

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
JUNE 25, 2009
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **June 25, 2009** in the **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET**, Prescott, Arizona.

I. CALL TO ORDER

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

II. ATTENDANCE

Members Present

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

Others Present

Tom Guice, Community Development Director
George Worley, Asst. Community Development Director
Matthew Podracky, Senior Assistant City Attorney
Ian Mattingly, City Traffic Engineer
Mike Bacon, Community Planner
Ryan Smith, Community Planner
Kelly Sammeli, Recording Secretary

Members Absent

Joe Gardner
Tom Menser

Council Present

Mayor Wilson
Councilman Lamerson, Council Liaison

III. REGULAR ACTION ITEMS

- 1. Approve the minutes** of the June 11, 2009 meeting.

Mr. Rosa, **MOTION: to approve** the minutes of the June 11, 2009 meeting. Mr. Michelman, 2nd. Vote: 5-0.

- 2. S105-002, Lowe's Landscape Plan for the Wall/ Soil Buttress.** APN: 112-05-049X; located at 2350 East State Route 69. Zoning is Business General (BG) Request for a revised site plan, grading plan and landscape plan. Owner is Lowe's HIW, Inc. Community planner is Mike Bacon.

Mr. Bacon reported that the request by the owner Lowe's was to revise portions of the Lowe's site plan, grading plan, and landscaping plan due to the collapsing tiered wall on the north side of the site adjoining Prescott Canyon Estates and a portion of the failed landscaping on the state land to the east of the site. Mr. Bacon placed the site plan on the overhead projector and reported that there was a detailed narrative in the staff report that addressed all the remedies that were being proposed. Mr. Bacon further noted that there would be a PowerPoint™ presentation to explain the overview to the audience. Mr. Bacon noted that there was an area meeting held on June 4, 2009 at the Prescott Canyon Estates Clubhouse. Approximately fifty residents attended the meeting

to review the Lowe's presentation and discuss their concerns. Mr. Bacon further noted that some of the concerns had to do with algae and orders downstream, lack of water downstream, the irrigation piping being placed on top of the ground, the watering schedule, types of vegetation and trees planted, channels for the drainage areas, the hours of construction, and how long it would take to complete the project. Mr. Bacon indicated that Lowe's did answer all of the issues to the satisfaction of most of the attendees. Continuing, Mr. Bacon reviewed the revised grading plan on the overhead and reported that two of the Planning and Zoning Commissioners, Joe Gardner and Tom Menser, received full set copies of the grading and site plan. Mr. Bacon indicated that although neither of the two Commissioners were in attendance at the meeting, he did talk with Mr. Gardner regarding the grading plan and Mr. Gardner did not have any concerns about it. Mr. Bacon reviewed the grading plan and noted the Lowe's site, the parking, the location of Prescott Canyon Estates. Mr. Bacon noted that the slope of the revised site would be two-to-one, sloping to the north, which will be heavily planted and will have brown irrigation lines to blend in with the landscaping. Mr. Bacon further noted that Lowe's has followed the recommendations of the landscaping consultant for the Prescott Canyon Estates HOA and will be placing 70 Arizona cypress trees into the planting plan to buffer the noise as the trees grow twice as fast as the native plants. Mr. Bacon switched to the landscaping plan on the overhead and further reported that Lowe's will also be mitigating the state land area landscaping as part of the proposal. The rendering reflected the area as it currently exists and how it is projected to appear in about five years with mature plants. Mr. Bacon reported that the irrigation issues will be corrected to help support the proposed plantings of fifteen (15) Arizona cypress trees, along with the slower-growing Pinion Pines and Junipers. The total number of trees to be planted is 223; there will be 114 native shrubs, and the area will be hydro-seeded with a mixture of native grasses. Concluding the staff report, Mr. Bacon reported that there is an Intergovernmental Agreement (IGA) with Yavapai County to allow the City to perform the inspections and the plan review for the portion of the soil buttress which extends into the County (Prescott Canyon Estates). There are a number of parking stalls that will be removed; however, the parking will still meet the requirements for the Lowe's site. Mr. Bacon noted that staff was recommending support of the revised site plan and that there were several Lowe's representatives in attendance to explain and answer any questions related to the request.

Chairman Wiant asked the Commissioners if they would like to hear the applicants prior to asking questions. Hearing a consensus, Chairman Wiant invited the applicant to the podium to speak.

Mr. Jon Jessey, Thomas Graham Design Group, San Diego, California, indicated that he would be providing a short presentation on the engineering aspects of the project and that there were several other representatives of Lowe's present to address other questions or concerns of the project. Mr. Jessey started the PowerPoint™ slides (of the soil buttress) and noted that once they are on site, there will be a reevaluation of all the existing irrigation on the Lowe's site, as well as the state land area where they will determine what needs to be done to make it operational again. The next step will be to create the soil buttress; and, to do this they will need to relocate an existing road and the utilities (River Trail Road) located in Prescott Canyon Estates to the north 20 feet, which will allow for continued full access of the road as the project takes place. There will be a safety zone created to allow for the contractor to start removing the retaining wall and some of the soil from the Lowe's parking lot. This process will take place from the top down. The wall facing and the soil will be removed and stockpiled by the pump house to be reused as part of the construction of the new soil buttress. In addition, there will be additional soil required for the soil buttress, and that soil will be taken from the existing

land mineral lease that Lowe's has with the Arizona State Land Department. Mr. Jessey moved on to the drainage portion of the project and pointed out that there will be a small ribbon of a "colored concrete" matching the soil, that will run midslope, within the buttress. Mr. Jessey indicated that Lowe's will be providing a sampling of the material to ensure that the color is matched to blend in. Mr. Jessey noted the area again on the overhead projection of the soil buttress. Mr. Jessey indicated that there will not be any vertical swales done on the soil buttress. There will be an underground pipe used to channel the water from the top to the bottom; and, the appearance will not be the same as the state land area. Mr. Jessey noted that the horizontal swale will be primarily hidden from view and that a person would have to be on top of the soil buttress looking down to view it.

Chairman Wiant noted that the area will be landscaped also.

Continuing Mr. Jessey noted that the area will be landscaped with trees, shrubs and grasses and should be very well hidden. Mr. Jessey reported that the swale and the piping that is underneath is sized for the 100-year storm event and based on City engineering as well as the county criteria for storm drains. Mr. Jessey then turned the presentation over to the landscape architect Jeff Smith to discuss the landscaping and the irrigation of the site.

Mr. Jeff Smith, Principal Landscape Architect, Daedalus Design Group, Carlsberg, California indicated that he was the landscape architect of record from the beginning of the project as well as during the continuation of the repair work. Mr. Smith reported that theme for the project has not changed from the original theme, and that it has always been to reestablish the slope areas in a conducive appearance to the surrounding slope profiles. Mr. Smith indicated that based on the comments from the HOA of Prescott Canyon Estates, the soil buttress area will see improvements in the landscaping. The density of the plantings is greater, it consists of 95% indigenous plants to the area which are very hardy, drought-tolerant plants and will include the Arizona cypress trees. Mr. Smith noted that the Arizona cypress trees were not originally introduced in the plantings, but have since been incorporated into the theme. Their ability to grow rapidly will aid in the visual buffering for the residents of Prescott Canyon Estates. Along the top level, the buttress area will have a somewhat solid line of Arizona cypress trees with other trees disbursed throughout to help give it a non-regimented look and have a more natural look. There will be shrubbery along the slope area as well as the area being hydro-seeded with fast growing grasses and just a few wildflowers that should bloom for a short time in the spring; and, this is being done to give the area a head start in comparison to the state land's appearance. Mr. Smith reported that the irrigation system will be similar to the state land area, which will include an overhead spray system that will spray for about two years to help establish the grasslands. The grasses need to grow through at least two seasons in order for it to distribute seed and regenerate itself. The irrigation will be out of a brown line pipe that will not stand out as much as the current piping on the state lands area. Mr. Smith reiterated that the plants are very dense; and, with the grasses growing up, it should hide the piping. The overhead system will be maintained for a two-year period and then removed. The drip irrigation will be maintained for the trees for a period of about five years, and then they will be slowly transitioned off so that the trees have the ability to adapt and stabilize themselves to the natural rainfall. Mr. Smith provided the view of the initial plantings again on the soil buttress, and then the projection of the 3-5 year period when the area has been established. Mr. Smith then provided examples of photographs of the type of plants and trees that would be used in the area and indicated that they are very adaptive and hardy. Closing the presentation, Mr. Smith thanked the Commission and offered to answer any questions along with Mr. Jessey.

Chairman Wiant called for questions from the Commissioners.

Mr. Petrovsky inquired if Lowe's would commit to the time it would take to establish the plants and also if it would be possible to plant larger plants to shorten the growth period to two or three years.

Mr. Smith reported that when larger plant materials are initially planted they do not grow as fast as smaller plants. They are larger to start with but they do not adapt as well or as fast because they take longer to become established.

Mr. Petrovsky inquired what the purpose of the swale was.

Mr. Jessey reported that the purpose of the swale in the soil buttress is to help defer erosion and to collect and control the rain water so that the water would not gather and run down a long slope.

Mr. Petrovsky inquired about the Robert Schaeffer home that was purchased by Lowe's and donated to Habitat for Humanity.

Mr. Jessey indicated that the home was relocated.

Chairman Wiant inquired if there would be additional plantings place within the parking lot of Lowe's itself.

Mr. Bacon reported that Lowe's is not proposing any changes to the original site plan's landscaping as it all meets the requirements of the City.

Mr. Michelman noted the overhead spraying of the plants and inquired about the time frame in which Lowe's planned to do that.

Mr. Smith reported that it will be done based upon the City standards in the evening hours.

Mr. Michelman inquired if the drip and irrigation systems will be checked regularly.

Mr. Smith indicated that there will be a maintenance contractor assigned to the project and part of the scope of work would be to maintain the system.

Mr. Michelman inquired how much of the work on the soil buttress wall would take place on the Lowe's property vs. the HOA's property.

Mr. Jessey indicated that about 60% of the soil buttress is on Lowe's property and 40% is on the HOA's property; however, Lowe's will be purchasing that area prior to the start of work on the soil buttress. Mr. Jessey added that the relocation of the utilities and River Trail Road is on the HOA's property and will have to occur first. After that, the tearing down of the retaining wall, the building up of the soil buttress, and all the soil relocation will be done on Lowe's property. Mr. Jessey further noted that the soil will be located on state land by the pump house, the vehicles and equipment will be hauling loads from around the back of the Lowe's store, and the work will be done on Lowe's property.

Mr. Michelman inquired, again, if the trucks hauling the soil to-and-from the soil buttress area would not be entering through the HOA's property and entering onto the Highway to move the soil.

Mr. Jessey indicated that the trucks would be on Lowe's property and the only vehicles in the HOA area would be the paving trucks for the new road as well as the utility trucks in the beginning for the electrical and gas relocation.

Mr. Michelman inquired what the problem was with the first cut slope on the state lands on the first go around.

Mr. Smith indicated that he was unsure what Mr. Michelman was asking.

Mr. Michelman indicated that they were talking about putting different types of plants out there and the comment about the irrigation not working as well as they wanted it to.

Mr. Smith indicated that it was due to the failure of the retaining wall, the irrigation system was shut down and discontinued, and so the irrigation was not happening at a time when it really needed to. The system as installed worked good, it had to be shut down because of the concerns of intrusion water coming into the site as they were doing the study why the wall failed.

Mr. Michelman noted that there was concern about the water on the cut slope going through the area.

Mr. Smith indicated that was correct and that was why it was shut off.

Chairman Wiant noted that there was concern from a homeowner in the area about algae in the creek and inquired if it was result of the water being redirected by the site or by the dry season.

Mr. Jessey indicated that they first started hearing the concerns about a year ago, and last summer they walked the stream to check the algae. The same algae exists throughout many of the streams in the Prescott area, so it was easy to determine that it was not started at the Lowe's site and is a regional bloom occurring in the area.

Mr. Scamardo indicated that he spoke with fellow Commissioner, Joe Gardner, retired architect and that both he and Mr. Gardner felt the soil buttress is a major improvement that the City staff and Lowe's have worked hard to come up with a solution to correct the situation. Mr. Scamardo further noted that with the soil buttress, in a 100-year storm event there should not be problems with the water getting under the buttress and causing a landslide for the residents in Prescott Canyon Estates.

Chairman Wiant opened up the item to the public.

Mr. Russ Arurens, 2522 Hilltop Road, inquired if the contractors would be informed that they should not be doing construction between the hours of 12:00 AM and 5:00 AM and if there could be some type of plants installed on the hillside to catch the plastic bags.

Mr. Jessey reported that the construction schedule has been defined to operate between the hours of 7 AM and 7 PM.

Mr. Bacon reported that there is a noise ordinance within the City Code that limits the hours of construction between 6 AM to 8 PM and complaints are handled by the Police Department if that is violated.

Chairman Wiant indicated that the Lowe's would be addressing the debris and plastic bags as part of the maintenance program for the site.

Mr. Scott Tkach, City Engineer, indicated that there have been several meetings regarding the hours of construction and that the City will be very strict in enforcing the operating time; and, if the time is violated, the City has the ability to enforce a stop work order. Mr. Tkach further indicated that earlier in the process there were concerns by City staff about the soil buttress relative to the saturated soil and the water table; however, Lowe's did some revisions for the area and City staff is very confident in the design and the slope to maintain long-term stability.

Mr. Petrovsky inquired what the time line of the construction would be.

Mr. Jessey indicated that the time frame is 210 working days that Lowe's is looking forward to getting started.

Chairman Wiant inquired which way the water from the parking lot of Lowe's drains.

Mr. Jessey noted that the water drains to the southwest, away from the soil buttress.

Ms. Margaret Valenta, 2497 Hilltop Road, indicated that she was the president of the HOA for Prescott Canyon Estates and that she wanted to thank Scott Tkach, Tom Guice, and the rest of the City staff for doing a great job of explaining and providing information to the association. Ms. Valenta further noted that they are pleased with what Lowe's has done to help the HOA.

Chairman Wiant thanked Ms. Valenta for her input on the matter as they are the most affected by this situation, and it is important to know that the HOA and Lowe's were able to work out the problems.

Chairman Wiant called for other public comment. Hearing none, he closed the public portion and called for other comments or questions from the Commissioners.

Mr. Michelman indicated that he was pleased to hear that the needs and requirements of the HOA were being met, that the trucks will not be leaving the Lowe's property for the transporting of soil, and that with the new landscaping plans, it is a much better situation for all.

Mr. Rosa, **MOTION: To recommend approval of SI05-002**, The Lowe's Revised portions of the Site, Grading and Landscaping Plans dated June 15, 2009, subject to City department comments in the staff report dated June 25, 2009; SI05-002. Mr. Petrovsky, 2nd. **Vote: 5-0.**

Mr. Bacon reported that the item will be scheduled for City Council on July 7, and July 14, 2009.

- 3. RZ09-002, 102 West Merritt Street.** APNS: 113-02-025B, 113-02-026A, 113-02-030A, 113-02-032A, 113-02-034A and, 113-02-035B and totaling ± 0.96 acres. Zoning is Multi-Family-Medium (MF-M). Request rezone from Multi-Family Medium (MF-M) to Neighborhood Orientated Business (NOB) for Office/Retail Suites. Owner is Bill Resnick, Resnick Family Limited Partnership. Agent is Tom Terry, Architect. Community Planner is Ryan Smith (928) 777-1209.

Ryan Smith, Community Planner, reported that the applicant is proposing to build an office/retail commercial center consisting of 14,000 square feet at 102 W. Merritt Street, which is at the northwest corner of Merritt Street and Montezuma Street. Currently, the area is comprised of seven parcels that will be combined to an approximately one-acre parcel. Mr. Smith noted that the site plan calls out the access to the project site primarily from the alley off of Merritt Street because Whipple Street is congested and the property is adjacent to the corner. Mr. Smith further reported that the City will require improvements to the alley, the width will need to be 24 feet, there are some utilities that will need to be relocated, and all improvements will be more closely defined at the time of site plan review and final plat process.

Chairman Wiant indicated that when he drove down the alley to look at the site, he felt that the widening of the alley to 24 feet would affect parties to the west that have fences and buildings and inquired if there were items encroaching into the right of way.

Mr. Smith reported that to the best of his knowledge they were not; however, he would defer that question to the City Traffic Engineer, Ian Mattingly.

Mr. Smith continued to report that the area is currently zoned both at industrial and multi-family medium density. Mr. Smith reported that the properties to the north and south of the project are industrially zoned with a dentist's office (by conditional use permit) to the north and Shuttle "U" to the south. The properties to the east and west are zoned multi-family. The General Plan recommends the area to be a mixed use area, and the applicant is proposing a neighborhood business zoning which is a little more restrictive than a commercial zoning district. Mr. Smith continued to report that the Dexter Neighborhood Plan designates this area for commercial development and recommends that the lots be consolidated into a single parcel and that access be taken from Merritt or the alley which is what is being proposed. Mr. Smith indicated that under the current multi-family zoning density there could be approximately 27 apartments located on the parcels. In closing, the Mr. Smith noted that staff had received two letters of opposition, noting the concerns of the increased traffic and the alley access. There is enough opposition to the request to require a super majority vote from Council for approval. The item is for study only, and staff will be making a positive recommendation for the development of the property as it does meet the criteria for the long-range plans for the area. The recommendation will occur at the July 9, 2009 Planning and Zoning Commission meeting.

Chairman Wiant noted indicated that it could occur if the alley was improved because it does not meet the requirements today.

Mr. Smith noted that was correct. The pavement will have to be widened to 24 feet.

Mr. Petrovsky inquired what the difference was between a street and an alley because there are a large number of residents opposed.

Ian Mattingly, City Traffic Engineer, noted that it is has not been determined if there are any structures encroaching into the right of way as there has not been a survey done, although it appears there might be and the alley would have to be improved to the 24-foot requirement. Mr. Mattingly indicated that the details would be worked out during the site plan.

Chairman Wiant inquired if the widening would occur on the east or west side.

Mr. Mattingly indicated that the widening would occur in the right of way and that the area has not clearly been defined. It will require two standard driving lanes, 24 feet across.

Chairman Wiant inquired when a survey showing the width of the alleyway be done.

Mr. Mattingly noted that it would not occur until after the rezoning had occurred and the site plan details for the project started coming in.

Mr. Petrovsky inquired if the alley would become a named street with the development.

Mr. Mattingly indicated "no".

Mr. Michelman indicated that the site plan that they are reviewing projected two parking areas being entered off of the alley and one parking area with a right-in and right-out off of Whipple, which causes concern with the high volume of traffic on the turn.

Mr. Mattingly reported that the site plan was generated from the developer and that it was not a requirement of the City for the right-in, right-out entrance; however, the location is at the best place for the site distance and traffic. Mr. Mattingly added that it could lessen the impacts for the residents near the alley and that it would reduce about 25% to 30% of the traffic entering into the area off of the alleyway.

Chairman Wiant noted that he thought Mr. Michelman's concern had to do more with the traffic hazards on Whipple than the traffic for the residents along the alley.

Mr. Michelman noted that he did not see the benefit for the right turn off of Whipple but that it was more of a potential hazard.

Mr. Mattingly noted that complete access could be provided from Merritt Street.

Mr. Michelman inquired if some of the trees had to be removed, would the developer be redoing some of the landscaping on the site.

Mr. Smith indicated that the developer is aware of the requirements and that it would all be addressed at the review of site plan; however, it is not discussed at this point in the process.

Mr. Michelman noted that even if the Commission approves the rezoning, it is possible that the site plan review might not be approved.

Mr. Smith noted that was correct the only condition of the rezoning is that it is in general conformance with the site plan reviewed.

Mr. Rosa noted that he did not understand how this development would work if the signage faces Whipple and the entrance is off of the alley on Merritt as people will not know how to access the location.

Mr. Smith reported that the signage would have to be located on the site of the project and since it is a commercial center it probably will have some kind of commercial center signage.

Mr. Petrovsky indicated that from what he is hearing he is hesitant to continue with the rezoning until the Commission sees the site plan.

Mr. Michelman commented that if there is the potential of not liking the site plan because of the traffic flow, there should be a better site plan before moving through the process.

Mr. Rosa concurred.

Mr. Smith reported that the applicant was present to answer those types of questions.

Chairman Wiant noted that the item would not be voted on today and that the questions being raised are very sound.

Mr. Scamardo indicated that it does not make sense to approve the zoning without the site plan working.

Mr. Smith reported that staff has reviewed the site plan and the general concept does work; however, if the Commission wishes they can require that the site plan be better refined.

Mr. Petrovsky indicated that the reason he is concerned is because he is unclear on how the alley is going to impact the site.

Chairman Wiant noted that the alley is inadequate now and it is not clear how it will be mitigated.

Mr. Michelman noted that there are also buildings owned by other parties that are very close to the alley, and it is unclear on how widening the alley will affect those buildings.

Chairman Wiant invited the applicant to the podium to speak.

Mr. Bill Resnick, 1360 Windfield Circle, introduced Tom Terry, architect, and reported that the proposal is a general plan for office buildings, that they are not married to the location of the buildings or the in-and-out entrance onto Whipple; and, they are open to making adjustments to the plan. Mr. Resnick further noted that Mr. Terry would be able to address some of the concerns with the alley.

Mr. Terry reported that he does have the survey showing the alleyway and both sides of the alley would be improved; however, much of the improvement would take place on the east side. and according to the survey, there were no encroachments into the alleyway. Mr. Terry noted that the plan does take into consideration the mature trees on the site and that they intend to keep 60 to 70 % of the trees. Mr. Terry indicated that they would like to keep the right-in and right-out to help reduce the traffic off of the alley and it would benefit the neighborhood to help keep the traffic down; however, they would change it if need be.

Mr. Smith placed the site plan back on the overhead for the audience to review. Mr. Smith added that if the rezoning was approved today, a condition of the rezoning would be that it would be in general conformance to the site plan; however, the site plan would not be coming back before the Planning and Zoning Commission for approval and the site plan would be approved by staff using all the requirements of the *Land Development Code*, Building Code, etc.

Mr. Michelman indicated that he was not comfortable with that and that he would like to see the site plan. Mr. Michelman further noted that if all the improvements were made to the east side of the right of way, how would that affect the entrance to the alleyway.

Mr. Terry reported that the entrance to the alley is connected to Merritt so it is City right of way. All improvements will be made in the City right of way.

Mr. Mattingly noted that all the improvements will take place within the right of way; however, as the alley exists today, the majority of the improvements will take place on the east side as it is the portion that is not being used today.

Chairman Wiant indicated that the house on the corner appears to be using the City right of way for location of an out building.

Mr. Mattingly indicated, yes, that it does appear that way.

Mr. Michelman indicated that he is also concerned about how it will affect the living quarters that are already located there because when he looked at it he could not visualize where all the right of way is.

Mr. Mattingly indicated that the primary structure is setback 10- to 15 feet and is not in question, it is an old small outbuilding.

Mr. Michelman indicated that he would feel more comfortable if there were more details provided for the alleyway.

Mr. Rosa noted that it is possible that the survey crew could mark it with stakes.

Mr. Michelman indicated that the concept of having commercial buildings on the location does not bother him as it ties into the long term plan; however, how much it affects the neighborhood is what he would like more detail on.

Mr. Scamardo added that it may be just a matter of having more space between the edge of the right of way and the buildings.

Chairman Wiant inquired if the applicant was hearing the concerns of the Commissioners and queried whether the proposal could be refined to address the concerns and then brought back to Commission.

Mr. Resnick indicated that he understood it to be the aesthetics and how it affects the neighborhood and the community. It is their goal to have an attractive, appealing project acceptable to the City and their neighbors. Mr. Resnick further indicated that it would not be a problem for them to present a more detailed plan for the Commission to look at.

Mr. Scamardo noted an example of the square footage of the buildings would be helpful, and to add in the setbacks.

Mr. Smith reported that the *Land Development Code* will require that the landscaping barriers be met for the areas adjacent to the residential areas.

Chairman Wiant noted for the purpose of the Commission and the neighbors the plan should be refined.

Mr. Resnick indicated that they can do that.

Mr. Petrovsky inquired who would be responsible for paving the alley.

Mr. Smith reported that all the off site improvements would be the responsibility of the developer. Mr. Smith further reported that the item would be coming back before the Commission in two weeks and inquired if the applicants would like to defer the date to prepare any documents.

Mr. Resnick inquired when they return with the information if it would be brought back to the Planning and Zoning Commission.

Mr. Smith indicated that the Planning Commission will be meeting on July 9th; however the information will be needed for the packet by July 2nd.

Chairman Wiant opened the item for public comment.

Mr. Carl Unger, 114 W Merritt Street, reported that they are the owners of the parcel on the corner and that they are opposed to the project because if the alley is turned into a street it will be impossible to live at the location. Mr. Unger added that he has lived at that location for over 15 years and it would be awful. Mr. Unger indicated that they felt that the applicant bought the property knowing that there was an egress problem and that they should try to acquire the property and rezone the whole area. Mr. Unger noted that having the alley access is too dangerous, using an alley as a main entrance is unheard of, and that the Commission needs to think very hard about it.

Mr. Resnick noted, for the record, that he had received a letter from Mr. Unger who does not occupy the address on Merritt as his primary residence and that Mr. Unger owns the property on Merritt as an investment property.

Mr. Unger commented that it was not an investment property and that no one lived there but himself, as he is there more than the residence in Sedona.

Ms. Ava Moore, 1512 Vyne Street, indicated that she owned the property at 180 and 130 W. Merritt, which includes the two lots from Second Street to the alley. Ms. Moore reported that the property houses a trailer which is a rental and she is concerned for the folks that live there as they have been there for a long while. Ms. Moore added that if the applicant is determined to do the development, there should be sound barriers installed along the alley. She can not afford to relocate the trailer and she does not want her taxes to go up.

Mr. Michelman asked staff if it would be better to have a site visit of the property once all the right of way for the alley would be determined.

Ian Mattingly indicated that the City would not be able to stake the property in time for the next meeting and suggested that since the developer has the survey they could possibly stake the east side of the property.

Mr. Michelman inquired if the developer would be willing to do that.

Mr. Resnick indicated that they would be happy to do that.

Chairman Wiant asked it could include the both the east and west side.

Mr. Scamardo noted the measurement of 25 feet could be taken from one side.

Chairman Wiant added that, on a positive note, the addition of the buildings would be an improvement on the lots.

Mr. Smith noted that if the Commission wishes, there could be a site visit to the location on July 2nd at 9 AM.

Chairman Wiant noted that because the 4th of July is approaching, if the visit could be scheduled later and the Commission not act on the request on July 9th, but the next scheduled meeting on July 30th. Chairman Wiant then asked the applicant if that would be a hardship for them.

Mr. Resnick noted that would be fine.

Mr. Michelman inquired if there needed to be a motion to defer the item until July 30th.

Mr. Smith indicated that the public item should be opened on July 9th and then the Commission would make a motion to defer the item.

Mr. Scamardo inquired if the neighbors were aware of what was taking place and explained that the Commission is delaying the item for vote until July 30th. That will allow for time to make the revisions and add to the information that is being presented. Mr. Scamardo noted that no action will be taken on the item at the July 9th meeting.

Ms. Barbara Vicent, 813 2nd Street, noted she lives west of the proposed project and is concerned because her property is right there. She is afraid that she will be subjected to the traffic and cannot see how two cars can pass each other in the alley. Ms. Vicent indicated that she has been doing improvements to her property and did not envision that there would be a development across from her. Ms. Vicent noted that she would like a barrier along the back of her property to protect her property from the noise and the traffic as the traffic already comes down the alley too fast.

Mr. Petrovsky inquired if the alley was a dead end, where was the traffic coming from.

Ms. Vicent reported that there have been two duplexes built at the end of the alleyway and that she has heard that there are more to be added. Ms. Vicent added that she now has to put her trash container across the street for pick up because the solid waste truck cannot back up onto Merritt Street. She was wondering how the City would be able to pick up the waste on a narrow alleyway as there is no turn around point.

Mr. Scamardo commented that the alleyway that exists is inadequate; however, the right of way is 25 feet, so when the improvements occur in the alley it would consist of two lanes at 12 feet from each side.

Ms. Vicent inquired if the solid waste trucks would come in.

Mr. Scamardo reported that Engineering and Sanitation has looked at the location on the site plan for the dumpster location by suite E, and the trucks will enter into the alley and load and back up on to the alley.

Ms. Vicent noted that they were told that they could not do that.

Mr. Smith reported the plan is to enter off of Merritt, pick up the trash, back into the alley to turn around and drive forward out of the alley.

Ms. Vicent inquired why there could not be entered off the corner of Merritt and Whipple close to the intersection.

Mr. Mattingly noted that it was not possible to locate an entrance that close to an intersection. It is too close and dangerous for turning vehicles and the flow of traffic traveling southbound on Whipple coming upon the vehicle entering into or out of the area. Mr. Mattingly reported that Merritt is defined as a local street or minor collector and it is at the discretion of the Public Works Department to make those decisions.

Ms. Vicent commented that if there were no buildings there and it was an open parking lot and entrance way, people would have the ability to see.

Chairman Wiant indicated that he drives along Whipple several times a day and coming around the corner the trees block the light. Mr. Wiant added that he would not be comfortable making a turn at that location.

Mr. Mattingly indicated that the location that the applicant has noted for the right turn onto the site is the best location for it and, when the site plan is further refined, there will be requirements for the site distance that will have to be met.

Chairman Wiant noted that is the best they can do but he does not like it.

Mr. Michelman inquired if a speed hump could be installed into the alleyway.

Mr. Mattingly reported that there is nothing that would preclude the installation of the bump besides the will of the Commission and Council to require it. Mr. Mattingly added that with the length of the alley and the closeness of the buildings it will hard to see a speeding problem and the alley could be posted with a speed limit of 15 miles per hour.

Chairman Wiant indicated that having the development there would slow down the traffic because right now it is open.

Mr. Mattingly noted that it is going to close in the area and make it feel narrow so people will tend to drive slower. There will not be high volumes in the area but the traffic will increase.

Chairman Wiant asked if Ms. Vicent had other concerns.

Ms. Vicent indicated that she had concerns about the widening of the alley and the fence, and she would like to see visually where things would change on her side of the alley.

Chairman Wiant noted that everyone will get a better feel for the layout when the applicant returns.

Chairman Wiant called for other questions or concerns from the public.

Ms. Moore inquired if there would be any expense to them in changing the utilities and would like to see a stake and a string so she knows firsthand what she has to deal with.

Chairman Wiant noted that any improvements would be the responsibility of the developer.

Mr. Smith indicated that if the private property owner has encroached into the right of way, then it would be the private property owner's responsibility.

Mr. Mattingly reported that typically just outside of the right-of-way area, there is an area for the utilities; however, it is still considered the right-of-way area and if it is in the way of the paving of the alley, it would have to be relocated or set on a structure that could be driven on.

Mr. Michelman noted with the marking of the alleyway there should be a better feel of how everybody would be affected.

Chairman Wiant indicated that the item would not be acted on at this time.

No Action Taken.

Chairman Wiant called for a five minute break in the meeting at 10:35 AM.

Chairman Wiant reconvened the meeting at 10:40 AM and called for the next item.

4. **Land Development Code Amendment LDC09-001-A.** Amendments to Table 6.2.3, Article 6-Off-Street Parking, Section 11.2 and Section 11.1.3.D.3 all related to Parking for Workforce Housing. Community Planner, Mike Bacon.

Mike Bacon Community Planner noted that the item was first considered by the Planning Commission at the May 28, 2009 meeting and continued so staff could do additional research into providing a wider definition of Workforce Housing to be general in scope rather than focusing on one specific federal program. Mr. Bacon reported that the definition for Workforce Housing now includes multi-family rental housing and 80% for single-family owned housing. This has addressed both aspects of housing, both multi-family and single-family housing in the area. There is one part of the definition that is restrictive and that is for student use. It includes the Section 42 of the IRS Code in accordance with the Internal Revenue Code and the Arizona Department of Housing guidelines; consequently, there are issues with a vehicle for each person. Mr. Bacon noted along with the definition of the Workforce Housing, other definitions were added for Dwelling Units for Workforce Housing and Area Median Income. This was done because it was referenced in the definition for Workforce Housing. Mr. Bacon concluded the staff report and noted that staff is recommending approval of the definitions.

Chairman Wiant called upon Mr. Scamardo for his comments.

Mr. Scamardo indicated that request came about because of the project on Bradshaw that was financed with funding that provides for apartments that are rent controlled based on the income of the tenants. Mr. Scamardo noted that the developer of the Bradshaw Project is also a developer of these types of units and has found that they

usually have excessive parking for the areas. Mr. Scarmardo added that previously the Planning Commission was asked to adjust the parking requirements for only the three-bedroom units for the workforce housing and it was approved. Mr. Scamardo reported that because there was no definition for Workforce Housing, it needed to be provided. Mr. Scamardo explained that a regular "at market" development that is not financed with federal funding will have to provide the parking that is required under the current zoning code. However, if a developer builds with funding for subsidized housing, low income or affordable housing, they can ask for a reduction in parking spaces because it has been determined by experience that there are not that many vehicles for three bedrooms. The Planning Commission made recommendation that the developer should have the land available as part of the landscaping; and, if the development was ever converted to market-rate housing, then they would be required to remove part of the landscaping and put the parking spaces in.

Mr. Petrovsky inquired if the difference in the packet and the page the Commission was provided at the meeting was for Section 11.2.

Mr. Bacon noted that was correct and they reason was because staff had received late information.

Mr. Scamardo noted that the adjustment would not affect the parking requirements for the current market rate apartments but makes a change that is described under federal guidelines for Workforce Housing.

Chairman Wiant inquired if the entire project have to change over to market rate or can just a portion of it change.

Mr. Scamardo indicated that the funding and the commitment has to be for a period of ten years or more and if after that time period they elect not to be a subsidized, then they can convert over to market rate. Mr. Scamardo added that the entire unit could become market rental apartments and that is why the language was negotiated for the additional space needed for the parking. Mr. Scamardo further noted that with the subsidized three- bedroom units, it is usually occupied by a single parent with children and one vehicle.

Chairman Wiant inquired if the parking could be covered, enclosed or open.

Mr. Scamardo indicated that is basically parking spaces that they have to build and parking spaces that they might have to add in the future.

Mr. Worley noted that he would like to congratulate Mr. Bacon for the relatively short sentence that took much effort to try and find a common thread in the language of the definition and accomplish what the Commission had asked for. Mr. Worley added that the Commission had asked for a broader definition than Section 42 of the Federal Housing or the IRS funding requirements. Mr. Worley noted that what Mr. Bacon had come up with is as close to an average to all the definitions out there and still will not allow for an opening for insufficient parking for a location that should have been planned for ahead of time.

Chairman Wiant indicated that he agreed and called for additional comments from the Commissioners.

Mr. Michelman indicated that he would like to thank Mr. Bacon and staff for taking additional steps for the definition and felt, that by doing so, it is recognizing that there are other organizations that could benefit from this as well.

Chairman Wiant called for a motion.

Mr. Rosa, **MOTION: recommend approval of the LDC Amendments** for parking for Workforce Housing, new definitions for Workforce Housing and Area Median Income, and to add the definition of Workforce Housing to Household Living. Mr. Michelman, 2nd.
Vote: 5-0.

V. CITY UPDATES

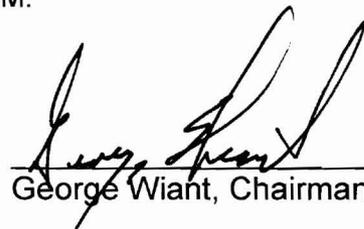
Mr. Worley briefly reviewed recent actions taken by the City Council. Mr. Worley reported that the City Council approved the site plan and development agreement for The Bradshaws deferring the payment of fees until final permitting and/or certificate of occupancy. Mr. Worley also reported that the annexation and rezoning for the Cavan property (east of the Airport and north of Highway 89A) has been deferred until the middle of July. Mr. Worley added that Council is watching the State budget process and the various concepts on impact fees. Mr. Worley further reported that the City's revised impact fees will go into on July 11, 2009.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 10:55 AM.


George Wiant, Chairman