



PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, June 14, 2012
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, June 14, 2012, 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, Vice Chairman
Joseph Gardner
Timothy Greseth

George Sheats
Don Michelman
Terry Marshall

III. REGULAR ACTION ITEMS

1. Consider approval of the minutes of the May 10, 2012 regular meeting
2. GP12-001-Request of a Minor General Plan Land Use Map amendment from Agricultural/Ranching to Commercial/Employment of 586 acres
3. General Plan Committee update

IV. PUBLIC HEARING ITEMS

1. Proposed Land Development Code Amendments
 - a. Amend financial assurance requirements for subdivisions; Section 7.6.1.

- b. Modify guest quarters and methods of attachment; Table 2.3 and Section 2.5.2.F.
- c. Amend Land Development Code Sections 6.2.4B and 6.2.59; RV's on Single-family lots.
- d. Modify Land Development Code 2.4.31.I to allow RV's in manufactured home parks.

V. CITY UPDATES

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

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.

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 June 7, 2012 at 4:00 p.m. in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry, Administrative Specialist
Community Development Department



**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
May 10, 2012
PRESCOTT, ARIZONA**

MINUTES of the **PRESCOTT PLANNING & ZONING COMMISSION** held on **May 10, 2012** 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

BOARD MEMBERS	STAFF MEMBERS
Tom Menser, Chairman	Tom Guice, Community Development Director
Ken Mabarak, Vice Chairman	George Worley, Planning Manager
Tim Greseth	Ruth Hennings, Community Planner
Don Michelman	Erik Kriwer, Fire Marshal
George Sheats	Gwen Rowitsch, Engineering Technician
Joe Gardner	Ian Mattingly, City Traffic Engineer
Terry Marshall (Absent)	Suzanne Derryberry, Administrative Specialist
	Gary Kidd, City Attorney
	COUNCIL PRESENT
	Len Scamardo
	Jim Lamerson
	Steve Blair

III. REGULAR ACTION ITEMS

1. **Consider approval of the minutes** of the April 26, 2012 regular meeting / study sessions.

Mr. Michelman, **MOTION: to approve the minutes** of the April 26, 2012 meeting. Mr. Mabarak, 2nd. **VOTE 6-0**

2. **CC12-001, 1320 Willow Creek Road.** APN: 115-05-166M, & P. Existing zoning is Business General. The current application is for a Comprehensive Sign Plan for the Shops at the Boulders. Agent/Applicant is Morgan Sign Company, 704 E. Moeller Prescott, AZ. Owner is Gisi Enterprises, 3200 Lakeside Village Prescott, AZ 86301. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon indicated the request was for a proposed sign package for a new development. Mr. Bacon indicated the property location and sign location on the overhead projector and noted that the applicant proposed 65 ft.² for the larger of the two signs. The Land Development Code allows two free standing signs which is what the applicant was proposing. The applicant requested 65 ft.² for the larger sign but only asked for 18 ft.² for the smaller sign. In total, the square footage would be 45 ft.² less

than what the Land Development Code allows for monument signage. Mr. Bacon noted that the request is in compliance with a comprehensive sign provision of our code and recommended approval of the request.

Mr. Michelman questioned the amount of occupants. Jason Gisi, 3200 Lakeside Village Dr., discussed the negotiations and planning stages of the different buildings. Mr. Michelman asked if the signs would be placed as needed or all at once. Mr. Gisi stated that the five blanks would be placed at the time the sign was constructed. Mr. Menser called for a motion

Mr. Mabarak: **MOTION to approve CC12-001**, comprehensive sign package for the Shops at the Boulders, 1320 Willow Creek Road. Mr. Michelman 2nd. **VOTE 6-0**

3. **CC12-002, 1048 Willow Creek Road.** APN: 115-09-091C and 115-09-095B. Existing zoning is Business General. The current application is for a Comprehensive Sign Plan for the Willow Creek Shopping center. Agent/Applicant is Morgan Sign Company, 704 E. Moeller Prescott, AZ. Owner is Willow Creek Plaza LLC, 17165 New Hope St #H, Fountain Valley, CA. Community Planner is Mike Bacon (928) 777-1360."

Mr. Bacon indicated the proposed sign location and appearance on the overhead projector. Mr. Bacon compared the Land Development Code and Comprehensive Sign Plan request. The applicant proposed a 13 foot height for the sign as opposed to the allowed 12 foot height. Mr. Bacon noted that the extra foot would be the triangle at top for the address number. Mr. Bacon recommended staff approval of the Comprehensive Sign Plan for the Willow Creek Shopping Center.

Mr. Menser questioned setbacks. Mr. Bacon stated that the setbacks had already been reviewed by engineering and meets the Land Development Code required setbacks. Mr. Gardner discussed safety concerns at the intersection where the signs would be placed. Mr. Michelman wanted to know why signs were chosen for that proposed area. Stephen Markov, 704 Moeller Street, stated that the two major thoroughfares are Willow Creek and Iron Springs Road. Therefore, the proposed area for the signs would provide better orientation for potential customers. Mr. Michelman wanted to know why the signs were not chosen to go on Harding Street. Mr. Morgan stated he didn't really have an answer but in his personal experience Iron Springs and Willow Creek have the easiest access. Mr. Michelman asked if the new proposed sign would replace other forms of sign advertisement. Mr. Morgan stated that the intent was to get rid of all A-frame signs. Mr. Mabarak wanted to know how big the entire structure would be. Mr. Bacon stated that they only count the sign area itself, not the entire structure.

Ian Mattingly, City Traffic Engineer, discussed sight distance and added that he would like to keep the sign as far back as possible so you can see all the way down the roadway. Mr. Mabarak and Mr. Mattingly continued to discuss site distance and setbacks. Mr. Mattingly indicated that the site plan was correct.

Mr. Greseth, **motion to approve CC12-002**, 1048 Willow Creek Road, for the comprehensive sign package with a minimum of an 11 foot setback from the face of the curb to the sign structure. **Mr. Sheats, 2nd**

Mr. Michelman wished to add to the motion by encouraging the property owner to delimit the usage of the A-frame signs. Mr. Worley stated that they are under two different sections of the code; comprehensive sign plan is a zoning matter and the A-frame signs are permitted by city code.

Motion passed, Vote 6-0

IV. PUBLIC HEARING ITEMS

1. **RZ12-001, 2121 Larry Caldwell Drive. APN: 102-06-005H** totaling ±23.5 acres. Existing zoning is Single-Family Residential (SF-9), Neighborhood Oriented Business (NOB), and Residential Office (RO). The request is for a rezoning to a Business General zoning district, of the NOB and SF-9 portions of the property only. Owner/Applicant is The Heights Church. Community Planner is Ruth Hennings (928) 777-1319.

Mr. Greseth recused himself and left the Council Chambers at 9:27 a.m.

Mr. Menser requested Ms. Hennings explain what had happen since the last meeting.

Ms. Hennings stated she would go through the submittals received from the church dated May 1, 2012.

The first item received was the revised conceptual site plan which included suggested traffic improvements and also moved the location of several of the buildings.

Second, they submitted revised zoning district boundaries. The existing zoning is currently SF-9 on the center portion, NOB on the eastern portion and RO on the Western portion. The new request shows they will maintain the NOB and RO zoning on either end of the property and their request for BG is for the center portion of the property only. They proposed a revised boundary between the NOB and the new BG district in order to include the larger worship facility that had been moved further south.

The final submittal received was a list of proposed uses that would be allowable in the Business General zoning district as an amendment to the existing development agreement. Ms. Hennings noted that several of the uses would otherwise require a Conditional Use Permit or a Temporary Use Permit by the Business General zoning district.

Ms. Hennings reviewed the Land Development Code criteria in section 9.15.5 used by the commission to make recommendations.

Mr. Menser wanted to know which uses would require a Conditional Use Permit even under a Business General zoning. Ms. Henning stated that it would include some of the outdoor functions. A Temporary Use Permit would allow carnivals, circuses and special

events. Ms. Hennings stated that high schools, colleges and universities are all permitted outright by the Business General zoning district.

Mr. Mabarak wanted to know why the entire parcel could not be zoned as NOB and then allow some of the requested uses. Ms. Hennings stated there is no process to permit uses that are not allowed by a zoning district, other than a rezoning.

Ty Myers, 3603 Crossings Drive, discussed the submittals provided to staff and what the reasons were for the suggested changes.

Mr. Mattingly stated that the new site plan didn't substantially change anything in regards to traffic issues. Mr. Menser wanted to know how weekly traffic would be impacted in regards to the potential church related uses under the BG zoning. Mr. Mattingly discussed traffic improvements and possible impacts. He noted that many of the proposed uses seem to be primarily church uses and uses other than "church uses" raise concern regarding how we would protect ourselves from the traffic generated during the week by those uses. He displayed a breakdown of different uses considered as church uses and those which would be considered non-church uses. The intent was for staff to use the list while in the development agreement process to see separation of uses as it relates to future traffic study. He noted that any use listed in the section of uses operating outside of church services would require a Traffic Impact Analysis or at least the possible need for a new Traffic Impact Analysis and the traffic impact that would result if anything was triggered would be the sole responsibility of the church.

Mr. Mabarak stated that traffic is a big piece of the component of the request and wanted to know why there can't be a requirement or suggestion that the applicant goes through some sort of process with ADOT. He noted that he had not seen any information showing there had been any contact dealing with ADOT and felt there should be a process in place where that would be required as a first step. Mr. Mattingly stated that to his knowledge, the applicant had not put in an application to ADOT to request anything dealing with traffic. He noted that he had spoken to a representative from ADOT many times and was told that 89A was funded with federal transportation money. As such, it's designated as an access controlled freeway which means there are only access points allowed at certain distances and locations. He understood that people may view the access at Larry Caldwell as something other than an on-ramp because it doesn't go straight onto the freeway; however, ADOT has indicated that it is an access controlled facility and they will not allow any type of regular movement. ADOT did indicate that emergency access could be considered if the fire marshal stated that it was a requirement on the development, but he didn't believe that was the original intent or desire.

Mr. Mabarak suggested going to ADOT immediately to speak with them regarding better access through the side street and he suggested letting the church and ADOT discuss possible options.

Mr. Menser discussed the industrial area near the airport and noted that there is only one access provided to that area. He wanted to know if there are plans for a second access to that area. Mr. Mattingly stated that they have a long-term plan; the roadway

improvement plan for 2030 shows Larry Caldwell and Melville to be reserved for a 4-5 lane right-of-way and roadway section. Ultimately, there will be a loop around the airport connecting with the Well Deep Ranch Road. There is also a connection plan from that loop road going northeast over to Granite Hills Parkway. Mr. Menser wanted to know if there is a chance that the present industrial area could build out long before any of those plans happen, and if it did build out, even without the church being there, would there be a concern of having the intersection and the bridge becoming overwhelmed. Mr. Mattingly stated that the interchange capacity is questionable based on just the development that is already there.

Mr. Myers discussed Mr. Mattingly's concerns and discussed the Traffic Impact Analysis. Mr. Sheats stated that letters received from the neighborhood residence implied that the roadway is failing today in terms of satisfying the local means so if anything should be done it should be correcting the existing problems before anything else should take place.

Mr. Myers discussed his past experiences with ADOT and added that ADOT has certain rules in place that they will not deviate from.

Andy Ozols, 2029 Golf Links Drive, provided a presentation on the development approval that the city approved in 2003, the city's General Plan and violations and conclusions from the neighborhood.

In January 2003, the City of Prescott approved and adopted a rezoning to the church. Mr. Ozols wanted to know why the church is neglecting to use those two approved areas for future growth.

Mr. Ozols continued by discussing the City of Prescott's General Plan and pointed out that the plan states that when dealing with considerations of conflict between a community-wide element and a neighborhood, that the community-wide element would take precedence. He added that the church is in no way a community wide element.

Mr. Ozols discussed four goals from the General Plan and pointed out that the number one goal is the integrity of the neighborhood. He was concerned regarding the future use of the church property and noted that they have seven acres that they can build on today so the request for Business General makes no sense to the neighborhood residents.

Mr. Ozols discussed different areas of concern; the detriment to the community caused by noise, traffic and property values. The building designs of the church; when the CC and R's that were developed for that neighborhood were developed by the city, lots were sold by the city to the residence and they themselves are limited in how they can use their own property. If you look at the photos provided, the church buildings are not what he would consider typical to their neighborhood. His basic conclusion is that the churches current property just does not meet their needs and it also violates the City of Prescott's General Plan.

Jim Kilbourne, 1946 Golf View Lane, discussed traffic concerns.

Doug Ruckel, 5627 Hole In One Drive, discussed his concerns regarding the list of possible uses if granted the Business General zoning. He continued by discussing traffic issues.

Valerie VanBrocklin, 2068 Golf Links Drive, discussed the Business General zoning and expressed concerns regarding the possible uses. She also shared her concerns regarding the neighborhoods character and integrity as well potential negative impacts on property values if his zoning is approved.

Sharyl Kuperman, 5667 Hole in One Drive, stated that she is concerned about the confusion of stop signs and that there is another church nearby that often ends up using Larry Caldwell at the same time as the Heights church.

Mr. Menser called for a break at 10:27 a.m.

Mr. Menser resumed the meeting at 10:41 a.m.

Mr. Menser stated that a new issue had come about in the last two weeks. The General Plan refers to specific plans as taking precedence; there is an Airport Specific Plan that includes the churches parcel. He wanted Ms. Hennings to discuss what the Airport Specific Plan included and how it would relate to the churches parcel.

Ms. Hennings stated one of the ways the General Plan Land Use Map is created is by looking at some of the specific area or neighborhood plans that had already been made and taking them into account when the General Plan Land Use Map is made. She displayed the Airport Specific Area Plan Land Use Map on the overhead projector. She discussed the flight pattern area and circulation patterns. Mr. Menser wanted to know the boundaries of the Airport Specific Area Plan. Ms. Hennings indicated the boundaries on the overhead projector. Ms. Hennings discussed low intensity commercial uses. Mr. Menser wanted to know if Business General, even with a Development Agreement, would be considered low intensity. Ms. Hennings stated that the Business General zoning district is described as a moderate intensity commercial zoning district. Ms. Hennings described the commercial low intensity district and the ASAP plan.

Mr. Menser closed the public hearing at 10:51 a.m.

Mr. Michelman stated that he had challenges with the request. When looking at the Master Plan it would appear to be more of a concept plan. He also noted that this is not a transitional area and the amendments proposed by the church to be part of the DA had a list of items which would stay attached to that property as part of its zoning; that gave him discomfort.

Mr. Gardner stated that the conceptual site plan was not a very good plan and it's not respectful of the site. He stated that traffic is an obvious issue but personally he would not turn it down just based on the traffic. He felt that the church tried to put too much on the property and it's too much with very little buffering.

Mr. Sheats stated issues of compatibility, access, traffic and that the site plan did not address those problems. He added that improvements to the roadways would make traffic worse and he didn't agree with plan.

Mr. Mabarak discussed issues related to traffic and stated that the infrastructure is not capable to handle the amount of traffic.

Mr. Menser stated that he didn't have a problem with the church use, or with the church growing, but there were too many negative things. He felt that a zoning change would possibly violate certain General Plan provisions and Airport Specific Plans as well. Part of the commissioner's job is to make sure that everything that goes before them meets the General Plan and the Airport Specific Plan. They should be giving precedence to the local neighborhood not the church. His biggest concern was traffic and he addressed the fact that the two lane bridge would reach a point where it could not be mitigated anymore; he didn't want to be a part of having that happen. Last year the County Board of Supervisors voted to create a zoning change which would require a Conditional Use Permit for all church and religious facilities. There was a newspaper article that stated they were concerned with mega churches being built in neighborhoods. A zoning change that removes the Conditional Use Permit requirement would disenfranchise the Golf Links community; he can't recommend that to the City Council and could not support any zoning change that would not include a Conditional Use Permit.

Mr. Menser called for a motion.

Mr. Gardner: **MOTION to deny RZ12-001, the rezoning at 2121 Larry Caldwell Drive.**
Mr. Michelman 2nd. **VOTE 5-0.**

V. CITY UPDATES

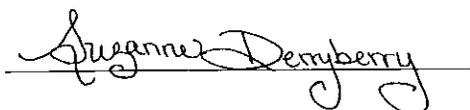
None

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None

VII. ADJOURNMENT

Chairman Menser adjourned the meeting at 11:01a.m.



Suzanne Derryberry,
Administrative Specialist

Tom Menser, Chairman

GP12-001
Minor General Plan Map Amendment
Work Study Session / Introduction

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting Date: June 14, 2012

STAFF REPORT

TO: Planning & Zoning Commission

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

Date: June 7, 2012

Request: Minor General Plan Land Use Map Amendment - 586 acres

Location: A portion of APN 102-01-213Q, 002A,B, 102-02-004B and 005. Northwest of the Prescott Airport

Owners: Deep Well Ranches **Applicant/Agent:** City of Prescott

REQUEST:

A minor General Plan Land Use Map Amendment of 586 acres northwest of the Prescott Airport. Yavapai Regional Medical Center (YRMC) has provided a narrative expressing their interest in this area as a regional medical campus. The area is currently designated on the General Plan Land Use Map as Agricultural/Ranching and is proposed to be designated as Commercial/Employment. YRMC representatives will be in attendance to answer questions when this item comes back to the P&Z as a public hearing item on June 28th.

BACKGROUND:

A major General Plan Land Use Map Amendment of 2600 acres occurred west of the Prescott Airport in 2008. However, the subject property for this request was not included. The current Agricultural / Ranching General Plan designation for this location was originally assigned at the request of the owner, Deep Well Ranches, who at the time did not anticipate annexation into the City. The area borders the Prescott City Limits and annexation in the future has potential based upon discussions with Deep Well Ranches and YRMC.

Annexations are a lengthy and sometimes complicated process requiring extensive analysis. An amendment of the General Plan Land Use Map will facilitate needed infrastructure analysis of the area in preparation for potential future annexation. A DA exists with Deep Well Ranches and will be amended to reflect water availability and infrastructure issues. In addition, a new DA with YRMC will be needed. The details of the DA's will be worked out in the future as this project moves forward.

CONSIDERATION OF APPROPRIATE GENERAL PLAN DESIGNATION:

The Council adopted the Airport Master Plan in 2011 to delineate Airport Impact Zones and determine Day-Night Sound Level (LDN) contours. Using this information, the plan recommends residential uses be restricted in areas near the airport. Given the residential restrictions and proximity to the airport, staff recommends a Commercial/Employment designation for subject property.

Access to the site from State Highway 89 provides good regional connectivity. Public Works and other staff have reviewed the proximity of this parcel to all major roadways, compatibility with the Airport Specific Area Plan (ASAP) and for General Plan land use designations. The current ASAP is also anticipated to be amended for consistency with these recommendations. By amending the General Plan Land Use Map early in the process, land uses around the Airport are clarified. A future annexation application may benefit by a more streamlined process where the ground work for infrastructure analysis has already been performed.

General Plan Use Category Description

Agricultural/Ranching

The Agricultural/Ranching designation denotes areas intended to remain in agricultural or ranching production over the long-term. However, these areas are anticipated to transition to other land uses over time. Agricultural/Ranching land may allow residential development of up to one dwelling unit per acre depending upon zoning classification. Public service demands are not anticipated to be as great as in residential designations. No commercial or industrial development is anticipated.

Commercial/Employment

The Commercial/Employment designation refers to areas where professional offices, tourism, recreation, service uses, warehousing, and light industrial uses are generally appropriate. This use requires appropriate buffering considerations from adjoining residential areas. The specific allowable uses are determined based upon the zoning of each particular site and will consider adjacent land uses, traffic impacts and the intensity of any proposed development. Residential uses are not anticipated in this designation.

PUBLIC COMMENTS:

Official notifications have been sent out for the public hearing for this item scheduled on June 28, 2012.

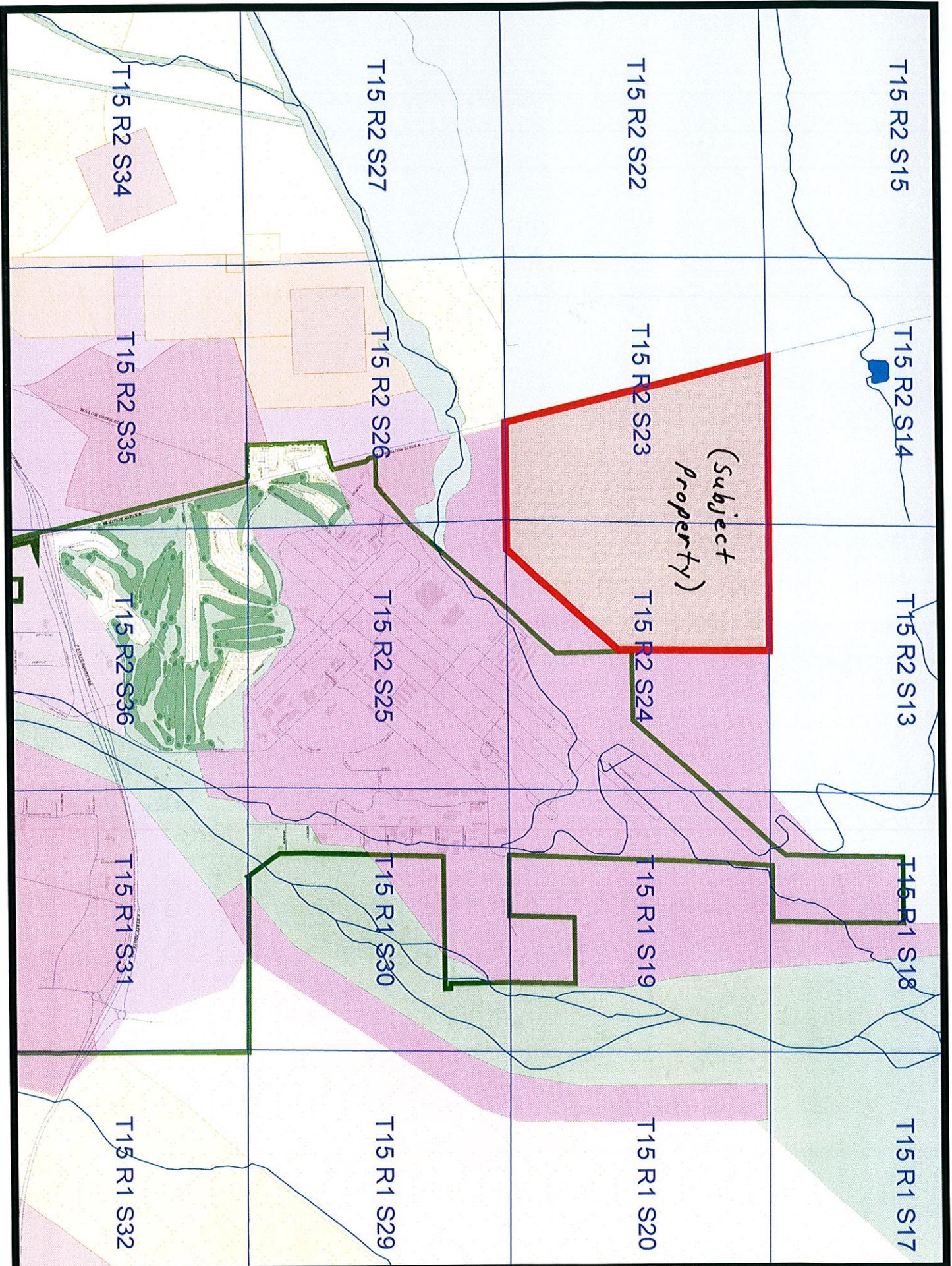
Attachments: Vicinity Map
Proposed General Plan Land Use Map
Application Narrative

Yavapai Regional Medical Center has a long and rich history of serving the healthcare needs of our entire region. As our communities have grown over the years, YRMC has expanded facilities and services to meet those growing needs. As we look to the future, we recognize that healthcare needs will continue to grow. Strategically, YRMC creates plans that take many years, even decades, to accomplish.

Our goal is always to have the right services and facilities in the right locations throughout our region. To this end, we have been in discussions with the James Family regarding a 180-acre parcel of property on the Deep Well Ranch, bordering Highway 89. This parcel would include a sizeable donation of land to YRMC from the James Family. We feel this will be an ideal location for a future medical campus as our communities continue to grow and expand into the future.

We also recognize that we still have significant capabilities for development and expansion to accomplish on both of our East and West campuses, and have no immediate plans for development of the property. However, strategically looking into the future, we feel this would be the ideal location as we develop services and facilities for the north portion of our service area.

We have worked closely with Ron James and appreciate his great support for this additional site with a multi-year, even multi-decade, timeframe for development. We also are appreciative of working with the City of Prescott in the future annexation of this property so much-needed infrastructure can be provided to this location for its development. We believe this will be a great economic catalyst for our region, as well as serving the greater health and wellness needs of our community for many years to come. This will definitely complement our West Campus in Prescott, as well as our East Campus in Prescott Valley.



T15 R2 S15

T15 R2 S14

T15 R2 S13

T15 R1 S18

T15 R1 S17

T15 R2 S22

T15 R2 S23

T15 R2 S24

T15 R1 S19

T15 R1 S20

T15 R2 S27

T15 R2 S26

T15 R2 S25

T15 R1 S30

T15 R1 S29

T15 R2 S34

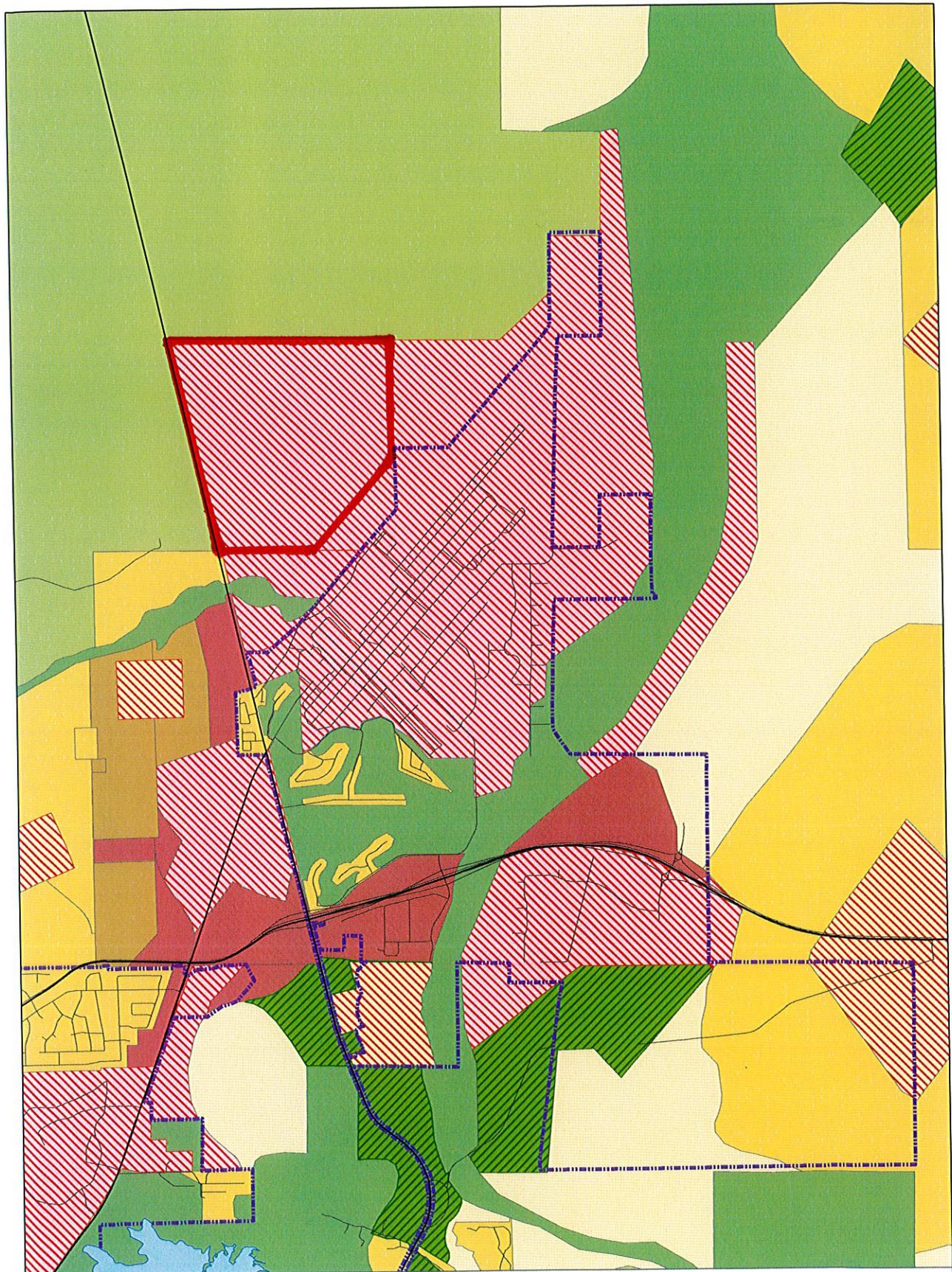
T15 R2 S35

T15 R2 S36

T15 R1 S31

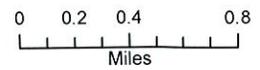
T15 R1 S32

(Subject Property)



City of Prescott
2012 Land Use General Plan

- | | | |
|-----------------------|---------------------------------------|-------------------------------------|
| — Major Streets | Commercial/Employment | Mixed Use |
| --- Local Streets | Commercial/Recreation | Recreation/Open Space |
| City Limits | Industrial | Very Low Density Res. (<1 DU/Acre) |
| Agricultural/Ranching | Low-Medium Density Res. (1-7 DU/Acre) | Yavapai-Prescott Indian Reservation |
| Commercial | Med-High Density Res. (8-32 DU/Acre) | |



General Plan Committee Update

AGENDA

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: June 14, 2012

TO: Prescott Planning and Zoning Commission

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

DATE: June 7, 2012

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

BACKGROUND:

The General Plan revision process began with a Council appointed General Plan Committee of 11 interested citizens plus 2 Council members in May of 2011. The Committee members have been providing review, prioritization, clarification and guidance regarding each of the General Plan elements. The Committee sponsors two public meetings monthly on the 2nd and 4th Wednesday at 4pm at City Hall downstairs conference room. The meetings provide for input from the Committee members, staff and the public.

ACTIVITY:

The Committee has completed their initial updates of the Water Element, Land Use Element, Growth & Cost of Development Element and the Circulation Element of the General Plan. During the course of their update, the Committee considers numerical data, text, tables, goals and strategies to evaluate appropriate changes.

LDC Text Amendment

Financial Assurances

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting June 14, 2012

STAFF REPORT

TO: Planning & Zoning Commissioners

FROM: Mark Nietupski, Public Works Director

DATE: June 4, 2012

REQUEST: Amend the Financial Assurances requirements for subdivisions

BACKGROUND:

With the meltdown of the economy and the financial markets over the past several years, banks have been unwilling to provide Financial Assurances (FA) to developers for infrastructure that are open ended, no expiration date as required by the Land Development Code (LDC), Section 7.6.1. As a result, Public Works/Engineering has been working with the local development community to modify the requirements for FA as shown in the attached proposed amendments to LDC Section 7.6. The changes while still complying with Arizona Revised Statutes and providing the City with a funding mechanism to complete infrastructure, will provide the banks and financial institutions a more finite time frame for issuing and renewing FA.

RECOMMENDATION:

Forward the attached text amendments to the City Council with the recommendation for approval.

Sec. 7.6 / Subdivision and Land Split Improvement Guarantees

7.6.1 / Financial Assurances

Prior to recording of the final plat and prior to commencement of construction within one year following approval of Final Plat and construction plans unless a different time frame is approved by Council, the subdivider shall post security to cover the cost of installing all required improvements. ~~in one of the following ways. No expiration of the financial assurances shall be permitted.~~ *The security shall remain in force and effect until such time as all required improvements have been completed and released by the Public Works Director. Security that will expire prior to completion of the required improvements shall be renewed by the financial institution, for minimum incremental periods of 12 months, until such time as the required improvements are completed and released by the City. Release and partial release(s) of the security can occur as described in Section 7.6.2 below. Security shall be posted in one of the following ways:*

A. Performance Bond

File with the City Clerk a bond executed by an authorized insurance company holding a license to do business in the State of Arizona. A copy of the certificate shall be attached to the applicable bid bonds, payment bond and performance bond to be evidenced by certificate of authority as defined in ARS Sec. 20-217, in a form approved by the City, in an amount of 110 percent of the cost of the improvements as certified by the ~~Engineering Services~~ *Public Works* Director. The Performance Bond shall be approved as to form and legality by the City Attorney.

B. Trust Agreement

Place on deposit in a bank or trust company in the name of the City, and approved by the City, in a trust account, a sum of money equal to 110 percent of the estimated cost of all improvements required by this Section, the cost and the time of completion as estimated by the ~~Engineering Services~~ *Public Works* Director; selection of the trustee shall be subject to approval by the City and the trust agreement shall be executed in the form acceptable to the City and approved as to form and legality by the City Attorney.

C. Unconditional Guarantee from Bank

File with the City Clerk a letter, in a form approved by the City, signed by a principal officer of a savings and loan association or bank, acceptable to the City, agreeing to pay to the City of Prescott, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider is responsible under this Section. The guaranteed payment sum shall be the 110 percent of the estimated costs and scheduling as prepared by the subdivider's engineer and approved by the ~~Engineering Services~~ *Public Works* Director. The letter shall state the name of the subdivision and shall list the improvements that the subdivider is required to provide.

7.6.2 / Release of Financial Assurances

Release or partial release of any security shall occur as incremental progress is demonstrated to the satisfaction of the ~~Engineering Services~~ *Public Works* Director or when the City has formally accepted the improvements that are the subject of such security. ~~In accordance with the requirements of Sec 7.6.1, Financial Assurances, financial assurances shall not have an expiration date but shall be released as described herein.~~ *When a partial release(s) is approved by the Public Works Director, 10% of the release amount will be retained by the City until such time as all required improvements are completed and released by the City, at that time the City will release all remaining security.*

LDC Text Amendment

Guest Quarters and Method of Attachment

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting June 14, 2012

STAFF REPORT

TO: Planning & Zoning Commissioners

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

DATE: June 4, 2012

REQUEST: Guest Quarters and method of attachment

BACKGROUND:

In January, the Unified Development Committee (UDC) discussed Land Development Code (LDC) Section 2.5.2.F which addresses the criteria for attachment of accessory structures to principal structures. Staff noted during that discussion that the attachment of accessory structures is important in the LDC when an accessory structure contains Guest Quarters. Detached Guest Quarters require a Conditional Use Permit (CUP) obtained through the Board of Adjustment, but attached Guest Quarters do not. To avoid the additional complexity of obtaining a CUP, architects and builders often seek to attach what would otherwise be detached buildings to the principal building. A review by staff of Guest Quarters CUP requests since the 2005 effective date of the LDC reveals that 27 requests were made and 19 of them were approved by the Board of Adjustment. The remaining 8 requests were withdrawn by the applicants.

During UDC discussion of the method of attachment, staff suggested the UDC also consider the necessity and appropriateness of the requirement for a Conditional Use Permit for detached Guest Quarters. To this end, staff searched the LDC for possible ways that detached Guest Quarters differ from attached Guest Quarters, including aspects such as parking, utilities and traffic generation. Staff did not identify sufficient differences in the impacts of detached versus attached Guest Quarters to explain the different treatment of the two.

Without a clear rational nexus for the different treatment, staff suggested that the UDC consider removing the CUP requirement for Guest Quarters. Only a modification to Use Table would be necessary, no other text changes would be needed for this matter. This change would not remove the size and setback limitations that apply to all accessory structures. The UDC concurred and recommends this change to the P&Z Commission.

In addition to the CUP aspect, there are occasions when the property owner or builder desire to attach accessory structures to the principal structure. In those cases, a better description of the acceptable method of attachment would help the owner or building with their designs. The UDC agreed to a change in Section 2.5.2.F of the LDC to clarify what is needed for permits.

RECOMMENDATION:

The UDC recommended the following two changes:

1. Remove the "Guest Quarters, Detached" line from LDC Table 2.3.
2. Amend the description of "attached" in LDC Section 2.5.2.F to read "when the roof of the principal structure or a structurally integral extension of the roof of the principal structure connects the two otherwise detached structures together".

LDC Text Amendment

RV's on Single-family Lots

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting June 14, 2012

STAFF REPORT

TO: Planning & Zoning Commissioners

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

DATE: June 4, 2012

REQUEST: RV's on Single-family lots

BACKGROUND:

A provision of the Land Development Code (LDC) relating to parking and use of RV's on residential properties was called into question by staff as a result of research into camping uses allowed on vacant lots. LDC Section 2.5.9 states that on-site storage of RV's is deemed an accessory use to a residential dwelling. It then refers to LDC Section 6.2.4.B. Section 6.2.4.B.1 specifically states that RV's "shall not be used for sleeping or habitation purposes". However, a different provision of the City Codes allows camping (including in an RV) on any parcel with the property owner's permission. Since the more specific regulation generally prevails where a conflict occurs, the LDC would not allow camping in an RV on a lot subject to the LDC requirements, which is one with a house on it. The conflicting code provisions would mean that someone could camp in an RV on a vacant lot, while next door, on a developed lot with a house, they could not.

Per established process, the question was taken to the Unified Development Code (UDC) for their consideration and direction. Following discussion over several meetings the UDC members reached a consensus that the limitation on the use of RV's in LDC Section 6.2.4.B.1 should be removed. All other provisions, such as regulating location of such RV's, setbacks, etc., are to remain in place.

RECOMMENDATION:

The consensus of the UDC was to amend the LDC text as follows:

6.2.4 / General Requirements

A. ...

B. Use of Off-Street Parking Areas, Residential

1. Recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment that is allowed to be stored on residentially-zoned property in accordance requirements of Sec. 2.5.9, ~~RV, motor homes and Similar Storage, shall not be used for sleeping or habitation purposes.~~

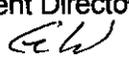
LDC Text Amendment

RV's in MH Parks

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
Meeting June 14, 2012

STAFF REPORT

TO: Planning & Zoning Commissioners

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

DATE: June 4, 2012

REQUEST: RV's in manufactured Home Parks

BACKGROUND:

Over the past year, staff has received a number of inquiries from Manufactured Park owners desiring to allow RV's into their Manufactured Home parks on spaces intended for manufactured homes.

LDC Section 2.4.31.I. specifically prohibits RV's in Manufactured Home parks. One possible reason for this prohibition was to prevent a Manufactured Home park (a residential use) from transitioning into a RV park (a commercial use) by incrementally replacing manufactured homes with RV's. This type of change has potential for creating negative impacts on nearby property owners and their property values.

The issue was presented to the Unified Development Code Committee for discussion and direction. Several options were discussed; including allowing the RV substitutions without limitations or allowing the substitutions with a limit on the percentage of spaces that could contain RV's. A third option was to allow the substitution of RV's at the owner's discretion, but to require that they be used for longer term residential occupancy just like the manufactured homes they would replace. This last option focused on the residential character of the manufactured home park rather than the type of structure/vehicle occupying individual spaces. To off-set the concerns for adverse impact to adjacent properties noted in the paragraph above, the UDC agreed that any RV's placed in a Manufactured Home park should be required to meet all of the site and placement requirements applicable to any manufactured homes placed in those same spaces.

One section of the manufactured home regulations is very specific to the design characteristics of a manufactured home and cannot apply to any other structure/vehicle. That section is specifically exempted for RV's.

RECOMMENDATION:

To allow manufactured park owners the added flexibility to have RV's within their parks, the UDC Committee recommended amending LDC Section 2.4.31.I. to read:

"Travel trailers, campers, motor homes, or other recreational vehicles shall not may be permitted on any manufactured home space or area reserved for manufactured home usage, provided that said vehicles are intended for stays of 90 days or longer and provided that, with the exception of the requirements of Section 2.4.31.A, that all other requirements of this section for placement of manufactured homes must be met except for park models (Refer to Table 11.2.5)."