



PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, July 29, 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, JULY 29, 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

Tom Menser, Chairman
Len Scamardo, Vice Chairman
Joe Gardner
Tim Greseth

Ken Mabarak
Terry Marshall
Don Michelman

III. REGULAR ACTION ITEMS

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

1. **Consider approval of the minutes** of the June 10, 2010 regular meeting/public hearing.

IV. PUBLIC HEARING ITEMS

(May be voted on today unless otherwise noted).

2. **SUP10-001, 613 Miller Valley Road (Scooter and Auto Source)**. APN: 113-07-012 and totaling ± 0.6 acre. Zoning is Business General (BG). Request Special Use Permit to sell automobiles and scooters with an outdoor display. LDC Section 9.9 and Table 2.3. Owner is Orville and Helen Heuer Trust. Applicant/agent is Mark Tetreau. Community Planner is Ryan Smith (928) 777-1209.
(May be voted on August 12, 2010).

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.

3. **CC10-002, 2001 Excellence Way (Centerpointe Professional Suites).** APN: 102-06 210C and totaling ± 3.42 acres. Zoning is Industrial Light (IL). LDC Section 6.12. Request comprehensive sign package. Owner is Centerpointe Professional Suites, LLC. Applicant/agent is A & B Sign Company. Community Planner is Ryan Smith (928) 777-1209. *(May be voted on August 12, 2010).*
4. **LDC Amendment to Section 4.9.4, 6.2.2 and 6.2.10 of the LDC – Parking Requirements in the Downtown Business District (DTB),** allowing for an In-Lieu Fee in the DTB, and to provide exemptions for buildings constructed prior to 1968. George Worley, Planning Manager.
5. **LDC Amendment to various sections of Article 9, Citizen Participation,** Community Planner is Ryan Smith (928) 777-1209.
6. **Approve Amended of Planning and Zoning Commission Bylaws.** George Worley, Planning Manager.

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 July 22, 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
JUNE 10, 2010
PRESCOTT, ARIZONA**

MINUTES of the **PLANNING & ZONING COMMISSION** held on **JUNE 10, 2010** at **9:00 AM** in **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.**

I. CALL TO ORDER

Chairman Menser thanked George Wiant, Seymour Petrovsky, and Richard Rosa for their years of service on the Planning & Zoning Commission. New Commissioners, Tim Greseth and Terry Marshall were introduced and welcomed.

II. ATTENDANCE

MEMBERS PRESENT Tom Menser, Chairman Len Scamardo, Vice Chairman Tim Greseth Terry Marshall Don Michelman	STAFF PRESENT George Worley, Planning Manager Matt Podracky, Sr. Asst. City Attorney Jodi Fisher, Budget Manager Tim Burkeen, Capital Project Manager Kathy Dudek, Administrative Assistant / Recording/Transcribing Sectary
MEMBERS ABSENT Joe Gardner Ken Mabarak	COUNCIL PRESENT Jim Lamerson, Council Liaison

III. REGULAR ACTION ITEMS

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

1. Consider approval of the minutes of the April 29, 2010 meeting.

Mr. Michelman, **MOTION: to approve the minutes** of the April 29, 2010 meeting.
Mr. Scamardo, 2nd. **Vote: 5-0.**

2. City of Prescott 2012 through 2016 Capital Improvement Program. Finance Director, City of Prescott, Mark Woodfill.

Ms. Fisher, Budget Manager, presented the five-year Capital Improvement Program as required by law. Mr. Burkeen, Capital Manager, answered questions from Commissioners which included:

- wastewater expansion;
- water ranch fees;
- streets and open space;
- Hwy. 89 connector; and,
- round about near Ruger Road.

3. LDC Amendment to Section 4.9.4 of the LDC - parking requirements in the DTB.
May be voted July 8, 2010.

Mr. Worley reviewed the proposal submitted to Commission from the Unified Development Code Committee (UDC) that includes:

- the UDC has been studying this section for a number of years;
- the proposal covers both old and future new buildings and/or additions in the Downtown Business District (DTB);
- the Chamber of Commerce, Prescott Downtown Partnership and UDC have attended the UDC's meetings since the item was first agendaized and all groups have had input and suggestions from their membership;
- the DTB is bordered by Marina, Carleton, Sheldon and Summit Streets, with the styles of the buildings in the DTB being similar to the buildings in downtown Prescott, *i.e.*, zero setbacks, zero lot lines and alleys;
- standard parking requirements do not apply to the DTB;
- when the LDC was written and approved, between 2003 and 2005, certain uses became exempt from requirements (refer to Article 11), and only a piece of the problem was addressed;
- a provision of a former code that exempted parking requirements for buildings in existence prior to 1968 came to light at the beginning of the UDC's study;
- the UDC considered the former code, and provisions have been made to exempt buildings in existence prior to 1968;
- new construction, or additions to structures, will need to meet parking requirements if they do not meet the type of business that is exempt;
- an alternative to parking requirements for non-exempt buildings would be to pay into a fund that will be used to acquire parking elsewhere;
- there are plans for at least two multi-use buildings that are sitting dormant, and when constructed, would have the option of supplying some on-site parking and paying an in-lieu fee; and,
- the proposed changes would help to preserve the older buildings downtown.

Commissioners queried and commented on:

- looking at pre-1968 buildings, any use could mean a medical office which requires more parking than other uses [Chairman Menser noted that this could happen. Mr. Worley commented that uses are usually market driven and a medical office would most likely want to have close-up parking for the patients].

No action taken. Item may be voted on July 8, 2010.

4. City Code Amendment relating to Hearing Officer process. May be voted July 8, 2010.

Mr. Worley explained the request:

- if a code violation occurs and nothing is remedied, the violation is eventually passed on to the City's Legal Department;
- the process can take several months and must through the court system;
- violators must engage legal services for court proceedings;
- the process would enable enforcement issues to be dealt with at a public hearing with a hearing officer presiding;
- the change would save the City money in legal department fees, the violator would save money by not having to obtain an attorney, and the timeline of the violation

- would be resolved more quickly;
- the process will expand the hearing officer's role in enforcement and/or compliance;
- the change will most likely never affect the Planning & Zoning Commission;
- the change is an alternative process to take an easier approach in dealing with an innocuous problem, i.e., a fence height, junk, weeds, debris problem, etc.; and,
- no one will lose any established rights, and the court system could be used if other measures fail.

Commissioners commented on and queried:

- the proposal speeds up the process and reduces the cost to both parties and allows potential for a hearing officer, City attorney or court proceeding [Mr. Worley: correct];

No action taken. Item may be voted on July 8, 2010.

5. Approve Amendment of Planning and Zoning Commission Bylaws. May be voted July 8, 2010.

Mr. Worley noted that the City Council recently passed an Ordinance that amends the boards, commissions, and committees' charters. The changes affect the Planning & Zoning Commission. The proposed language (in the supporting packet) is provided in order to reflect the changes and become current with the amended ordinance.

Commissioners queried and commented on:

- why a term will expire, for a newly-appointed commissioner in 2011 [Mr. Worley explained that the term expirations of the persons being replaced were assigned to the new persons on the Commission].

No action taken. Item may be voted on July 8, 2010.

IV. PUBLIC HEARING ITEMS

(May be voted on June 24, 2010 unless otherwise noted).

None.

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Menser adjourned the meeting at 9:53 AM.

Tom Menser, Chairman

Special Use Permit Scooter and Auto Source SUP09-003

AGENDA

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING and ZONING COMMISSION

Staff Report

Planning Commission Dates: July 29, 2010 (Regular Meeting)
August 12, 2010 (Public Hearing)

TO: Planning Commission Members

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

DATE: July 22, 2010 **PARCEL NUMBER:** 113-07-012 **ZONING:** BG

PROPERTY OWNER:
Heuer Orville Fd Helen B. Trust
1652 N. Antelope Drive
Chino Valley, AZ

APPLICANT:
Mark Tetreau - Scooter & Auto Source
PO Box 10490
Prescott, AZ 86304

Request

To allow for scooter and limited auto sales in a BG zoning district located near the northeast corner of Miller Valley Road and Brannen Avenue. The existing structure includes approximately 11,000 square feet of area. The business is proposed to operate in conjunction with Able Saw, which is also owned and operated by the applicant in the same building. Currently, the applicant conducts auto sales across the street in a BR district. The applicant is downsizing due to the economy.

The Land Development Code states that auto sales shall require an approved SUP in a BG zoning district. Scooters, motorcycles and autos sales are treated as similar in the Land Development Code and are not distinguished from one another.

The applicant conducts scooter sales, primarily through the internet. A store front and sales area for 2 autos are required to maintain the state auto sales license. Financing and loan servicing would also take place at this location. Although only 2 parking spaces would be required to maintain the state auto sales license, the applicant is requesting that 4 parking spaces be used for vehicle display for both scooters and autos. The applicant has

been in the auto sales business for over 30 years and wishes to continue specialty sales of autos similar to the American Classic business which operates nearby.

Parking Requirements

The number of parking spaces is adequate as required by the Land Development Code. The existing parking lot was initially designed for retail and service shops and will accommodate 25 vehicles. Additional parking exists in the ROW at the rear of the building. Parking requirements for auto sales occur at 1 space per 300 square feet of office area and 1 space per 2000 square feet of sales area.

Typically, the parking area for an auto and scooter sales business is required to be setback at least 10' from the right-of-way and 5' from all other property lines (LDC 2.4.10). Given that this property has an existing parking area, a wavier to the parking lot setback requirements is needed.

Landscape Requirements

LDC Section 6.5.6. includes provisions for landscaping along parking lot perimeters. The typical requirement is for landscape strips 10 feet wide along the street and 5 feet wide along other property lines. In this situation, there is opportunity for additional landscaping. The requirement cannot be met and a wavier is needed.

Historic Preservation

This property is not listed in the National Register of Historic Places nor is it in any Historic District.

Floodplain

This site is not located within the FEMA designated Granite Creek Floodplain.

Special Use Criteria

LDC Section 9.9.5 provides Special Use Review Criteria. The City Council may approve an application for a special use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The Council shall consider the following criteria in its review.

A. Effect on Environment

The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property,

- *There are no known environmental detriments.*

B. Compatible with Surrounding Area

The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to scale, height, landscaping and screening, lot coverage and density.

- *Acknowledging the parking and landscape limitations as described above, the existing business and the expansion are generally viewed as compatible with the area.*

C. External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

- *The proposed business does not appear to negatively impact the area.*

D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts upon existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

- *There are no known impacts to infrastructure.*

E. Consistent with the General Plan and Code

The proposed use will be consistent with the purposes of this LDC, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

- *Acknowledging the parking and landscape limitations as described above, the existing business and the expansion are viewed as consistent with the LDC and the General Plan.*

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

- *This is a use of an existing structure on an existing site. No additional land is available.*

G. Site Plan

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

- *This is a use of an existing structure and parking area on an existing site. The applicant is proposing to utilize 4 existing parking spaces to exhibit scooters and / or autos. No changes to the existing site are anticipated, therefore, site plan review is not needed.*

AGENCY AND PUBLIC COMMENTS:

The application has been reviewed by various City departments with no objections noted. No public comment had been received at the time of this writing.

STAFF RECOMMENDATION:

Staff is recommending approval of this Special Use Permit as suggested below.

ATTACHEMNTS:

Vicinity & Zoning Map
Site Plan
Narrative Letter

SUGGESTED MOTION

Move to approve SUP10-001, allowing for an auto and scooter sales business located at 613 Miller Valley Road with the following conditions:

1. The required setback of 10' from all right-of-ways and 5' from all other property lines for parking areas shall be waived.
2. Provisions for landscaping along the parking lot perimeter for landscape strips 10 feet wide along the street and 5 feet wide along other property lines shall be waived.

SCOOTER & AUTO SOURCE
580 Miller Valley Rd.
Prescott, AZ 86301
928-443-5510
FAX 928-778-0102

June 22, 2010

City of Prescott
Community Development Dept.
Planning & Zoning Division
201 South Cortez Street
Prescott, Az 86303

Ryan Smith:

My wife, Jill and I have been in the used auto and scooter business in Prescott, collecting sales tax and making our living since 1979.

With the present economy, we have chosen to sell autos and scooters on a smaller scale, being internet and our location at 613 Miller Valley Rd. This is the front of 618 Division, which is also known as Able Saw, a company that has been in business 20+years at the same location. My wife and I also own Able Saw. This move will allow us to discontinue paying rent at the 580 Miller Valley Rd location.

The State of Az. Motor Vehicle Department of Transportation has issued our business a state dealer license for the 613 Miller Valley Rd suite 613 location. Their requirement is parking for 2 vehicles.

We feel the conditional use permit would continue to generate tax revenue for the city of Prescott and not change the impact issue, as we have been in the same business at the 580 Miller Valley Location for nine years. Which is just across the street.

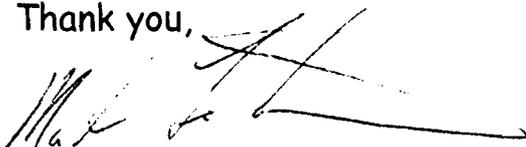
We would be displaying vehicles similar to American classic at the 625 Miller Valley Rd. location.

A possible issue is the mobility store that is located at 609 Miller Valley Rd. It was previously located at 619 Pine Plaza, which is the Plaza where #613 is located. Their customers are accustomed to parking in Pine Plaza, so the mobility store may wish we were not using the parking. Their customer parking is located behind their store on Division Street.

Our hours of operation are 10:00am to 4:00pm, Monday thru Saturdays. We do not create noise and do not have hazardous materials or waste.

We wish to continue business in Prescott at 613 Miller Valley Rd., Prescott, AZ.

Thank you,

A handwritten signature in black ink, appearing to read 'Mark Tetreau', with a long horizontal flourish extending to the right.

Mark Tetreau
Scooter and Auto Source
Owner

Comprehensive Sign Plan

Centerpointe Professional Suites

CC10-002

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: July 29, 2010 (Regular Meeting)
August 12, 2010 (Public Hearing)

TO: Prescott Planning and Zoning Commission

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

DATE: July 22, 2010 **PARCEL NUMBER:** 102-06-210C **ZONING:** IL

Agent: Perry Weiweck, A&B Signs
691 N. 6th Street
Prescott, AZ 86301

Owner: Brian Schilperoort, M.D.
Centerpointe Professional Suites, LLC
2001 Excellence Way
Prescott, AZ 86301

REQUEST:

Centerpointe Professional Suites is a multi-building and multi-tenant commercial complex located in the Centerpointe West Medical Center (east of the Potter's House Church). The applicant is requesting multiple freestanding signs in exchange for no wall signage. The initial phase is a newly constructed 2 story, commercial building that features tenant offices. The applicant proposes the placement of 2 freestanding center identification signs in addition to 2 existing freestanding building directory signs. All 4 signs total 51 square feet. The directory signs are located at the lower level building entrance and the upper level parking entryway.

The applicant is also proposing similar freestanding signage with no wall signage for up to 4 future buildings. He requests that signage for these future phases be administratively approved to allow for variables such as building design verses appropriate sign scale. The future buildings have not yet been designed. All future signage shall be of a similar design and character.

BACKGROUND:

The current sign code will allow for 2 freestanding center identification signs placed at least 100 feet apart with a maximum face of 32 square feet for each sign. Each tenant is

allowed 40 to 80 square feet of wall signage (Section 6.12.5.A). One directory sign is allowed per building limited to 6 square feet in size. The applicant's increased number of freestanding signs and the larger size of the directories require an approved Comprehensive Sign Plan.

The center is being built under existing zoning with no waivers or variances requested. Offices and medical offices are permitted in the IL zoning district. The property has over 840 feet of street frontage including the cul-de-sac. Approved building permits are on file for the structure and site parking.

The LDC allows that a Comprehensive Sign Plan may be requested by the owner of a property of a multi-tenant or multi-service commercial development. The Plan allows for innovative sign design, greater number of signs and greater sign area in exchange for higher quality signage or other considerations (Section 6.12.6.A). A Comprehensive Sign Plan was requested by the applicant to preserve the aesthetic nature and architecture of each building.

PROPOSED SIGN DESIGN:

The lower building directory is 14.5 square feet with a total height of 65". The upper building directory is 11.25 square feet with a total height of 51". The two directory signs exhibit the suite number and tenant name.

The lower center identification sign is 23.33 square feet with a total height of 34". The sign lettering will be a gold tone with a black background. The upper center identification sign is approximately 6.27 square feet and shall consist of black lettering on an existing stem wall.

FINDINGS:

The applicant has met the criteria required for a Comprehensive Sign Plan. Section 6.12.6.C of the Sign Code requires that a Comprehensive Sign Plan must provide signs that are a similar type and function with consistent size, lettering, color & material, or, that the request results in improved sign designs in exchange for otherwise allowed signage size and number of signs. The proposal appears to meet the needs of the applicant, as well as eliminate allowed, but unnecessary wall signage.

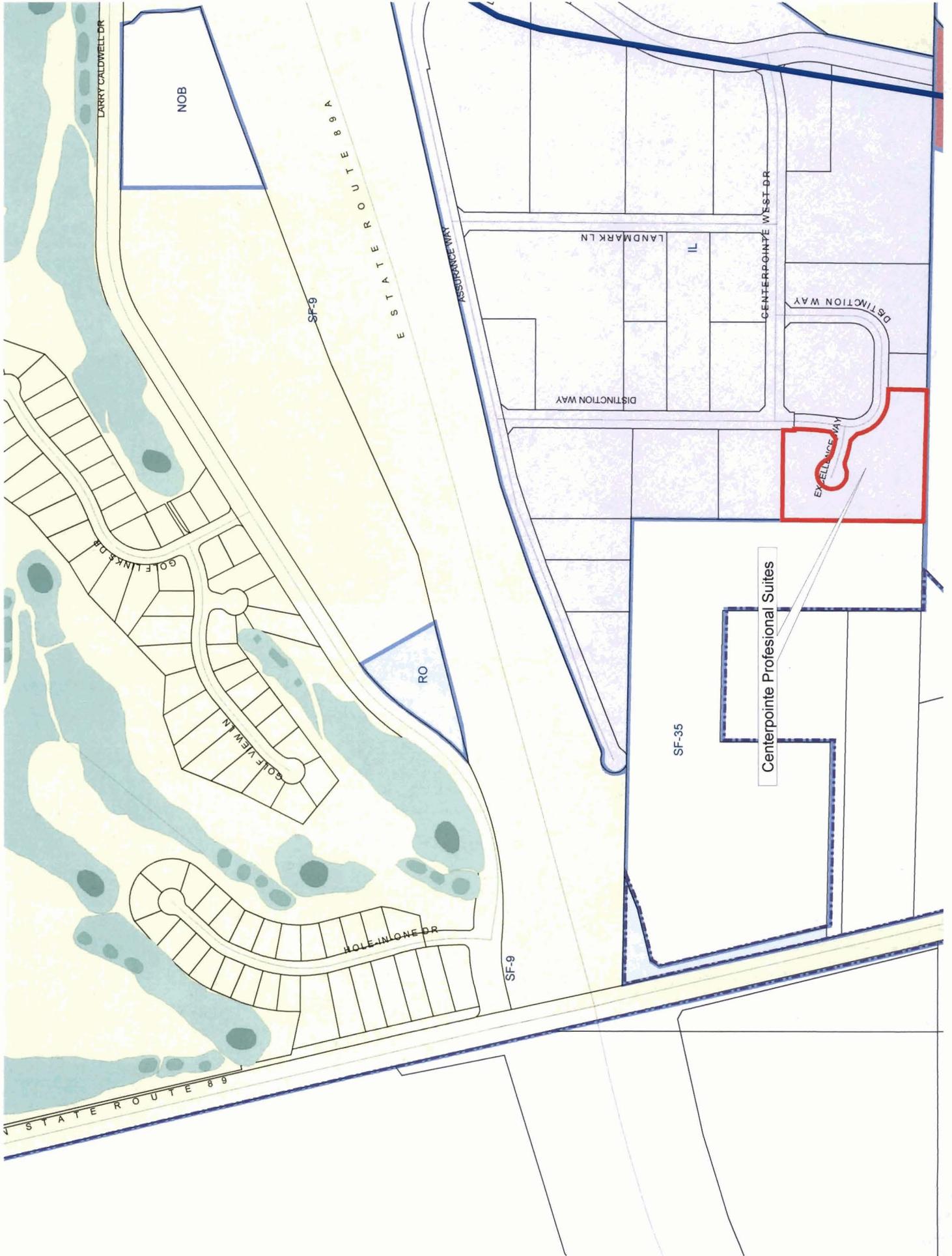
RECOMMENDATION:

Staff recommends approval of CC10-002 subject to the following stipulations:

1. Any additional freestanding signage for future construction, including minor changes or modifications allowed under the sign code may be approved administratively. All other requests, including wall signage shall require an approved amendment to the Comprehensive Sign Plan.
2. All future signage must be of similar type and function with consistent size, lettering, color & material.

Attachments:

- Letter of Intent.
- Sign Inventory and Site Plan
- Elevations (2 sheets)



SOUTHWEST SURGERY

OF YAVAPAI COUNTY, P.C.

BRIAN SCHILPEROORT, M.D.
Diplomate American Board of Surgery
Fellow American College of Surgeons

July 6, 2010

To Whom It May Concern:

Centerpointe Professional Suites is being designed as a multi building, multi-tenant complex. It will be composed of buildings with upper and lower levels with drive up access to both the upper level and the lower level suites.

The purpose of this comprehensive sign plan is to allow for a main I.D. sign on the street level to identify the complex as Centerpointe Professional Suites, with separate tenant directory signage for the upper and lower levels, and a separate tenant sign for a future building on the north side of the cul de sac.

The current sign code for a center allows for 40 sq ft of wall signage *per tenant*. At its final build out, Centerpointe Professional Suites may have as many as 16 separate tenants, which according to the current sign code would allow for 640 sq ft of signage on the buildings. If the purpose of the sign code is to improve the aesthetics of the city, all one has to do is to look at the building on Whipple Street across from Sonic, to realize that multiple signs on a building do not enhance Prescott's aesthetics.

No building signage is being considered on any of the buildings at Centerpointe Professional Suites. We are initially proposing one monument sign with two tenant directories, one for the upper level suites and one for the lower level suites. Additional monument signage and tenant directories may be requested for consideration of P&Z as future buildings are erected.

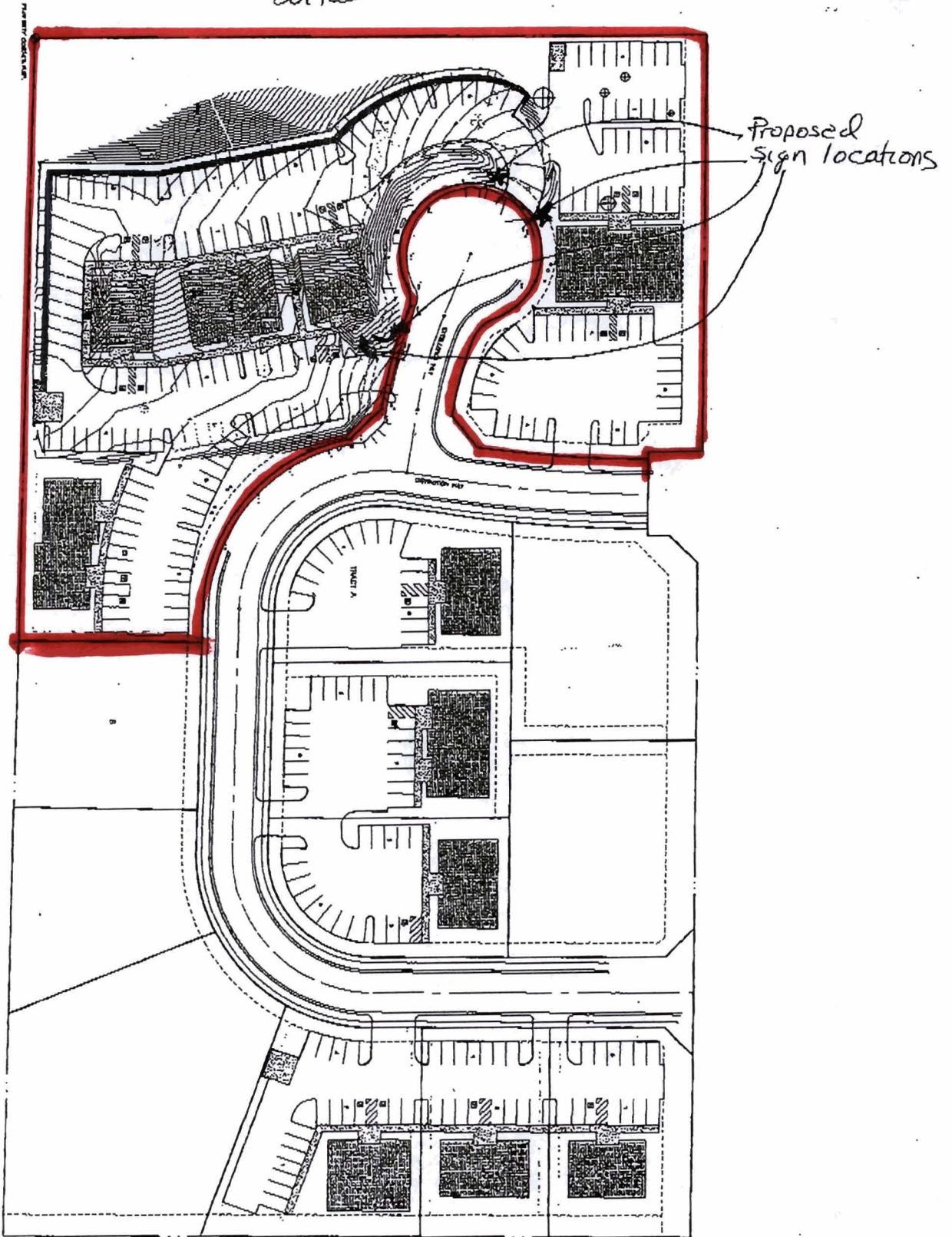
Thank you very much for your consideration of this request.

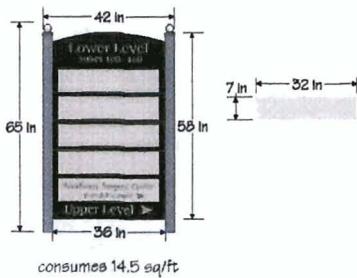
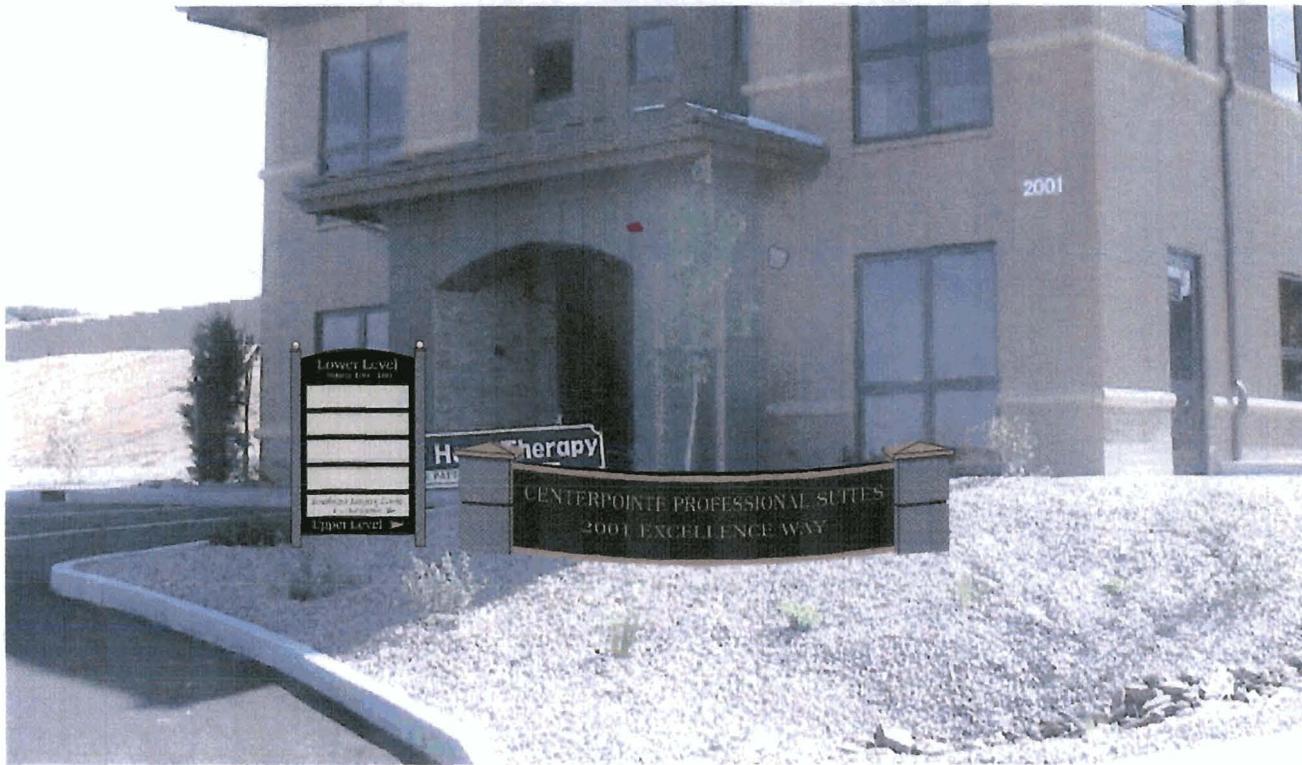
Sincerely,



Brian Schilperoort MD

Centerpointe
Professional
Suites





Prescott's Only Full Services Sign Shop
AZ. Licensed Contractor # 070010

THIS ARTWORK HAS BEEN CREATED BY A&B SIGN COMPANY TO ASSIST YOU IN VISUALIZING OUR PROPOSAL. ******
THESE DESIGNS ARE EXCLUSIVE PROPERTY OF A&B SIGN COMPANY AND ARE NOT TO BE REPRODUCED, COPIED, EMAILED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF A&B SIGN COMPANY.

Office 928 445-6995
Fax 928 776-4429

absign@qwest.net

691 North 6th street
Prescott, AZ 86301

COMPANY: Southwest Surgery Center

CLIENT: Brian Schilperoord

PHONE: 445-8346

APPROVAL:

FAX: Fax

EMAIL: drbrian@northlink.com
drbrian@cablone.net

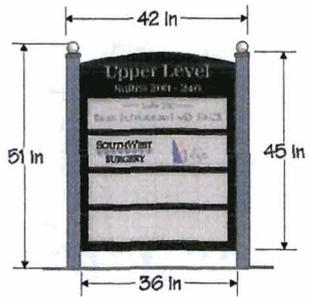
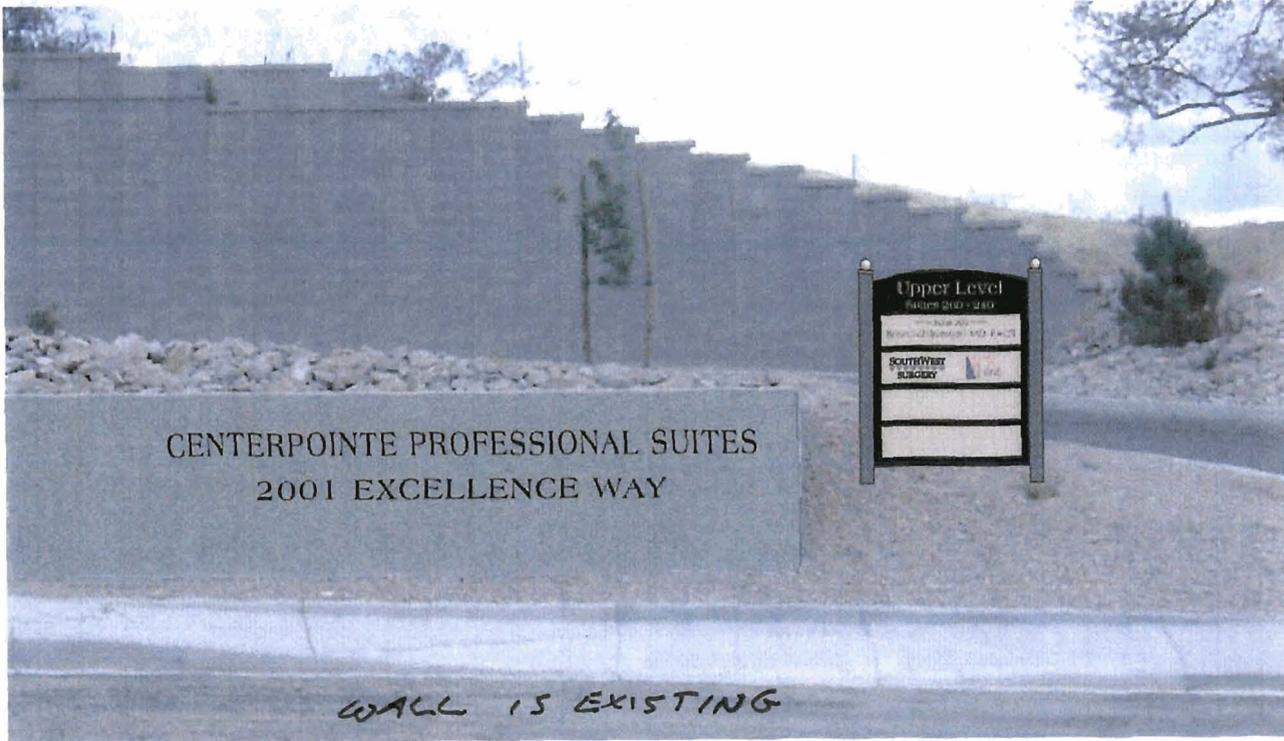
FILE: Southwest Surgery Center

Origin DATE: 5-17-10

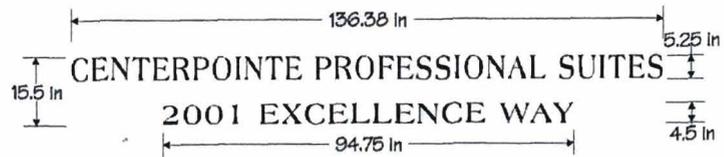
Revise DATE:

DATE:

Design by SP



consumes 11.25 sq/ft



consumes 7.93 sq/ft

THIS ARTWORK HAS BEEN CREATED BY A&B SIGN COMPANY TO ASSIST YOU IN VISUALIZING OUR PROPOSAL.

THESE DESIGNS ARE EXCLUSIVE PROPERTY OF A&B SIGN COMPANY AND ARE NOT TO BE REPRODUCED, COPIED, EMAILED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF A&B SIGN COMPANY.



Prescott's Only Full Services Sign Shop
AZ. Licensed Contractor # 070010

Office 928 445-6995	COMPANY: Southwest Surgery Center	EMAIL: drbrian@northlink.com
Fax 928 776-4429	CLIENT: Brian Schilperoort	EMAIL: drbrian@cableone.net
absign@qwest.net	PHONE: 445-8346	FILE: Southwest Surgery Center
691 North 6th street	FAX: Fax	Origin DATE: 5-17-10
Prescott, AZ 86301	APPROVAL:	Revise DATE:
	DATE:	Design by SP

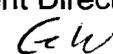
In-lieu Parking Fees in the DTB, Exemptions for certain buildings

AGENDA

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting July 29, 2010

STAFF REPORT

TO: Planning Commission Members

FROM: Tom Guice, Community Development Director 
George Worley, Planning Manager 

DATE: July 22, 2010

REQUEST: LDC changes relating to In-lieu Parking Fees in the DTB, 4.9.4, Section 6.2.2 and Section 6.2.10.

BACKGROUND:

For some time now there has been interest in the option of a fee in-lieu of parking in the Downtown Business District (DTB). The Unified Development Code Committee (UDC), working with the Chamber of Commerce, the Prescott Downtown Partnership (PDP) and staff has reached a consensus on a modification to the Land Development Code (LDC) to address exempted buildings and fees in-lieu of physical parking in the DTB.

The recommendation is to reinstate a previous code exemption that did not require on-site parking for any use in any building constructed prior to 1968. The UDC recommendation would limit the exemptions and the in-lieu fee options to properties within the DTB. With this proposal any building constructed prior to 1968 could have any permitted use and not be required to provide any on-site parking. Any new building, building constructed from 1968 to present or new addition to a pre 1968 building could pay a fee (to be determined by the City Council) in lieu of providing required parking spaces for new uses that require parking spaces.

The proposed code changes follow, with underlined text being new and ~~struck-through text~~ being deleted.

4.9.4 / District Standards, Guidelines, and Procedures

District standards, guidelines and procedures applicable in the DTB district include the following:

- A. ...
- B. ...

C. Parking and Loading

1. Off-street parking and loading shall be provided for all uses in accordance with the provisions of Sec. 6.2, Off-street Parking and Loading, and particularly Sec. 6.2.2.C, Change of Use. Where surface parking lots are developed, such parking areas shall be screened in all cases from street view in accordance with the applicable requirements of Sec. 6.5.6, Parking Area Landscaping.
2. ~~In the DTB district and a~~ Notwithstanding the off-street parking requirements of Sec. 6.2, Off-street Parking, off-street parking within the DTB shall not be required for permitted uses within buildings constructed prior to 1968. For uses in buildings constructed from 1968 to the present, retail stores, restaurants and other hospitality-related uses in the Retail, Service and Business Categories as defined by Sec. 11.1.5.E.3.a. and Sec. 11.1.5.E.3.c. shall not be required to provide off-street parking. It shall be the applicant's responsibility to provide sufficient documentation as to the construction date of the building.
3. Fees In-Lieu of Parking. Within the DTB, off-street parking requirements for uses not exempted by paragraph 2, above, may be satisfied by payment of an In-Lieu parking fee, in an amount and manner established by the City Council by resolution. Such payment shall be made prior to the issuance of a Certificate of Occupancy. In-lieu fees in the DTB shall be governed by the following:
 - a. The In-Lieu fee may not be used for more than 20 required parking spaces for any use.
 - b. The In-lieu fee may be used at the time of a change of use on a site resulting in additional required parking which cannot physically be accommodated on-site, subject to other provisions of this Section (Specifically Section 4.9.4.C.2).
 - c. The In-lieu fee may be used at the time of a change to structures on a site which result in a reduction of the number of existing physical parking spaces on the site and/or an addition to the floor area of the building, subject to other provisions of this Section (Specifically Section 4.9.4.C.2).
 - d. The In-lieu fee option may be requested by a tenant with the property owner's written consent. The In-lieu fee agreement shall be in a form approved by the City Attorney and will establish the number of parking spaces and the total amount of the In-lieu fees under the agreement. Such agreement shall run with the use, provided however, that it may be terminated, modified or replaced to comply with the provisions of paragraphs a. through c. above, subject to other provisions of this Section (Specifically Section 4.9.4.C.2).

The following sections are generally applicable city-wide. Specific changes to Article 6 are necessary to maintain consistency throughout the code. These changes are noted below.

6.2.2 / Applicability

- A. ...
- B. ...

C. Change of Use

Off-street parking and loading must be provided for any change of use or manner of operation that would, based on the Off-Street Parking Table 6.2.3 result in a requirement for more parking or loading spaces than the existing use; provided, however, buildings and uses which existed prior to October 28, 1968, which did not conform to the off-street parking requirements shall not be required to furnish such additional off-street parking ~~on-site~~ unless there is sufficient room on-site for the additional parking. ~~Where there is insufficient room on-site for additional parking, the additional parking shall be provided in a manner acceptable to the Community Development Director.~~

D. The Downtown Business District

The Downtown Business District has specific requirements relating to parking. See Section 4.9.4 for applicable provisions.

6.2.10

- A. ...
- B. ...
- C. ...

D. Fees in-Lieu of Parking

Within parking districts as may be established by the City Council from time to time, off-street parking requirements ~~for nonresidential uses~~ may be satisfied by payment of an in-lieu parking fee established by the City Council. Such payment shall be made before issuance of a Building Permit or a Certificate of Occupancy for such use; fee revenue shall be used to provide public parking in the general vicinity of the use. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

STAFF RECOMMENDATION:

That the Planning & Zoning Commission forward this amendment to the City Council with a recommendation for approval.

Citizen Participation Common Procedures

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT – PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting July 29, 2010

STAFF REPORT

TO: Planning & Zoning Commission Members

FROM: Tom Guice, Community Development Director 
George Worley, Planning Manager 

Date: June 30, 2010

Request: Amend LDC Section 9.1 / COMMON PROCEDURE - Citizen Participation

INTRODUCTION:

The citizen participation procedures and area meeting requirements in the LDC contain conflicting language. The proposed modification to the LDC language is to clarify Citizen Participation procedures and practices. Area meeting requirements were specifically addressed to help increase public awareness of Community Development applications that may affect surrounding properties.

SUMMARY OF PROPOSED CHANGES:

Changes include language to clarify area meeting requirements, advertising and timing. This will specify which applications will require an area meeting, who is to be notified and when. Public notification requirements are specified for Area Meetings verses Public Hearings. Proposed changes are highlighted in gray, additions are shown in **bold** and omissions are shown in ~~strikeout~~. Proposed changes include:

- Area meetings must be posted by one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting.
- Property owners of record within 300 feet of the proposed project, must be notified 10 days before the area meeting.
- Area meetings must take place 1 week before required Public Hearings.
- Area meetings may be waived or modified by the Community Development Director.
- City residents may request to be notified for all Public Hearings per ARS.

- ARS does not require that, if requested, City residents must be notified of all Area Meetings.

STAFF RECOMMENDATION:

That the P&Z Commission forward these changes on to the City Council with a recommendation to approve.

Article 9/ Administration and Procedures

Sec. 9.1 / Common Procedure

9.1.1 / Conformity with Land Development Code

Every official and employee of the City of Prescott vested with the duty or authority to issue a permit or license shall not issue a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, license or certificate issued in conflict with the provisions of this Code may be voided at the option of the City.

9.1.2 / Pre-application Meeting

Prior to the submission of an application required by this Code, a pre-application meeting may be required as follows:

A. Mandatory Conference

Unless waived by the Community Development Director, a pre-application meeting to discuss procedures, standards, or regulations shall be required for all proposed:

1. Conditional Use Permits;
2. Nonresidential and multi-family developments;
3. Planned Area Developments;
4. Site Plan Review;
5. Special Use Permits;
6. Subdivisions;
7. Variances; and
8. Zoning Map Amendments (Rezoning).

B. Optional Conference

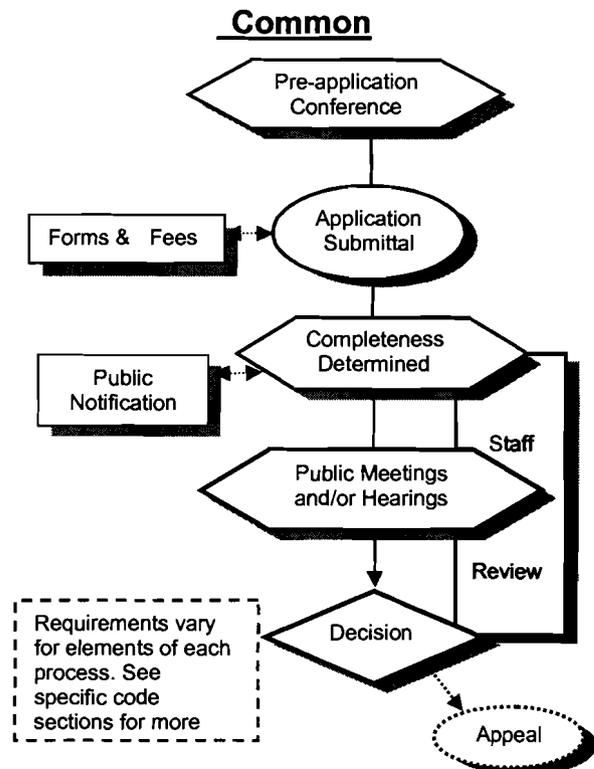
A pre-application meeting is optional for all other applications. Applicants are encouraged to attend an optional pre-application meeting prior to submitting any application.

9.1.3 / Application Forms and Fees

The following regulations shall apply to all applications:

A. Property Owner Identification and Endorsement

All applications shall include the name and signature of the current property owner and agent, as applicable.



B. Forms and Content

1. Applications required under this Code shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City, including any checklists for submittals.
2. City staff shall provide a specific list of minimum submittal requirements for each application type. All applications shall meet the minimum submittal requirements and include sufficient information to demonstrate compliance with all applicable standards of this Code.
3. Should additional information be necessary to clarify or facilitate the review of an application, the Community Development Director may request any other pertinent information required to ensure compliance with this Code.

C. Fees

1. Filing fees shall be established from time to time by the City; and
2. All required fees shall be made payable to "The City of Prescott"; and
3. Applicants who pay the appropriate application fee for the submission of an application and subsequently choose to withdraw such application prior to the City expending time in review shall be entitled to a refund of 50 percent of the total amount paid upon written request; and
4. City initiated actions shall not cause a fee to be levied.

9.1.4 / Application Deadline

All applications shall be completed and submitted to the Community Development Director in accordance with a schedule established annually by the City. An application shall not be considered as officially submitted until it has been determined to be complete in accordance with Section 9.15.

9.1.5 / Application Completeness

An application shall be considered submitted only after the Community Development Director determines that it is complete, provided in the required form, includes all mandatory information and exhibits, and is accompanied by the applicable fee. The official responsible for accepting the application shall make a determination of application completeness within 15 working days of the submittal deadline. If an application is determined to be incomplete, the official responsible for accepting the application shall contact the applicant to explain the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 30 days, the application shall be considered withdrawn.

9.1.6 / Area / Neighborhood Meetings

At the discretion of the Community Development Director, an "area neighborhood" meeting may be scheduled and held on any/all development related applications. **The neighborhood meetings required herein shall be conducted for the purpose informing nearby property owners of the proposed application and to receive comments.**

A. Area/Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the City of Prescott General Plan, zoning regulations, zoning map or Master Development Plans shall first coordinate with the City to conduct at least one (1) neighborhood meeting in accordance with this Section.

B. Neighborhood Meeting Schedule. The neighborhood meeting shall be conducted prior to any public hearing on the application unless waived by the Community Development Director.

C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:

1. Notification by first-class mail to all property owners of record within three hundred (300) feet of the property to be included in the application;
2. Notification by first-class mail to all homeowners associations with common area within 300 feet of the property to be included in the application;
3. The Community Development Director may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;
4. Notification by first-class mail is not required to any persons who have specifically or generally requested notice regarding *area meetings* for proposed Community Development applications. Some required *hearings* allow for notifications per LDC section 9.1.11 and ARS 9-462.04.6;
5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting;
6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

D. Area/Neighborhood Meeting Procedure. Neighborhood meetings shall be conducted at a location and time, and shall follow a meeting format, approved by the Community Development Director. City staff will attend such meetings and may augment the meeting record described hereinafter as staff deems necessary.

E. Record of Proceedings. A general record of topics discussed at any neighborhood meeting shall be made available in subsequent public hearings held on the application.

F. Additional Neighborhood Meetings. The Community Development Director may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Community Development Director at his/her sole discretion. The same notification procedures prescribed herein shall be followed.

G. Other Required Meetings. Where an application has already been filed and neighborhood meetings were not otherwise required, the Community Development Director may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.

H. Neighborhood Meeting Waivers. The Community Development Director may waive the requirement for a neighborhood meeting. In such cases, the Community Development Director shall set forth the reasons for approving the waiver.

9.1.7 / Public Notices

All public meetings and hearings shall be posted in City Hall in accordance with State Law and the requirements of the Prescott City Code.

9.1.8 / Posting of Public Meetings and Hearings

A. Summary of Notice Practices

Notice shall be provided as required by Title IX, Arizona Revised Statutes. Additional supplemental notices by the City of Prescott may occur as per the Community Development Director. Required and supplemental notice practices are shown in the table that directly follows.

Table 9.1.8A

SUMMARY OF NOTICE PRACTICES			
Application Type	Published	Mailed	(Property) Posted
Administrative Adjustments		X	
Appeal of Code Interpretations	X		
Conditional Use Permit	X	X	X
General Plan Amendments	X		
Historic Designation	X	X	X
Special Use Permit	X	X	X
Text Amendment	X		
Variance	X	X	X
Zoning Map Amendment	X	X	X

B. Specific Notice Requirements

The following specific notice requirements shall apply to all required public hearings, except as may be otherwise specified in the Prescott City Code or in Arizona Revised Statutes.

1. Published Notice

An advertisement (Public Hearing Notice) shall be placed by the Community Development Director at least once in a local newspaper of general circulation within the City. The advertisement shall be published at least 15 calendar days prior to the meeting.

2. Mailed Notice

A notice of public hearing shall generally be sent by U.S. first class mail to owners of record of real property within 300 feet of the parcel under consideration or farther at the Community Development Director's discretion. Alternatives to this standard may occur for administrative waivers, historic preservation actions, or as otherwise permitted by state statutes.

3. Posted Notice

A notice of public hearing shall be posted where legible ~~from in~~ at least 2 **locations**. **Postings shall be visible from** rights-of-way adjoining the subject property **wherever possible**. Such notice shall be composed of weatherproof materials.

C. Content of Notice

All published, posted, or mailed notices shall provide some, or all, of the following specific information as determined by the Community Development Director:

1. General location of land that is the subject of the application;
2. County Tax Assessor's Parcel Number, and the street address, if available;
3. Vicinity map;
4. Substance of the application, including the magnitude of proposed development and the current zoning district;
5. Time, date and location of the public hearing;
6. Phone number to contact the City; and
7. Statement that interested parties may appear at the public hearing.

9.1.9 / Public Notices

All public hearings before decision-making bodies in the City of Prescott are normally, but not always, preceded by a public meeting(s) before the same body at which the issues relative to each land use application are explored.

9.1.10 / Required Public Hearings Meetings

The following table illustrates the types of review and the body responsible for holding a public meeting to consider such applications.

Table 9.1.10

ITEMS FOR PUBLIC MEETINGS			
Application Type	Board of Adjustment	Planning and Zoning Commission	City Council
Administrative Appeals	X		
Comprehensive Sign Plan		X	X
Conditional Use Permit	X		
General Plan Amendments		X	X
PAD Master Plan/Site Plan		X	X
Site Plans, Council-approved		X	X
Special Use Permit		X	X
Subdivisions/ PAD		X	X
Text Amendment		X	X
Variance	X		
Water Service Agreement (4 or more dwellings)			X
Zoning Map Amendment		X	X

9.1.11 / Required Public Meetings-Hearings

- A. The Community Development Director shall provide notice of public *hearings*. **ARS 9-462.04.6 cites changes in use, number of stories and greater than 10% changes in the following: area, height, setback and open space as requiring a public hearing.** The Community Development Director shall **also** provide notice of public hearings ~~or public meetings~~ to persons who annually register, by providing their names and addresses and paying the fee established by the City to cover annual expenses, as being interested in receiving such notice, and when deemed warranted.
- B. The Community Development Director may require, at his discretion, applicants not otherwise required by state statutes or Code requirements to post or mail notices, and/or to attend area neighborhood meetings with surrounding residents when deemed warranted. Public meetings shall be scheduled whenever practicable prior to the public hearing.

9.1.12 / Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this Code, the applications for those development approvals may be processed simultaneously at the option of the Community Development Director and with the approval of the applicant; provided, however, rezoning applications may not be processed simultaneous with General Plan Amendments. The simultaneous processing of applications shall be in all cases at the applicant's risk.

**CITY OF PRESCOTT
PLANNING AND ZONING COMMISSION
BYLAWS**

ARTICLE I

Name

- A. The name of this organization shall be: PLANNING AND ZONING COMMISSION City of Prescott, Arizona (hereinafter called Commission).

Article II

Purpose

- A. The Commission is responsible for acting in accordance with the provisions of the Prescott City code, Title I, chapters 6 and 13, applicable City Council Resolutions regulating same, and the Prescott Zoning Code as adopted pursuant to Title X of the Prescott City Code, for the purpose of taking action and making recommendations on all matters which properly come within the purview of the Commission.

ARTICLE III

Membership

- A. Members shall be appointed by the Mayor and the Prescott City Council.
- B. The Commission shall consist of seven (7) members who shall be residents of the City of Prescott.
- C. Members shall serve for a four-(4) year staggered term, with terms to expire in March of the respective year, and may continue to serve until their successors are duly appointed.

ARTICLE IV

Vacancies

- A. Commission members may resign from their appointed post for any reason. It is suggested that thirty-(30) days' written notice be given. Vacancies shall be filled by the City Council only for the unexpired term of the commission member creating the vacancy. Commission members shall serve without compensation.
- B. Members will be terminated in the event of excessive absences, as more particularly set forth in Prescott City Code Section ~~1-13-5~~ 1-6-2.

ARTICLE V

Officers

- A. The ~~Commission~~ City Council shall ~~elect from its members~~ appoint a Chairman and Vice-chairman at the first regularly scheduled meeting in January in March of each year and shall prescribe their duties, as in its discretion seem required. ~~Term of office shall be one (1) year.~~
- B. The Secretary shall be appointed by the Community Development Director.

Article VI

Duties of Officers

- A. The Chairman shall:
1. Preside at all meetings.
 2. Coordinate the agenda with the Community Development Director.
 3. Coordinate with the Community Development Director to provide current information on Planning and Zoning regulations, City Council actions and Planning and Zoning policies.
- B. The Vice-chairman shall assume the duties of the Chairman in his/her absence.
- C. The Secretary shall keep a record of the proceedings of all meetings, send out required notices for all meetings, compile agendas, keep records, files and indexes, perform the clerical work of the Commission and any other duties assigned by the Community Development Director.

ARTICLE VII

Legal Counsel

- A. The Prescott City Attorney shall be the legal counsel for this Commission.

ARTICLE VIII

Meetings

- A. All meetings and hearings of the Commission shall be subject to the Arizona Open Meeting Law. Parliamentary authority shall be *Robert's Rules of Order Newly Revised*.
- B. Regular Meetings will be held on the second (2nd) Thursday and last Thursday of each month at 9:00 a.m. unless a different date and time is designated by the Chairman of the Commission.
- C. Special meetings will be held at the call of the Chairman with appropriate notice.
- D. The quorum shall be four (4) Commission members.
- E. Agenda format:
1. Call to order
 2. Recording of member's present/absent and staff in attendance
 3. Regular action items
 4. Public hearings
 5. Discussion items
 6. Adjournment

- F. If an item is being considered by the Commission for the first time, it shall not be voted upon at the initial meeting if there is an objection to a vote by one Commission member.

ARTICLE IX

Field Inspections

- A. The Community Development Department shall provide staff accompaniment for Commission members who wish to conduct field inspections to personally examine properties, which will be considered by the Commission.

ARTICLE X

Amendments

- A. Amendments to these Bylaws may be made by a two-thirds $2/3^{\text{rds}}$ vote of the Commission following a fourteen (14) day written notice of proposed changes.
- B. Exceptions are those articles that are established by Ordinance and may not be changed without action of the Prescott City Council.

PASSED, APPROVED and ADOPTED by the Planning and Zoning Commission of the City of Prescott this ~~13th~~ 10th day of ~~December 2004~~ June, 2010.

Chairman

ATTEST:

APPROVED AS TO FORM:

Tom Guice
Community Development Director

Gary D. Kidd
City Attorney