



**DECISIONS**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, February 28, 2008 - 9:00 AM*  
**City Council Chambers, Prescott, Arizona**

**I. CALL TO ORDER**

Chairman *pro tempore* Menser called the meeting to order at 9:00 AM.

**II. ATTENDANCE**

**MEMBERS PRESENT**

Tom Menser, Vice Chairman  
Don Michelman  
Seymour Petrovsky  
Dick Rosa  
George Wiant

**MEMBERS ABSENT**

Joe Gardner, Chairman  
Len Scamardo

**OTHERS PRESENT**

Tom Guice, Community Development Director  
Gary Kidd, City Attorney  
Dick Mastin, Development Services Manager  
Steve Gaber, Community Planner  
Kathy Dudek, Recording Secretary

**COUNCIL MEMBERS PRESENT**

Jack Wilson, Mayor  
Jim Lamerson, Council Liaison  
Bob Bell  
Bob Luzius

**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 01-31-08 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the January 31, 2008 meeting. Mr. Michelman, 2<sup>nd</sup>. **Vote: 5-0.**

2. **Open Space Plan 2008 Draft.** Introduction and presentation by City Open Space Acquisition Advisory Committee, Jeff Low and Michael Byrd. Community Planner, Steve Gaber.

Mr. Gaber introduced the draft report and indicated:

- the mayoral-appointed committee has been in existence for many years;
- the plan has been entirely developed by the committee and is being brought today for public review; and,
- Mr. Jeff Low will present the overview.

Mr. Low had a slide presentation that included:

- twelve members participate on the committee;
- Ms. Lora Lopas is the Council Liaison;

- the history of Open Space which was adopted in 1999 by the City;
- in 2000 a 1% sales tax was voted for both open space and roads;
- in 2002 public forums were held by the former mayor, Rowle Simmons;
- in 2003 the Open Space Committee was formed;
- 1,500 acres have already been acquired; and,
- the City is looking to expand open space with land contingent to Willow and Watson Lakes; Indian Hills; Granite, Miller and Willow Creek corridors which includes the Granite Dells area; and, both Badger “P” Mountain and Glassford Hill which are State Trust land tracts, etc.

Commissioners queried and remarked on:

- is there any possibility of the state land being reclassified or preserved without the City having to buy the land [Mr. Low: Mayor Wilson is working with the state land coordinator to discuss the issue.

Mayor Jack Wilson referenced Proposition 106 which was defeated about a year ago that would have allowed the City to acquire some of the land. Governor Napolitano is working on getting the issue back to the voters.

Mr. Low also noted that:

- specific characteristics are looked at including parcels that are adjacent to existing open space, topography, scenic vistas, riparian habitat, existing trails, etc.;
- the land cannot be purchased for more than face value; and,
- strategies include purchase, partnerships with other organizations, land donations, conservation easements, etc.

Commissioners queried and remarked on:

- incentives (recommendation #6);
- cluster development;
- cost benefits;
- the full-time open space manager and where the funding will come from [Mr. Low: research grants will be used for that position];
- the Indian Hill, Dalke and Granite Dells properties [Mr. Low: we are trying to negotiate]; and,
- recommendation #3 includes having a permanent funding committee to establish access to monies on a permanent basis. What will that do to the tax initiative [Mr. Low: nothing, it stands until 2015].

Mayor Wilson stated he cannot establish a permanent committee; however, the mayor can establish *ad hoc* committees. The Council can assign a standing committee. The recommendation should be to the Council to establish the permanent committee because of the money, *i.e.* potentially \$41 million dollars. Budgets are tight, so unless the City receives a grant, a full-time person will not be funded.

Further queries by the Commissioners included:

- clarification is needed for recommendations #6 and #10; and,
- the Acker Board’s needing to be a part of the process.

Councilman Bob Luzius, 237 S. Arizona Avenue, indicated as Council liaison to the Acker Board, that the Acker Board has nothing to do with open space. The board governs the

Acker Trust land which determines who gets the various monies each year for music and for children.

Council Liaison Jim Lamerson noted that he appreciates the efforts of the Open Space Committee. He also appreciates the process and diligence used prior to approving the draft. He stated that Open Space is not one of his priorities; however, it is the priority of others.

*(Per Planning & Zoning Commission consensus, this item is to be continued to the March 13, 2008 meeting).*

**3. Land Use Interpretation, Santa Fe Office Park Development Agreement #97-143.**  
Community Planner, Steve Gaber.

Mr. Gaber reviewed the staff report and indicated:

- the item concerns changing land use at the Santa Fe Springs Office Park;
- since inception, a mix of medical and office use has occurred;
- the parking plan includes 102 parking spaces;
- if only occupied as general office space, approximately 60 parking spaces would be required;
- as much as 40% of the space could be used for medical offices;
- the Cornerstone Pediatric Clinic has a plan for expanding the building;
- rumors about a potential emergency medical clinic have surfaced;
- in January, a realization that an urgent care (URC) provider was in negotiations to purchase the property which Cornerstone Pediatrics occupies;
- the purchase of the property has been completed and the urgent care provider owns the property with the intent to operate as a URC facility;
- after talking about their concerns and being provided with information comparing a URC to a typical medical clinic, staff has found no significant difference with the one exception that the facility is open longer and also on weekends;
- after reviewing the Development Agreement (DA) associated with the Santa Fe Office Park, no information was found that controlled the hours of operation for any type of business, medical or otherwise;
- no difference in the *LDC* with regard to parking occurred, all parking came in at 1:150;
- staff acknowledged to the URC owners that this would be a permitted use;
- the DA for Santa Fe Springs establishes Business General (BG) zoning with a list of permitted uses which is similar to the list that is allowed in the Residential Office (RO) district. The RO district permits less-intensive uses;
- Santa Fe Springs Office Park Owners Association, including Dr. Michael Orr and Mr. Richard Shroads, were alerted that the staff's perspective would include the proposal; and,
- Dr. Orr and Mr. Shroads had concerns with the extended hours and the possible adverse impacts to the surrounding neighborhood.

Commissioners queried and remarked on:

- the difference between an URC and an emergency room (ER);
- the extended hours and patients arriving at the close of the day;
- why no amendment to the DA is required [Mr. Gaber: this is an interpretation of the land use]; and,
- how a person arrives at the center, *i.e.*, car vs. ambulance.

Dr. Natasha Deonarian, 2815 S. Alma School #7, Chandler, AZ, [no signature appears on attendance record] noted:

- she is owner and operator of the center with partner Daryn Krywko;
- the center is called UCR Health Centers and is a new, emerging business that is integrated with other disciplines including chiropractic, acupuncture, massage therapy and skin aesthetics;
- in the future, a family practitioner will be placed into the health center model;
- she is a board certified family practitioner and is also board certified in urgicare medicine; and,
- the facility is an ambulatory center that will operate with extended hours.

Chairman Menser indicated that there are two basic concerns: parking and extended hours. The Commission is looking at the impacts to the neighborhood.

Dr. Deonarian noted the only difference is that patients are not given scheduled appointments.

Other queries and comments by the Commission included:

- medical offices require more parking than other offices, and what is the maximum capacity that will occur [Dr. Deonarian: 40 to 50 [patients] would be the maximum. Some offices see 80 patients per day. We are taking a family practice and not scheduling patients]; and,
- the maximum capacity is determined by the physicians' time.

Mr. Gaber proffered that the *LDC* and parking issue evaluation would be by square footage of the building at the 1:150 rate regardless of type of medical practice. No direct discussions have occurred on the parking requirement between Mr. Gaber and Mr. Krywko.

Mr. Robert Luzius, Councilman, 237 S. Arizona Avenue, indicated that this type of facility is needed in Prescott. The *caveat* between urgicare and emergency room, he believes, is ambulatory.

Mr. Wiant noted a concern with the ambulance sirens and potential disturbance to the neighborhood.

Dr. Michael Orr, 2122 Loma Rica Circle, owner of Unit B #8, and Board Manager, indicated that one of the concerns was looking at the interpretation of the Development Agreement (DA). He noted that he talked with Darryn Krywko who indicated 24 to 36 patients per day as a starting estimate. His main concerns include: 1) does it fit the DA guidelines; 2) potential for becoming a run-away business; and, 3) will guidelines be adhered to, if not, what will happen.

Mr. Richard Shroads, President, Santa Fe Office Park, 1220 Fawn Lane, indicated he has a different take on things and doesn't agree with staff's conclusion. An urgicare center could be a substitution for a hospital emergency room. People go to urgicare centers because they do not want to go to a hospital emergency room. People can call an ambulance to pick up the patient. Mr. Shroads referred to a letter written to Steve Gaber from Shelly Klein dated November 2, 2007. The hours of operation at that location have

been 8AM through 5 PM, Monday through Friday. The hours proposed by the urgicare facility are 8 AM to 8 PM Monday through Friday and 8 AM to 6 PM Saturday and Sunday. These hours might be in violation; and, the Property Owners Association does not like to see people violate agreements.

Mr. Michelman asked if the CC&Rs state any operation of time [Mr. Shroads: no]. Mr. Michelman then asked Mr. Gaber if zoning has any condition that states hours of operation [Mr. Gaber: no].

When called upon, City Attorney Kidd indicated that this is one of the reasons he doesn't like Development Agreements. The City and the property owner could challenge this agreement. Outside parties could theoretically challenge an agreement, but they are not really addressed as parties to an agreement. The contract, as written, gives Planning & Zoning the discretion to determine an analogous use that is similar in character. How P&Z reaches that conclusion is not defined; however, a list of permitted uses, *i.e.*, child care, offices, residential, educational, etc., are listed. After looking at the uses, P&Z needs to determine if the impact and character is similar.

Commissioners further queried and remarked on:

- the difference with the urgicare having appointments while the emergency room does not;
- assessment of a patient and then calling an ambulance [Dr. Deonarian: 2% or less];
- a situation where many persons arrive at the urgicare at the same time [Dr. Deonarian: the patients would be filtered at the triage level];
- a challenge of P&Z's interpretation [Mr. Gaber: it would then go to City Council]; and,
- an emergency room is obligated by law to treat every patient, and is the urgicare center under the same guidelines [Dr. Deonarian: as a business, we check insurance first].

Mr. Shroads indicated the spirit of the DA, page 2, was to limit hours from 8 through 6 or 9 through 6 Monday through Saturday.

City Attorney Kidd proffered that there is nothing in the DA that specifies any hours of operation for any of the uses.

Mr. Guice reviewed definitions of medical facilities, Article 11, *LDC*. Medical facilities where patients are not kept overnight are generally considered medical offices.

Mr. Wiant, **MOTION: to specifically interpret** Santa Fe Office Park Development Agreement #97-143, medical offices to include "urgent care." Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 5-0.**

*(A recess was taken from 11:30 to 11:37 AM)*

4. **Amendment to the *Land Development Code*, Off-Street Parking Requirements, Table 6.2.3, and Table 11.2.5, Definitions, to specifically address parking calculations for Senior Apartments.** Introduction of proposed changes, Assistant Community Development Director, George Worley.

Mr. Gaber reviewed the request and noted:

- the current *Land Development Code (LDC)* does not contain a definition or a parking provision for senior housing;
- staff has included proposed definitions:
  - Parking*: One parking space per dwelling unit with an additional ½ spot per unit up to a maximum of 20 [spaces] for visitors; and,
  - Senior Apartment*: An age-restricted (generally 55 years or older) multi-unit housing development with self-contained living units for older adults who are able to care for themselves. Usually no additional services, such as meals or transportation, are provided but may be offered as an option.

City Attorney Kidd indicated that the word “generally” doesn’t restrict anything. It allows flexibility.

Commissioners queried and remarked on:

- the occupants taking care of their own needs without having assisted living needs on site;
- assisted care having a different set of parking regulations; and,
- how administrative help enters into the parking calculations.

Mr. Menser, **MOTION: to approve and forward** to City Council the proposed *Land Development Code* amendment, Off-Street Parking Requirements, Table 6.2.3 and Table 11.2.5. Mr. Michelman, 2<sup>nd</sup>. **Vote: 5-0.**

**5. Amendment to the *Land Development Code*, Industrial Light Uses, Table 2.3.** Introduction of proposed changes. Assistant Community Development Director, George Worley.

Mr. Gaber reviewed the staff report and indicated:

- there have been a number of requests to locate schools within the Industrial Light (IL) zoning districts;
- the Use Table in the *LDC* needs to be amended, especially in light of business park development and expansion, *i.e.*, Centerpoint East;
- the business park is not being developed with outdoor uses, but rather with indoor uses;
- schools are finding that it makes sense economically and that it works space-wise as well as parking-wise. A clean environment is also provided.

Commissioners queried and commented on:

- Tri-cities Prep exists in the Single-Family 9 (SF-9) zoning district and is adjacent to Centerpoint East; and,
- Centerpoint East is zoned Industrial Light (IL), and Centerpoint West contains a surgical center.

Mr. Michelman asked if he should recuse himself because he has a client in Centerpoint East. He wondered if this was a general thing, not particularly one property. Mr. Gaber indicated that this item’s examples are for Centerpoint East; however, this item includes every IL zoning district. Mr. Michelman indicated he did not need to recuse himself.

Mr. Petrovsky, **MOTION: to approve and forward** to City Council the proposed *Land Development Code* amendment, Industrial Light Uses, Table 2.3 Mr. Rosa, 2<sup>nd</sup>. **Vote: 5-0.**

**IV. PUBLIC HEARING ITEMS**

(May be voted on March 13, 2008 unless otherwise noted).

None.

**V. CITY UPDATES**

None.

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

None.

**VII. ADJOURNMENT**

Chairman *pro tempore* Menser adjourned the meeting at 10:56 AM.

---

Thomas Menser, Chairman *pro tempore*