



PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
PUBLIC HEARING
THURSDAY, SEPTEMBER 10, 2009
9:00 AM**

**COUNCIL CHAMBERS
CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following Agenda will be considered by the **PLANNING & ZONING COMMISSION** at its **REGULAR MEETING / PUBLIC HEARING** to be held on **THURSDAY, SEPTEMBER 10, 2009, at 9:00 AM** in **COUNCIL CHAMBERS, CITY HALL**, located at **201 S. CORTEZ STREET**. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

George Wiant, Chairman
Tom Menser, Vice Chairman
Joe Gardner
Don Michelman

Seymour Petrovsky
Richard Rosa
Len Scamardo

III. REGULAR ACTION ITEMS

(May be voted on contingent upon any related public items below as being acted on unless otherwise noted).

1. **Consider approval of the minutes** of the August 27, 2009 meeting.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

IV. PUBLIC HEARING ITEMS

- 2. SUP09-004, 218 E. Willis Street**, APN: 113-16-032 and totaling ± 0.17 acres. Zoning is Business Regional (BR). Request Special Use Permit for modifications to an existing Wireless communications site. Applicant is Brandon Brown/Reliant Land Services for Verizon Wireless. Property Owner is Roger Brown. Community Planner is Steve Gaber (928) 777-1206.

V. CITY UPDATES

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on **SEPTEMBER 3, 2009 at 11:00 A.M.** in accordance with the statement filed with the City Clerk's Office.

Kelly Sammeli, Administrative Specialist
Community Development Department

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
AUGUST 27, 2009
PRESCOTT, ARIZONA**

MINUTES of the **PLANNING & ZONING COMMISSION** held on **AUGUST 27, 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 Joe Gardner Don Michelman Seymour Petrovsky Richard Rosa Len Scamardo	OTHERS PRESENT Tom Guice, Community Development Director Matthew Podracky, Sr. Asst. City Attorney Richard Mastin, Development Services Manager Steve Gaber, Community Planner Ryan Smith, Community Planner Kelly Sammeli, Recording Secretary COUNCIL PRESENT Councilman Bell Councilman Lamerson
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III. REGULAR ACTION ITEMS

1. **Consider approval of the minutes** of the August 13, 2009 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the August 13, 2009 meeting.

Mr. Michelman, 2nd. **Vote: 7-0.**

2. **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 it was the second presentation on the request to allow for an automotive business in the downtown business district. The business known as Eco3 Oil Change would be located on the southwest corner of Montezuma and Goodwin Streets. Mr. Smith noted that the Commissioners had received a revised site plan with the suggested changes that the Commission had proposed at the last meeting. Mr. Smith placed the proposed site plan on the overhead and noted that the parking spaces with the inadequate maneuvering areas had either been removed or converted to compact parking spaces. The site plan reflected 12 parking spaces in addition to the bays. Mr. Smith reported that the proposed site would only need 9 parking

spaces. Mr. Smith further reported that staff had received a letter from the Prescott Downtown Partnership which indicated that they support the request for the business however, they would like a specific time period limiting the use. Mr. Smith indicated that the letter also stated that they (The Downtown Partnership) had polled their members and that overall they supported the use, because of the tax revenues it will generate and the occupancy of an otherwise blighted, vacant building in the downtown area. Mr. Smith added that the Historic Preservation Commission had also reviewed the proposed use at their August 14, 2009 meeting and recommended approval of support for the Special Use Permit. Mr. Smith concluded the staff report by noting that staff recommends a positive recommendation of the request with conditions. Mr. Smith placed the list of conditions on the overhead and noted: 1) waive the parking/landscaping setback; 2) the maintenance of the planters; 3) the parking and the general conformance with the site plan; and, 4) limiting the use to an interim of 5 years unless it is extended by City Council.

Chairman Wiant called upon the Commissioners for questions or comments.

Mr. Menser inquired if the applicant had agreed to the five year limitation.

Mr. Smith reported that both the applicant and the owner have stated that the use will be interim and that they felt the 5 year period was appropriate.

Mr. Menser noted he was pleased to see the Prescott Downtown Partnership provide input to the Commission and that with the revisions everything looked good.

Mr. Petrovsky inquired if the Commission was to approve the special use permit and the owner for some reason wanted to go ahead with the original project for the site, what would happen to the applicant and the use being reviewed today.

Mr. Smith reported at the last meeting there was no condition limiting the use to five years and if it had been approved then, it would run with the land. However, the condition of time limitation was added on behalf of the Downtown Partnership and should the owner wish to continue with the previous larger project, the SUP would only allow for this additional use, and does not limit any other use, as long as it was within the zoning base allowed for the property.

Mr. Petrovsky inquired even if it was within one year.

Mr. Smith noted that was correct. Mr. Smith added with the 5 year condition on the SUP, the automotive service business would only be able to operate for the five years. Mr. Smith further noted if it was the Commissions desire not to limit the use with a time period, then the SUP would run with the land.

Chairman Wiant opened the item to the public. Hearing no public comments, Chairman Wiant closed the public comment on the item and called upon the Commissioners for further comments.

Mr. Michelman indicated that he did have some concerns about the use at the last meeting however, the suggested action by staff is a win-win for all parties

involved he fully supports it.

Chairman Wiant called for additional comments from the Commissioners, and hearing none called for a motion.

Mr. Scamardo, **MOTION: to approve SUP09-003**, allowing for an auto service business located at 202 Montezuma Street with the following conditions: 1) waive LDC section 2.4.9 (parking/landscaping setback); 2) existing planters along the sidewalk ROW must be landscaped in a manner consistent with other landscaping in the downtown area, maintained by the business operator or owner and shall be kept weed free; 3) must be in general conformance of the site plan received 8-24-09; and, 4) Special Use Permit, SUP09-003 shall not extend beyond a period of 5 years from the Council approval date unless extended by City Council.

Mr. Rosa, 2nd.

Chairman Wiant inquired if the motion could be modified to include the location of 202 South Montezuma Street, as it is understood but is not stated.

Mr. Scamardo accepted the modification to the motion to include 202 South Montezuma Street.

Mr. Rosa, 2nd.

Vote: 7-0.

Mr. Smith announced that the item will be scheduled for the September 1, 2009 City Council meeting with the voting session on September 8, 2009.

3. **SUP09-004, 218 E. Willis Street**, APN: 113-16-032 and totaling ± 0.17 acres. Zoning is Business Regional (BR). Request Special Use Permit for modifications to an existing Wireless communications site. Applicant is Brandon Brown/Reliant Land Services for Verizon Wireless. Property Owner is Roger Brown. Community Planner is Steve Gaber (928) 777-1206.

Steve Gaber, Community Planner reported that the request is for a Special Use Permit to re-construct, improve and modify an existing cell site located at 218 E. Willis Street. Mr. Gaber placed a photograph of the site on the overhead and continued to report that the site is a pre-existing, non conforming site that has been in operation at the location for more than a decade. The site was originally constructed prior to the adoption of regulations of Wireless Telecommunications sites by the City, and continues to be and is an intricate part of the Verizon communication system. Mr. Gaber noted that the request is to upgrade the tower by replacing the wooden pole with a steel pole and slightly increase the size of the antenna on it. The property where the site is located is owned by Brown Family Trust and is located within a mixed use area. It is also the location of County Wide Communications. All of the electronics associated with the cell site are located in one of the garage bays. Mr. Gaber reported that the site plan notes that the cell tower would be 55 feet in height. However, Verizon has been made aware of the 50 foot height limit and will make the adjustments to the tower accordingly. Mr. Gaber noted that the staff report included the criteria for Special Use Permits, and

a list of locations that Verizon operates from. Mr. Gaber added that the location called out on Douglas Street should be Douglas Avenue. Concluding, the staff report Mr. Gaber added that staff is recommending that the steel pole, as well as the antenna be constructed with a rust/brown finish, to reduce the visual impacts of the site, the item will be reviewed again at the Planning and Zoning public hearing September 10, 2009 and, Mr. Brandon Brown, Agent for Reliant Land Services, was present to answer any questions from the Commission.

Chairman Wiant called upon the Commissioners for questions.

Mr. Michelman inquired about the list of locations that were included in the staff report and if they were all Verizon locations.

Mr. Gaber indicated that many of the locations were co-locations and that Verizon did have locations on several sites.

Mr. Michelman indicated that there was a cell site location at Gurley Street and Park Avenue and inquired why there needed to be two locations so closed together.

Mr. Gaber noted that from his observation, phone service in the downtown area is spotty and several of the older locations have relatively small service circles, such as the Verizon site vs. the Mountain Bell tower which is taller and can provide service to a larger area.

Chairman Wiant indicated that there was a similar situation several years ago in the Douglas Avenue area and the Kmart area. Chairman Wiant continued to note that it was explained that with electronic systems that both locations were needed to provide complete coverage.

Mr. Gaber reported in addition, all the cell service providers want to provide quality service for their customers.

Mr. Gardner reported that he owned the property to the east of the cell site location and that he does not object to the site because it has been there forever and has never been a problem.

Mr. Brandon Brown, Reliant Land Services for Verizon Wireless, 3234 S. Fair Lane, Tempe, AZ, 85050, indicated that cell towers at higher altitudes are able to provide better coverage. The location that is being discussed is limited to the coverage it provides because it is not as high and that is why there are locations close to one other in the downtown area.

Mr. Gaber added that the cell site location at Park Avenue is another location the is non-conforming and is a property that has had communication towers of one type or another for more than twenty years.

Mr. Scamardo asked Mr. Brown if the 50' height would be adequate to provide the coverage needed.

Mr. Brown indicated that it was.

Mr. Petrovsky inquired if the 50' limitation would include the panels on top of the pole.

Mr. Gaber indicated that was correct.

Mr. Menser inquired what the existing height of the pole was. [Mr. Gaber, 52']. Mr. Menser then inquired why the height was being changed.

Mr. Gaber reported that the height limitation for cell towers in the downtown area was 50'.

Mr. Scamardo commented that is why he asked if the height was adequate.

Mr. Menser offered that regardless if it is a non-conforming site, they would not be installing an upgrade if it was not needed.

Chairman Wiant thanked Mr. Gaber for the presentation.

Mr. Gaber informed the Commission that the public hearing on the item will be held at the next Planning and Zoning Commission meeting on September, 11, 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

SUP09-004, 218 E. Willis Street.

There is no new information for this item, as it was discussed at the last Planning and Zoning meeting on August 27, 2009.

Please refer to that packet for the information.