



PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, APRIL 28, 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, APRIL 28, 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	Don Michelman
Joe Gardner	George Sheats
Tim Greseth	

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 14, 2011 regular meeting/public hearing.
2. **2011 General Plan Committee and Process Update.** *Community Planner is Ryan Smith.*
3. **FP11-001 – Final Plat for Dollar General creating two lots.** *Property is located generally west of Mortimer's Nursery. APN: 106-20-241. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. ****This item is related to GP11-001 and RZ11-001 and may be voted on today subject to the vote on the General Plan designation and rezoning request*****

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. **GP11-001 – Amending the land use designation from Medium-High Density Residential to Commercial.** *Property is located generally west of Mortimer's Nursery. APN: 106-20-421. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. (May be voted on today)*

5. **RZ11-001 – Amending the zoning designation from Single-family 35 (SF-35) to Neighborhood Oriented Business (NOB).** *Property is located generally west of Mortimer's Nursery. APN: 106-20-421. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. (May be voted on today)*

6. **RZ11-002 - Amending the zoning designation from Residential Office (RO) to Industrial Transition (IT).** *Property is located generally at the southwest corner of Merritt Street and 4th Street. APN: 113-01-019A. Owner/Applicant is Donald Grier. Community Planner is Ruth Hennings. (May be voted on today)*

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 April 21, 2011 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek
Kathy Dudek, Administrative Assistant
Community Development Department

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
APRIL 14, 2011
PRESCOTT, ARIZONA**

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION held on APRIL 14, 2011 at 9:00 AM in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER

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

II. ATTENDANCE

MEMBERS PRESENT

Tom Menser, Chairman
Len Scamardo, Vice Chairman
Joe Gardner
Tim Greseth
Ken Mabarak
Don Michelman
George Sheats

STAFF PRESENT

George Worley, Planning Manager
Matt Podracky, Senior Assistant City Attorney
Ruth Hennings, Community Planner
Richard Mastin, Development Services Manager
Kathy Dudek, Administrative Assistant and
Recording/Transcribing Secretary

COUNCIL PRESENT

Marlin Kuykendall, Mayor
Steve Blair, Councilman

I. 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 February 24, 2011 regular meeting/public hearing.

Mr. Michelman, **MOTION: to approve the minutes** of the February 24, 2011 regular meeting/public hearing. Mr. Sheats, 2nd. **Vote: 7-0.**

- 2. FP11-001 – Final Plat for Dollar General creating two lots.** *Property is located generally west of Mortimer's Nursery. APN: 106-20-241. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. ****This item is related to GP11-001 and RZ11-001 and will be voted on April 28, 2011*****

Ms. Hennings reviewed the staff report for FP11-001, GP11-001 and RZ11-001 concurrently and indicated:

- the applicant is proposing to erect a Dollar General store;
- the proposed use is for a portion of the site located at the northeast corner of Willow Creek Road and Montana Drive that will require a minor General Plan Amendment, a rezoning and a final plat;
- currently zoning is Single-Family 35 (SF-35) and Neighborhood Oriented Business (NOB) is proposed;

- a minor General Map Amendment is required as the existing land use designation is Medium-High Density Residential and needs to be designated Commercial;
- the site is located within the Commercial Corridor Overlay;
- the applicant is proposing to subdivide the parcel into two lots and is requesting a waiver for the preliminary plat process;
- the proposed site falls below street grade;
- the building is to be constructed of metal construction with a LRV below 60 with natural colors;
- the front façade will include natural brick or stone;
- landscaping requirements will be met; and,
- the applicant and co-owner are here to answer questions.

Mr. Gary Mortimer, owner, 3166 Willow Creek Road, indicated that he plans to landscape the property and will add landscaping between the sidewalk and the building.

Mr. Jeff Kost, agent, 1333 N. Greenfield, Mesa, responded to comments and queries:

- we will be working with staff to meet code that calls for 3' to 4' of landscaping that will buffer the front of the building;
- there will be no curb cut, but a continuous drive on lot #2;
- the property falls approximately 8' to 10' below Willow Creek Road;
- no mechanicals will be placed on the flat roof;
- the building will be raised approximately 2' because of the flood plain;
- the roof will be a dark color and the building will be of earth tones, i.e., Saddle Tan with an LRV of 48; and,
- the plat will show the changes to the landscaping at the next meeting.

Mr. Mastin noted that the site will meet flood plain minimums.

Mr. Worley, when asked, described the difference between a major and a minor General Plan Amendment. Basically, a major amendment requires a parcel that exceeds 40 acres.

No action taken – voting may occur on April 28, 2011 at the public hearing.

IV. PUBLIC HEARING ITEMS

(May be voted on today unless otherwise noted).

- 3. GP11-001 – Amending the land use designation from Medium-High Density Residential to Commercial.** *Property is located generally west of Mortimer's Nursery. APN: 106-20-241. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. (May be voted on April 28, 2011)*

Refer to Item # 2 above.

No action taken – voting may occur on April 28, 2011 at the public hearing.

4. **RZ11-001 – Amending the zoning designation from Single-family 35 (SF-35) to Neighborhood Oriented Business (NOB).** *Property is located generally west of Mortimer's Nursery. APN: 106-20-241. Owner is Gary Mortimer. Applicant is Glenwood Development. Community Planner is Ruth Hennings. (May be voted on April 28, 2011)*

Refer to Item # 2 above.

No action taken – voting may occur on April 28, 2011 at the public hearing.

5. **RZ11-002 - Amending the zoning designation from Residential Office (RO) to Industrial Transition (IT).** *Property is located generally at the southwest corner of Merritt Street and 4th Street. APN: 113-01-019A. Owner/Applicant is Donald Grier. Community Planner is Ruth Hennings. (May be voted on April 28, 2011)*

Ms. Hennings reviewed the staff report and noted:

- the applicant is requesting rezoning from Residential Office (RO) to Industrial Transition (IT) for the existing building to be used as a medical marijuana dispensary;
- the use requested is permitted in the IT district;
- the parcel is subject to conditions and restrictions set forth in the associated Development Agreement (DA-0022): 1) that the residence located on the property remain a residential use, and 2) that no vehicular access is permitted to the commercial building from 4th Street;
- the request is consistent with the Dexter Neighborhood Plan which denotes that the area is in transition to a more commercial-type use;
- the dispensary would be allowed on either side of the parcel;
- the rezoning would also remove the seemingly "spot zoning";
- the parcel is a case where IT and the proposed use fit;
- the owner is present to answer questions.

Mr. Donald Grier, 1800 Timber Cove Lane, answered questions from the Commission with the following responses:

- throughout the existence of the building, several tenants have occupied the space;
- the building has been vacant for approximately one year;
- a pharmacy/medical supply store previously occupied the building; and,
- recently the medical marijuana law passed and interested parties began looking at the building because of the lock-down and security systems currently in place.

Councilman Blair noted that there is a school bus stop located near the alley of the building and the school district might have to move the stop. Mr. Grier stated that fortunately all activity in the building would be from the parking lot. No frontage activity would occur. There is a 6' fence surrounding the property.

No action taken – voting may occur on April 28, 2011 at the public hearing.

V. CITY UPDATES

Mr. Worley handed out the official interpretation signed by Tom Guice, Community Development Director, regarding medical marijuana uses and the appropriate zoning categories. One of the key aspects is making the public aware of where the marijuana dispensary, infusion and growing facilities may occur. The City cannot prevent a property owner from wanting to change zoning.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VI. ADJOURNMENT

Chairman Menser adjourned the meeting at 9:36 a.m.

Tom Menser, Chairman

Kathy Dudek

Kathy Dudek, Administrative Assistant
Community Development Department

2011 General Plan Committee and Process Update

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

TO: City of Prescott Planning and Zoning Commission

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

DATE: April 20, 2011

BACKGROUND:

To start the General Plan revision process, a committee of 13 persons selected by Council, is proposed. The committee will consist of interested citizens to provide review, prioritization, clarification, assistance and guidance through the development of the Plan. The Committee will be the primary sponsor of public meetings throughout the process and will generally meet once or twice monthly. Quarterly progress reports will be made to the P&Z Commission and Council. The proposed membership, as provided by Council, is as follows:

1. BRAD DEVRIES
2. DAVE FISHER
3. GLENN GOODING
4. MIRIAM HAUBRICH
5. TERRY MARSHALL
6. ZENA MITCHELL
7. ROXANNE NIELSEN
8. DAVID QUINN
9. ELISABETH RUFFNER
10. GEORGE SHEATS
11. GARY WOROB
12. COUNCILMAN STEVE BLAIR (Liaison)
13. COUNCILMAN JOHN HANNA (Liaison)

By statute, the Planning & Zoning Commission is the primary planning body. Therefore, the Commission is charged with making recommendations to Council regarding the adoption of new General Plans and General Plan updates.

The General Plan was last updated in 2003 and must be updated every 10 years per Arizona Revised Statutes Growing Smarter Legislation. The update requirement was recently suspended until 2015 to allow communities extra time during the current economic downturn to complete updates of their General Plans. However, Yavapai County began their General Plan update earlier this year and the Central Yavapai Metropolitan Planning Organization is updating their Regional Transportation Plan. Both have expressed an interest in coordination with

communities within their planning areas. Also, Chino Valley and the Town of Prescott Valley are discussing the process of updating their General Plans.

Since the adoption of Prescott's 2003 General Plan, better statistical data has become available regarding water, transportation needs, population numbers and trends. The 2009 Airport Master Plan has also been adopted. Economies are now focusing on sustainable technologies and there are national trends towards dense infill development.

PUBLIC OUTREACH:

Growing Smarter legislation requires that a Citizen Participation Plan be developed and adopted by the City Council. The first priority of the Committee will be to create such a Plan. In addition to citizen outreach meetings, the outreach process may include public service announcements, radio show interviews, notices mailed to homes, utility bill announcements, newspaper display ads, area postings and public hearing notice signs posted along primary roads with large lettering readable by motorists. Written comments, phone calls, walk-in discussions and attendance at a variety of public hearings will be encouraged. Throughout this process, the public will be urged to view information provided on the City website under a spotlighted General Plan Update banner.

CONSIDERATION OF APPROPRIATE GENERAL PLAN ELEMENTS AND TIMELINE:

The General Plan Committee will be tasked with establishing the various elements included in the revised Plan. The seven elements required as part of Growing Smarter legislation are Land Use, Circulation, Open Space, Growth Area, Environmental Planning, Cost of Development and Water. Along with the required elements, other elements may be added, such as Economic Development, Community Quality, Sustainability and Energy.

The P&Z Commission will be updated quarterly to study the progress of the Committee. The Commission may be asked to approve various aspects of the plan such as the Public Participation Plan. Discussions shall include all aspects of the General Plan process. Public comment will be provided during each of the public hearings.

RZ11-001	Rezoning
GP11-001	General Plan Minor Amendment
FP11-001	Final Plat

3300 Montana Drive (3150 Willow Creek Road)

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION for April 28, 2011

STAFF REPORT UPDATE

TO: City of Prescott Planning and Zoning Commission

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

DATE: April 21, 2011

REQUEST: RZ11-001 / GP11-001 / FP11-001

EXISTING ZONING / GENERAL PLAN DESIGNATION: Single-Family 35 / Medium-High Density Residential

PROPOSED ZONING / GENERAL PLAN DESIGNATION: Neighborhood Oriented Business / Commercial

LOCATION: 3300 Montana Drive (3150 Willow Creek Road)

APN: 106-20-421 **AREA:** 2.54 acres

OWNER: Gary Mortimer 3166 Willow Creek Road Prescott, AZ 86301	AGENT: Glenwood Development 1333 N. Greenfield Rd. #104 Mesa, AZ 85205
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REQUEST: This project is located at the northeast corner of Montana Drive and Willow Creek Road. The applicant is proposing to rezone the existing parcel, zoned Single-Family 35, to Neighborhood Oriented Business. The Neighborhood Oriented Business zoning district is the least intensive zoning designation required for the proposed use, Dollar General. The zoning is consistent with adjacent zoning for the Crossings Business Park. This project will also require a General Plan Minor Map Amendment from the existing Medium-High Density Residential

designation to a Commercial designation. Local area plans do recommend this parcel for a zoning change to a more intensive use.

The parcel is proposed to be subdivided into two lots, with access off of Montana Drive. A waiver of the subdivision review process, specifically the preliminary plat approval, is requested. The City Council may approve waivers when it is demonstrated to be appropriate for a project's viability, to not detract from the public good, and to be consistent with the purpose and intent of the Land Development Code.

The proposed use for Lot 1 is Dollar General, a 9100 sq. ft. discount grocery and household retailer. Lot 2 has no proposed uses as of this time. The property lies within the Commercial Corridor Overlay District, and all uses are required to meet associated development standards, which include specific requirements for building colors, roofing materials, and sign lighting.

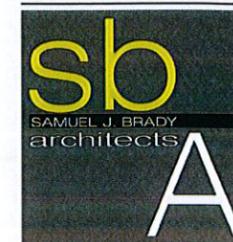
UPDATE: The Planning and Zoning Commission reviewed this project at the April 14, 2011 meeting and concerns were noted regarding the metal building material and foundation plantings. The applicant has submitted both revised building elevations and site plans (see Attachment). The site plan shows conformance with Land Development Code parking and landscaping standards, specifically meeting the foundation plantings requirement. The applicant is also proposing to stucco the building and to add a brick wainscot to the exterior.

SUGGESTED MOTIONS:

- 1) Move to Recommend Approval of GP11-001.
- 2) Move to Recommend Approval of RZ11-001 subject to the condition that development must be in substantial conformance to the site plan dated April 21, 2011.
- 3) Move to Recommend Approval of the Waiver of the procedural requirements of Section 9.10 per Section 9.10.13.
- 4) Move to Recommend Approval of FP11-001.

Attachments:

Revised Site Plan

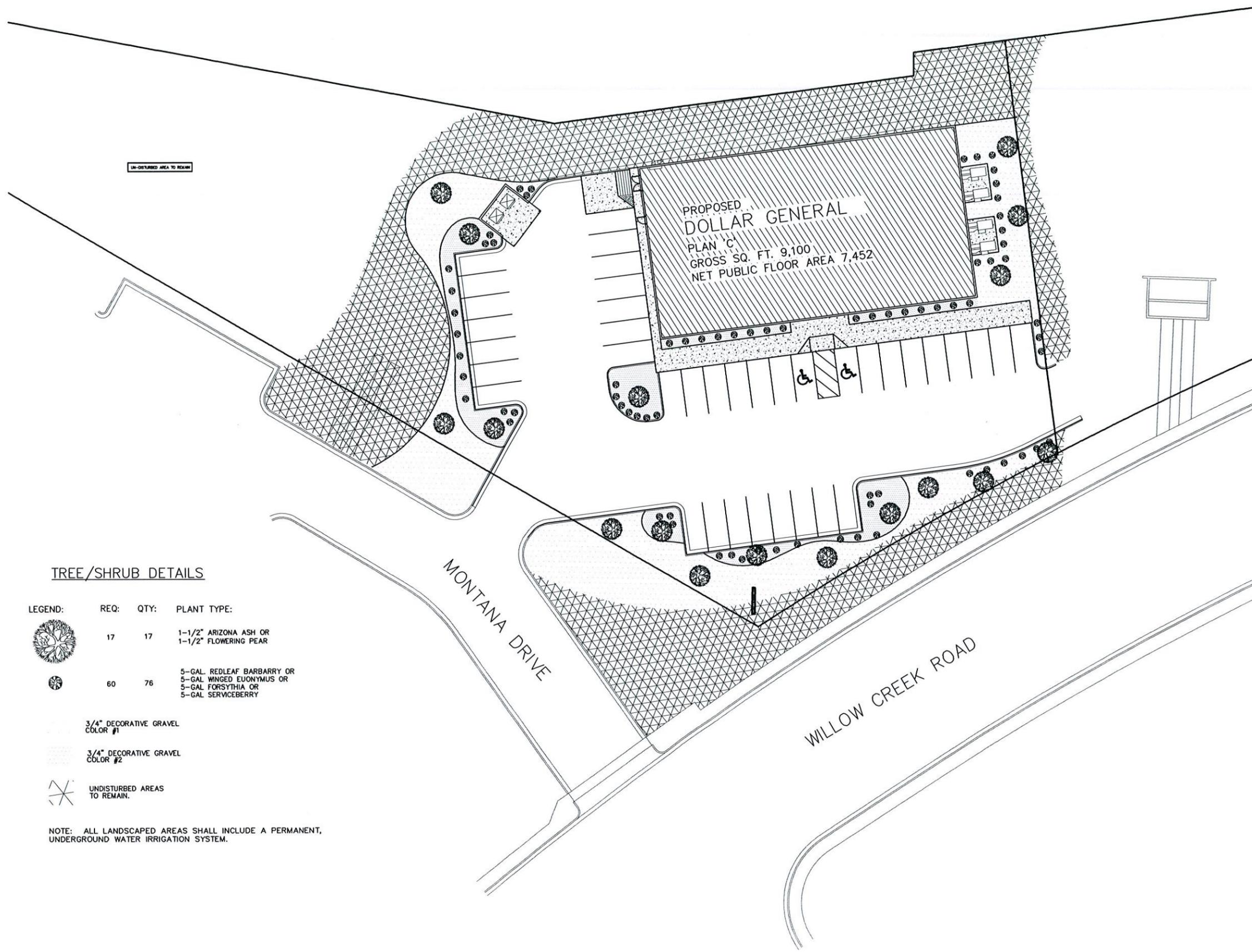


SAMUEL J. BRADY

ARCHITECTS

University Club Building
Suite 2216
136 E. South Temple
Salt Lake City, Utah 84111
(801) 595-1752
FAX: (801) 595-1757

NOTE: THIS DRAWING IS PROVIDED FOR TENANT APPROVAL OF THE SPACE NOTED AND IS NOT FOR CONSTRUCTION. ACTUAL SITE DIMENSIONS COULD VARY.



TREE/SHRUB DETAILS

LEGEND:	REQ:	QTY:	PLANT TYPE:
	17	17	1-1/2" ARIZONA ASH OR 1-1/2" FLOWERING PEAR
	60	76	5-GAL. REDLEAF BARBERRY OR 5-GAL. WINGED EUONYMUS OR 5-GAL. FORSYTHIA OR 5-GAL. SERVICEBERRY

3/4" DECORATIVE GRAVEL
COLOR #1

3/4" DECORATIVE GRAVEL
COLOR #2

UNDISTURBED AREAS
TO REMAIN.

NOTE: ALL LANDSCAPED AREAS SHALL INCLUDE A PERMANENT, UNDERGROUND WATER IRRIGATION SYSTEM.

3150 WILLOW CREEK ROAD

PRESCOTT, AZ

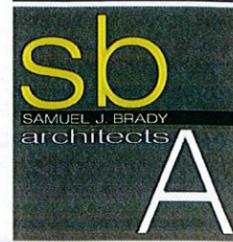
DOLLAR GENERAL

LANDSCAPE PLAN

SCALE: 1"=40'-0"

APRIL 20, 2011
1110801L1.dwg

L1.1



SAMUEL J. BRADY
ARCHITECTS

University Club Building
Suite 2216
136 E. South Temple
Salt Lake City, Utah 84111
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3150 WILLOW CREEK ROAD

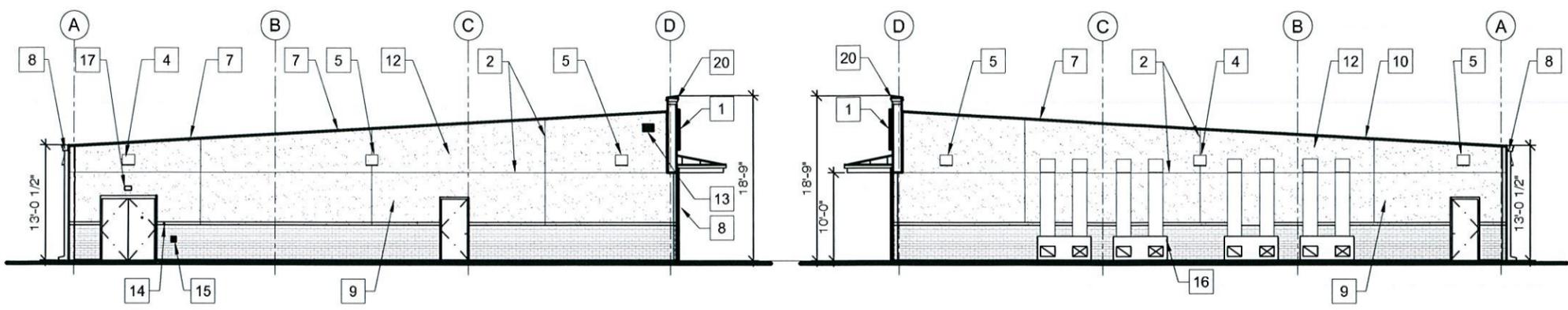
PRESCOTT, AZ



EXTERIOR ELEVATIONS

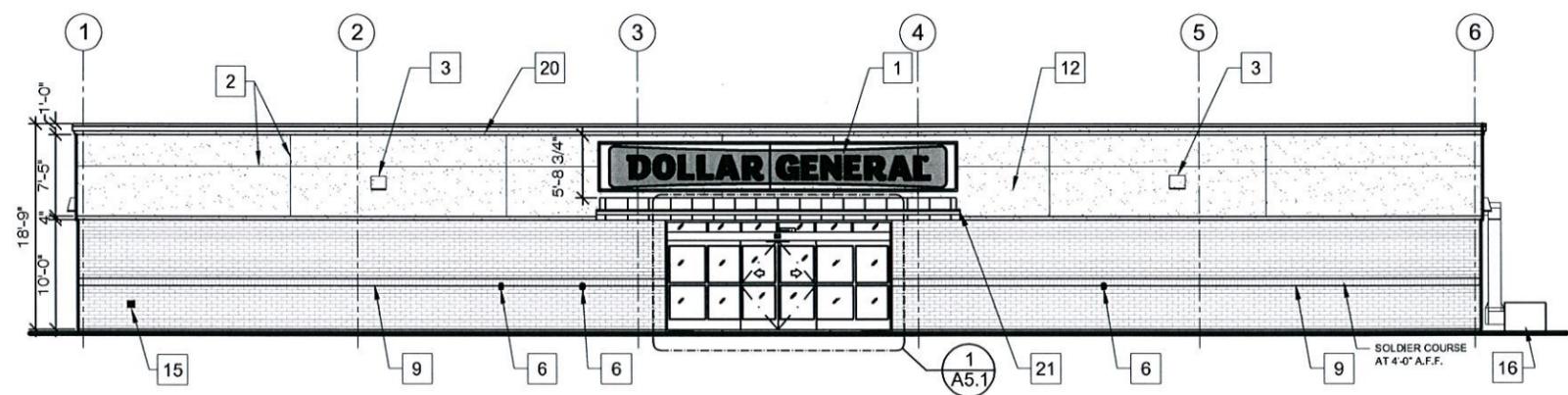
SCALE: AS SHOWN
APRIL 20, 2011
111080121.dwg

A2.1

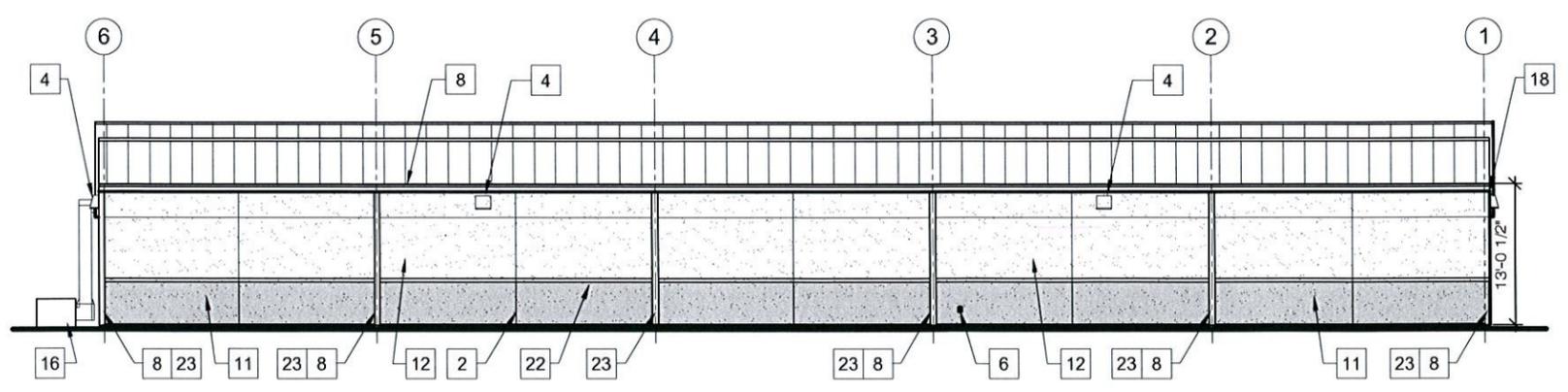


1 LEFT ELEVATION
SCALE: 1/16" = 1'-0"

2 RIGHT ELEVATION
SCALE: 1/16" = 1'-0"

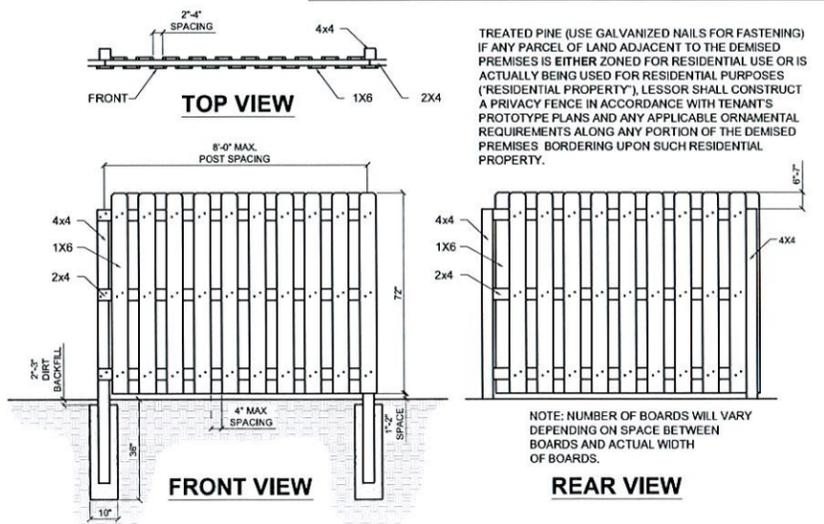


3 FRONT ELEVATION
SCALE: 1/16" = 1'-0"



4 REAR ELEVATION
SCALE: 1/16" = 1'-0"

- ELEVATION KEYED NOTES**
- SIGN FURNISHED AND INSTALLED BY DOLLAR GENERAL CORP. WITH CIRCUIT AS NOTED ON ELECTRICAL PLAN. SIGN TO BE CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER TO SUPPORT SIGN WEIGHT OF UP TO 1,400 LBS. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF THE CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL.
 - V-GROOVE STUCCO REVEAL
 - WALL PACK. 12'-0" A.F.F. TO TOP OF WALL PACK. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 - WALL PACK 12'-0" A.F.F. TO TOP OF WALL PACK. (REQUIRED). REFER TO E2.1 FOR ADDITIONAL INFORMATION.
 - WALL PACK. (ALTERNATE PARKING LIGHT) REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
 - RECEPTACLE. REFER TO ELECTRICAL DWGS FOR ADDITIONAL INFORMATION.
 - TRIM - SEE SHEET A10.1 FOR COLOR
 - GUTTER AND DOWNSPOUT - SEE SHEET A10.1 FOR COLOR
 - BRICK CORONADO STONE VENEER "NEW ENGLAND BRICK CHESAPEAKE"
 - METAL ROOF. GALVALUME FINISH.
 - STUCCO WALL FINISH. SEE SHEET A10.1 FOR COLOR. (ACCENT)
 - STUCCO WALL FINISH. SEE SHEET A10.1 FOR COLOR.
 - VENT FOR BATHROOM EXHAUST. REFER TO MECHANICAL DWGS FOR ADDITIONAL INFORMATION.
 - DOOR BUZZER. REFER TO ELECTRICAL DWGS FOR ADDITIONAL INFORMATION.
 - WALL HYDRANT. REFER TO PLUMBING DWGS FOR ADDITIONAL INFORMATION.
 - HVAC UNITS. REFER TO MECHANICAL DWGS FOR MORE INFORMATION. PAINT DUCTWORK TO MATCH ADJACENT WALL COLOR. SCREEN MECHANICAL EQUIP. W/ FENCE.
 - OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
 - MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
 - WALL PACK 1'-0" BELOW GABLE PEAK.
 - PREFORMED FOAM CORNICE W/ STUCCO FINISH, W/ METAL CAP
 - ROOF DRAINAGE TO BE PIPED DOWN IN WALL. DRAIN TO DISCHARGE AT PARKING SURFACE LEVEL. COORD. PIPING UNDER CONC. SIDEWALK
 - 4" STUCCO ACCENT BAND - COLOR SW HOPSACK
 - CONNECTS DOWNSPOUTS TO DRAIN FOR DISCHARGE AT PARKING SURFACE LEVEL.



5 PRIVACY FENCE ELEVATION
SCALE: 3/16" = 1'-0"

RZ11-002**Rezoning**

123 E. Merritt Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION for April 28, 2011**STAFF REPORT UPDATE****TO:** City of Prescott Planning and Zoning Commission**FROM:** Tom Guice, Community Development Director 
George Worley, Planning Manager 
Ruth Hennings, Community Planner **DATE:** April 21, 2011**REQUEST:** RZ11-002**EXISTING ZONING:** Residential Office (RO)**PROPOSED ZONING:** Industrial Transition (IT)**LOCATION:** 123 E. Merritt Street**APN:** 113-01-019A**AREA:** 0.48 acres**OWNER:** Donald Grier
1800 Timber Cove Lane
Prescott, AZ 86305

REQUEST: This project is located on Merritt Street, east of Whipple. The applicant is requesting to rezone the existing parcel, zoned Residential Office, to Industrial Transition. The proposed use for the existing commercial structure is a medical marijuana dispensary, which is a permitted use in the Industrial Transition zoning district. The rezoning is consistent with both the General Plan and the Dexter Neighborhood Plan. This parcel is subject to the conditions and restrictions as set in the associated Development Agreement (DA-0022). These include that the residence located on the property remain a residential use and that no vehicular access is permitted to the commercial building from 4th Street.

UPDATE: The Planning and Zoning Commission reviewed this project at the April 14, 2011 meeting. It was noted that a bus stop for the school district is in the vicinity of the site, though state statute does not require any buffer between bus stops and dispensaries. No other concerns were noted and no changes to the project have been made. No written comments have been received to date.

SUGGESTED MOTIONS: Move to Recommend Approval of RZ11-002.