



**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, September 13, 2007 - 9:00 AM*  
*City Council Chambers, Prescott, Arizona*

**I. CALL TO ORDER**

**II. ATTENDANCE**

**MEMBERS PRESENT:**

Don Michelman, Chairman  
Tom Menser  
Richard Rosa  
Seymour Petrovsky  
Len Scamardo  
George Wiant

**MEMBERS ABSENT:**

Joe Gardner, Vice Chairman

**OTHERS PRESENT:**

George Worley, Assistant Community Development  
Director  
Gary Kidd, City Attorney  
Dick Mastin, Development Services Manager  
Mike Bacon, Community Planner  
Jim Lamerson, Council Liaison  
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 8-30-07 meeting.

Mr. Petrovsky, **MOTION: to approve the minutes** of the August 30, 2007 meeting. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

**IV. PUBLIC HEARING ITEMS**

(May be voted on September 27, 2007 unless otherwise noted).

2. **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.

*The applicant is requesting that this item be deferred to the October 11, 2007 meeting at 9:00 AM.*

Mr. Rosa, **MOTION: to defer RZ07-001**, until the October 11, 2007 meeting at 9:00 AM. Mr. Wiant, 2<sup>nd</sup>. **Vote: 6-0.**

3. **RZ05-005, Cloudstone Unit I.** Located south of Rosser Street and west of S. Blooming Hills Drive. APNs: 105-03-505, and totaling ± 6317 SF; 105-03-506, and totaling ± 4,374 SF; 105-03-507, and totaling ± 68,197 SF; and, 105-03-508, and totaling ± 139,089 SF. City of Prescott initiated rezoning request (with the approval of the underlying property owner) from Single-Family 18 to Natural Open Space (NOS) and Recreation Open Space (RS). Owner is Pasadena Corporation. Co-Applicant/Agent is City of Prescott & M. Haywood Associates. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and indicated:

- in 2004, 95-unit patio homes were approved and are now under construction;
- at the time of approval, a condition was made that all open space would be rezoned at the Open Space (OS) zoning classification;
- the applicant has filed for rezoning with Tracts A and B being requested as Recreational Space (RS) zoning, and Tracts C and D being requested as Open Space (OS) zoning; and,
- both Tracts C and D will be left in a natural state.

Commissioners queried and remarked on:

- a possible road between the two cul-de-sacs [Mr. Bacon: no, there are over 20% slopes]; and,
- who will maintain the open space [Mr. Bacon: a homeowners association].

Chairman Michelman opened the hearing to the public. No one came forward to speak.

*No action taken. Voting may take place at the public hearing on Thursday, September 27, 2007, at 9:00 AM in City Council Chambers, 201 S. Cortez Street, Prescott.*

4. **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. Worley reviewed the request for an In Lieu Parking Fee amendment to the *Land Development Code* and included:

- approximately five meetings were held with the Unified Development Code Committee;
- the Committee meetings included representatives from the Prescott Downtown Partnership (PDP) and the Chamber of Commerce (COC);
- consensus was reached for six aspects which include:
  - 1) an in lieu fee should be implemented
  - 2) collected fees should be held in a dedicated fund
  - 3) the fee could not replace more than 20 required parking spaces per business
  - 4) a formula for periodically increasing the fee should be contained in the fee adoption
  - 5) an option for waiving or reducing the fee should be included for “workforce housing,” and,
  - 6) the fee will be set by City Council by resolution.
- provisions in dispute include:

- 1) should the in-lieu fee apply to existing buildings or should [existing buildings] be exempted, and,
  - 2) should the fee apply to any building additions to existing buildings.
- options for consideration include:
    - 1) allow the in lieu fee for any change of use in existing buildings and for new buildings, but do not modify current code exemptions for retail uses as specified in *LDC* Section 11.1.5.E.3
    - 2) exempt existing building floor areas from the requirement to provide parking for *any* use. This will require amendment of *LDC* Section 4.9.4.C.2 and Section 11.1.5.E.3. Required parking and the in lieu fee would apply to new buildings and new square footage added to existing buildings.
  - the COC and PDP disagreed in what should be required, or exempted, from the In Lieu Parking Fee;
  - the COC favored option 1 (above);
  - the PDP favored option 2 (above);
  - general agreement is that City Council will discuss and set the fee and will decide if a discount, or waived fee, is appropriate.

Commissioners remarks and questions include the following encapsulated remarks:

- City Council should be given the authority to reduce or waive fees;
- whether to require, or exempt, existing buildings still remains;
- having a dedicated fund for the fee to address future parking needs;
- funds should not be placed in the general fund;
- the uses that would constitute exemption of the in lieu fee;
- offices and residential not being exempted from parking requirements;
- in 1967 there were no parking regulations in the downtown business area;
- in the 1990s the Code was amended to include parking requirements;
- in the 1960s, large downtown buildings were being torn down;
- Dava Hoffman, Hoffman & Associates, wanted to preserve the historic downtown buildings and leans toward the PDP's option, [#2 above];
- the new mixed-use building at the corner of Montezuma and Goodwin having and providing the parking requirements for both office and residential space;
- not having a policy in the *LDC* that addresses a parking space lessor's not renewing a lesse's contract and the ensuing quandary of what the existing lessee is required to do, i.e., desist, obtain parking, pay into the in lieu fund, etc.;
- what is the total amount of square footage of undeveloped space which could be converted on the upper floors in the DTB;
- the in lieu fee encouraging businesses to locate in DTB that otherwise couldn't meet parking requirements;
- obtaining a compromise between the in lieu fee and space that would be exempt; and,
- blending two areas, i.e., retail and commercial, would encourage residential development.

Mr. Petrovsky indicated that he may have a potential conflict of interest and would not vote on the issue.

Mr. Rosa favors option #1; Mr. Scamardo, Mr. Wiant, and Mr. Menser favor option #2 because the plan would encourage renovation of the DTB.

Chairman Michelman would like to have different options. Both parties need to come before the Planning & Zoning Commission to present their findings. Mr. Wiant also concurred.

Mr. Worley indicated he has not heard from Dava Hoffman, Hoffman & Associates. Staff wants the amendment to be as comprehensive as possible and is not rushing this through the process.

Mr. Scamardo, **MOTION: to defer the In Lieu Parking Fee** until the Thursday, October 25 meeting at 9:00 AM in City Council Chambers, 201 S. Cortez Street. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

Chairman Michelman asked that staff invite representatives from the Chamber of Commerce, Prescott Downtown Partnership, entities and persons with interest to the Commission meeting.

#### **V. CITY UPDATES**

**5. 2007 Arizona Planning Association Conference, November 7-9<sup>th</sup>, Glendale, AZ.**

Commissioners are asked to let Kathy Dudek know if they want to attend the workshop.

#### **VI. SUMMARY OF CURRENT OR RECENT EVENTS**

None.

#### **VII. ADJOURNMENT**

Chairman Michelman adjourned the meeting at 10:13 AM.

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Donald Michelman, Chairman