

**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

<i>Members Present</i> George Wiant, Chairman Tom Menser, Vice Chairman Don Michelman Seymour Petrovsky Richard Rosa Len Scamardo	<i>Others Present</i> 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
<i>Members Absent</i> Richard Rosa	<i>Council Members Present</i> 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 Bourgeois, BMA, to continue with the presentation.

Mr. Peter Bourgeois, 2015 Rocky Dells Drive placed the site plan on the overhead again and indicated 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. Bourgeois 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. Bourgeois explained to the Commissioners, that the undisturbed open space will occur at five different locations on the site. Mr. Bourgeois located the areas on the site plan and noted that it will encompass about 17% to 20% of the site. Mr. Bourgeois indicated that the rest of the open space is in the landscaping features of the project that will be discussed later. Mr. Bourgeois 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. Bourgeois 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. Bourgeois 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. Bourgeois noted the layering effects of the plantings and the retaining walls that were described earlier in the presentation. As Mr. Bourgeois 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. Bourgeois 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. Bourgeois 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. Bourgeois 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 **eve** 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 rescinds 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 indicate that it will effect 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 where 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

SI08-002

Site Plan

Agenda # _____

The Boulders, A Prescott Retirement Center
- A Planned Area Development

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
STAFF REPORT
2/12/09 (Public Meeting)

TO: Planning Commission
FROM: Tom Guice, Community Development Director
George Worley, Assistant Director
Mike Bacon, Community Planner *GW*
DATE: 2/5/09 *MB*
SUBJECT: SI08-002 The Boulders, A Prescott Retirement Center
- A Planned Area Development
LOCATION: 910 Canterbury Lane (north of Whipple Street)
APNs: 116-19-017, -017A, -017B, -21B, -022 (±6.27 acres) Zoning: MF-H
Agent: CivilTec Engineering, 2050 Willow Creek Rd, Prescott
Owner: Arcadia Housing, LLC, c/o Bill Spring, 2305 Edgewood Dr, Sedona, AZ

UPDATE. On January 29, the Commission voted to continue this meeting until February 12 because of the late arrival of a letter from the Las Fuentes attorney of Jennings-Strouss.

Mr. Menser asked a question whether the 2003 Development Agreement contained a provision for 132 apartments. The applicant responded with the correct answer (yes); i.e. the 2003 DA# 03-201A allowed for either 132 rental units or 85 condo units; however, this DA has been superseded by the 2007 DA#2007-201C--which also allows both the same number and types of units. Mr. Menser also raised a question regarding the lengthy distance from the main parking lot to the building's main entrance. Mr. Spring, the owner, answered by stating that valet parking would be provided, and that he would not mind the City made this a requirement.

Development Agreement. The DA has been revised to modify the change of height from 45 to 49.5 feet (in order to provide an appropriate scaled architectural roof) and a provision that requires valet parking to be provided.

Jennings-Strouss letter of January 28, 2009

The owner's attorney has submitted the attached response to the Jennings-Strouss letter.

STAFF RECOMMENDATION

Staff believes that this project is superior to the previous approved 2003 site plan by offering increased building setbacks adjoining property owners along Jovian Street and Prosser Lane, architecture articulation, and non-disturbance of open space. Sun Street property owners should be pleased to see that vehicle access will only be from Canterbury. The Commission may vote on this agenda item at its February 12, 2009 meeting. Staff recommends the following Conditions of Approval as indicated in the below motion. Exhibit 'G' is attached which was not included in the prior Staff Report.

SUGGESTED MOTION:

Move to Recommend Approval of the Site Plan for the Boulders, A Prescott Retirement Community Planned Area Development SI08-002 'Exhibit' A, and subject to the City Department Comments in this Staff Memo dated 2/12/09.

CITY DEPARTMENT COMMENTS – SI08-002

The following City Department comments will all be addressed either at the time of Grading Permit or Building Permit approval:

Engineering Services

1. When Site Plans are approved by Engineering and Public Works, it is a conceptual approval only and shall not be construed as an approval to construct until the Civil Plans and Plats are approved.
2. We will need more dimensional info for circulation along with utility info at the North/West portion of the Assisted Living Parcel. It appears there may be a conflict with the existing power pole, telephone junction, access road and bridge. Please show how this will be addressed.
3. Owner information and easements shall be shown for the portion of the access road connecting Sun Street to your project and the access improvements to the adjacent residential parcel.
4. Civil improvement plan comments are noted below for ENG08-026 and ENG08-027.
5. There is significant amount of grading to prepare the site for the proposed structures. Erosion control and slope stabilization must be addressed on the civil improvement plans.
6. The project engineer (Civiltec) has made an application to FEMA for a Letter of Map Revision (LOMR) for the portion of North Granite Creek that encroaches into the site. As of this date, FEMA has not responded.

Fire Department

1. Required width of roadway shall be 26 feet. If sidewalk is to be part of this 26 feet, the sidewalk shall be at fire lane grade with no curb.
2. Add a fire hydrant in the island southwest of building 1.
3. Adjust turning radius into the canopy southwest corner of island.

Historic Preservation

1. A Class III Archeological Report is required prior to grading and site work.

Planning

1. Submission of the landscape plans for the Council Approval is for the concept only. Per the LDC, Tree Replacement calculations will be reviewed by Staff at the time of Grading Permit application, and the 80% screening / buffering requirement at the time of Building Permit application.
2. Label the site plan "A Planned Area Development".
3. If needed for the construction of this project, construction and maintenance and any other easements from the several property owners adjoining the proposed wall which abuts their property are to be submitted at the time of Building Permit Application.
4. A revised landscape plan to be submitted at the time of Building Permit Application which incorporates the following modifications:

- A. Moderate to Fast growing overstory trees, a minimum of 3-inch caliper at the time of planting, shall be planted in the residential buffer area along the western property line and the center parking island at the building entrance, in order to provide privacy protection for the single-family homes to the west. The 3-inch caliper size trees shall be the following approximate heights:
- Conifers:*
 - Blue Ice Arizona Cypress - 14'
 - Deodar Cedar - 10'
 - Rocky Mountain Juniper - 8' to 10'
 - Deciduous:*
 - Arizona Ash - 14'
 - Raywood Ash - 14' to 16'
 - Chinese Pistache - 12'
- B. Moderate growing overstory trees shall be included in the plant palette adjoining the apartment buildings along both the east and west sides of the building.
- C. Moderate to Fast growing overstory trees shall be included in the plant palette on the east side of the building.
5. All Department comments are to be met at the time of either Grading Permit and/or Building Permit Approval (as applicable).
6. The final site plan submitted for Building Permit shall be in substantial compliance with Exhibits 'A' (site plan), 'B-1' & 'B-2' (building elevations), 'C' (wall treatment and landscaping), 'D' (landscaping), 'E' (grading plans), Exhibit 'F' (Wall Height Presentation) dated January 29, 2009 on file in the Community Development Department, and Exhibit 'G' (Elevation Analysis).

Utilities Department

Sheet 2:

1. Public Utility Easements are not specified. The comments under the "Note" are not specific. The site plan has no reference to PUE boundaries.
2. The arrow pointing to the 8-inch water main at top of sheet is pointing to the wrong location.
3. The water main at the top of the sheet needs to be located so that future maintenance can be accomplished without interference with the underground water retention. Move water main placement further to the north.

Sheet 3:

1. All water service lines should call out diameter, meter and PRV.
2. All sewer service lines should call out diameter and backwater valves.
3. Public Utility Easements are not called out or specified.
4. Could not find a water service line for building number one.
5. Water and sewer line notation is not uniformly clear.
6. The fire hydrant west of building number two should be shortened back to the west so that fire line length is no farther than the back of curb and is contained within the PUE.
7. The sewer service for building number four should terminate in the sewer main not in the sewer manhole.
8. The City needs additional details and info regarding Canterbury Lane.

- A. Because of the poor condition of the existing sewer line that approaches this development from Whipple on Canterbury Lane; off site improvements are required to the sewer system. The existing sewer main is to be replaced from the existing manhole in Canterbury Lane to approximately 130LF to the south where the old clay pipe turns to ductile iron. These off site improvements need to be clearly shown.
- B. Detail is not clear for the water main connection on Canterbury Lane.

Utilities Department/Water Service Agreement

1. Pursuant to the Development Agreement No. 2003-201C, Resolution No. 3808, section 11, effective April 27, 2007, the City has agreed to allocate water for a maximum of one hundred thirty-two (132) dwellings totaling 46.2 acre feet (based upon .35 acre feet per unit). In the event that less than 46.2 acre feet of water are being utilized by December 31, 2013, then in that event the amount of potable water set aside for the Property pursuant to the Agreement shall be reduced proportionately and that unused portion shall be returned to the City's water portfolio.

Field-Ops- Solid Waste

1. See City standard commercial comments located in your P.A.C. handout.
2. Dumpster enclosures should be facing the same way so truck travels through the complex once.

CITY DEPARTMENT COMMENTS - ENG08-026

Engineering Services

Reviewer: John Lambert 777-1694/Dick Mastin 777-1273 Greg Toth 777-1622

Drainage Comments: See redline comments on plans and report;

1. Floodplain analysis (HEC-RAS) of both channels is required for existing conditions without the culvert/bridge and for proposed with the culvert/bridge is required. The 2, 10, 25 and 100 year flows should be used.
2. Please provide HGL for the outlet pipe and demonstrate that the underground pond outlet is not affected by tail-water for the 2, 10, and 100 year storms. Starting elevation should correspond with hydraulic analysis requested in above comment.
3. Pond release rates should be set at 90% of existing.
4. Please provide stage discharge and stage storage data. I could not find the information in the Pond Pack or TR20 analysis.
5. The four catch basins size and calculations for intake capacity not clearly shown. This includes drainage area, gutter flow-line slope, flow spread, basin flow depth, and basin length.
6. Revise plat to abandon all existing easements not used, and create the new easements when alignments and locations are finalized. Include open space, ingress/egress in favor of both parcels and all off-site documents/permission letters from adjacent parcels that will be required for this project to go forward.
7. Address all redline comments on plans, reports and documents or provide a statement as to why revisions are not necessary.
8. Structural engineering is required for all non-standard drainage structures (box culverts and bridges) along with retaining walls over 4ft.

9. More information and further investigation is required for the Whipple St. drainage connection, as shown it is not acceptable. Please arrange a meeting if necessary to discuss any of the above

Utilities

Reviewer: John Lambert 777-1694

1. Refer to redlines for specific comments and locations.
2. Revise waterline depth to minimize areas exceeding 3' minimum to 6' maximum criteria and location of water main to eliminate installation under bridge and box culvert. Suggest meeting with design engineer to discuss alternative alignments.
3. Refer to comments on ENG08-026 for comments regarding water and sewer reports.
4. Revise location of waterline to provide additional separation from underground storm drain detention.

Provide additional waterline connection to Las Fuentes 6" water main to north for additional redundancy and flow capability.

CITY DEPARTMENT COMMENTS - ENG08-027

Engineering Services

Reviewer: John Lambert 777-1694/Dick Mastin 777-1273/Greg Toth 777-1622

1. Engineering will need revised plat showing all abandoned easements not used and all new easements, PUE's and off site documents/permission letters etc. once utility alignments and locations have been finalized. Submit all the above info with next review or as soon as it is available
2. Structural Engineering is required for all non-standard or approved drainage details (box culvert/bridge) and all non-standard retaining walls, or CMU retaining walls over 4ft.
3. Address or comment back with explanations for all redline comments on plans, reports and documents returned for corrections.

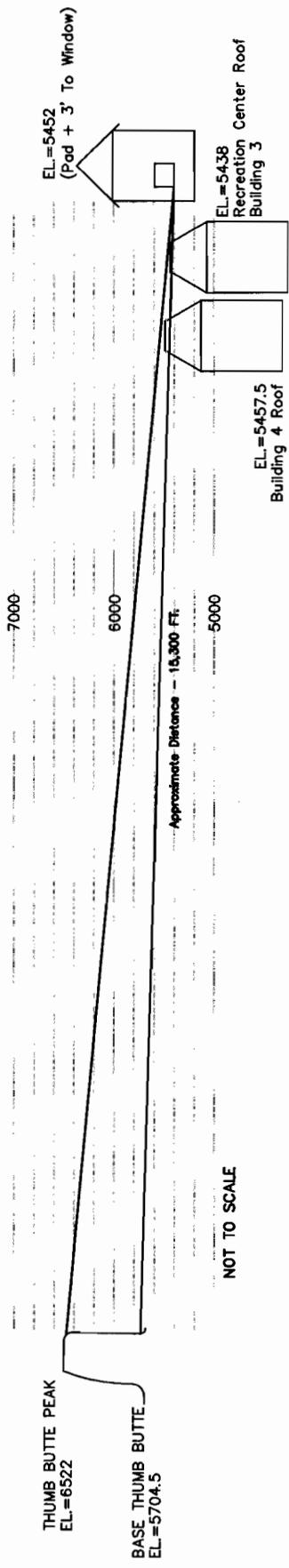
Drainage Comments

1. Subarea flow paths, flow combinations, calculations, and locations are not clear.
2. Please provide HGL for all storm sewer pipes for the 2, 10, 25, and 100 year storms. Starting elevation should correspond with connecting outflow system.
3. The catch basins size and calculations for intake capacity is not clearly shown. This includes drainage area, gutter flow-line slope, flow spread, basin flow depth, and basin length.
4. Pond release rates should be set at 90% of existing onsite flow.
5. Please provide stage discharge and stage storage data.
6. Pond discharge pipe connection to existing dual 8" pipes is not acceptable. Please check connection to existing Whipple Street storm sewer.

Utilities

Reviewer: John Lambert 777-1694

1. Refer to redlines for specific areas requiring revision.
2. Connection of both water & sewer mains into Canturbury indicates potential for significant construction and separation conflicts. Suggest moving sewer into new trench toward center of road with water also moving as shown.
3. Show new proposed storm drain on utility profiles with new sewer/water shaded back on respective profiles.
4. Service line for all new and existing meters should be shown on plan view with appropriate callouts and details, including backflow protection.
5. Revise sewer report as redlined with additional information regarding anticipated flows compared to adjacent facilities.
6. Provide total and remaining capacity calculation of downstream collection main.
7. Provide location for pretreatment and/or grease trap facility for any kitchen facilities.
8. Revise water report as redlined for "C" factors, flow requirements and system capabilities, including effects on sprinkler design an/or fire pump requirements.



NOT TO SCALE

The Boulders at Prescott
Elevation Analysis

2009
EXHIBIT 'G'

MUSGROVE, DRUTZ & KACK, P.C.
ATTORNEYS AT LAW
POST OFFICE BOX 2720, PRESCOTT, ARIZONA 86302-2720

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MARK W. DRUTZ
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GRANT K. MCGREGOR (1959-2005)

File No. PV 593-1

February 5, 2009

RECEIVED

FEB 05 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

SENT VIA E-MAIL & HAND DELIVERY

Planning & Zoning Commission
City of Prescott, City Hall
Council Chambers
201 South Cortez Street
Prescott, AZ 86303-3938

Re: Subject: *S108-002 The Boulders, A Prescott Retirement Center – A Planned Area Development*
Owners: *Forest Glen, Inc. or its duly nominated assignee*
Location: *910 Canterbury Lane (North of Whipple Street)*

Dear Chairman Wiant and Commission Members:

Attorneys for Las Fuentes Resort Village raised various issues regarding The Boulders retirement center in a letter submitted at the 11th hour. Most of the issues raised by that letter were addressed in the January 29th hearing before the Commission. Bill Spring was correct in his comment at the recent hearing that Las Fuentes' objection resembles *McDonald's* complaining about a *Wendy's* opening next door. This is graphically demonstrated by the Las Fuentes letter comments that the project is "doomed to failure" and will have a "negative impact" on the community. There have been three feasibility studies on The Boulders project, including one by HUD, all with positive results, demonstrating significant demand for senior retirement housing in Prescott. The negative impact alluded to by their attorneys, is simply rhetoric by a competitor. We will further respond to the Las Fuentes letter by section for sake of clarity.

Prior History: The "Prior History" section of the Las Fuentes letter is inaccurate in various areas. There were prior owners and prior development plans but there is only one effective Development Agreement, all prior Development Agreements having been rescinded, and that is the one dated March 27, 2007. That Agreement provides for: 132 rentals or condominiums; that the property be used for 55 year old plus residents; and that it include non-assisted living or a combination of assisted and non-assisted living. The current and only Development Agreement also provides for a height of 45' and specifies a formula for determining the required parking. Interestingly, the current and only

Development Agreement is quite similar in intent and terms to the first Development Agreement effected in November 1999, as reflected in the staff report. (It provided for 132 units of independent living or a combination of independent and assisted living.)

The previous site plan approved for this property was and is a condominium development. The present project is far superior to the approved condominium project in areas of site impact, building density, parking and traffic generated. The Owner has provided plans and elevations for The Boulders project to the City commencing in December 2007 and is proceeding as directed by City staff.

Opposition: The fact that Las Fuentes is fixed on the competitive aspect of this project is evident from the text of this section including Las Fuentes' statement that "The very issue of assisted living service raises numerous concerns." The "concerns" Las Fuentes raises relative to the assisted living vs. independent living are red herrings as is Las Fuentes' "conclusion that the owner has either not determined the exact scope of this project, or is unwilling to share that information with the City and neighbors." There have been six public meetings on the current Development Agreement and this project, and various staff of Las Fuentes were in attendance at several of them. The plans, elevations and documents submitted to the City and available to the public are quite clear as to the nature and scope of this project. The owner has even produced full architectural renderings and interior floor plans of various common areas. Indeed, Las Fuentes' assertion that the development components are unclear is belied by the fact that Las Fuentes was aware there are 88 independent living units and 44 assisted living units in the development.¹ Incidentally, Las Fuentes would know that connecting walkways between the buildings are enclosed with glass walls and heated and air conditioned if they had bothered to investigate.

Licensing: Licensing is controlled by the State of Arizona and is not relevant to the City's decision regarding site approval. However, the management company hired by Owner is licensed in Arizona and several other states.

Parking: There is sufficient parking on site. The parking provided conforms to relevant requirements, including the formula set forth in the Development Agreement.

The owner's architect, Mr. Larry Meeks, has experience on these types of projects across the United States. He made it clear in the Commission Hearing that valet parking to be provided is consistent with the trend in the industry. Mr. Bill Spring confirmed that valet service is a selling point for residents and, thus, will be provided and that he would agree to inclusion of provisions in revisions to the Development Agreement to provide valet service.

¹ Similarly erroneous is the comment that "It is also not clear the exact nature of the units."

Height Limit: The present Development Agreement provides for a 45' height limit. Owner is seeking an additional 10% or 4.5 feet to accommodate the roof design extension of the building. This design presents the more expensive but far more attractive sloped roof view facade and dormer elevations rather than a flat line parapet wall edge. This, in conjunction with the various balconies, stepped elevations and architectural features of the buildings, renders this project far more aesthetically pleasing than previous plans. Indeed, a comparison of this design to the previous monolithic condominium design demonstrates that the present design, including see through elevated walkways, presents a far less imposing view than the previous approved design. Owner has expended and/or contracted for in excess of \$700,000 in proceeding with these plans due to the understanding, dating back to December 2007, that the adjustment would be allowed.

The height adjustment allows for a superior design and does not impact Las Fuentes. Las Fuentes lies to the northwest and, due to its topography, substantially below the level of The Boulders project. Neither the project, nor its height, materially impairs any "view" from Las Fuentes.

Density Open Space Residential Buffer: This project has been approved for 132 units since 1999. The open space under the present design has shrunk somewhat due to new Fire Department requirement for 360° fire lane access around the onsite buildings. However, present designs still provide 46% open space, 21% more than the code required open space of 25%. The Fire Department's extra loop road requirements will cost the Owner between two and two and one half million dollars in extra site prep, landscaping work and paving. That site prep will include retaining walls that are stepped and landscaped. It is noteworthy that the landscaping to be provided exceeds code requirements in density and size of and materials used. Per the landscape code section, landscaped buffers are subject to variation and adjustment by the Development Director or Council when appropriate due to topography/elevation variations from neighbors on a site.

Traffic & Access: The City traffic engineer, Ian Mattingly, spoke at the hearing and clarified that the City had twice studied the traffic impact on Canterbury Street had found that a stop light is not required even if condominiums were built. The traffic impact will be far less with the senior living, including 1/3 assisted living, as planned. Sun Street is a public dedicated road and, unmentioned by Las Fuentes is that it has full access to and use of Sun Street for traffic and parking. On the other hand, the connection between the project to Sun Street is only to provide secured (chained) emergency fire access to The Boulders. The only other use sought for Sun Street is during the construction process. This will shorten the construction timeline of the project and other neighbors have voiced their support for this access for this purpose.

Federal Funding: Las Fuentes objected to inclusion of the notation in the staff report that Federal funding is available for The Boulders project. This information is pertinent because it tells the Commission that, after more than one developer and almost a decade, the project is poised to go forward. More importantly, the Owner has a deadline in April 5, 2009 in which to present full

Planning & Zoning Commission
City of Prescott, City Hall
Council Chambers
February 5, 2009
Page 4 of 4

municipal approvals and full bids (based on those approvals) to the Federal government so that the funding may proceed. Las Fuentes' 11th hour letter caused the type of last minute delay obviously intended that, if compounded, will derail this project.

Other Issues: Las Fuentes' concerns in this section are also misplaced. This project does not require any easement Agreements temporary or otherwise by or with Las Fuentes.

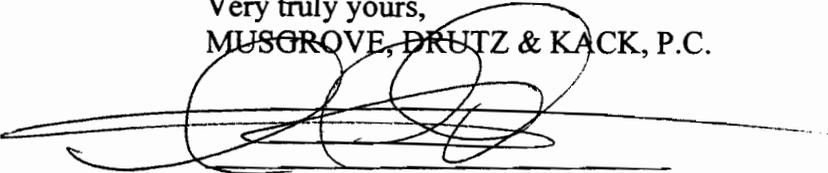
Las Fuentes' reiterated assertion that Owner has not made a commitment to a senior living project is simply wrong. It is this commitment and plan that will cause the competition to which Las Fuentes actively objects. This commitment has been apparent in the expenditure of hundreds of thousands of dollars in plans and consulting work and obtaining financing, all designed to bring this senior living project to fruition.

The alleged lack of notice is a red herring. There have been six (6) public meetings over the last two years, three on the Development Agreement and three on the plans. Notices are mailed to LFRV's address of record and City paperwork reflects notice given to LFRV at that address for the recent hearing. Regardless LFRV is aware of the project and had and has the ability to review plans and records on the same.

Conclusion: The Owners have expended and contracted to expend in excess of \$700,000 in plans, feasibility studies, and consulting to progress to the present point. This project has evolved over time and the present plans present an aesthetically pleasing and fully integrated project that is heads and tails above the previously approved site plan. This project will be a credit to the community and inject much needed business activity and real estate and rental tax revenue at a time of stagnation.

Owner respectfully requests the new site plan be approved.

Very truly yours,
MUSGROVE, DRUTZ & KACK, P.C.



Thomas P. Kack, Esq.

TPK/djh

cc: Mike Bacon
Tom Guice
Goerge Worley
Bill Spring

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GP08-005
RZ08-006

General Plan Amendment & Rezone
1711 Thumb Butte Road

Agenda # ____

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION

STAFF REPORT
2/12/09 (Public Hearing)

TO: Planning Commission
FROM: Tom Guice, Community Development Director
George Worley, Assistant Director
Mike Bacon, Community Planner
DATE: 2/4/09
SUBJECT: GP08-005 and RZ08-006
LOCATION: 1711 Thumb Butte Road
APN: 108-06-031K, -031P (±0.33 acres)
Applicant/Owner: Raymond and Lanette Hanna, 1877 Rust Oaks Lane, Prescott, AZ 86303

UPDATE. Mr. Hanna, the applicant, is requesting a continuance of the Public Hearing until April 9 because he will be out-of-state in February and March (see attachment). He also wishes to limit the uses on-site within the proposed RO zone to General Offices and Single-Family use. This could be accomplished with a City Council approved Development Agreement. His 2 letters are attached along with proposed building elevations and copies of a recorded agreement with the City which conveyed easements for trails and landscaping. The proposed building is outside of these easements.

STAFF RECOMMENDATION

Because this is a scheduled Public Hearing, it is recommended that the Commission take any public comments at this time.

Staff recommends continuance of both of these agenda items to April 9, 2009.

SUGGESTED MOTION:

1. Move to Continue General Plan Amendment GP08-005 and Rezone RZ08-005 to April 9, 2009.

GP08-005
RZ08-006

General Plan Amendment & Rezone
1711 Thumb Butte Road

Agenda # _____

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
STAFF REPORT
2/12/09 (Public Hearing)

TO: Planning Commission
FROM: Tom Guice, Community Development Director
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DATE: 2/4/09
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Staff recommends continuance of both of these agenda items to April 9, 2009.

SUGGESTED MOTION:

1. Move to Continue General Plan Amendment GP08-005 and Rezone RZ08-005 to April 9, 2009.

Dear Mr. Chairman.

February 3, 2009

I attended the Planning and Zoning Commission meeting held on 1 / 29 / 09.

I was also at a prior meeting officiated over by Mr. Mike Bacon in the City Council chambers On Wednesday, January 21st. This was attended by approximately forty of my neighbors. Those in attendance were there because they are part of a group concerned with the fact that Mr. Ray Hanna proposes to construct a criminal law office, a commercial building, on the corner of Thumb Butte Road and Sherwood Street.

Yesterday before the Commission, Mr. Hanna spoke softly and humbly and acted very much the part of a gentleman. At last Wednesday's meeting he sat up in front of our group with a continual smug look on his face. When questioned about his intentions, he would often give a smart answer. We were told by him that he planned to build his office and there was little we could do to stop him. Call it what you will. He in so many words threatened the group by saying if we didn't allow him to do as he pleased, he would build a residential home and turn it into a halfway house. He was very insulting in the delivery of his proposals.

This is a quiet neighborhood that has been only single family residences for over 50 years. My home was built in 1958. I and many of my neighbors take daily walks in the comfort of the fact that other folks in the area are conscious that this is a common occurrence. Please consider this when making your recommendation to the City Council.

Thank you,



Ross Hilmoe
1831 Meadowbrook Road
Prescott, AZ 86303
(928) 771-8604

RECEIVED

FEB 03 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

RECEIVED

January 27, 2009

City of Prescott
Planning and Development Department
Attention: Mike Bacon
201 S. Cortez
Prescott AZ 86303

JAN 29 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

Reference: Case #GP08-005 and AZ08-006, 1711 Thumb Butte Road

We are opposed to the rezoning of the above mentioned property.

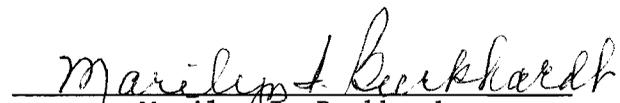
- o Mixed zoning will drop the values of our homes. We chose this area as a very comfortable one for a residence, beautiful landscape and do not want to business regardless of how small, in our community.
- o A criminal lawyer would bring in undesirable cliental. The client or person bringing them to the lawyer will be able to size up our homes and the crime rate will increase.
- o Children will not be as safe to walk and ride bicycles with criminals in the area.
- o Entrance to this office will be on Sherwood Dr. This is a very narrow street. If vehicles are parked on this street, it presents a problem with children walking to and from the bus stop. Also emergency vehicles. Construction workers will be parking on this street too.
- o Sherwood Dr. serves as an outlet for this large residential area. The other one, Butte Canyon, is also a bad exit with speeding traffic. When exiting Sherwood Dr. caution is required as the curve to the west on Thumb Butte and the speeding vehicles. Children's bus stop is on the southwest corner of this intersection.
- o R0 zoning would open up the opportunity for surrounding parcels to become various other commercial businesses or services, bringing much heavier traffic.
- o Even though Mr. Hanna does not anticipate large numbers of clients and vehicles he has stated he will eventually sell this property and building.
- o If it is not approved for R0 he plans to build a residence, 4-5 small bedrooms. It could also be higher than a single story home, with unlimited square footage.
- o The tear drop shape and size of this property is not a very desirable lot for anything other than open space; boulders, creek and trees. A visit to this property would confirm our feelings.
- o We are questioning any signage and lighting that might affect the sourrounding property owners.
- o At our previous meetings, the property owner's facial expressions and mannerisms convey a complete disregard to the entire residential community involved in this project.

We respectfully ask that this rezoning request be denied.

Thank you for your consideration.



William R. Burkhardt



Marilyn I. Burkhardt

RECEIVED

JAN 30 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT
January 29, 2009

Joan M. Gustafson
1889 Sherwood Cr.
Prescott, AZ 86303
(928)-830-5744

City of Prescott
Planning & Zoning Commission

Re: GP08-005, 1711 Thumb Butte Road and RZ08-006, 1711 Thumb Butte Road

Dear Planning and Zoning Commission:

Thank you for taking the time to consider my letter. I could find no notice of the first meeting January 21, 2009 on your website. Due to extenuating circumstances I will unfortunately miss the January 29, 2009 meeting as well. The lack of notification of that first meeting is disheartening and sets a bad tone for an honest sharing of ideas.

The referenced property currently serves as the only natural barrier between Forrest Village and Hassayampa Road. It provides beautiful natural structure to both neighborhoods. Leveling and removing formations would be a detriment to all. The homes in Forrest Village were built among the trees and boulders. This is our heritage that must be preserved.

Forrest Village is a stable neighborhood with very low crime and where children are safe to play, and walk to and from the bus stop by the referenced property. Already the access from Forrest Village to the Prescott Town Square is hampered by a lack of bike and foot access along Thumb Butte Road in the referenced area. Adding commercial zoning would reduce the safety of our citizens and diminish our accessibility to our community. Please place our safety and access above the interests of one individual.

Attached is the public record whereby Mr. and Mrs. Wist grant the metes and bounds easement to the City of Prescott, instrument number 1968491. Both the Wists and the City agreed that the easement would serve as 1) a public trail, and 2) roadway purposes, underground utilities and landscaping. The City of Prescott agreed that no buildings would be built on the easement. The number one priority of the agreement was for a public trail. The City is in remiss for the lack of a public trail running south along the referenced property and Sherwood Drive from Thumb Butte Road.

The neighborhood streets of Forrest Village are full of walkers young and old, with pets and not. This is our neighborhood and we respectfully request that you respect our desire to maintain our specific character and heritage. Please do not change the zoning to fit one person's use.

Respectfully submitted,



Joan M. Gustafson

January 31, 2009

City of Prescott
Planning and Zoning Commission
201 S. Cortez
Prescott, Az 86303

RECEIVED

FEB 03 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

Dear Commissioners:

Ref: Rezoning Request for 1711 Thumb Butte Rd

We have lived here at 1979 Sherwood Drive since 2000 and strongly urge you not to approve this rezoning request. We have made a large investment in our home here and think that this neighborhood should remain single family. This is not the right place for an office building. The property on the opposite corner is rental property and they would sure be the next to request rezoning for their parcel.

We urge you to please preserve this neighborhood and retain the single family zoning.



Ronald J. Barbour
1979 Sherwood Dr



Sharon A. Barbour
1979 Sherwood Dr

RECEIVED

FEB 05 2009

February 5, 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

To the Planning & Zoning Committee:

I am writing in regard to Ray and Lanette Hanna's request for the rezoning of lots APN# 108-06-031K & 108-06-031P from Single Family SF-9 to Residential Office.

As a commercial realtor practicing in the Prescott area, I am writing to state that if the Planning & Zoning Committee allows spot rezoning for an office building amidst an older, lovely, stable and established residential neighborhood, it will negatively impact the surrounding residences and the neighborhood as a whole. Other nearby properties may then request and expect to be granted the same rezoning. As a change of use for these other neighboring residences occur, there will be a deterioration of the neighborhood. This will cause an eventually lowering of value for the surrounding properties. It is my understanding that it is against statute for the Hanna's to profitably gain from a rezoning of their property to the detriment of the surrounding properties.

It is strongly recommended that no spot rezoning or change of use from Single Family to Residential Office be allowed in the Country Club Park neighborhood, or that an allowance be made to amend the General Plan to accommodate Hanna's request. The General Plan was formed the way it is to protect the neighborhood and, specifically, to avoid this type of use.

I understand that Hanna stated that he wants the best use of the land for the city. Therefore, it should definitely be kept open space and made an extension of Strickland Park in order to maintain and preserve the character and beauty of Prescott.

Sincerely,

Karen Klabacha, CCIM

RAYMOND A. HANNA, P. C.

ATTORNEY AT LAW



POST OFFICE BOX 2299
PRESCOTT, AZ 86302

February 11, 2009

(928) 771-9050

City of Prescott
Community Development Department
Planning and Zoning
c/o Mike Bacon
George Worley
201 South Cortez Street
Prescott, Arizona 86302

RECEIVED

FEB 09 2009

CITY OF PRESCOTT COMMUNITY DEVELOPMENT

RE: General Plan Amendment/Rezoning Request
Parcel: 108-06-031K
1711 Thumb Butte Road

Dear Sir:

Enclosed are four elevations for the proposed Residential Office at 1711 Thumb Butte Road. Your applicant is prepared to enter a Developmental Agreement to build this building as a part of his application. Residential Offices are designed to appear "residential" in nature.

Entering into a Developmental Agreement may assist City Planners and Planning and Zoning in adopting a recommendation for the proposed "minor" amendment. More importantly, to dispel any false fears about what type of building I would build, it may in fact be better to "have the devil you know, than the devil you do not know". Allow me to address two concerns raised by neighbors at the public Planning and Zoning meeting.

First, criminals do not visit my office. I have a contract to handle public defender overflow from Yavapai County. The individuals charged in virtually every case are in custody or their matters are handled when they appear at the Yavapai County Superior Court, Early Disposition Court. In fact, since my first Community Meeting, and my second City Community Meeting, I only have had the occasion to meet with three clients at my office downtown. These were for civil cases, not criminal cases. Any assertion that criminals visit me in my office is not true.

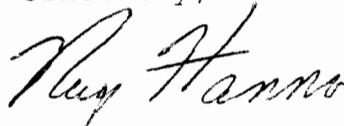
Second, the assertion that a building at this lot interferes with School Bus traffic was addressed by the City of Prescott and the Prescott School District officials. According to the Community Development - Planning & Zoning Division, Planning & Zoning Commission Staff Report, students are "picked up from the south side of Thumb Butte just west of Sherwood in the shoulder area. The development site is across the street from this area and would not impact this operation. Additionally, the development of such a small site would likely product very low increases in traffic, allowing the existing roadway network and traffic control configurations to adequately handle this change ". It is clear that a building would not interfere with any school bus. In any event, a Residential Office will create less traffic impact than a Home, particularly one that is a group home or a seasonal rental home.

RE: General Plan Amendment/Rezoning Request
Parcel: 108-06-031K
1711 Thumb Butte Road
February 11, 2009
PAGE TWO

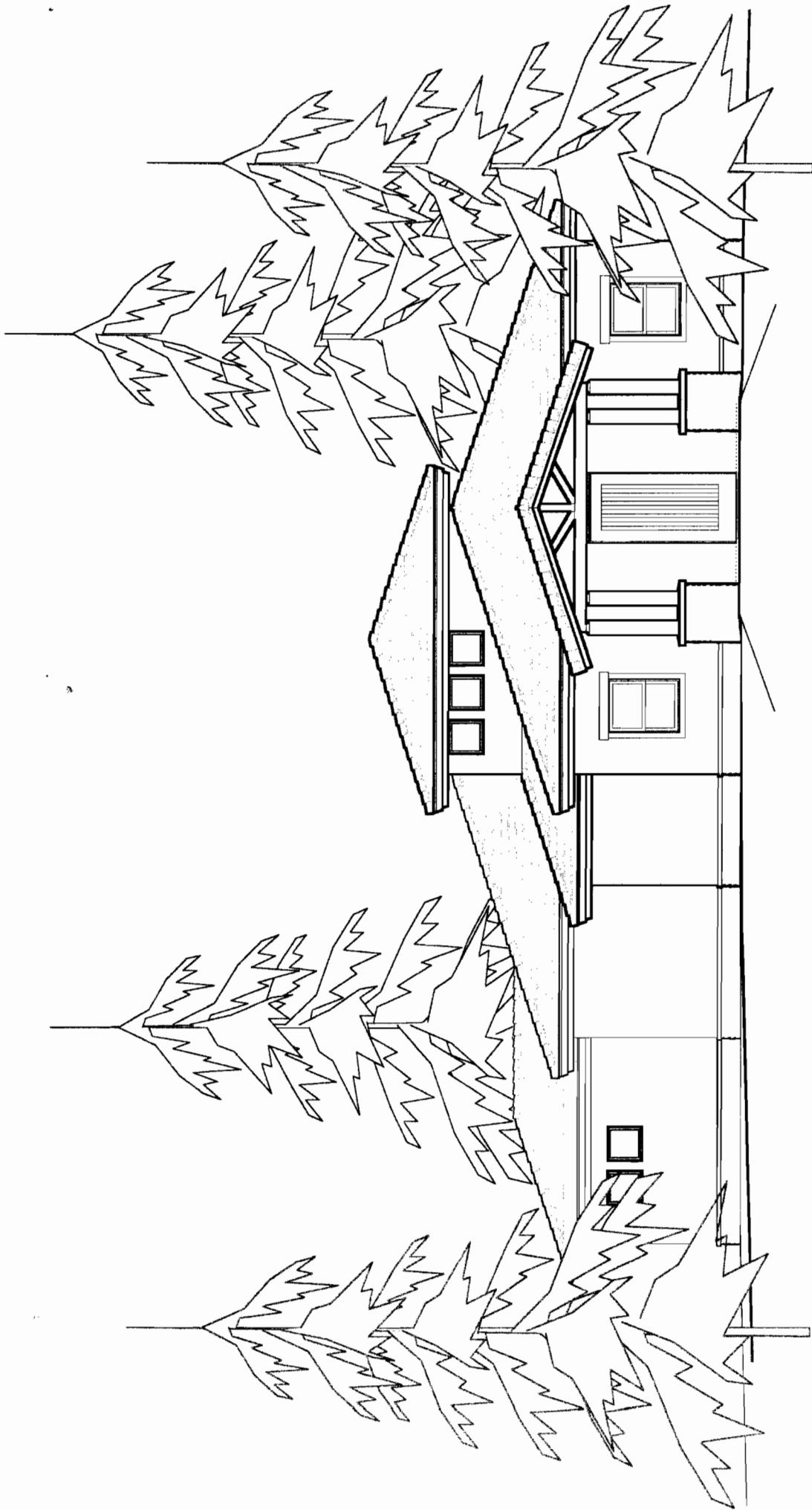
I have a sincere desire to enter into a Developmental Agreement that will ensure that neighbors of Sherwood and Hassayampa, City Planners, Planning and Zoning and the City of Prescott have a say in what is built on 1711 Thumb Butte Road. I also have a sincere desire to build a structure that conforms and adopts the building code and design of the Hassayampa community. The first structure visitors will see as they turn on to Hassayampa Village Lane behind the stone Hassayampa sign will be my building.

As a part of any recommendation and the adoption of a Developmental Agreement, we can be proactive and compliment the empty lot located between Thumb Butte Road, Hassayampa Village Lane and Sherwood Drive.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Hanna". The signature is written in a cursive, flowing style.

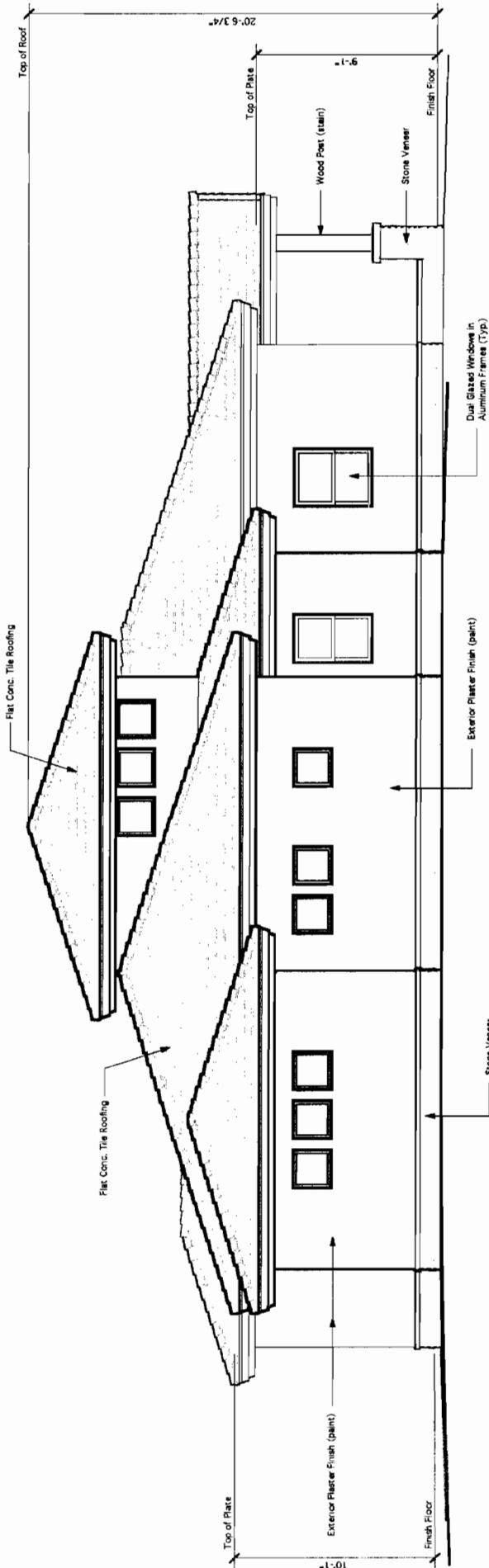
Raymond A. Hanna



SOUTH ELEVATION

1/8"=1'-0"

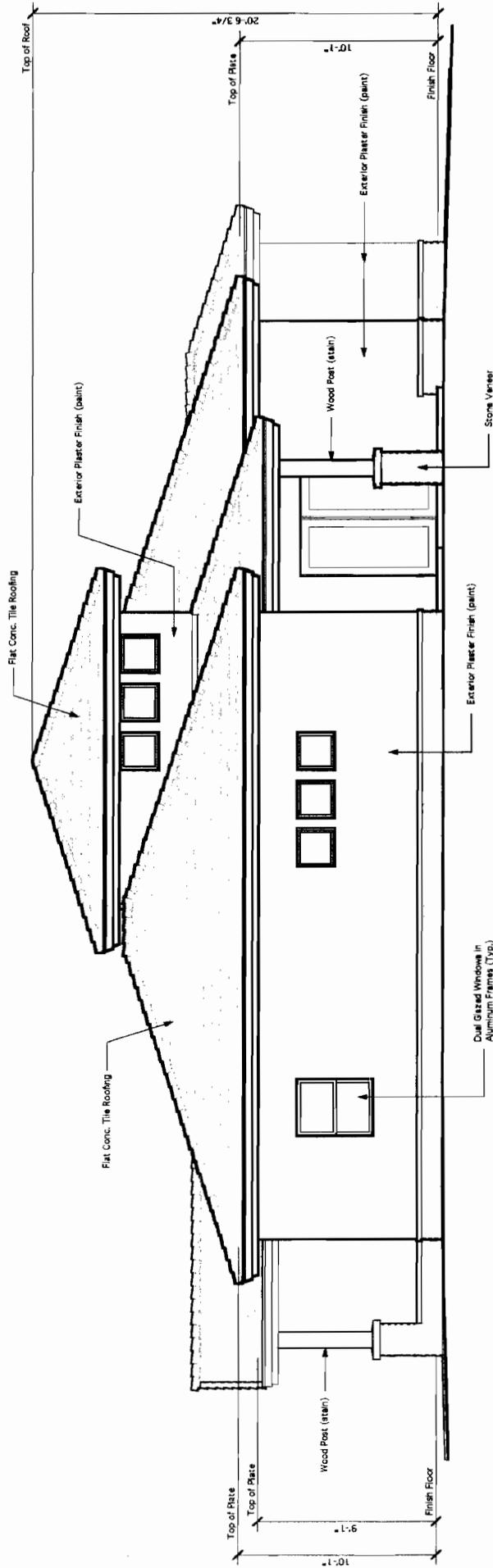
Glenn Olsen Architect



WEST ELEVATION

1/8"=1'-0"

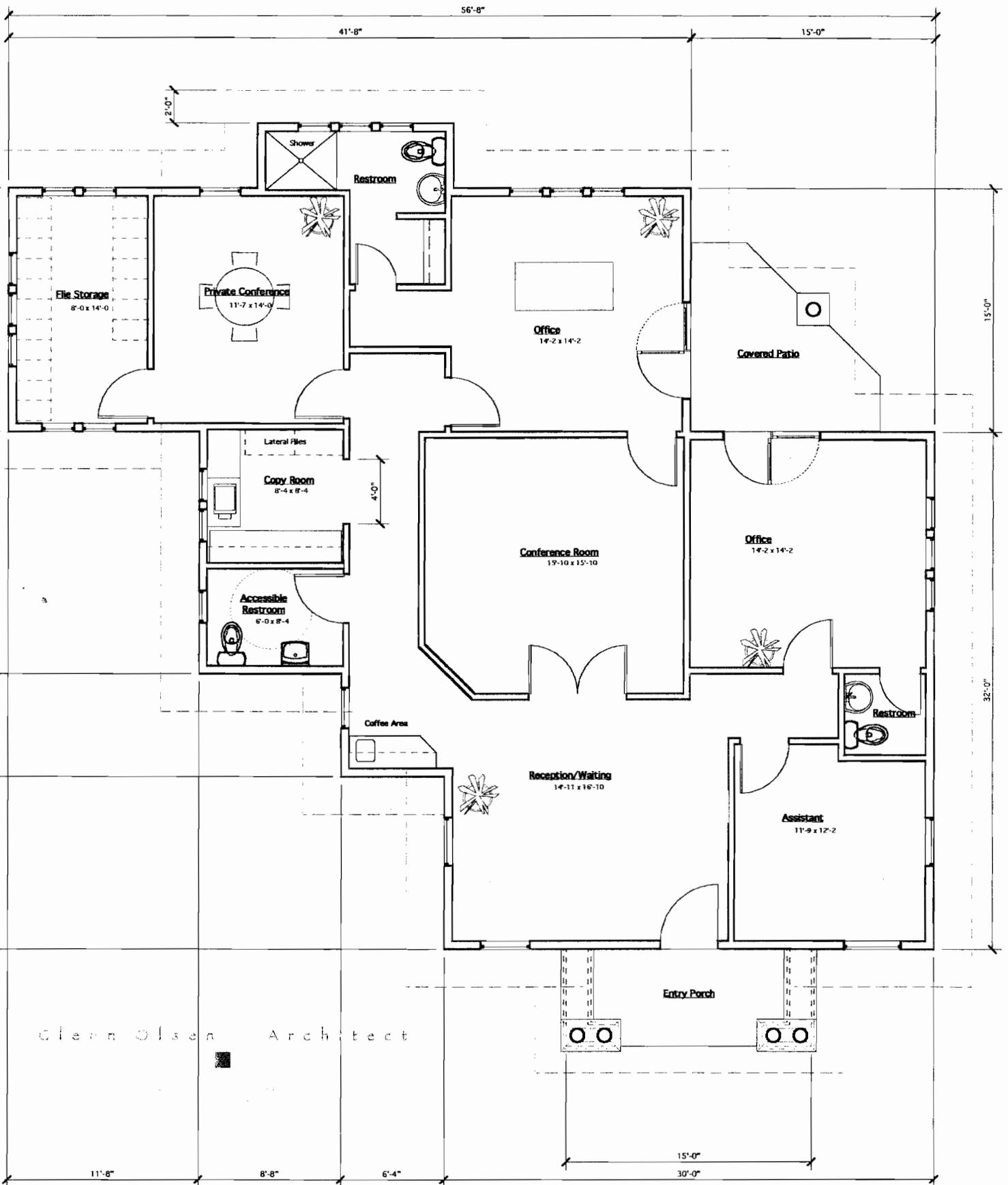
Glenn Olsen Architect



EAST ELEVATION

1/8"=1'-0"

Glenn Olsen Architect



Clerk Olsen Architect



FLOOR PLAN

Plan North

Building Area = 1,838 Sq. Ft.

1/8" = 1'-0"

RAYMOND A. HANNA, P. C.
ATTORNEY AT LAW



POST OFFICE BOX 2299
PRESCOTT, AZ 86302

(928) 771-9050

February 2, 2009

City of Prescott
Community Development Department
Planning and Zoning
c/o Mike Bacon
George Worley
201 South Cortez Street
Prescott, Arizona 86302

RE: General Plan Amendment/Rezoning Request
Parcel 108-06-031K

Dear Sir:

To further demonstrate my desire to work with City Planners and Community Neighbors and to limit any use of the property at 1711 Thumb Butte Road to the absolute minimum "Residential Office" use, I would like to amend my request to Amend the General Plan and my request to rezone the property, to include the specific restriction that if granted Residential Office (RO) zoning, any use be LIMITED to that of an "Office". I would also like this matter continued to the April 9, 2009 calander to confirm and consider my representations.

Specifically, I would like to EXCLUDE any possible use(s) for Colleges or Universities, Convents, Monasteries, Day Care Center (8 persons), Day Care, Home-based 5-8 persons), Libraries, Medical Clinics & Offices, Museums, Park or Nature Preserves, Places of Worship, Churches, Playgrounds, Private Clubs or Lodges, Schools, public or private 9-12, Schools, public or private K-8, Telecommunications Facilities, Utilities, Major, Utilities Minor, Utilities Installations & Services, Art Gallery, Artisan or Photographic Studio, Barber and Beauty Shops, Tanning, Masseur, Book Stores, Convenience Stores, Florist Shops, Funeral Homes, Pack and Ship Stores, Parking Lot, Stand Alone, Personal Services, Pet Grooming, Repair Shops, Minor (Small Appliances, Shoes, etc.) or Studios, Dance or Music.

As a practical matter, this property would not be suitable for any of the above uses. I hope by amending my request to the above guidelines I will establish that I and any successor owners will only be able to use the property at 1711 Thumb Butte for an Office for either an Accountant, Attorney, Financial Advisor, or other suitable professional services requiring the very limited use of an office. More importantly, these types of services are typically available from 9:00 a.m. to 5:00 p.m., with lower traffic impact than residential zoning and will allow any building located behind the stone Hassayampa sign to compliment the Hassayampa and Sherwood neighborhoods with no traffic after-hours or during the weekends.

RE: General Plan Amendment/Rezoning Request
Parcel 108-06-031K
1711 Thumb Butte Road
PAGE TWO

I also wish to demonstrate to the Planning and Zoning Commission and my neighbors of my honest desire to work with the City of Prescott, its Staff, and my neighbors to maintain the character of the City of Prescott and both the Hassayampa and Sherwood neighborhoods.

This amended request is an extremely limited one because anybody could already elect to "live" in any structure with the existing SF-9 zoning and operate his "home office" out of his residence. The only requirement is that his "home office" must be "incidental" to his residential use and that traffic cannot be materially increased. In short, an Attorney, Accountant, or Financial Advisor, can already live in the proposed structure and operate his business without any zoning changes from the existing SF-9 zoning. The only downside to the professional is the inability to display a sign. This is less important to solo practitioners, Accountants, or Financial Advisors with an existing client base.

My proposal and amendment would ensure that ONLY an "Office" may be located at this property and that existing homes in the area will know that none of the above unusual uses could be employed. It also ensures that the lot in question will not be turned into a Group Home or seasonable Rental Home should I not get the requested zoning amendment. More importantly, the property will be developed in an extremely limited fashion that will not effect the existing neighborhoods. Often, with a proactive recommendation, the Planning and Zoning Commission can help discourage what might otherwise be a more undesirable structure.

I have also enclosed a copy of the legal description when the Wist Family Trust sold the property now known as the entrance of Hassayampa Village Lane. (**Enclosure One**) Parcel 108-06-031K became a lot in "transition" when the City of Prescott allowed a new lot to be surrounded by the three busy streets, Thumb Butte Road, Hassayampa Village Lane and Sherwood Drive. Accordingly, it is not "spot zoning" when a property owner seeks to rezone the property consistent with a change in the surrounding environment. Generally, spot zoning is considered arbitrary, capricious and an unreasonable use of property. It is disfavored under the law because it is considered a "**major**" deviation from the General Plan and because it often improperly benefits one individual. In the instant case, your applicant has sought a very restricted "**minor**" amendment, has agreed to the extremely limited use as an "office" and has specifically sought to specifically exclude many other potential undesirable unusual uses. Your applicant has also agreed to embrace any design recommendations or guidelines by City of Prescott Planners.

RE: General Plan Amendment/Rezoning Request
Parcel 108-06-031K
1711 Thumb Butte Road
PAGE THREE

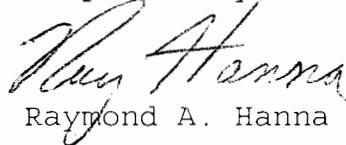
The duties of the Planning and Zoning Commission are to hold public meetings and make recommendations to the City Council on all matters relating to the creation of zoning districts, amendments to all zoning ordinances and any other matter within the scope of zoning power in the City of Prescott. In short, it is to make a "reasoned" recommendation to the City of Prescott.

When the City of Prescott allowed the Hassayampa Community to obtain ingress and egress through Hassayampa Village lane, the remaining lot Parcel 108-06-031K was assigned SF-9 zoning, the closest zoning available. The City of Prescott, however, allowed a residential lot to be surrounded by three busy streets. This lot had previously been considered "open space" and was thereafter thrown in "transition". It is unlikely that any of the current Commissioners were present or a part of the recommendation that allowed the Hassayampa Plan's approval and the creation of Hassayampa Village Lane. **It is however, appropriate and time for the Commission to make a recommendation that benefits the changed landscape.** This takes political courage, especially when private citizens are not willing to listen or take advice from City Staff members. The recommendations of the Planning and Zoning Commission are not designed to benefit or deprive either the applicant or the surrounding property of neighbors. The recommendations are suppose to be "reasoned" recommendations based on all of the facts. With this in mind, I hope that the Planning and Zoning Commission will adopt the applicant's amended more restrictive application for a limited Residential Office zoning.

Your applicant will be in Boston on February 12, 2009 for the National Counsel of Bar Presidents and in Chicago for the American Bar Association on ~~April~~ ^{March} 12, 2009. Your applicant proposes that, if necessary, that this matter be taken off of the February and March calendar to study, confirm and consider Applicant's representations and how the new amended application may influence the Commission's recommendations to the City of Prescott.

Your applicant has respectfully limited his proposed use to the absolute minimum use as an "office", has accepted more restrictive set-backs, adopted any and all design recommendations and guidelines. Your applicant also has approached this process with an open mind and willingness to accept the recommendations and guidance of the City of Prescott Planners and Neighborhoods. Your applicant will be available during the Commission's April 9, 2009 meeting or will have his proposed builder and architect available during the February or March meetings.

Respectfully submitted,


Raymond A. Hanna

w/c Martin Wist

AUSH

A G R E E M E N T


 INSTRUMENT # 9217317
 OFFICIAL RECORDS OF
 YAVAPAI COUNTY
 PATSY C. JENNEY
 REQUEST OF:
 MARTIN WIST
 DATE: 04/29/92 TIME: 11:40
 FEE: 0.00 SC: 4.00 FT:
 BOOK 2478 PAGE 139 PAGES: 008

This AGREEMENT, made and executed this 28th day of April, 1992, by and between MARTIN E. WIST and DAVID L. WIST, as co-Trustees of the Wist Family Trust Dated March 2, 1987, and MARTIN E. WIST and MARION R. WIST, husband and wife, and DAVID L. WIST and ILEENE WIST, husband and wife,

W I T N E S S E T H:

1. Martin E. Wist and Marion R. Wist, husband and wife, hereinafter called "Martin," intend to become joint owners of the property described on Exhibit A, attached hereto and made a part hereof by reference.

2. David L. Wist and Ileene Wist, husband and wife, hereinafter called "David," intend to become joint owners of the property described on Exhibit B, attached hereto and made a part hereof by reference.

3. For their mutual benefit, the parties intend and agree that the restrictions and benefits hereinafter set forth shall attach to each parcel of real property so as to enhance the benefit and value of said parcel for Martin and David and for all future owners and successors in interest to Martin and David.

NOW THEREFORE, in consideration of the mutual covenants, restrictions and rights hereinafter described, IT IS AGREED by and between the parties hereto as follows:

LK	11
WV	24
PL	15
	21
1/2	

A. That Martin shall have an easement and right of way, as described on Exhibit C attached hereto and made a part hereof by reference, across the property of David, described on Exhibit B. Said easement and right of way shall be for the use and benefit of a single family residence on the property of Martin, described on Exhibit A attached hereto. Said easement and right of way shall be for the joint use of Martin and David to provide ingress to and egress from the home of David and also to a single family residence on the property of Martin. Said driveway enables David and will enable Martin to have access to Thumb Butte Road. Said right of way shall not be fenced or otherwise improved in a manner which would restrict access thereto and use thereof by David. Cost of building and maintaining the extension from the existing roadway west to the property of Martin will be paid by Martin and will be built in a manner as to cause minimal damage to the environment. Any damage to any part of the roadway caused by construction vehicles during construction on the property of Martin shall be satisfactorily repaired by Martin.

B. Martin shall have an underground easement and right of way for electricity, telephone, and television cable services from the center, approximately, of the property of David (Exhibit B), extending westerly to the property of Martin (Exhibit A). The course of said easement shall be defined and recorded after the underground conduit has been installed. Care will be exercised to minimize environmental damage to the property of David. Any above ground services and equipment shall be located

so as to be as non obstructive and unobtrusive as possible.

C. David covenants and agrees not to grant or convey any part or portion of the property described on Exhibit B for a roadway or right of way between Thumb Butte Road and the property lying South of the land described on Exhibit B.

D. Martin and David covenant and agree that no permanent improvements shall be constructed on the land described on Exhibits A and B within thirty feet of the dividing line for said properties; i.e., the East thirty feet of the land described in Exhibit A and the West thirty feet of the land described in Exhibit B, except that, upon mutual agreement, fencing and landscaping may be built or installed in this sixty-foot buffer area.

E. Martin and David covenant and agree that each hereby grants to the other a first right of refusal to buy and to purchase the property of the other if either decides to sell his property. The selling party shall give the other party written notice of the acceptable terms of a prospective sale, and the right to purchase shall cease and terminate if not accepted in writing within thirty days after the offer to sell is delivered by the selling party to the other party.

F. All the foregoing covenants, conditions and restrictions, and the foregoing easements and rights of way shall run with the title to the properties described on Exhibits A and B, and shall be binding upon the parties hereto, their heirs, successors, and assigns.

IN WITNESS WHEREOF the parties hereto have set their hands upon this agreement as of the day and year first above written.

MARTIN E. WIST AND DAVID L. WIST
AS CO-TRUSTEES OF THE WIST FAMILY
TRUST DATED _____

By Martin E. Wist Co-Trustee
MARTIN E. WIST, Co-Trustee

By David L. Wist Co-Trustee
DAVID L. WIST, Co-Trustee

Martin E. Wist
MARTIN E. WIST

Marion R. Wist
MARION R. WIST

David L. Wist
DAVID L. WIST

Ileene Wist
ILEENE WIST

STATE OF ARIZONA)
)
County of Yavapai)

The foregoing agreement was acknowledged before me this
2nd day of April, 1992, by MARTIN E. WIST and DAVID L.
WIST, Co-Trustees of The Wist Family Trust Dated _____.

H. J. Wolfmeyer
Notary Public

My commission expires:
April 15, 1995

STATE OF ARIZONA)
County of Yavapai)

The foregoing agreement was acknowledged before me this
28th day of April, 1992, by MARTIN E. WIST and MARION
R. WIST, husband and wife.

SEAL

H. J. Wolfenget
Notary Public

My commission expires:

January 6, 1995

STATE OF ARIZONA)
County of Yavapai)

The foregoing agreement was acknowledged before me this
28th day of April, 1992, by DAVID L. WIST and ILEENE
WIST, husband and wife.

SEAL

H. J. Wolfenget
Notary Public

My commission expires:

January 6, 1995

EXHIBIT A

Legal Description
Westerly 1/2 of Wist' Property

All of Lot 4, Section 5, Township 13 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona described as follows: Beginning at the Northwest corner of said Section 5 and thence running South 0°31'08" West along the westerly line of said Section 5 for 158.23 feet to the True Point of Beginning of this description and a 1/2" re-bar; Thence South 0°31'08" West along said westerly line of Section 5 for 1153.16 feet to the Southwest corner of this parcel and a found 1/2" pipe; Thence North 89°10'51" East for 508.00 feet to a set 1/2" re-bar and Southeast corner of this parcel; Thence North 1°00' East for 838.72 feet to the Northeast corner of this parcel and being a 3" Yavapai County Brass Cap on the southerly R/W line of Thumb Butte Road at P.T. Station 21+91.15; Thence North 79°03'33" West along said southerly R/W line for 9.03 feet to a 3" Yavapai County Brass Cap at P.C. Station 22+00.15; Thence along a curve to the right for 231.37 feet to a 3" Yavapai County Brass Cap at P.T. Station 24+20.01, curve data is as follows: Delta = 28°23', R=502.47 feet, L=231.37; Thence North 52°27'28" West along said southerly R/W line for 356.09 feet to a set 1/2" re-bar; Thence South 64°01'50" West for 13.38 feet to the Point of Beginning. This parcel contains + or - 11.4975 Acres.

EXHIBIT B
Legal Description
Easterly 1/2 of Wist Property

All of Lot 4, Section 5, Township 13 North, Range 2 West, Gila and Salt Base and Meridian, Yavapai County, Arizona described as follows: Beginning at the Northwest corner of said Section 5 and thence running South $0^{\circ}31'08''$ West along the westerly line of said Section 5 for 158.23 feet to a 1/2" re-bar; Thence South $0^{\circ}31'08''$ West along said westerly line of Section 5 for 1153.16 feet to a 1/2" pipe; Thence North $89^{\circ}10'51''$ East for 508.0 feet to a 1/2" re-bar and True Point of Beginning of this description, also being the Southwest corner; Thence North $89^{\circ}10'51''$ East for 646.02 feet to a found 3/8" re-bar and Southeast corner of this parcel; Thence North $5^{\circ}18'20''$ West for 844.37 feet to a found boat spike and Northeast corner of this parcel also being a point on the southerly R/W line of Thumb Butte Road at P.T. Station 16+40.86; Thence South $89^{\circ}15'$ West along said southerly R/W line for 15.0 feet to a 3" Yavapai County Brass Cap at P.C. Station 16+55.86; Thence along a curve to the left for 261.04 feet to the P.T. Station 19+19.19. curve data is as follows: Delta = $5^{\circ}16'$, R=2839.79', L= 261.04' ; Thence South $83^{\circ}58'24''$ West along said southerly R/W line for 57.98 feet to a 3" Yavapai County Brass Cap at P.C. Station 19+77.19; Thence along a curve to the right for 221.43 feet to a 3" Yavapai County Brass Cap at P.T. Station 21+91.15 and Northwest corner of this parcel, curve data is as follows: Delta = $17^{\circ}07'$, R=741.20 L=221.43'; Thence South $1^{\circ}00'$ West for 838.72 feet to the Point of Beginning. This parcel contains + or - 11.4882 Acres.

EXHIBIT C

Legal Description
for 15' Access Easement

All of that portion of Section 5, Township 13 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona described as follows:

Beginning at the North 1/4 corner of said Section 5 and thence; South 72°23'15" West for 1640.18 feet to boat spike and northeast corner of the Wist Tract also being on the southerly right-of-way line of Thumb Butte Rd. at station 16+40.86; thence South 89°15' West for 15.0 feet to the P.C. of a curve to the left at station 16+55.88 center line curve data is as follows: delta = 5°16', D=2°, L=283.33; thence along said curve to the left for 261.04 feet to the P.T. of said curve at station 19+19.19; thence South 83°58'24" West for 58.0 feet to the P.C. of a curve to the right at station 19+77.19, center line curve data is as follows: delta = 17°07', D=8°, L=213.96; thence along said curve to the right for 72.5 feet to the True Point of Beginning of this description; thence South 21°38'32" West for 161.69 feet; thence South 4°46'21" West for 37.53 feet to the P.C. of a curve to the right, center line curve data is as follows: delta = 74°11'40", R=50', T=37.81'; thence along said curve to the right for 64.75 feet to the P.T. of said curve; thence South 78°58'01" West for + - 44.96' to a point on the westerly line of the Wist property split and end of this easement.

This easement is 15 feet wide, 7.5 feet on each side of the above described center line.

BOOK 2478 PAGE 146

When Recorded Mail To:

City / Holder



INSTRUMENT # 9551637
OFFICIAL RECORDS OF
YAVAPAI COUNTY
MARGO W. CARSON
REQUEST OF:
CITY OF PRESCOTT
DATE: 10/06/95 TIME: 09:30
FEE: 8.50 SC: 4.00 PT:
BOOK 3088 PAGE 860 PAGES: 014

DR	TEE
	2.50
7.00	
	8.50
PET	85
	31
	12.50

Caption: *Agreement #95-105 HVC, LLC / Desert Iron*

DO NOT REMOVE
THIS IS PART OF THE OFFICIAL DOCUMENT

BOOK 3088 PAGE 860

#95-105

AGREEMENT

WHEREAS the City of Prescott (hereinafter referred to as "Prescott") is desirous of having constructed a connector road to connect Copper Basin Road to Thumb Butte Road (hereinafter referred to as the "Connector Road") and

WHEREAS Hassayampa Village Community, L.L.C., and/or Desert Troon Investments, Inc., (hereinafter collectively referred to as "Troon") is obligated pursuant to a Development Agreement with Prescott to obtain the necessary rights of way (or to reimburse Prescott for said rights of way), and to construct the foregoing connector road; and

WHEREAS a portion of the foregoing roadway traverses certain property owned by the MMW Trust (hereinafter referred to as "Wist"); and

WHEREAS the foregoing parties wish to enter into an agreement providing for the conveyance of certain property for roadway purposes, to insure the construction thereof, and to provide for the payment of same; and

WHEREAS Prescott is obligated, pursuant to a Development Agreement with Troon which has been duly approved and entered into by Prescott and Troon, to initiate condemnation proceedings to obtain the necessary rights of way for the foregoing connector road; and

WHEREAS Wist is entering into this Agreement under threat of condemnation.

NOW, THEREFORE, in consideration of the covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each party to the other, it is hereby agreed as follows:

1. OBLIGATIONS OF WIST:

A. Wist shall convey to Prescott, by warranty deed, free and clear of any and all encumbrances, that property more particularly described in Exhibit "A" as "the connector road", attached hereto and made a part hereof, for public roadway and ancillary public purposes, for the primary purpose of enabling Prescott to construct or have constructed the Connector Road.

B. Wist shall convey to Prescott a ten foot perpetual easement for public roadway purposes, underground utilities and landscaping, to be located adjacent to the property described in Paragraph 1(A), and as more particularly described in the attached Exhibit "A".

C. Wist shall convey to Prescott a five foot perpetual easement along the west side of the property currently owned by

Wist for a public trail along Sherwood Drive, as more particularly described in the attached Exhibit "A".

2. OBLIGATIONS OF TROON:

A. Troon shall pay to Prescott the sum of \$33,769.15, representing payment in full for any and all conveyances pursuant to this Agreement, said sum to be paid immediately upon request of the City.

B. Prior to installing landscaping within the Connector Road right of way or easement adjacent to the Wist property, Troon shall consult with Wist; provided, however, that this commitment shall not extend to ongoing maintenance and upkeep of the landscaped area.

3. OBLIGATIONS OF PRESCOTT:

A. Prescott shall accept those conveyances described in Paragraphs 1 (A), 1(B) and 1(C) above.

B. Prescott shall pay to Wist the sum of \$33,769.15, representing payment in full for any and all conveyances pursuant to this Agreement.

C. Prescott will allow Wist to have two (2) points of vehicular access to the Connector Road through the ten foot perpetual easement, from property owned by Wist east of and adjacent to the Connector Road and/or easement; provided that one of the foregoing access points shall be north of Butte Creek, and one of the foregoing access points shall be south of Butte Creek; and further provided that the exact location of each of the foregoing access points is subject to the approval of the City Public Works Director. The points of access shall be from land owned by Wist, crossing the perpetual easement and intersecting with the Connector Road.

D. Prescott will allow Wist to have one vehicular access driveway to Sherwood Drive from the non contiguous corner property owned by Wist, bounded by Sherwood Drive to the west, Thumb Butte Road to the north, and the connector road to the east. The point of access shall be from land owned by Wist, crossing the perpetual trail easement and intersecting with Sherwood Drive. The exact location of the foregoing access point is subject to the approval of the City Public Works Director.

E. Prescott agrees herewith that the areas of the landscape easements and the trail easement, as defined in Exhibit "A" as Easements #2, #3 and #4, shall be utilized in complying with the building setback requirements and lot size calculations as defined in the zoning ordinance and other Prescott ordinances which are in existence when Wist applies for approval of a subdivision plat or issuance of a building permit(s).

F. Prior to installing landscaping within the Connector Road right of way or easement adjacent to the Wist property, Prescott shall consult with Wist; provided, however, that this commitment shall not extend to ongoing maintenance and upkeep of the landscaped area.

4. MISCELLANEOUS PROVISIONS:

A. The parties shall execute any and all documents required by the City to effectuate the terms of this Agreement, upon request to do so by Prescott; provided, however, that the conveyances required by Paragraphs 1(A), (B) and (C) shall take place no later than thirty (30) days from the date of this Agreement.

B. Pursuant to A.R.S. Section 38-511, the City of Prescott may cancel this agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the agreement on behalf of the City is, at any time while the agreement or any extension of the agreement is in effect, an employee or agent of any other party to the agreement in any capacity or a consultant to any other party of the agreement with respect to the subject matter of the agreement. In the foregoing event, the City of Prescott further elects to recoup any fee or commission paid or due to any person significantly involved in initiating, negotiating, securing, drafting or creating this agreement on behalf of the City of Prescott from any other party to the agreement arising as a result of this agreement.

C. That this Agreement shall constitute an accord and satisfaction of any and all claims any of the parties may have against the others as a result of the conveyances pursuant to this agreement and the location, alignment and construction of that certain connector road (together with any properties being taken and any severance damages to the remainder); provided, however, that this shall not operate as a waiver by Wist or its successors in interest to assert a claim for damages which may be incurred by Wist as a result of any negligence in the design and/or construction of the Connector Road.

D. This Agreement shall be binding upon and inure to the benefit of all of the heirs, successors and assigns of the parties to this Agreement.

MMW TRUST

By Martin E. Wist
MARTIN E. WIST, Trustee

By Marion R. Wist
MARION R. WIST, Trustee

BOOK 3088 PAGE 863

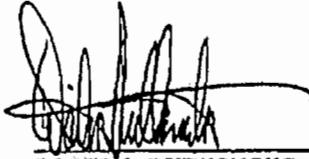
HASSAYAMPA VILLAGE DEVELOPERS, L.L.C., an Arizona limited liability company, By: Desert Troon Limited, L.L.C., an Arizona limited liability company, its Managing Member By: Desert Troon Investments, Inc., an Arizona Corporation, its Managing Member.

By: Desert Troon Investments,
Inc., an Arizona
Corporation



By: Daniel S. Smith
Its President

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this 19th day of SEPTEMBER 1995.



DAITON RUTKOWSKI, Mayor

ATTEST:

SEAL

APPROVED AS TO FORM:



MARIE L WATSON
City Clerk



JOHN R MOFFITT
City Attorney

EXHIBIT 'A'

CONNECTOR ROAD EXTENSION

All that portion of Wist Property described in EXHIBIT "A" in Book 2478, Pages 139 - 146 of Official Records and shown on that Record of Survey in Book 15, Page 45 of Land Surveys recorded and filed in the Office of the Recorder of the County of Yavapai, State of Arizona described as follows.

BEGINNING at the southwest corner of said property monumented with a 1/2" pipe, from which a found 1/2 rebar bears North 00°19'54" East, 1,152.87 feet, recorded as North 00°31'08" East, 1,153.16 feet on said Record of Survey;

- thence, along the west line of said property, North 00°19'54" East, 718.12 feet;
- thence, departing said west line, along a curve to the left, having a chord bearing North 36°17'11" East, a chord length of 64.44 feet, a radius of 50.00 feet, a central angle of 80°14'48", and an arc length of 70.03 feet;
- thence, North 03°50'13" West, 64.46 feet;
- thence, along a curve to the right, having a chord bearing North 00°28'35" West, a chord length of 26.26 feet, a radius of 224.00 feet, a central angle of 6°43'16", and an arc length of 26.28 feet;
- thence, North 02°53'04" East, 35.78 feet;
- thence, along a curve to the right, having a chord bearing North 19°18'39" East, a chord length of 154.97 feet, a radius of 274.00 feet, a central angle of 32°51'11", and an arc length of 157.11 feet;
- thence, along a curve to the left, having a chord bearing North 08°27'45" West, a chord length of 69.72 feet, a radius of 50.00 feet, a central angle of 88°23'59" and an arc length of 77.14 feet, to a point of cusp on the southerly right-of-way of Thumb Butte Road as recorded in Book 7, Page 55 of Maps and Plats in the office of Recorder of Yavapai County;
- thence, along said right-of-way, South 52°39'45" East, 150.11 feet, to a point of cusp;
- thence, departing said right-of-way, along a curve to the left, having a chord bearing South 80°50'50" West, a chord length of 72.53 feet, a radius of 50.00 feet, a central angle of 92°58'50", and an arc length of 81.14 feet;
- thence, along a curve to the left, having a chord bearing South 18°37'14" West, a chord length of 121.50 feet, a radius of 224.00 feet, a central angle of 31°28'21", and an arc length of 123.04 feet;
- thence, South 02°53'04" West, 35.78 feet;
- thence, along a curve to the left, having a chord bearing South 00°28'35" East, a chord length of 20.40 feet, a radius of 174.00

feet, a central angle of 6°43'16", and an arc length of 20.41 feet;

thence, South 03°50'13" East, 60.02 feet;

thence, along a curve to the right, having a chord bearing South 05°04'21" West, a chord length of 70.00 feet, a radius of 226.00 feet, a central angle of 17°49'08", and an arc length of 70.29 feet;

thence, South 13°58'55" West, 45.26 feet;

thence, along a curve to the left, having a chord bearing South 07°09'25" West, a chord length of 41.36 feet, a radius of 174.00 feet, a central angle of 13°39'01", and an arc length of 41.45 feet;

thence, parallel with said west line, South 00°19'54" West, 139.25 feet;

thence, along a curve to the right, having a chord bearing South 04°52'37" West, a chord length of 35.82 feet, a radius of 226.00 feet, a central angle of 9°05'25", and an arc length of 35.86 feet;

thence, South 09°25'19" West, 69.47 feet;

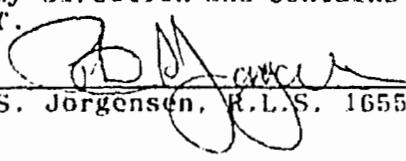
thence, along a curve to the left, having a chord bearing South 04°52'37" West, a chord length of 27.58 feet, a radius of 174.00 feet, a central angle of 9°05'25", and an arc length of 27.61 feet, to a line 50.00 feet easterly of and parallel with the west line of said property;

thence, along said parallel line, South 00°19'54" West, 351.33 feet, to the south line of said property;

thence, along said south line, South 88°59'56" West, 50.01 feet to the POINT OF BEGINNING.

Containing 61.176 square feet (1.404 acres).

I certify that, I, Peter S. Jorgensen, am a Registered Land Surveyor in the State of Arizona, that this description was compiled from record data under my direction and contains adequate information to allow retracement thereof.


Peter S. Jorgensen, R.L.S. 16558



EXHIBIT

CONNECTOR ROAD
AND EASEMENTS THROUGH
THE WIST PROPERTY

5' EASEMENT #2
1623 SQ. FT.

10' EASEMENT #3
4183 SQ. FT.

10' EASEMENT #4
10897 SQ. FT.



NOT TO SCALE

WIST
PROPERTY

CONNECTOR ROAD

50.00

61176 SQ. FT.
1.404 AC.

EXH 01 DWG

BOOK 3088 PAGE 867

EASEMENT #2

All that portion of W1st Property described in EXHIBIT "A" in Book 2478, Pages 139 - 146 of Official Records and shown on that Record of Survey in Book 15, Page 45 of Land Surveys recorded and filed in the Office of the Recorder of the County of Yavapai, State of Arizona described as follows.

COMMENCING at the southwest corner of said property monumented with a 1/2" pipe, from which a found 1/2 rebar bears North 00°19'54" East, 1,152.87 feet, recorded as North 00°31'08" East, 1,153.16 feet on said Record of Survey;

Thence, North 00°19'54" East, 829.44 feet, along the west line of said property to the POINT OF BEGINNING.

Thence, continuing along said west line, North 00°19'54" East, 323.43 feet to a found 1/2" rebar and an angle point;

thence, along the boundary of said property, North 63°37'21" East, 5.60 feet to a line 5.00 feet easterly of and parallel with said west line;

thence, along said parallel line, South 00°19'54" West, 325.95 feet;

thence, North 89°40'06" West, 5.00 feet to the POINT OF BEGINNING.

Containing 1,623 square feet.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains adequate information to allow retracement thereof.

Thomas G. Callahan
Thomas G. Callahan, R.L.S. 22752

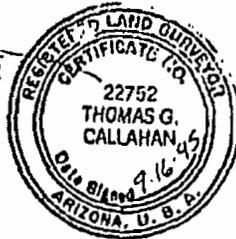


EXHIBIT CONNECTOR ROAD AND EASEMENTS THROUGH THE WIST PROPERTY

5' EASEMENT #2
1623 SQ. FT.

10' EASEMENT #3
4183 SQ. FT.

10' EASEMENT #4
10897 SQ. FT.



NOT TO SCALE

WIST PROPERTY

CONNECTOR ROAD

61176 SQ. FT.
1.404 AC.

50.00

EXH. 001 DWG

BOOK 3088 PAGE 869

EASEMENT #3

All that portion of Wist Property described in EXHIBIT "A" in Book 2478, Pages 139 - 146 of Official Records and shown on that Record of Survey in Book 15, Page 45 of Land Surveys recorded and filed in the Office of the Recorder of the County of Yavapai, State of Arizona described as follows.

COMMENCING at the southwest corner of said property monumented with a 1/2" pipe, from which a found 1/2 rebar bears North 00°19'54" East, 1,152.87 feet, recorded as North 00°31'08" East, 1,153.16 feet on said Record of Survey;

Thence, along the west line of said property, North 00°19'54" East, 718.12 feet, to the POINT OF BEGINNING;

Thence, departing said west line, along a curve to the left, having a chord bearing North 36°17'11" East, a chord length of 64.44 feet, a radius of 50.00 feet, a central angle of 80°14'48", and an arc length of 70.03 feet;

thence, North 03°50'13" West, a distance of 64.46 feet;

thence, along a curve to the right, having a chord bearing North 00°28'35" West, a chord length of 26.26 feet, a radius of 224.00 feet, a central angle of 6°43'16", and an arc length of 26.28 feet;

thence, North 02°53'04" East, a distance of 35.78 feet;

thence, along a curve to the right, having a chord bearing North 19°18'39" East, a chord length of 154.97 feet, a radius of 274.00 feet, a central angle of 32°51'11", and an arc length of 157.11 feet;

thence, along a curve to the left, having a chord bearing North 08°27'45" West, a chord length of 69.72 feet, a radius of 50.00 feet, a central angle of 88°23'59", and an arc length of 77.14 feet;

thence, South 37°20'15" West, a distance of 10.00 feet, to the southerly right-of-way of Thumb Butte Road as recorded in Book 7, Page 55 of Maps and Plats in the office of the Recorder of Yavapai County;

thence, departing said right-of-way, along a curve to the right, having a chord bearing South 8°38'00" East, a chord length of 55.60 feet, a radius of 40.00 feet, a central angle of 88°03'24", and an arc length of 61.48 feet;

thence, along a curve to the left, having a chord bearing South 19°20'05" West, a chord length of 160.85 feet, a radius of 284.00 feet, a central angle of 32°54'03", and an arc length of 163.08 feet;

thence, South 02°53'04" West, a distance of 35.78 feet;

thence, along a curve to the left, having a chord bearing South 00°28'35" East, a chord length of 27.43 feet, a radius of 234.00 feet, a central angle of 6°43'16", and an arc length of 27.45 feet;

thence, South 03°50'13" East, a distance of 63.79 feet;

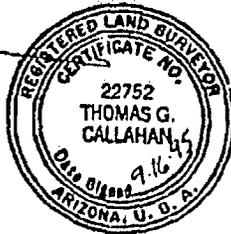
thence, along a curve to the right, having a chord bearing South 34°01'15" West, a chord length of 50.15 feet, a radius of 40.01 feet, a central angle of 77°36'14", and an arc length of 54.19 feet to the west line of said property;

thence, along said west line, South 00°19'54" West, a distance of 10.38 feet to the POINT OF BEGINNING.

Containing 4,183 square feet.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains adequate information to allow retracement thereof.

Thomas G. Callahan
Thomas G. Callahan, R.L.S. 22752



EXHIBIT

CONNECTOR ROAD
AND EASEMENTS THROUGH
THE WIST PROPERTY

5' EASEMENT #2
1623 SQ. FT.

10' EASEMENT #3
4183 SQ. FT.

10' EASEMENT #4
10897 SQ. FT.

6176 SQ. FT.
1.404 AC.

CONNECTOR ROAD

50.00

WIST
PROPERTY



NOT TO SCALE

EXH-011 DWG

EASEMENT #4

All that portion of W1st Property described in EXHIBIT "A" in Book 2478, Pages 139 - 146 of Official Records and shown on that Record of Survey in Book 15, Page 45 of Land Surveys recorded and filed in the Office of the Recorder of the County of Yavapai, State of Arizona described as follows.

COMMENCING at the southwest corner of said property monumented with a 1/2" pipe, from which a found 1/2 rebar bears North 00°19'54" East, 1,152.87 feet, recorded as North 00°31'08" East, 1,153.16 feet on said Record of Survey;

Thence, North 88°59'56" East, 50.01 feet, along the south line of said property to a line 50.00 feet easterly of and parallel with the west line of said property and the POINT OF BEGINNING.

thence, along said parallel line, North 00°19'54" East, 351.33 feet;

thence, along a curve to the right, having a chord bearing North 04°52'37" East, a chord length of 27.58 feet, a radius of 174.00 feet, a central angle of 9°05'25", and an arc length of 27.61 feet;

thence, North 09°25'19" East, 69.47 feet;

thence, along a curve to the left, having a chord bearing North 04°52'37" East, a chord length of 35.82 feet, a radius of 226.00 feet, a central angle of 9°05'25", and an arc length of 35.86 feet;

thence, parallel with said west line, North 00°19'54" East, 139.25 feet;

thence, along a curve to the right, having a chord bearing North 07°09'25" East, a chord length of 41.36 feet, a radius of 174.00 feet, a central angle of 13°39'01", and an arc length of 41.45 feet;

thence, North 13°58'55" East, 45.26 feet;

thence, along a curve to the left, having a chord bearing North 05°04'21" East, a chord length of 70.00 feet, a radius of 226.00 feet, a central angle of 17°49'08", and an arc length of 70.29 feet;

thence, North 03°50'13" West, 60.02 feet;

thence, along a curve to the right, having a chord bearing North 00°28'35" West, a chord length of 20.40 feet, a radius of 174.00 feet, a central angle of 6°43'16", and an arc length of 20.41 feet;

thence, North 02°53'04" East, 35.78 feet;

thence, along a curve to the right, having a chord bearing North 18°37'14" East, a chord length of 121.50 feet, a radius of 224.00 feet, a central angle of 31°28'21", and an arc length of 123.04 feet;

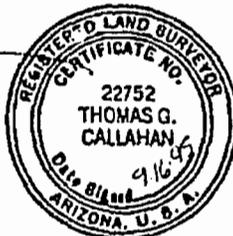
thence, along a curve to the right, having a chord bearing North 80°50'50" East, a chord length of 72.53 feet, a radius of 50.00 feet, a central angle of 92°58'50", and an arc length of 81.14 feet, to the southerly right-of-way of Thumb Butte Road as recorded in Book 7, Page 55 of Maps and Plats in the office of the Recorder of Yavapai County;

thence, departing said right-of-way, South 37°20'13" West, 10.00 feet;
thence, along a curve to the left, having a chord bearing South 80°50'50"
West, a chord length of 58.02 feet, a radius of 40.00 feet, a
central angle of 92°58'50", and an arc length of 64.91 feet;
thence, along a curve to the left, having a chord bearing South 18°37'14"
West, a chord length of 116.08 feet, a radius of 214.00 feet, a
central angle of 31°28'21", and an arc length of 117.55 feet;
thence, South 02°53'04" West, 35.78 feet;
thence, along a curve to the left, having a chord bearing South 00°28'35"
East, a chord length of 19.23 feet, a radius of 164.00 feet, a
central angle of 6°43'16", and an arc length of 19.24 feet;
thence, South 03°50'13" East, 60.02 feet;
thence, along a curve to the right, having a chord bearing South 05°04'21"
West, a chord length of 73.10 feet, a radius of 236.00 feet, a
central angle of 17°49'08", and an arc length of 73.40 feet;
thence, South 13°58'55" West, 45.26 feet;
thence, along a curve to the left, having a chord bearing South 07°09'25"
West, a chord length of 38.98 feet, a radius of 164.00 feet, a
central angle of 13°39'01", and an arc length of 39.07 feet;
thence, parallel with said west line, South 00°19'54" West, 139.25 feet;
thence, along a curve to the right, having a chord bearing South 04°52'37"
West, a chord length of 37.40 feet, a radius of 236.00 feet, a
central angle of 9°05'25", and an arc length of 37.44 feet;
thence, South 09°25'19" West, 69.47 feet;
thence, along a curve to the left, having a chord bearing South 04°52'37"
West, a chord length of 25.99 feet, a radius of 164.00 feet, a
central angle of 9°05'25", and an arc length of 26.02 feet, to a
line 60.00 feet easterly of and parallel with the west line of said
property;
thence, along said parallel line, South 00°19'54" West, 351.10 feet;
thence, South 88°59'56" West, 10.00 feet to the POINT OF BEGINNING.

Containing 10,897 square feet.

I certify that, I, Thomas G. Callahan, am a Registered Land Surveyor in the State of Arizona, that this description was prepared under my direction and contains true, accurate and adequate information to allow retracement thereof.

Thomas G. Callahan
Thomas G. Callahan, R.L.S. 22752



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PAGE 2 OF 2

BOOK 3088 PAGE 874

EXHIBIT

CONNECTOR ROAD
AND EASEMENTS THROUGH
THE WIST PROPERTY

5' EASEMENT #2
1623 SQ. FT.

10' EASEMENT #3
4183 SQ. FT.

10' EASEMENT #4
10897 SQ. FT.



NOT TO SCALE

WIST
PROPERTY

CONNECTOR ROAD

50.00

61176 SQ. FT.
1.404 AC.

EXH-011 DWG

**Annexation, Rezoning, General Plan Map Amendment, Airport
Specific Area Plan Amendment and Master Plan Approval**

**Granite Dells Ranch Commercial/Industrial Subdivision
ANX09-001, RZ09-001, GP09-001 and LUP09-001**

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: February 12, 2009 (Regular Meeting)
February 26, 2009 (Public Hearing)

TO: City of Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director
George Worley, Assistant Community Development Director
Ryan Smith, Community Planner

DATE: February 5, 2009

REQUEST: ANX09-001, RZ09-001, GP09-001, LUP09-001 and Master Plan Approval

ZONING: From Single Family - 9000 square feet minimum and Rural Estate - 2 acre minimum (upon annexation) to Open Space, Business Regional and Industrial Light (SF-9 and RE-2 to OS, BR and IL)

Parcel #: 102-06-001, 002E, 103-01-031A,B, 030A, 053C, 106-06-001, 800-10-016, 800-17-021E, 023W and portions of the Peavine Trail west of Granite Dells Estates (Fann)

Agent: Mark Reddie - LVA Urban Design Studio, 120 South Ash Avenue, Tempe, AZ 85281

Owner: Granite Dells Ranch Holdings (Cavan)

PROJECT PROPOSAL:

Granite Dells Ranch is requesting a Proposition 400 Annexation, minor General Plan Land Use Map amendment, ASAP Map amendment, Rezoning and a Master Plan approval. The project encompasses various properties totaling 498 acres located in proximity to Side Road/Highway 89A, of which 387 acres would be subject to Proposition 400; and includes the land, already within the City boundary, upon which

the existing Hanson aggregate plant is situated. The applicant is proposing a commercial and industrial subdivision. No residential uses are proposed.

A change of zoning of 450 acres is requested from residential to commercial and industrial (BR and IL). These zoning districts allow for the proposed commercial uses while protecting the reach of Granite Creek that runs through the project. Additionally, the City will be rezoning the Peavine Trail adjacent to the project to open space (OS).

A minor General Plan amendment of 165 acres is proposed from residential to commercial in a small area in the northeast portion of the project. The ASAP amendment is also requested for 65 acres from residential to commercial in this same area.

A Master Development Plan has been provided outlining the commercial/industrial subdivision. The applicants do not wish to apply for preliminary plat at this time. The applicants must eventually go through the City of Prescott commercial subdivision plat and site plan review process which will specifically address infrastructure, parking, lighting, landscaping, trails and other issues before building permits may be issued. Traffic and utilities (water and wastewater) analyses and a cost/benefit study have been completed.

COMMISSION/COUNCIL ACTIVITY:

Annexation of the Hanson portion of the project occurred in 1963. Hanson currently operates an aggregate plant and mineral extraction according to provisions of Federal and State law.

On January 27, 2009, Council approved a Procedural Pre-annexation Agreement and Temporary Construction Easement (TCE) pertaining to the property. Per these agreements, 26 acres are being dedicated to ADOT with an additional 11 acres to the City for right-of-way (ROW), and access is granted for construction of the SR 89A/Granite Dells Parkway (Side Road relocated) traffic interchange.

Proposition 400 establishes additional local requirements for annexations over 250 acres, including Council approval by a three-fourths majority. A public comment period of 60 days is required, which begins at the time of a formal recommendation by the Planning & Zoning Commission regarding the Master Development Plan. Further, all effluent generated by this project must be reserved for permanent aquifer recharge.

The public process has been refined to encompass concurrent review and approval of the annexation, rezoning, General Plan and ASAP amendments. The Planning and Zoning Commission will conduct public hearings and is anticipated to make recommendations to Council regarding the annexation, Master Development Plan and other applications at its February 26, 2009, meeting. This will begin said 60 day public review period. The additional public hearing required by Proposition 400 after the review period is anticipated to be held on May 5, 2009, by the City Council .

EXISTING SITE and AREA CONDITIONS:

This relatively flat site is currently vacant with the exception of the industrial aggregate plant operating in Granite Creek. Granite Creek is identified as a FEMA 100 year flood plain. There is a small pond for watering cattle east of the Peavine Trail.

The property is subject to the Airport Specific Area Plan (ASAP), but sufficiently distant from the Airport facilities to not require any special construction techniques for noise abatement. It is also within the inner Airport Influence Area as described in the ASAP. The ASAP Land Use Plan Map shows a portion of the project area as Open Space and Residential, with other areas indicated as Commercial and Mixed Commercial/Employment. The requested amendment to the ASAP Land Use Map would change the residential designation located within the project area to a commercial designation.

The Peavine Trail currently runs along Side Road. The Trails Committee has asked that it be realigned to pass under Highway 89A through a large culvert roughly in the center of the project. The applicant has been working with the Public Works and the Parks and Recreation Departments, and is donating the land to be used for ROW, public parking, a trail head and realignment of the trail through the culvert. The trail head and parking area are to be built during construction of the Granite Dells Parkway traffic interchange (see attached).

SURROUNDING ZONING AND LAND USE:

Direction	Current Zoning	Current Land Use
North	Industrial & County Residential	Vacant Land & Industrial
South	Commercial & Industrial	Vacant (Fann) & Residential
East	County Residential	Vacant Land
West	Industrial	Peavine Trail, Residential & Industrial

COMPATIBILITY WITH NEIGHBORHOOD CHARACTERISTICS, ZONING & LAND USE:

The surrounding properties to the south and west of the proposed project are predominantly industrially zoned. Residences currently exist on Side Road to the west, however, the land owners recently rezoned to Industrial Light. There are two residentially zoned parcels that were not a part of the rezoning request. Properties to the north (owned by Cavan) and to the east (owned by the State) are residentially zoned within the unincorporated area of the County. Some of the land to the north is industrial within the City boundary. The surrounding industrial zoning and proximity to the airport would encourage restricted residential uses within the project area.

The Prescott Airport is currently developing a 2009 Airport Master Plan. As a result of this endeavor, the ASAP and the Land Development Code are expected to be amended in the near future to reflect FAA guidelines in the vicinity of the airport. Specifically, staff is anticipating adoption of certain single family residential prohibitions and height restrictions very near the airport based on FAA Part 77 guidelines. Both the noise impact zones and Part 77 guidelines consider overflight patterns and other airport activity (see attached).

CONSISTENCY WITH THE GENERAL PLAN:

The proposed project is not entirely consistent with City's adopted 2003 General Plan. The area is designated as Open Space, Residential, Commercial and Commercial/Employment on the General Plan Land Use Map. Therefore, the configuration of the Open Space, Commercial and Commercial/Employment designations are proposed to be adjusted.

The open space area shown in the General Plan follows the FEMA 100 year flood plain. The applicant desires to reduce the open space/100 year flood plain area to match a Letter of Map Revision (LOMR - an engineering study used to modify the FEMA flood plain). The balance of the open space area is proposed as Commercial/Employment.

TRAFFIC, STREETS AND UTILITIES:

The proposed Master Plan identifies primary access to the property from a traffic interchange on Highway 89A at Granite Dells Parkway (Side Road relocated), a future multi-lane major arterial which will extend north and south from there. South of the traffic interchange Granite Dells Parkway will intersect with Centerpointe Drive, a link running westerly to existing Side Road; and farther south with Dells Ranch Road (previously known as the Side Road Connector). The applicant will be donating right-of-way for these facilities and borrow material for construction of the traffic interchange, and building Granite Dells Parkway in phases as warranted by traffic volumes.

The property will be served by various water and sewer utilities projects being provided by the City, as set forth by the Capital Improvement Program within the overall City budget. These projects will benefit lands of Granite Dells Ranch (Cavan) as well as those of many other owners east of SR 89, on both the north and south sides of Highway 89A. Recovery of the capital investment for these projects will be accomplished via impact fees which have already been adopted. Granite Dells Ranch will be responsible for installing on-site utilities to City standards.

More specific information regarding traffic, streets, and utilities for the future development can be found both in the technical analyses prepared by Jacobs Engineering (transportation) and Carollo Engineers (utilities), and cost-benefit analysis prepared by Applied Economics. All of these documents will be made available to the public during the 60-day review period which will begin with the Planning & Zoning Commission adoption of recommendations to Council regarding the annexation. A detailed development agreement for the project addressing infrastructure financing and timing is expected to accompany the annexation and related items identified here, for City Council consideration in May 2009.

AGENCY COMMENTS:

The General Plan, annexation and rezoning requests have been reviewed by various agencies. No objections have been received, however, the Open Space and Trails Committees have expressed concern regarding proposed and future roadway crossings of the Peavine Trail. Public Works has advised that the project will require thorough reviews of preliminary and final plat applications to determine the most appropriate configuration for each such crossing.

PUBLIC COMMENTS:

Due to the industrial nature of the area, an area meeting has not been scheduled. However, notices have been mailed regarding the subject annexation, zoning changes, General Plan and ASAP amendment applications to the surrounding property owners of record. The mailing included a vicinity map and a description of the request. Also, the application will be advertised and posted according to State and Proposition 400 requirements. No opposition has been received as of this time.

STAFF RECOMMENDATION:

Staff recommends the following Commission action for the Granite Dells Ranch commercial/industrial subdivision:

1. Move to recommend the property be zoned at the time of annexation Rural Estate 2 Acre A(RE-2A), Anx09-001.
2. Move to recommend approval of General Plan Map Amendment (GP09-001).
3. Move to recommend approval of the Airport Specific Area Plan Amendment (LUP09-001).
4. Move to recommend approval of the Master Development Plan dated 8-12-08.
5. Move to recommend approval of rezoning (RA09-001) from RE-2A to NOS (Peavine Trail), Business Regional and Industrial Light.
6. Properties owners within the project area shall grant Avigation Easements to be specified by the Development Agreement.
7. Development shall be in general conformance with the Master Development Plan dated 8-12-08.

Attachments:

- Vicinity and Zoning Map
- Master Development Plan
- Annexation Map
- Rezoning Map
- General Plan Map
- Cavan Public Process Timing Table
- Airport Influence/Impact Zone Map
- FAA Part 77 Height Restricted Area