



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

Tuesday, December 16, 2014 4:00 pm
Men's Lounge, Clark Memorial Clubhouse, 19 N. Ninth Street

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, December 16, 2014 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.

GUIDELINES FOR PUBLIC COMMENT

The Town of Clarkdale endorses civil discourse. If you wish to speak at this meeting, please:

- Fill out a "Comment Card" and deliver to a staff person.
- When recognized, step to the podium and state your name and whether you are a Clarkdale resident.
- Direct all comments to the Planning Commission. Do not enter into a dialogue with the applicant or other members of the public.

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 8th day of December at 9:00 a.m.

Vicki McReynolds

Vicki McReynolds
Administrative Assistant II

www.clarkdale.az.gov

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:**
 - a. Consideration of the Regular Meeting Minutes of November 10, 2014.
5. **REPORTS:**
 - a. Chairperson and Members Report
 - b. Director's Report
6. **NEW BUSINESS:**
 - a. **PUBLIC HEARING:** Regarding an ordinance of the Mayor and Town Council of the Town of Clarkdale adding language to Chapter 13, Section 13.2.C expanding the requirements for a zone change amendment application and Section 13.2.F adopting criteria for the Planning Commission to base their recommendation on for a zone change application.
 - Staff Report
 - Applicant Presentation
 - Questions to Staff/Applicant
 - Open Public Hearing
 - Close Public Hearing
 - b. Consideration and 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.
7. **OLD BUSINESS:**
 - a. **WORKSESSION:** Discussion/possible action regarding updates from staff on the progress of the Focus Areas project.
8. **FUTURE AGENDA ITEMS:**
9. **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 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: None.

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

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.

- 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

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.

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.

Commission 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 this may lead to a proliferation of towers in the community because wireless provided would need more towers to meet their service demands. Commission 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.

Commission Olguin stated he was having a problem I am not sure what levers or button are available to us 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 asked how broad is the 15 feet. 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 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. She stated she and her husband bought their property on Cholla Lane ten years ago bought the property on Cholla Lane 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 that 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. Town should not be overly developed. From LA, just the opposite. There were no visible cell towers in LA near residential areas. I have Verizon and have great cell service. I get the '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 concern.

Vice-Chair de Blanc closed the public comment.

Commission Discussion:

Commissioner Backus feels for the negative impact. As a developer I always look at ways to improve our community. Are there ways to soften impact? Need some more time to consider. Referred to the water towers in Cottonwood that were wrapped in wire.

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.

Commission Erickson knows from personal 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 is there a possibility to allow cell towers in the overlay district.

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

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, the drawings we looked at, she wonders what the impact of a 50-foot high building would look like. One of the things I notice, 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. Have sympathy for this, but growth happens. I am aware that a huge portion of the population demands fast, uninterrupted connectivity. I think, anything that will go up will have to come before Commission and Council with opportunities for public comment. There is the opportunity to influence design and placement. As I understand, the attorney has informed us the possible negative ramifications of messing with this. I am someone who would rather see one tower. Or maybe multiple.

Commission 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 wanted to clarify the need has been identified and we have 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, go back to Council that you don't 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. We need to consider the advice of the Town Attorney. I don't think we are in a position to want to change the ordinance.

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

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.

6. **AGENDA ITEM: OLD BUSINESS:** Chair Van Wye requested item 7.a be moved to the beginning of the agenda to accommodate public present. The Commission agreed.
 - a. **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 Plan Making

In preparation for the upcoming stakeholder's meeting, staff has prepared a practice plan making:

- 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. **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 draft ordinance has been revised so the language is more defined as to the criteria to be used in reviewing a zone change application.

Discussion:

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

Commissioner Erickson asked about the requirement do 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.

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.

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

b. 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



Director's Report

Agenda Item: Department Update
Community Development Department

Staff Contact: Jodie Filardo

Meeting Date: December 16, 2014

- 1. Dollar General Store.** At their November 5th meeting the Design Review Board approved the site plan and design for the proposed Dollar General Store at the Lisa/Lincoln roundabout adjacent to Olsen's Grain. Entrance to the building will be from Lisa Street and the project will include a driveway connection from Lisa Street to the back of Olsen's Grain. At the meeting, Steve Sischka and Mike Olsen spoke to the importance of this connection stating it provides a secondary exit for employees in the event of an emergency event, and will also be more convenient for customers. Several residents of the Foothill Terrace neighborhood expressed concern about the potential traffic impact of the project. Based on information from the applicant's traffic study, data from recent traffic counts in the area conducted by the Town and initial review comments from the Town engineer, the proposed entrance to the project from Lisa Street will not present a traffic safety issue. The applicant will now begin finalizing construction plans and preparing the required Phase II drainage plan and plans to submit a building permit by the end of this year.
- 2. Verde Valley-wide marketing project.** Meeting with Solimar and Sedona Chamber. In support of the valley-wide strategic marketing plan underway with support from the Walton Family Foundation, I met with representatives from Solimar and with Jennifer Wesselhoff to review the approaches and target areas for consideration in Clarkdale. The plan is to use the Sedona Verde Valley Tourism Council (of which we are members) as the executive leadership on this project and to build a team of about 100 stakeholders to bring expertise to the table representing key constituencies throughout the valley. I'm really excited for this project to begin as I think this will advance the tourism offerings in Clarkdale even further. The next meeting of the stakeholders is planned for February 2015.
- 3. Local First Arizona.** The Town is hosting and sponsoring the Local First Arizona's Second Annual Food & Farm Finance Forum here in the auditorium on January 15 and 16, 2015.
- 4. Sustainable Clarkdale.** At the quarterly meeting regarding the Verde River @ Clarkdale, staff and the Mayor reviewed the displays created for each river access point highlighting the amenities planned by site and drawn to scale. The next step in the process is to ascertain whether or not any of the planned amenities are targeting sensitive areas to be identified through the archaeological survey process currently underway through Cornerstone Environmental. The estimated costs for the amenities (boating facilities, remediation/protection, and community amenities) as calculated by Peak Engineering are as follows: Lower TAPCO RAP = \$880,585.50 and TuziRAP = \$813,299.67. Relative to the Water Resources Management Program, staff met with Dr. Laurel Lacher to review possible next steps in this project given the recommendations report for consideration at the upcoming Council meeting. The overall plan will

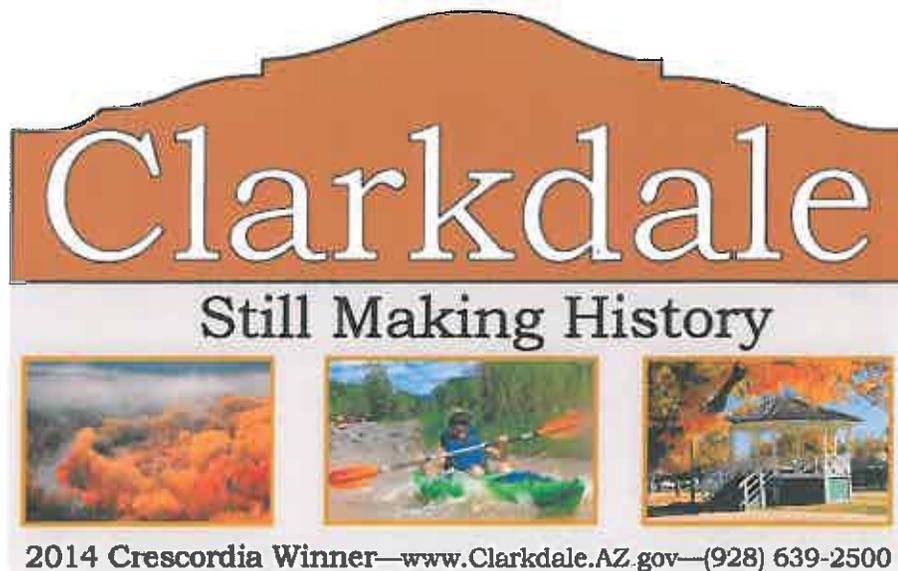




Director's Report

be based on feedback from the Council work session coupled with an analysis of ways in which each item may be addressed given staffing constraints and funding.

5. **Advertising in AZ Business** for their November/December issue. We've taken out an ad for the next issue of AZ Business highlighting the 40 most admired companies in Arizona and an article on the Crescordia Award winners of 2014 – including Clarkdale!



6. **Wine writers familiarization trip.** At the request of the folks from Four Eight Wineworks, staff and Drake Meinke gave a presentation at Four Eight Wineworks on Sunday about the stories of Clarkdale to a group of about ten international wine editors and writers who were touring this area as guests of Maynard Keenan. Not only did they seem enthusiastic about the wine, but also they enjoyed the stories and several agreed to mention the upcoming re-enactment of the bank robbery and the historic home tour.
7. **Legacy Bricks in Centennial Plaza.** . For someone with everything, don't forget the possibility of memorializing them in our Centennial Plaza in front of the Clark Memorial Clubhouse. See the updated form to submit your order. One brick is \$100 for 14 spaces formatted in 3 lines. Please



Director's Report

see Community Development if you have questions.




CENTENNIAL PLAZA LEGACY BRICKS PROGRAM



Instructions:

For a 4" x 8" paver, all the lettering including spaces and punctuation must fit in the following boxes. 14 spaces are the maximum in three lines. The following symbols may be used: - / &. The following symbols are not available for use: @ # \$ % * () ©. USE CAPITAL LETTERS ONLY.

\$100 / Brick payable in advance
Checks payable to:
Town of Clarkdale, PO Box 308, Clarkdale, AZ 86324

Name: _____

Address: _____

E-Mail: _____

Phone #: _____

Questions call: Community Development at (928) 639-2500

8. **Staff met with the business manager for Glenarm Land Company.** They are proposing exterior renovations to the apartment building on Eleventh Street, including new exterior colors. They have decided on a deep red for the exterior color and will choose a trim color after the building is repainted. They hope to begin this project within the next few weeks.

9. **Planning Commission Focus Area Meeting.** An email invitation was sent out to eight property owners/stakeholders requesting their attendance at the January 20th

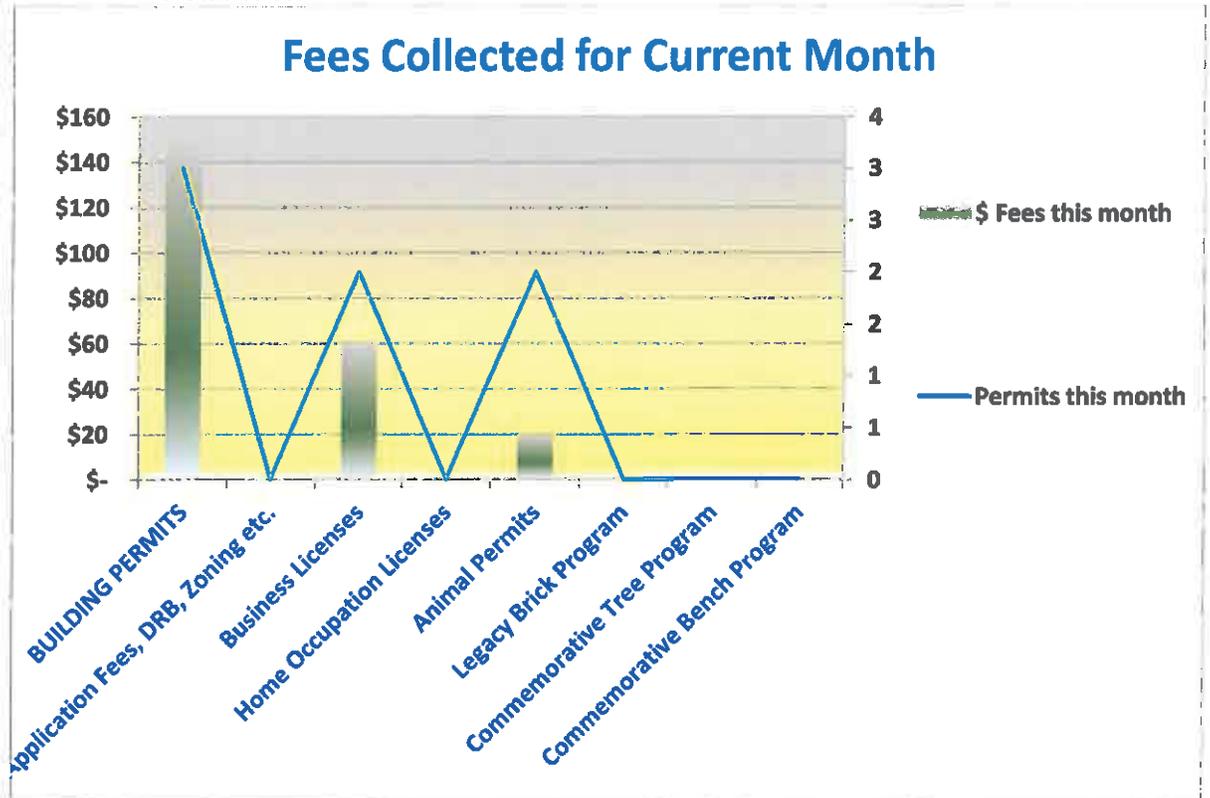




Director's Report

Planning Commission meeting for the first Focus Area Conceptual Plan meeting. This first meeting will study the section of SR 89A between Clarkdale Parkway and Centerville Road.

10. November 2014 Statistics.





Staff Report

Agenda Item: **PUBLIC HEARING:** Regarding an ordinance of the Mayor and Town Council of the Town of Clarkdale adding language to Chapter 13, Section 13.2.C expanding the requirements for a zone change amendment application and Section 13.2.F adopting criteria for the Planning Commission to base their recommendation on for a zone change application.

Staff Contact: Beth Escobar

Meeting Date: December 16, 2014

Presented to: Planning Commission

Background:

The Planning Commission has conducted two worksessions regarding proposed changes to Chapter 13 of the Zoning Code. The amendments being proposed adopt a requirement for a specific development plan to accompany all zone change applications. In addition, language is being added to provide guidelines for the Planning Commission to use in evaluation of a zone change request. Staff has made changes to the draft language per the direction from the Planning Commission.

The purpose of these suggested changes is to have a clear understanding of the proposed development related to a rezoning application and to have criteria available for the Planning Commission to use when considering a zone change request.

To facilitate measuring the impact any proposed change has to the surrounding neighborhood, a requirement is being added under Section 13.2.C requiring the applicant to conduct a neighborhood participation plan prior to the application moving forward to a public hearing. This provides the opportunity for the applicant to address issues raised by the neighbors at an early stage of the project.

The changes being proposed are in conformance with Arizona Revised Statutes, 9-462-01.12.E, which states the Town may 'approve a change of zone conditioned upon a schedule for development of the specific uses or uses for which rezoning is requested.'

Per the Town attorney, the Town may modify the existing zone amendment procedures without risking exposure under the Arizona Private Property Protection Act of 2006 (Prop. 207).



Staff Report

Recommendation

Staff is requesting the Planning Commission recommend approval of the proposed changes and move this item forward to Town Council or provide specific changes for the draft ordinance.

Attachments:

1. Revised Draft Code Changes to Chapter 13

CHAPTER 13 – SECTION 13-2 Procedures for Amendments**C. Application –*add the following language:***

The following information shall be included with all applications for a zone change amendment:

1. A detailed description of the proposed development for which the zone change is being requested including a specific schedule for proposed improvements. (A.R.S. 9-462.01.12.E)
2. A draft site plan showing proposed building layout, parking and all proposed construction or modifications to an existing structure. Site plan shall include notation for any proposed dedication of public rights-of-way or drainage areas.
3. A narrative of how the requested zone change complies with the Clarkdale General Plan. (A.R.S. 9-462-01-12.F)
4. Completed application.
5. Legal description of the property.
6. Copy of property title or statement of letter of authorization from the property owner.
7. Proposed neighborhood participation plan to ensure the applicant pursues early and effective participation from the community regarding the proposed zoning amendment. This plan shall be implemented prior to the first public hearing. A summary of the neighborhood input shall be presented by the applicant to the Planning Commission.

F. Recommendation of the Commission –*add the following language:*

The Planning Commission may consider the following when reviewing a zone change amendment request:

1. The amendment conforms to the Clarkdale General Plan, specifically the Land Use Element.
2. The amendment conforms to a Focus Area plan, if applicable.
3. The proposed development provides buffering to adjacent land uses.
4. The proposed development mitigates traffic impact.
5. The proposed development mitigates noise impact to surrounding properties.
6. The proposed development will conform to all existing zoning regulations, including the Outdoor Lighting Code and Landscape Design Standards.
7. The proposal provides community benefits such as:
 - a. Pedestrian connections.
 - b. Vehicular connections.
 - c. Public right-of-way will be improved at the expense of the applicant/developer and dedicated to the Town.
 - d. Utility infrastructure will be installed at the expense of the applicant/developer and dedicated to the Town.
 - e. Public space will be improved at the expense of the applicant/developer and dedicated to the Town upon request by the Town.
 - f. Open spaces will be protected.