



Staff Report

Agenda Item: **RESOLUTION DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED “AN ORDINANCE OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE TOWN OF CLARKDALE, ARIZONA TO REZONE CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM PLANNED AREA DEVELOPMENT (PAD) TO COMMERCIAL (C) AND RESTRICTING THE USE OF THE PROPERTY WHICH SHALL CONFORM TO THE C ZONING DISTRICT WITHIN THE TOWN OF CLARKDALE, AND IMPOSING CONDITIONS”** – Discussion and consideration of Resolution # 1330, declaring as a public record the above named document which will be filed with the Town Clerk.

Staff Contact: Sherry Bailey, Community Development Director

Meeting Date: April 13, 2010

Background: The Clark House is part of the existing Planned Area Development on the former Phelps Dodge property at Pecks Lake. This land is covered by an existing development agreement and conceptual design for the Verde Valley Ranch. In the conceptual plan the Clark House was intended to remain residential when the Verde Valley Ranch developed.

Over the past two years Freeport McMoRan has been conducting a remediation project at the Jerome mine site. Part of that work required acquisition of an adjoining piece of property owned by Verde Exploration. In negotiating with Verde Exploration, it was suggested an exchange of land could occur that would benefit Freeport and allow Verde Exploration to acquire the Clark House and preserve it from additional deterioration. At this time, there are no particular plans for developing the Clark House although there have been numerous suggestions for the use of that property. Most of the suggested uses would require commercial zoning. In order to complete the exchange transaction Freeport McMoRan is requesting rezoning the House and the five acres to commercial and they will be requesting the Town Council to remove the Clark House and the five acres now platted with the house from the development agreement. The rezoning will replace the Planned Area Development zoning.

General Plan Interpretation:

Rezoning of this parcel would not require a Minor Amendment to the general plan. As the plan reads: *‘A minor amendment is any proposal that affects an area twenty (20) acres in size or greater.’* In this case there are only five acres associated with the Clark House in the request for rezoning.

Planning Commission Action

The Planning Commission, at their March 16th meeting held a public hearing and voted unanimously to recommend that the Town Council approve the request for rezoning with the following findings:

- A. That the proposed Zoning Change conforms to the adopted goals, objectives and policies of the Town.
- B. That the proposed Zoning Change, as reviewed and approved, will not be detrimental to the public health, safety and general welfare.

Impact of Zoning Change:

Changing the zoning on this parcel to Commercial would allow for development of any of the permitted uses in Clarkdale's Commercial Zone. These uses include:

- (1) Multiple family dwelling structures.
 - (2) Professional and business offices, including clinics.
 - (3) Financial institution.
 - (4) Automobile parking lot.
 - (5) Restaurants, taverns or bars.
 - (6) Retail sales, including florist shops and greenhouses in connection with such shops.
 - (7) Self-service laundry and cleaning establishments.
 - (8) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, home repair and upholstery shops.
 - (9) Personal service uses, including barbershops and beauty parlors, artists studios, funeral parlors and other personal service uses of a similar nature.
 - (10) Amusement place in a completely enclosed building.
 - (11) Automobile, trailer, boat, or farm implement display, sales or rentals.
 - (12) Hotels and motels.
 - (13) Commercial, trade or vocational schools.
 - (14) Public garage, including storage and repair in accordance with Section 14 K. 3 of the Zoning Code.
 - (15) Publicly owned or operated park, playground, or building including public garages and storage yards in conformance with Section 14 K. 3 of the Zoning Code and excepting treatment plants, garbage incinerators, warehouses and penal or correctional institutions.
 - (16) Bed and Breakfast Country Inn.
 - (17) Wholesale establishments, warehouses and self-storage units.
 - (18) Convalescent homes and retirement centers.
- B. Accessory Uses Permitted: (Not requiring a use permit).
- (1) Caretaker's facilities clearly incidental to and secondary to the use of the premises for business purposes.

All commercial development is subject to design review. The historic nature of the Clark House will require sensitivity in how any proposed use and site plan is developed. The Design Review board has the following conditions to weigh at the time of any site plan or design review request:

- 1. **ARCHITECTURAL MERIT:** The architecture and design shall be visually compatible with the buildings, structures and places to which it is related.
- 2. **PROPORTION:** The relationship of the width of the building or structure to its height shall be visually compatible with the buildings, structures and places to which it is related or shall be maintained as original whenever feasible.

3. **OPENINGS:** The relationship of the width of the windows and doors, to the height of windows and doors in the building shall be visually compatible with buildings, structures and places to which it is related.
4. **PATTERN:** The relationships of solids to voids in a facade of a building or structure shall be visually compatible with buildings, structures and places to which they are related.
5. **SPACING:** The relationship of the building to the open space between it and the adjoining buildings shall be visually compatible to the buildings, structures and places to which it is related.
6. **ENTRANCES, PORCHES AND PROJECTIONS:** The height, projection, supports and relationship to streets and sidewalks, of entrances, porches, awnings, canopies and balconies of a building shall be visually compatible to the buildings, structures and places to which it is related.
7. **MATERIAL, TEXTURE AND COLOR:** The materials, textures and colors of the facade of a building shall be visually compatible with the predominant materials, textures and colors used in the buildings and structures to which they are related.
8. **ROOFS:** The roof shape and materials of a building shall be visually compatible with the buildings to which it is related.
9. **ARCHITECTURAL DETAILS:** Doors, windows, eaves, cornices and other architectural details of a building or structure shall be visually compatible with buildings and structures to which they are related.
10. **ACCESSORY FEATURES:** Garages, carports, sheds, enclosures, walkways, stairways, and landings shall be visually compatible with buildings and structures to which they are related.
11. **LANDSCAPING:** Landscaping shall be visually compatible with the landscaping around the buildings, structures and places to which it is related.
12. **LIGHTING:** Any on-site illumination shall be architecturally compatible to the overall project and not create a negative or visually detrimental effect on the building or neighboring properties.

On July 28, 2009, the Town Council waived any potential conflict of interest in the Town Attorney, and the law firm of Boyle, Pecharich, Cline, Whittington & Stallings, representing Verde Exploration in the possible acquisition of the Clark Mansion by Verde Exploration from Phelps Dodge, and in the Town Attorney's representation of the Town in negotiating any necessary amendments to the Restated Development Agreement, necessary rezoning, or other legal matters arising due to Freeport McMoRan's desire to convey the Clark Mansion and surrounding property to a third party.

To save the cost of publishing in the newspaper a lengthy ordinance, this change is being first made a public record by resolution (this agenda item) and then is adopted by reference by an ordinance.

Recommendation: To adopt a Resolution # 1330, declaring as a public record that certain document filed with the Town Clerk entitled "An Ordinance Of The Town Of Clarkdale, Yavapai County, Arizona, Amending The Zoning Map Of The Town Of Clarkdale, Arizona To Rezone Certain Real Property Described Herein From Planned Area Development (PAD) To Commercial (C) And Restricting The Use Of The Property Which Shall Conform To The C Zoning District Within The Town Of Clarkdale, And Imposing Conditions".

RESOLUTION # 1330

RESOLUTION DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "AN ORDINANCE OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE TOWN OF CLARKDALE, ARIZONA TO REZONE CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM PLANNED AREA DEVELOPMENT (PAD) TO COMMERCIAL (C) AND RESTRICTING THE USE OF THE PROPERTY WHICH SHALL CONFORM TO THE C ZONING DISTRICT WITHIN THE TOWN OF CLARKDALE, AND IMPOSING CONDITIONS".

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA:

That certain document entitled "AN ORDINANCE OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, AMENDING THE ZONING MAP OF THE TOWN OF CLARKDALE, ARIZONA TO REZONE CERTAIN REAL PROPERTY DESCRIBED HEREIN FROM PLANNED AREA DEVELOPMENT (PAD) TO COMMERCIAL (C) AND RESTRICTING THE USE OF THE PROPERTY WHICH SHALL CONFORM TO THE C ZONING DISTRICT WITHIN THE TOWN OF CLARKDALE, AND IMPOSING CONDITIONS", three copies of which are on file in the office of the Town Clerk, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

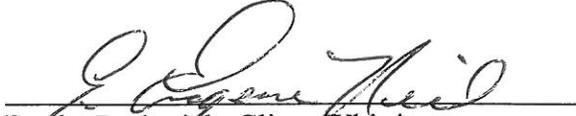
PASSED AND ADOPTED by the Mayor and Council of the Town of Clarkdale, Arizona, this 13th day of April, 2010.

ATTEST:

Doug Von Gausig, Mayor

Kathy Bainbridge, Town Clerk

APPROVED AS TO FORM:



Boyle, Pecharich, Cline, Whittington
& Stallings, P.L.L.C., Town Attorney
by G. Eugene Neil