



PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, JANUARY 27, 2011
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, JANUARY 27, 2011**, 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	Ken Mabarak
Len Scamardo, Vice Chairman	Terry Marshall
Joe Gardner	Don Michelman
Tim Gresetth	

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 January 13, 2010 regular meeting / public hearing.
2. **SI11-001 & CC11-001 - Site Plan Review for "The Shops at Prescott Gateway" at the Southwest corner of S.R. 69 and Lee Blvd. APN is 103-20-570M. Applicant is Red Real Estate Advisors. Community Planner Ryan Smith.**
3. **Report on Similar Use Interpretation for Medical Marijuana. Planning Manager George Worley.**

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

(May be voted on today unless otherwise noted).

4. **RZ10-001 - Rezone Parcels from RE-2 to SF-12 for property on Walker Road.**
APN 103-20-610, -002J and -002P. Applicant is Scott Lee. Community Planner Mike Bacon. (Vote February 10, 2011)
5. **RZ10-002 - Rezone Parcels from SF-12 to MF-M for property at 3351 Gateway Blvd.**
APN 103-20-596K and -611A. Applicant is Scott Lee. Community Planner Mike Bacon. (Vote February 10, 2011)
6. **LDC11-002 - Amend LDC provisions relating to Transitional Housing.** *Planning Intern Ruth Hennings. (Vote February 24, 2011)*

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 January 21, 2011 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
 COMMITTEE MEETING
 THURSDAY, JANUARY 13, 2011
 PRESCOTT, ARIZONA

MINUTES OF THE MEETING OF THE PRESCOTT PLANNING & ZONING COMMISSION COMMITTEE held on Thursday, January 13, 2011 in the COUNCIL CHAMBERS located at CITY HALL, 201 SOUTH CORTEZ STREET, Prescott, Arizona.

I. CALL TO ORDER

Chairman Menser called the meeting to order at 9:00 am.

II. ATTENDANCE

MEMBERS	
Tom Menser, Chairman	Ken Mabarak
Len Scamardo, Vice Chairman	Terry Marshall
Joe Gardner	Don Michelman
Tim Greseth	

All members were present.

II. 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 December 9, 2010 regular meeting public hearing.

Member Scamardo moved to approve the minutes of December 9, 2010; seconded by Member Mabarak; passed unanimously.

- 2. Transitional Housing**, Ruth Hennings, Planning Intern/George Worley, Planning Manager.

Mr. Worley introduced Planning Intern Ruth Hennings. Her goal for the presentation was to talk about the proposed amendments to handle transitional housing and group homes.

Ms. Hennings conducted a presentation that covered the following topics:

- Proposed zoning for community and transitional housing
- The Fair Housing Act of 1988 and Amendments
- Persons with disabilities
- Community Residences
- Transitional Residences
- Other Considerations

- Proposed Zoning Strategy

Chairman Menser mentioned that all of that had come before the Unified Code Committee. He asked why the Staff recommended no conditional use for a family community of 9 or more people.

Ms. Hennings said that she worked with a lawyer who had been working on it for over 35 years and that he found that, in court, to allow for reasonable accommodation, we must reasonably allow them to be in single and multi-family neighborhoods if they meet all of the licensing requirements. That was based on case law.

Chairman Menser asked if it was because a more permanent situation would be fewer problems to a neighborhood. Ms. Hennings said that it would be less impact to a neighborhood. Studies had not been able to prove that a family community residence of 11 developmentally disabled people has any negative effect on property values or safety of a community.

Chairman Menser noted that what they were saying was that nine or more persons forming one of these groups can be licensed and they can have conditional use requirements.

Commissioner Michelman noted that when there was a licensed community family group, it was for nine or more people. Chairman Menser said that a licensed facility could be permitted in any residential area. An unlicensed facility with fewer people could be a conditional use.

Ms. Hennings asked if there was confusion between licensed, larger family community residences and the smaller unlicensed residences.

Commissioner Michelman asked if they were licensed and larger, could they be permitted without a conditional use. He understood that if they are unlicensed and smaller, they will have to have a conditional use. Ms. Hennings said that they did not need conditional use for anything less than eight occupants. She noted that footnote seven of the table said the requirements applied to residences greater than eight people.

Chairman Menser said that if it was called a community residence or senior family home, there had to be nine or more.

Commissioner Scamardo asked if it was a state license. Ms. Hennings said that the licensing could come from the state or some other national accrediting body.

Commissioner Scamardo asked about the mechanics of eight or less and what their authority for operating was. He asked if they had the department of Economic Security or Health funneling potential tenants to them or did they put an ad in the paper. Ms. Hennings said that some people are placed in the homes by state agencies and some find homes themselves.

Commissioner Scamardo said that if someone had a home of this type with fewer than nine people, then there is no requirement from the state to have a license. Ms.

Hennings agreed. However, there could be a license required depending on services offered; it was the state's jurisdiction.

Commissioner Michelman said that if it was a business, the city should have a right to control it and they were being told that they could not, if it was less than eight people. Ms. Hennings said that under the Fair Housing Law, they were residential uses. It was considered a residence for the people living there.

Chairman Menser said that it was a fine line because the city had certain restrictions on home businesses. In this case, he could run a business and get paid by the state to support eight disabled people; it would be a business and the city had no control. Ms. Hennings said that the business would be renting a residence, which was different. If the residence is providing care, it went back to the Reasonable Accommodation clause in the Fair Housing Act that states - in order for these people to feel like they have an equal opportunity to housing, we have to allow certain other uses or accommodations.

Commissioner Marabak asked if he was correct in the difference between the family community residence and the transitional community residence was measured in the length of tenancy. Ms. Hennings said yes. The only distinction was years instead of months. Without making that distinction they would not be able to put as many restrictions on them as they would otherwise. It was a way to make it more difficult for half way houses to be in a single family neighborhood.

Commissioner Mabarak said it was the difference between disabled seniors and recovering drug addicts. One would be a family and one would be transitional.

Commissioner Scamardo said that a problem could exist in a college community when a fraternity house wants to be in a residential neighborhood. Ms. Hennings said that they would have to be disabled, however less than eight people could go into any neighborhood.

Chairman Menser noted that an accommodation was reasonable if it did not impose an undue burden on the local government and it did not create a fundamental alteration to the zoning district. He could prove that the parking alone would be an alteration.

Ms. Hennings said it would give them strength to fight undue burden if previous case law proved it. All of the research that had gone into it had shown that we could have up to two or three community residences on a block with no real effect with property values, safety or traffic. She noted that there would be an option, at a later date, to add in spacing distances if problems occur.

Chairman Menser said that there would be more parking problems with transitional than with a family community. He said that there would be conditional use permits on the transitional situations with nine or more in single

family areas. He asked Mr. Podracky if they could put parking and noise restrictions on conditional use permits. Mr. Podracky said yes.

Commissioner Scamardo said that when there were nine people there was a certain amount of control due to conditional use permits. It was the eight or under that was a problem. There was a situation on North Pleasant Street where someone wanted to get a change of zoning. The neighbors were upset due to unlicensed, unregulated halfway houses for juveniles.

Ms. Hennings said that other options would be to change Prescott's definition of single family. They had the right to decide what their family size was, regardless of fair housing. Commissioner Michelman asked if city ordinances would have control over fights and noises. Staff answered yes.

Commissioner Greseth asked if there was a square footage limitation in the Fair Housing Act. He asked if nine people could live in 800 square feet. Ms. Hennings said that the same building codes that applied to all residences applied to those residences.

Commissioner Michelman asked if someone who had a substance abuse problem started using again, would they be kicked out of the residence. Ms. Hennings said that usually they were very strict.

Commissioner Mabarak asked if there was a definition of family. Ms. Hennings said yes, it was in the first attachment in the packet she handed out. In Prescott a family was defined as any number of related people or up to eight unrelated people.

Commissioner Mabarak asked if they could change the definition. Mr. Podracky said that they could not exclude people who were unrelated.

Commissioner Gardner asked if there had been complaints about the treatment homes in Prescott. Mr. Worley said that the complaints had been periodic and usually related to an incident that was controlled by other codes. They are usually in residences of eight or less transitional type homes. He could not recall a single complaint about any developmentally disabled group homes.

Commissioner Gardner said that it would be beneficial to hear from someone from the treatment homes to say how they work. He noted that those people usually did not have cars, so parking may not be an issue. Zoning may not be the place to get a handle on it.

Mr. Worley said that he would see if they could find someone to talk to them.

Commissioner Gardner said that if the house next door became a drug rehabilitation facility, he would be concerned.

refer people to his home and pay him for running the home he would want to get the license.

Mr. Worley said that if your home were certified through the court system so that people could be ordered there. That would mean that there was some sort of licensing or control. The theory behind not requiring conditional uses for licensed facilities was that someone else was watching, be it the state or federal government. If no one was watching, then the city should be. That is why if they were unlicensed, the city had the ability to put conditional use process in place.

Commissioner Gardner asked if they were being watched by another agency, was there a process where the police or city would be called. Mr. Worley said that he was not sure and that he would check into it.

Commissioner Scamardo said that the bottom line was that there were federal guidelines in the Fair Housing Act. They were shown the recommendations based on case law and there was not much that they could do. Ms. Hennings noted that it was actually more restrictive than what the City currently had because what they currently had was unenforceable.

IV. PUBLIC HEARING ITEMS

V. CITY UPDATES

Mr. Worley said that he had none.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

There being no further business to be discussed, the Planning & Zoning Commission of January 13, 2011 adjourned at 9:43 a.m.

**Site Plan Review and Comprehensive Sign Plan
Shops at Prescott Gateway PAD
SI11-001 and CC11-001**

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: January 27, 2011

TO: Prescott Planning and Zoning Commission

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

DATE: January 20, 2011 **APN:** 103-50-028, 103-20-603A, 567U, 598C **ZONING:**BR

Agent: Brett Heron / ERH Acquisitions, LLC **Owner:** VHC, 228 LLC UI
One E. Washington Street, #300 7377 E. Double Tree Ranch Rd.
Phoenix, AZ 85004 Phoenix, AZ 85004

REQUEST:

The Shops at Prescott Gateway is a proposed retail shopping center, consisting of 6 structures totaling 39,007 square feet with 249 parking spaces, and located at the Southwest corner of SR69 and Lee Blvd. The applicant is submitting the site plan as a Planned Area Development (PAD) in accordance with the Land Development Code to allow for the zero setback between Major "A" and Shops "A". The site plan retains existing driveways featuring full movement access from Lee Blvd. and a right in only access from SR69. There is a substantial slope along the western boundary of the property, above which is the mall parking area. A minimal retaining wall is proposed west of Pad "A".

To maximize visibility on this busy intersection, the applicant is requesting 3 monument signs. The primary monument sign, located at the SW corner of SR69 and Lee Blvd., is proposed to be 240 square feet in area and 20 feet in height. The 2 secondary signs, located at each of the access points, are proposed to be 144 square feet in area and 12 feet in height. The applicant is asking that there be no setback requirement for these signs from adjacent right-of-way.

The applicant proposes the placement of wall signage at a maximum of 1.5 square feet of signage per 1 linear foot of building frontage up to 300 square feet on each street frontage. Given the 2 street frontages and proposed linear wall frontage, proposed wall sign area under the proposed plan could be the full 600 square feet in total. No elevations or

sketches of proposed signage have been provided at this time. However, the applicant has indicated that elevations will be available at the time of the P&Z presentation.

BACKGROUND:

The subject property has over 1800 feet of street frontage. The proposed shopping center location is part of the Prescott Gateway Mall, but has since been sold to a private party. A Development Agreement exists for these properties. DA-98-167 requires that prior to any building permit being issued, Council must approve a final site plan in a public meeting. Other than the Comprehensive Sign Plan, the project is proposed using existing zoning with no waivers or variances requested.

The current language in the Land Development Code will allow for two freestanding signs up to 24 square feet in size and 12 feet in height. Monument signs must be a minimum of 5 feet from any road ROW. Due to the amount of proposed building frontage facing the street, wall signage would be allowed up to approximately 470 square feet - 280 square feet along SR69 and 190 square feet along Lee Blvd.

Alternatively, the Highway Commercial signage provision within the LDC would allow for 2 freestanding signs up to 20 feet in height, and, up to 100 square feet in size, provided, however, the signs must be setback 1 foot for every 2 square feet of sign area (as an example; a 98 square foot sign must be setback 49 feet from the ROW). Monument signs must be a minimum of 10 feet from any road ROW. Wall signage would be allowed up to approximately 490 square feet - 300 square feet along SR69 and 190 square feet along Lee Blvd.

The applicant's request for increased wall signage of 110 to 130 square feet, an additional freestanding sign, and zero setback, would require an approved Comprehensive Sign Plan. 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).

FINDINGS:

The Site Plan conforms to all applicable codes and requirements. The applicant is developing the shopping center using existing zoning and is not requesting any waivers in its design. Lot coverage is 12.6%. There is excess parking allowing for 2 or 3 restaurants in the pad buildings. Staff is currently reviewing the site plan and no issues have been identified as of this writing.

The applicant has not yet indicated what appearance the signage will have and must meet similar lettering, coloring and material criteria as 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 zero setback request may be appropriate due to the long 240' ROW width along SR69 and 90' to 185' ROW width along Lee Blvd. Also, there is approximately 70' of open area from each monument sign to the pavement along SR69. The proposed Shops at Prescott Gateway is located in the Commercial Corridor Overlay district which requires that all building sign lighting be turned off one hour after closing or by 10:00 pm, which ever is later.

PUBLIC COMMENTS:

A neighborhood area meeting has been scheduled on Monday January 24, 2011 at 5:30 in the evening. Approximately 900 notices were mailed out 2 weeks in advance, which included all of the Ranch at Prescott subdivision and portions of the Yavapai Hills subdivision. Seven separate phone inquiries have been received from neighbors located in the Ranch requesting information regarding possible tenants. None of the callers have indicated any concerns and one caller indicated support. E-mail messages have also been received (attached).

RECOMMENDATION:

Two separate motions are needed for each of these applications:

Staff supports a positive recommendation to Council for SI11-001 with no stipulations:

Staff supports a positive recommendation to Council for CC11-001 subject to the following suggested stipulation:

1. Signs shall be of similar type and function with consistent size, lettering, color & material.

Attachments:

- Vicinity and Zoning Map
- Site Plan
- Letter of Intent
- E-mail messages



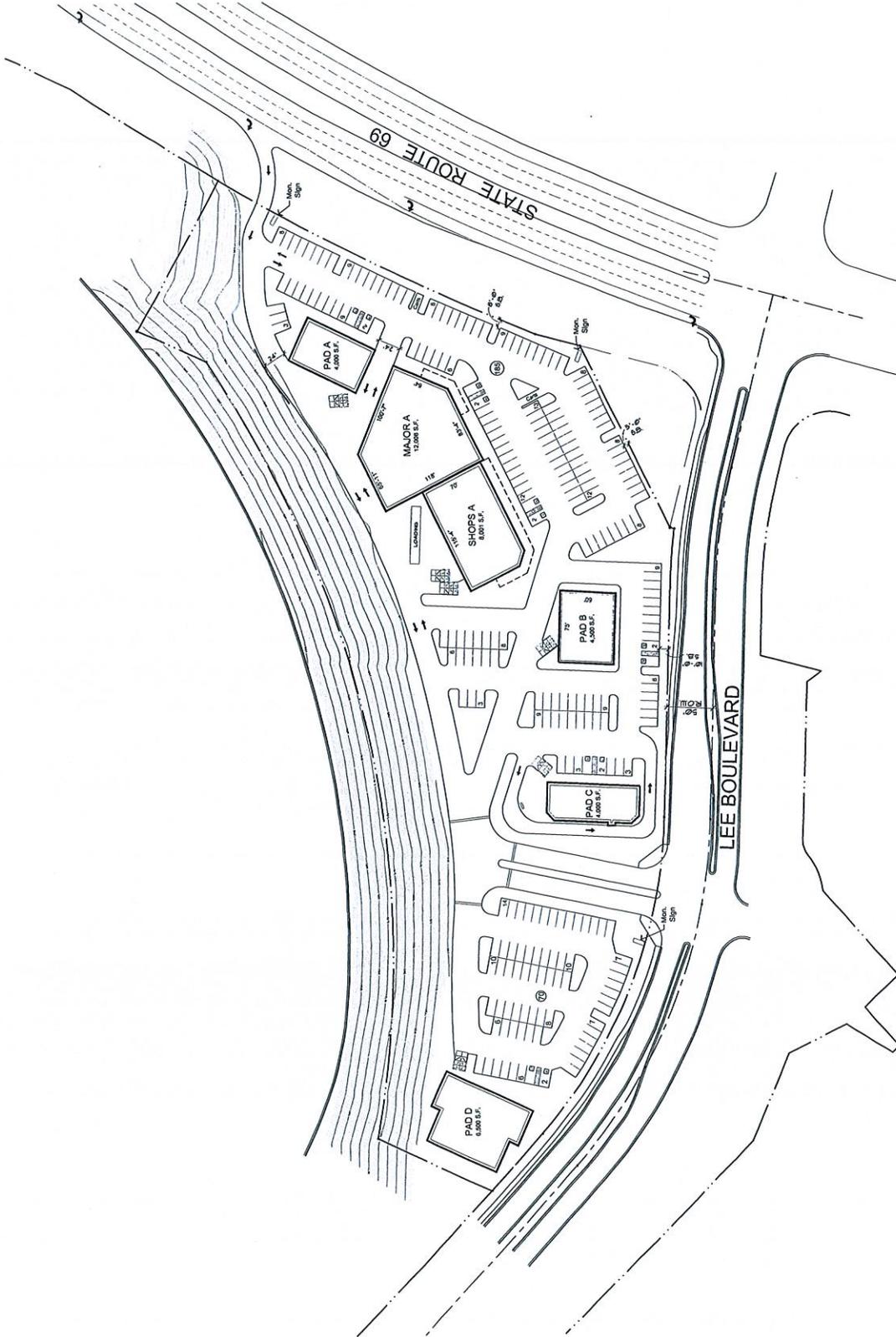
Site Data

Gross Site Area:	310,165 sf (7.12 ac)
Building Area:	39,007 sf
Coverage:	12.6 %
Parking Provided:	249 Spaces
Overall Parking Ratio:	6.4 / 1,000

01-6-10
10'45" ST-17&1



Bailey Design Group, Inc.
P.O. Box 100, Prescott, AZ 86304

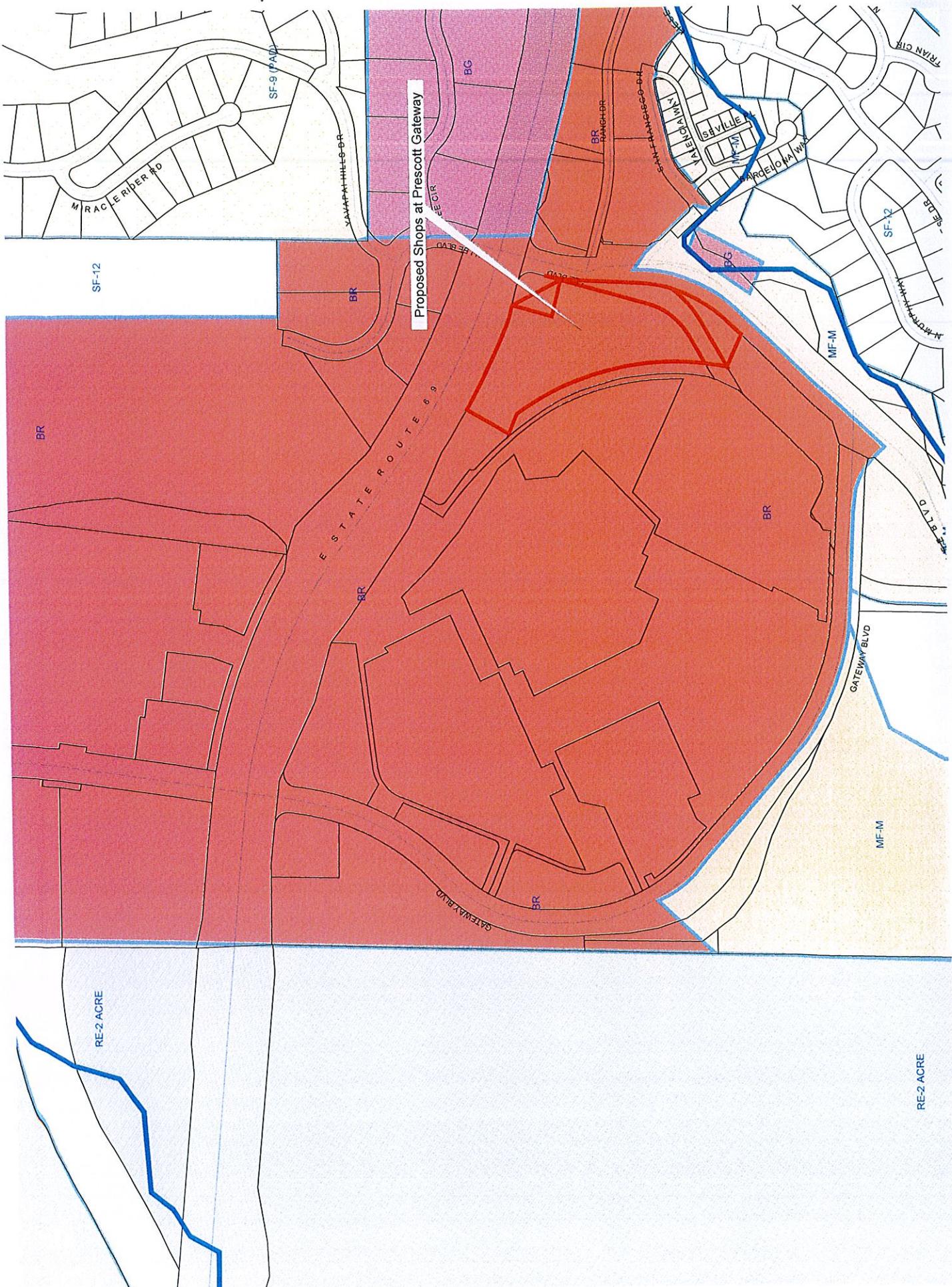


PRESCOTT GATEWAY

SWC Highway 69 and Lee Boulevard
Prescott, Arizona

RED Development
One East Washington, Suite 200
Prescott, Arizona 86304
(480) 947-7772 Phone
(480) 947-7997 Fax





Proposed Shops at Prescott Gateway

SF-12

BR

RE-2 ACRE

RE-2 ACRE

MF-M

BR

BG

SF-9 (PDU)

ESTATE ROUTE 69

GATEWAY BLVD

GATEWAY BLVD

MIRACAL RIDER RD

YAWAFAL HILLS DR

SAN FRANCISCO DR

KADEN WAY

SEVILLE

MARCELO WAY

FRAN CIR

SEDR

NORTHWAY

GATE CIR

Shops at Prescott Gateway

PLANNED AREA DEVELOPMENT

Project Name: Shops at Prescott Gateway
Applicant: ERH Acquisitions, LLC
Date: January 10, 2011

PLANNED AREA DEVELOPMENT

This Planned Area Development ("PAD") document is presented in accordance with Section 9.5 of the City of Prescott Land Development Code (the "Code") in order to establish modified development standards for the Shops at Prescott Gateway located at the southwest corner of Highway 69 & Lee Boulevard (the "Project").

Development Standards

The Development Standards applicable to the Project shall be those contained in the Code except as specifically modified by this PAD. In the event of a conflict between the Code and this PAD, this PAD shall govern. The section references contained in this PAD refer to the applicable sections of the Code which are being modified by this PAD.

Parking Design Standards

1. No Passenger Loading spaces shall be required within the Project. (Section 6.2.8)

Landscaping and Screening

1. All parking lots adjacent to Highway 69 shall be landscaped with a minimum of 8 feet on site (measured from the right of way edge) with plantings as specified in Section 6.5.5 of the Code. All parking lots adjacent to Lee Boulevard shall be landscaped with a minimum of 10 feet on site (measured from right of way edge) with plantings as specified in Section 6.5.5 of the Code. The portion of the parking lot adjacent to HOA owned parcel at the corner of Lee Boulevard and Highway 69 shall be landscaped with a minimum of 4 feet on site (measured from property line) with plantings as specified in Section 6.5.5 of the Code. The minimum landscape strip may be reduced along part of each frontage provided the average applicable landscaped width is maintained along the applicable frontage. (Section 6.5.6A.1.a)
2. If a minimum 3' masonry wall is used to screen the parking area, said wall may be located within the minimum landscape setback area. (Section 6.5.6A.1.b)
3. Perimeter parking and driveway areas which are adjacent to the slope along the perimeter of the Project shall not require additional landscaping or screen wall. (Section 6.5.6A.2)
4. As a clarification, foundation plantings shall not be required on the west building wall of the "Major" nor on the east building wall of Pad A. (Section 6.5.7)
5. The intent of Section 6.5.8G of the Code is met by the location of the loading area at the rear of the "Major" and "Shops" building and no additional screening is required.

Shops at Prescott Gateway

COMPREHENSIVE SIGN PLAN

Project Name: Shops at Prescott Gateway
Applicant: ERH Acquisitions, LLC
Date: January 10, 2011

COMPREHENSIVE SIGN PLAN

This Comprehensive Sign Plan ("CSP") document is presented in accordance with Section 6.12.6 of the City of Prescott Land Development Code (the "Code") in order to establish modified signage standards for the Shops at Prescott Gateway located at the southwest corner of Highway 69 & Lee Boulevard (the "Project").

Comprehensive Sign Plan Standards

The standards applicable to the Project shall be those contained in the Code except as specifically modified by this CSP. In the event of a conflict between the Code and this CSP, this CSP shall govern. The section references contained in this CSP refer to the applicable sections of the Code which are being modified by this CSP.

Free Standing Sign Standards (Sec. 6.12.5A)

1. **Number Permitted.** Three (3) freestanding signs shall be permitted for the Project. These three (3) signs shall be in addition to the mall sign located at the western edge of the Project.
2. **Height.** One of the freestanding signs shall have a maximum permitted height of twenty feet (20'). The remaining two (2) freestanding signs shall have a maximum permitted height of twelve feet (12').
3. **Setback.** No setback shall be required from adjacent property lines.
4. **Area.** Maximum of 240 s.f. of sign area per side for the primary monument sign. Maximum of 144 s.f. per side for the additional signs.

Canopy or Wall Sign Standards (Sec 6.12.5B)

1. **Permitted Locations.** Wall signs are permitted on any building elevation which is oriented towards the street or an interior parking area.
2. **Area.** One and one half (1 1/2) square feet of sign area for each linear foot of building frontage up to 300 feet per frontage.

Administrative Adjustments

1. Adjustments to the sign standards contained in this CSP may be approved in accordance with the provisions of Section 9.16, Administrative Adjustments of the Code. (Section 6.12.4)

NOTICE OF PLANNING COMMISSION MEETING FOR "The Shops at Prescott Gateway"

Frank B. De Armond [frankdearmond@cableone.net]

Sent: Thursday, January 20, 2011 10:53 AM
To: petty@northlink.com; billie37@live.com; rsparker@cableone.net; mgenders@aol.com; aranan@att.net; ekrbcr@msn.com; muthman@cableone.net; Rjt1@cableone.net; dionmannen@aol.com; judgeuno@aol.com; Tinneys2@hotmail.com
Cc: Smith,Ryan
Importance: High

Good Morning To All The Council Members of The Ranch at Prescott HOA

I am writing to each of you regarding the **January 24, 2011 and the January 27, 2011 Meetings to discuss "THE SHOPS AT PRESCOTT GATEWAY"** ... for which we all received the YELLOW CARD in the mail from Ryan Smith and the Prescott Planning and Zoning Division.

As a friend of Jim and Linda Lee I respect their business acumen and possible need to invest in "THE SHOPS AT PRESCOTT GATEWAY". We all need to protect monies earned ... especially from our IRS and runaway Government spending programs. However, I do question the timing of this proposed endeavor.

At this point in time there are numerous vacant store fronts in the total Prescott Gateway Mall ... which, in my opinion, should be allowed to be "re-populated" before any new shops are planned for.

Like many of you I often walk the Gateway Mall for exercise .. I note with sadness the vacant store fronts which combined with the loss of Bashas', American Home Furnishings, Outback, Blockbuster, etc. in the Frontier Village Mall to name but a few vacant store fronts ... leave our beautiful city looking much like it is in Bank Foreclosure.

Something is very wrong here in Prescott .. one asks "Why is Prescott losing all these businesses when Prescott Valley is flourishing?" Until this and other pressing questions can be answered regarding the future plans for Prescott I firmly believe the plans for "THE SHOPS AT PRESCOTT" should be shelved.

In addition, a plan to "include a multi-tenanted commercial shopping center with a probable mix of retail, business and restaurant uses ... PLUS a comprehensive Sign plan" .. on Lee Blvd. ... which is the ONE AND ONLY entrance to our property .. will cause traffic issues on Lee Blvd, especially when large emergency vehicles need to enter The Ranch, will spoil the natural beauty of the entrance to The Ranch, and most importantly will quite possibly depress the value of our properties.

Therefore, I respectfully request that you join me and your neighbors in voting down the plan for "THE SHOPS AT PRESCOTT GATEWAY".

Thank you!

With very best regards,

Frank

Frank B. De Armond, Ph.D.
COLONEL, USAF (Retired)

3086 Ravencrest Circle
Prescott, AZ 86303-5790

Phone: 928.717.2326 MOBILE: 602.501.4837
e-mail: frankdearmond@cableone.net

SKYPE: frankdearmond

Re: NOTICE OF PLANNING COMMISSION MEETING FOR "The Shops at Prescott Gateway"

Michael Allen Peters [judgeuno@aol.com]

Sent: Friday, January 21, 2011 7:32 AM**To:** frankdearmond@cableone.net; petty@northlink.com; billie37@live.com; rsparker@cableone.net; mgenders@aol.com; aranan@att.net; ekrbcr@msn.com; muthman@cableone.net; Rjt1@cableone.net; dionmannen@aol.com; Tinneys2@hotmail.com**Cc:** Smith,Ryan

It is a given and unfortunate fact that there are store vacancies not just in Gateway Mall, but in every shopping center in Prescott- and I will wager in Prescott Valley? This does not mean that Prescott is undergoing some "mysterious" and unexplicable abandonment of these stores-rather, it means that Prescott perhaps regulates more and does not give away the farm just to secure business presence. Stores seem to gravitate around good eating places and entertainment sites-like Harkins Theatre. But if you walk around the central Prescott Valley Mall, there are store locations that remain empty-why? Truth and in fact, some stores just lose their attraction to shoppers regardless of location. Point is: one does not really know what will work or not UNTIL YOU TRY IT! So, why not give it a try? Build the store sites whatever form they take and perhaps it will stimulate a reoccupation of some or all the Gateway Mall stores-it certainly will create some jobs, sales revenue from materials of all kinds, etc. Perhaps, just make certain that the builders are Prescott based and order from suppliers in Prescott to give us the edge.

As to the emergency exit here in the Ranch, you have Morning Glory, Liese, Murphy streets that take a circuitous route in exiting or arriving to other streets here in the Ranch. What might be a good idea is to give a route to exit or arrive from or to their home and accentuate the route with a highlighter???????

Anyway, these are my thoughts on the subject.

Thanks for listening.

/s/

Michael Peters
640 West Lee Blvd
Prescott 86303

-----Original Message-----

From: Frank B. De Armond <frankdearmond@cableone.net>

To: petty <petty@northlink.com>; billie37 <billie37@live.com>; rsparker <rsparker@cableone.net>; mgenders <mgenders@aol.com>; aranan <aranan@att.net>; ekrbcr <ekrbcr@msn.com>; muthman <muthman@cableone.net>; Rjt1 <Rjt1@cableone.net>; dionmannen <dionmannen@aol.com>; judgeuno <judgeuno@aol.com>; Tinneys2 <Tinneys2@hotmail.com>

Cc: ryan.smith <ryan.smith@prescott-az.gov>

Sent: Thu, Jan 20, 2011 10:54 am

Subject: NOTICE OF PLANNING COMMISSION MEETING FOR "The Shops at Prescott Gateway"

Good Morning To All The Council Members of The Ranch at Prescott HOA

I am writing to each of you regarding the **January 24, 2011 and the January 27, 2011 Meetings to discuss "THE SHOPS AT PRESCOTT GATEWAY"** ... for which we all received the YELLOW CARD in the mail from Ryan Smith and the Prescott Planning and Zoning Division.

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At this point in time there are numerous vacant store fronts in the total Prescott Gateway Mall ... which, in my opinion, should be allowed to be "re-populated" before any new shops are planned for.

Re: NOTICE OF PLANNING COMMISSION MEETING FOR "The Shops at Prescott Gateway"

MGEnders [mgenders@aol.com]

Sent: Friday, January 21, 2011 7:59 AM

To: Frank B. De Armond [frankdearmond@cableone.net]; petty@northlink.com; billie37@live.com; rsparkar@cableone.net; aranar@att.net; ekrbcr@msn.com; muthman@cableone.net; Rjt1@cableone.net; dionmannen [dionmannen@aol.com]; judgeuno [judgeuno@aol.com]; Tinneys2@hotmail.com

Cc: Smith,Ryan

Frank,

Thank you for your correspondence and interest in the upcoming planning commission meetings. It is indeed wise for all residents to be aware of and to become informed of land use proposals affecting our community. The notification by the City regarding the meetings fulfills the "awareness" condition, the meetings themselves help to provide the "to become informed" condition. Accordingly, I believe it is premature to take any position without knowing all of the information and facts.....hence the purpose of the meeting. While we are all entitled to our opinions, I think it wise to become informed prior to forming those opinions and taking positions. Again, thank you for your interest in our community.

Respectfully,

Mike Enders

In a message dated 01/20/11 10:54:11 US Mountain Standard Time, frankdearmond@cableone.net writes:

Good Morning To All The Council Members of The Ranch at Prescott HOA

I am writing to each of you regarding the **January 24, 2011 and the January 27, 2011 Meetings to discuss "THE SHOPS AT PRESCOTT GATEWAY"** ... for which we all received the YELLOW CARD in the mail from Ryan Smith and the Prescott Planning and Zoning Division.

As a friend of Jim and Linda Lee I respect their business acumen and possible need to invest in "THE SHOPS AT PRESCOTT GATEWAY". We all need to protect monies earned ... especially from our IRS and runaway Government spending programs. However, I do question the timing of this proposed endeavor.

At this point in time there are numerous vacant store fronts in the total Prescott Gateway Mall ... which, in my opinion, should be allowed to be "re-populated" before any new shops are planned for.

RZ10-001 Rezoning from RE-2 to SF-12 Walker Road

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
 PLANNING & ZONING COMMISSION
STAFF REPORT
 1/27/11 (Public Meeting) and 2/10/11 (Public Hearing)

TO: Planning Commission Members
FROM: Tom Guice, Community Development Director *TG*
 George Worley, Planning Manager *GW*
 Mike Bacon, Community Planner *MB*
DATE: 1/19/11

Subject: RZ10-001 Rezoning from RE-2 to SF-12
Parcels: APN: 103-20-610, -002J and -002P (±8.02 acres) **Zoning:** RE-2
Location: 100 N. Walker Road
Agent / Applicant: Applicant/Agent is E. Scott. Lee, 300 N. Lee Blvd, Prescott, AZ 86301.
Owners: Bullwhacker Associates, 300 N. Lee Blvd, Prescott, AZ 86301.

REQUEST. Rezone ±8.02 acres from Rural Estate-2 Acre minimum lot size zoning district (RE-2) to the Single-Family Residential-12,000 sq. ft. minimum lot size (SF-12) zoning district. No Water Service Agreement is proposed at this time, nor is there a project proposal at this time either.

Area Meeting. The area meeting held on January 19, 2011 was attended by 8 area residents and lasted one hour. Discussion points included type of development (single-family) and drainage.

Opposition and Support. Staff has not received any calls or correspondence in favor or opposed to the project; however, one call was received which was neither for nor against the project.

STAFF ANALYSIS

Existing Conditions. The site is vacant. Existing vegetation consists primarily of native grasses, with scrub oak, junipers, and ponderosa pines on slightly sloping ground.

Land Use Compatibility

Direction	Zoning	Land Use
North:	SF-12	Single-family (The Ranch Unit I)
South:	County	Prescott National Forest
East:	RE-2	Vacant (State Land)
	BG	Commercial
West:	SF-12	Single-family (The Ranch Unit I)

Ranch Master Plan. The proposed SF-12 rezoning is consistent with the plan's designation of Single-Family. As a point of history, the Master Plan formerly designated the project site as an equestrian center with restaurant.

Prescott East Area Plan (PEAP). The proposed SF-12 rezoning is consistent with the PEAP's designation of Single-Family Residential.

General Plan Consistency. The project is *consistent* with the 2003 General Plan Land Use Map which designates the project area as Medium-High Density Residential (8-32 DUA). Applicable 2003 Prescott General Plan Polices include:

- "Goal 1. Maintain the integrity and character of existing neighborhoods." (p36).
- "Goal 6. Encourage more compact development..." (p39).

The proposed SF-12 rezoning provides an acceptable and compatible zoning district with the surrounding zoning districts.

Street Access and Circulation. The project will have access only from Walker Road. An easement through the southern portion of the property from Walker Road to Bullwhacker Circle once provided a temporary and secondary access for the adjoining Ranch Unit I. This easement was vacated / discontinued some time ago.

BC

800-05-012F

RE-2

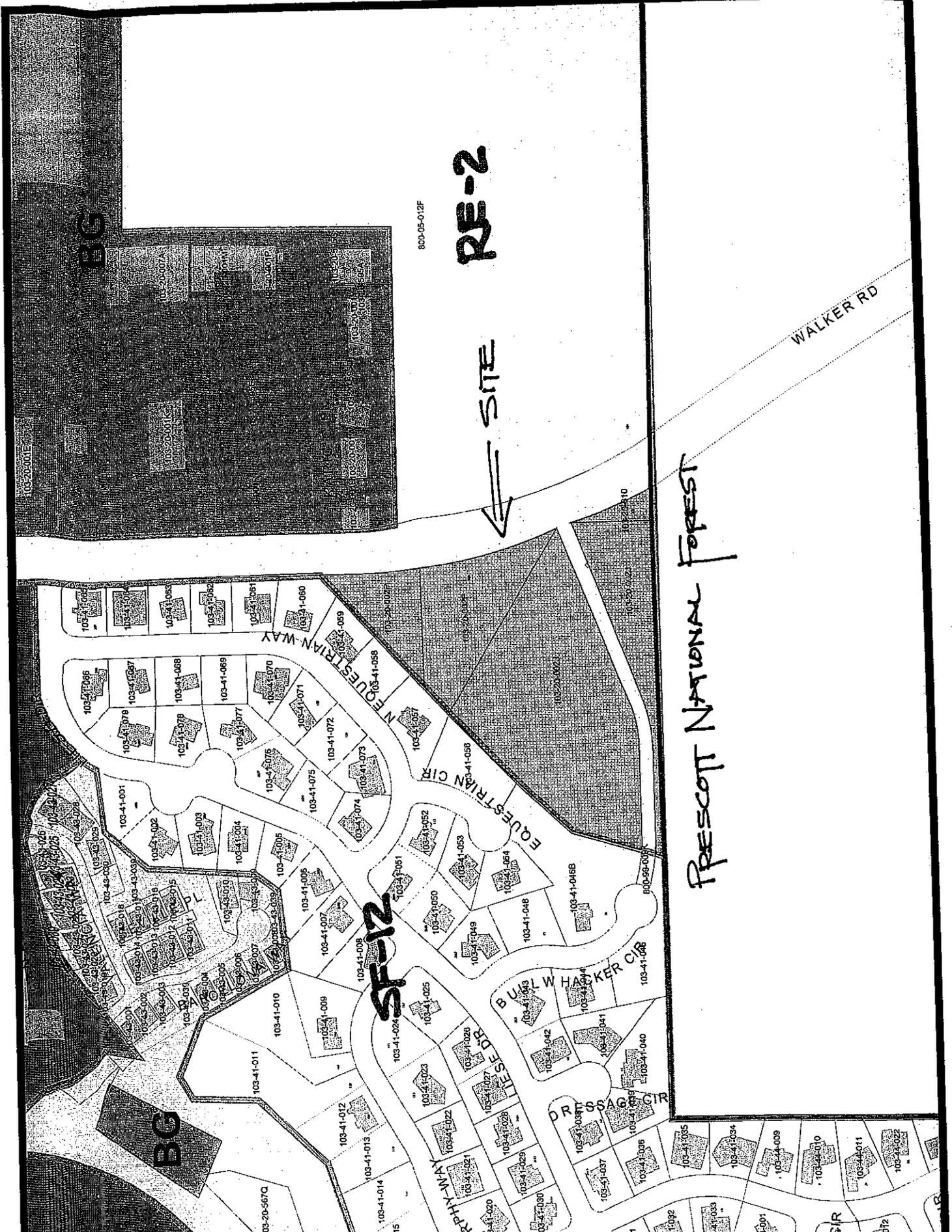
SITE

WALKER RD

PRESCOTT NATIONAL FOREST

SF-12

BC



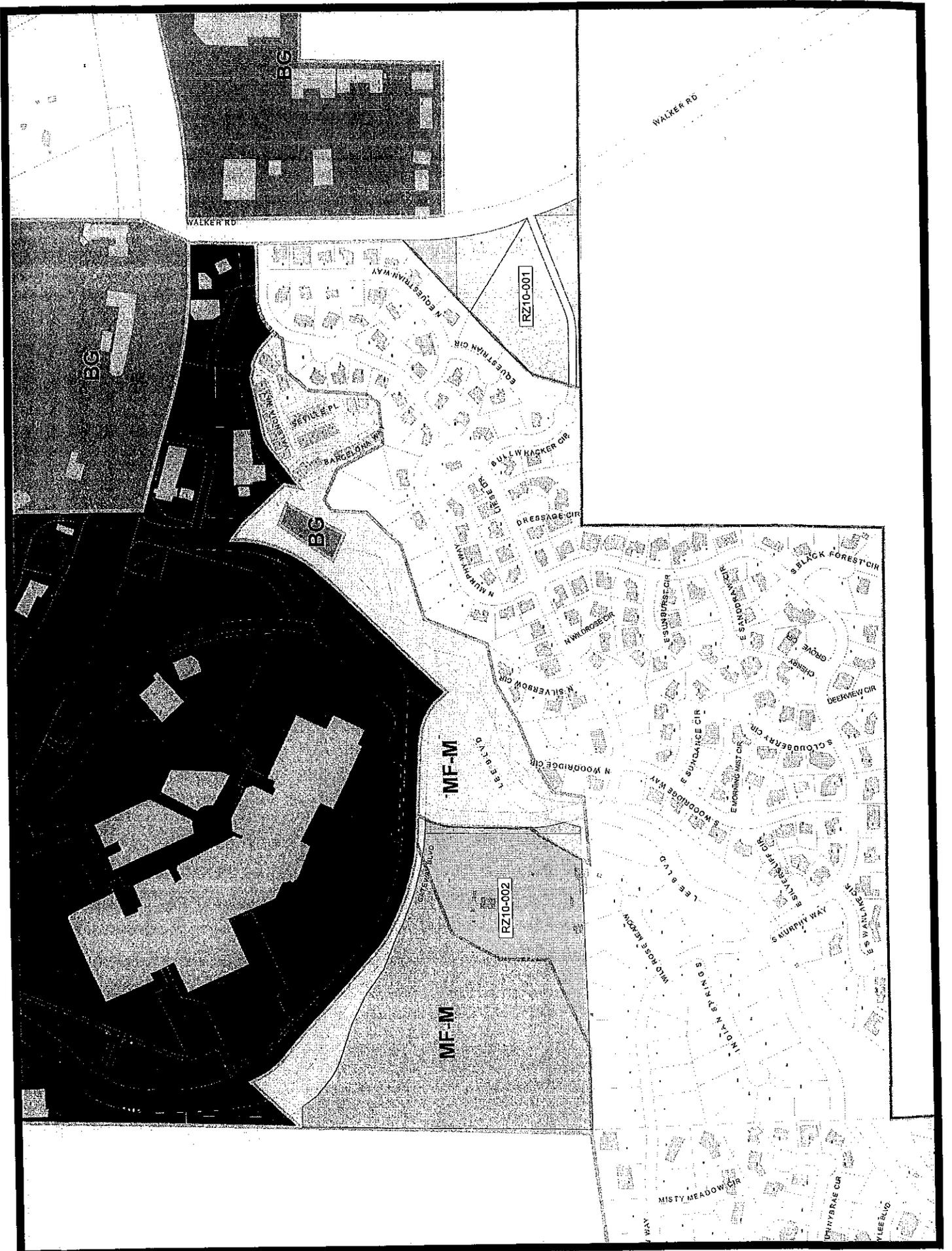
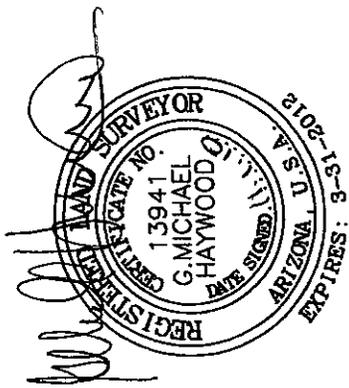
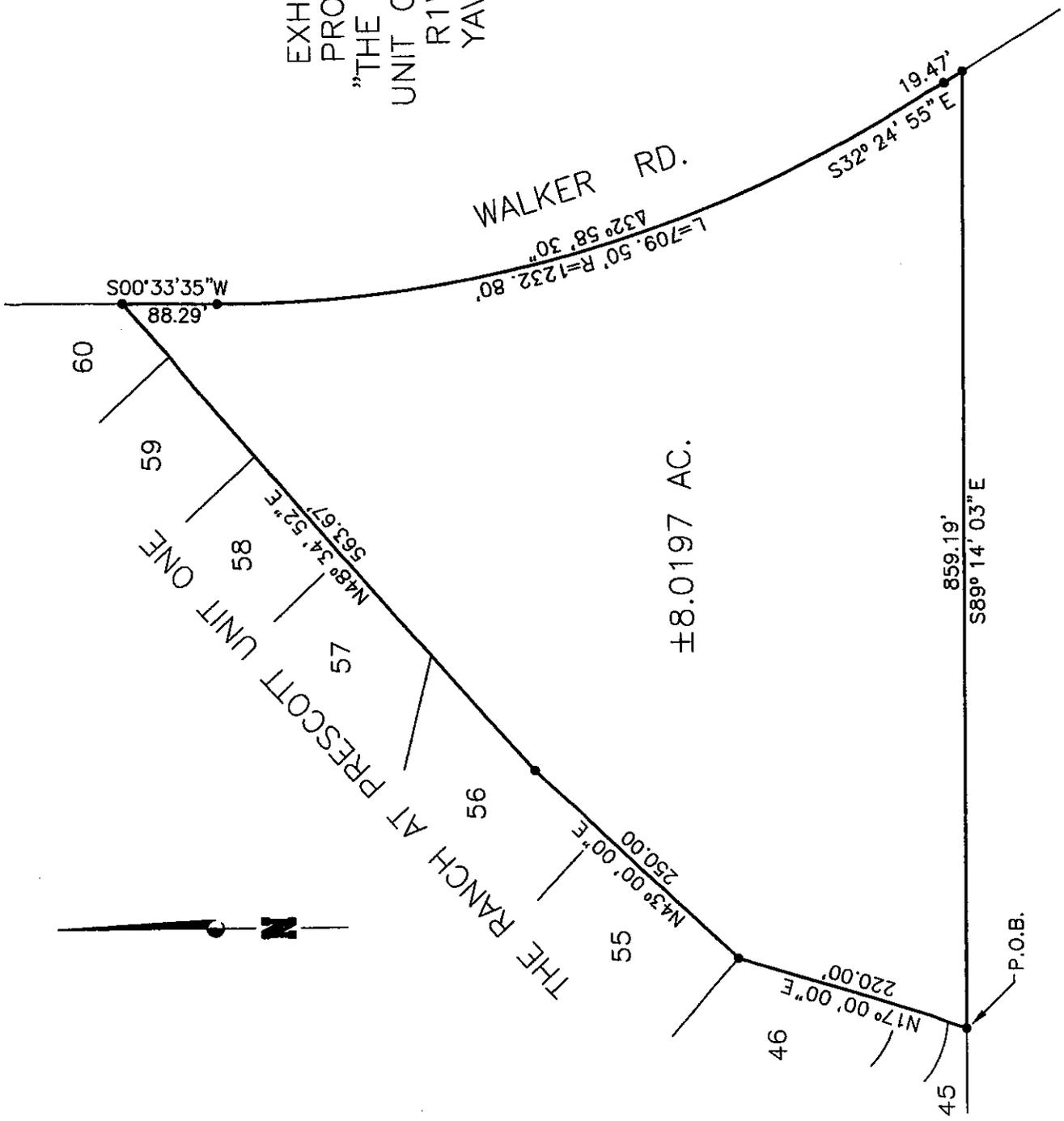


EXHIBIT TO ACCOMPANY
 PROPERTY DESCRIPTION
 "THE RANCH AT PRESCOTT
 UNIT ONE", SEC. 31, T14N-
 R1W, G & SRB & M,
 YAVAPAI CO., ARIZONA



G. MICHAEL HAYWOOD REGISTERED LAND SURVEYOR 212 S. MARINA STREET PRESCOTT, AZ. 86303 (928) 778-5101	
JOB NO: 10-123	DRAWN: MH
CREW: RR/PH	DATE: 10-13-10
CLIENT: BULLWHACKER	CHECKED: MH
SCALE: N.T.S.	DATE: 10-13-10



RZ10-002 Rezoning from SF-12 to MF-M 3351 Gateway Blvd.

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
STAFF REPORT
1/27/11 (Public Meeting) and 2/10/11 (Public Hearing)

TO: Planning Commission Members
FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*
Mike Bacon, Community Planner *MB*
DATE: 1/19/11
Subject: RZ10-001 Rezoning from SF-12 to MF-M
Parcels: APN: 103-20-596K and -611A (±14.03 acres) **Zoning:** SF-12
Location: 3351 Gateway Blvd.
Agent / Applicant: Applicant/Agent is E. Scott. Lee, 300 N. Lee Blvd, Prescott, AZ 86301.
Owner: Bullwhacker Associates, 300 N. Lee Blvd, Prescott, AZ 86301.

REQUEST. Rezone ±14.03 acres from Single-Family Residential-12,000 sq. ft. minimum lot size (SF-12) Zoning District to the Multi-Family Medium Density (MF-M) Zoning District. No Water Service Agreement is proposed at this time, nor is there a project proposal at this time either.

Area Meeting. The area meeting held on January 19, 2011 was attended by 8 area residents and lasted one hour. Discussion points include access to the site, density, the types of possible future development (apartments, condos, patio homes, townhomes), and compatibility. The applicant indicated a possible direction for development could be smaller patio homes, so that those living in larger homes and wish to downsize and remain in the area would have a choice. He emphasized; however, that the future types are unknown, and that the purpose of the rezoning request was to bring the zoning into compliance with the underlying plans so that development can process when the economy picks up. He also indicated that The Ranch development has been quality oriented with CCRs that have been enforced. Though he did not rule out apartments, this use has not been used in past phases of The Ranch.

Opposition and Support. Staff has not received any calls or correspondence in favor or opposed to the project; however, one call neither for or against the project was received.

STAFF ANALYSIS

Existing Conditions. The site is vacant. Existing vegetation consists of native grasses, scrub oak, and junipers on slopes generally less than 20%, except for the cut slope adjoining the south side of Gateway Blvd (see photo below).

Photo 1: View south from Gateway Mall illustrating graded access to Gateway Blvd.

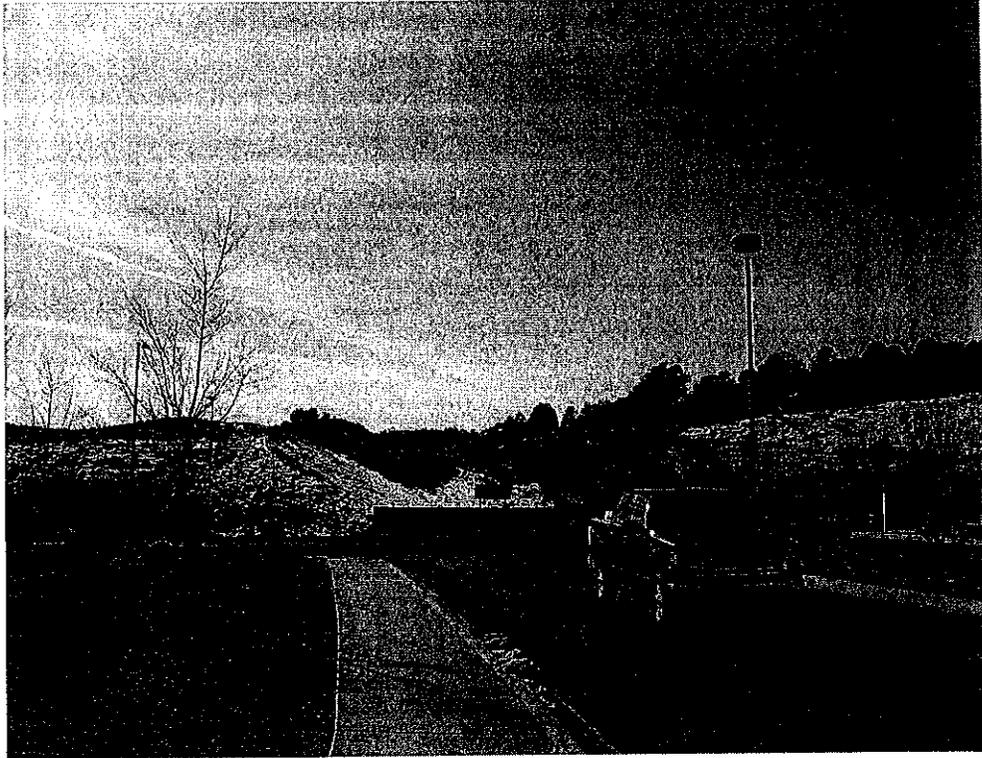
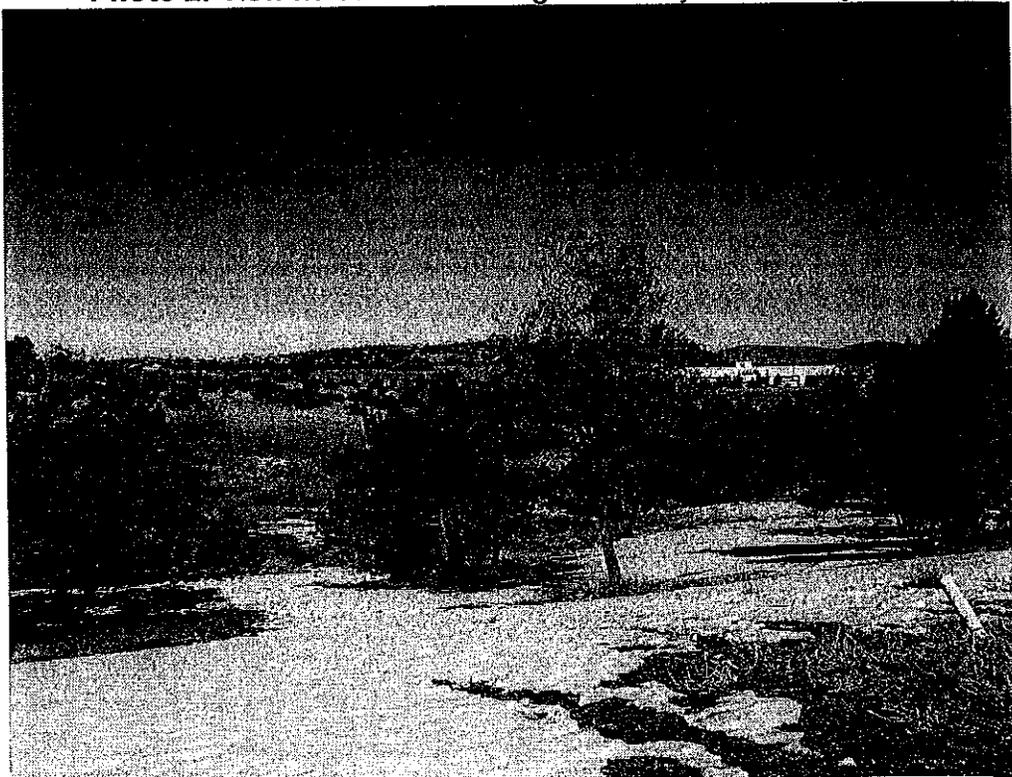


Photo 2: View north from Morning Glow Way to Gateway Mall



Land Use Compatibility

Direction	Zoning	Land Use
North:	BR	Gateway Mall
South:	SF-12	Single Family Residential (The Ranch Unit 8)
East:	MF-M	City Stormwater Detention Basin
West:	MF-M	Vacant

Ranch Master Plan. The proposed MF-M rezoning is consistent with the plan's designation of Multi-Family.

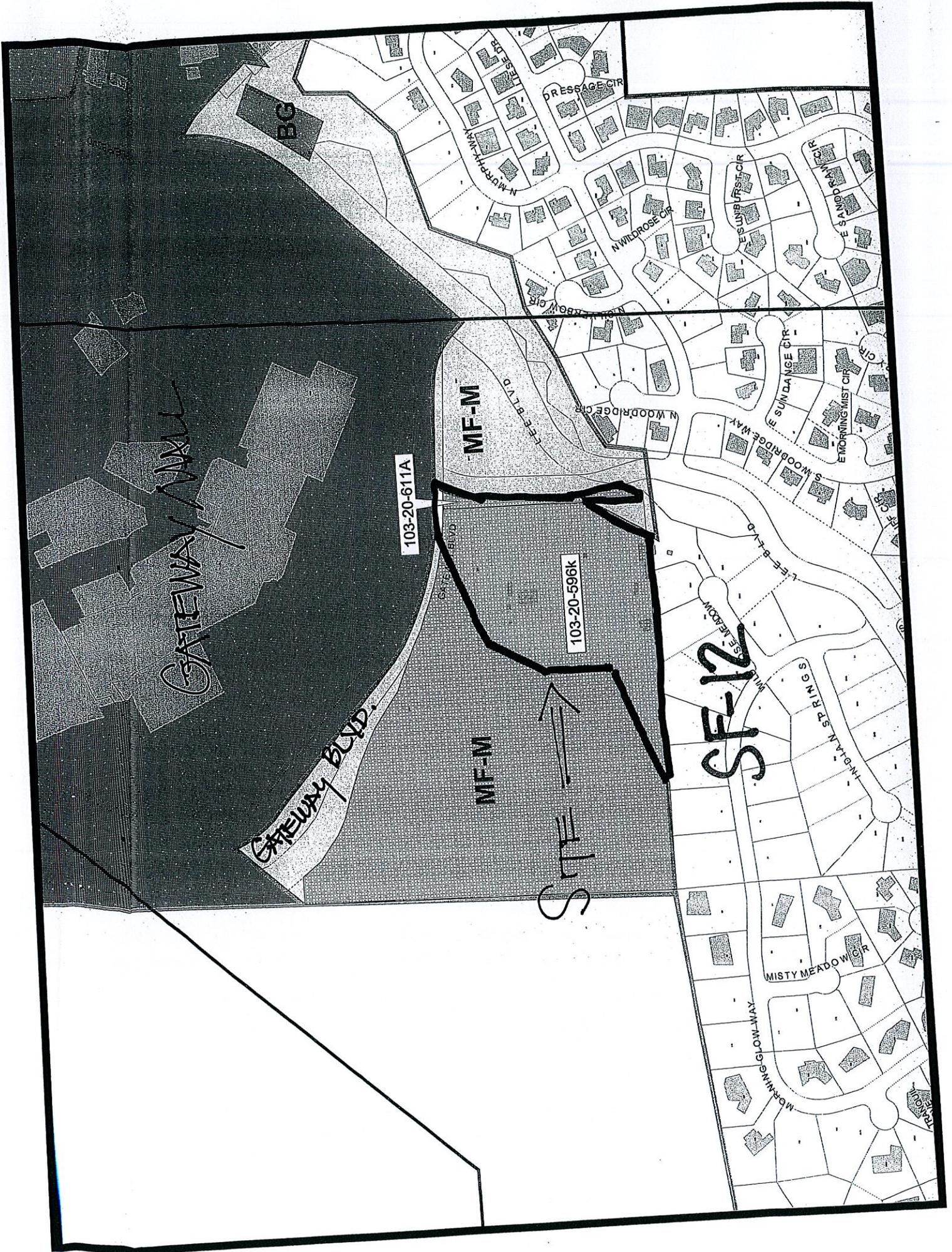
Prescott East Area Plan (PEAP). The proposed MF-M rezoning is consistent with the PEAP's designation of Mixed Employment – (Office/Services) High Density Residential. Residential uses (i.e. single-family and multi-family) would be permitted with offices allowed by a Conditional Use Permit.

General Plan Consistency. The project is *consistent* with the 2003 General Plan Land Use Map which designates the plat project area as Medium-High Density Residential (8-32 DUA). Applicable 2003 Prescott General Plan Policies include:

- "Goal 4. Promote a balanced community with a diversity of neighborhoods and residential types and prices." (p38).
- "Goal 6. Encourage more compact development..." (p39).

The proposed MF-M rezoning provides an acceptable and compatible zoning district with the surrounding zoning districts.

Street Access. The applicant noted that primary street access would be from Gateway Blvd. as depicted in Photo 1.



GATEWAY BLVD.

103-20-611A

MF-M

MF-M

SITE

103-20-596K

SF-12

BC

DRESSAGE CIR

WILDROSE CIR

SUNDANCE CIR

SUNDANCE CIR

LEE BLVD

N WOODRIDGE CIR

SUNDANCE CIR

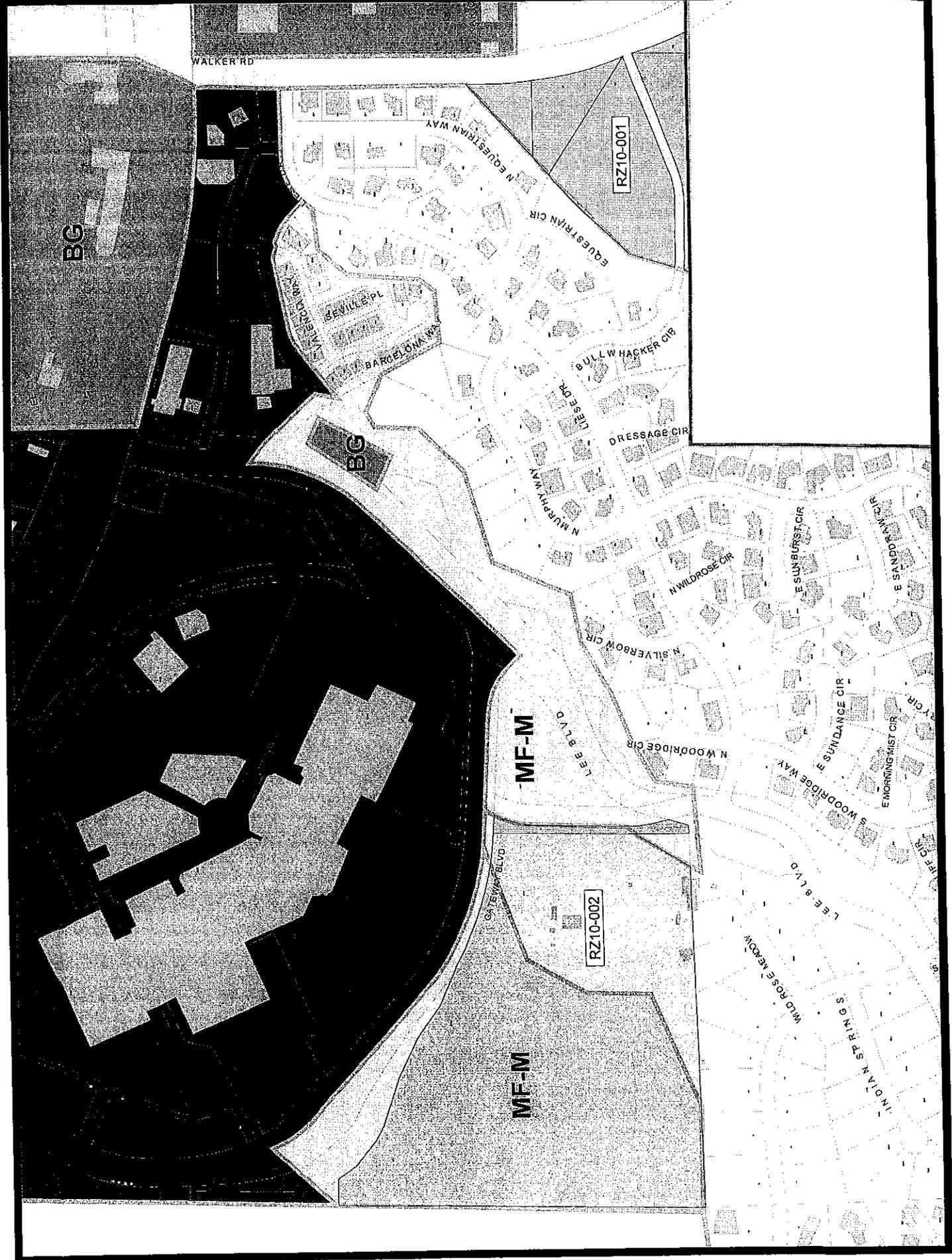
MORNING MIST CIR

MILLISE MEADOW

HIGHLAND SPRINGS

MISTY MEADOW CIR

MORNINGGLOW WAY



WALKER RD

BG

BG

MF-M

MF-M

RZ10-001

RZ10-002

EQUESTRIAN WAY

EQUESTRIAN CIR

BULLWACKER CIR

DRESSAGE CIR

N MURPHY WAY

N WILDROSE CIR

N SILVERBOW CIR

N WOODRIDGE CIR

LEE BLVD

E SUNBURST CIR

E SANDPIPER CIR

E SUNDANCE CIR

E MORNING MIST CIR

LEE BLVD

WILD ROSE KNOLL

INDIAN SPRINGS

DEVILLE PL

BARCELONA WAY

CHERRY BLVD

- ① S61°47'24"E - 106.20'
- ② S69°05'25"E - 53.03'
- ③ R=986.90' L=367.24'
- ④ S86°31'53"E - 57.33'
- ⑤ R=374.81' L=162.80'
- ⑥ S01°11'14"W - 314.01'
- ⑦ R=375.00' L=93.05'
- ⑧ S13°01'49"E - 54.05'
- ⑨ S13°01'49"E - 65.78'
- ⑩ R=109.00' L=26.88'

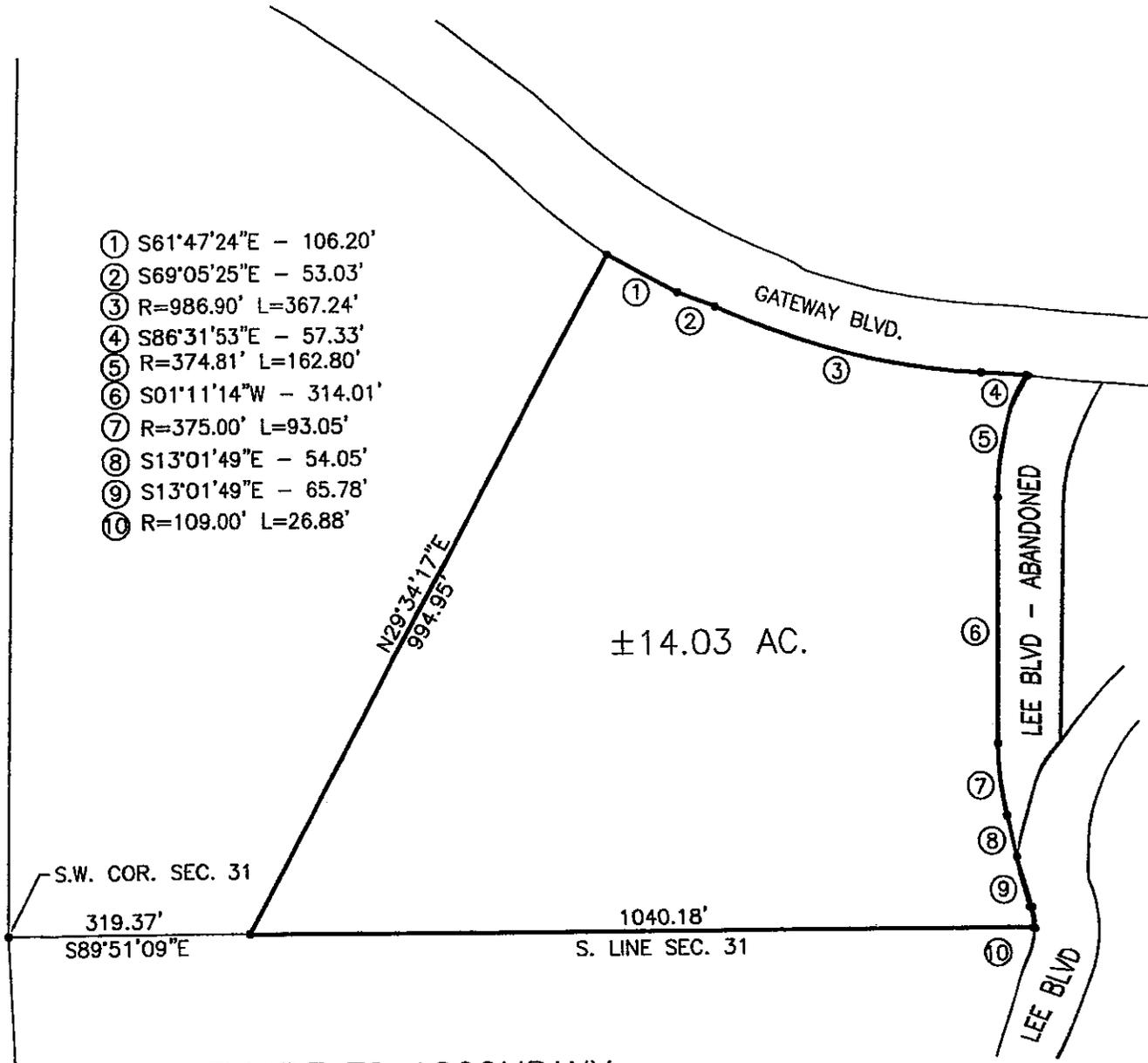
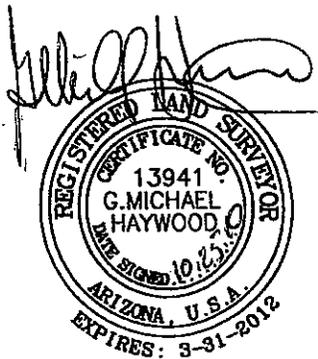


EXHIBIT TO ACCOMPANY
PROPERTY DESCRIPTION
THE RANCH AT PRESCOTT
SEC. 31, T14N-R1W, G&SRB&M,
YAVAPAI COUNTY, ARIZONA



M • HAYWOOD • ASSOCIATES • INC SURVEYING • ENGINEERING • PLANNING 115 E. GOODWIN STREET PRESCOTT, AZ. 86303 (520) 778-5101	
JOB NO: 10-123	DRAWN: GMH
CREW: CALC'D	DATE: 10-25-10
CLIENT: BULLWHACKER	CHECKED: GMH
SCALE: N.T.S.	DATE: 10-25-10

Land Development Code Amendment for Transitional Housing LDC11-002

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Date: January 27, 2011 (Public Hearing)

TO: Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*
Ruth Hennings, Community Planner Intern *RH*

DATE: January 19, 2011

SUMMARY

Sections of the Land Development Code addressing group homes and transitional housing are out of compliance with the federal Fair Housing Act and are not currently enforceable. The goal of the proposed text amendments is to create legally defensible zoning regulations for these types of community residences for the disabled.

STAFF RECOMMENDATION

Staff recommends the Commission extend the Public Hearing and Voting Session through to the February 24, 2011 meeting to ensure a thorough and comprehensive public comment and outreach period.