



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting/Public Hearing
Thursday, August 31, 2006 - 9:00 AM
City Council Chambers, Prescott, Arizona

I. CALL TO ORDER

Chairman Michelman called the meeting to order at 9:00 AM.

II. ATTENDANCE

<p>MEMBERS PRESENT:</p> <p>Don Michelman, Chairman Joe Gardner, Vice Chairman Tom Menser Seymour Petrovsky Dick Rosa Len Scamardo George Wiant</p>	<p>OTHERS PRESENT:</p> <p>Tom Guice, Community Development Director George Worley, Assistant Community Development Director Tom Lloyd, Chief Assistant City Attorney Steve Gaber, Community Planner Ryan Smith, Community Planner Dick Mastin, Development Services Mgr. Jim Lamerson, Liaison Councilman Kathy Dudek, Recording Secretary</p>
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III. REGULAR/ACTION ITEMS

(May be voted on contingent upon any related public hearing item below also being acted on unless otherwise noted).

- 1. Approve the minutes** of the 08-10-06 meeting.

Mr. Rosa, **MOTION: to approve** the minutes of the August 10, 2006 meeting.
Mr. Petrovsky, 2nd. **Vote: 6-0-1** (abstention due to absence: Gardner).

- 2. SUP06-002, Telecommunications Site, 1052B Willow Creek Road.** Associated with the Goodyear Tire Store on Willow Creek Road. APN: 115-05-033H. Zoning is Business Regional. Owner is Richard Hollister. Applicant/Agent is Alamosa PCS, Reliant Land Services. Community Planner is Steve Gaber. *(May be voted on August 31, 2006).*

Mr. Gaber reviewed the staff report and indicated:

- the property is located west of, and behind, the Goodyear Tire Store on Willow Creek Road;
- the project will be set into the hillside (to the west) to maintain the the full-width fire lane required by the Fire Department;
- the “flagpole” concept has been replaced with a “monopole”;

- the apartment complex, 300-feet to the south, will have minimally affected site Lines;
- the project will improve coverage to the hospital, Ponderosa Plaza and the Village at the Boulders and the residential area; and,
- another cell site, and the closest to the project, is located approximately one mile away.

Commissioners queried and discussed:

- if the project is a straight pole with antennae inside the pole [Gaber: yes];
- if the pole is being placed in any existing parking place [Gaber: no];
- having a “proactive” rather than “reactive” position so that the City is in control; and,
- the preference of the collocation of towers and the consolidation of the various cell phone companies.

Mr. Scamardo, **MOTION: to approve SUP06-002**, an application for a wireless Communication site at 1052B Willow Creek Road. Mr. Petrovsky, 2nd. **Vote: 7-0.**

- 3. SP06-002, Tamarack Estates.** Located on Tamarack Lane, north of Rosser Street and west of Bloomingdale Dr. APN: 105-03-002A and totaling ± 6.83 acres. Request preliminary plat approval for 12 lots. Owner is Tamarack Estates, LLC. Applicant/Agent is Lyon Engineering. Community Planner is Ryan Smith. *(May be voted on September 14, 2006).* (**Associated with RZ06-001, Item #6**).

Mr. Smith reviewed the staff report for both SP06-002 and RZ06-001 concurrently and indicated:

- a slope of less than 20% exists;
- the associated rezoning request is from Single-Family 35 (SF-35) to Single-Family 18 (SF-18);
- the preliminary plat meets all requirements in the LDC;
- access will occur via Tamarack Lane, with a 24’ paved surface and two-way traffic;
- continuous access along Tamarack Lane will be required before any Certificate of Occupancy will be issued; and,
- the rezoning request is consistent with the area plan and the Willow Lake South Area Plan (WLSAP).

Commissioners queried and remarked on:

- who will pay for the Tamarack Lane improvements [Mr. Smith: the developers];
- where is Tamarack Lane to be extended [Mr. Smith: Delano]; and,
- the fact that 24’ paved streets are shown where 28’ streets are necessary.

Mr. Mastin explained that a minimum two-way traffic and that more than a ½-street improvement will exist until the other side of the street develops. The final plat has been approved for Prescott Highlands Estates and financial assurances have been posted.

Mr. Smith added that no vertical building will take place until the street is constructed.

Chairman Michelman asked if any members of the public wished to speak. No members of the public came forward.

The voting for both items, SP06-002 and RZ06-001, is scheduled to occur at the September 14, 2006 meeting at 9:00 AM.

IV. PUBLIC HEARING ITEMS

(May be voted on August 31, 2006 unless otherwise noted)

4. **GP05-004, Boulders Office Park, 1455 Willow Creek Road.** A portion of APN: 116-17-270B and totaling ± 2.6 acres. Request General Plan Amendment from Single-Family Low-Medium Density to Commercial. Owner is First Assembly of God of Prescott. Applicant/Agent is Stan Hitson, Michael Taylor Architects. Community Planner is Ryan Smith. *(May be voted on August 31, 2006).* (**Associated with Item #5, RZ05-013**).

Mr. Smith reviewed the staff report for BP05-004 and RZ05-013 concurrently and indicated:

- the rezoning request includes 355' easterly from the center line of Willow Creek Road;
- the requested rezoning is from Single-Family 9 (SF-9) to Neighborhood Oriented Business (NOB);
- the church's property was not considered in the overlay plan because no plans for the church's requested change were anticipated when the Willow Creek Corridor Overlay (WCCO) was written;
- had the church property been included in the overlay plan, it most likely would have been designated Residential Office (RO) for 300' from the center line of Willow Creek Road in an easterly direction;
- the opposition to the change [illustrated on the overhead] shows many objections by property owners;
- if the application is passed on to City Council, a super majority [i.e., 6 out of 7 votes] will be required;
- the General Plan suggests, in a local rezoning, that the neighborhood opposition will take precedent over the overlay plan; and,
- other options were presented to the Commission, i.e., the Commission could approve a General Plan Amendment and hear the rezoning issue at a later date.

Commissioners queried and commented on:

- both the 355' and 300' being inappropriate boundary lines [Mr. Scamardo];
- and,
- the line of demarcation should correspond to the lot lines.

Chairman Michelman asked Commissioners to respond:

- Mr. Menser remarked that the intend of the Unified Development Committee (UDC) was that the WCCO would be equal to four lots;
- Mr. Wiant indicated that 300' is a guideline, not an absolute;
- Mr. Gardner agreed with Mr. Scamardo [both 355' and 300' are inappropriate]

- and that the project is “pushing it”;
- Mr. Michelman stated that if the buildings were smaller, 355’ would not be needed.

Mr. Stan Hitson, Michael Taylor Architects, 118 S. Pleasant Street indicated:

- one of the reasons the applicant has asked for a deeper setback has resulted from the church’s deeding 17’ of frontage to the City;
- there isn’t an even lot distribution along the WCCO; and,
- the dedication of the 17’ was primarily for a utility easement.

Chairman Michelman indicated 17’ is less than the requested 55’.

Mr. Hitson further stated:

- that the developer is offering a Development Agreement (DA); and,
- the plans have changed from a full commercial complex to a lesser project;

Mr. Petrovsky remarked about the letter sent by the church as being “profitable”.

Mr. Harold Ritchey, Business Manager for the Church, 1455 Willow Creek Road, indicated:

- that there is no reason not to acquiesce to the line being drawn to the 4th property;
- the letter was written from a financial position and by having the additional space we [the church] will have the necessary parking spaces;
- the proposal is practical for a medical setting;
- the need is driven by the medical community;
- our [the church’s] endeavor is for the community 5 or 20 years down the road;
- the distance is actually 353 feet;
- the project has been squeezed for marketability, the community, and the medical needs, as a proliferation of office space exists.

Ms. Juanita Shult, 835 Flora Street, stated that the lots are 75’ wide and that there are drainage issues that need to be taken care of. She also cited problems with traffic flow.

The following members of the public voiced opposition to the project:

Ms. Sue Marsh, 805 Flora Street, indicated the neighborhood has been repeatedly misled by the church, and every time, the plan has been changed at the last minute. She objected to the letter sent by the church in which Community Planner Ryan Smith’s name appeared. The bus traffic has increased in the neighborhood to approximately 8 or 10 buses per day because the buses can no longer turn on Rosser Street.

Mr. Smith stated that he was not aware that the church had used his name until he received the letter five minutes before the hearing. He indicated he did not review the letter nor authorize his name being used.

Ms. Sarah Twombly, 727 Prescott Heights Drive, is opposed to the project and wants

the property to remain SF-9. She is concerned with the impact that traffic going south will have on the neighborhood.

Mr. Bob Wilson, 805 Flora Street, is opposed and stated that the church has not been a good neighbor. This area needs to remain SF-9 and is an affordable neighborhood. He later stated that he would rather take his chances with SF-9 because of the traffic pattern of SF-9 vs. NOB.

Mr. Brent Schnitzius, 701 Solano Drive, stated the property should go in to the 4th property line. He is concerned with the access and is opposed to any type of access via the north side.

Mr. John McCutcheon, 826 Flora Street, is opposed to any commercial rezoning. He indicated that Solano should extend to Willow Creek Road and remain residential. He later expressed concerns with the issue of traffic flow.

Mr. Bob Ellis, 727 Prescott Heights Drive, prefers that the SF-9 zoning remain. He supports the other speakers when referencing the level of discomfort with the information that has been disseminated. He also noted that there are no sidewalks for the neighborhood children. Later, Mr. Ellis indicated that "traffic slowing" devices should be explored for the neighborhood.

Mr. Petrovsky referenced a statement in the 2003 Prescott General Plan and conflicts based on neighborhood opposition. He quoted the following: ". . . When considering neighborhood conflicts not of a community-wide impact, the concerns of the neighborhood will be the primary consideration."

Ms. Sue Marsh cited the ingress, egress and the alleyway that is being used for a cutoff by the Flora Street residents. She wanted to know what the plans for the alley entail.

Mr. Art Hammond [? no signature on record], 721 Prescott Heights Drive, stated that the number one priority should be the traffic pattern.

Ms. Carlina Hart, 833 Flora Street, and Ms. Joy Haviland, 843 Flora Street, both stated that the area should remain SF-9.

Mr. Hitson stated that the connection from Willow Creek Road driveway was a requirement by the City when the plan was put together. Mr. Hitson indicated that it would be possible to eliminate any connection from the NOB to SF-9 zoning. He stated, on behalf of the developer, that the project is a useful project. Mr. Hitson requested a deferral.

Chairman Michelman asked Mr. Hitson how much time he would need, and Mr. Hitson stated that the October 12, 2006 meeting at 9:00 AM would enable him to gather the information that has been requested.

Mr. Scamardo, **MOTION: to defer GP05-004 and RZ05-013** until the October 12, 2006 meeting at 9:00 AM. Mr. Petrovsky, 2nd.

Chairman Michelman requested that the details of the project need to be expanded.

Mr. Gardner indicated that this will be an uphill battle as the opposition has very good points. There are too many loose ends affecting the neighborhood.

Mr. Wiant indicated he is trying to be realistic and is aware of what the project will encounter. It will be difficult to bring the project to fruition.

Mr. Menser stated that he felt the issue could be voted on with added conditions.

Chairman Michelman reiterated that the motion stated the project's being deferred to the October 12 and October 26 meetings.

Mr. Scamardo favors following the WCCO but is opposed to the 353' as it is excessive. If the developer was to develop the project solely by using SF-9, the neighborhood would have no input in what the project would entail.

Mr. Petrovsky questioned what the best use is—he has never seen such opposition from a neighborhood and is sensitive to what has been said.

Chairman Michelman indicated he needs to see more details on what the owners and developers want to do before he comments.

Mr. Menser indicated the Commission's job is to be pragmatic and not vote on emotions. The commercial corridor will grow. He indicated acceptance with the front [westerly] part being commercial and the back [easterly] portion remaining SF-9.

Mr. Rosa indicated that from a technical and planning aspect, the project should be commercial; however, with opposition from the neighborhood, let it all remain SF-9.

Mr. Wiant stated he lives in the area and likes residential; however, the traffic on Willow Creek Road precludes people from wanting to build single-family homes there. He stated he feels there is no other choice than to make the front commercial.

Vote: 7-0 to defer both GP05-004 and RZ05-013 to the October 12, 2006 meeting at 9:00 AM.

Ms. Twombly requested that the neighborhood be informed of what the proposal includes ahead of time.

Mr. Smith indicated that the plat and requisite details be made available to the Community Development Department in order to have sufficient time to study them as well as for the neighborhood to look at them.

5. **RZ05-013, Boulders Office Park, 1455 Willow Creek Road.** A portion of APN: 116-17-270B and totaling ± 2.6 acres. Zoning is Single-Family 9 (SF-9). Request rezoning extending 355' from the centerline of Willow Creek Road in an easterly direction from Single-Family 9 (SF-9) zoning district to Neighborhood Oriented Business (NOB) zoning district for a commercial office park. Owner is First Assembly

of God of Prescott. Applicant/Agent is Stan Hitson, Michael Taylor Architects. Community Planner is Ryan Smith. (May be voted on August 31, 2006). (**Associated with Item #4, GP05-004**).

Refer to Item #4 above.

6. **RZ06-001, Tamarack Estates.** Located on Tamarack Lane, north of Rosser Street and west of Bloomingdale Dr. APN: 105-03-002A and totaling ± 6.83 acres. Request rezoning from Single-Family 35 (SF-35) to Single-Family 18 (SF-18). Owner is Tamarack Estates, LLC. Applicant/Agent is Lyon Engineering. Community Planner is Ryan Smith. (May be voted on September 14, 2006). (**Associated with SP06-002, Item #3**).

Refer to Item #3 above.

Chairman Michelman indicated a break for 5 minutes at 11:10 AM. The meeting resumed at 11:15 AM.

7. **Land Development Code Amendments, Round 2.** Request recommendation for approval of amendments to the City of Prescott's *Land Development Code*. Assistant Community Development Director George Worley. (May be voted on August 31, 2006).

Mr. Worley reviewed the request and indicated that the *Land Development Code* Section 6.5 and Article 7 have been removed from being voted on today. Both Section 6.5 and Article 7 are being fine tuned and will be brought back before the Commission at a later date. Those changes include both landscaping requirements and the stormwater management plan and erosion control plan.

The Water Conservation Committee will be looking closely at landscaping requirements for Section 6.5.

Rather than hold up all the changes, staff would like to recommend sending the proposed amendments on to City Council.

The Hillside Standards, Section 6.8, potentially have a conflict with the Wildland Interface. A cross-reference is needed. There is also concern with the table that covers disturbable area. The columns of the table have been swapped to read left-to-right with footnotes being added. The maximum disturbance needs "per lot" added.

Mr. Menser questioned if any of the numbers in the table have been changed. [Mr. Worley: no changes have been made to the table].

Mr. Scamardo, **MOTION: to recommend approval** to amendments to the *Land Development Code* except for Section 6.5 and Article 7. Mr. Petrovsky, 2nd. **Vote: 7-0**.

V. CITY UPDATES

Mr. Worley indicated that Council reviewed the Tenney Homestead and the applicant requested that the item be deferred.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

The meeting was adjourned at 11:35 AM.

Donald Michelman, Chairman