



PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, May 26, 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, May 26, 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	
Len Scamardo, Vice Chairman	Ken Mabarak
Joe Gardner	Don Michelman
Tim Greseth	George Sheats

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 28, 2011 regular meeting / public hearing.

IV. PUBLIC HEARING ITEMS

(May be voted on today unless otherwise noted).

2. **General Plan Update, Public Participation Plan Resolution.** Ryan Smith, Community Planner.

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.

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 May 20, 2011 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 28, 2011
 PRESCOTT, ARIZONA

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION held on APRIL 28, 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

<p>MEMBERS PRESENT Tom Menser, Chairman Len Scamardo, Vice Chairman Joe Gardner Tim Greseth Ken Mabarak Don Michelman George Sheats</p>	<p>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</p> <p>COUNCIL PRESENT Marlin Kuykendall, Mayor Jim Lamerson, Council Liaison</p>
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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.

Mr. Michelman, **MOTION: to approve the minutes** of the April 14, 2011 regular meeting / public hearing. Mr. Mabarak, 2nd. **Vote: 7-0.**

2. **2011 General Plan Committee and Process Update**, Community Planner is Ryan Smith.

Mr. Worley noted that Council has appointed a 13-member committee to update and/or revise the General Plan. The first committee meeting will be held on May 18, 2011 in the Downstairs Conference Room. The meetings will be open to the general public; however, the committee meetings are not to be misconstrued as public hearings at this time. Public input and comments will be welcomed when the future public hearings occur. An initial focus will be to establish a meeting schedule that will be advertised. A public participation plan will be established per the requirements of the General Plan. The plan will be presented to the Planning & Zoning Commission which will make

recommendations to the City Council. It is important to have public input from the public including comments, suggestions and ideas from neighborhoods. A second focus will be to bring regular updates to both Planning & Zoning Commission and City Council. The idea is to keep the P&Z Commission directly involved; consequently, joint meetings may be scheduled with the General Plan Committee. Once the committee meets and starts going through the process, periodic updates will be given. The General Plan must be reviewed and/or updated every 10 years. The process may take 12 to 18 months to complete. Ryan Smith will be involved in the process as staff's principal liaison.

(No action taken).

- 3. FP11-001 – Final Plat for Dollar General creating two lots. 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. ****This item is related to GP11-001 and RZ11-001 and will be voted on April 28, 2011******

Ms. Hennings noted that she will review FP11-001, GP11-001 and RZ11-001 concurrently:

- the request calls for: a rezoning; a minor General Plan Map Amendment; and a waiver of subdivision procedural requirements, *i.e.* preliminary plat approval;
- after concerns emerged at the study session, the applicant has come back with changes that address the concerns;
- the foundation plantings have been added and are set against the building and meet the 4' planting requirements in the *Land Development Code (LDC)*;
- the building exterior will have stucco applied and an added brick wainscot;
- the applicant is here with samples of the stucco, brick and paint colors; and,
- staff recommends approval.

The applicant/agent, Mr. Jeff Kost, 1333 N. Greenfield Drive, Mesa, responded to questions and comments from the Commission:

- the comments and concerns at the last meeting were addressed;
- stone around the sides of the building and landscaping was added;
- a combination of both tall and spreading landscaping materials will be used in the building's planting area; and,
- there is a shared access with the Crossings.

Commissioners thanked Mr. Kost for making the changes. Especially favorable to the commissioners was the addition of the stucco over the metal for aesthetic purposes.

Chairman Menser closed the public hearing when no one from the public came forward to speak.

(These items were voted on after the rezoning and minor General Plan amendment votes).

Mr. Scamardo, **MOTION: to recommend approval of the waiver** of the procedural requirements of [*Land Development Code*] Section 9.10 per Section 9.10.13. Mr. Michelman, 2nd. **Vote: 7-0.**

Mr. Scamardo, **MOTION: to approve FP11-001.** Mr. Greseth, 2nd. **Vote: 7-0.**

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 April 28, 2011)*

Mr. Scamardo, **MOTION: to approve GP11-001.** Mr. Michelman, 2nd. **Vote: 7-0.**

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 April 28, 2011)*

Mr. Scamardo, **MOTION: to approve RZ11-001,** subject to the condition that development must be in substantial conformance to the site plan dated April 21, 2011. Mr. Sheats, 2nd. **Vote: 7-0.**

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 April 28, 2011)*

Ms. Henning reviewed the staff report:

- the agendized study item was presented at the April 14, 2011 meeting;
- the rezoning and other related items may be voted on today;
- the applicant is proposing a zoning change from Residential Office (RO) to Industrial Transition (IT) zoning;
- one of the proposed uses for the commercial building is a dispensary;
- the existing Development Agreement (DA) shows that the residence unit must remain as a single-family use and traffic cannot be accessed from Fourth Street to the commercial building;
- no changes have been made to the request since the last meeting; and,
- the applicant is present.

Mr. Michelman stated that concept of changing zoning and the concept of having medical marijuana in the appropriate zoning area does not bother him. The challenge for him is that staff and the Commission previously went through substantial effort to designate the appropriate zoning for medical marijuana uses. There may be a perception that by rezoning the parcel to allow for a dispensary that it changes what was previously presented to the public regarding dispensary locations. Mr. Michelman voiced that he would not support the rezoning for this reason.

Chairman Menser proffered that there are very limited areas where the medical marijuana facilities may be located. The zoning change is compatible with the surrounding area.

Comments from other commissioners included:

- we do not know if that site will be granted one of the 120 certificates granted by the state;
- whether the owner of the property makes a deal for medical marijuana or not, IT zoning is the appropriate zoning for this particular area;
- the owner has the right to rent to other IT types of businesses, and the IT will attract more customers for this rental property;
- there is a "continuity zoning" that will occur if the rezoning is approved;
- the owner was "up front" in stating why he wanted to rezone, whether he rents to a medical marijuana facility or not;
- there was a pharmacy located there in the past; and,
- if any written or other public opposition has been received [Ms. Hennings: no, and the whole area has been denoted in both the specific neighborhood plan and General Plan to transition to a more intensive commercial, light-industrial type use].

Ms. Hennings also added that staff cannot mandate which areas receive, or do not receive, zoning changes. Several area residents attended the neighborhood after receiving notices at a radius of 400-500' and would also like to rezone their properties. The State will decide who will receive the ability to operate a medical marijuana site; and, to date, the City has been approached by seven or eight interested persons. The role of staff in this process is to provide a letter stating that the proposed site is located in an area that is correctly zoned.

Ms. Hennings noted that after the previous Planning and Zoning Commission meeting, Councilman Blair had discussed the details of the 2003 rezoning with her. with her the details of the 2003 rezoning. He pointed out that the residence was required to remain in residential use at the request of a neighbor who was concerned about preserving the character of the residential neighborhood. As a result, the DA contains language preventing the rezoning of the residence.

Chairman Menser recounted that the DA was approved with the condition that no access would occur at Fourth Street to help preserve the neighborhood character.

Chairman Menser asked for public comment. Mr. Daniel Mattson, tenant, 148 E. Merritt Street, stated that there are other IT-type businesses in the neighborhood. The impact to the neighborhood would be minimal. He would rather have some business there, not a vacant building. The other uses proposed, *i.e.* flower shop or computer store, would be appropriate. The property owner to the west is interested in IT zoning. Mr. Mattson supports the rezoning.

Mr. Donald Grier, owner, 1800 Timber Cove Lane, Prescott, addressed the comments made. He understands [Mr. Michelman's] position. Over the course of the year, while the building has been vacant, he has received interest from a flower shop and computer repair store to rent the building; however, the building was not appropriately zoned for their tenancy. Real estate agents have advised that because this building was previously a pharmacy, it may make sense to rezone the property to allow for a dispensary. However, there are many conditions attached to getting a permit from the state, and the application may not be granted. Mr. Grier noted that if a dispensary use is granted to him that he will still have one-half of the building to rent and the rezoning will allow him more opportunities. Mr. Grier does not want disruption to the neighborhood because he, as the owner, is the person who would have to mitigate any problem.

Chairman Menser closed the public hearing.

Mr. Greseth, **MOTION: to approve RZ11-002.** Mr. Gardner, 2nd. **Vote: 6-1** (Michelman).

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Menser adjourned the meeting at 9:33 a.m.

Tom Menser, Chairman



Kathy Dudek, Administrative Assistant
Community Development Department

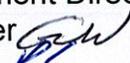
Resolution: 2011 General Plan Update - Public Participation Plan

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: May 26, 2011

TO: Prescott Planning and Zoning Commission

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

DATE: May 19, 2011

Applicant: 2011 General Plan Committee and the City of Prescott
201 S. Cortez Street
Prescott, AZ 83001

REQUEST:

Review Public Participation Plan details and make a recommendation to Council regarding the adoption of a Resolution in conformance with ARS Growing Smarter requirements.

BACKGROUND:

To start the General Plan revision process, a committee of 11 interested citizens plus 2 Council members have been selected and approved by Council. The Committee members provide review, prioritization, clarification and guidance regarding the creation of a General Plan. The Committee will sponsor public meetings and will generally meet twice monthly. By statute, the P&Z Commission is the primary planning body. Therefore, the Commission is charged with making recommendations to Council regarding the adoption of the new General Plan and associated activities such as public outreach.

The initial function of the Committee was to create a Public Participation Plan. Early public participation is required by ARS. The City Council must adopt a Public Participation Plan setting out the reasons and methods for obtaining public input.

The goal of the Public Participation Plan is to set the procedures for the broad dissemination of General Plan element proposals and alternatives. It must provide for the opportunity for written comments, public hearings, discussions, TV, radio, newspaper, information services (web pages), and newsletters. Most importantly, it must provide for serious consideration of public comments. As an adjunct to the Public

Participation Plan, close cooperation and solicitation of comment from other agencies, such as Yavapai County, Prescott Valley, AZ Game and Fish, ADOT, etc. is required.

PLAN ACTIVITY DETAILS:

The following is provided to explain the details of the Plan. The proposed Resolution does not contain this level of detail so that other activities may be added as needed by the General Plan Committee. With our objective of voter approval, the Public Participation Plan is our strategy to garner citizen involvement. Plan activities are as follows:

- **Presentational information provided on the City website under a spotlighted General Plan Update banner:** A spotlight banner has been established on the City website and will highlight a summary of the General Plan update process featuring basic information, the Council adoption of the Committee, P&Z Commission Update, and contact information. An online survey is customary, appropriate and is available through "Survey Monkey". Utilize various social media too maximize emerging networking techniques.
- **Citizen outreach meetings in the community, with HOA's and other groups:** Two public meetings are required, mjore meetings may be scheduled.
- **Public Service Announcements (PSA):** This are 30 second commercials for airtime on local access TV and radio.
- **Press Release:** These may be described as service announcements, provided by the City, to provide information to the media regarding City business. Press Releases do not have to be reported by the media, but most are.
- **Radio show interviews:** This may be with Kim Kapin, several Council members who have radio shows and local radio personalities such as Sandy Moss.
- **Notices mailed to homes:** Letters or post cards sent by U.S. Mail.
- **Utility bill announcements:** On the Utility Bill itself there is a small section devoted to City related business.
- **Newspaper display ads:** These may be both Public Notices published in the local newspaper and/or ¼ page commercial advertisements in the body of the paper.
- **Area postings:** Temporary signs placed on public buildings, possibly in the right-of-way and on City buildings and vehicles.
- **Public hearing notice signs posted along primary roads with large lettering readable by motorists:** Signs as large as 4'x6' posted along major roadways.
- **Written comments, phone calls and walk-in discussions will be encouraged:** Comments may be taken in any form throughout this process, the public will be urged to view presentational information provided on the City website under a spotlighted General Plan Update banner. There will be an online comment form available for public input.

IMPLEMENTATION SCHEDULE:

- 1) Appointment of General Plan Committee: **Completed in April 2011**
- 2) Create Web page link: **Initially began mid-May 2011**
 - a) Important information to be included on the Web page link:
 - a) Schedule of proposed Area Meetings, Public Hearings and their locations.

- b) List Ryan Smith, Community Planner as the main contact with e-mail and telephone number with Tom Guice, Community Development Director as alternate contact.
 - c) Create an on-line survey asking about growth issues.
 - d) Provide access to General Plan maps as they are developed.
 - e) Provide access to summaries of each Element on paper and via web. Clearly note draft version #s, then final version.
- 3) Quarterly place a General Plan Update on the agendas of the P&Z Commission and the City Council: **Begin late July 2011**
- 4) Media Campaign: **Initially began early-May 2011**
- a) Publish a series of informational articles in the City web page and press releases.
 - b) Notices in utility bills regarding the General Plan with a schedule of meetings, locations and a reference to the web site.
 - c) List City boards, commissions and committees, stakeholders and other interested parties for mailings and individual contact.
 - d) Set up static displays at Library, Community Centers and other appropriate City Buildings with information about the General Plan and update process.
 - e) Identify areas that may require canvassing and solicit assistance, if possible, from local civic groups, the Boys Scouts or other neighborhood groups wanting community service projects.
- 5) Schedule neighborhood or area meetings:
- a) Prepare questions designed to gather citizen wants, needs, concerns and general comments.
 - b) Create a survey and/or comment card to allow citizens to send comments to staff after neighborhood meetings. Place a reference on the survey/comment card to the web site address for updates and additional information regarding the Plan elements.
- 6) Utilize cable access channel, web site, local radio stations, HOA/POA newsletters and the Courier to advertise meeting schedules and other information.
- 7) Assemble all public commentary and suggestions and prepare Elements.
- 8) Review of Draft Plan elements by City Departments for internal consistency.
- 9) Submit Draft Plan elements to City Council for preliminary review.
- 10) Prepare first complete draft for public review and commentary.
- 11) Schedule two Planning & Zoning Commission Public Hearings at two separate locations:
- a) Advertise these meetings the same as the initial neighborhood/town meetings.
 - b) Provide maps and summaries of each element. Indicate how earlier public commentary was integrated into the Plan. If public comments were not integrated, indicate why.
- 12) Submit revised draft plan to City Council as needed for review.
- 13) When ready, submit a draft Plan to the required agencies and interested parties for a required 60-day review period.
- 14) Following the 60-day review period:
- a) Follow-up with all agencies and interested parties that received a copy of the draft plan and submitted comments.
 - b) Revise Plan elements as needed based on other agency reviews.
 - c) Revise maps and backup data for final draft.

- 15) Submit final draft for review and public hearing before the City Council (plan for multiple meetings if necessary).
- 16) Place final draft of the General Plan on a Council Agenda for approval and adoption.
- 17) 120 days prior to election, notify the County Elections Department of intent to place General Plan on the earliest regularly scheduled ballot and provide them the approved ballot question language.
- 18) Begin media campaign regarding the upcoming General Plan ratification vote. Publish notices in "Prescott City Page" encouraging voter participation, continue to reference web site for up-to-date plan information.
 - a) Submit press releases notifying the public about the ratification election.
 - b) Include a proposed land use map insert with the press releases and newsletter articles.
 - c) Meet with stakeholders, Owners Associations, civic groups and other interested parties to answer questions about the General Plan.
 - d) Place static displays at Library, Community Centers and other City Buildings notifying the public of the ratification election.
 - e) Advertise General Plan Update web site at public access computers in Library.
- 19) Ratification Election.

FINDINGS:

The Public Participation Plan and Resolution conform to all applicable statutes and requirements. The Resolution itself is worded generally to allow for the above activities and to also allow for innovative additions to activities. Throughout the process, the public will be urged to view updated information provided on the City website under a spotlighted General Plan Update banner. Written comments, phone calls, walk-in discussions and attendance at public hearings is encouraged. Information will be generated by, gathered by, or reviewed by the General Plan Committee.

PUBLIC COMMENTS:

A General Plan Committee meeting open to the public was held on Wednesday May 18, 2011 at 6 in the evening. Two citizens were in attendance. Both indicated that they had no objection to the Public Participation Plan.

RECOMMENDATION:

The General Plan Committee supports a positive recommendation to Council for The 2011 General Plan Update - Public Participation Plan as stated in the Resolution:

Attachments:

- Resolution

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ADOPTING A COUNCIL POLICY REGARDING A PUBLIC PARTICIPATION PLAN FOR THE ADOPTION OF THE CITY'S GENERAL PLAN.

WHEREAS the City Council of the City of Prescott wishes to adopt a policy regarding public participation for the adoption of a General Plan and major amendments thereto, as is required by the State Growing Smarter legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. That in considering the adoption of a new General Plan, or any major amendments thereto (hereinafter collectively referred to as the "General Plan"), at a minimum, the following efforts shall be utilized to insure the broad dissemination of proposals and alternatives, the opportunity for written comments, public hearings after effective notice, open discussions, communications programs and information services, and the consideration of public comments.

A. A steering committee has been appointed by the Prescott City Council to assist the Planning and Zoning Commission and City Staff in the creation of a proposed new General Plan.

B. General Plan Committee shall identify stakeholders with input from the City Council, P&Z Commission, City Staff and the public.

C. The City shall create a link on the City Web page dedicated to the General Plan Update.

D. General Plan Updates shall be quarterly placed on the agendas of the P&Z Commission and the City Council for discussion and public information.

E. The City shall create and promote a media campaign to disseminate General Plan information and encourage public participation in the update process. City Staff shall make use of printed and broadcast media as well as other appropriate methods.

F. The City shall schedule, with sufficient public notice, a series of neighborhood or area meetings to afford the public an opportunity to learn about the General Plan update and to make suggestions and comments.

G. City Staff shall assemble public commentary and suggestions and incorporate them into the revised General Plan Elements where appropriate.

H. The City shall schedule a minimum of two Planning & Zoning Commission

Public Hearings at two or more separate locations for public review and comment on the proposed General Plan Elements.

I. The City shall submit the draft General Plan to the required agencies and interested parties for a 60-day review period prior to a final recommendation being made by the P&Z Commission.

J. Following the 60-day review period submit the final draft General Plan shall be voted upon by the P&Z Commission.

K. After action by the P&Z Commission, the City Council shall review the General Plan, and another public hearing shall be held by the Council.

L. After the City Council has adopted a General Plan, the General Plan will then be referred to the voters of the City for ratification.

Section 2. That this Resolution shall become a part of the Council Policy Booklet.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Prescott this ____ day of _____, 2011.

Marlin Kuykendall, Mayor

ATTEST:

APPROVED AS TO FORM:

Elizabeth Burke
City Clerk

Gary Kidd
City Attorney