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Planning Commission
June 15, 2010

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF CLARKDALE HELD ON TUESDAY, JUNE 15, 2010, IN THE TOWN HALL ADMINISTRATION COMMUNITY ROOM, 39 N. NINTH STREET, CLARKDALE, AZ.

A **REGULAR** meeting of the Planning Commission of the Town of Clarkdale was held on Tuesday, June 15, 2010 at 6:00 p.m., in the Town Hall Administration Community Room, 39 N. Ninth Street, Clarkdale, AZ.

Planning Commission:

Chairperson	Jorge Olguin	Present
Commissioners	Amy Bayless	Present
	Dave Puzas	Present
	Vic Viarengo	Present

Staff:

Community Development Director	Sherry Bailey
Building Inspector	Paul Grasso
Administrative Assistant	Vicki McReynolds

Others In Attendence: John Diets, Eric Jones and Robyn Prud'homme-Bauer.

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 April 20, 2010. The Chairperson accepted the Regular Meeting Minutes of April 20, 2010 as written by acclamation.**

AGENDA ITEM: REPORTS:

Chairperson's Report: None.

Staff Report: Staff asked if their report could be moved to the end of the meeting under "Update on the General Plan Timeline". The Chairperson agreed.

AGENDA ITEM: PUBLIC COMMENT: There was no public comment.

NEW BUSINESS

AGENDA ITEM: WELCOME NEW PLANNING COMMISSIONER.
The Chairperson welcomed Vic Viarengo as the Planning Commission's newest member. The Planning Commission will be very busy in the months ahead and hopefully Vic will find it to be interesting and rewarding.

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June 15, 2010

AGENDA ITEM: PUBLIC HEARING: CONDITIONAL USE PERMIT Application – For Mobile Home Sales and Service located at, 1331 State Route Highway 89A, Parcel Number 406-26-010M. Applicant: E.W. Distribution, LLC, Mr. William Maxwell.

- **Staff Report:** Staff stated the Applicant, Mr. Maxwell was unable to attend this meeting as he is out of town.

***Background*:**
The property at 1331 Highway 89A is one half (1/2) of the original Allred Auto sales property (see attached map).

Over the years, this property has been used as a sales lot for automobiles and from 1987 to 1991; it was used as a Mobile Home sales lot, first by Desert Landscaping and Mobile Home Sales, and in 1989 under the name Black Canyon Home Sales.

The owner of Black Canyon Homes had asked to display new and used Mobile Homes for sale. The most recent CUP was granted on 5/24/89 to Black Canyon Homes with the following stipulations:

1. No more than eight (8) models allowed on site at any time
2. One (1) sales office permitted
3. All models and the sales office shall be skirted
4. Only one (1) sign will be permitted
5. Applicant must submit a landscape plan for the property, and once approved, the applicant will install all landscaping
6. Applicant must sign a statement agreeing to all conditions

This CUP has since lapsed. Under Sec. 15-10 the CUP was abandoned for more than 180 days.

In February of 2010, Mr. Maxwell placed for sale, a double-wide Mobile Home on this property. At that time he was contacted by the Community Development department and we explained the lapse of the original CUP. We also stated that he could apply for a new CUP, which he has done.

Zoning Code:

Section 3-11 Commercial does not list Mobile or Manufactured Home sales and service as a principal permitted use. The minimum amount of space to any business on the property is 24,000 square feet. By splitting the current 45,000 square feet, this leaves 22,250 square feet per business. Sub-section C-4 allows for outside display of goods, services, and outside storage.

The Planning Commission must make the following findings in relationship to this application:

Section 5-5: Required Findings
A. In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements, (as applies to that particular case):

1. Applicable Regulations: Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.
2. Bulk Regulations: The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.
3. Performance: That the location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.
4. Traffic Impacts: The provisions for ingress and egress, public streets and traffic circulation is adequate, or can be upgraded through street improvements as a condition of approval.
5. Landscaping: Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intent of Town policies.
6. Nuisance: That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration, signage, or illumination.

Section 5-6 Required Conditions for a Use Permitted by Conditional Use Permit

A. All Conditional Use Permits, including those that require that the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town ordinances, restrictions, regulations, and policies of the Town of Clarkdale which are in effect at the time of issuance of the Conditional Use Permit. Compliance with same is a condition of the use permit, including but are not limited to:
1. Consistency with the General Plan. ***The proposal by the applicant is consistent with the general plan.***
2. Sanitary waste improvements. ***Existing on site.***
3. Street and/or sidewalk improvements. ***Not required, no new structures are being constructed on this property.***
4. Fire protection measures. ***There is a fire hydrant within 600' of the property***
5. Utility service improvements. ***Not applicable or required, since no mobile homes will be connected to the utilities.***
6. Amount, type and location of outdoor lighting and signage. ***The applicant will be required to adhere to the lighting code.***
7. Off-street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface. ***The lot and parking area are currently acceptable.***
8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer. ***Not applicable or required since no permanent structures will be built on this site.***

9. Water service improvements. ***Not applicable or required since no permanent structures are part of this CUP.***
10. Hours of operation. ***The applicant will be open from 8-5, seven days a week.***
11. Access. ***Applicant will provide a copy of a permanent access easement.***
12. Landscaping standards. ***Not required since no permanent structures are part of this CUP.***
13. Compliance with applicable Federal, State and Local regulations. ***Applicant will be required to adhere to all Federal, State, and Local regulations.***

Note: A recorded easement needs to be brought forward before going to Town Council.

Staff Recommendation:
Staff has researched the property file, and met with the individuals currently sharing space on this property. We have also considered the 22,500 square feet vs. the 24,000 square feet required, and feel that the area considered will be adequate for the petitioner's purpose. We recommend that the planning commission approve of this CUP with the following conditions:

1. The maximum number of units allowed on site at any given time will be five (5).
2. There is a separate office space for transactions to take place.
3. The fifty foot (50') setback is clearly defined, and that no homes infringe on that space.
4. Any signage will have to be approved by the Design Review Board, per Town ordinance.
5. A Board of Adjustment action for the existing Mobile Home will be required.

- **Open Public Hearing: The Chairperson opened the Public Hearing.**
- **Applicant Presentation:** The applicant, Mr. Maxwell was unable to attend this meeting as he is out of town.
- **Invite Public to Speak – (Public is asked to state their name). There is a time limit for comments.**

Eric Jones: He owns a business there and pays $800.00 per month rent. The current business (U-Haul) uses his property for their customers. He has had issues of theft since the mobile home was put in due to lack of visibility to his business, which poses a safety issue. He is against the request by the applicant that is before the Planning Commission this evening. Mr. Jones has cleaned up much of the property over there and stated the existing mobile home has been there since February and there seems to be no real intention to sell it.

- **Close Public Hearing: The Chairperson closed the Public Hearing.**

AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION FOR CONDITIONAL USE PERMIT Application: For Mobile Home Sales and Service located at, 1331 State Route Highway 89A, Parcel Number 406-26-010M. Applicant: E.W. Distribution, LLC, Mr. William Maxwell.

Questions may be directed to Staff / Applicant
- **Discussion**

-In Section 5-6 Required Conditions for a Use Permitted by Conditional Use Permit, Items 1-13, all the answers/comments in bold type were provided by the applicant.
-There is no new site plan coming forward. What is presented this evening is from the "original" site plan.

-The applicant came to the Community Development Department and physically drew on the white board their intentions as to the layout. There was a "gentlemens agreement" as to how they would all work together.
-Staff has not received to date, a layout as to how the mobile homes would actually be placed on the property and the room needed for maneuverability of the units.
-The original plans presented by the U-Haul people showed there would be room for double-wides and the U-Haul business. There may be a conflict to get to the site. They need to provide an access agreement. The far west side could be utilized when it is cleaned up.

ACTION: Commissioner Puzas motioned to table the Conditional Use Permit Application for Mobile Home Sales and Service located at, 1331 State Route Highway 89A, Parcel Number 406-26-010M. Applicant: E.W. Distribution, LLC, Mr. William Maxwell, to the next regular scheduled meeting, so staff can go back to the applicant for further information. Commissioner Bayless seconded the motion. The motion passed unanimously.

AGENDA ITEM: PUBLIC HEARING: CONDITIONAL USE PERMIT Application – For Spirit of Joy Lutheran Church – (Religious Worship) – located at Scenic / Old Jerome, Parcel Number 406-29-070A. Applicant: Mr. Carl Mason.

- **Staff Report**

Background:

This property was granted a Conditional Use Permit (CUP) in 2000. A renewal was granted in 2004. That CUP expired in 2005. The current congregation is requesting that a new CUP be granted to build an 8-10,000 square foot building. The property is 4.76 acres, which is adequate to accommodate the building and required parking.

Zoning Code:

Section 3-1A Single Family Residential, does not list Churches, Synagogues, or other places of worship on lots of at least 10,000 square feet as a principal permitted use.

The Planning Commission must make the following findings in relationship to this application:

Section 5-5: Required Findings

A. In order to make recommendations on a Conditional Use Permit, the Planning Commission should make findings based on the following elements (as applies to that particular case):

1. Applicable Regulations: Those conditions necessary to assure compatibility of the development of the land in question will be consistent with the purpose of the Zoning Ordinance, Town of Clarkdale General Plan, other statutes, and any ordinance or policies that may be applicable.

2. Bulk Regulations: The site is adequate in size and topography to accommodate proposed use, population density, building height, lot coverage, setbacks, spaces, landscaping, fences, and parking. That these elements are compatible with the general character of development in the

vicinity of the proposed conditional use and are adequate to properly relate the proposed use with the existing land uses in the vicinity.

3. Performance: That the location, design and operation characteristics of the proposed use are such that it will have minimal adverse impact on the livability, public health, safety, welfare, or convenience on persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

4. Traffic Impacts: The provisions for ingress and egress, public streets and traffic circulation is adequate, or can be upgraded through street improvements as a condition of approval.

5. Landscaping: Landscaping, and/or fencing of the proposed development, assures that the site development will be compatible with adjoining areas and with the intent of Town Policies.

6. Nuisance: That the proposed use will not create a hazard to persons and property from possible explosion, contamination, fire or flood. That the use will not create a nuisance arising from, but not limited to noise, smoke, odors, dust, vibration, signage, or illumination.

Section 5-6 Required Conditions for a Use Permitted by Conditional Use Permit

A. All Conditional Use Permits, including those that require that the applicant and/or developer obtain a building permit, shall meet minimum requirements of all Town Ordinances, Restrictions, Regulations, and Policies of the Town of Clarkdale which are in effect at the time of issuance of the Conditional Use Permit. Compliance with same is a condition of the use permit, including but are not limited to:

1. Consistency with the General Plan. ***The proposal by the applicant is consistent with the general plan.***

2. Sanitary waste improvements. ***The applicant will be required to connect to the Town's Wastewater Treatment System***

3. Street and/or sidewalk improvements. ***Required as necessary***

4. Fire protection measures. ***There is a fire hydrant within 600' of the property***

5. Utility service improvements. ***Utilities are at or near this site***

6. Amount, type and location of outdoor lighting and signage. ***The applicant will be required to adhere to the lighting code.***

7. Off-street parking area, aisles and access drives shall be designed and constructed so as to provide a durable, dustless surface. ***The lot and parking area design will be reviewed as part of the site plan review***

8. Storm drainage improvements, based on a drainage report prepared by a licensed engineer, and approved by the Town Engineer. ***Required.***

9. Water service improvements. ***The current water system is designed to meet the buildings requirements***

10. Hours of operation. ***The building will be open from 8-12, four (4) days a week.***

11. Access. ***The building is located along Scenic Drive and Old Jerome Highway. Traffic control will not be a problem***

12. Landscaping standards. ***All Town of Clarkdale landscaping standards will be enforced***

13. Compliance with applicable Federal, State and Local regulations. ***Applicant will be required to adhere to all Federal, State, and Local regulations.***

Staff Recommendation:
Staff has researched the previous CUP approvals and sent letters to the surrounding neighbors. The Highlands Commercial property is adjacent to the east and south. A wash and open space is on the north, with residential structures only to the west.

Staff recommends that the Planning Commission approve of this CUP with the following conditions:

1. **The maximum height the structure shall not exceed thirty five feet (35').**
2. **All current Town of Clarkdale Building Codes will be met.**
3. **Any signage will have to be approved by the Design Review Board.**

- **Open Public Hearing**
- **Applicant Presentation:** John Diets of the Spirit of Joy Church stated the congregation is 140 members and their goal is to take the property and turn it in to a beautiful church. It will be located at Scenic / Old Jerome and the public will be encouraged to use the property. There will be benches and walkways. They want to help the community and are currently involved with the Old Town Mission, hospital and nursing homes. They want to hire a local construction company and they are restricted by the ELCA. They have their own architects and plans will be submitted through the Town of Clarkdale obtaining all necessary permits, etc. The property was recently surveyed and the acreage meets their needs of what they are trying to do. They are appreciative of the opportunity to come before the Commissioners this evening and hope they are granted this request.

- **Invite Public to Speak – (Public is asked to state their name). There is a time limit for comments.**

Robyn Prud'homme-Bauer: Stated it would be easier on the neighborhood if the majority of the traffic flow would go on Scenic, as it can handle it better than Old Jerome Highway. It would be appreciated if the applicant will take that in consideration in their planning process.

- **Close Public Hearing.**

AGENDA ITEM: CONSIDERATION AND POSSIBLE ACTION FOR CONDITIONAL USE PERMIT Application: For Spirit of Joy Lutheran Church – (Religious Worship) – located at Scenic / Old Jerome, Parcel Number 406-29-070A. Applicant: Mr. Carl Mason.

Questions may be directed to Staff / Applicant

- **Discussion**

-Staff will have the applicant come in with a traffic control plan.
-Applicant stated the main entrance will be on Scenic Drive. The smaller access will be on Old Jerome Highway. They will consider the public's concerns regarding traffic flow and will have their architect's approach the issue.
-Design Review Board would be the ones to look at a Site Plan.
-The resident's homes in the surrounding area are not 35 feet in height. Applicant will utilize their property for the single story structure in a way to not create a height issue regarding the surrounding area. They also know staff has outlined stipulations as to the height requirements. Applicant hopes to have a setback on the SE corner of the property in relationship to the building.
-There will be ample parking as the church grows. This will be set up with the "future" in mind for growth.

ACTION: Commissioner Puzas motioned to approve the Conditional Use Permit Application for the Spirit of Joy Lutheran Church – (Religious Worship) – located at Scenic / Old Jerome, Parcel Number 406-29-070A, as presented, with the following staff recommendations:

1. **The maximum height the structure shall not exceed thirty five feet (35').**
2. **All current Town of Clarkdale Building Codes will be met.**
3. **Any signage will have to be approved by the Design Review Board.**

Commissioner Bayless seconded the motion. The motion passed unanimously.

AGENDA ITEM: WORKSESSION: THE BEST APPROACH TO CONTROL LITTERING OF PRINTED MATERIAL (Shopper Ad distribution).

Staff Report:

Background:

A resident of Clarkdale has been working with the Town Manager and me concerning the unwelcome littering that occurs when the Smart Shopper is just thrown haphazardly in front of people's homes. Often, the Shopper is thrown even though it is obvious that no one lives at that property. The trash then builds up and ends up getting blown all over the neighborhood. Since this is unasked for litter Mr. Seeley has often likened it to "street spam". This worksession is a chance to discuss the issues surrounding this type of advertising and how best to approach a solution.

In researching through the national American Planning Association those communities which have passed ordinances have either [a] prohibited distribution to those that have been listed as not wanting the handbills; [b] the property owners property is posted as prohibited distribution of handbills; [c] the property owner on whose property the litter has accumulated is responsible for removing or prohibiting it; [d] the handbill must be handed to the recipient, placed on the front porch, stoop or entranceway of the property, or firmly affixed to the property to prohibit it from blowing about. The last would work the best, but it must apply to all handbills or printed material since the stated purpose of the ordinance would be to limit littering. The biggest problem associated with trying to limit handbill distribution is the fact that it skims the protection of the first amendment of the US Constitution.

The only reference the town has to regulate this type of advertising is the Littering reference found in Town Code:

Section 10-1-9 Littering
It is unlawful for any person to throw or deposit any litter in or upon any street, alley, public grounds, school grounds or church grounds.

The problem with this reference under the offences section of the Town Code is that it is enforceable by the Police Department and considered a petty offense. When talking to the police chief it is clear that this offense citation will be used sparingly and only in extreme cases. It just does not provide enough guidance to the officer's when they are considering writing a citation. In most cases the citation would be written to the individual property owner on who's property the litter has accumulated, and that does not get to the root of the problem. Right now, the only recourse property

owners have is to call the Smart Shopper and request that they be put on the no delivery list. That action is similar to the request people must make to be put on the "no call" list for telemarketers.

Staff is looking to the Planning Commission to provide direction on if they think the development of an ordinance addressing this issue should be added to the Planning Commission's work plan for the next fiscal year? If that is direction the PC wants to move, what is the priority level you would give to the development of this code and how do you want things reordered for this next year?

A copy of the work plan the Planning Commission has set for this next fiscal year was provided in their packets.

Discussion Highlights:
-The Chairperson asked staff what is the priority level of this item?
-Staff explained to the citizen who brought this item up, the Planning Commission and Town Council have a lot on their plates, but will look at what other communities have done in Arizona.
-Staff further stated this is a delicate issue and must be addressed across the board; not just specific printed material. The Town's Attorney shared with staff this item should be looked at carefully.
-The Commissioners felt this is a very complex issue and with all they currently have on their work plan, this item could be postponed.
-Staff then stated the concerned citizen would understand it being brought back to the Planning Commission as a future item.
-It was further mentioned, the littering section in the Town's code needs to be clearly defined with tangible evidence that an officer could produce in a court of law if necessary.

This being a worksession only, there were NO Actions taken.

AGENDA ITEM: FOCUS GROUP DISCUSSION:
-Housing goals, objectives and policies

-This will be 3 of 3 planned Focus Group discussions.
-In the existing General Plan there is very little regarding housing. This becomes an important element for the new General Plan.
-The Commissioners felt the housing element that staff provided for their review was structured well and covered the many aspects of the housing needs. It also provided the "flexibility" needed.
-More emphasis on going "green" regarding improvements made to existing homes would like to be seen in this element.
-Staff explained Objective #3 and the Policy.

-Community Design goals, objectives and policies

-"Connectivity" is key to the Community Design element.
-Staff will create an Objective #4 with respective policies outlining "connectivity".
-Staff will also re-word under Objective #3, the last policy.

This being for discussion only, there were NO Actions taken.

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AGENDA ITEM: DISCUSSION: UPDATE ON THE GENERAL PLAN TIMELINE & JOINT MEETING WITH THE GENERAL PLAN UPDATE COMMITTEE – (by the Community Development Director).

-The General Plan Update Committee's next meeting will look at chapters with corrections and new chapters for their review.
-July 20, 2010 will be a joint meeting with the Planning Commission and the GPUC.
-August 17, 2010 will be a joint meeting with the Planning Commission and the GPUC.

This being for discussion only, there were NO Actions taken.

AGENDA ITEM: DISCUSSION & POSSIBLE ACTION: Planning Commission Meeting Location Change to the Town Hall-Administration Community Room, located at 39 N. Ninth Street, Clarkdale, AZ for the summer months of July and August due to air-conditioning availability.

ACTION: Commissioner Puzas motioned to approve the Planning Commission Meeting Location Change to the Town Hall-Administration Community Room for the summer months of July and August. Commissioner Bayless seconded the motion. The motion passed unanimously.

AGENDA ITEM: FUTURE AGENDA ITEMS:
-"Joint" meetings as outlined in the "Discussion/Update on General Plan Timeline" section.
-Look at the Planning Commission's updated work plan.

AGENDA ITEM: ADJOURNMENT: Commissioner Bayless motioned to adjourn the meeting. Commissioner Puzas seconded the motion. The motion passed unanimously. The meeting adjourned at 7:20 p.m.

APPROVED BY:

Jorge Olguin
Chairperson

SUBMITTED BY:

Vicki McReynolds
Administrative Assistant II