inflicted is unequal.
- B. It is unlawful to play, operate, or use any device known as a sound track, loud speaker or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped.
- C. It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise, and it is unlawful for any person operating any motor vehicle to use a cut-out, by-pass or similar muffler elimination appliance.
- D. Engine Braking: It is unlawful to operate a truck or motor vehicle in the Town of Clarkdale in such a manner as to cause the engine to emit additional noise from its exhaust or muffler system through deceleration or down shifting gears.

Section 10-1-12 Obstruction of Streets

It is unlawful for any person to obstruct any public street or alley, sidewalk or park or other

ZONING DISTRICTS

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- C. Conditional Uses Permitted: (Use permit required).
1. Day Care Center
 2. Outside display of goods and merchandise, outside storage.
 3. Wholesale establishments and warehouses, self storage units.
 4. Any such other use as determined by the Community Development Department Director to be similar to those Conditional Uses listed above and not detrimental to the public health, safety or general welfare. (The Board of Adjustment shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in the order or decision made by an administrative official of the Town of Clarkdale based on or made in the enforcement of the Zoning Ordinance).
- D. Maximum Building Height: 50 feet
- E. Minimum Lot Size: None
- F. Minimum Lot Frontage: 25 feet
- G. Maximum Floor Area Ratio: None
- H. Minimum Yards Required: None
- I. The Performance Standards for CB Districts are:
1. **Traffic and curbs**-No development will be permitted which permits or encourages vehicular traffic to back into the highway right-of-way, or to otherwise unduly restrict or interrupt the normal flow of through traffic. Curbs shall be installed in front of each developed parcel.
 2. **Landscaping and paving**-All open areas of an improved lot shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover. Undisturbed natural growth is encouraged. Covering with material that will provide an all weather surface is an alternative.
 3. **Storage facilities**-Outdoor storage shall be permitted only in rear yards or side yards when accessory to a permitted use. All areas used for storage shall be enclosed on all sides by a masonry wall or solid fence. No materials or products shall be stacked or stored to exceed the height of the wall or fence; or as otherwise designated by the Board of Adjustment.
 4. **Illumination**-Illumination of buildings, parking areas and loading facilities shall be so arranged as to eliminate glare toward streets and adjoining properties.

5. **Noise**-At no point on the boundary of residential or business zones shall the sound pressure level of an individual operation or plant exceed the decibel levels in the designated octave banks shown below (excluding operation of motor vehicles or other transportation facilities):

| Maximum Sound Pressure | | | |
|------------------------|------------|-----------|---------------------------------|
| Octave | Bank | | Level in Decibels |
| Cycles | Per Second | | .0002 Dynes per CM ² |
| 0 | to | 75..... | 72 |
| 75 | to | 150..... | 67 |
| 150 | to | 300..... | 59 |
| 300 | to | 600..... | 52 |
| 600 | to | 1200..... | 46 |
| 1200 | to | 2400..... | 40 |
| 2400 | to | 4800..... | 34 |
| Above | | 4800..... | 32 |

Sound levels shall be measured with a sound level meter and associated octave band filter manufacture according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noise shall be capable of being accurately measure with equipment. Noises capable of being so measured, of the purpose of this section, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noises incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

6. **Smoke**-No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringleman Chart. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringleman Chart, for not more than four (4) minutes in any thirty (30) minute period. For the purpose of grading the density of smoke, the Ringleman Chart as published by the U.S. Bureau of Mines shall be the Standard.
7. **Glare or Heat**-Any activity producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a nuisance or hazard along lot lines.
8. **Odors**-No Emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive or such a manner as to create a nuisance or hazard beyond the property lines.
9. **Vibration**-No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three (3) minutes or more duration in any one (1)

ZONING DISTRICTS

ZONING CODE

CHAPTER 3

hour of the day between the hours of 7:00 a.m. to 7:00 p.m., or of thirty (30) seconds or more duration in any one hour during the hours of 7:00 p.m. & 7:00 a.m.

10. **Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution-**
No emission shall be permitted which can cause damage to health, to animals, to vegetation, to other forms of property, or which can cause any excessive spoiling.
11. **Liquids and Solid Waste-**No wastes shall be discharged in the streets, drainage ways or property which is dangerous to the public health and safety, and no waste shall be discharged in the public sewage system which endangers the normal operation of the public sewage system.
12. **Frontage Road-**In those CB areas which are immediately adjacent to any state or federal highway, the owner shall, upon use of said property, construct at his own expense a frontage road providing access to said highway. The frontage road shall be constructed according to the specifications of the Town of Clarkdale, Arizona.
13. **Screening-**An owner of CB property whose property is immediately adjacent to any property having the zoning classification other than Industrial shall, at his own expense, at the time of use of the property, construct a screen on his property to act as a barrier between his property and adjacent property having a more restrictive zoning classification. The screen may consist of plantings and/or a fence of solid construction as prescribed by the Town of Clarkdale upon application of the owner at the time the property is put to use.

J. **Signs:** Sign requirements for this zone are outlined in Section 7.

Section 3-10 Town Center Commercial (TCC)

District Intent:

Provide a mixed use of commercial, offices, retail, service, institutional and residential areas in the existing historic downtown area.

District Purpose:

The Historic Town center provides the sense of community and identity for the Town of Clarkdale. It is characterized by a compact and tight development form, with street edge buildings, mixed uses, gathering places, public buildings, parks and other open spaces. The Town Center gives the town a sense of place.

A. Principal Uses Permitted

1. Single family dwellings, a maximum of two stories in height.