

**PLANNING COMMISSION**

**JULY 15, 2014**

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, JULY 15, 2014, 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 July 15, 2014, 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	Excused
Vice Chairperson	Ida-Meri deBlanc	Present
Commissioners	Jorge Olguin	Present
	John Erickson	Present
	Vic Viarengo	Present

**Staff:**

Senior Planner Beth Escobar

**Others in Attendance: None.**

1. **AGENDA ITEM: CALL TO ORDER:** Acting Chair deBlanc called the meeting to order at 4:00 p.m.
2. **AGENDA ITEM: ROLL CALL:** Senior Planner Escobar called the 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 June 17, 2014. Acting Chair deBlanc entertained a motion to accept the minutes. Commissioner Olguin motioned to approve the Regular Meeting Minutes of June 17, 2014. Commissioner Erickson seconded the motion. The motion passed unanimously.**

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**5. AGENDA ITEM: REPORTS:**

**a. Chairperson & Members Report:**

Commissioner Erickson expressed concerns about the proposal to add angled parking the south end of Tenth Street because the residents park along the east side and there is a drainage ditch along the west.

**b. Director's Report:** Director Filardo provided the following updates in the Planning Commission packet:

1. **Mountain Gate.** BC Land Group and New Gate Homes have posted their signage in their new offices on Main Street.
2. **Verde River @ Clarkdale.** An open house on June 12, 2014 was held to generate more public comment on the facilities and amenities to be located at each of the river access points. The public input will be gathered and priced to determine initial engineering estimates for use in pursuing grants. Further, the Commission is invited to attend the ribbon cutting at the Lower TAPCO River Access Point on **June 18<sup>th</sup> at 10 AM.**
3. **Economic Development.**

Celebrate AZ on June 19<sup>th</sup>. A fun event took place in the Auditorium, thanks in large part to the scrumptious food served by Main Street Café & Pizzeria and to the many staff and volunteers welcoming folks from across the Verde Valley and the state. Thanks, too, to Chair Van Wye and Vice Chair deBlanc for their extra help. We hosted approximately 200 people, many of whom had not been to the Clubhouse prior to the event. Clarkdale really knows how to throw a celebration!

Banners on Main Street. Thanks to the graphics skills of Guss Espolt and the installation skills of the Public Works team: Wayne Debrosky, Art Durazo, Benson Yazzie, Chris Livas and Kevin Adams, eight brightly-colored banners were installed on Main Street, just in time for our Fourth of July celebration. These banners represent the new look of Clarkdale.



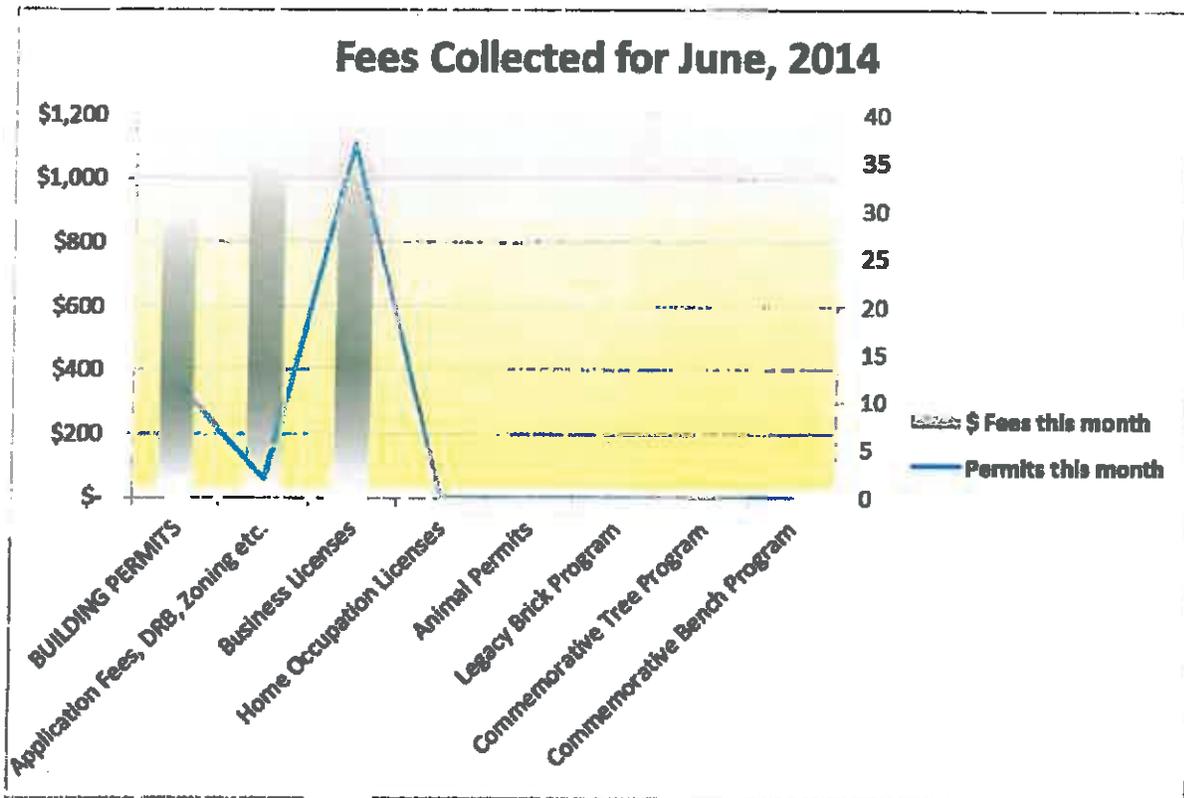
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Sustainability in our Backyard. Planning has begun for a Sustainable Community Health Fair this fall, with a tentative date of October 18<sup>th</sup>. Invitations/save the date emails will go out next week to a variety of vendors and providers. Hosting a health fair event is one of the short-term strategies of the Clarkdale's Sustainable Community and Economic Development Plan.

4. **Possible business. Marijuana grow facility.** Staff has received an inquiry regarding a medical marijuana grow/processing facility. This use is permitted in Clarkdale's industrial zone. The facility would need to be permitted through the Arizona Department of Health. Unlike medical marijuana dispensaries, there is no limitation on the number of processing facilities in a specific area. It is not determined at this point whether they are looking for an existing building or plan to do new construction. This was an inquiry only, and no formal applications have been initiated.
5. **Demolition permit issued.** A demolition permit has been issued to Freeport-McMoRan, Inc. for the demolition of the former golf course clubhouse near Peck's Lake. The demolition application was accompanied by a report from the company's Engineering & Safety Office detailing the deficiencies with the building.
6. **Fees collected by Community Development as of June, 2014.**

TYPE	Current Month Number	\$ Collected		
		CURRENT MONTH	FY 2013-2014	FY 2012-2013
<b>BUILDING PERMITS</b>	<b>12</b>	<b>\$883.80</b>	<b>\$31,000.25</b>	<b>\$24,924.20</b>
Application Fees, DRB, Zoning etc.	2	\$1,050.00	\$4,380.00	\$2,330.00
Business Licenses	37	\$1,080.00	\$7,580.00	\$6,125.00
Home Occupation Licenses	0	0	0	\$510.00
Animal Permits	0	0	\$480.00	\$385.00
Legacy Brick Program	0	0	0	\$ 4,915.00
Commemorative Tree Program	0	0	0	0
Commemorative Bench Program	0	0	0	0
<b>TOTAL</b>	<b>51</b>	<b>\$3,013.80</b>	<b>\$43,440.25</b>	<b>\$39,189.20</b>

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7. **Possible minor subdivision.** Staff has been in conversation with the owner of a 6-acre parcel in the foothills area near Minerich Road. In 2006 the owner submitted a minor subdivision application to divide this property into five residential lots. At the time there was an easement issue that prevented approval of this minor subdivision. That conflict has now been resolved, and the property owner is ready to start the process over.
  
8. **Filming in Clarkdale.** The feature film, Aaron's Blood begins filming next week. Four sites in Clarkdale are confirmed shooting locations, releases have been signed, and the insurance certificates received. There are two private homes on the list plus Main Street Café & Pizzeria, Clarkdale Jerome School, and the St. Thomas Episcopal Church. Filming is expected to last the month of July.
  
9. **Open Studios.** Staff attended a meeting this week with Michael Upp and Isabel Erickson plus an array of representatives from Cottonwood, Camp Verde and Yavapai College to discuss the possibility of holding a Verde Valley Open Studios event the weekend of November 15<sup>th</sup> and 16<sup>th</sup>. The overall reaction of the group was favorable; Isabel Erickson indicated as many as 15 artists in Clarkdale have expressed their support for the idea. More specifics will be forthcoming.

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10. **Sustainable Clarkdale.** The regular interim status report was sent in to the Walton Family Foundation as scheduled on July 1<sup>st</sup>. Thus far, two of the three projects under the grant are proceeding well: the Verde River @ Clarkdale river access points planning and the Water Resources Management Plan. The one project needing more attention is the Brewer's Tunnel Diversion Dam options report. Work has begun in earnest to explore the options with both Freeport-McMoRan and American Rivers, thanks to work by both Town Manager Mabery and Mayor Von Gausig.

Senior Planner Escobar informed the Commission that a worksession to discuss the Commission's recommendations regarding parking in the Central Business area will be held on August 22, 2014.

**6. AGENDA ITEM: NEW BUSINESS:**

- a. **PUBLIC HEARING:** Discussion/possible action regarding a zone change request for an approximately 2.8 acre portion of assessor's parcel number 400-07-026F located at 701 S. Broadway Street in Clarkdale. The property owner is requesting a zone change from R2 (Single Family and Limited Multiple Family Residential) to (Commercial).

**Staff report presented by Senior Planner Escobar:**

**Background:**

The property owners of Assessor's Parcel Number 400-07-026F, an approximately 5.37-acre property located at 701 S. Broadway Street, have submitted a rezoning request for an approximately 2.88-acre portion of this property.

Jaimie and Joseph Rongo are requesting a change in zoning from R2 to Commercial. This property is the location of the Arizona School of Integrative Studies (ASIS), commonly referred to as the massage school, and operated by Mr. & Mrs. Rongo.

A lot line adjustment to reconfigure this property has already been processed. The Rongos are requesting a rezone of the portion of the existing property that will remain after the reconfiguration. The Rongos own the adjacent property where their private residence is located.



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**Description of property**

The massage school building is approximately 3,541 square-feet in size. The classroom portion of this total is approximately 1,300 square feet. According to the ASIS website, classes run from September to February. The school also hosts a variety of other classes and workshops throughout the year.

The parking area contains 19 parking spaces. There is a well and septic system on the property. At the time of construction it was noted the leach lines for the project do not maintain the required five-foot setback from the utility easement which parallels Broadway. At the time, (December 2001) the Town noted this encroachment but did not require the leach lines to be moved.

The property is accessed from an approximately 28-foot wide driveway connected to Broadway. Peace Garden Path, a private road providing access to three single-family residences, connects off of this driveway access.

A roof-mounted solar electric system was installed in 2010.

**Current Zoning**

This property was rezoned in 1999 from R1L (Single Family Residential Limited) to R2 (Single Family and Limited Multiple Family Residential). Single family dwellings, parks, duplex, triplex and quadplex multi-family dwelling units, day care facilities and bed & breakfast establishments are permitted by right in this zoning district. There is a 4,000 square-foot minimum lot size required per multifamily unit. The property as it exists today at 5.37 acres could be developed into approximately 50 multi-family units under the current zoning.

Private schools are a conditional use in the R2 zoning district and the massage school has operated under a conditional use permit since 2000. If the property was rezoned to Commercial, the massage school could continue as a permitted use.

**Vicinity**

The subject property is located between an approximately 9.75-acre commercially zoned undeveloped property and three single-family residences to the north and a single-family residential development to the south. Town water and wastewater infrastructure extends to the northern corner of the northern commercial parcel. This parcel has been zoned commercial since the adoption of the first zoning map in 1973.



**Traffic**

At the time of the original site plan review in 1999, a traffic study was not required. Traffic along Broadway, which connects Old Town Cottonwood to Clarkdale, can be heavy during certain periods. This road serves as the main access from Cottonwood to the Verde Canyon Railroad. Without knowing the specific use the property might develop into if a zone change is approved, it is difficult to estimate traffic impact.

Staff is recommending a condition requiring a traffic study upon any change of use.

**Parking**

There was no specific discussion at the time of the original site plan review regarding parking. There are flat areas around the existing parking that can serve as overflow parking.

A general retail use would require 17 parking spaces based on the current building size. A restaurant/bar use would require 1 parking space for every four seats. Parking requirements for hotels and motels are one space per unit/room.

Staff is recommending a condition requiring review and approval of parking requirements upon any change of use.

**Commercial Zoning:**

The regulations for the Commercial Zoning District are included with this report. A variety of uses are allowed in this District. There is no lot coverage maximum in the Commercial Zoning District, and setbacks of 30 feet in the front and 20 feet in the rear are required. There are not side setbacks required in this District, however, if the property abuts a residential district, the policy has always been to require a minimum 20-foot setback.

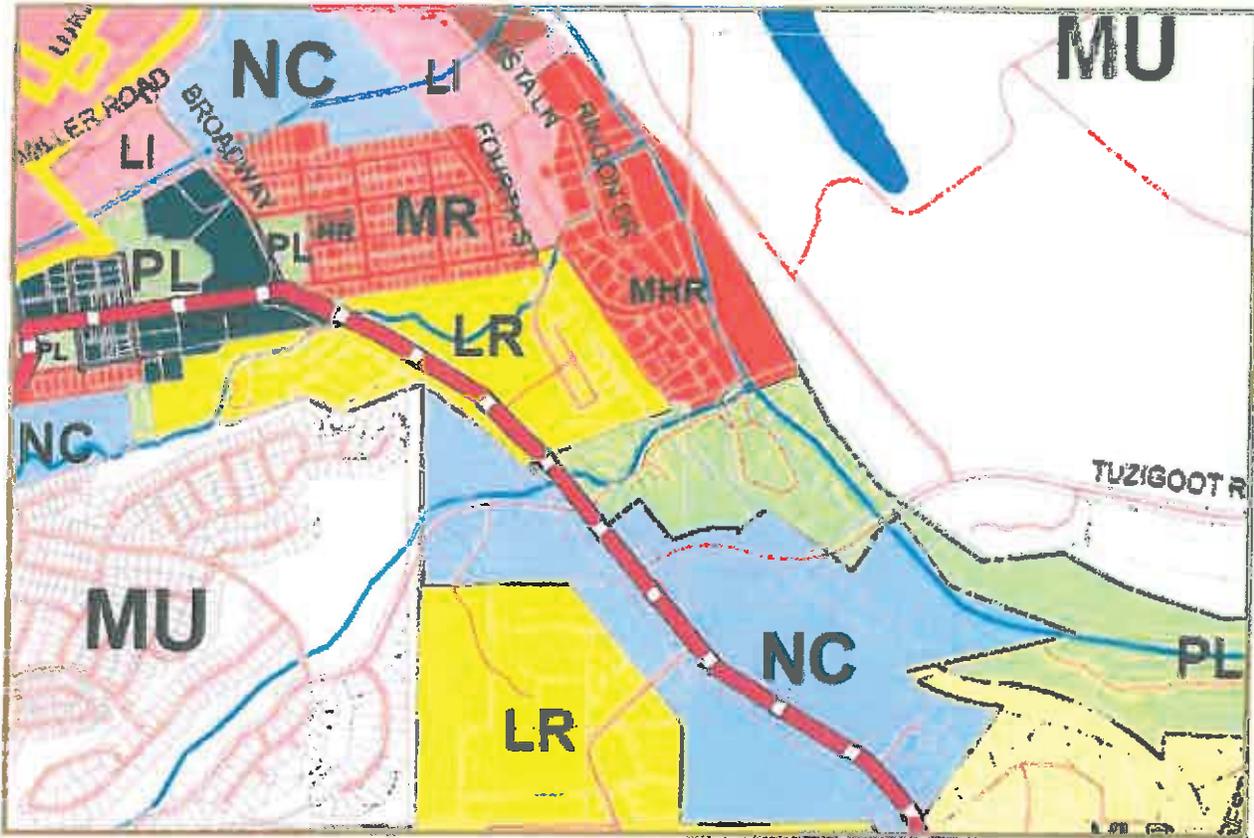
As constructed, the massage school would comply with the regulations of the Commercial Zoning District.

A copy of the required performance standards are also included. Per these standards, and other ordinances, all lighting must be fully shielded, all outdoor storage must be completely screened, noise must be maintained within reasonable levels and nothing on the property can cause a nuisance to surrounding property owners.

**Conformance to the Town of Clarkdale 2012 General Plan**

Per Arizona Revised Statute 9-462.01.F any rezoning must conform to the land use element of the general plan.

The Land Use Map in the 2012 General Plan designates this parcel as Neighborhood Commercial. Two thirds of the Broadway Corridor shares this designation.



The Neighborhood Commercial District was adopted by Ordinance #294 in 2006. There are currently no properties designated as Neighborhood Commercial on the zoning map.

A copy of the Neighborhood Commercial Zoning District regulations is included in this report. The intent of this district is to:

**'Provide opportunities for commercial centers that offer everyday goods and services located within close proximity to residential neighborhoods and that promote foot and bicycle traffic to those areas.'**

A zone change to Neighborhood Commercial would be in alignment with the 2012 General Plan.

A zone change to standard Commercial would not be a direct reflection of the General Plan, since more intensive uses are permitted in the Commercial Zoning District. However, rezoning this property to Commercial does not require either a major or minor General Plan amendment due to the small size of the property.

Arizona Revised Statutes states the following:

**'In case of uncertainty in construing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be constructed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan. A rezoning ordinance conforms with the land use element of the general**

plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan.'

Neighborhood Commercial as defined in the General Plan includes uses such as retail outlets, offices and restaurants.

The Commercial Zoning District includes a variety of uses which are not neighborhood oriented, such as a hotels, automobile sales and rentals, a public garage and wholesale establishments.

**Zoning Analysis**

As previously discussed, the Clarkdale General Plan recognizes the potential of the property along Broadway to develop as a commercial corridor connecting Old Town Cottonwood and Main Street Clarkdale.

One major distinction between Neighborhood Commercial and the Commercial Zoning District is the allowance of bars and taverns in the Commercial District but not in the Neighborhood Commercial District.

Clarkdale currently has over 281 acres of undeveloped commercially zoned property. The addition of approximately 2.88 acres of commercial property is an increase of one percent.

The Commission may determine the subject property may be appropriate for some commercial uses but not others. For example, uses such as automobile, trailer, and boat rental may not be appropriate for this location, either because of a visual impact or an increase in traffic generation.

Per an earlier legal opinion, a zone change request may be granted with a limit to the uses allowed.

**Comparison of permitted uses between Commercial & Neighborhood Commercial Zoning Districts**

<b>Use</b>	<b>Commercial</b>	<b>Neighborhood Commercial</b>
Amusement arcade	X	X-with conditional use permit
Artist studios	X	X-with conditional use permit
Automobile, trailer, boat, farm implements sales and rentals	X	X-with conditional use permit
Barber shops & Beauty parlors	X	X
Bed & Breakfast Country Inn	X	X
Campsites and RV parks	X-with CUP	X-with conditional use permit
Commercial, trade, vocational schools	X	
Dressmaker, tailor et al	X	
Financial Institutions	X	X
Funeral parlor	X	X-without crematorium
Hotels and motels	X	X-two story maximum height
Laundry	X	X-with conditional use permit
Micro-brewery	X	X-with conditional use permit
Multi-family dwellings	X	X-with conditional use permit
Museums		X
Parking Lots/structures	X	X-with conditional use permit
Professional offices	X	X
Public Garages including repair and storage	X	X-with conditional use permit
Restaurants	X	X
Retail Stores	X	X
Sidewalk cafes	X	X-without alcohol service
Single family dwelling	X	X-two story maximum height
Taverns, bars	X	X-with conditional use permit
Wholesale establishments and Warehouses	X	

Staff would note that commercial, trade and vocational schools are not listed as a permitted or conditional use in the Neighborhood Commercial Zone. If the subject property were re-zoned to Neighborhood Commercial, the massage school would no longer be a valid use. The rule of hierarchical zoning does not apply in this instance. Even though commercial and vocational schools are permitted in the R2 Zoning District, a 'lesser' zone, they cannot be assumed to be permitted in the Neighborhood Commercial Zoning District since this District was inserted into the code at a later date.

**Recommendation:**

Staff is requesting the Commission provide feedback regarding the proposed zone change, and after public comment, provide specific direction to the staff and/or applicant or move the item forward to Town Council for further review and action.

The Planning Commission may consider the following options:

- Request additional information from staff or the applicant to be brought back before the Commission in a continued public hearing.
- Move the application forward to Council with a recommendation of approval to a zone change to Neighborhood Commercial. If a zone change to Neighborhood Commercial is approved, the applicant would need to reapply for a conditional use permit for the massage school under Section 3-12.C.20:
  - Any use not listed but determined by the Community Development Director to be similar in commercial character and use.
- Move the application forward to Council with a recommendation of approval for a zone change to Neighborhood Commercial with modified uses.
- Move the application forward to Council with a recommendation of approval for a zone change to Commercial with modified or limited uses.
- Move the application forward to Council with a recommendation of approval for a zone change to Commercial with no modifications or limitations.

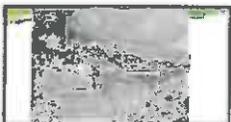
If the Commission chooses to recommend approval of this zone change request, staff offers the following conditions of approval for consideration:

1. Applicant and/or future property owner shall notify the Town in writing prior to conversion to a commercial use. An inspection shall be required by the Town Building Official and the Clarkdale Fire District prior to any new use being initiated.
2. The property shall connect to the Town's water and wastewater system, including the installation of main lines within the Town's right-of-way from the terminus point on Broadway, within one year of a change of use on the property.
3. A Traffic Impact Report shall be required for any change of use more intensive than the current use.

4. Parking shall be adequate for any future use. Additional parking spaces may be required.
5. Any new use must comply with all Town Code and Zoning Code regulations.

In addition, if a zone change request is approved by Town Council for a limited or modified zoning, the applicant will be required to enter into a development agreement with the Town that specifies permitted uses and restrictions.

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**Commission Questions:**

Commissioner Erickson asked who would pay for the Traffic Impact Study and who would do the study and install the infrastructure connections. Senior Planner Escobar replied a traffic study is completed by a certified traffic engineer who would seal the document. The applicant or developer would be responsible for these costs. They would be responsible for the costs of the infrastructure extension also.

Commissioner Erickson asked whether the traffic study was necessary. Senior Planner Escobar replied it would depend on the type of use at the property. A more intensive commercial use where there are more daily trips would warrant a traffic study to analyze ingress and egress, stacking requirements, etc. The Public Works Director would review any traffic study and might decide to have an outside consultant review the report also.

Commissioner Erickson asked if the connection to the Town's water and wastewater infrastructure meant bringing a line in from the property boundary. Senior Planner Escobar responded they would have to extend the main line infrastructure from the commercial property to the north. The applicant or development would be responsible for all the costs associated with this extension. Senior Planner Escobar explained that the requirement for the connection to the Town's infrastructure supports the Town's sustainability goals to conserve water.

Commissioner Erickson requested the options be numbered.

Acting Chair deBlanc asked for clarification that the applicant has no specific future use in mind. Senior Planner replied this was correct.

**Applicant Presentation:**

Mr. Joseph Rongo of Clarkdale stated he has owned the property since January 2000. It was purchased for the purpose of putting the massage school on the property. The building was built for the massage school, and has limited use as far as conversion, i.e. radiant heating in the sub-floor would prevent major reconstruction of the interior. About 5-6 years ago, the County changed the tax assessment, and since they have paid about \$60,000 in taxes. The school has a lease on the property for another year-and-a-half. They are looking for investors to purchase the property.

Mr. Rongo stated he understands all of the conditions recommended by staff and He is a neighbor, he moved the lot line to preserve the back half of the property. They have no interest in a big commercial use, he is happy with limitations. He sees a low-key commercial endeavor as a logical use for the property.

Commissioner Olguin asked whether he had an objection to any of the recommended conditions of approval. Mr. Rongo stated no, but he does have a concern about the requirement under Neighborhood Commercial zoning to come back for another Conditional Use Permit to keep the school in operation. He is not comfortable with putting this established use at risk.

There were no other questions from the Commission. Acting Chair deBlanc opened the public hearing:

Richard Imboden of 500 W Raven Hill Road: Stated his concern the property, if rezoned commercial, the new owners could create any type of use they want. Might be turned into an occupancy that sells liquor. Concerned about the traffic impact. This stretch of Broadway is a blind intersection, it would be a

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disaster if alcohol was served. Noise is another issue. When the massage school first went in, during the early years, they would ring the gong at dawn-the noise wasn't bad. If this was a bar, serving alcohol and with outside seating, this would be a nuisance, plus the potential traffic problem. Thank you for the opportunity.

Sandy Brown, 500 Peace Garden Path: Stated she is a resident at the bottom of the hill. Love the property because of the proximity to nature, the quiet, and the dark nights. Never had a problem with the massage school, know the Rongos respect nature. My fear is for the future, that the next owner won't have the same respect, and in the next 15 years what may happen. Recognize the Rongos want what they pay for, but I don't know if this is what the community wants. I understand you can take out uses, can they go back in the future? I hear Joe say the building now has limited use, but in 15 years down the line, someone else may put up a new building, like a warehouse. I wonder if the Rongos really plan on staying if the property sold. Also wonders if her taxes will go up. Would the whole area be reassessed? My main worry is opening the door for the decades to come for more traffic, more noise. Thank you.

Senior Planner Escobar asked to address Ms. Brown's two specific questions. First, any modifications to existing zoning would require a zone change process. Second, the taxes of the surrounding residential properties should not be effected by a zone change for the subject property.

Kerry Olson, 430 West Raven Hill Road: Stated she has lived at this address for 37 years. I am not one of those people who says close the door after me. I think there is a public safety concern with the traffic. On active railroad days, there is a lot of traffic. Makes it difficult to turn onto Broadway. Have seen accidents. Cars have rolled over. People speed. I am concerned about the use. In the beginning, Mr. Rongo spoke with all the neighbors asking for support of the massage school. We all agreed at that time it would be a good use, and preserve the quiet and peace. I was on the Planning Commission for eight years. I helped implement the first general plan. At that time, we had a buffer zone between RI-L and Commercial, and that was great. Gave us a chance to enjoy nature and the river, without intrusion of noise or nuisances. We have a very strict conditional use for the subject property, it is only fair to public who lives on R1-L to limit disturbance. Thank you.

Wayne Schumacher, 660 West Raven Hill Road. I strongly disapprove of the change of zoning for this property. This property is within 24 feet of my bedroom. The same could be said for my neighbor, Mike White. I would not welcome noise and confusion a change in zoning would create. Can hear students having lunch at the massage school. This is a pleasant sound. This would not be the case for a restaurant, bar, loud music, motorcycle groups, that sort of thing. All of us who live on Raven Hill treasure the quiet and peacefulness. Hundreds of us must enter and exit onto Broadway just below the hill top curve a few hundred feet from the subject property. Someone was killed sometime this year. Another issue is the 50 mile-per-hour speed limit on Broadway. Commercial zoning would put more people on the road at the worst possible place. In the spring of 2000 we found our dream home. We took Mr. Rongo at his word during the process for the massage school. If we had any idea this property could become a tavern, we would not have built our house. Thank you.

Berrin Nejad, 450 West Raven Hill Road and properties at 661 Raven Hill. I am a new resident, but agree with issues previously raised, these are all good reasons not to approve this rezone. I am not going to repeat concerns already mentioned. There are so many unknowns with this project, traffic impact, density, and what type of use will come in, noise impact on neighbors. Sewer and water impact. The existing R2 zoning serves as a buffer. We are in a very low density zoning, R1-L, the R2 should serve as transition to the adjacent commercial. If you change the zoning on the subject property, you eliminate

the transition to commercial. One other thing, the commercial zoning would be in the middle of residential, and I am concerned this would be spot zoning and this would be illegal. Thank you.

Priscilla Hardin 700 Red Tail Hawk Drive: Red Tail Hawk is perpendicular to Raven Hill. Everyone who has spoken are my neighbors. Separated from one property from the subject property. I am at the top of the hill and I have noticed that noise travels up. I am concerned about the traffic, it is difficult to come into Raven Hill road. People tailgate and there is no left turn lane. It can be very dangerous, and to increase traffic would be very dangerous. They already have a commercial use. Some uses would generate more traffic. Uses are too varied, barbershop, financial institutions, possible on both sides of the road, so our residential area is suddenly an island in a commercial strip. I have large concerns about a blanket rezoning in this area that would result in more traffic and noise and a negative impact on animals. Would be a loss to quality of life. Worry about impact on property values. Very concerned about changing this zoning. Thank you.

Mr. Schumacher stated that Mike White, who is the closest to this property, he had to leave, but also is very concerned about this application.

Acting Chair deBlanc thanked everyone for their comments and closed the public hearing.

Senior Planner Escobar pointed out the zoning of the surrounding properties and the existing transition from R1-L, the Raven Hill area, to the commercial property to the north of the Rongo residence.

- b. CONSIDERATION AND POSSIBLE ACTION:** Discussion/possible action regarding a zone change request for an approximately 2.8 acre portion of assessor's parcel number 400-07-026F located at 701 S. Broadway Street in Clarkdale. The property owner is requesting a zone change from R2 (Single Family and Limited Multiple Family Residential) to (Commercial).

Senior Planner Escobar reviewed the options available to the Commission:

1. Request additional information from staff or the applicant to be brought back before the Commission in a continued public hearing.
2. Move the application forward to Council with a recommendation of approval to a zone change to Neighborhood Commercial. If a zone change to Neighborhood Commercial is approved, the applicant would need to reapply for a conditional use permit for the massage school under Section 3-12.C.20:
  - a. Any use not listed but determined by the Community Development Director to be similar in commercial character and use.
3. Move the application forward to Council with a recommendation of approval for a zone change to Neighborhood Commercial with modified uses.
4. Move the application forward to Council with a recommendation of approval for a zone change to Commercial with modified or limited uses.

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5. Move the application forward to Council with a recommendation of approval for a zone change to Commercial with no modifications or limitations.
6. The Commission could choose to recommend denial of the application.

Acting Chair deBlanc asked for input from the Commission. She stated she is confused about the tax issue. Since it is a school, she doesn't understand why they are taxed as commercial. This is a difficult situation.

Senior Planner Escobar explained the Town does not set the taxes. Yavapai County has determined that the use as a school is a commercial use. This is separate from the zoning and completely controlled by the county.

Acting Chair deBlanc asked if any type of school could go in there under the current conditional use permit. Senior Planner Escobar responded that the conditional use approval is specific to the massage school and any different type of school would need a separate approval. Conditional use permits are use specific.

Commissioner Olguin stated in listening to the comments there seem to be two issues: traffic and protecting the peaceful solitude of the existing residences. He asked what tools we have to address these specific problems?

Senior Planner Escobar stated we are recommending a traffic impact study for any change of use. This would address traffic and the driveway design. We do have a broader issue on Broadway as a commercial connector. We have been approached by the City of Cottonwood about reducing the speed limit on Broadway. Residents in the Bent River area find the existing traffic bothersome. A comprehensive response would a traffic study for this corridor. The Town currently has not assigned funding for this type of study.

Acting Chair deBlanc pointed out Broadway is an important connection between the two communities and from an economic development standpoint we hope traffic does increase on this corridor. Improvements will need to be addressed.

Senior Planner Escobar pointed out the homes in the Bent River area may be 24 feet from the property boundary of the subject property, however the massage school building is actually over 100 feet from the property boundary. The properties in the Bent River area are at least one-acre in size. There is some buffering in that area. Noise is controlled through our noise ordinance and performance standards. A commercial use on the subject property could have a substantial noise impact on the neighbors. We could require natural sound buffering through landscaping or a masonry wall. Noise can be hard to contain. We can add conditions that try to restrict all noise. It is not always possible.

Commissioner Olguin pointed out the uncertainty because we do not know the future use so it is difficult to determine the impact.

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Senior Planner Escobar agreed with this statement and explained to the Commission that staff recommended to the applicant they come in with a specific use and perhaps a specific investor. The Rongos choose to pursue their application in order to appeal to a wide range of possible investors and developers.

Acting Chair deBlanc stated there are several uses she can identify which might be nice to have in Clarkdale, such as a dentist office, or some other service for the community that has limited hours, like 9 a.m. to 5 p.m.

Commissioner Erickson asked on option #4, who would select the limited uses.

Senior Planner Escobar explained the Commission can create a specific list, or direct staff to modify the commercial uses to try to address the concerns of the public who spoke at this meeting. She reminded the Commission this is the process we followed with the recent Freeport McMoran rezone at the corner of Sycamore Canyon and Tuzigoot Road.

Acting Chair deBlanc stated she would consider asking staff to modify the uses to address the concerns of the people in the neighborhood.

Commissioner Viarengo agreed that this would move the application forward to Council.

Commission Olguin asked if you can design something that address the issues. Use a scalpel rather than a hatchet.

Acting Chair deBlanc stated we have clearly outlined the concerns of the neighbors, the question is do we need to have another public hearing at the Planning Commission or can this application be moved forward to Council?

Senior Planner Escobar pointed out this was up to the Commission. Due to the opposition expressed to the application, per our Zoning Code, a second public hearing is required at the Council level.

Acting Chair deBlanc stated the public will have another opportunity to speak in front of Council so she doesn't see the need to bring this item back before the Commission.

Commission Olguin agreed this would be the most time expedient option.

Acting Chair deBlanc asked for a motion.

Commissioner Erickson moved to forward the application to Council with a recommendation of approval for a zone change to Commercial directed staff to modify and limit the permitted uses to address the concerns expressed by the neighbors.

Commissioner Olguin seconded the motion. The motion passed unanimously.

**7. AGENDA ITEM: FUTURE AGENDA ITEMS:**

8. **AGENDA ITEM: ADJOURNMENT:** Acting Chair deBlanc entertained a motion for adjournment. Commissioner Olguin motioned to adjourn the meeting. Commissioner Erickson seconded the motion. The motion passed unanimously. The meeting adjourned at 5:25 p.m.

APPROVED BY:



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Ida deBlanc  
Acting Chairperson

SUBMITTED BY:



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Beth Escobar  
Senior Planner