



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting/Public Hearing
Thursday, August 30, 2007 - 9:00 AM
City Council Chambers, Prescott, Arizona

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS PRESENT:

Don Michelman, Chairman
Joe Gardner, Vice Chairman
Richard Rosa
Seymour Petrovsky
Len Scamardo
George Wiant

MEMBERS ABSENT:

Tom Menser

OTHERS PRESENT:

Tom Guice, Community Development Director
George Worley, Assistant Community Dev. Director
Jim McCasland, Recreation Services Director
Steve Gaber, Community Planner
Wendell Hardin, Community Planner
Rudy Baranko, Assistant Parks & Recreation Director
Diana Fister, Lakes and Parks Superintendent
Bob Luzius, Councilman
Kathy Dudek, Commission Recording Secretary

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 8-09-07 meeting.

Mr. Wiant, **MOTION:** to approve the minutes of the August 9, 2007 meeting. Mr. Rosa, 2nd. **Vote: 5-0-1** (abstention due to absence: Petrovsky).

2. Parks and Recreation Master Plan. Presentation by Logan Simpson Design, Inc., Jackie Keller. Recreation Services Director, Jim M^cCasland.

Steve Gaber briefly noted:

- the study began approximately one year ago when Logan Simpson Design, Inc., was engaged to do the comprehensive study;
- input has been garnered from many groups;
- the plan includes components as to where Parks & Rec will be in 20 years; and,
- the plan also takes a hard look at existing facilities and what will be needed to upgrade those facilities.

Ms. Jackie Keller, Logan Simpson Design, Inc., presentation included:

- the plan has been in the making for 12 months;
- four public meetings and three focus groups have had input;
- there are two main components to the plan, i.e., public wants and analysis of existing resources;
- a needs assessment survey was conducted with cross tabulation;
- an inventory analysis was made;

- alternatives were presented; and,
- a benchmark community survey was undertaken and the draft of the Master Plan was formulated.

The results of the public and focus group study included:

- athletic fields, trails and parks presently meet public needs;
- the open space and indoor facilities fall short of the public needs;
- more than 50% of the respondents feel that the recreation facilities contribute to their quality of life, to tourism, and to their feeling safe at the facilities;
- 60% of the respondents are supportive of maintaining and adding open space;
- 65% indicated they would support or be somewhat supportive of a new swimming pool, biking trails, fitness courses, attracting sports tournaments, and after school programs;
- over 50% would support special campaigns and special user fees; and,
- less were in support of bond issues and even less would support taxation.

A benchmark study included the following cities:

- Durango and Grand Junction, Colorado;
- Henderson, Nevada;
- Sierra Vista, Arizona; and,
- St. George, Utah.

By 2012, the City of Prescott is estimated to need five new parks and will need open space in the amount of 200 acres.

By 2020, the City of Prescott will need seven new neighborhood parks, one new community park and 280 acres of open space. Also five new fields will be needed to meet the current level of service available in the City. An indoor pool and aquatic center and an outdoor aquatic facility will also be needed.

Commissioners queried:

- ADA requirements;
- which items are priorities; and,
- changes in relation to changing building codes, safety factors, etc.

Mr. Jim M^cCasland gave an overview of the cost of improvements for simple things such as marking a handicap path to an area versus the major improvements and additions. The City will be prepared to explore grants and funding more readily after this plan has been adopted.

Mr. Scamardo, **MOTION: to endorse the Parks and Recreation Master Plan** as submitted. Mr. Rosa, 2nd. **Vote: 6-0.**

3. **CC07-001, Tim's Toyota.** Located at 1006 Commerce Drive. APN: 106-08-008E and totaling ± 5.54 acres. Zoning is Industrial Light (IL). Request comprehensive sign package. Owner is TC Land Management, LLC. Applicant/agent is Capitol Sign & Design. Community Planner is Steve Gaber. Continued from 08-09-07. *(May be voted on today).*

Mr. Gaber reviewed the staff report and indicated:

- changes have been made since the last meeting;
- the wall, by definition, becomes a sign because of the illumination and that illumination triggers a sign plan review;
- the discussion two weeks ago centered on two related issues, overall illumination and the parking lot/display area;
- the lighting has been looked at in relation to the car dealerships on Hwy. 69 and Prescott Lakes Parkway;
- the request for lighting of the display area by Tim's Toyota was significantly brighter and has been revised to reduce lighting to match the other dealerships;
- the question is whether this Commission feels this type of sign should be approved for this type of development;
- the current *LDC* would require that the sign be turned off one hour after closing, i.e., if the dealership closes at 8 PM, the lights would have to be turned off at 9 PM; and,
- staff has reached the conclusion that the request could be approved.

Commissioners queried and remarked on:

- having a problem with the "level playing field" that was mentioned by the applicant;
- opening a "can of worms" by granting the request so that other dealers will push for more and more lighting;
- clarification of what constitutes a sign and what constitutes a building;
- the dark sky ordinance;
- the results after the proposal's modification [Mr. Gaber: the request of the overall site plan lighting has been reduced];
- does the overall sign square footage meet *LDC* requirements [Mr. Gaber: no]; and,
- how much does the "sign" exceed *LDC* requirements [Mr. Gaber: approximately 1,040 SF, whereas the other dealerships range from approximately 200 SF to 480 SF].

Mr. Wiant offered an apology for saying, at the last meeting, he didn't like the sign as presented. He indicated that as a Commissioner he wouldn't be voting on his likes or dislikes; consequently, he will look at the sign in terms of the Commission's purview and not his personal opinion.

Commissioners further queried and remarked on:

- interior lighting of the showroom could spill out far more light than what is being requested;
- if the letter were placed inside the glass, it wouldn't be a sign;
- did controversy occur when the other dealerships requested additional lighting [Mr. Gaber: not that I recall];

Mr. Richard Cartel, [no signature appears on attendance record, with spoken address indecipherable on tape recording] applicant, stated:

- about a 50% reduction in lighting levels has been made;
- the portal lighting has virtually no impact on the lighting proposed;
- in Tucson, a committee is studying the lighting levels; and,
- Toyota is sensitive in making a nicely designed project.

Commissioners further queried and discussed:

- like the "turquoise" arches at McDonald's in Sedona, not every plan, i.e., Toyota's

- corporate request, will fit into every city's code;
- because it is a sign, the request is significantly higher than any other dealership's signage; and,
- the function of the Commission is to look at the rules and regulations in the *LDC*, as written and in effect, and to determine if an exception can be justified.

Mr. Wiant, **MOTION: to recommend City Council adopt CC07-001** as modified and presented. Mr. Gardner, 2nd. **Vote: 3-3** (for: Gardner, Scamardo, Wiant); (against: Michelman, Petrovsky, Rosa). **Motion fails to carry.**

Commissioners proffered the following:

Mr. Petrovsky: the dimensions may be a national design but the size of the building and the size of the letters need to be scaled down.

Chairman Michelman: the granting of this sign would be approximately 5- to 6 times the signage approved for other dealerships.

Mr. Scamardo: in creating the *LDC*, provisions were made for City Council to approve greater amounts of signage for car dealerships. The main concern was the parking lot lighting so that a situation like the Prescott Valley dealership, i.e. Kia, does not occur in Prescott.

Mr. Gardner: There might be information that would help City Council. The lumens on the wall compared with the overall lighting should be studied.

Mr. Wiant: An analysis of the lumens in the building vs. outside lighting should be made.

Mr. Rosa: The magnitude of the size is what is objectionable.

Chairman Michelman indicated that the Planning and Zoning Commission's vote is forwarded on to City Council which has the authority to make the final decisions.

IV. PUBLIC HEARING ITEMS

(May be voted on September 13, 2007 unless otherwise noted).

4. **RZ07-001, 2632 and 2646 Trail Walk.** Located west of Rosye View Lane. APNs: 106-20-019A and 106-20-019B and totaling ± 3.01 acres. Request rezoning from Single-Family 35 (SF-35) zoning district to Single-Family 18 (SF-18) zoning district. Owners are James M. and Mary C. Carr. Applicant/agent is Ben Huza, Granite Basin Engineering. Community Planner is Steve Gaber. *(May be voted on September 13, 2007).*

Mr. Gaber reviewed the staff report and indicated:

- the applicant wishes to divide two lots into four lots;
- the lots are part of the Sholten Subdivision platted in the 1990s;
- portions of this property have significant slopes;
- lot number 4 has greater than 24% slopes;
- the lot sizes all exceed ½ acre and all are more than 26,000 SF;
- at the tightest zoning, the applicant could request six lots;

- the cul-de-sac information is incomplete;
- the slopes in the cul-de-sac area are greater than 20% and, as the project moves forward, the grade would have to be reduced to less than 12%; and,
- the original approval of Sholten Subdivision shows CC&Rs that include no further subdivision;
- while the proposed CC&Rs were located in the file, they were never recorded;
- the property owner has been alerted that the CC&Rs are an issue and it will be a piece of information that will be critical in regards to water allocation;
- the lot sizes are larger than other lot sizes in the area;
- the maximum disturbable area on a slope is 30%; and,
- public notice including mailing, legal advertisement, and posting of the property has been made.

Commissioners queried and remarked on:

- lowering the cul-de-sac;
- the cul-de-sac access being preferable to Trail Walk access;
- water allocation becoming a critical issue;
- the 8" water line on Trail Walk and the possibility of inadequacy to the proposed lots;
- no public sewer line within the vicinity;
- four lots could not have septic sewers, and the off-site improvements would require extension of sewer lines;
- the property to the south would not have gravity flow from the line in a northerly direction; and,
- without a change in zoning, could the applicant request three lots [Mr. Gaber: yes, any more than three lots would require stricter improvements.

Mr. Ben Husa, Granite Basin Engineering, P. O. Box 2318, applicant, indicated he is not pushing the envelope and will keep lot sizes between Single-Family 18 (SF-18) and Single-Family 35 (SF-35) size. When looking at the land, a plan was formulated taking the rock outcropping into consideration. When asked about blasting, Mr. Husa indicated he doesn't anticipate blasting. Lot 3 will be the most disturbed, but will not have blasting.

Mr. Jim Carr, owner, 320 Champions View, Milton, Georgia (formerly Alpharetta, Georgia) indicated he didn't get a notification.

Mr. Gaber indicated that a significant number of persons who do not support the request, and some are in the audience today. Those persons included:

Mr. Jim Brewster, 979 Rosye View Lane, supplied a photographic presentation of the land, including natural vegetation and wildlife. He believes that rezoning to SF-18 does not preserve the rural setting which is a requirement of SF-35. The present owner is not following the intent of the Sholten Subdivision. Rezoning would open a "can of worms" which would allow an additional 11 dwellings from the five vacant lots, three of which are for sale.

Mr. Conrad Ouellette, 898 Flaming Arrow, whose house is contiguous to the proposed subdivision on the south side is opposed to the rezoning. He is concerned with his view shed being blocked and also the blasting to a house that is located only 10-feet away from the proposed site.

Mr. Denny Hammond, 2638 Trail Walk, noted that the rock outcropping is an issue. There is also a water issue. Rezoning the property to SF-18 is not appropriate, and he is opposed to the rezoning.

Mr. Bill Weber, 815 S. Lakeview Drive, owns a vacant lot which he purchased for the views. He is opposed to the project because he will lose his view shed.

Mr. John Fulghum, 843 Flaming Arrow, wanted to know how far the zoning will be stretched. Change creates safety problems with increased trips per day. The Lakeview Subdivision will have 70 to 80 homes and a large percentage will use Trail Walk as an access. Staff should look at water availability and the issue of storm water runoff.

Mr. Huza indicated regardless if the rezoning is changed to four lots or if two lots stay, the rock outcropping is there. As far as the safety issue, there is less sight distance at the top. The cul-de-sac proposed to the north would have more sight distance.

Mr. Brewster presented additional photographs with views to the north. There are no sidewalks and many walkers travel the road.

Mr. Ouellette disagrees with Mr. Brewster in regards to views. If the lot is split, one of the buildings would have to be pushed up the hillside.

Mr. Jerry Fowler, 2660 Trail Walk, objects to blasting and noted that a liquid could be used to break down the rock outcropping instead of blasting.

Mr. Carr noted that he feels his request is good. There is no problem with the Sholten Subdivision because the CC&Rs were not recorded. If there were a problem, why was the existing house with a 10-foot setback approved when a 30-foot setback is required.

Commissioners further queried:

- the legality, or lack thereof, of the Sholten Subdivision CC&Rs;
- the Water Allocation Committee's looking at the allocation in regard to the evidence in the Sholten Subdivision file.

Mr. Brewster questioned the role of the City inspectors. When a building height exceeded 35', he was told that the City inspectors do not have equipment to do the measurement. He requested that the City arborist study the trees to make sure that they are not destroyed.

Mr. Scamardo indicated that a change to how measurement is done was made a few years ago. A major change in how height is measured has taken place. There is a 10-foot difference between grade lines 110 and 120. The elevation at 140 is much higher. Lot 3 is impossible, and the plans should be redesigned for three, rather than 4, lots.

Mr. Gardner indicated that reducing the split to three lots instead of four would be more appropriate. Having three lots would be permissible under current regulations and would not have to come before the Planning & Zoning Commission.

Mr. Scamardo concurs with Mr. Gardner. He would like to know what will happen with the rock outcropping that runs across Lot 3. Lot 2 will have an elevation that runs between 120 and 130; Lot 4 elevation will run between 130 and 140 which will be

approximately 20- to 30-feet higher. Lot 1 at 100 to 110 elevation will be much lower than the adjacent properties.

Mr. Petrovsky indicated that there has not been enough information presented to vote on. When the applicant comes back, perhaps only three lots will be viable; therefore, he would like to see the footprints and elevations.

Chairman Michelman indicated that this item will be looked at again on September 13. No vote can be taken on the item until the September 13, 2007 meeting at 9:00 AM. The public was informed that input will also be taken at that meeting.

No action taken.

5. **In Lieu of Parking Fee, *Land Development Code*, Section 4.9.** Presentation and discussion of proposed amendment to the *Land Development Code*. George Worley, Assistant Community Development Director. (*Continued from 07-26-07*). (*May be voted on today*).

Mr. Scamardo, **MOTION: to defer the In Lieu Parking Fee** code amendment request to the September 13, 2007 meeting at 9:00 AM. Mr. Wiant, 2nd. **Vote: 6-0.**

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Michelman adjourned the meeting at 11:47 AM.

Don Michelman, Chairman