



**CITY OF COTTONWOOD
PLANNING & ZONING COMMISSION
RIVERFRONT COUNCIL CHAMBERS**

1086 Riverfront Dr.
Cottonwood, Arizona 86326

**SUMMARY MINUTES & ACTION REPORT
REGULAR MEETING**

Wednesday, March 18, 2024
6:00 p.m.

I. CALL TO ORDER

Chairwoman Masten called the meeting to order 6:00 p.m.

A. Roll Call

Commission Members Present

Commissioner DuVernay
Commissioner Glascott
Commissioner Rothrock
Commissioner Gehlert
Chairwoman Masten
Vice Chair Garrison

Commission Members Absent

Staff Members Present

Scott Ellis, Community Development Director
Gary Davis, Community Development, Senior Planner
Tina Hayden, Community Development, Planner
Charlotte Page, Recorder
Michael Goodman, Legal Counsel

B. Approval of Minutes: February 26, 2024 Regular Meeting.

Motion: I make a motion to approve.

Made by: Commissioner Glascott

Second: Commissioner DuVernay

Unanimously carried.

II. INFORMATIONAL REPORTS AND UPDATES:

Director Ellis introduced Commissioner Rothrock.

III. CALL TO THE PUBLIC: NONE

IV. OLD BUSINESS: NONE

V. NEW BUSINESS:

1. **Z-24-001 - ZONE CHANGE FROM C-1 TO R-2** - Consideration of an application for zone change from C-1 (Light Commercial) zone to R-2 Single Family/Multifamily Residential) zone for a 0.04-acre portion of a parcel approximately 0.08 acres in size, located on the west side of N. 2nd Street, at 906 N. 2nd Street. APN:406-34-060. Applicant: Doug Bartosh.

Senior Planner Davis presented the request to rezone a portion of a small lot proposed to be split between the two adjacent lots. The rezoning is proposed to result in two adjacent lots with cohesive zoning and avoid creating a split-zoned lot.

Proposed stipulations for the proposal were read into the record.

- 1) The project shall conform to the Code Review Board comment letter dated November 2, 2023.
- 2) The project shall comply with all applicable sections of the Zoning Ordinance, including, but not limited to, General Provisions, R-2 Property Development Standards, and Outdoor Lighting Code.
- 3) The applicant shall have 90 days, from Council Approval of the Ordinance for zone change, to provide proof of recordation to staff for the proposed Minor Land Division and Lot Combination.

Motion: I move to recommend approval to the City Council for Z-24-001 to change the zoning from C-1 (Light Commercial) to R-2 (Single Family/Multi Family Residential) for an approximate 0.04-acre portion of parcel 406-34-060, subject to the stipulations that staff has read into the record.

***Made by: Vice Chair Garrison
Second: Commissioner Glascott***

Unanimously carried.

2. **DR-23-010 – HAM RADIO TOWER and RECOMMENDATION TO COUNCIL IN REGARD TO TOWER HEIGHT** - Consideration of an application for Design Review to allow a ham radio tower in the AR-20 (Agricultural Residential) zone, and a Public Hearing on recommendation to Council a request to exceed the allowed 60 foot height requirement, located at 1738 Sawmill Road. APN: 406-04-082. Applicant: Ronald Rosson.

Planner Hayden presented the proposal, a tower for use with amateur radio communications. Planner Hayden said the radio transmission is for recreational use and could also supplement emergency communications.

The height proposed will require additional approval from Council, and Planner Hayden reviewed staff findings in that regard.

Commissioners asked about the site topography, the allowed height by the Zoning Ordinance of this type of structure, if the retractable tower would be set up at the maximum height proposed or if it would be put up and down, if any screening is proposed, if neighbors had been notified, and what actual scope of radio transmission is possible.

The applicant, Ronald Rosson said the transmission may reach international operators in favorable conditions, the retraction of the tower would only be done when there is possibility of high winds, and no screening is proposed.

Planner Hayden read the following stipulations into the record:

- 1) The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the March 18, 2024 meeting.
- 2) The project shall conform to the Code Review Board comment letter dated May 26, 2023, and any additional Code Review Board comments.
- 3) The project shall comply with all applicable sections of the Zoning Ordinance, including, but not limited to, AR-20 Property Development Standards and General Provisions.
- 4) The applicant shall submit structural engineering plans, as part of the building permit submittal, to ensure that the tower shall not fall on any occupied buildings or within the buildable area of adjacent properties.
- 5) Design Review approval does not grant approval for the tower to extend past 60 feet unless the City Council approves the excess tower height.
- 6) A building permit application must be submitted within 24 months of Design Review approval. If this requirement is not met, the Design Review approval shall be revoked and new Code Review and Design Review submittals will be required.

Motion: I move to approve DR-23-010 to allow a ham radio tower on parcel 406-04-082, subject to the stipulations that staff has read into the record.

Made by: Vice Chair Garrison

Second: Commissioner DuVernay

Unanimously carried.

Motion: I move to recommend approval to the City Council to allow an 89-foot tall tower in excess of the allowed 60 feet for parcel 406-04-082.

Made by: Vice Chair Garrison

Second: Commissioner Glascott

Unanimously carried.

3. **DR-24-001 – BURGER KING DESIGN REVIEW** - Consideration of a Design Review application to allow a restaurant in the C-1 (Light Commercial) zone on a 0.9-acre parcel at 888 S. Main Street. APN: 406-04-045R. Applicant: Mark Abel.
4. **CUP-24-001 – CONDITIONAL USE PERMIT TO ALLOW A DRIVE-THROUGH ELEMENT OF A RESTAURANT IN THE C-1 ZONE –** Consideration of an application for Conditional Use Permit to allow a drive-through element for a restaurant in the C-1 (Light Commercial) zone, on a 0.9-acre parcel located on the west side of S. Main Street, at 888 S. Main Street. APN:406-04-045R. Applicant: Mark Abel.

Planner Hayden combined presentations for items DR-24-001 and CUP-24-001, presenting the information on the proposed site, adjacent properties, landscaping and on-site traffic flow. Staff findings on possible noise generation, headlight glare, and compatibility with surrounding use were reviewed.

Proposed stipulations for the proposed CUP were read into the record:

- 1) The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the March 18, 2024 meeting.
- 2) The project shall conform to the Code Review Board comment letter dated March 16, 2023, and any additional Code Review Board comments.
- 3) The project shall comply with all applicable sections of the Zoning Ordinance including, but not limited to, C-1 Property Development Standards, General Provisions, Signs, Parking and Loading Requirements, Landscaping Requirements, and Outdoor Lighting Code.
- 4) ADOT permit approval is required prior to the issuance of building permits.

- 5) If ADOT requires significant major changes to the circulation of the site plan, then the applicant will be required to submit for Design Review modification prior to the issuance of building permits.
- 6) Design Review approval does not grant approval for the use of the drive-through element or the signage that is proposed on the site plan.
- 7) A building permit application must be submitted within 24 months of Design Review approval. If this requirement is not met, then Design Review approval shall be revoked and new Code Review and Design Review submittals will be required.

Commissioners asked about landscaping, preservation of mature trees on the site, traffic studies, and how adjacent neighbors may be affected by noise or lights from the drive-through element of the proposed project.

Planner Hayden said the distance of adjacent neighbors from the possible noise is more than 100', the applicant is planning to preserve the mature trees on site, and said landscaping proposed is intended to minimize light glare from on-site traffic to streets and adjacent properties.

The applicant, Mark Abel, said significant traffic studies have been conducted at the request of ADOT, the traffic flow from 89A has been approved by ADOT, and the drive-through speaker volume can be controlled. He said ADOT approved the proposed use of the site's existing curb cuts, they did not require additional turn lane to enter the property or obstacles to prevent left turn traffic onto 89A.

Motion: I move to approve DR-24-001 to allow a restaurant in the C-1 (Light Commercial) zone located on APN 406-04-045R, subject to the stipulations that staff has read into the record.

Made by: Vice Chair Garrison
Second: Commissioner Glascott

Unanimously carried.

Motion: I move to approve CUP-24-001 to allow use of a drive-through element for a restaurant in the C-1 zone located on parcel 406-04-045R.

Made by: Vice Chair Garrison
Second: Commissioner Gehlert

Unanimously carried.

5. **CUP-24-002 – CONDITIONAL USE PERMIT TO ALLOW A 12-FOOT TALL SCREENING ENCLOSURE IN THE C-1 ZONE** – Consideration of an application for Conditional Use Permit to allow a 12-foot tall CMU screening enclosure in the C-1 (Light Commercial) zone, located on a 33.4-acre parcel, at 269 S. Candy Lane. APN: 406-33-020E & 406-33-020D. Applicant: Caidyn Spickler.

Vice Chair Garrison recused himself for CUP-24-002.

Senior Planner Davis presented on the 12' screening wall proposed as part of the relocation of the hospital's emergency generator.

Proposed stipulations for the application were read into the record:

- 1) The project shall be developed in conformance with the development plans as reviewed by the Planning and Zoning Commission at the March 18, 2024 meeting.
- 2) The project shall conform to staff comments related to permit # 2023-0197.
- 3) The project shall comply with all applicable Sections of the Zoning Ordinance including, but not limited to, C-1 Property Development Standards, General Provisions, and Outdoor Lighting Code.

Chairwoman Masten said Vice Chair Garrison is recused from the vote.

Motion: I move to approve CUP-24-002 to allow a 12-foot tall screening enclosure in the C-1 zone for parcels 406-33-020E and 406-33-020D.

Made by: Commissioner Glascott

Second: Commissioner Rothrock

Unanimously carried.

6. **ZONING ORDINANCE AMENDMENT – SECTION 405**

Senior Planner Davis presented proposed changes in Section 405 of the Zoning Ordinance intended to bring the section into compliance with current case law, and to clarify regulations. Staff has reviewed and reworked the section to ensure that approval criteria are based on a sign's physical characteristics and not on sign content.

Motion: I move to recommend to the City Council approval of the proposed amendments to Zoning Ordinance Section 405 Signs.

Made by: Vice Chair Garrison

Second: Commissioner Glascott

Unanimously carried.

VI. DISCUSSION ITEMS: NONE

VII. CALL TO THE PUBLIC: NONE

VIII. ADJOURNMENT: 7:40 p.m.

Notice is hereby given that pursuant to A.R.S. subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning and Zoning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. have been waived.

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 and Cottonwood Recreation Center are 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.

Members of the Historic Preservation Commission will attend either in person or by telephone conference call.