

PLANNING COMMISSION
NOVEMBER 10, 2014

MINUTES OF A SPECIAL MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON MONDAY, NOVEMBER 10, 2014, IN THE MEN'S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A SPECIAL Meeting of the Planning Commission of the Town of Clarkdale was held on Monday, November 10, 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	Present
Vice Chairperson	Ida-Meri deBlanc	Present
Commissioners	Jorge Olguin	Present
	John Erickson	Present
	Craig Backus	Present

Staff:

Community Development Director	Jodie Filardo
Senior Planner	Beth Escobar

Others in Attendance: Members of the public: Karen Daniels and Alma Dimitriu.

1. **AGENDA ITEM: CALL TO ORDER:** The Chairperson called the meeting to order at 4:02 p.m.
2. **AGENDA ITEM: ROLL CALL:** Director Filardo called the roll.
3. **AGENDA ITEM: PUBLIC COMMENT:** The Chairperson stated 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 October 21, 2014.** The Chair entertained a motion to accept the minutes with minor corrections. Commissioner de Blanc motioned to approve the Regular Meeting Minutes of October 21, 2014. Commissioner Olguin seconded the motion. The motion passed unanimously.

5. AGENDA ITEM: REPORTS:

- a. **Chairperson and Members' Reports:** Commissioner Erickson stated it was good to see the construction in Mountain Gate.
- b. **Director's Report:** There was no Director's report.

6. OLD BUSINESS: Chair Van Wye requested agenda item 7.a be moved to the beginning of the agenda prior to Old Business to accommodate public present. The Commission agreed.

7. NEW BUSINESS: Chair Van Wye recused himself from this discussion because of the proximity of his private residence to a potential wireless facility location, and removed himself from the dais to the back of the Council Chambers public seating area. Vice Chair deBlanc then assumed the role of Chair to conduct proceeding on this item on the agenda

- a. **AGENDA ITEM: WORKSESSION:** Discussion/possible action regarding possible changes to the Wireless Communication Tower Ordinance.

Background:

At their October 28, 2014 meeting, Town Council directed staff to schedule a review of the Wireless Communication Facilities Ordinance adopted in July of 2013. Council would like the Commission to determine whether changes can be made to the Ordinance that provide more of a buffer area between wireless facilities and residential property. Specifically, Council directed staff to look at the following two options:

- Requiring a buffer distance from wireless facilities to residential properties.
- Revising the 89A Highway Corridor Overlay to include all commercially zoned property along the highway corridor.

Staff has asked for direction from the Town Attorney regarding what modifications to the existing code might be possible. We hope to report this information to the Commission at the November 10th meeting.

Senior Planner Escobar provided the following updates from the Town Attorney:

1. Requiring a buffer distance from wireless facilities to residential properties.
 - a. This could be done, however, since it provides some development rights to commercial property owners and not to others, it could be challenged in court and the Town would probably lose based on the fact it promotes discriminatory zoning.
2. Revise the 89A Highway Corridor Overlay District.
 - a. Once again, this could be done. However, post adoption of the Private Property Protection Act in Arizona, (Prop. 207) this could be considered a 'taking' of an existing property right and the Town would be vulnerable to a law suit.

Per the Town Attorney, the only change he would recommend the Town consider is lowering the maximum permitted height of a cell tower. This change would apply equally to all commercial property owners.

Recommendation

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Staff is requesting input from the Commission regarding changes to the Wireless Communication Facilities Ordinance and a recommendation to proceed. Direction given by the Commission shall be reported to the Town Council.

Commission Discussion

Senior Planner Escobar reminded the Commission if they were to review a Conditional Use Permit, the Commission and Town cannot consider potential health impacts of a proposed facility. That is the determination of the Federal Communications Commission.

Commissioner Olguin asked what can be done. Staff reminded the Commission that this option had been discussed during the initial review of the wireless facilities ordinance and it was decided shorter towers may lead to a proliferation of towers in the community because wireless providers would need more towers to meet their service demands. Commissioner Olguin asked if we could consider view impact. Staff pointed out that the SR89A Corridor is an important view shed. However, we have no established procedure to protect individual views.

Commissioner Olguin stated he was having a problem understanding what levers or buttons (tools) are available to us (the Planning Commission), if any.

Director Filardo stated the only tool, per our Town Attorney, is a reduction of the tower height.

Commissioner Olguin asked on what basis we could make that decision if we don't include viewshed impact.

Senior Planner Escobar stated you could relate to the 50-foot maximum allowable height in the Commercial district.

Director Filardo reminded the Commission the reason it was determined to allow 65 feet in height for a tower was to allow for co-location possibilities to allow multiple providers at on site.

Vice-Chair de Blanc questioned how impactful the additional 15 feet is. Vice-Chair de Blanc compared the power lines and wires in her view as less of a visual annoyance as opposed to a skyscraper building.

Senior Planner Escobar reminded the Commission we have not received an application and could not answer this question. She referred to the 90-foot fake pine tree stealth tower on the VFW property in Cottonwood and the new tower at Mingus Union High School. She reminded the Commission every application for a wireless facility would come forward to the Commission as a Conditional Use Permit review.

Commissioner Erickson gave the example of the flag pole at Sedona Pines that is a cell tower, as opposed to the fake pine tree that is really difficult to see. It is included with some other pine trees.

Vice-Chair opened the worksession to public comment.

Karen Daniels, Clarkdale, presented pictures representing the proposed cell tower.

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She stated she and her husband bought their property on Cholla Lane ten years ago and built their own home using their own labor. Phase one was finished in 2009 and Phase II was started in 2012. The proposed cell tower referenced in the public notice on September 14, 2014 is 250 feet from her property line and 500 feet from their home. Ms. Daniels noted that she feels that their view is the home's most valuable feature.

She asked if the Town has received a proposal. Director Filardo stated no.

Ms. Daniels expressed that she would be lucky to sell our house for half its value with the proximity of a cell tower. Ms. Daniels asked the Commission to act to carry out the promise of the General Plan that values and cherishes the beautiful vistas of Clarkdale. She invited the Commission and staff to visit her home to see the impact first-hand. She stated time is of the essence and is asking for help to prevent this adverse effect to her home and investment by ruining her view and decreasing the value of her home.

Alma Dimitriu, Clarkdale stated she thinks cell towers are nasty and don't belong in our small town. The Town should not be overly developed. She indicated she is recently from LA, and just the opposite exists there. There were no visible cell towers in LA near residential areas. In addition, she stated "I have Verizon and have great cell service. I get that 'we can't listen to health concerns' argument, but at some point someone will figure out it is an issue. It is disgusting people shut their eyes and ears for commercial gain. As a human being you need to consider health concerns."

Vice-Chair de Blanc closed the public comment.

Commission Discussion:

Commissioner Backus understands the concerns regarding the negative impact. As a developer he always looks at ways to improve our community. Are there ways to soften impact? He indicated he needs some more time to consider. In addition, he referred to the water towers in Cottonwood that were wrapped in wire as an option for consideration.

To address Commissioner Backus' question, Senior Planner Escobar read the criteria from the wireless ordinance:

1. Towers and accessory structures shall, as much as feasible, be designed to be visually unobtrusive with the surrounding landscape and area. Landscaping from the Town's approved plant list shall be used to screen all structures. Stealth or concealed towers may be required as a condition of the Conditional Use Permit.

Commissioner Erickson knows from personal experience with his cell service there are areas around town where service is dropped. People depend upon the data acquired from smart phones.

Vice-Chair de Blanc reopened public comment.

Karen Daniels asked whether there is a possibility to allow cell towers in the overlay district.

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Senior Planner explained there are homes in the Crossroads subdivision that will be in close proximity to the overlay district. The overlay protects views.

Director Filardo explained the overlay district was adopted prior to the adoption of Proposition 207.

Vice-Chair de Blanc closed public comment.

Vice-Chair de Blanc understands the 50-foot maximum height applies to any commercial building. So, based on the drawings the Commission looked at, she wondered what a 50-foot high building would look like. She stated, "One of the things I notice, (is) there seems to be an expectation undeveloped property will remain undeveloped. Everyone has the potential for something else to be built and appear in their view." Vice-Chair de Blanc continued by saying that she has sympathy for this, but growth happens. She added that she was aware that a huge portion of the population demands fast, uninterrupted connectivity. She reemphasized that anything that will go up will have to come before the Commission and Council with opportunities for public comment, thus there is the opportunity to influence design and placement. As Vice-Chair de Blanc understands, the Town's attorney has informed the Commission of the possible negative ramifications of messing with this. She stated that she is someone who would rather see one tower, or maybe multiple (towers).

Commissioner Olguin stated, "Nobody is going to submit an application for a tower unless they can project there is demand for the service. If we don't grow, we are not going to get a tower. If a tower is required, and an application comes in, we have the tools to be creative if possible. I don't see the justification to worry about it now; we have the tools to minimize visual impact."

Director Filardo clarified the need has been identified and the Town has a reasonable expectation to receive an application. People passing through Town also add to the demand.

Senior Planner Escobar stated the Commission has the option to direct staff to provide more information, to go back to Council stating that the Commission does not recommend any changes, or something in the middle.

Vice-Chair de Blanc asked if the ordinance could be changed in the future. Senior Planner explained that yes, changes could be made in the future and pointed out any application received prior to changes being adopted would be processed under the current zoning regulations.

Commissioner Erickson stated he believes the current ordinance is pretty tight and the Commission needs to consider the advice of the Town Attorney. He doesn't think the Commission is in a position to want to change the ordinance.

ACTION: Commissioner Erickson moved to leave the ordinance as it is, heed the advice of the Town attorney and report back to Council that the Commission is not recommending any changes. Commissioner Olguin seconded the motion. The motion passed unanimously.

Chair Van Wye returned to the dais and the Commission returned to agenda item 6:

6. **OLD BUSINESS:** Chair Van Wye resumed the meeting with Item 6 after having moved the requested item 7.a to the beginning of the agenda to accommodate the public present.
- a. **AGENDA ITEM: WORKSESSION:** Discussion/possible action regarding the Focus Area Plan development including a discussion of the public process and creation of a “practice” draft master plan for the Clarkdale Parkway to Centerville Road portion of the SR 89A Focus Area.

Background:

Per the Commission’s direction, staff has contacted the following stakeholders regarding development of the Focus Area Plans:

- Newgate Homes at Mountain Gate
- Beaver Creek Development (Conlin Family)
- Arizona Title & Trust Co (Selna & Mongini)
- Joram Corporation (Mold in Graphics)
- Salt River Material Group
- Clarkdale Fire District
- Yavapai-Apache Nation
- UVX Mongini Co.
- ADOT
- Cottonwood Area Transit (CAT)

Practice Planning Session

In preparation for the upcoming stakeholder’s meeting, staff has prepared a practice planning session approach as follows:

- Step 1: Identify desired uses using icons
- Step 2: Place desired uses at preferred locations on map
- Step 3: Identify driveway access, shared access and connections
- Step 3: Draw in parking, building orientation, pedestrian connections
- Step 4. Identify future transit stops

The Commission conducted a mock plan-making session and discussed possible uses in this area, the challenge presented by access along the highway corridor, the importance of recognizing the needs of the property owners, and the vision of the community.

ACTION: The Commission directed staff to schedule a stakeholders’ meeting for early January 2015. Staff will explore the possibility of having this meeting at the regularly-scheduled meeting of the Commission on January 20, 2015.

- b. **AGENDA ITEM: WORKSESSION:** Discussion/possible action regarding proposed changes to Chapter 13 of the Town of Clarkdale Zoning Code expanding application requirements and adopting criteria for the approval of a zone change amendment.

Background:

The Planning Commission reviewed the draft changes to Chapter 13 of the Zoning Code at the October 21 meeting and provided staff with input on the proposed language. Section F of the

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The Planning Commission reviewed the draft changes to Chapter 13 of the Zoning Code at the October 21 meeting and provided staff with input on the proposed language. Section F of the draft ordinance has been revised so the language is more defined as to the criteria to be used in reviewing a zone change application.

Recommendation

Staff is requesting input from the Commission regarding these proposed changes to the Zoning Code and a recommendation to schedule this item for review in a Public Hearing.

Commission Discussion:

Chair Van Wye asked staff to add language to clarify that improvements will be made at the developer's expense.

Commissioner Erickson asked about the requirement to mitigate noise impact and why this was recommended since the Town Code already includes a noise ordinance.

Senior Planner Escobar explained the noise ordinance is complaint driven. By adopting mitigation strategies during development, noise issues could be avoided.

ACTION: The Commission directed staff to schedule this item as a Public Hearing for the next regularly scheduled meeting.

- c. **AGENDA ITEM: Discussion/possible action regarding the Planning Commission meeting schedule for December.**

ACTION: This being a discussion item only there was no action taken. There was a determination there will be a quorum for the December meeting.

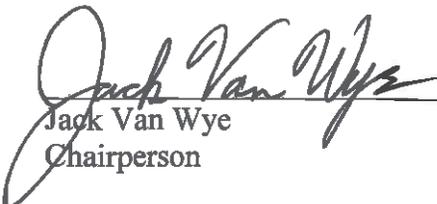
8. **AGENDA ITEM: FUTURE AGENDA ITEMS:**

- a. Commissioner Erickson requested a site-visit be scheduled for any upcoming Conditional Use Permit applications.

9. **AGENDA ITEM: ADJOURNMENT:** The Chair entertained a motion for adjournment. Commissioner Erickson motioned to adjourn the meeting. Vice-Chair de Blanc seconded the motion. The motion passed unanimously. The meeting adjourned at 5:45 p.m.

APPROVED BY:

SUBMITTED BY:



Jack Van Wye
Chairperson



Beth Escobar
Senior Planner