



**CITY OF COTTONWOOD  
PLANNING & ZONING COMMISSION  
COTTONWOOD COMMUNITY CLUB HOUSE  
805 N. Main St.  
Cottonwood, AZ 86326**

**REGULAR MEETING**  
Monday, May 18, 2020  
6:00 p.m.

To protect the health and safety of staff and citizens the meeting location has been changed to the Cottonwood Community Clubhouse. Please view the Cottonwood Planning and Zoning Commission meetings via the city's website at cottonwoodaz.gov (under the Facebook tab). Call to the public and presentations will not be included on the agendas until further notice. Comments on current agenda items will be received by the Community Development Director at sellis@cottonwoodaz.gov until noon the day of the Commission meeting.

**I. CALL TO ORDER**

**A. Roll Call**

**B. Approval of Minutes:** March 16, 2020 Regular Meeting

**II. INFORMATIONAL REPORTS AND UPDATES:**

*A brief summary of current events by Chairperson, Commission members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).*

**III. OLD BUSINESS:**

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

1. **DR 19-013 REVISED: VERIZON RETAIL STORE** - Request for Design Review of a new 2,000 square foot retail store. The subject parcel is zoned C-1 (Light Commercial), located at 875 S. Main Street. APN 406-04-033D. Owner: Woodys Enterprises Ltd. Agent/Representative: SimonCRE Saltair III, LLC. The Planning and Zoning Commission approved the original DR submittal in December 2019, but subsequent Arizona Department of Transportation (ADOT) requirements made it necessary to substantially change the site plan. At this meeting the Planning and Zoning Commission will review the revised site plan.

#### **IV. NEW BUSINESS:**

1. **ZO 20-003 AMENDMENT TO SECTION 404 GENERAL PROVISIONS, AMENDING SECTION 404.W OUTSIDE DISPLAY/USE OF PUBLIC SIDEWALKS** - Consideration of a Zoning Ordinance text amendment to Section 404.W, replacing current regulations for Outside Display with new regulations for Use of Public Sidewalks.
2. **ZO 20-004 AMENDMENT TO SECTION 414 R-2 ZONING DISTRICT, AMENDING SECTION 414.D PROPERTY DEVELOPMENT STANDARDS** – Consideration of a Zoning Ordinance text amendment to Section 414.D regarding minimum rear yard setback standards in the R-2 (Single Family/Multiple Family Residential) Zoning District.

#### **V. DISCUSSION ITEMS:**

#### **VI. SUGGESTED TOPICS FOR FUTURE MEETINGS:**

#### **VII. ADJOURNMENT**

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

---

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

---

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

---

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*



**CITY OF COTTONWOOD  
PLANNING & ZONING COMMISSION  
COUNCIL CHAMBERS**  
826 N. Main St.  
Cottonwood, AZ 86326

**REGULAR MEETING  
MINUTES**  
Monday, March 16, 2020  
6:00 p.m.

**I. CALL TO ORDER**

**A. Roll Call**

**Planning & Zoning Commission Members Present**

Commissioner Hart  
Commissioner Dowell  
Commissioner Masten  
Chairman Williams

**Planning & Zoning Commission Members Via Telecom**

Commissioner Narwid  
Commissioner Sherman  
Vice Chairman Dowling

**Staff Members Present**

Scott Ellis, Community Development Director  
Jim Padgett, Planner  
Gary Davis, Planner  
Ron Corbin, City Manager  
Rudy Rodriguez, Deputy City Manager  
Brenda Campbell, Permit Technician, Recorder

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

**B. Approval of Minutes:** February 24, 2020 Regular Meeting

***Motion: To approve minutes of the February 24, 2020 Regular Meeting.***

***Made by: Chairman Williams***

***Vote: unanimous***

**II. INFORMATIONAL REPORTS AND UPDATES:**

Open Meeting Law training scheduled for March 31<sup>st</sup> has been postponed. The Commission will be notified of the new meeting date when it is rescheduled.

Belfry Brewery, which was previously approved, made some exterior changes to the exterior, but not significant enough to come before the Commission. An administrative staff approval was done and staff wanted to make the Commission aware of this. Jim Padgett explained what these modifications were, per Chairman Williams' request. The Commission agrees with the approval.

**III. CALL TO THE PUBLIC: NONE**

**IV. OLD BUSINESS: NONE**

**V. NEW BUSINESS:**

- 1. CUP 08-005 EXT/DR 20-003 - MOUNTAIN VIEW APARTMENTS-** A request for an Extension of Time for a previously approved Conditional Use Permit and a Design Review application to develop 60 apartment units contained in three buildings with a clubhouse facility. The proposed site is located on the east side of N. 7<sup>th</sup> Street and north of Mingus Ave. and is zoned R-3 (Multiple Family Residential). APN 406-42-013H and 406-42-013K. Owner: Cottonwood Mountain View Villa LLC. Applicant: Krishan Ginige, Southwest Environmental Consultants, Inc.

Jim Padgett presented the proposal and explained that it was originally approved in 2008. No time limit was granted at that time, so it is being brought back because of the length of time that has passed. A Conditional Use Permit is required because it is (3) stories. He presented the landscaping proposal and the drainage plans. Commissioner Hart is concerned about the screening of landscaping by the manufactured homes. He would like something more substantial, but realizes this is not required by code. There was some discussion on the drainage plans.

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

Krishan Ginige, SEC, explained the drainage problems. He explained they are open to landscaping suggestions and will work with staff.

There was some discussion of the landscaping that the commissioners would like see. Commissioner Dowell brought up safety issues that can be created with too much landscaping.

***Motion: To approve CUP 08-005 EXT and DR 20-006 to allow Cottonwood Mountain View Villa Inc. to develop the 60-unit apartment, subject to the following stipulations:***

1. That the project conforms to Code Review Board comments dated December 3, 2019.
2. That the project complies with all Planning, Building, Utilities, Engineering and Fire Department requirements.
3. Identify a minimum of two (2) bicycle parking spaces in proximity to each building for a total of six (6) spaces as required by code on the plans submitted for Building Permits.
4. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued within 24 months of the Planning Commission action.
5. Building Permits shall be applied for within three (3) years from the date of approval by the Planning & Zoning Commission or the Conditional Use Permit shall be subject to revocation procedures.

***Made by: Commissioner Dowell***

***Second: Commissioner Masten***

***Roll Call Vote: Unanimous.***

2. **CUP 20-002 - DUVERNAY GARAGE** - A request for a Conditional Use Permit for a twenty-one foot +/- (21' +/-) high detached garage that exceeds the height limitation allowed for an accessory structure. The property is in a PAD (Planned Area Development) and is located at 1385 E Partridge Court. APN: 406-62-033. Owner: Michael J. Duvernay Living Trust. Applicant: Michael J. Duvernay.K

Jim presented the plan for a detached RV garage. He explained the height limit of 16 ft. is not sufficient for a 13.6 ft. RV. The added landscaping around the garage exceeds what the code requires.

---

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

---

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

---

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

---

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

Applicant, Michael Duvernay, explained why the 21 ft. garage was necessary. Chairman Williams is concerned about the distance between the two buildings. Mr. Duvernay explained the reason is that it is close to the drainage. There was extensive discussion about the height of the building and how he was accommodating his neighbors. There was also discussion about the placement of the building. Commissioner Narwid asked about whether there would be storage in the upper area of the building. Mr. Duvernay explained that there would not be storage. Mr. Duvernay brought up that per the City Code, he could attach a garage to the house and could go as high as 35 ft. Furthermore, he could also build a 16 ft. metal building that was not as nice to look at under this code.

Neighbor, Gail Weis expressed objection to the size and placement of the garage.

Neighbor, Al Gradijab, Developer and President of the Homeowners Association, is in favor of the project.

Chairman Williams has three (3) important items that he wants to see. One is construction material and design, not blocking view, and it is as close as possible to existing building. He feels that 50 ft. is way too far. There were several comments by the Commissioners about how much effort this homeowner has made to be “neighborly” and protect his neighbors’ views.

Commissioner Narwid feels this project is too large for the neighborhood. Commissioner Sherman feels it is too far and too big for the area. She doesn’t feel this should be approved due to the view restrictions. She also feels that others will follow suit.

Chairman Williams asked about moving the building closer to the primary home. The applicant explains the reasoning behind the placement and that he would comply if needed. The drainage system would be interrupted and need to be modified if he had to move the building closer.

***Motion: To approve CUP 20-002 to allow Michael J. Duvernay to exceed the allowable height requirements, subject to the following stipulations:***

1. That the project conforms to the Fire Department comments dated 2-21-2020 and Engineering Department comments dated 2-19-2020 as attached.
2. That the project is developed in conformance with the development plans as approved at the Planning and Zoning Commission at the March 16, 2020 meeting.
3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to issuance of a Certificate of Occupancy.
4. The City of Cottonwood reserves the right to revoke the Conditional Use Permit (CUP) if the use creates an irremediable public safety problem as determined by the City.
5. To match the brick veneer of the existing residence.

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal “504” and “ADA” laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

*Made by: Commissioner Dowell*

*Second: Commissioner Hart*

*Roll Call Vote: 5-2*

- 3. CUP 20-003 - KENTUCKY FRIED CHICKEN SIGNAGE** - A request for a Conditional Use Permit to exceed the square footage of signage allowed on the Kentucky Fried Chicken Building. This project is located in a C-2 (Heavy Commercial) zone at 970 S. Main Street. APN: 406-04-045K. Owner: Alred Investments LLC. Applicant: Robert Alred.

Gary Davis presented the signage plan for over size signage. He explained the code requirements and that this plan has less signage than was previously approved. There was some discussion regarding the new placement of signs and the types of signs requested. The current overall signage is 299 sq. ft. They are requesting 264 sq. ft., and the Code allows for 80 sq. ft.

Applicant, Robert Alred, explained the signage that is proposed and what it will look like. He explained that this is what the company wants all of the stores to look like. Commissioner Hart questioned why the window was being removed. Mr. Alred explained that the window was removed to accommodate an internal “mini-museum” of the Colonel. Mr. Alred further explained which signs would be painted on and which ones will be internally illuminated.

***Motion: To approve CUP 20-003 to allow Alred Investments, LLC to exceed the allowable signage requirements, subject to the following stipulations:***

1. That the project is developed in conformance with the proposed sign area shown in the sign permit application submitted on October 24, 2019.
2. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued within twelve (12) months from the date of this approval.
3. The City of Cottonwood reserves the right to revoke the Conditional Use Permit (CUP) if the use creates an irremediable public safety problem as determined by the City.

*Made by: Commissioner Dowell*

*Second: Commissioner Masten*

*Roll Call Vote: 6-1*

---

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

---

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

---

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

---

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal “504” and “ADA” laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*

**VI. DISCUSSION ITEMS: NONE**

**VII. SUGGESTED TOPICS FOR FUTURE MEETINGS: NONE**

**VIII. ADJOURNMENT: 8:04p.m.**

DRAFT

*Information on the above agenda items may be obtained in person from the Community Development Department, 111 N. Main Street in Cottonwood, or by calling (928) 634-5505.*

*A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.*

*Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.*

*The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.*



**STAFF REPORT**

**TO:** Planning and Zoning Commission

**FROM:** Jim Padgett, Planner  
Gary Davis, Planner

**HEARING DATE:** May 18, 2020

**PROJECT NUMBER:** DR 19-013 Verizon Retail Store (Revision)

The applicant is requesting Design Review approval for a new 2,000 square foot retail store, with landscaping and parking areas. The subject parcel is located at 875 South Main Street. The Planning and Zoning Commission approved the original DR submittal in December 2019, but subsequent Arizona Department of Transportation (ADOT) requirements made it necessary to substantially change the site plan. At this meeting the Planning and Zoning Commission will review the revised site plan.

**PROJECT DATA AND FACTS:**

<b>Applicant/Agent</b>	SimonCRE Saltair III, LLC
<b>Owner</b>	Woody’s Enterprises, Ltd.
<b>Location of Property</b>	875 S. Main St.
<b>Present Zoning and Land Use</b>	C-1 (Light Commercial)
<b>Description of Applicant’s Request</b>	Design Review for a new 2,000 Square Foot Verizon retail store.

**LAND USE:**

<b>Description and Character of Surrounding Area</b>
The site is located at 875 S. Main Street. It is located on the north side of Main Street near the intersection with Camino Real and is surrounded by a mix of retail stores, offices and restaurants.
<b>North:</b> C-1 (Light Commercial) Retail Store (Mount Hope Foods)
<b>South:</b> C-1 (Light Commercial) Retail stores and restaurant (Viotti Plaza)
<b>East:</b> C-2 (Heavy Commercial) Vacant parcel
<b>West (across Main Street):</b> C-1 (Light Commercial) Gas station/Convenience store

## **PROJECT PROPOSAL:**

### **Background:**

The applicant has submitted a proposal for a 2,000 square foot Verizon Retail Store at 875 S. Main Street, for which the Planning and Zoning Commission granted design review approval on December 16, 2019. After that approval, Arizona Department of Transportation (ADOT) notified the developer the proposed driveway location had to be changed to better align with Camino Real, which intersects with Main Street directly across from the site. The new driveway location required a significant redesign of the project, which is why the Planning and Zoning Commission is asked to review the project a second time.

The property is the site of the former Woody's Gas Station. The old fuel island canopy and a small out building that was used for the office, restrooms and storage remain on the site. All canopies and the small building will be removed to make room for the proposed development. The use of a retail store is permitted in the C-1 zoning district.

The current owner of the property has been working with the Arizona Department of Environmental Quality (ADEQ) to remediate fuel leaks on the site and has installed a Soil Vapor Extraction Unit (SVEU) to remove contaminants from the ground. A small area is fenced to house the SVEU equipment and the proposed development has designed plans to work around the enclosed area. The SVEU is temporary (length of time depends on the success of the SVEU) and when removed, the area will be landscaped by the owners of the Verizon store.

### **STRUCTURE DESIGN:**

Number of Buildings	1
Number of Stories	1
Square Footage	2,000 square feet

### **Parking:**

Parking is required at 1 space per 300 square feet of gross floor area. With a 2,000 square foot building, the required parking spaces for this development would be seven (7). The applicant is proposing fourteen (13) standard spaces, one (1) compact space, and one (1) ADA accessible space for a total of fifteen (15) parking spaces. Two (2) bicycle spaces will also be provided, meeting ordinance requirements.

### **Access:**

Existing access is present to the site via two driveways from Main Street, the northern driveway roughly aligning with the Main Street-Camino Real intersection. In the previous site plan approved in December 2019, the applicant proposed eliminating the northern access drive and reconstructing the southern access drive. However, ADOT later required the applicant to use the north driveway instead because it aligns with Camino Real.

Moving the single access point to the northern drive required the applicant to locate the on-site access drive between the building and Main Street to access parking on the side and rear of the building. Because of the location of the SVEU the building could not be moved farther east on the site. One of the parking spaces in front of the building will be designated a compact space in order to maintain a twenty-foot two-way drive and the required ten-foot landscaping area along Main Street.

The property currently has shared access with the adjacent property to the southeast. The applicant is working with the owner of the adjacent parcel to the southeast to create a shared agreement to keep the driveway open between the two properties and has submitted a draft agreement. Because of the new configuration of the driveway, the Fire Marshal is requiring the written cross access agreement to ensure access for emergency vehicles.

**Screening:**

The subject site is surrounded by commercial zoning (C-1 and C-2). The subject site is not adjacent to residential uses or zoning and is not required to provide additional screening. The parking area is designed so that headlights from the vehicles do not create a visibility issue for public roadways. Any glare would be minimized by the newly installed landscaping as it matures.

**Lighting:**

Exterior lighting as per the lighting plan meets dark sky requirements and is compliant with the City's dark sky regulations.

**Signage:**

The applicant has submitted proposed signs as part of Design Review. The proposed signs meet Sign Ordinance requirements and a complete sign permit application with all required details will be submitted to staff for approval.

**Landscape Plan:**

The landscape plan as submitted meets the code requirements for the quantity and size of plant materials. Seventeen (17) trees are proposed meeting the quantity required adjacent to the roadways and the internal parking areas. Significant groundcover and low lying vegetation exceeds that required by code.

**Utilities:**

All necessary utilities are located in proximity to the site and will be required to meet any requirements from the Utility Department.

**Architecture, Materials, Colors:**

The building is proposed to be a stucco siding with a dry stack stone veneer along the lower portions of the building. The applicant has submitted revised elevations in response to commissioners' comments at the December meeting to add more earth-tone color. The proposed building would be about 2,000 square feet in area and have a maximum height of 22 feet to the top of the parapet.

**CRB Review:**

This project was reviewed by the Code Review Board in October 2019 for the initial approval and again in March 2020 for approval of the revised submittal. The applicant has met the requirements from staff included in the Design Review application.

Staff has reviewed this project and finds it fits within the Commercial use of this area as depicted in the General Plan.

**If the Commission desires to approve this item the suggested motion is:**

*I move to approve Design Review 19-013 subject to the following stipulations:*

1. The project shall be developed in conformance with the development plans as approved at the Planning and Zoning Commission at the May 18, 2020 meeting.
2. The project shall conform to Code Review Board comments dated November 6, 2019.
3. Any irrigation and fire lines shall have an approved backflow device installed and certified before water service is permitted. If an additional fire line is required, the contractor will be responsible to arrange the tap by a licensed and certified contractor.
4. The project shall have a signed shared access agreement with the owner of the property to the south assuring a second means of access to the property.
5. The project shall comply with all Building, Engineering and Fire Department requirements.
6. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued within 24 months of the Planning Commission action.
7. The development plan shall be subject to Arizona Department of Transportation (ADOT) review and approval.
8. Any further significant revision to the site plan shall require a new application for Design Review.
9. Any other stipulations the Planning & Zoning Commission deems necessary.

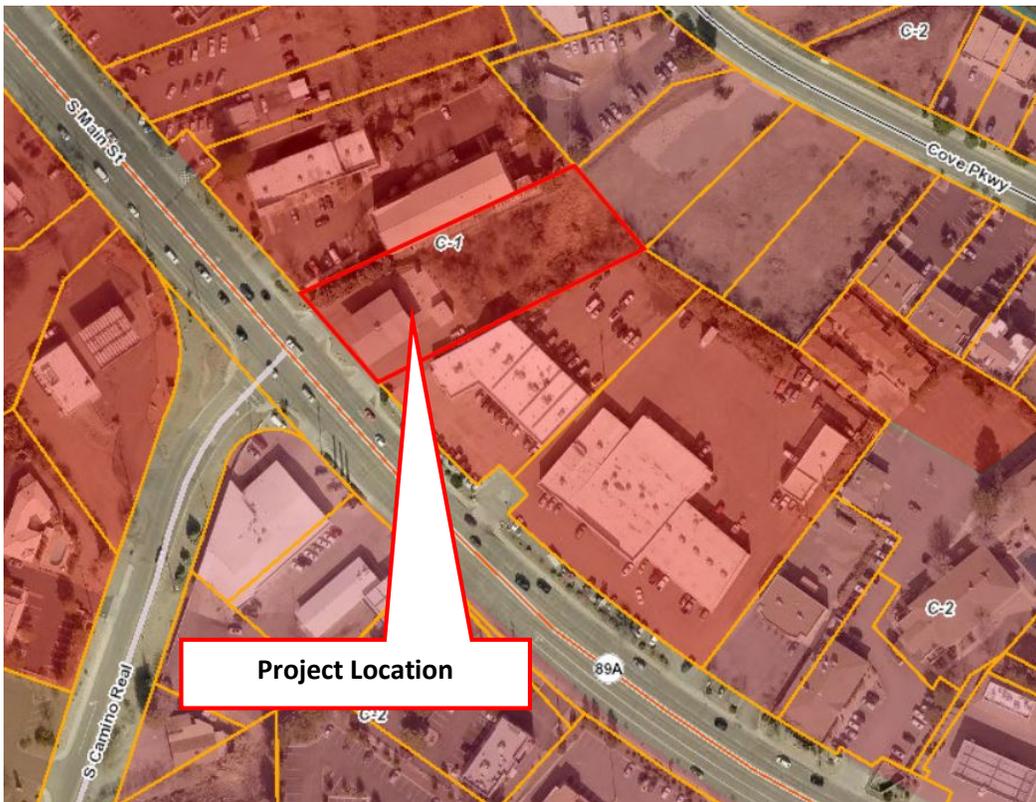
Attachments:

Vicinity Map  
Application  
Revised Narrative March 18, 2020  
General Site Plan  
Color Elevations  
Landscape Plan

# Vicinity Map

## 875 S. Main Street

### DR 19-013





# DESIGN REVIEW APPLICATION

CDD

Development Application

#200

### PROPERTY OWNER

Name: Woody's Enterprises, Ltd.

Address: 580 W. Wickenburg Way City: Wickenburg

State: AZ Zip: 85398 Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Fax: \_\_\_\_\_ E-Mail glowe@woodysent.com

APPLICATION NUMBER:

ZONING:

### AGENT/REPRESENTATIVE

IDENTIFY THE PERSON WHO WILL COMMUNICATE WITH CITY STAFF, AND RECEIVE CORRESPONDENCE DURING THE HEARING PROCESS. CITY STAFF WILL NOT ACCEPT RESPONSIBILITY FOR COMMUNICATING WITH OTHER PROJECT PERSONNEL

Name: SimonCRE Saltair III, LLC

Address: 6900 E. 2nd St. City: Scottsdale

State: AZ Zip: 85251 Phone: 480-887-0644 Cell: \_\_\_\_\_

Fax: 480-588-4150 E-Mail peter.krahenbuhl@simoncre.com

APPLICATION DATE:

FEES:

RECEIPT #:

### REQUEST:

This is a Design Review request for a redevelopment of an existing site in Cottonwood, AZ.

We plan to demolish the existing fueling station structures on site and construct a new 2,000 SF retail building.

DATE:

TAKEN BY:

IDENTIFY ANY NECESSARY CODE EXCEPTIONS: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER(S) 406-04-033D ACRES 0.9

SITUS ADDRESS (if applicable) 875 S. Main St. Cottonwood, AZ 86326

SUBDIVISION: N/A LOT(S): \_\_\_\_\_ BLOCK: \_\_\_\_\_ UNIT: \_\_\_\_\_

Legal description attached (for Metes & Bounds Parcel or for Subdivision Lot Split)

I hereby certify that the information in this application is complete and accurate; and that I am the applicant of the bona fide agent of same as state above.

Signature: \_\_\_\_\_

Date: 11/7/19

Please Print Name: Peter Krahenbuhl - SimonCRE Saltair III, LLC



## **Updated Narrative March 18, 2020**

City of Cottonwood  
Attn: Community Development Department  
111 N. Main Street  
Cottonwood, AZ 86326

Dear Community Development Department,

SimonCRE Saltair III, LLC is pleased to re-submit this redevelopment project located at 875 S. Main St. in Cottonwood, also known as Parcel No. 406-04-033D. We had previously been approved by City of Cottonwood Planning Commission for our project on December 16, 2019 but got word shortly after our approval from Arizona Department of Transportation (ADOT) that our proposed driveway entrance on Main Street would not be allowed due to potential safety issues with egressing the driveway on to Main then conflicting with the neighboring ingress from Main to South Camino Real. This required us to then flip the driveway entrance to use the more northerly driveway entrance. This subsequently caused us to have to re-design the on-site drive aisle as well as the Verizon building orientation from what was originally proposed. We also had to shift around to meet the minimum 20' drive aisle width and required 10' landscape setback on Main as well as the existing now operational environmental yard in the rear of the site. SimonCRE worked diligently with City of Cottonwood Planning staff along with ADOT to now propose the updated site plan for re-approval by City of Cottonwood Planning Commission.

We plan to develop a new single tenant 2,000 square foot TCC retail store. TCC is an authorized Verizon Wireless store that sells mobile phones, accessories and telecommunication plans for Verizon Wireless exclusively. The current owner of the said parcel is Woody's Enterprises Ltd, as SimonCRE is currently under contract with them to purchase this property pending feasibility, entitlements, and the planning & permitting process approvals.

This site is the location of a former Woody's petroleum fueling station. The front portion of the site closest to the road is previously developed and level with Main Street. However, the site drops approximately 9' in grade to a lower more natural undeveloped portion of the site to the east. Woody's is now part of the voluntary clean up with AZ Department of Environmental Quality (ADEQ) to remediate a past underground storage tank that had leaked. As part of the ongoing remediation process, eight (8)

environmental monitoring wells have been installed on the site for ongoing monitoring of groundwater and soils during the remediation process. Additionally, an above ground remediation equipment yard, approximately 26' x 24', is now installed and operational on site. This remediation equipment pushes air from the surface below ground via pipes and then pushes hydrocarbons and vapor in the soils and groundwater to the surface where a machine flame with approximately 10,000 BTU burns off the contaminants at the surface, in accordance with ADEQ environmental standards. The soil and groundwater clean-up are being handled by En-Tech Environmental Technology, Inc which is the environmental design firm in charge of this remedial system hired directly by Woody's in conjunction with ADEQ voluntary cleanup program. The remediation is expected to last at least 3-5 years before returning the groundwater and soils to below an acceptable contamination level, as required by ADEQ.

The 2,000 square foot TCC store has been designed to avoid all monitoring wells and environmental mitigation on site and should not be seen as a conflict to the clean-up efforts. We propose an under-slab vapor barrier to protect the building and interiors from any potential environmental vapor intrusion into the building per the recommendation of our environmental engineer. We have been coordinating this project with the environmental design team and neither party sees any issues with both projects being constructed and operating on the same site as remediation occurs. We have been informed by En Tech Environmental that once the site environmental issues are officially cleaned up, the monitoring wells and environmental equipment will be properly decommissioned & removed, with the equipment concrete pad and fencing to be demolished to become new landscaping area.

Access to the site will be available by utilizing one of the two existing driveways on-site. We now propose to use the existing northern driveway and abandon the southern driveway on Main Street as now allowed by Arizona Department of Transportation (ADOT) per stated above. Parking has been uniquely designed around both the proposed retail store and proposed environmental yard. We will have one (1) handicap stall and seven (7) additional stalls located near the building entrance meeting city parking code for this size of retail building. The additional seven (7) parking stalls are intended for employee and customer overflow use to the east of the site. We will have 15 total parks exceeding the required ordinance of 8 spaces for our use. These additional stalls will be located down the slope as shown on the site plan. Cross access to the southeast neighboring development will be proposed for this project and we are currently in agreement with the neighboring owner Dino Viotti to then record after SimonCRE acquires the property

For drainage, we propose to drain all storm water to the East, down the slope and into the lower more natural environment for on-site retention. For utilities, we will have direct access to natural gas, sanitary sewer and water lines running on our side of Main Street. The electrical service will be provided from a new service pole being installed for the environmental yard behind the building and yard to the east.

The TCC building design proposed is to include a vanilla shell building for TCC as the future tenant. The building will consist of concrete masonry construction with a wainscot base and stucco style wall finish above. For visual interest, we will vary the parapet

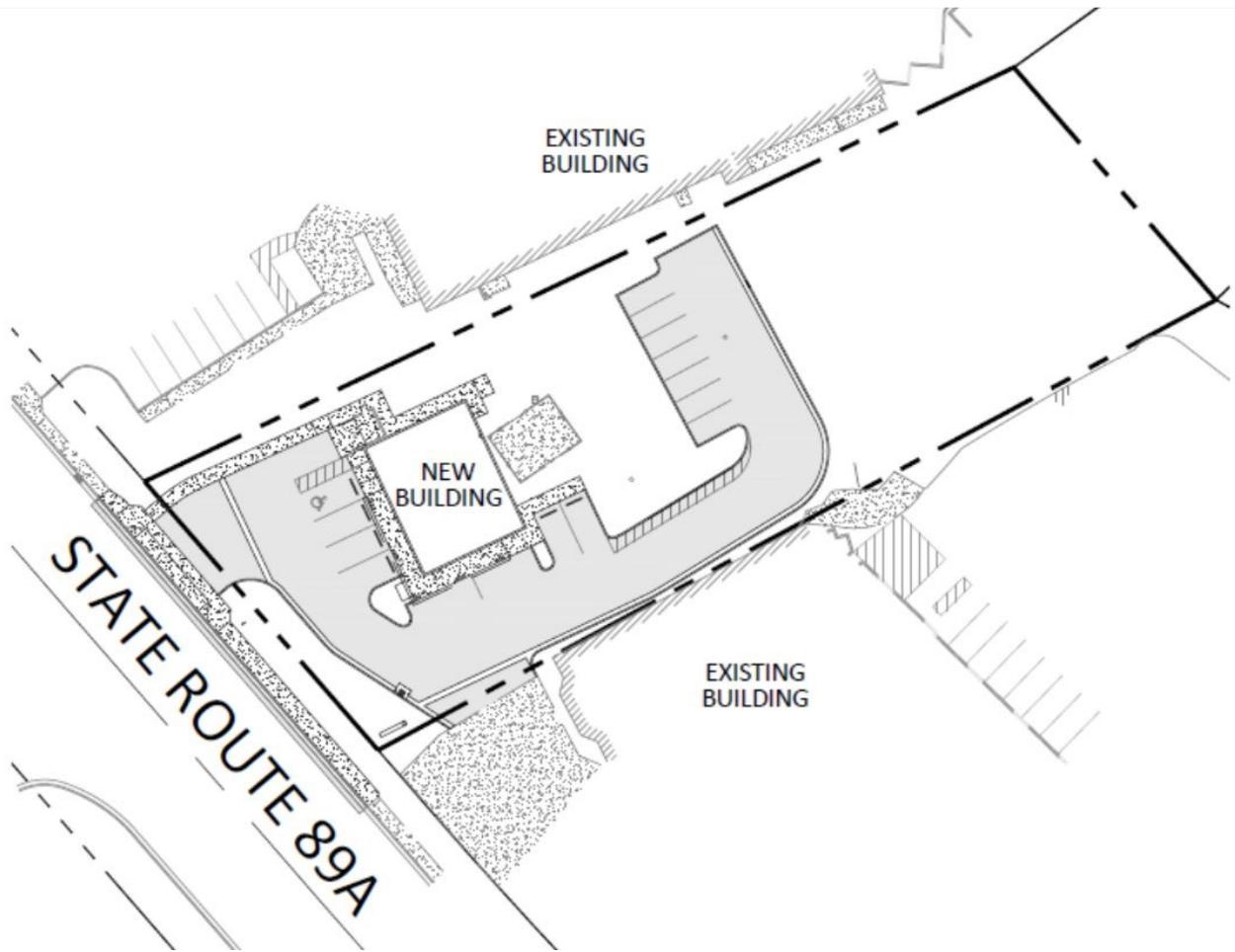
height, provide natural earth tone accent colors, banding and pilasters. Along with providing a covered entry walkway for customers supported by CMU columns.

We believe that we have accounted for all zoning requirements, setbacks and code requirements for this site plan submittal. SimonCRE is looking forward to working with the City of Cottonwood to bring a highly appealing national telecommunication provider to an existing blighted vacant parcel for redevelopment. If you have any questions or concerns, please feel free to let me know.

Thank you,

A handwritten signature in black ink, appearing to read 'Peter Krahenbuhl', with a stylized flourish at the end.

Peter Krahenbuhl  
Vice President of Development  
SimonCRE Saltair III, LLC  
480-887-0644  
peter.krahenbuhl@simoncre.com



FINISH LEGEND			
FINISH	MANUFACTURER	STYLE	COLOR
FR-1	BEULAHN MOORE	FLAT	CONCRETE GRAY
FR-2	BEULAHN MOORE	FLAT	RED GRAY
FR-3	DANN EDWARDS	FLAT	TRAIL DIRT
BLOCK-1	TYPICAL CHU	WOODH	PAINTED-FR-3
STONE	CORONADO	HONEY LEDGE	QUASTA
WINDOWS	TYNO OR EQUAL	LOVE	20% AAA GRAY TINTED
WINDOW FRAMES		ALUMINUM	CLEAR ANODIZED
METAL ROOF	ATI/6	DUTCH SEAM	CHARCOAL GREY

**ELEVATION KEVED NOTES:**

- SMOOTH FACED 8" X 8" CONCRETE HAASPORT TWIN VESBER UNITS IN RUNNING BOND PATTERN PAINTED - SEE SECTION DRAWINGS FR-3
- STUCCO OVER 1" RIGID INSULATION PAINTED - SEE SECTION DRAWINGS FR-3
- STUCCO ACCENT - PAINTED - SEE SECTION DRAWINGS FR-1
- STUCCO OVER RIGID INSULATION OVER 1000 STD FINISHED PARAPET PAINTED - SEE SECTION DRAWINGS FR-3
- METAL GALVANIZED PARAPET CAP PAINTED PAINTED - SEE SECTION DRAWINGS FR-3
- STANDING SEAM CANOPY ROOFING WITH FACTORY FINISH - COLOR TO MATCH PAINT FR-3
- MECHANICAL UNITS ON ROOF ARE TO BE FULLY SCREENED BY PARAPET SHEET
- STORMWENT GLAZING TO BE TINTED PER FINISH LEGEND ON THIS SHEET
- NOT USED
- PROVIDE NEW ADDRESS SIGNAGE PER THE CITY OF COTTONWOOD STANDARDS. ADDRESS NUMBERS SHALL BE A MINORITY OF 18" IN COLOR TO THE ADJACENT BUILDING WALLS
- BUSINESS IDENTIFICATION SIGN BY SET PROVIDE PERMIT AND SUBMITTAL - LIGHTING, ETC. WITH THE SIGNAGE PROVIDER
- EXTERIOR WALL POINTED LIGHT - SEE ELECTRICAL PLANS AND REFLECTED CEILING PLAN
- DASHED LINE INDICATES THE PREFERRED LOCATION OF THE SEA - CORONADO RAIL LOCATION WITH THE ELECTRICAL COMPANY - PAINT STUCCO COLOR
- BRASS ROOF AND OVERFLOW DRAIN GRILLS
- NOT USED
- STUCCO OVER 1" RIGID INSULATION PAINTED - SEE SECTION DRAWINGS FR-3
- FAUX STONE VESBER UNITS FROM FINISH FLOOR TO 3'-4" AFF. - SEE - STONE
- EXTERIOR 1/4" DOOR FRAME TO BE PAINTED - FR-3
- WOOD CANOPY FRAMING PAINTED - SEE SECTION DRAWINGS FR-3
- POWER FOR RAINING SIGN TO BE INSTALLED UNDER A SEPARATED SUBMITTAL AND PERMIT SEE ELECTRICAL DRAWINGS
- 8" X 8" LONG (18") CONCRETE REFRAIN BLOCK TO BE INSTALLED INTO TAPEMED PRE-CAST SILL (STONE MANUFACTURER, CONCRETE DESIGN - FR-1) PANS OR CONCRETE SUBSTRATE EXISTING AT THIS LOCATION
- TAPEMED PRE-CAST SILL (STONE MANUFACTURER, CONCRETE DESIGN - FR-1) NC, STYLE 81 189 31-9/8 DP - (OR EQUAL) PAINTED
- SMOOTH FACED 8" X 8" CONCRETE HAASPORT TWIN VESBER UNITS IN RUNNING BOND PATTERN PAINTED - SEE SECTION DRAWINGS FR-1

**ECC NOTES:**

1. ALL FIXED GLAZING SHALL MEET THE HAZARD U-FACTORS (AO OR BETTER) AND REQUIRED BY 202 EEC TABLE C402.3 ZONE 2.

2. ALL ORGANIC THERMAL INSULATION (SOID OVERSHELD DOWNS) SHALL HAVE A HAZARD U-FACTOR AND HAZARD GASC OF 28 AND HAZARD GASC OF 28 AND HAZARD GASC OF 28.

3. FIXED REINSULATION HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

4. FACTOR OF 28 AND HAZARD GASC OF 28.

5. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

6. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

7. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

8. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

9. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

10. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

11. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

12. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

13. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

14. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

15. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

16. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

17. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

18. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

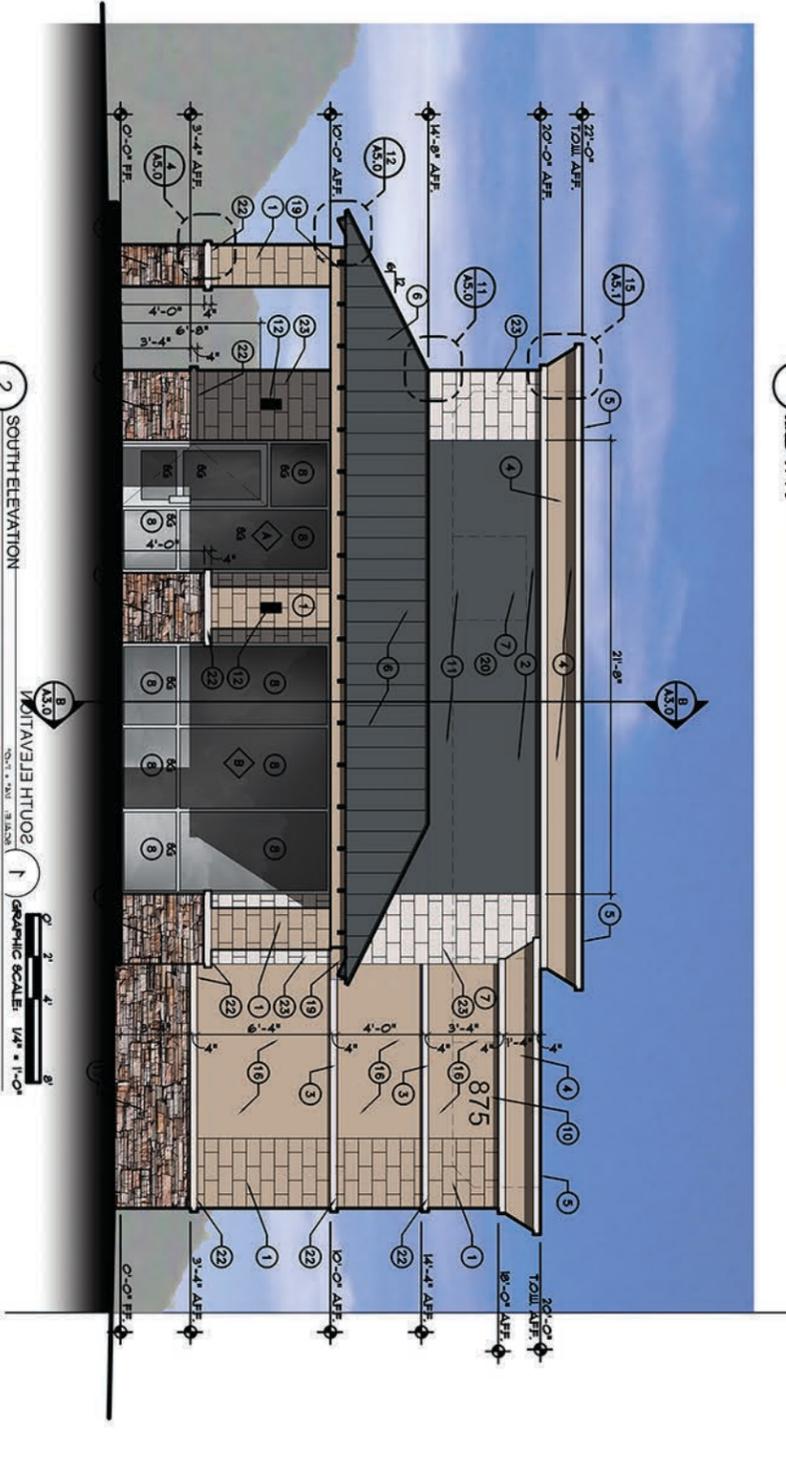
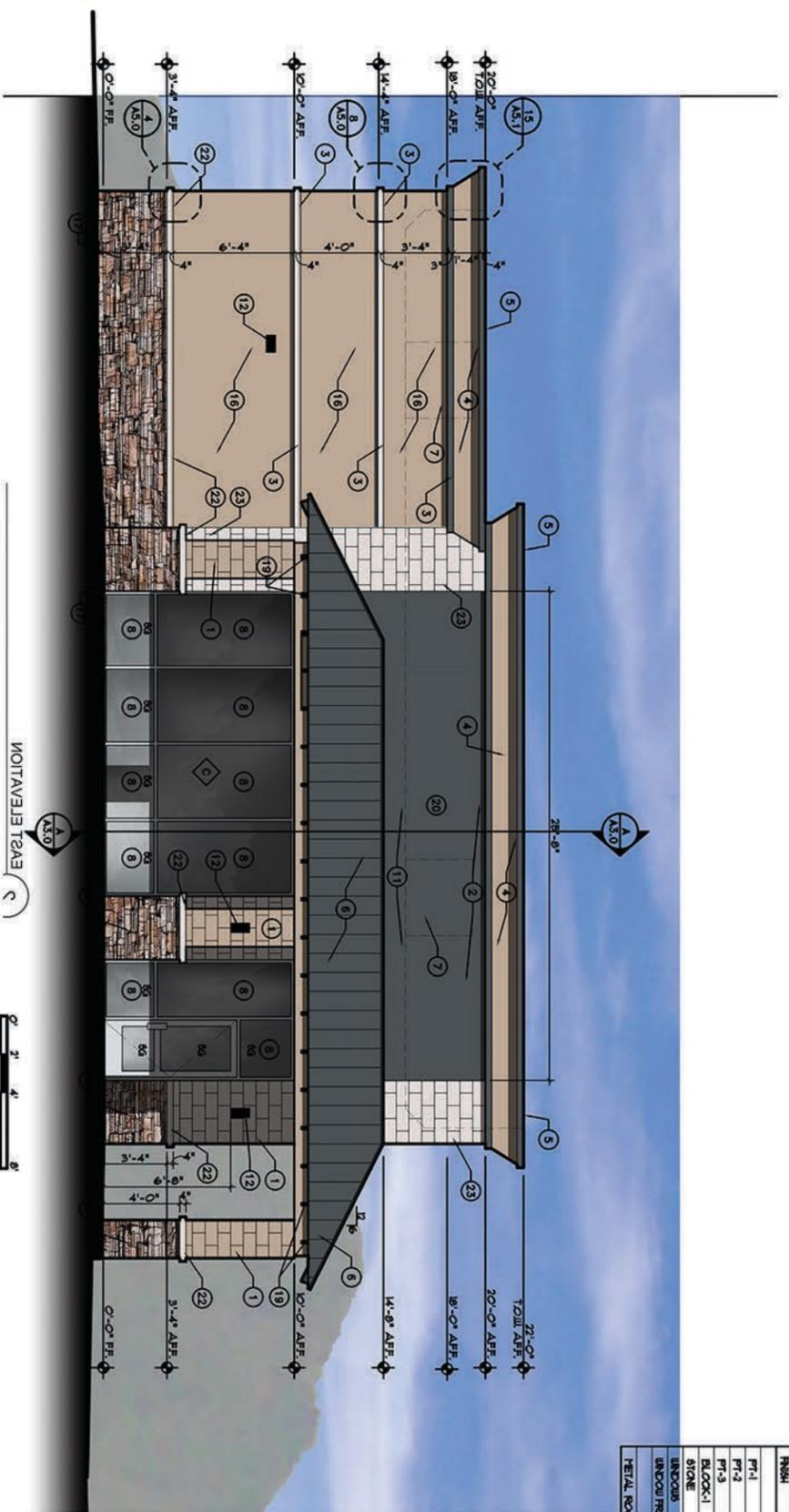
19. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

20. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

21. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

22. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.

23. OVERSHELD DOOR HAZARD U-FACTOR OF 30 AND HAZARD GASC OF 28.



**VERIZON WIRELESS - BUILDING SHELL**  
 875 S. MAIN STREET  
 COTTONWOOD, ARIZONA  
 APN: 406-04-033D

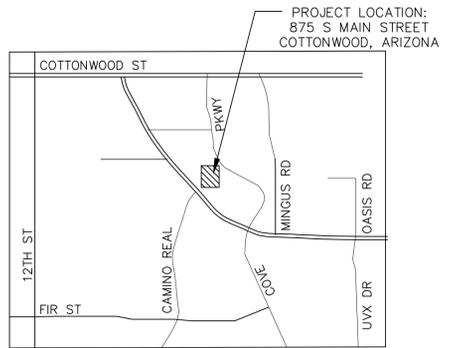
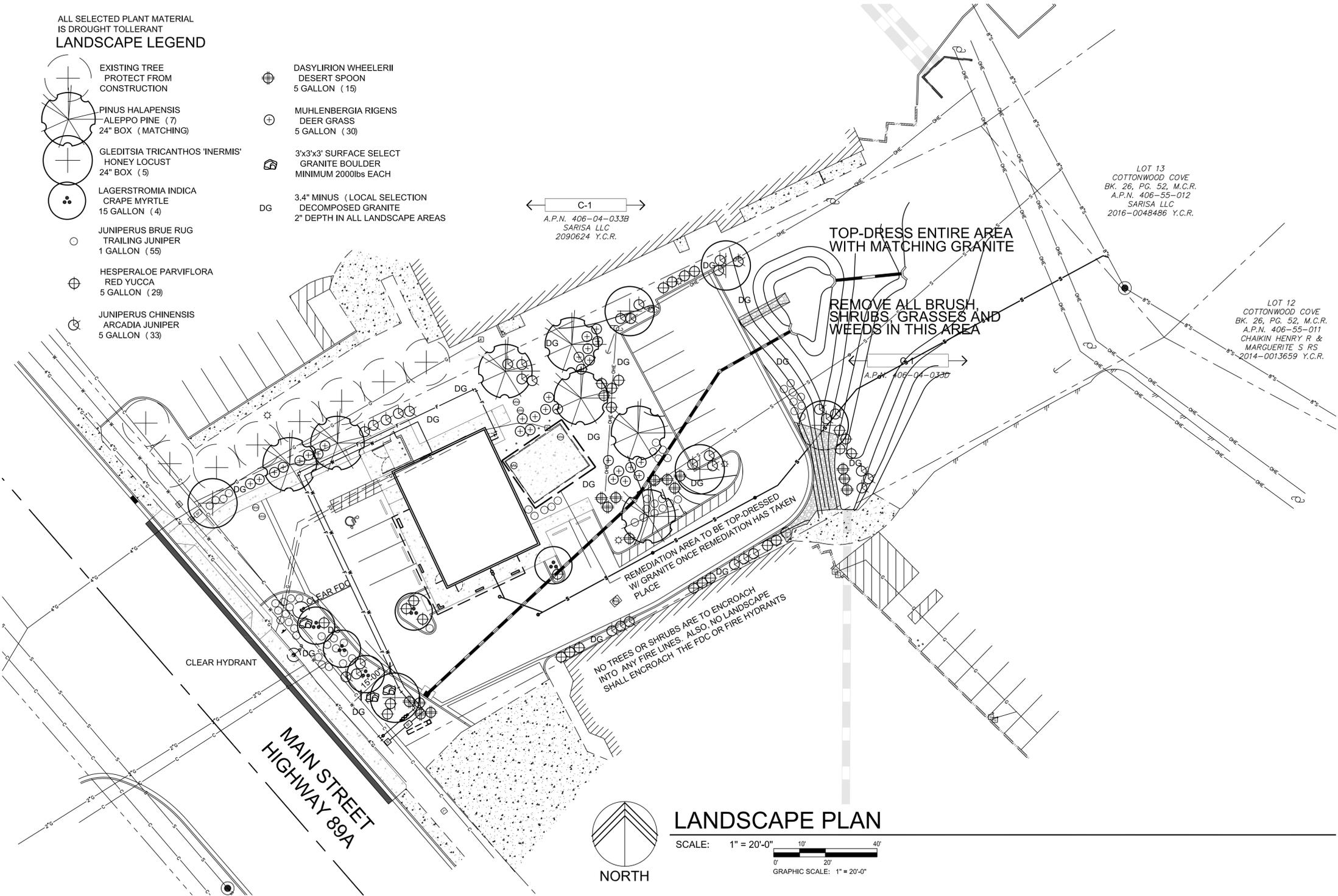
**Larson Associates Architects, Inc.**  
 3807 North 24th Street, Suite 100  
 Phoenix, AZ 85016  
 602.955.9929 602.954.4790 FAX  
 design@larson-architects.com

Revisions:  
 1. DATE: 1/17/2020  
 Project Number: 19030  
 Drawing No: A2.0  
 Drawing Name: EXTERIOR ELEVATIONS  
 Expires: 6/30/2021  
 Larson Associates Architects, Inc.  
 3807 North 24th Street, Suite 100  
 Phoenix, AZ 85016  
 602.955.9929 602.954.4790 FAX  
 design@larson-architects.com



ALL SELECTED PLANT MATERIAL IS DROUGHT TOLLERANT  
**LANDSCAPE LEGEND**

- |  |   |  |   |
|--|---|--|---|
|  | EXISTING TREE<br>PROTECT FROM<br>CONSTRUCTION                 |  | DASYLIION WHEELERII<br>DESERT SPOON<br>5 GALLON (15)                                  |
|  | PINUS HALAPENSIS<br>ALEPPO PINE (7)<br>24" BOX (MATCHING)     |  | MUHLENBERGIA RIGENS<br>DEER GRASS<br>5 GALLON (30)                                    |
|  | GLEDITSIA TRICANTHOS 'INERMIS'<br>HONEY LOCUST<br>24" BOX (5) |  | 3'x3'x3' SURFACE SELECT<br>GRANITE BOULDER<br>MINIMUM 2000lbs EACH                    |
|  | LAGERSTROMIA INDICA<br>CRAPE MYRTLE<br>15 GALLON (4)          |  | 3.4" MINUS (LOCAL SELECTION)<br>DECOMPOSED GRANITE<br>2" DEPTH IN ALL LANDSCAPE AREAS |
|  | JUNIPERUS BRUEI<br>TRAILING JUNIPER<br>1 GALLON (55)          |  |   |
|  | HESPERALOE PARVIFLORA<br>RED YUCCA<br>5 GALLON (29)           |  |   |
|  | JUNIPERUS CHINENSIS<br>ARCADIA JUNIPER<br>5 GALLON (33)       |  |   |



**VICINITY MAP**  
NOT TO SCALE

C-1  
A.P.N. 406-04-033B  
SARISA LLC  
2090624 Y.C.R.

LOT 13  
COTTONWOOD COVE  
BK. 26, PG. 52, M.C.R.  
A.P.N. 406-55-012  
SARISA LLC  
2016-0048486 Y.C.R.

LOT 12  
COTTONWOOD COVE  
BK. 26, PG. 52, M.C.R.  
A.P.N. 406-55-011  
CHAIKIN HENRY R &  
MARGUERITE S RS  
2014-0013659 Y.C.R.



**LANDSCAPE PLAN**

SCALE: 1" = 20'-0"  
0' 10' 20' 40'  
GRAPHIC SCALE: 1" = 20'-0"

REMEDIATION AREA TO BE TOP-DRESSED  
W/ GRANITE ONCE REMEDIATION HAS TAKEN  
PLACE

NO TREES OR SHRUBS ARE TO ENCR OACH  
INTO ANY FIRE LINES. ALSO NO LANDSCAPE  
SHALL ENCR OACH THE FDC OR FIRE HYDRANTS

MAIN STREET  
HIGHWAY 89A

CLEAR HYDRANT

T.J. McQUEEN & ASSOCIATES, INC.

LANDSCAPE ARCHITECTURE  
URBAN DESIGN  
SITE PLANNING

10450 N. 74th Street, Suite 120  
Scottsdale, Arizona 85258  
P.(602)265-0320

EMAIL: timmcqueen@tjma.net



**Larson** Associates Architects, Inc.  
3807 North 24th Street, Suite 100  
Phoenix, AZ 85016  
602.955.9929 602.954.4790 FAX  
design@larson-architects.com



**VERIZON WIRELESS - SHELL BUILDING**  
875 S. MAIN STREET  
COTTONWOOD, ARIZONA  
APN: 406-04-033D

Drawing Name:  
LANDSCAPE PLAN

Revisions

Date: 04.02.20  
Project Number:

Drawing No:

**La.01**

T.J. McQUEEN & ASSOC., INC. LANDSCAPE ARCHITECTURE. IT IS AN EXPRESSLY RESERVED ITS COMMON LAW, COPYRIGHT & OTHER PROPRIETARY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR OTHERWISE COPIED IN ANY FORM OR MANNER WITHOUT WRITTEN PERMISSION. NO PART OF THESE PLANS ARE TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION & CONSENT FROM T.J.M.A.



## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Gary Davis, Community Development Planner

**MEETING:** May 18, 2020

**SUBJECT:** **ZO 20-003 AMENDMENT TO SECTION 404 GENERAL PROVISIONS, AMENDING SECTION 404.W OUTSIDE DISPLAY/USE OF PUBLIC SIDEWALKS** - Consideration of a Zoning Ordinance text amendment to Section 404.W, replacing current regulations for Outside Display with new regulations for Use of Public Sidewalks.

### **BACKGROUND**

In August 2004 City staff established a written Sidewalk Café Policy at the request of City Council (see attached). This policy, developed in response to the growing popularity of sidewalk cafés in Old Town at the time, set guidelines for encroachments into sidewalk areas. None of the guidelines were adopted into the Zoning Ordinance.

Since then, Old Town businesses have also been displaying merchandise in the sidewalk area, which can impede pedestrian flow. Currently the Zoning Ordinance has only a brief and broad provision for outdoor display, Section 404.W OUTSIDE DISPLAY, which simply states, “Any outside display must be approved by the Development Review Board. The applicant shall provide a sketch showing the area to be used for the display.”

The City has received several complaints from pedestrians and Old Town business owners about outside merchandise displays that create visual clutter and impede access on the sidewalk, especially for pedestrians who use wheelchairs or electric scooters. Last year Community Development staff prepared a draft Zoning Ordinance Amendment with specific requirements for outside merchandise display and included requirements for sidewalk cafés based on the 2004 policy. The City Council discussed that draft at its January 14, 2020 meeting and directed staff to continue to work toward adopting a Zoning Ordinance amendment to provide standards for sidewalk cafés and merchandise displays.

## **STAFF ANALYSIS**

The current proposed Zoning Ordinance amendments (see attached) are based on the version discussed with City Council on January 14, 2020, with changes responding to comments received since then. The purpose of these amendments is to protect health and safety, prevent visual clutter, and allow businesses the opportunity to provide safe and attractive outdoor amenities that contribute to a vibrant, walkable street. The new Section 404.W would provide specific guidelines that could be applied and enforced more consistently than the current policy for sidewalk cafés or the broad requirements for outside display.

For outside displays and sidewalk cafés, the new code would require a minimum five-foot wide clear area on the sidewalk for pedestrians. This width will accommodate ADA requirements and allow two pedestrians to pass in opposite directions. Permanent structures such as railings may be installed with an encroachment permit from the Public Works Department.

Outdoor merchandise display areas would be limited to no more than 50 percent of the linear store frontage, and must be adjacent to the store, not between the pedestrian path and the edge of the street. Outside display may not be located in parking, driving, or landscape areas, or within sight visibility triangles at intersections. Temporary structures such as display racks would be limited to a maximum six feet in height and must be stored inside the store after business hours.

Sidewalk cafés would require approval by the City's Code Review Board before installation. The CRB approval may include limited outside services such as welcome stands and beverage service. Payment transactions must take place within the restaurant, with the exception of hand-held payment devices or transactions made as part of an approved special event. Restaurants must comply with all County Health Department and, if applicable, State Liquor Board regulations regarding sidewalk seating, and must carry insurance naming the City as additional insured.

## **RECOMMENDATION**

Consider the proposed amendment to the Zoning Ordinance to provide a recommendation to the City Council to:

1. Amend Section 404.W, replacing current regulations for Outside Display with new regulations for Use of Public Sidewalks.

### **If the Commission desires to recommend approval of this item, the suggested motion is:**

I move to recommend approval to the City Council amendments to Section 404.W, replacing current regulations for Outside Display with new regulations for Use of Public Sidewalks.

Attachments:

- Draft Zoning Ordinance Text Amendments
- 2004 Sidewalk Café Policy

## SECTION 404. GENERAL PROVISIONS

.....

### W. USE OF PUBLIC SIDEWALK.

#### Definitions:

**PERMANENT STRUCTURE-** Any structure installed in the public right-of-way which is bolted or attached permanently to the surface on which it sits (i.e. awnings, canopies, posts, fences, rails, etc.).

**SIDEWALK/FURNITURE DISPLAY-** Any object placed in the right-of-way which is not bolted or attached permanently and which may be routinely and easily moved (i.e. planter box, plant, art, signs, tables, chairs, benches, merchandise racks, et.).

1. Display of Merchandise on Sidewalk by Adjacent Business:
  - a. Merchandise being displayed shall be limited to goods sold inside store by the same proprietors and not by secondary vendors.
  - b. Locate sales display directly in front of business, not to exceed more than fifty percent (50%) of the linear store frontage. A minimum of five (5) foot wide clearance shall be maintained on the sidewalk for pedestrian passage; however, under no circumstances shall the width be less than that required by the Americans with Disabilities Act (ADA) requirements.
  - c. Merchandise may only be placed immediately adjacent to the business, and not between the pedestrian passage and street edge.
  - d. Merchandise or signs shall not be located in parking areas, driveways, or landscape areas.
  - e. On corner lots no merchandise display shall block open visibility triangles required in Section 404.I of the City's Zoning Ordinance.
  - f. Permanent structures for displays shall require review and approval by the City Engineer and Community Development Director. The City Engineer and Community Development Director may require City Council approval of permanent structures.

- g. Temporary structures (clothing racks, tables, book cases, etc.), are limited to not more than six (6) feet in height.
  - h. A-frame signs shall be limited to one (1) per business in accordance with Section 405 of the City's Zoning Ordinance and may not be displayed without a zoning permit.
  - i. All merchandise, sales displays, non-permanent structures, and temporary signs shall be removed from the sidewalk and stored within the business at the end of each day when the business closes.
  - j. Amplified music associated with the business location shall not extend beyond the immediate area of outside display.
  - k. Merchandise displays shall not include:
    - 1) Dangerous or hazardous materials,
    - 2) Swinging items (does not include clothing racks, or other small items that are not intended by design to swing),
    - 3) Items considered clearly offensive or unsightly (i.e. pornographic images),
    - 4) Large furniture such as couches and mattresses,
    - 5) Outdoor vending machines, or
    - 6) Items considered junk or debris, including clearly broken items or items in disrepair.
2. Permanent Structures on Sidewalks:
- a. No permanent structure may be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered on or over the public right-of-way without an encroachment permit issued by the Public Works Department.
  - b. Where a permanent structure extends over the public right-of-way, the structure shall not be less than eight and a half (8 ½) feet above the sidewalk grade and shall not be closer than two (2) feet to the edge of curb or sidewalk.
  - c. The permanent structure shall meet all of the structural requirements of the City adopted building and engineering code with the following exception:

- 1) The canopy shall be self-supporting (not including wind loading) and shall be able to support itself in the event the vertical support post is damaged.
  - d. The property owner/applicant shall be responsible for all maintenance of the permanent structure.
  - e. The City reserves the right to revoke an encroachment permit for a permanent structure and may require the owner to remove the structure at the owner's expense if future policy changes.
  - f. The encroachment permit is for the applicant only and may be renewed by new property owners, tenants, or applicants.
  - g. Any permanent structures shall be constructed in a method in which they can be removed from the outside of the building, or can be dismantled from the street without damaging the building.
  - h. A minimum of a five (5) foot wide path shall be maintained.
  - i. All structures over driveways, alleyways, or streets shall have a minimum of fifteen (15) feet vertical clearance from the ground to the bottom of the structure, and shall require City Council approval.
3. Sidewalk Cafés
- a. Proposed sidewalk cafés may not be installed without approval by the Code Review Board.
  - b. All permitted encroachments shall maintain minimum clear distance of sidewalk width of five (5) feet.
  - c. A sidewalk café area may contain sidewalk furniture and may be separated from the sidewalk by a permanent barrier structure. A minimum five (5) foot wide path shall be maintained outside the barrier. No permanent barrier may be constructed without an encroachment permit issued by the Public Works department and approval by the Code Review Board.
  - d. Sidewalk cafés shall meet all Yavapai County Health Department requirements.
  - e. All service to support sidewalk cafés shall be supplied from within the adjacent building. Temporary service equipment such as beverage containers or welcome stands may be used if included in Code Review Board approval.

- f. The encroachment area shall not extend laterally beyond the business' building frontage.
- g. Sale of alcohol in a sidewalk café area shall require City Council approval of a State of Arizona "extension of premises" application and the applicant shall provide a certificate of liquor liability insurance in the amount specified in this code, naming the City of Cottonwood as an additional insured.
- h. The City may temporarily suspend an encroachment permit or a sidewalk café approval when construction, street repair, or utility work in the area would create a hazard.
- i. No sales transactions shall occur in the sidewalk café area except for those made with hand-held payment devices, or as permitted in conjunction with a special event.
- j. A Certificate of Insurance will be required, naming the City of Cottonwood as an Additional Insured, with the following amounts:
  - 1) General Liability- \$1 Million/\$2 Million aggregate
  - 2) Liquor Liability- \$1 Million (if any alcohol is served on the sidewalk/City property)
- k. The Certificate of Insurance and its accompanying Additional Insured Endorsement is required to be submitted to the City on an annual basis.
- l. The City Manager and/or Risk Manager has the discretion to increase or decrease the coverage requirements listed above, as necessary.

.....

## MEMO

**TO:** Honorable Mayor and City Council  
**THROUGH:** Brian Mickelsen, City Manager  
**FROM:** Jerry Owen, Community Development Director  
**DATE:** August 3, 2004  
**SUBJ:** **Sidewalk Café Policy**

At the July 13, 2004 work session, Council directed staff to develop a policy addressing sidewalk cafes as encroachments in City right of way in Old Town. Generally, sidewalk cafes have become more popular in recent years and are thought to be a positive contributor to healthy, pedestrian-oriented downtown districts. Currently, the Public Works Department issues encroachment permits for fences, parking spaces, landscaping and other improvements on City right of way. Staff suggests that sidewalk cafes also be an allowable encroachment subject to the following additional requirements:

- Proposed sidewalk cafes must be reviewed and approved by the Code Review Board.
- All permitted encroachments must maintain a minimum clear distance of sidewalk width of at least five feet.
- Encroachment permits shall be issued for a specific period of time.
- The sidewalk café area must be separated from the sidewalk by a barrier as approved by the Code Review Board.
- Sidewalk café areas must be maintained in a neat and clean manner at all times.
- Sidewalk cafes must meet all Yavapai County Health Department requirements.
- All service to support sidewalk cafes shall be supplied from within the adjacent building.
- The encroachment area shall extend laterally no further than the business' building frontage.
- An applicant shall provide indemnity and commercial general liability insurance.
- Sale of alcohol shall require Council approval of a State of Arizona "extension of premises" application and the applicant shall provide a certificate of liquor liability insurance in the amount of one million dollars naming of the City as an additional insured.
- The City can temporarily suspend an encroachment permit when construction, street repair or utility work in the area would create a hazard.

With Council's concurrence, staff will implement a sidewalk café encroachment permit as described above.



## STAFF REPORT

**TO:** Planning and Zoning Commission

**FROM:** Gary Davis, Community Development Planner

**MEETING:** May 18, 2020

**SUBJECT:** **ZO 20-004 AMENDMENT TO SECTION 414 R-2 ZONING DISTRICT, AMENDING SECTION 414.D PROPERTY DEVELOPMENT STANDARDS** – Consideration of a Zoning Ordinance text amendment to Section 414.D regarding minimum rear yard setback standards in the R-2 (Single Family/Multiple Family Residential) Zoning District.

### **BACKGROUND**

Staff has recently processed applications for multi-family developments in the R-2 Zoning District where enforcement of the Zoning Code's minimum rear yard setback requirements results in problems locating buildings and lot lines. The Zoning Code requires a minimum rear yard setback of 20 feet in R-2, while in the R-3 zone – another multi-family zone – the minimum rear yard setback is 15 feet.

### **STAFF ANALYSIS**

Community Development staff proposes a Zoning Ordinance Amendment to reduce the R-2 Zone's minimum rear yard setback from the current 20 feet to 15 feet where the rear lot line abuts another multi-family use. The rear yard setback would remain 20 feet where the rear lot line abuts single-family or nonresidential uses. This change would be consistent with the minimum rear yard setback in R-3. With this change, adequate separation between multifamily buildings on different lots can still be maintained.

The new setback standard would allow greater flexibility for designing R-2 multi-family projects, would be consistent with R-3 standards, and would not affect safe separation of buildings.

## **RECOMMENDATION**

Consider the proposed amendment to the Zoning Ordinance to provide a recommendation to the City Council to:

1. Amend Section 414.D, changing minimum rear yard setback standards in the R-2 Zoning District.

**If the Commission desires to recommend approval of this item, the suggested motion is:**

I move to recommend approval to the City Council amendments to Section 414.D, changing minimum rear yard setback standards in the R-2 Zoning District.

Attachments:

Draft Zoning Ordinance Text Amendments

SECTION 414. "R-2" ZONE, SINGLE FAMILY/MULTIPLE FAMILY RESIDENTIAL.

.....

D. PROPERTY DEVELOPMENT STANDARDS.

1. Minimum Lot Area: 7,500 Sq. Ft.
2. Minimum Lot Area per Dwelling Unit: 3,750 Sq. Ft.
3. Minimum Average Lot Width: 60 Ft.
4. Minimum Lot Frontage: 30 Ft.
5. Maximum Lot Coverage: 40%
6. Minimum Front Yard: 20 Ft.
7. Minimum Side Yard:
  - a. 5 Ft.
  - b. Where a side lot line abuts a street, there shall be a side yard of not less than 15 Ft.
8. Minimum Rear Yard:
  - a. 20 Ft.
  - b. Where the rear lot line abuts an alley, the required rear yard shall be measured from the center line of the alley.
  - c. Where the rear lot line abuts a multi-family use, there shall be a rear yard setback of not less than 15 Ft.
9. Minimum Dwelling Size:

TYPE OF DWELLING UNIT	MINIMUM FLOOR AREA
Efficiency or Studio	300 Sq. Ft.
One Bedroom	500 Sq. Ft.
Two Bedroom	650 Sq. Ft.
Over Two Bedroom	750 Sq. Ft. plus 150 Sq. Ft. per additional bedroom over two
10. Maximum Building Height: 2 ½ stories, but not to exceed 35 Ft., except under Conditional Use Permit.

.....