

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
JANUARY 29, 2009
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **January 29, 2009** in the **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET**, Prescott, Arizona.

I. CALL TO ORDER

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

II. ATTENDANCE

Members Present George Wiant, Chairman Tom Menser, Vice Chairman Don Michelman Seymour Petrovsky Richard Rosa Len Scamardo	Others Present George Worley, Asst. Community Development Director Richard Mastin, Development Services Director Matthew Podracky, Senior Asst. City Attorney Mike Bacon, Community Planner Steve Gaber, Community Planner Kelly, Sammeli, Recording Secretary
Members Absent Joe Gardner	Council Members Present Jack Wilson, Mayor Bob Bell Jim Lamerson, Council Liaison

III. REGULAR ACTION ITEMS

Before opening the meeting Chairman Wiant, remarked that he was happy to see Mayor Wilson present because, at the last Planning and Zoning meeting when he took over the Chairman position he did not introduce the Mayor. Chairman Wiant also noted his appreciation to Commissioner, Joe Gardner for his outstanding service as last years Chairman of the Planning and Zoning Commission.

1. Approve the minutes of the January 8, 2009 meeting.

Mr. Menser, **MOTION** move to approve the minutes of the January 8, 2009 meeting.
Mr. Michelman, 2nd. **VOTE: 6-0.**

2. RP 08-007, Revision of Plat for the Prescott Lakes Commerce Center

Condominiums. 1973 Commerce Center Circle. APN: 106-18-342. Revision of Plat for Lot 3 Prescott Lakes Commerce Center Creating Four Offices and Six Warehouse Condominiums (Existing Structures). Representative Robert Winter, Lyon Engineering, Owners are Prescott Garden Offices LLLP, Canavest Holdings LLC, and President Blake Parker. Community Planner, Steve Gaber (928) 777-1206.

Mr. Gaber reported that the application is from Canavest Corporation to divide the existing commercial center buildings, into a group of commercial condominiums which would consist of three office units and six warehouse units. The property is zoned Industrial Transition (IT) and is consistent within the vicinity. Mr. Gaber noted that the application was circulated for review by other City Departments, and that the City's Utility Department directed the applicant to add language to the plat, and to the CC&R's, describing the responsibilities of the property owners for the operation and maintenance of their private water and sewer system. Mr. Gaber indicated that the requirement is due to the fact that the separate units do not have individual services and or meters. Mr. Gaber noted that the language has been added to the plat, and that staff is recommending approval of the plat division to allow for the condominiums.

Mr. Petrovsky inquired if the application was for three or four office uses because the plans indicated it four; and, do the other units need to have plumbing installed to make the conversion to a condo use.

Mr. Gaber indicated that the application was in error and the request is for four units. Mr. Gaber further noted that the other units would be sold as warehouse space with a common bathroom facility.

Mr. Michelman inquired if the units would go from tenant occupied to an owner occupied use.

Mr. Gaber noted that was correct.

Chairman Wiant called for other comments from the Commissioners. Hearing none, the item was opened up to the public for discussion. Hearing none, the public portion was closed and Chairman Wiant called for a motion.

Mr. Michelman, **MOTION: to approve** the Revision of Plat for Lot 3, Prescott Lakes Commerce Center Condominiums.
Mr. Rosa, 2nd. **VOTE: 6-0.**

3. **CC08-002, Comprehensive Sign Plan for "The Bradshaws"**. 133 Bradshaw Drive. APN: 110-04-141W. Zoning is BG-PAD. Agent/Applicant is Fergus and Harding, 7227 N. 16th Street, # 212, Phoenix, AZ 85020. Owner is Bradshaw Senior Community/Prescott LP, 4745 N. 7th St. # 110, Phoenix, AZ 85014. Community Planner, Mike Bacon (928) 777-1360.

Mr. Bacon reported that the request is for a Comprehensive Sign plan for "The Bradshaws" which is an affordable living facility just off of Bradshaw Drive and north of the Peridot. Mr. Bacon put the site plan on the overhead projector for the Commissioners to see and indicated that the request is for placement of monument signs in four locations. Two will be located at the main entrance on Bradshaw Drive and the other two will be located internally within the complex. Mr. Bacon noted that the applicant had asked for an increase of eight square feet over the sixty four square feet that is allowed by the *Land Development Code (LDC)*. Staff has reviewed the request and has determined that the interior signage is permitted by code. Mr. Bacon noted the locations of the monument signs, on the overhead, at this time and, also noted that the signs would be lighted by a goose neck, fully shielded, light fixture. In closing the staff report Mr. Bacon, reported that staff recommends support for the application in accordance with exhibit A, the site plan; exhibit B, the sign elevations; and, exhibit C, the lighting.

Mr. Petrovsky noted that the sign calculation on exhibit B indicated one hundred, twenty square feet does not agree with the request for the eight foot increase.

Mr. Bacon reiterated that the signage to be placed within the interior of the complex is allowable by code, and the total sign request is for a total of seventy two square feet. Mr. Bacon noted the locations of the signage again, on the overhead projector for the Commissioners.

Mr. Scamardo noted for the record, that originally when the project came before the Commission, the Commission did not like the design due to the mass grading. However, through the efforts of the Planning Commission and the developer, the project has turned into a great project. Mr. Scamardo further indicated that he lives above the project site off of Bradshaw Drive and that he drives by it and for a large project, it is one of the cleanest construction sites. Mr. Scamardo also noted the protection of the native trees on the site and thanked the developer.

Chairman Wiant called for other comments from the Commissioners, hearing none; he opened the floor for public comment.

Hearing no public comment Chairman Wiant closed the public portion and called for a motion.

Mr. Rosa, MOTION: to approve the Comprehensive Sign Plan for “The Bradshaws” CC08-002.

Mr. Petrovsky, 2nd.

Mr. Michelman indicated that the staff had recommendations and they should be included.

Mr. Rosa amended the motion to include, staff recommendation in accordance with Exhibits ‘A’ (site plan), ‘B’ (sign elevations), ‘C’ (lighting).

VOTE: 6-0.

4. **SI08-002, Site Plan review for The Boulders, A Prescott Retirement Center, Planned Area Development.** 910 Canterbury Lane, (north of Whipple Street) APNs: 116-19-017, 116-19-017A, 116-19-017B, 116-19-021B, 116-19-022. (±6.27 acres). Zoning: MF-H. Applicant is CivilTec Engineering, 2050 Willow Creek Road, Prescott. Owner is Arcadia Housing, LLC c/o Bill Spring. Community Planner, Mike Bacon (928) 777-1360.

Mr. Bacon reported that the project is located north of Whipple-Montezuma off of Canterbury Lane and is approximately seven acres in size. Mr. Bacon continued to report that the property has residential areas on all three sides of the proposed project site and; the site is zoned Multi-Family-High. Mr. Bacon noted that between 1999, and March of 2007, the location had a variety of planning and zoning actions on it. The final City Council approval of a revised Development Agreement #03-201B, which in part, allowed for the types of units to be built on site and an approved building height of 45-feet for all the buildings was completed in 2007. Mr. Bacon indicated that the proposal is before the Planning Commission because; the 2009 project is not in conformance with the approved 2003 site plan. Mr. Bacon further indicated that there are notable improvements of the site plan; that both the neighborhood and planning staff thought the Planning and Zoning Commission and the City Council should see. Mr. Bacon noted that the applicant will be presenting a projector overview as well as a brief description of the project. In closing the staff report Mr. Bacon noted that a neighborhood

area meeting did take place on January 15, 2009 and the neighbors received the proposed plan well. Mr. Bacon further noted that when the site plan was reviewed in 1999 there was a large amount of opposition. Mr. Bacon also noted that at the area neighborhood meetings, concerns and questions consisted of the drainage, lighting, landscape design, wall heights, building setbacks and architectural designs. Mr. Bacon indicated that over a ten year time frame the project has an involved history with various amendments to the development agreement. The site plans have changed from condominiums, to apartments and at the present, it is one hundred thirty two, units, eighty eight unit senior living, and forty four unit, assisted living project. Mr. Bacon informed the Commissioners at this time; that the staff report should be corrected to note, that the applicant did indicate in the narrative about the total height of the project.

Mr. Michaelman inquired what the correct height was, 45 feet or 49.5 feet.

Mr. Bacon noted the height request is for 49.5 feet.

Chairman Wiant inquired what official action on the height had taken place over the ten year period.

Mr. Bacon indicated ten years ago the height was approved at 40 feet.

Chairman Wiant noted that Mr. Bacon should complete his report prior to any discussion by the Commission or public.

Mr. Bacon noted that the staff report was complete.

Mr. Michelman noted that the staff report indicates that the undisturbed open space in 2003 was 24% and in 2009 is 17.7 % and further inquired what the undisturbed open space should be for the project.

Mr. Michelman commented that he thought open space should be around 20%.

Mr. Bacon indicated that the project is at about 45 % open space and does meet the requirements.

Chairman Wiant indicated that there were two different elements involved in open space, undisturbed and other.

Mr. Bacon noted that was correct.

Chairman Wiant invited the applicant to the podium at this time.

Mr. Jack Richardson, Civil Engineer for CivilTec Engineering, 2050 Willow Creek Road, Prescott, noted that they have been working on the site plan for over a year in close consultation with the Engineering, Public Works, and the Planning staff at the City. Mr. Richardson reported that the site was challenged with topography and drainage issues and indicated that they believe that the finished design is an improvement for the neighborhood. An overhead projection of the renderings of the recreation building, located in the center of the site was viewed by the Commissioners. Mr. Richardson noted how the buildings are to blend in with the natural surroundings of the area. Continuing with the slides, Mr. Richardson noted the location of the site is off of Whipple and Canterbury Lane. The low area and the high area of the site were noted, as Mr. Richardson indicated a there was an elevation change of about fifty to sixty feet. A site

plan showing all of the development, including the water and sewer locations was placed on the overhead as Mr. Richardson noted that an eight inch water main that loops the entire site will be provided to enhance not only the site, but also the neighborhood with adequate water, pressure, and fire flows. Mr. Richardson also noted the drainage areas on the site and explained that they propose to capture the runoff water from the site and the adjacent properties and, direct it into detention areas for discharge into the City system. As the Commissioners viewed the slides Mr. Richardson addressed another area of the site development, the retaining walls. Mr. Richardson indicated that there will be two heights of retaining walls. There will be walls eight feet and lower, and others that range from eight feet in height to thirteen feet in height. Mr. Richardson indicated that the walls along the western side of the property will be kept at a minimum of four to six feet in height with a terraced effect. All the retaining walls that are over six foot in height will only be viewed from the interior of the project, and they will be used to terrace the buildings down the hill. Mr. Richardson noted that the Landscape Architect will be discussing the wall details and introduced Peter Bourgois, BMA, to continue with the presentation.

Mr. Peter Bourgois, 2015 Rocky Dells Drive placed the site plan on the overhead again and indicated that that there will be four buildings. Two lower buildings that will consist of independent living areas and the top two buildings will be the assisted living locations. Mr. Bourgois noted that the Landscaping plan will provide three functions. To create attractive features on site for the residences, provide screening along the property boundaries, and to blend in with the natural surroundings of the area. Mr. Bourgois explained to the Commissioners, that the undisturbed open space will occur at five different locations on the site. Mr. Bourgois located the areas on the site plan and noted that it will encompass about 17% to 20% of the site. Mr. Bourgois indicated that the rest of the open space is in the landscaping features of the project that will be discussed later. Mr. Bourgois further noted that the landscaping walls would be placed on the west side of the site and would provide a screening feature along with shrubs and trees. Mr. Bourgois reported that upon staff's suggestion; larger trees than the *LDC (Land Development Code)* requires will be planted through out the site; and, the plant selections have been chosen from the Prescott AMA recommended species list. Mr. Bourgois indicated that the plants are chosen for their low water usage and blending ability with the native plants. (A slide of the view from the west side was shown at this time) Mr. Bourgois noted the layering effects of the plantings and the retaining walls that were described earlier in the presentation. As Mr. Bourgois described the lighting features for the site, he indicated that the lights would be about fourteen feet in height and have full shielding for the adjacent properties. (Mr. Bourgois noted the lighting on the projected site plan at this time).

Mr. Scamardo indicated that he has not been able to locate the finished floor elevations for any of the four buildings and inquired as to where it is noted and what they would be. Mr. Scamardo further noted it was because part of the request was for an adjustment of the height requirements for the site; and, it is important to know where the height adjustment on the site is.

Mr. Bourgois indicated that Mr. Scamardo's question would be answered by Mr. Richardson or Mr. Spring.

Mr. Michelman noted that the landscape drawings reflect mature trees and inquired how long it would take for the trees to reach maturity.

Mr. Bourgois noted that the landscape plans reflect about one half of maturity of the trees, and that when the conifer trees are planted they will range between twelve to

fourteen feet in height. Mr. Bourgeois further indicated that the deciduous trees will be planted with a height range of fourteen to sixteen feet and the shrubs would be about a five gallon size.

Mr. Michelman noted the location of the lights again, and inquired if that was in discussion with the City or if that was already determined.

Mr. Bourgeois indicated that was part of the proposal and that they are hopeful that will occur.

Mr. Menser inquired if Mr. Bourgeois was the landscape designer or the site planner.

Mr. Bourgeois reported that he was the Landscape Architect and CivilTec was the site planners. However, they have worked closely on the site design.

Mr. Menser inquired if there were any cut banks on the site.

Mr. Bourgeois referred the question to Mr. Richardson from CivilTec to answer.

Mr. Richardson reported that there are no exposed cut banks and that it is all retaining walls. However, in the back parking area if the area is determined to be stable without a retaining wall, they would propose to leave the native granite rock face.

Mr. Menser indicated that he was not concerned about a cut rock face however; he is more concerned about how the back would be cut; and how it would be landscaped.

Mr. Richardson reiterated that the intention is to minimize the disturbance of the open space and there will not be any cuts in the area. Mr. Richardson further noted that there is an area where they are close to grade and it is in the back of the location that the cuts will occur for the structures.

Mr. Menser inquired if that was the purpose of the request for higher retaining walls; and where would the thirteen foot retaining walls be located?

Mr. Richardson noted the locations of the retaining walls on the overhead site plan and indicated that one retaining wall will help build the pad, and the majority of the retaining walls are for the stepped buildings. Mr. Richardson further reported that there is eleven feet between the finished floor levels of the buildings, and the lower level units would view a courtyard area between the building and the retain wall. Mr. Richardson explained that the buildings will sit down into the hillside and that some of the buildings sit down as much as eleven feet so there is less of an impact on the viewscape.

Mr. Menser inquired about the difference in finished floor areas between the buildings.

Mr. Richardson reported that the finish floor of the first building is 5389 stepped to 5400, and 5400 stepped to 5411. The recreation center finished floor is at 5406, with the second story at 5422. Mr. Richardson noted that the recreation building is a daylight basement with the back of the building underground. Mr. Richardson noted that from one view it looks like a one story building and on the other side it is a two story building, with a finish floor level at 5419, and 5405.

Mr. Menser inquired about the finish grade of the parking lot.

Mr. Richardson reported that the parking lot is on grade.

Mr. Menser inquired about the difference in elevations between the parking lot and the top building.

Mr. Richardson reported that there is fifteen to twenty feet of rise between the two locations.

Mr. Menser noted that in 2003 the project had underground parking, was only three stories tall, and now it is 30% denser, four stories tall, and is being presented as an improved project. Mr. Menser further inquired how, the applicants felt they could justify the parking for senior and assisted living facilities to be located at least 200 feet from the nearest building and twenty feet below the living quarters.

Mr. Richardson indicated that with the experience of the developer, and the nature of the community they feel it will work because the average age of the resident entering into the community will be 67 to 72 years of age. Mr. Richardson further noted that through his experience, the developer feels that fewer parking spaces will be used as assisted living and senior living; and, added that part of the proposal is for valet type parking. Mr. Richardson noted that the residence would work with the management team for valet assistance to retrieve the cars.

Mr. Menser inquired about guest parking.

Mr. Richardson indicated that the guest parking is in the common area by the main entrance and that the staff would park in the back.

Mr. Menser indicated that he did not believe that the parking would work that way.

Mr. Bill Spring, 2305 Edgewood Drive, Sedona, Developer of the project indicated that the management team, Integral Senior Resources, are licensed in Arizona, California, as well as other states and specialize in that these types of projects. Mr. Spring noted that the average age of entry is 80 years of age and because of the design, the valet service is a free luxury amenity to the site. Mr. Spring noted that the project is designed to take the parking away from the housing area and have staff take care of the parking.

Mr. Menser noted that the valet parking appears to be an important part of the development.

Mr. Spring noted that was correct and if the City Council wants to tie that in as a covenant then it would be accepted.

Mr. Menser inquired what would happen if money got tight and the valet service was cut out.

Mr. Spring reiterated that valet service is implicit in the design of the site and in the industry trend. Mr. Spring further noted that the parking is not as visible as the previous design.

Mr. Menser noted that he was glad that Mr. Spring explained how the parking would work. Mr. Menser further commented that a lot of the older people still drive, have cars and with the weather conditions in Prescott, the parking area still concerns him.

Mr. Spring noted that a possible covered parking is something that they are looking at currently because of the weather conditions. Mr. Spring further indicated that the facility

will have full van service for outings to any location the resident might need to go; and, if the resident does have a car, they tend not to use them.

Mr. Rosa noted for the record that he really did not like getting materials five minutes prior to the meeting, to review about the subject at hand. Mr. Rosa further noted that the letter that was just received from the attorney for Las Fuentes brings up many questions and concerns.

Mr. Spring indicated that he was in receipt of the letter also as it was delivered to the City, and to himself, at the last minute and he would like to respond to the letter after the presentation if possible.

Mr. Michelman inquired as to where the vans for the community would be parked.

Mr. Spring indicated that the vans would park in a normal parking stall; and, the project has 127 parking spaces, where only 104 spaces are required per code; and, the development agreement.

Mr. Menser asked Mr. Mastin if the street width allowed for parking.

Mr. Mastin, Development Services Director, reported that they are not considered streets but internal circulation driveways. They are required to meet fire code and no parking in the street would be allowed, parking would have to take place in the parking areas.

Mr. Larry Meeks, Architect, STG Design Incorporated, 1820 East River Road, Tucson, AZ, 85718 indicated that he would do a brief presentation and then answer any questions to clarify any issues that the Commissioners might have. Mr. Meeks started with a view of the elevation and noted that it faces Thumb Butte. Mr. Meeks moved to the projected site plan and reported that the recreation building is two stories on the front however, only one story is exposed. The ground floor is in the form of retaining walls to create an open view corridor and have less visual impact from above. Mr. Meeks showed the floor plans and the amenities on the overhead projector at this time. Mr. Meeks noted that the residence can move about the facility in an enclosed corridor out of the weather. Mr. Meeks described the elevation of the buildings, the assist living facilities, the senior living faculties, the floor plans, and the amenities. Mr. Meeks noted that the square footage of the floor plans range from six hundred square feet, to about thirteen hundred square feet. Mr. Meeks reviewed the circle driveway and noted that the buildings are buffered form the adjacent land owners as much as possible. Mr. Meeks further noted that each one of the four buildings are below forty five feet at the eave line however, the roof lines are at forty nine feet to enhance the design of the building with a tile roof. In closing the presentation, as Mr. Meeks provided the 3-D designs, he stressed the architecture elements and the upgraded design of the project. Mr. Meeks indicated that his firm does projects such as this over all the United States and that this project has been rewarding, yet challenging; and, they are passionate about the hillside design and all the elements of the project that makes it work.

NOTE: (Mr. Scamardo left the meeting at this time, due to an emergency.)

Mr. Michelman inquired where the dumpsters would be located on the site.

Mr. Richardson indicated that there are two dumpster locations, one outside of the kitchen area of the assisted living facility, and the other at the parking area of the independent living facility, which will be screened per code. Mr. Richardson further indicated that they believe

they have taken all the right steps to protect the adjacent properties from any dumpster related concerns.

Mr. Menser inquired where the main kitchen would be located.

Mr. Spring noted that there are two, one for the assisted living facility, and a main dining room in the recreation building for independent living.

Mr. Spring commented that he would like to respond to the letter that all parties had received last evening from Las Fuentes Care Center. Mr. Spring indicated that the project that was just detailed for the Commissioners conforms to the original design entitlements that were reviewed and approved in 1999. This includes one hundred thirty two units of combined living facilities for the 55 and over age group. Mr. Spring reported that there is only one development agreement that relates to this site, it was done in 2007 by Mr. Spring; and, it resends all prior development agreements. Mr. Spring further noted that the development agreement has a forty five foot height written within it and the Planning Department has the ability, per the *(LDC) Land Development Code*, to give up to a 10% adjustment on the height. Mr. Spring indicated that the reason they are asking for the additional footage of height is for the tile roof design. Mr. Spring indicated that upon review of the new design, the Fire Department wanted a 360° loop road, 26 feet wide, located within the development, and the cost for that is about two hundred, twenty five million dollars, that the old approved condo design would not even meet. In closing Mr. Spring noted that they have used local professionals wherever possible, and will continue to do so. The Boulders will bring into the State and Prescott, about one million eight hundred thousand, dollars on the front end. And the real estate taxes will be between three, or four hundred thousand dollars a year, vs. about eight thousand dollars in taxes that is paid now; and, with Senior housing there is virtually no school impacts on the community.

Mr. Michaelman inquired if the construction site would require blasting?

Mr. Ed Oclair, Contractor, MT Builders, 220902 N. Dobson, Scottsdale, AZ reported that there have been preliminary studies to test the site, however; there could be a minimal chance that they will need to blast.

Mr. Michelman inquired how long the projected construction time to be.

Mr. Oclair indicated that they are projecting twelve to fifteen months of construction time.

Mr. Menser inquired if there was anything within the Development Agreement that indicates the number of units that are allowed on the site.

Mr. Spring reported that the 2007 Development Agreement with the City states, one hundred, thirty two rentals, assistant living, independent living or any mix thereof , and that is what the proceeding Development Agreement had; as an alternative to condo units.

Mr. Menser asked staff to clarify if the Development Agreement in 2003 changed the number of units down to eighty five.

Mr. Bacon indicated that he would have to check the 2003 Development Agreement.

Mr. Menser indicated that in 2003 the Planning and Zoning Commission as well as the City Council approved the project and he would like to know what number of units that was approved. Further inquiring if it was eighty five units or did it go back to the 1999 Development Agreement number.

Mr. Bacon noted that he would refer back to the staff report and indicated that it was a condo project in a PAD and was for eighty five units.

Mr. Spring stated that the 2003 Development Agreement has alternative uses, one hundred thirty two assisted living /independent living or as an alternative, the eight five condo units.

Mr. Menser reiterated that the number of units in the approved 2003 Development Agreement needed to be clarified by staff because; as he recalls it the units were defined to the traffic that was generated. Mr. Menser further indicated that the traffic was a major issued at that time and it has not even been discussed today.

Mr. Mastin, Development Services Director, reported that Ian Mattingly, City Traffic Engineer, did a traffic analysis on a half condo use / half apartment use and using those numbers it still does not warrant for a traffic signal at Canterbury Lane and Whipple.

Mr. Spring noted that he would like to respond to the last minute letter that was received from Jennings-Strouss, Attorney, for Las Fuentes at this time. Mr. Spring indicated that this was a classic McDonalds vs. Wendy's tactic to stall a project. Mr. Spring noted that it was a surprise because there have been representatives of Las Fuentes at many of the public meetings. Mr. Spring reported that they are very serious about the project, they have spent about \$60,000 dollars on the site plan, and they have the funding to do the project. There has been three separate feasibility studies done on the project, two independently, and one by HUD. The City of Prescott has a huge need for independent and assisted living facilities with waiting lists and that is why they are doing the project. There is only one Development Agreement that pertains to the project, it was signed in April of 2007, and identifies a 45 foot building height throughout the site, That is a public record. The management team that is associated with the developer manages several thousands of units in California, Arizona, and Oregon and is fully licensed in every state.

Mr. Rosa asked Mr. Spring to address the construction traffic that was noted on page five of the letter.

Mr. Spring indicated that they are asking for, on a temporary basis, access to Sun Street for construction only. The access has been limited to a locked, gated, Fire Department access. Mr. Spring further noted that if the access was allowed then the construction could move at a faster pace; and, there will be limited truck traffic as there will not be any movement of fill dirt.

Mr. Rosa asked Mr. Spring to explain the comment in the letter from the attorney, regarding the parking lot being accessed from the Las Fuentes driveway.

Mr. Spring indicated that there was a request from the Fire Department, and the Water Department, for the City to have an access from Las Fuentes to our site or vice a versa. The north side of the property is the south parking area for Las Fuentes. Mr. Spring further indicated that he made contact with the manager of Las Fuentes and told them that they would pay for the access.

Mr. Petrovsky asked staff to clarify the undisturbed open space number.

Mr. Bacon reported that the project will decrease the undisturbed open space. The landscaped open space totals about 45%; where the older plan had about 58% open space. Mr. Bacon indicated that was due to the parking locations underground vs. above ground and it meets code.

Chairman Wiant called for other comments or question.

Mr. Michelman indicated that he does not like to receive additional materials at the last moment, it does not allow enough time to review it and see how it effects the decision making process. Mr. Michelman further noted that would like to postpone the decision on the project and have more time to review the information.

Mr. Spring indicated that what happened is a typical ploy. Mr. Spring further indicated that is known as a dilatory tactic from another party; and that they (the developer) have a commitment with HUD to have in their possession, bid and contract by April 5th, 2009.

Chairman Wiant indicated that he also would like to take a further look at the materials, and the additional information, and take action on the item at the next meeting on February 12, 2009.

Mr. Menser concurred and added that this is the first time that the Commission has reviewed the project; and, it is a major change from the 2003 site plan. Mr. Menser further noted that he is in support for senior housing in Prescott as it is good for the City. However, he would like to review the valet parking idea with staff and maybe get some guarantee that it will work.

Mr. Meeks, Architect, noted that his firm is currently involved in senior living projects in eighteen states and they have seen a steady decline in driving and parking for the senior facilities. Mr. Meeks indicated that his firm also does Del Webb communities and they are seeing less and less parking utilized every year. Mr. Meeks stated that his firm is currently in the process with other firms to get the trend recognized so that asphalt is not installed for non use for years and years to come.

Mr. Menser commented that he understood. However, it is a new concept and the workability of the plan depends on the parking working properly.

Chairman Wiant opened the comments to the public. Hearing none, the public portion was closed and Chairman Wiant called upon the Commissioners.

Mr. Michelman commented that he did not know why the party chose to wait until the last minutes to provide information and it does not necessarily enhance their position with his decision. However, the public has the right to have input to any of the Planning and Zoning meetings, and that input needs to be taken into consideration. Mr. Michelman further noted that he would also like to wait until the next meeting to decide on the item.

Chairman Wiant called for an action.

Mr. Michelman, **MOTION: to postpone** Item # 4, SI08-002 until the next Planning and Zoning meeting scheduled for February 12, 2009 at 9:00 AM.

Mr. Rosa, 2nd. **VOTE: 5-0.**

Chairman Wiant called for a five minute break in the meeting; the time was 10:47.

The meeting reconvened at 10: 54.

Chairman Wiant noted that due to the length of the meeting item # 5 would be moved to the end of the agenda and items 6 & 7 would be heard at this time.

IV. PUBLIC HEARING ITEMS

6. **GP08-005, 1711 Thumb Butte Road.** APNs: 108-06-031K, 108-06-031P, and totaling ± 0.33 acres. Request General Plan Amendment from Low-Medium Density Residential (1-7 DUA) to Mixed Use. Owners/Applicants are Raymond & Lanette Hanna. Community Planner, Mike Bacon (928) 777-1360. (Voting on February 12, 2009)

Mr. Petrovsky recused himself from the item due to a potential conflict of interest and left the dais.

Mr. Bacon reviewed the staff report for this item and the associated RZ08-006 concurrently.

Mr. Bacon, Community Planner noted that the proposal was for a General Plan Amendment and a Rezoning. Mr. Bacon put the site location on the overhead projector and indicated that the request is to change the General Plan from Low-Density Residential (1-7 DUA) to Mixed use. Mr. Bacon noted the site on the area map along with the Residential zoned area, (north); Strickland Park (south); The PAD development of the Hassayampa Village, (east); and, Multi-family-Medium and Business General (about ¼ mile west). Mr. Bacon indicated that the applicant is proposing to build a 1800 square foot office building that would be accessed from Sherwood Drive; and, would have an 1800 square foot building with six parking spaces. Mr. Bacon noted that the applicant proposes to meet the SF-9 setbacks for the area instead of the Residential Office zoning setbacks. Mr. Bacon noted the setbacks for the SF-9 area is 15 feet from the corner, 25 feet from the front on Sherwood, and 25 feet from the rear, on Hassayampa. Mr. Bacon noted that there was an area meeting and about 38 neighborhood property owners attended; where Mr. Hanna presented his plans to the neighborhood. Mr. Bacon noted that questions from the area neighbors were addressed however; the residents expressed strong opposition to the general plan amendment and the rezoning. Mr. Bacon further noted that there is a signed petition with at least 100 signatures, a number of letters and phone calls in opposition that has been included in the staff report. In closing the staff report Mr. Bacon also noted that a letter for support indicating this was the highest and best use for the location that was received this morning prior to the meeting.

Chairman Wiant stressed to the public that every Commissioner has read every copy of the letters submitted and has taken that into consideration. Chairman Wiant noted that the Commission is aware of all the citizens' concerns and share in their concern of what is best for the community. Mr. Wiant further indicated that with the volume of letters and the signed petition; it would be best if there was a spokesman from the group to speak to the Commissioners with the combined concerns.

Mr. Michelman asked Mr. Bacon to put the site location on the overhead and further inquired if the Rezoning request was spot zoning.

Mr. Bacon noted that there is a General Plan Amendment to consider before any rezoning can take place.

Mr. Michelman asked Mr. Bacon if with reviewing all the materials, including the neighborhood comments does the item move into a super majority by the City Council and their vote?

Mr. Bacon indicated yes, that if it goes before the City Council for a Rezoning it would have to be a super majority.

Chairman Wiant called upon the applicant to speak.

Mr. Ray Hanna, 1877 Rustling Oaks Lane, Prescott noted that he has also read the neighborhood letters of concern. Mr. Hanna indicated that he has worked with city staff and has hired an Architect to make the Residential Office appear more like a single family home. Mr. Hanna noted the features of greater setbacks and the use of the muted colors as the adjacent developments within the area. Mr. Hanna noted that he hoped the Commissioners would see that this is the best use. Mr. Hanna relayed the story and history of how the piece of property came to be over the past twelve years. How the long oblong lot is situated between Thumb Butte Road, Sherwood Drive, and Hassayampa Village Lane and how it became a lot in transition. Mr. Hanna noted that he has been a lawyer for over twenty years and that the structure for the lot is designed as a two lawyer office. Mr. Hanna further indicated that city planning staff does not make recommendations. However, the city staff has noted the use of a Residential Office has a low impact as far as noise and traffic are concerned. Mr. Hanna continued to describe how he has an obligation to not only the Sherwood neighborhood, but also, the Hassayampa neighborhood; and to put a residential home behind the lighted flagstone pillar would not be the best use. His request is for a Minor Amendment and not more than a quarter mile down the road there is a General Business district. Mr. Hanna, in closing, noted that his plan is to make the best use out of the property in transition, by using it for a two person Residential Office. Mr. Hanna further noted that he hopes the Commissioners take into consideration, that when an applicant goes to the trouble to make all the recommended changes and restrictions, that City staff suggests it is because it is for the best use. Mr. Hanna noted that he would answer any questions that the Commissioners had for him at this time.

Mr. Wiant thanked Mr. Hanna and called for questions from the Commissioners.

Mr. Michelman reiterated that Mr. Hanna indicated that he was a one person office and does not have a secretary and further asked Mr. Hanna if he intends on having a secretary along with the second law office.

Mr. Hanna indicated that his wife is also an attorney in an inactive status. However, the plan is for her to go back to work in the future as a lawyer.

Mr. Michelman asked Mr. Hanna to explain why the 1850 square foot structure was needed for two occupants.

Mr. Hanna indicated that was the best use of the land; and that the plan is to have two private offices, with a large conference room in the center that is shared, and an open reception area.

Mr. Michelman asked Mr. Hanna if his application does not get approved; what was his plan for the property?

Mr. Hanna stated either a rental or a group home.

Chairman Wiant called for other questions from the Commissioners. Hearing none the Meeting was opened to the public.

Mr. Glen Olson, 535 South Hassayampa, Prescott, AZ 86303 noted that he was the architect for the project and that he was going to go over a letter and then present a copy to each Commissioner when he was finished. Mr. Olson commented that the lot is not a suitable site for a residence. Mr. Olson provided information that the surrounding developed areas have created a lot surrounded by three separate streets. Mr. Olson noted that in the (LDC) *Land Development Code*, under Residential Districts, the general purpose is to provide an environment that protects residences from harmful effects of noise, density, traffic, light, and other adverse effects. Mr. Olson noted that in his opinion, the parcel is in transition and is suitable for construction, but not for a residential home. Noting that the window and patio views would have to face the streets, the street light on the corner of Thumb Butte and Hassayampa Village Lane is bright and on all night long, there is traffic noise and congestion from all directions, there is a family safety factor for small children, and the site is suited more for a low impact commercial use rather than a residential use. Mr. Olsen further commented that the lot has become transitional as development over the years has ignored it, and he believes that the zoning classification of Residential Office is intended to provide areas such as this lot, the best possible use. Mr. Olsen concluded his comments, thanked the Commissioners and provided each of them a copy of the letter.

Chairman Wiant inquired what effect the General Plan Amendment would have on the general area.

Mr. Bacon indicated that staff looks at the neighborhood and land use compatibility however; the general population of the area generally voices the potential impact of the change.

Chairman Wiant inquired if the Amendment would include more than just the lot.

Mr. Bacon indicated that it would only affect the lot however; the surrounding area and traffic impacts are taken into consideration.

Mr. Menser inquired if there would be a size limitation of a structure on the lot.

Mr. Bacon noted that the setbacks would have to be met.

Mr. Menser inquired if, as an architect, he could build a large two story house and have a home occupation in it?

Mr. Bacon indicated yes.

Chairman Wiant called upon the public to speak.

Ms. Lillian Pence, 1710 Sherwood Drive, indicated that she is opposed to the amendment and the rezoning. Ms. Pence noted that she did not have the expertise of Mr. Hanna however; she was speaking from her heart about her neighborhood. Ms. Pence noted that there were staff comments about the site being marginal for the proposed structure and that Mr. Hanna intends to have four offices in the location with six parking spaces. Ms. Pence indicated that even though Mr. Hanna has stated that he is a sole practitioner; the site has the potential to house more staff. Ms. Pence further indicated that if Mr. Hanna is allowed to do this it will only add more traffic noise and congestion to the area. Ms. Pence noted that the rezoning would not bring anything beneficial to the area, it will change the caricature of the neighborhood and the neighbors feel that it will open up a "Pandora's Box" with one mixed use rezone leading to another. Ms. Pence noted that Mr. Hanna keeps referring to the lot as "transitional"

and that the neighborhood is not "transitional" it is very stable and has been for a very long time. Ms. Pence invited the Commissioners to drive up into the area and view their neighborhood, and not allow the start of what could be the end. Ms. Pence noted that she too has spoken with area realtors' and that they all indicated that it will diminish the value of the area homes. Ms. Pence added that Mr. Hanna in the last meeting with the neighbors indicated that the property was an investment for him and indicated that her home and the homes of her neighbors were investments too. Ms. Pence noted if the parcel is rezoned, Mr. Hannas' property value goes up, and the neighborhood goes down. It is an inappropriate use for any type of law office and it is strictly a residential area. Looks like spot zoning to the neighborhood. Please consider these concerns and preserve the neighborhoods caricature and beauty and not amend the plan.

Chairman Wiant asked Ms. Pence what use she would like to see on the land.

Ms. Pence indicated that the City should it for open space however; if something has to go there it would be a single family home.

Mr. Eric Cahn, 108 Butte Canyon Drive, indicated that he lives one block away from the property, and his sons as well as other children in the area catch the school bus from the PUSD bus stop that is located on the corner of the property. Mr. Cahn further indicated that Mr. Hanna is a criminal attorney and therefore will see new clients who possible could be pedophiles, rapists or murderers and they do not want to bring that type of element into the neighborhood. Mr. Chan reiterated if the property is rezoned then it will open up the area for other potential rezoning. Further, Mr. Hanna does not have to put what he says he will in that area, if he rezones it he can put any other use that falls into that category into that area. Mr. Cahn asked Mr. Bacon to put the allowed uses up on the overhead for all to see.

Mr. Bacon noted that each member of the Planning Commission has a copy of the use category table for the RO district. Mr. Bacon further informed that Mr. Hanna has indicated that he would enter into a Development Agreement with the City to restrict uses and noted for the record that the City can restrict it to be only a law office or single family.

Chairman Wiant asked Mr. Cahn what type use he would like to see there.

Mr. Chan indicated a single family home.

Chairman Wiant inquired what uses could occur in the present zoning other than a residence.

Mr. Bacon noted for the community that the staff report that the Planning and Zoning Commission has received has been added to the City web site for anyone to view.

Mr. Bacon reported that the primary use would be a single family home.

Mr. Rosa inquired if there could be a group home?

Mr. Bacon asked Mr. Rosa to elaborate on the group use.

Mr. Rosa noted a home where there are four of five individuals living together, such as alcohol treatment.

Mr. Bacon reported that in the (LDC) *Land Development Code* there can be eight unrelated people living together and that it considered a family. Mr. Bacon further noted that it would include any type of disability, mental or abuse.

Mr. Rosa noted so that type of use could go as a matter of right.

Mr. Bacon reported that a "supervised" training or care program falls into a different classification and would not be allowed; and any time educational or rehab program would not be permitted in the single family zoning district.

Chairman Wait inquired if for example, up to eight people who had a drug problem chose to live together without any treatment or supervision they could?

Mr. Bacon indicated yes they could.

Chairman Wait noted the reason he asked for clarification is that the general public thinks that single family means mother, father, children, etc. only and it is not.

Mr. Menser inquired if there were Federal Laws that keep the City from restricting the term "single family".

Mr. Bacon indicated that he did not know completely and asked if the City attorney could answer that question.

Mr. Matthew Podracky, Senior Assistant City Attorney noted that under Federal Constitutional analyst unrelated people can live together and be defined as a family.

Mr. Menser thanked Mr. Podracky and indicated that could mean a group home.

Mr. Podracky noted yes.

Ms. Robin Derrickson, 1838 Autumn Circle, Prescott indicated that she was new to the Prescott area and they chose the lot on Autumn Circle to build on because it was strictly a residential neighborhood and she strongly objects to anything other than a single family home on the lot.

Chairman Wait asked Ms. Derrickson what use she would like to see for the land.

Ms. Derrickson indicated a single family home as that is the use of the neighborhood.

Chairman Wait inquired if eight people could live together in the RO Zoning proposed.

Mr. Bacon indicated yes.

Ms. Linda Young, 1829 Autumn Circle, noted to the Commissioners that Mr. Lindquist provided a letter stating that a residential office is the best use for the property. However, it should be noted that Mr. Lindquist is the realtor that sold the property to Mr. Hanna. Ms. Young further noted if it was possible that, a higher value is placed on the property and that Mr. Hanna donated it, to be kept vacant, and use the donation as IRS financial write off.

Mr. Dan McGinnis, 1856 Forest Meadows Drive, noted to the Commissioners that about three years ago, a neighbor got run out of the area for a Stable use, and he would not

like to see the City get sued for an improper use and there may be a precedent set already.

Ms. Vicki Moreno, 1841 Sherwood Drive, noted that she used to live in the house on the corner of Sherwood Drive and Thumb Butte and stated that it is a busy corner. Ms. Moreno further noted that with the school bus stop at the location, the parent's park all along the street to pick up the kids and the traffic gets even more congested. Ms. Moreno indicated that when she lived on the corner, it was impossible to get any rest because of it's a busy location. Ms. Moreno also indicated that she thought the land had previously been donated to the City for the use of a park.

Chairman Wiant noted the property could not have been donated and accepted by the City because it could not have later been sold. It might have been an intention at one time.

Chairman Wiant closed the public meeting at this time.

Chairman Wiant noted for the public that the item was not going to be voted on today and the item will be discussed and voted on February 12, 2009 at 9:00 AM. He then thanked the public for attending the meeting.

No Action Taken.

7. **RZ08-006, 1711 Thumb Butte Road.** APNs: 108-06-031K, 108-06-031P, and totaling ± 0.33 acre. Request zoning change from Single-Family-9000 square foot minimum lot size (SF-9) to Residential Offices (RO). Owners/Applicants are Raymond & Lanette Hanna. Community Planner, Mike Bacon (928) 777-1360. (Voting on February 12, 2009)

Refer to agenda Item 6 above.

No Action Taken.

Mr. Petrovsky returned to the dais and resumed the meeting.

5. **GP08-006, City initiated General Plan Amendment** for Low Density Residential (1-7DUA) to Mixed Use for APNs: 115-08-033B (a portion thereof), 111-11-001A, 111-11-067, 111-11-068, 111-11-069, 111-11-070, 111-11-071, 111-11-078, 111-11-079, 111-11-089, 111-11-090, 111-11-092, 111-11-093, 111-16-001, 111-16-002, 111-16-003, 111-16-004, 111-16-005, 111-16-006, 111-16-007, and 111-16-011 (a portion thereof); and from Low Density Residential (1-7 DUA) to Commercial for APN 115-08-033B (a portion thereof) and 115-08-081 (a portion thereof) in an area generally described as the Southwest corner of Fair Street and Gail Gardner Way, and along the east side of Gail Gardner Way from Fair Street to Westridge Drive. Applicant/Agent is City of Prescott. Community Planner, Mike Bacon (928) 777-1360.

Mike Bacon indicated that at the last Planning and Zoning meeting, the study session, the Commission reviewed the proposed General Plan Amendment along Gail Gardner Way, from Low Residential to Mixed use, and today it will be voted on.

Chairman Wiant noted that the Commissioners had the opportunity to hear and discuss the General Plan Amendment at the last meeting and called for further questions or comments about it. Hearing none, Chairman Wiant opened the public hearing.

Mr. Al Hotchkiss, 24 Woodside Drive, 86305, indicated that as a property owner he has seen the area change over the last ten years. Mr. Hotchkiss noted that several years ago there was a single family home in the area that was utilized for a pest control business. Mr. Hotchkiss further noted that it caused concern because of the storage of the chemicals in the back yard and he is there today to raise the concern for the future and the plan to change the zoning to a mixed use that a use of this zoning change will not result in a use such as this.

Mr. Bacon reported to the commission, that if a rezoning occurred within the area, the rezoning would be for a Residential Office (RO) designation and storage of that type of material would be prohibited. Mr. Bacon further indicated that in speaking with the Assistant Community Development Director, George Worley, the use has been shut down because it was not in compliance with the zoning.

Mr. Hotchkiss thanked the Commissioners and staff for the information.

Chairman Wiant thanked Mr. Hotchkiss for his time and hearing no others, closed the public portion and called for a motion.

Mr. Petrovsky, **MOTION: to approve GP08-006.**
Mr. Menser, 2nd. **VOTE: 5-0.**

V. CITY UPDATES

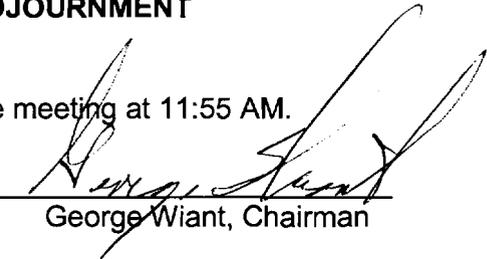
None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 11:55 AM.



George Wiant, Chairman