



STAFF REPORT

TOWN COUNCIL

Agenda Item: **PUBLIC HEARING ON SYCAMORE VIEW SUBDIVISION ZONING CHANGE** - A hearing to receive public input regarding the proposed Sycamore View Subdivision Request to rezone APN # 400-05-009C, a parcel located at Main Street and Bonnaha Avenue across from the Clarkdale-Jerome School, from the current R-1 Single Family Residential zoning to R-2 Single Family and Limited Multifamily Residential zoning.

Staff Contact: Guss R. Espolt Community Development GIS / Planner

Meeting Date: September 9, 2008

Background: Land Bankers, Inc., owner and applicant, is requesting to rezone parcel #400-05-009C, a 1.77 acre, undeveloped parcel located at Main Street and Bonnaha Avenue across from the Clarkdale-Jerome School, from the current R-1 Single Family Residential zoning to R-2 Single Family and Limited Multifamily Residential zoning.

The current zoning for the parcel requires a 10,000 square foot minimum lot size for building a single family residence in this zoning district. Under this current zoning the applicant would be allowed to proceed through the Minor Subdivision process and create a total of seven (7) lots. The applicant is seeking rezoning of this parcel to R-2 zoning which requires only 8,000 square feet minimum to build a single family residence. The applicant intends to proceed through the Minor Subdivision process and create a total of eight (8) lots approximately 9,690 square feet each - this calculates into approximately 310 square feet short of the 10,000 square foot minimum under current zoning.

The zoning and densities of the surrounding properties are as follows (see Exhibit 1):

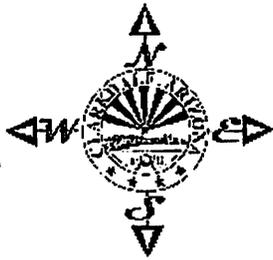
- To the west of the property the area is zoned R2- Medium High Residential
- To the north, a portion is zoned R1-Low Residential and a portion is Yavapai-Apache Nation Reservation land
- To the east of the property the area is zoned R1-Low Residential
- To the south of the property the area is zoned Public Land – Clarkdale-Jerome School

After reviewing this request for conformance with the town's General Plan, staff determined the request does not warrant a minor amendment to the General Plan as the request continues to keep the maximum of five units per acre for Low Residential as stated in the General Plan, Section 2.h - Land Use Plan.

On July 24, 2008 this rezoning request came before the Town of Clarkdale's Planning Commission as a public hearing for review. During the public hearing the Commission did not receive any comments regarding this rezoning request. The Planning Commission voted Three (3) votes to recommend approval of the request to council with one (1) abstention. According to state law, since no one appeared at the public hearing to protest the rezoning request, an advertised public hearing is not required before Council.

Recommendation: Public hearing no action needed.

Exhibit 1



Yavapai-Apache Reservation

MR R1-A
Medium Residential

Proposed zoning change

Clarkdale Jerome School

LR R1
Low Residential

Rezone-2007-28
Sycamore View
Date: September 9, 2008
APN #400-05-009C

**WAIVER OF RIGHTS AND REMEDIES
UNDER A.R.S. §12-1134**

This agreement regarding Waiver of Rights and Remedies under A.R.S. § 12-1134 is made between Mr. David Conlin and The Town of Clarkdale , Arizona, regarding the following property: Section 19, Township 16 North, Range 3 East. 1615 Main Street Parcel number: 400-05-008 See Exhibit A

The Owner agrees and consents to all the conditions imposed by the Town of Clarkdale / Town Council regarding the zoning classification in [Rezoning/Zoning Change/Use Permit/Preliminary Dev. Plan Application # Rezone 2007-28 /General Plan Amendment/Variance/ Site Plan/Subdivision/ Ordinance] referenced in [ordinance, application #, permit #].

By signing this Agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the zoning classification in Rezoning Application # Rezone 2007-28 as a result of the Council's approval of Application #MSD-2007-25/Rezone 2007-28 with regard to the above-referenced property.

This Agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the Town of Clarkdale and shall supersede all prior agreements or understandings between the Owner and Town of Clarkdale regarding the above-referenced property. This Agreement may not be modified or amended except by written agreement by the Owner and Town of Clarkdale.

This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.

Within ten days after the execution of this Agreement, the Town Clerk shall file the Agreement in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

This Agreement runs with the land and is binding upon all present and future owners of the above-referenced property. This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

Excerpt from Town of Clarkdale 2002 General Plan

2.h LAND USE PLAN

The Land Use Plan has thirteen (13) land use classifications, including five residential categories, three commercial categories, two industrial categories, one public lands and facilities category and one mixed use category. The classifications are based on the density or intensity of use that is allowed, as well as the types of use anticipated.

Density

The concept of density in terms of land use refers to the number of residential units in relation to an acre (43,560 square feet) of land.

Intensity

The intensity of use on a property is typically used to refer to non-residential developments, including various commercial and industrial uses. Intensity may refer to a range of indicators, such as the square feet of building development per acre, the parking requirements of various uses, the amount of traffic generated, the number of employees per development or similar methods to compare the impacts of different uses.

Land Use Classifications

The classifications for various properties are based on a variety of factors, including an analysis of existing and projected uses, the existing zoning classifications, the availability of infrastructure, including roads and utilities, the general topography, the relationship to any floodplains and washes, and the general nature of surrounding uses.

. **Residential** classifications are based on the maximum allowable density of development that otherwise meets Town development standards as defined in the Town Zoning Code.

. **Commercial and Industrial** classifications are based on the type of use, the amount of traffic generated, the scale of the operation, whether or not there is outdoor activity and the relationship to surrounding uses.

. **Public Land and Facilities** refers to those uses and properties owned and/or operated by various types of government entities in the public interest.

. **Mixed Use** classification applies to those properties including planned developments with a mixture of various uses, such as residential, commercial, recreational and institutional uses within one development, where there is adequate infrastructure, access and separation from other surrounding uses. It is understood that some of these long-range land use classifications do not correspond to the existing Zoning District classifications in the Town Zoning Code. In order to address the intent of these General Plan classifications it would be necessary to amend the Zoning Code to include new and revised Zoning Districts. Both the Commercial and Industrial Districts would have to be amended to include two or more separate classifications. Additionally, it would be necessary to create new Zoning Districts to address both the Public Lands and Facilities, National Forest and the Mixed Use classification. The corresponding Zoning District is listed for each land use classification.

Land Use Classifications (Current Zoning)

1. HR High Residential Fourteen (14) or more units per acre. (R3)

This classification is intended to allow larger multi-unit apartment complex developments.

This category is found in areas with adequate infrastructure.

2. MHR Medium High Residential Maximum of eleven (11) units per acre. (R2)

Intended to allow small apartments and townhouse residential developments configured with fourplex, triplex or duplex style housing on larger lots with adequate infrastructure available, including frontage on collector roadways.

3. MR Medium Residential Maximum of nine (9) units per acre. (R1A, R4, R4A)

This classification is intended to allow for single-family residential development on smaller lots, including within historic residential neighborhoods and for manufactured home developments.

4. LR Low Residential Maximum of five (5) units per acre. (R1)

Allows for single-family development and would typically include subdivision neighborhoods with developed infrastructure, including roads and utilities.

5. VLR Very Low Residential One dwelling unit, or fewer, per acre. (R1L, RS3)

This classification is intended for larger lots in areas with minimal services available.

6. CBD Central Business District (CB)

An existing area of the original town site defined by historic mixed uses, including governmental, commercial, cultural, recreational, entertainment and residential uses in an area with historic designs, materials and general style of development.

7. NC Neighborhood Commercial (C)

This classification is intended for commercial retail and service needs that provide the surrounding neighborhoods and residents of Clarkdale with their basic, day-to-day needs. This classification would be characterized by various retail outlets, offices and restaurants. Small shopping centers and office complexes could be considered but it would be expected that all such uses include adequate off-street parking, landscaping, and generally improved site development. Uses would be primarily indoors with outdoor uses limited to loading areas and parking of service vehicles.

8. HC Highway Commercial (C)

This classification is intended for a wider range of community-wide and regional commercial uses. In addition to various retail, office and restaurant uses, this category would include various automobile related businesses, such as gas stations, auto sales rental and repair shops, and larger commercial or shopping centers. These uses would typically be found along arterial highways or major collector streets with minimal association with local neighborhood roads. This category would include some degree of outdoor storage or sales when incidental to the permitted commercial uses.

9. LI Light Industrial (I)

Intended to provide for light manufacturing, warehousing, distribution, wholesaling, ministorage and other uses primarily located within buildings with limited outside storage that must be fully screened from adjacent uses. Outdoor uses are limited to loading areas, parking of service vehicles, and parking of vehicles accessory to permitted indoor uses.

10. HI Heavy Industrial (I)

Intended to provide locations for more intensive industrial uses that may include large amounts of exterior storage and outside work areas, primary material processing facilities, contractor storage yards, distribution and transportation facilities that generate trucking and traffic impacts, various major public facilities, including recycling facilities and waste water treatment plants, electric substations or other uses by utilities. These uses are not intended to abut any residential or commercial land uses unless separated by an adequate distance with landscaped open space areas and/or solid screening.

11. PL Public Lands and Facilities N/A

These areas are intended to provide for a range of public land uses, including government offices, public schools, community colleges, public utility facilities, community centers, fire stations, libraries, recreational facilities, parks and open space areas. Development standards would vary depending on the use but should provide adequate separation, landscaping or setbacks from differing uses.

12. MU Mixed Use N/A

The Mixed Use category is intended for planned development projects that include a mix of uses, such as residential, commercial, recreational, open space, institutional and/or community facilities. This classification would typically be associated with a Planned Area Development or similar master planned project. This classification would apply to larger properties that have close proximity to existing or potentially developable transportation and utility infrastructure.

13. O Open Space (OS)

The Open Space classification is intended for both public and private land that is designated as open space. This not only includes undeveloped natural areas but also a variety of outdoor recreational uses, ranching and agricultural uses, historic sites, and conservation areas. In addition to public lands intended to be preserved in an undeveloped condition, this classification is intended for private lands designated as open space tracts within a development, through conservation easements or otherwise included within a development agreement. Private lands can only be designated as open space with the written permission of the property owner.

14. NF National Forest (RS3)

The National Forest classification is solely for the Prescott National Forest lands currently subject to the jurisdiction of the United States Forest Service (USFS) and located within the boundaries of the Town.

All uses are subject to the provisions of the Prescott National Forest Land Use and Resource Management Plan, and other applicable USFS policies, approvals and/or management provisions. In the event any National Forest lands are transferred into private ownership, only those developments, uses or physical improvements in existence at the time of transfer and approved by the USFS shall be allowed to continue until such time as the property owner initiates a rezoning request and the property is rezoned to allow a change in the development patterns or use.

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON THURSDAY, JULY 24, 2008, IN THE CLARK MEMORIAL LIBRARY, 39 NORTH NINTH STREET, CLARKDALE, AZ.

A **REGULAR** meeting of the Planning Commission of the Town of Clarkdale was held on Thursday, July 24, 2008, at 6:00 p.m., in the Clark Memorial Library, 39 N. Ninth Street, Clarkdale, AZ.

Planning Commission:

Chairperson	Amy Bayless	Present
Vice Chairperson	Dave Puzas	Absent
Commissioners	Jorge Olguin	Present
	Sarah Vinson	Present
	Bill Regner	Present

Staff:

Community Development Director	Sherry Bailey
GIS Planner	Guss Espolt
Administrative Assistant II	Vicki McReynolds

Others in Attendance: Memi Perkins-applicant.

AGENDA ITEM: CALL TO ORDER: The Chairperson called the meeting to order at 6:00 p.m.

AGENDA ITEM: ROLL CALL: The Administrative Assistant called roll.

AGENDA ITEM: MINUTES: Consideration of the Regular Meeting Minutes of June 26, 2008 and the Special Meeting Cancelled Minutes of July 3, 2008. Commissioner Olguin motioned to approve the Regular Meeting Minutes of June 26, 2008 and the Special Meeting Cancelled Minutes of July 3, 2008. Commissioner Vinson seconded the motion. The motion passed unanimously.

AGENDA ITEM: REPORTS:

The Chairperson moved the Agenda Item: Reports to follow the Public Hearing for this evening's meeting.

Chairperson's Report: Moved to follow the Public Hearing.

Staff Report: Moved to follow the Public Hearing.

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.**

NEW BUSINESS



AGENDA ITEM: PUBLIC HEARING: Re-Zone 2007-28 from R1 to R2, from Sycamore View, Land Bankers Inc., Parcel #400-05009C, located at Main Street and Bonnaha Avenue.

-Open Public Hearing: Chairperson Bayless opened the Public Hearing.

-Staff Report:

Background:

The applicant is requesting to rezone from the R-1 to R-2. The applicant intends on developing eight (8) single family lots 9,690 sq. ft. in size. That is 310 sq. ft. less then the 10,000 sq. ft. required of R-1 zoning. *Zoning Code Chapter 3, Section 3-1 F, Minimum Lot Size: 10,000 square feet per single family dwelling unit. Chapter 3, Section 3-4 F.1. 1. 8,000 square feet per single family dwelling unit.*

General Plan:

Staff finds there is no need for a minor general plan amendment. The rezoning of R-1 to R-2 as proposed with lot sizes at 9,690 sq. ft. still falls under the 5 units per acre of low density residential criteria.

LR Low Residential Maximum of five (5) units per acre. (R1)

Allows for single-family development and would typically include subdivision neighborhoods with developed infrastructure, including roads and utilities.

MHR Medium High Residential Maximum of eleven (11) units per acre. (R2)

Intended to allow small apartments and townhouse residential developments configured with fourplex, triplex or duplex style housing on larger lots with adequate infrastructure available, including frontage on collector roadways.

Lot 7 appears to have a discrepancy in size compared to the other lots.

The measurements are as follows:

The back	64.31 + 12.69 = 77.00
The front	65.58 + 19.02 = 84.60
The R-side	120.00
The L-side	119.69

80.08 x 119.845 = 9,597.18, this is in the parameter needed for the lot size of 9,690 sq. ft. plus / minus.

Staff Recommendations:

The property to the West of Bonnaha Ave. is zoned R-2, 8,000 sq. ft. minimum; two (2), three (3) and four (4) family dwelling units. The property to the East of the proposed Minor Subdivision is zoned R-1A, 5,000 sq. ft. minimum, Single family dwellings. The property adjacent to the proposed Minor Subdivision Sycamore View is 124' x 86'. The lots proposed are 120' x 80.75' ft. which are 4' shorter one direction and 5.25' ft. shorter the other direction.

The property facing South East is the Clarkdale Jerome Elementary School which schools approximately 415 students. There are 5 school busses and the drop off and pick up is directly in front of the proposed Minor Subdivision. The busses run 7:30 to 8:15 in the morning and also run at 2:30 to 4:30 in the evening. The C.A.T.S. Bus has 2 lines that work this area across from the proposed Sycamore View Minor Subdivision. The Catch a Ride that picks up every 52 minutes after the hour, The Blue Line, which picks up every 7 minutes after the hour Monday through Friday.

The property proposed for the Minor Subdivision has a social trail to the Yavapai Reservation. Sidewalks to be built will direct traffic to the corner of Main Street and Bonnaha Ave. The crosswalk light for the children of Clarkdale Jerome Elementary School on the Main Street and Bonnaha Ave. crossway should be part of the development agreement.

When taking photos for the staff report I was approached by Mr. Harris with concerns about the lot size changes. He feels the size reduction will affect his property values. The size differences proposed averages are 4' shorter one direction and 5.25' ft. shorter in the other direction. I encouraged him to be present at the public hearing on the 24th.

In the event of an approval of rezoning, the preliminary plat process is followed by an Administrative Review Board of the Subdivision Committee members. They will go over the criteria for the Minor Subdivision such as the sewer disposal, water supply, flood contours and measures to make sure all is in compliance with all requirements of the Arizona Department of Real Estate.

Planning Commission may approve the Sycamore View Re-Zoning as presented, approve with stipulations, or disapprove the application as filed.

Recommended Stipulations:

Staff recommends the Sycamore View Re-Zoning request be approved with the stipulations that they enter into a development agreement that states:

- (1) The sidewalks required will be extended to meet the existing side walk on the corner of Main Street and Sixteenth Street.
- (2) They must also meet the extension for water and sewer.
- (3) Design standards for off-street parking.
- (4) They are limited to single family homes.
- (5) The crosswalk light for the children of Clarkdale Jerome Elementary School on the Main Street and Bonnaha Ave. crossway should be part of the development agreement.

-Applicant Presentation: Memi Perkins explained the intent for the creation of a minor subdivision called Sycamore View. They would like to create 8 site-built home lots, all 9,690 square feet, on the north east corner of the intersection of Main Street and "F" Street (Bonnaha)-across the street from the Elementary School. The property is currently Zoned R-1. They are applying for a zoning change and minor subdivision approval at the same time. The lots would match the size and characteristic of the original historic subdivision of the Township of Clarkdale.

The applicant stated they understand the stipulations stated within the Staff Report, but asks to not have to comit to the sidewalk at this time.

-Invite Public to Speak:
None.

-Close Public Hearing: Chairperson Bayless closed the Public Hearing.

 **AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION:** Re-Zone 2007-28 from R1 to R2, from Sycamore View, Land Bankers Inc., Parcel #400-05009C, located at Main Street and Bonnaha Avenue.

-Questions may be directed to Staff/Applicant: Following are responses to questions posed by the Board.

- Exhibit 1-map (that was provided in the Commissioner's packets) was explained in further detail by the applicant and staff.
- The social trail utilized by the children to and from the elementary school was discussed.
- The crosswak where the children cross was discussed.
- To create continuity with the sidewalk addition is the objective.
- The Waiver of Rights and Remedies document was explained regarding the need for Mr. Conlin's title and/or his capacity for Land Bankers, Inc. to be indicated.
- Once the Town receives the signed development agreement the stipulations stay the same. The only way it can be changed is to go back to Town Council.

-Discussion:

- Between this point with the Planning Commision and then to Town Council, a development agreement will go with this rezoning request.
- The Commissioners do not want to place undue burdon on someone trying to develop an area.
- Safety issues should always be addressed with all applications.
- When a rezone occurs, the development agreement accompanies it to Town Council. They base their decision upon the application, applicant presentation and public input.
- There was discussion regarding the required sidewalks to meet the existing sidewalk.

AGENDA ITEM: ACTION: Commissioner Regner motioned to approve the Re-Zone 2007-28 from R1 to R2, from Sycamore View, Land Bankers Inc., Parcel #400-05009C, located at Main Street and Bonnaha Avenue, as presented with the following Staff Stipulations:

1. A street light placed at the corner of Main Street and Bonnaha Ave. crossway should be part of the development agreement.
2. The sidewalks required will be extended to meet the existing side walk on the corner of Main Street and Sixteenth Street. Cost charging measures to be explored with the Town and existing homeowners.
3. They must also meet the extension for water and sewer.
4. Design standards for off-street parking.
5. They are limited to single family homes.

Commissioner Vinson seconded the motion. The motion passed with three in favor: Chairperson Bayless, Commissioner Regner and Commissioner Vinson and one abstained: Commissioner Olguin.

AGENDA ITEM: REPORTS:

Chairperson's Report: None.

Staff Report: The Community Development Director handed out a copy of an article from the Verde Independent regarding sales tax. Our sales tax in Clarkdale is significantly low. We need to put a revised effort in to the Economic Development Element of the General Plan. There will be joint meetings possibly with the Town Council and other Boards to participate in the Town's economic development. We need a solid plan for our future. A small Task Force needs to come in to play.

The Community Development Director shared Clarkdale Metal's continued commitment to work with the Town. The train and their tourism was discussed and their relationship with Clarkdale Metals for the future.

The Smart Growth Scorecard was handed out to the Commissioners outlining some changes. This is a "draft" copy where each town will rate themselves and it is due back by the first of the year. The Commissioners were asked to look at the draft and discuss at the next regular meeting.

AGENDA ITEM: FUTURE AGENDA ITEMS:

- Next Regular Meeting-August 28th-first half hour will be dedicated to the Smart Growth Scorecard
- Next Worksession-August 7th-"Create a Vision" with regards to Clarkdale Metals/Train/Cement Plant
- Commissioner Regner to provide an update on a conference he attended.

AGENDA ITEM: ADJOURNMENT: Commissioner Vinson motioned to adjourn the meeting. Commissioner Olguin seconded the motion. The motion passed unanimously. The meeting adjourned at 7:30 p.m.

APPROVED BY:

SUBMITTED BY:

Amy Bayless
Chairperson

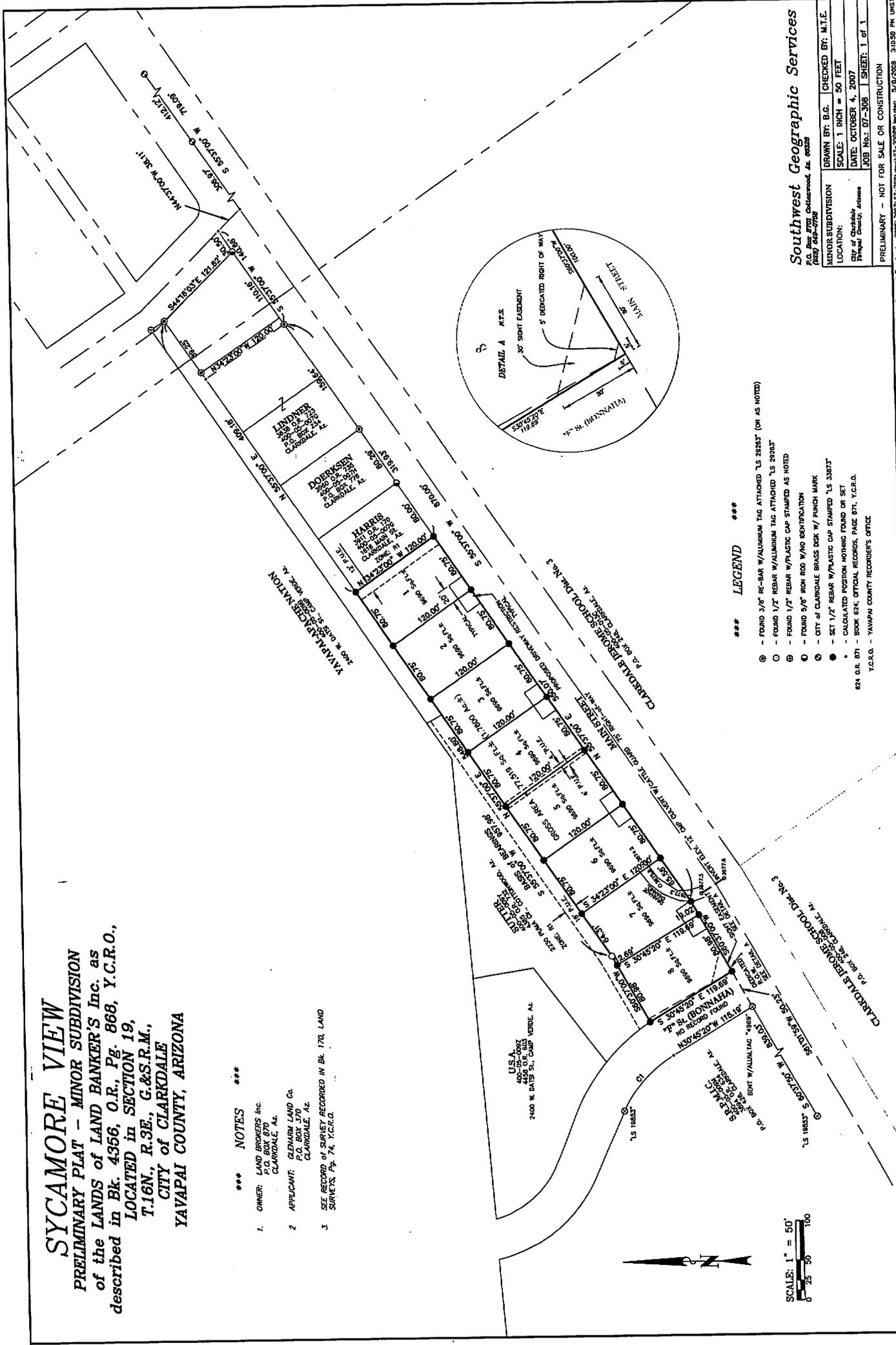
Vicki McReynolds
Administrative Assistant II

SYCAMORE VIEW

PRELIMINARY PLAT - MINOR SUBDIVISION
of the LANDS of LAND BANKER'S Inc. as
described in Bk. 4356, O.R., Pg. 868, Y.C.R.O.,
LOCATED in SECTION 19,
T.16N., R.3E., G.&S.R.M.,
CITY of CLARKDALE
YAVAPAI COUNTY, ARIZONA

*** NOTES ***

1. OWNER: LAND BROKERS Inc.
P.O. BOX 270
CLARKDALE, AL
2. APPLICANT: GLENHORN LAND Co.
P.O. BOX 370
CLARKDALE, AL
3. SEE RECORD OF SURVEY RECORDED IN Bk. 170, LAND
SURVEYS, Pg. 74, Y.C.R.O.



- ### *** LEGEND ***
- ⊙ - FOUND 3/8" RE-BAR W/ALUMINUM TAG ATTACHED "LS 29253" (ON AS NOTED)
 - - FOUND 1/2" REBAR W/ALUMINUM TAG ATTACHED "LS 29252"
 - ⊕ - FOUND 1/2" REBAR W/PLASTIC CAP STAMPED AS NOTED
 - ⊙ - FOUND 3/8" IRON ROD W/NO IDENTIFICATION
 - ⊙ - CITY OF CLARKDALE BRASS DISK W/ PUNCH MARK
 - - SET 1/2" REBAR W/PLASTIC CAP STAMPED "LS 33875"
 - - CALCULATED POSITION NOTHING FOUND OR SET
 - 624 O.R. 871 - BOOK 824, OFFICIAL RECORDS, PAGE 871, Y.C.R.O.
 - Y.C.R.O. - YAVAPAI COUNTY RECORDERS OFFICE

Southwest Geographic Services
 7000 W. 10th Street, Suite 100
 Phoenix, Arizona 85042
 (602) 964-0776
 DRAWN BY: B.G. CHECKED BY: M.T.E.
 SCALE: 1 INCH = 50 FEET
 DATE: OCTOBER 4, 2007
 CITY OF Clarkdale
 Yavapai County, Arizona
 JOB No.: 07-308 SHEET: 1 of 1
 PRELIMINARY - NOT FOR SALE OR CONSTRUCTION
 Civiland Projects 2005.0007.07-308View07-308PP.dwg 5/9/2008 3:05:50 PM UNST