

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
AUGUST 13, 2009
PRESCOTT, ARIZONA

MINUTES of the PLANNING & ZONING COMMISSION held on August 13, 2009 in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER

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

II. ATTENDANCE

MEMBERS PRESENT George Wiant, Chairman Tom Menser, Vice Chairman Don Michelman Seymour Petrovsky Richard Rosa Len Scamardo	OTHERS PRESENT Tom Guice, Community Development Director George Worley, Asst. Community Development Director Matthew Podracky, Sr. Asst. City Attorney Richard Mastin, Development Services Manager Mike Bacon, Community Planner Ryan Smith, Community Planner Kelly Sammeli, Recording Secretary
MEMBERS ABSENT Joe Gardner	COUNCIL PRESENT Councilman Bell Councilman Lamerson

III. REGULAR ACTION ITEMS

1. Consider approval of the minutes of the July 30, 2009 meeting.

Mr. Rosa, **MOTION:** to approve the minutes of the July 30, 2009 meeting.

Mr. Petrovsky, 2nd. **Vote:** 6-0.

(After the approval of the minutes, Chairman Wiant stated that the applicant for the United Christian Youth Camp has requested a continuance until the October 29, 2009 Planning and Zoning meeting subject to the Commissions approval.

Mr. Scamardo, MOTION: to approve delaying MP08-002 & RZ09-006, United Christian Youth Camp until the October 29, 2009 Planning and Zoning meeting. (related to Agenda Items #2 and #3).

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

2. **MP08-002 & RZ09-006, United Christian Youth Camp**, 1400 Paradise Valley Lane. APN's: 108-08-003, 108-20-181E, 108-20-181F, 108-08-002K, 108-09-089, 108-08-001T, 108-20-002Y, 108-20-012Q, 108-09-091B, and 108-08-001W. Current zoning is Multi-Family High Density (MF-H) and Single-Family 9 (SF-9). Request is to rezone from Multi-Family High Density (MF-H) and Single-Family 9

(SF-9) to Specially Planned Community (SPC) with a Master Plan for Site Development. Applicant is Headwaters Architect. Owner is United Christian Youth Camp. Contact Person: Mike Bacon, Community Planner (928) 777-1360.

(See beginning of meeting minutes).

3. **RZ09-006 & MP08-002, United Christian Youth Camp**, 1400 Paradise Valley Lane. APN's: 108-08-003, 108-20-181E, 108-20-181F, 108-08-002K, 108-09-089, 108-08-001T, 108-20-002Y, 108-20-012Q, 108-09-091B, and 108-08-001W. Current zoning is Multi-Family High Density (MF-H) and Single-Family 9 (SF-9). Request is to rezone from Multi-Family High Density (MF-H) and Single-Family 9 (SF-9) to Specially Planned Community (SPC) with a Master Plan for Site Development. Applicant is Headwaters Architect. Owner is United Christian Youth Camp. Contact Person: Mike Bacon, Community Planner (928) 777-1360.

(Refer to Item # 2—associated with MP08-002)

4. **SUP09-003, Eco3Oil Change, 202 S. Montezuma Street**, located at the southwest corner of Montezuma and Goodwin Streets. APN: 109-02-046A and totaling ± 0.25 acres. Zoning is Downtown Business District (DTB). Request Special Use Permit to allow an automotive service business in the DTB. Owner is Montezuma-Goodwin LLC / Brad Christensen. Applicant is Eco3Oil / Diane Rosito. Community Planner is: Ryan Smith (928) 777-1209.

Ryan Smith, Community Planner reported that the request is to allow for an automotive business in the downtown business district, which would be located on the southwest corner of Montezuma and Goodwin Streets. Mr. Smith placed the proposed site plan on the overhead for all to see. Mr. Smith added that per the *Land Development Code* this type of use would be required to have an Special Use Permit to operate. Mr. Smith continued to report that both the applicant and the owner of the property, Brad Christensen, have expressed that this proposed use may be an interim business as Mr. Christensen has future plans to build condominiums on the site when the economy is better. Mr. Smith indicated that this in part, is why the applicant has requested waivers for the project. Mr. Smith noted that the applicant is proposing to paint the building, resurface the existing parking area, and beautify the City planters that are located in the right of way, in front of the business. Mr. Smith added that the existing building was once used as an auto service and repair business however, the site currently can not meet some of the current requirements in the LDC. Mr. Smith reported that the applicant has requested several waivers which include, removing the 10' setback requirement from all right-of-way locations, elimination of the landscaping along the parking lot perimeters and the reduction of the maneuvering area from 24' down to 19' behind several of the parking spaces. Mr. Smith continued to report that the parking configuration will remain the same as it was historically and there will be three entrances to the site, at the alley, Goodwin Street and Montezuma. Because the project site is close to the intersection, the entrances off of Goodwin Street and Montezuma will be required to be right in, right out only with full traffic movements at the alley. Mr. Smith noted that per the *Land Development Code* the Historic Preservation Commission will also be reviewing the request for the use and for signage on

August 14, 2009. In closing, Mr. Smith added that the item will be back before the Planning and Zoning Commission on August 27, 2009 for the vote and staff will recommend approval for the request at that time. Mr. Smith informed the Commission that the applicant was present to answer questions.

Chairman Wiant asked Mr. Smith to address the maneuvering area behind the parking spaces.

Mr. Smith indicated that per the *LDC* the applicant was required to have 9 parking spaces in addition to the three work bays. Mr. Smith added that the site plan currently reflects 15 parking spaces and if the spaces in the front of the building were removed, the maneuvering area would be increased and acceptable. Mr. Smith added that another option would be to make the 4 parking spaces in front of the building compact parking spaces.

The applicant, Ms. Diane Rosito, indicated that she has owned Canyon Auto and Truck Repair for eight years and has studied motor oil and filtration systems for about five years. Ms. Rosito further indicated that she has determined through her studies that synthetic oil is a superior product over conventional oil. Ms. Rosito reported that she has operated Eco3Oil change within the Canyon Auto and Truck repair since October of 2008 where she was able to work out all the bugs prior to moving the business to a stand alone facility. Ms. Rosito added that she believes the business is very good and will be well suited in the location being requested.

Chairman Wiant called for questions or comments from the Commissioners.

Mr. Michelman indicated that he had mixed feelings about the proposed use. Continuing, Mr. Michelman added that he thought the project would clean up the corner be good for the economy. However, it would be allowing an auto service use back into an area that was disallowed and if approved the time there would not be limited.

Mr. Smith reported that it was appropriate for the Commission to place a condition of review on the Special Use Permit if it was approved to come back before the Planning Commission in 3-5 years.

Ms. Rosito indicated that she takes offense to the disallowed use because not every business should be a knick-knack or T-shirt shop to suit the square and the tourist. Ms. Rosito further indicated that there are a lot of local people that are concerned about the environment and she believes that because the business is Eco friendly it will be the start of many locations through out Arizona. Ms. Rosito added that she has invested a lot of money in the business and she would prefer people view it as an opportunity rather than an offensive use.

Mr. Petrovsky inquired if the Downtown Partnership had been informed of the applicants request.

Mr. Smith reported that as part of the Special Use Permit process all the property owners within 300 feet of the location were notified by mail and it did include the Downtown Business Partnership. Mr. Smith added that to date staff

has not received comment from anybody.

Mr. Petrovsky inquired if the existing planter included the buttress type planter that extends out into Montezuma Street.

Mr. Mastin, Development Services Director reported that there is a planting area that extends into the sidewalk area and it is a typical curb area that is found around the downtown area.

Mr. Menser inquired if the applicant had a set limit of time for the business to operate in the location and what would happen to the previous Condominium project approved for the location.

Mr. Smith indicated that the approval does not go away.

Mr. Menser inquired if this would be a temporary approval over and above the condo project.

Mr. Smith indicated that the SUP will run with the land if the Commission or the City Council did not place a condition on it that it needs to be renewed in a number of years.

Mr. Menser noted that would mean that there would two projects approved for the same site.

Mr. Smith reported that would not be any different than the existing zoning that allows for multiply uses on the same site.

Mr. Scamardo noted that the Commission is looking at a Special Use Permit and Site Plan and that the applicant is leasing the site. Mr. Scamardo further added that the economics will determine the outcome of the business and if the site can currently be improved the Commission should look at it as an upgrade.

Mr. Menser agreed with Mr. Scamardo and stated he needed to be clear in his mind as to what legally would happen to the condo project.

Mr. Worley, Assistant Community Development Director reported that the condo project had the review process of a Site Plan from the Planning Commission and Historic Preservation Commission. There have been no permits issued and the concept is still in place for the future. Mr. Worley added that currently, both the applicant and the owner of the property have noted that this is probably an interim use, and by taking action on this request would not eliminate the option for the owner to move forward with the other project in the future.

Mr. Petrovsky inquired if the other application would be required to come back before the Planning Commission.

Mr. Worley noted that the condo project would return if there are additional items that require action from the Planning and Zoning Commission; this would include a plat review if the plan is for Condominiums.

Chairman Wiant noted that the Commission will not be eliminating one use for another and inquired who will care for the planters in the City right-of-way.

Mr. Smith reported that staff will request a condition of the SUP that the applicant maintains and cares for the planters.

Mr. Mastin, Development Services Director added that the City code requires the fronting property owner to care for the landscaping in the right-of-way.

Mr. Menser indicated that in reviewing the site plan and the circulation, there needs to be a minimum of 24' turning radius behind the bays. Mr. Menser added that for him to support the project the two front parking spaces need to be eliminated and three of the spaces need to be marked compact to allow for the circulation.

Mr. Steve Webber, 102 Grace Avenue indicated that he was aware that the handicapped parking space would need to be relocated to allow for an 8' accessible isle. Mr. Webber added that he could also remove the two parking spaces that Mr. Menser as Mr. Menser had suggested.

Mr. Menser noted that if those changes were made that everything would work.

Mr. Scamardo concurred with Mr. Menser.

Chairman Wiant called for any other comments. Hearing none closed the public portion of the meeting. Chairman Wiant added that the item would be voted on at the next Planning and Zoning meeting on August 27, 2009.

V. CITY UPDATES

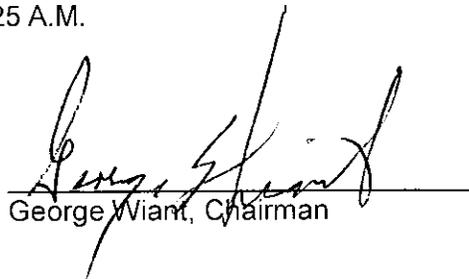
None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 9:25 A.M.



George Wiant, Chairman