

PRESCOTT PRESERVATION COMMISSION
August 8, 2008
Prescott, Arizona

MINUTES OF THE **PRESCOTT PRESERVATION COMMISSION** held on **August 8, 2008** in the **CITY COUNCIL CHAMBERS** located at **201 S. CORTEZ ST.**, Prescott, Arizona.

I. CALL TO ORDER

Chairman, *pro tempore*, DeGrazia, called the special meeting to order at 8:00 AM.

II. ATTENDANCE

MEMBERS PRESENT

Frank DeGrazia, Vice Chairman
Russ Buchanan
Don Rantz
Elisabeth Ruffner
Mike Todd
Marv Wright

MEMBERS ABSENT

Doug Stroh, Chairman

OTHERS IN ATTENDANCE

George Worley, Assistant Community Development Director
Nancy Burgess, Historic Preservation Specialist
Mike Bacon, Community Planner
Kelly Sammeli, Recording Secretary

III. REGULAR AGENDA

1. **Consider approval** of minutes of the 7-11-08 meeting.

Ms. Ruffner, **MOTION: to approve the corrected minutes** of the July 11, 2008 meeting.
Mr. Rantz, **2nd. Vote: 6-0.**

2. **HP08-015, 170 East Sheldon Street, Depot Marketplace, Santa Fe Depot Historic Preservation District #8.** APN: 113-18-007. Request approval for building permits to remodel existing Fazoli's Restaurant to Panda Express Restaurant. Property is not listed in the National Register. New sign package, awnings, lighting, color palette and architectural elements to be reviewed for the exterior of the building. Owner is Fazoli's/Nellis. Applicant is Panda Express. Community Planner, Mike Bacon.

Mr. Bacon indicated to the Commissioners that this item had been continued from the last Preservation meeting in July. He further indicated that the color elevations were not ready for the meeting today and recommended that HP08-015, Panda Express Restaurant be further continued to the next Preservation Commission meeting date in September.

Mr. Rantz, **MOTION: to move item HP08-015** to the September 12, 2008 meeting.
Mr. Wright, **2nd. Vote: 6-0.**

3. **HP08-019, 342 S. Mount Vernon Ave.** Southeast Prescott HPD #13. APN: 110-03-021. Request support for a variance application to the City of Prescott Board of Adjustment for side-yard setbacks on both the north and south sides of the property. Property is listed in the National Register as a contributor to the Joslin and Whipple National Register Historic District.

Owner is Jeff Riley. Applicant is Steven C. Adams, Architect. Historic Preservation Specialist, Nancy Burgess.

Ms. Burgess presented the staff report and indicated that:

- the request is for support of a variance request before the Board of Adjustment to allow encroachments into the setback requirements;
- this is to replace the garage with a new garage to allow space for today's vehicle size;
- proposal is to build a rear addition along the rear and north side of the existing residence, which would also encroach into the north side setback;
- the building is listed in the National Register of Historic places;
- there will be a new driveway cut on Mt Vernon Street along with the existing driveway providing access to the new garage;
- in order for the new garage to be accessible, the applicants will be requesting a zero lot line on the south side of the property to place the garage;
- the property to the south is on a zero lot line also; but, it sits closer to the street, so the structures will not be next to each other;
- the house to the north was granted a variance a number of years ago for a similar type addition;
- all three houses have some type of encroachment into the setbacks, as do a majority of houses located on Mount Vernon do;
- the addition would be hidden from the view of the street and should not affect the integrity of the historic building;
- if the variance is granted, the applicant will return before the Preservation Commission with the proposed plans for the new garage and the new addition; and,
- staff recommends support for the variance request.

Commissioners queried;

- if the driveway will be located at the alley;
- what the grade of the slope is at the rear of the property;
- if a 20% slope is allowed by City standards;
- will new garage be taller than existing garage;
- when the neighbors will be notified about variance request;
- if the garage could be moved back further on the lot; [Mr. Adams: No. the slope increases dramatically].
- that they are being asked to offer support for the variance and support for an attached garage, where a detached garage would be preferred; [Ms. Burgess: Yes.] and,
- the closeness of structures with all the houses and the possibility of a problem for fire personnel access; [Ms. Burgess: the Fire Department will look at the plans submitted for the variance process].

Steve Adams, 9040 American Ranch Road, stated that due to the slope of the alley where the garage is located the proposal is to have a drive-through type garage. This would allow entrance from Mount Vernon Avenue and exiting into the alley. The slope of the driveway will be approximately 20%, and the height of the new garage will not be higher than the old garage. He further informed the Commission that the packet for the Board of Adjustment was due prior to the Preservation meeting and that all the concerns the Commissioners had would probably be addressed during the review process at the Board of Adjustment meeting.

Ms. Burgess informed the Commission that Mike Bacon, Community Planner, would be handling the BOA case and that a 20% grade is allowed for driveways per City code.

Mr. Wright, **MOTION: Recommend** support for variance for side yard setback

encroachments, 1. Seven feet on the south property line, resulting in a zero setback where seven feet are required; and 2. A three-foot, eight-inch encroachment on the north side of the property resulting in a three-foot, four-inch setback where seven feet are required on HP08- 019, 342 S. Mount Vernon Avenue.

Mr. Rantz, 2nd. **VOTE: 6-0.**

4. **HP08-021, 150 South Montezuma Street.** Courthouse Plaza Historic Preservation District #1. APN: 109-02-016A. Request approval for a permit for a new awning with 23 square feet of signage. Property is not listed in the National Register. Business owner is Mike Paper. Applicant is "A Shade Beyond". Community Planner, Mike Bacon.

Mr. Bacon reviewed the staff report and indicated:

- the request is for a new beige-colored awning with a blue-colored valance located at the former location of Pearl's Place restaurant;
- the new name, "BBQ" will be in blue-colored lettering on the beige portion of the top awning, and the business name of "Larry's and Hy's Bare Bone BBQ" will be beige-colored lettering on the blue valance;
- the sign lettering will measure a total of 23 square feet, where 40 square feet is allowed; and,
- staff is recommending approval.

Mr. Dieterich, Representative of A Shade Beyond, 474 E-Z Street, passed out the color swatches of the new awning colors for the Commissioners to review.

Commissioners queried and remarked on:

- if this is the same location where the Pearls' Place sign was approved several months ago and will the awning cover where that sign was located;
- if the request is approved, the motion should be conditioned to reflect patching and painting of the location where the old sign is removed;

Mr. Dietrich indicated to the Commission that the owner of Pearl's Place would be removing the sign, painting the building, and installing the new awning with the new signage.

Mr. Todd, **MOTION: to approve the HP08-021 signage** for BBQ at 150 South Montezuma. To conform to the colors as submitted with the condition that when the existing Pearls Place sign is removed, the area be patched and painted to match the existing building façade.

Mr. Wright, 2nd. **VOTE: 6-0.**

Applicants for Panda Express arrived at the meeting at this time and the Commission was asked to consider putting the item back on today's agenda.

Ms. Burgess, Historic Preservation Specialist informed the Commissioners that the item could be recalled back onto the agenda after all the other items were heard.

Chairman, pro tempore, DeGrazia informed the Commissioners that he would bring this back up for discussion and possible placement after the other items were finished.

5. **HP08-020, 110 East Gurley Street.** Courthouse Plaza Historic Preservation District #1. APN: 113-08-020. After-the-fact request to paint over an existing non-historic, illegal, non-conforming sign with a new non-conforming sign. Property is listed in the National Register as a "Significant Territorial Building in the 1978 MRA." Owner is 110 E. Gurley, LLC. Applicant/agent is Morgan Sign Company. Historic Preservation Specialist, Nancy Burgess.

Ms. Burgess presented photographs in the overheard projector, preceded with the staff Report, and indicated:

- the photograph shown on the overhead projector was the old Valley National Bank sign that is called out in the current *Land Development Code* (LDC) as a Historic Sign;
- there isn't any language in the current code that protects the sign as it is documented as a grandfathered, off-site sign;
- there are a number of grandfathered, historic signs on buildings located in Prescott such as the Hassayampa Inn, Hotel Saint Michael, and Apache Lodge that were also called out for repair purposes, because under the current LDC, if a non conforming sign is removed; it can not be replaced;
- at some point the owner of the building at 110 E. Gurley painted over the Valley National Bank sign and was replaced with a sign for Prescott Lakes without a permit;
- in 2002, the owner of the building did receive an over the counter permit to install the sign that is located there today (American Ranch);
- the proposal before the Commission today is to re-paint over the existing non-historic, illegal, non-conforming sign, using the same dimensions, (18'X 15') 270 square feet with a political sign;
- the City of Prescott *LDC* Section 6.12.5.D limits political signs to 24 square feet; and,
- staff recommendations are to approve with the following conditions: 1) that the area of the sign message be reduced to 24 square feet pursuant to the City of Prescott *Land Development Code* Section 6.12.D regarding political signs; 2) that once this particular illegal, non-conforming sign has been removed, pursuant to the City of Prescott *Land Development Code* Table 6.12.5.C, which must occur within ten (10) days after the election in which this candidate is elected or defeated, that the entire area of the sign be painted out in a red-brick color to match the existing unpainted brick; and 3) that any future sign to be painted on the building must conform with the then requirements of the City of Prescott zoning code (*Land Development Code*) regarding signage.

Commissioners queried:

- if the 24 square foot sign is approved, applicant would be required to paint out the rest of the existing sign; [Ms. Burgess: Yes].
- will the sign be removed 10 days after the primary election or will it carry over if elected, to the general election;
- the concern of the painted bricks and if they would be restored; [Ms. Burgess: No, just repainted]. and,
- who is responsible to remove the existing American Ranch sign, and can it be required to remove it; [Ms. Burgess: Yes, we can require that because it is non-conforming].

Stephan Markov, Morgan Sign, 704 Moeller Street stated that:

- he considers this location a billboard type use because of it size and nature;
- the billboard will be professionally done;
- this location has been used for businesses located along Cortez Street in the past;
- there is a high demand for this space; and,

- the sign will be hand painted to look as if it is historic.

Mike Bacon, Community Planner, stated that this location is not considered a Billboard. Further, he informed the Commission that when the Valley National Bank was located at 110 E. Gurley Street it was allowed the location for the signage of the bank. The signage request for today is a political sign, and there are limitations to the size of a political sign, to 24 square feet.

Stephan Morgan, Morgan Sign commented that there are many signs located throughout the area of Prescott that are over 24 square feet in size. He informed the Commission that currently there is large billboard type campaign sign on top of the Cat's Meow location, and that this location has been used for signage for over thirty years.

Mr. Bacon, reported to the Commission that the sign area above the Cat's Meow is considered a legal non-conforming billboard sign. However, the continued change out use is allowed because it was in existence when the city code changed. He added, if the sign location were to vacant for six months, then the billboard would be illegal and would have to be removed. It is one of the last remaining locations that is still in operation without any review process by Planning and Zoning. Further, he commented that the application before the Commission is for a sign painted on a building that represents the occupation and use within the building.

Commissioners further queried:

- if the distinction is not one of political advertizing, but between the billboard use and the sign use;
- if there is a legal definition of a billboard vs. what a sign is; [Mike Bacon: per the Land Development Code (*LDC*), a "Billboard Sign: An off-site sign that directs attention to a business, commodity, service, entertainment or product not related to uses on the site where the sign is located"];
- a billboard is considered an off-site sign;
- when the Valley National Bank sign was painted over it lost its historic status along with its Billboard status;
- that Dr. Livingstone does hold an office within the building; and,
- the qualification is clear, the intention is that of a placement of the political sign at a non-conforming location.

Mr. Bacon, reiterated that Billboards are no longer an allowed use within the city. That the sign location is associated with uses that have occurred in the building, and not used as an off-site signage location. Reminding the Commission that the location was historically used for Valley National Bank, and currently for American Ranch which established the current use, causing the sign area to lose its non-conforming use.

Ms. Burgess informed the Commission that a telephone conversation was held with Mr. Jeff Davis regarding the issues with the sign proposal, and she has not spoken with him again. Further informing the Commissioners that, the applicant does hold an office location within the building however, the sign requested is not for the occupied use as a tenant but that of the political intention of running in the up coming election.

Mr. Todd, **MOTION: move with respect to HP08-020** that the painted sign conform with the Land Development Code and the requirements of political signage as follows: 1) the sign maximum of 24 square feet, 2) that the remaining American Ranch sign be painted over to match the bricks Red of the building immediately. 3) Further following the political guidelines for the removal of the sign, the whole building face will be returned back to a brick Red to match the building. 4) If the applicant decides not to install the sign at the required 24 square

feet, then the existing building owner responsible for the American Ranch sign must remove the sign and paint the area face of the building to a color approved by Preservation Staff.
Mr. Rantz, 2nd. **VOTE: 6-0.**

Chairman pro tempore De Grazia then asked the Commissioners to discuss among themselves if they would like to hear at this time the presentation of color scheme of Panda Express. Commissioners discussed among themselves that this would be acceptable if there were samples of what is allowable at the Depot Marketplace.

Mr. Rantz, **MOTION: move to allow item number 2, Panda Express, HP08-015 back on to the agenda.**
Mr. Wright, 2nd. **VOTE: 6-0.**

6. **HP08-015, 170 East Sheldon Street, Depot Marketplace, Santa Fe Depot Historic Preservation District #8.** APN: 113-18-007. Request approval for building permits to remodel existing Fazoli's Restaurant to Panda Express Restaurant. Property is not listed in the National Register. New sign package, awnings, lighting, color palette and architectural elements to be reviewed for the exterior of the building. Owner is Fazoli's/Nellis. Applicant is Panda Express. Community Planner, Mike Bacon.

Mr. Bacon reviewed the staff report and indicated that:

- the staff report is in error regarding the signage request. The applicant will not need a variance for the signage, but a sign code amendment;
- in conjunction with the remodeling, the request is for color changes to the exterior of the building, minor changes to the landscaping, and new signage;
- the signage request is for a total of 100 square feet, where signage for this parcel is limited to 50 square feet in accordance with the comprehensive sign package for the Depot Marketplace;
- that is 44.76 square feet additional signage;
- applicant has color elevations for review in presentation and staff believes that they are compatible for Historic Preservation District # 9 ensuring compliance with Architectural guidelines; and,
- although the City does not consider private CCRs when reviewing a project for conformance to City requirements, the Design Guidelines of HPD # 9 recommend that the City ensures compliance with the Depot Marketplace CCRs.

(At this time, proposed color scheme of building was put into overhead projection for all to see).

Mr. Mark Russell, 2015 Desert Hills, Phoenix, AZ 85086, stated that when they first came into the City of Prescott and sat down with staff, they proposed the standard building Panda Express Corporate colors, Rust, with Purple towers. After further investigation it was found that their building location laid within the Historical District of the Depot Marketplace and they were asked to change the colors to meet the Historic Preservation standards. He further stated that the colors being presented at the meeting were a combination of the colors found within the Depot Marketplace and the standard earth tones used by Panda Express Corporation, keeping only the existing red awnings on the building. He further commented that by not making the July Preservation meeting has cost them 30 more days of escrow and he asked that the Commission please make a decision today about the color, so that they could move forward with the business deal. He explained to the Commission that they were informed that they do not have to apply for a variance for the signage, but that they would have to apply for a sign code amendment. In closing he said that he

appreciated the fact that the Commission allowed them to present today and not have to return next month.

The Commissioners queried;

- the color change suits the location much better;
- the signage does not seem excessive, in comparison to other chain restaurants;
- where will the drive-thru signage will be located;

Mr. Russell responded to the Commissioners by stating that:

- the location of the drive-thru signage will be located the same as it is for Fozoli's;
- they will just be repainting the exterior of the building, sprucing up the landscaping, and placing the Panda Express signage; and,
- the streets and everything around the building will remain in compliance as they are today.

Mr. Rantz, **MOTION: move to approve** the sign plan and the color scheme for Panda Express, HP08-015 as submitted today.

Mr. Todd, 2nd. **VOTE: 6-0.**

IV. SUMMARY OF CURRENT OR RECENT EVENTS

Ms. Burgess reported that the National Historic Preservation Conference will be held in Omaha, Nebraska this year during October 21st-25th, 2008. Conference information is available upon request.

Ms. Ruffner commented that she would like to give a wonderful kudos to the Commission and the City staff for getting a standard corporate façade change to fit, and thanked everyone for working through that.

Mr. DeGrazia announced congratulations to Doug Stroh, who was married today and wished him the most success.

V. ADJOURNMENT

The meeting was adjourned at 9:23 AM.

Frank DeGrazia, pro tempore, Chairman