



PLANNING & ZONING COMMISSION A G E N D A

PLANNING & ZONING COMMISSION
PUBLIC HEARING
THURSDAY, MARCH 25, 2010
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, MARCH 25, 2010, 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 February 11, 2010 meeting.
2. **PP10-001, Gardner Cove Townhomes.** APNs: 115-08-034C, 115-08-034D, and 115-08-071G and totaling ± 1.21 acres. Zoning is Multi-Family Medium (MF-M). Request preliminary plat approval for a Planned Area Development (PAD) consisting of 16 townhomes contained in eight duplexes. Owner is Advanced RE Management, LLC. Applicant/agent is Gisi Enterprises, Inc. Community Planner is Ryan Smith (928) 777-1209.

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

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 March 18, 2010 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek, Administrative Assistant
Community Development Department

PLANNING & ZONING COMMISSION
 REGULAR MEETING / PUBLIC HEARING
 FEBRUARY 11, 2010
 PRESCOTT, ARIZONA

MINUTES of the PLANNING & ZONING COMMISSION held on FEBRUARY 11, 2010 in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER

Chairman *pro tempore* Scamardo called the meeting to order at 9:00 AM.

II. ATTENDANCE

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

III. REGULAR ACTION ITEMS

1. **Consider approval of the minutes** of the January 28, 2010 meeting.
 Mr. Rosa, **MOTION: to approve the minutes** of the January 28, 2010 meeting.
 Mr. Petrovsky, 2nd. **Vote: 4-0-1.** (Abstention due to absence, Mr. Michelman)

IV. PUBLIC HEARING ITEMS

2. **RZ09-009, 302 N. Alarcon Street**, located on the northwest corner of E. Sheldon St. and N. Alarcon St. APN: 113-13-006A and totaling ± 0.09 acres. Zoning is Multi-Family High (MF-H). Request zoning change from Multi-Family High Density (MF-H) to Industrial Light (IL). Owner is Miss Kitty's Cat House. Applicant/Agent is Marcia L. Kerans. Community Planner is Ryan Smith (928) 777-1360.

Mr. Smith noted that this was the second hearing for the request to rezone the property located at 302 N. Alarcon Street, from Multi-Family High (MF-H) to Industrial Light (IL) zoning. Mr. Smith reported that if the rezoning request was approved, the property would be utilized for the operation of a cat kennel and public adoption facility known at Miss Kitty's Cat House. Mr. Smith further reported that he had received one call from an adjacent property owner who inquiring about the safety of the cats and was also unaware that all the properties

north of Sheldon Street was already zoned IL. Mr. Smith added that the caller did not have any concerns with the rezoning. Mr. Smith concluded the update by indicating that staff was recommending a positive recommendation of approval to City Council.

Chairman *pro tempore* Scamardo called for comments or questions from the Commissioners.

Mr. Petrovsky inquired if the applicant had considered changing the name of Miss Kitty's Cat House.

Ms. Marcia Kerans, 2740 Whispering Way Circle, indicated that she was the President for Miss Kitty's Cat House. Ms. Kerans further reported that over the years they have heard many comments regarding their name and would not have a problem with adding something to the name to help identify the purpose of the property. Ms. Kerans explained that they only put a sign up when they are open for adoptions which is Friday and Saturday and they will be applying for the proper signage.

Mr. Michelman inquired if adoptions would occur at the location.

Mr. Smith offered that the majority of the adoptions occur at PetSmart.

Chairman *pro tempore* Scamardo called for other questions or comments. Hearing none, he called for a motion.

Mr. Rosa, MOTION: that the Commission recommend approval of RZ09-009, 302 North Alarcon Street.

Mr. Petrovsky, 2nd.

Vote: 5-0.

6. **SI10-001, 121 Bradshaw Drive, Phase IV.** APN: 110-04-193D and totaling ± 1.48 acres. Located on the southeast corner of Stetson Road and Bradshaw Drive. Zoning is Business General-Planned Area Development (BG-PAD). Request revised Site Plan for the Bradshaws Phase IV. Replace the 2-story 20 unit Family Apartment Building with a 3-story 32 unit Apartment Building. Owner is WESCAP Investments, Inc. Applicant/Agent is Chris Fergis and Harding, Inc. Community Planner is Mike Bacon (928) 777-1360.

Mike Bacon, Community Planner indicated that it was the second presentation of the request was a revised site plan for The Bradshaws, Planned Area Development, (PAD) phase IV. Mr. Bacon placed a rendering of the Bradshaws projected site plan on the overhead projector and indicated that he had made contact with several of the property owners adjacent to the site as requested by the Commission at the last meeting. Mr. Bacon added that everyone he had spoken to were receptive of the site plan. Continuing, Mr. Bacon reported that the based on the Commissions input at the last meeting the applicant worked to meet the suggestions and revised the site plan again. The new site plan was placed on the overhead projector and Mr. Bacon noted that the building had been

shifted and the building itself had been redesigned. The building will now sit further back on the site and the building has been shifted to the west. Mr. Bacon briefly reviewed the photographs of the neighborhood concluding his report adding that staff is recommending approval per the conditions listed in the staff report dated February 11 2010 and the new exhibits. Mr. Bacon invited the architect to the podium to address the new changes to the site plan.

Mr. Michelman inquired if the parking requirements would be affected due to the change from affordable family to senior living.

Mr. Bacon reported that senior housing would allow for a reduction in the parking spaces however, the site exceeds the required amount of parking.

Chairman *pro tempore* Scamardo called upon the applicant to speak.

Mr. Chris Fergis, Fergis and Harding Architecture, 7227 North 16th Street, Phoenix, AZ reported that the previous plan for the affordable housing required 40 parking spaces and with the senior housing the parking requirement was lowered to 32 parking spaces per code. Mr. Fergis added that they were also able to lower the height of the building by an additional 18 inches by rotating it and placing it further from the parking area.

Mr. Michelman offered that the changes had placed the building back to where it was originally when the site plan was submitted for review several years ago.

Mr. Fergis indicated that was true and added that the new building design has three stories in the rear and will not impact the neighboring residents with winter shadowing as was noted and discussed the previous design.

Mr. Michelman indicated that the within the staff report provided to the Commissioners, staff had reported that the reason for the change to senior housing vs. affordable housing was due to state funding and inquired if Mr. Fergis could further explain that.

Mr. Fergis informed the Commission that when the 2010 state allocation plan was released there was a push to provide for more senior housing. Mr. Fergis added that information made it more difficult to obtain funding large affordable housing projects.

Mr. Michaelman inquired if that would influence changes to the site in the future.

Mr. Fergis indicated that it would not because they only had a portion left to develop which was an eight unit building and they (the developer) had already worked very closely with the neighbors on that building site.

Mr. Gardner offered that it was an improved plan and it looked good to him.

Chairman *pro tempore* Scamardo called for further comments or questions.

Mr. Petrovsky asked Mr. Bacon if the items needing approval listed in the last staff report would still be in effect with the changes in the new site plan.

Mr. Bacon indicated that was correct and all the conditions of approval will be in effect with the new site plan as noted in the staff report.

Mr. Fergis indicated that he was glad that the topic had come up as he was going to speak with Mr. Bacon regarding the conditions. Mr. Fergis commented that items 6, 7, & 8 related to a land division application approved by the City, a Preliminary Plat and a Final Plat process and did not understand why that was noted in the conditions of approval.

Mr. Bacon explained that when the project had previously gone before the Planning and Zoning Commission it was only two parcels. Mr. Bacon added that during that review it was discovered that the property owner had created five parcels. This requires a land division process because it is more than three splits. Mr. Bacon further explained that because the property was now more than three splits or parcels the platting process would have to be filed and completed. This is due to the fact that there are cross easements within the properties and that the properties could be sold off individually in the future. A completed plat process would make sure that the cross easements are recorded in place and all the City requirements are fulfilled and this was why the conditions were placed on the site plan review.

Chairman *pro tempore* Scamardo offered that it should not be a problem for the applicant.

Mr. Bill Spreitzer, 4745 N. 7th Street, Suite 110, Phoenix, AZ indicated that the parcels were defined as part of a clean up measure and would like to avoid the idea of subdivision.

Chairman *pro tempore* Scamardo indicated that he understood Mr. Spreitzers' concerns however the process is basically to same as a shopping center that is sitting on separate deed-able, taxable, parcels.

Mr. Petrovsky inquired if any of the conditions of approval would go away.

Mr. Bacon reported yes due to the fact that many of the items are approved administratively prior to submittal for the building permit. Mr. Bacon added that staff will make sure the conditions are met prior to submittal and prior to the Certificate of Occupancy is issued.

Chairman *pro tempore* Scamardo opened the item to the public. Hearing no public comment, closed the item and called for a motion.

Mr. Rosa, MOTION: that the Commission recommends approval for SI10-001, 121 Bradshaw Drive, Phase IV.

Mr. Petrovsky, 2nd.

VOTE: 5-0.

Chairman *pro tempore* Scamardo noted that when the project first came before the Commission it was noted that the property site was difficult. Chairman *pro tempore* Scamardo indicated that the developers have continued to with the

topography of the land, City staff, and the Planning and Zoning Commission through all of the phases. Chairman pro tempore Scamardo added that the site has been one of the cleanest large scale sites that he has ever seen and he commended Mr. Spreitzer and his staff for their follow through on the right development on the site.

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. Adjournment

Chairman *pro tempore* Scamardo adjourned the meeting at 9: 25 AM.

Len Scamardo, Chairman pro tempore

Preliminary Plat for “Gardner Cove Townhomes PAD” PP10-001

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: March 25, 2010 (Public Hearing)
April 8, 2010 (Voting Session)

TO: Prescott Planning and Zoning Commission

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

DATE: March 18, 2010

APN: 115-08-034C, 034D & 071G

ZONING: MF-M

Owner and Agent: Advanced R.E. Management , Rick Radovich
3200 Lakeside Village Drive, suite 201
Prescott, Arizona 86301

PROJECT PROPOSAL

This Preliminary Plat application features a 16 unit Townhome subdivision and consists of 8 duplex structures located on Gail Gardner Way. The project site consists of 3, currently vacant, meets and bounds tax parcels totaling 1.21 acres. Access is from Gail Gardner Way with a proposed private one-way frontage road.

The common wall associated with each duplex creates a zero lot line. Therefore, the subdivision must be platted as a Planned Area Development (PAD). The applicant has requested Council waivers regarding setbacks, landscaping, open space, lot coverage and lot size requirements. The Land Development Code allows for waivers to be granted by Council for PAD's.

As proposed, the building setbacks, not associated with the common wall, are 15' in the front/rear and 5' on the side. Landscaping plans have not been provided, however, the plat and narrative suggest that available landscaping and common open space area will not meet current standards. Lot coverage (building area divided by lot area) is an average of 46%. And, the proposed lot sizes range from 2308 to 2889 square feet. A summary follows of MF-M and PAD requirements if no waivers are granted.

CURRENT ZONING

The MF-M zoning district allows for this use with a 20' setback in the front/rear and a 7' side setback. A 10' landscaping strip is required along Gail Gardner way for any multi-family project with a 5' interior landscape strip. A minimum lot size of 6000 square feet would also be required. The subdivision is proposed as a Planned Area Development (PAD) which requires a minimum of 25% common open space. Private open space intended for the enjoyment of a single lot owner does not

meet this requirement. The MF-M district has a maximum allowed building coverage of 40% per parcel. The current zoning of MF-M and combined lot area would allow for 8 single family homes or up to 23 apartment or condominium units.

SUMMARY OF WAIVERS REQUESTED:

	Required if no waivers are granted	As proposed
Front and Rear Setbacks	20'	15'
Side Setback	7'	5'
Landscaping	10' strip at street with 5' interior strip.	5' strip at street
Common Open Space	25% or more	less than 25%
Lot Coverage (rooftops)	40% or less	46% on average
Minimum Lot Size	6000 Square Feet	2602 on average

CONSISTENCY WITH THE GENERAL PLAN

The project is consistent with the 2003 General Plan showing the area as Commercial, which allows for residential uses subject to the overlying zoning district. The subject property is not within any neighborhood or corridor plan area.

NEIGHBORHOOD COMPATIBILITY

The proposed development is compatible with the greater neighborhood area. Other multi-family development has occurred on adjacent lands zoned MF-M (MH) and IT.

SURROUNDING LAND

Direction	Zoning	Land Use
North	MF-M (MH)	Apartments
South	MF-M (MH)	A Single Family Home and Apartments
East	IT	Mobile Home Park
West	MF-M (MH)	Gail Gardner Way and Single Family Homes

PREVIOUS COUNCIL ACTION

In December of 2006, Council approved a rezoning from NOB to MF-M (RZ06-005), a preliminary plat and WSA for Arbor Place Condominiums (SP06-008), which consisted of 20 units. Both the preliminary plat and WSA have since expired due to inactivity for 12 months from the date of approval.

EXISTING SITE AND AREA CONDITIONS:

Water and sewer service will serve the property from Gail Gardner Way to the West. The project area is flat and is not in any flood zone. There are 4 driveway cuts currently servicing these parcels. Any previous structures have been removed.

DEPARTMENT AND AGENCY COMMENTS

Comments were provided to agencies during the initial review process. No major issues have been identified on the proposed plat. Fire, Public Works and Engineering Services have reviewed the current proposed plat with no objections indicated. It has been determined that a Traffic Impact Study is not needed for this project.

PUBLIC COMMENTS

The application has been submitted under existing zoning and PAD requirements. No public advertising is required nor have comments been received as of this writing.

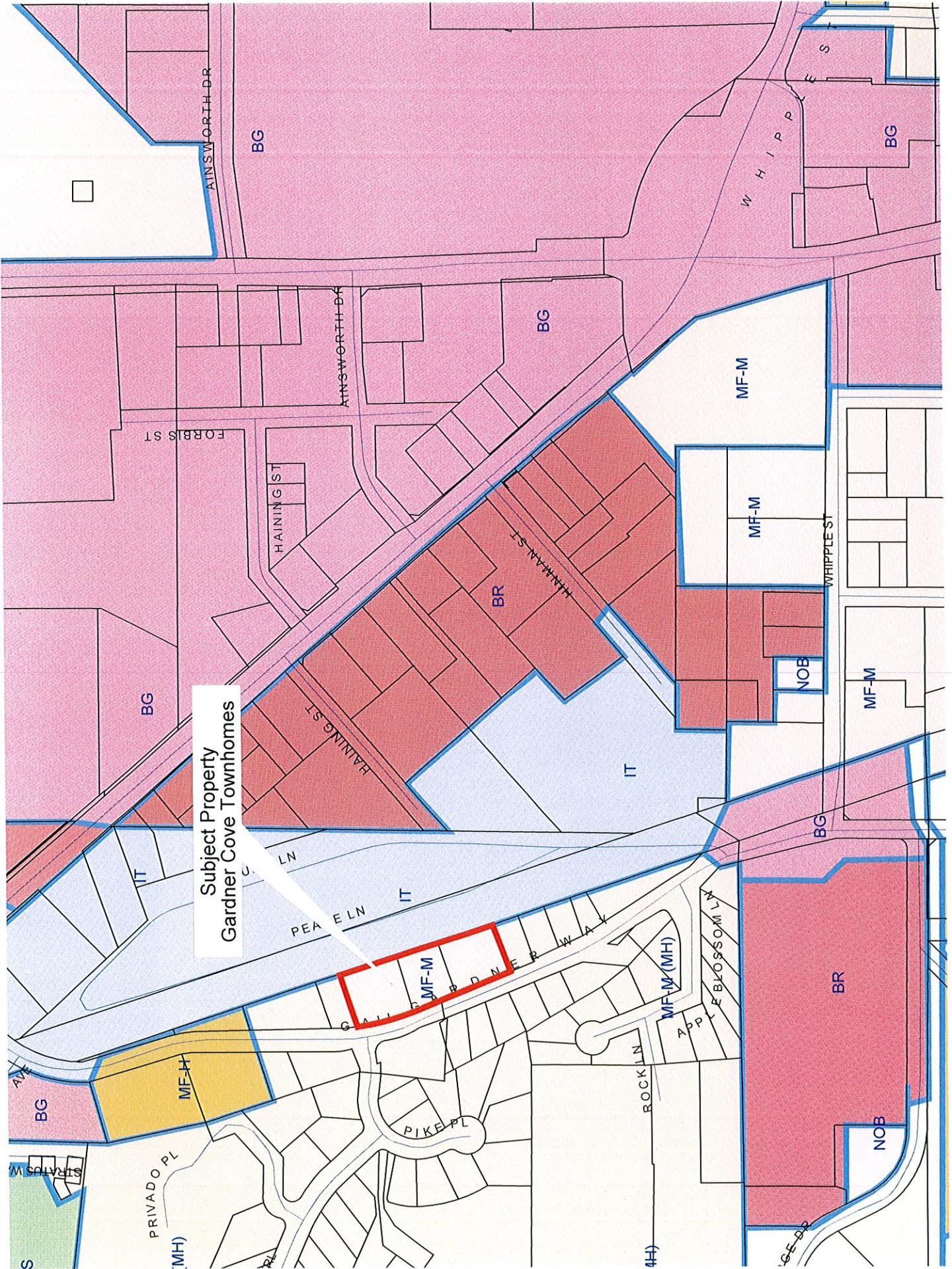
Attachments:

Vicinity and Zoning Map.
Applicant Narrative
Proposed Preliminary Plat.
Development Agreement

STAFF RECOMMENDATION

The applicant has provided for adequate movement of traffic, emergency access, utilities, waivers and other practical considerations addressed in the LDC.

When the application returns to the Commission on April 8, 2010 Voting Session, staff supports a positive recommendation to Council for approval. There are no suggested conditions of approval.



Subject Property
Gardner Cove Townhomes

Gardner Cove Townhomes

Advanced RE Management, LLC is a development entity owned and operated by Rick Radavich and Jason Gisi. The principals intend to develop and build 16 townhomes within 8 buildings on +/- 1.24 acres of land located on Gail Gardner Way. The units will be 2 bedroom/2 bath with a single car garage and will range from 880 – 1,000 sq. ft. Each unit will have a fenced back yard. The property will be submitted as a PAD and platted in order to create fee-simple ownership of the individual townhomes.

Presently the underlying zoning allows for the intended use and upon completion the development will fit within the neighborhood in a harmonious fashion. This property previously had a water service agreement with the City of Prescott allowing credits for 20 units; the agreement expired recently. As the property had three houses that have been torn down, we will be requesting a water service agreement for only 13 units.

As a PAD we believe the proposed subdivision will benefit the neighborhood and community even though it does not specifically meet all requirements of the LDC. Therefore, for this infill project we shall seek the following waivers:

- 1) Front yard setback to 15 feet (due to PUE required by COP).
- 2) Rear yard setback to 15 feet (worst case scenario).
- 3) Side yard setback to 5 feet
- 4) Front landscape strip to 5 feet.
- 5) Less than 25% open space
- 6) More than 40% of lot coverage

Preliminary budget pricing and proforma shows that this project will more than likely fit within the requirements of Workforce Housing; however we will not be submitting as such. We believe the Workforce Housing designation has the potential to “limit” our buyers and in this market we are not comfortable in limiting ourselves.

The subdivision will be governed by an HOA. All common area and front yard landscaping is planned to be maintained by the HOA to insure future consistency.

Sincerely,

Rick Radavich
Member
Advanced RE Management, LLC

**AMENDED DEVELOPMENT AGREEMENT
GARDNER COVE TOWMHOMES**

THIS AGREEMENT ("Agreement"), is entered into this ____ day of _____, 2010, by and among the City of Prescott, an Arizona municipal corporation (hereinafter referred to as "City") and Gardner Cove Townhomes (hereinafter collectively referred to as "Property Owner"). Collectively, City and Property Owners are referred to herein as "Parties".

RECITALS:

WHEREAS, the City of Prescott (hereinafter referred to as "City") is entitled to enter into this Agreement pursuant to A.R.S. Section 9-500.05; and

WHEREAS, Gardner Cove Townhomes, (hereinafter collectively referred to as "Property Owner") is the owner of certain real properties in the City limits referred to herein; and

WHEREAS, the Parties wish to enter into a new Development Agreement pursuant to ARS Section 9-500.05 relating to the development of that property.

WHEREAS, the Parties desire to enter into a new Development Agreement, superseding in their entirety the provisions of any prior Agreement. Upon approval of this Development Agreement, the Parties hereto agree that any prior Development Agreement shall be rescinded and revoked, and this Agreement, and any subsequent addendums thereto, shall be the sole effective Development Agreement as to such Property.

WHEREAS, the Parties hereto wish to enter into a Development Agreement to provide for the development of certain property upon certain terms and conditions.

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. That this Agreement shall relate to those specific properties, more particularly identified in Exhibit "A" attached hereto and made a part hereof, hereinafter collectively referred to as "the Property."
2. That this Agreement shall become operative upon the recordation of this Agreement with the Yavapai County recorder or as otherwise agreed to herein.
3. That the Property described in Exhibit "A" is currently within a Multi-Family Medium Density (MF-M) Zoning District.

4. That the development of the Property shall be consistent with the City's General Plan, ratified on May 16, 2004 as subsequently amended by the Prescott City Council.

5. That the Property Owner agrees that notwithstanding said Multi-Family Medium Density (MF-M) zoning district, the Property as described in Exhibit "A", may only be used for the purposes outlined in accordance with Table 2.3 of the City of Prescott Land Development Code.

6. That development of the Property described in Exhibit "A", shall be in substantial conformance with the preliminary plat submitted.

7. That this Agreement shall run with the land, and shall be binding upon the Property Owner's successors in interest and assigns.

8. 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. In the event of the foregoing, 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.

9. That the Property Owner hereby agrees to indemnify and hold harmless the City, its departments and divisions, its employees and agents, from any and all claims, liabilities, expenses or lawsuits as a result of this Agreement, whether said claims, liabilities, expenses or lawsuits arise by the acts or omissions of the Property Owner or its agents or employees.

10. The Parties hereto expressly covenant and agree that in the event of a dispute arising from this Agreement, each of the Parties hereto waives any right to a trial by jury. In the event of litigation, the Parties hereby agree to submit to a trial before the Court.

11. The Parties hereto expressly covenant and agree that in the event of litigation arising from this Agreement, neither Party shall be entitled to an award of attorneys fees, either pursuant to the Contract, pursuant to A.R.S. Section 12-341.01(A) and (B), or pursuant to any other state or federal statute.

12. This Agreement is the result of negotiations by and between the Parties. Although it has been drafted by the Prescott City Attorney, it is the result of the negotiations between the Parties. Therefore, any ambiguity in this Agreement is not to be construed against either Party.

STATE OF ARIZONA)
) ss
COUNTY OF YAVAPAI)

The foregoing instrument was acknowledged before me this ____ day of _____, 2010, by _____, the _____ of Advanced R.E. Management, LLC, an Arizona Corporation, personally known to me or proven to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged that he executed it for the purposes therein contained and, that he has the authority to so execute.

(seal)

Notary Public

DRAFT