



PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, July 12, 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, July 12, 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 June 28, 2012 regular meeting.
Minutes will be postponed to the next regular meeting

IV. PUBLIC HEARING ITEMS

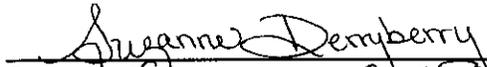
1. SUP12-001, 543 W. Gurley St. APN: 113-12-059. Request is for an auto dealership. Owner is Rowle Simmons / Intermountain Communications. Applicant is Prescott Car Co., Inc. (*May be voted on July 12, 2012*)
2. LDC12-002, Amend Land Development Code, Sections 6.12 and 11.2. Related to electronic changeable copy signage. (*May be voted on July 12, 2012*)

- 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 July 5, 2012 at 4:15 p.m. in accordance with the statement filed with the City Clerk's Office.


Suzanne Derryberry, Administrative Specialist
Community Development Department

SUP12-001

**543 W. GURLEY
Special Use Permit**

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
STAFF REPORT

TO: Planning Commission Members
FROM: Tom Guice, Community Development Director 
George Worley, Planning Manager 
DATE: July 12, 2012
Subject: SP12-001, Special Use Permit for Auto and Vehicle Sales and Leasing
Parcels: 113-12-059
Zoning: BG
Location: 543 W. Gurley Street
Applicant: Prescott Car Co., Inc, P.O. Box 12317, Prescott, AZ 86303.
Owner: Intermountain Communications, 1142 Country Club Drive, Prescott, AZ

REQUEST:

This request is for a Special Use Permit to conduct Auto or Vehicle Sales and Leasing at a former office building (originally a gasoline station) in the BG zoning district. Access to the business is proposed from both Gurley Street and Park Avenue. The applicants describe the proposed operation as very small, with a retail sales component and associated offices.

UPDATE:

Following the discussion of this request at the P&Z Commission meeting on June 28th, the applicant revised his site plan and has offered to adhere to any additional limitations placed upon his operations by the P&Z Commission. Staff reviewed the revised information and acknowledges that the site plan change is an improvement to the safety and function of the site. Staff also encourages the P&Z Commission to apply limitations on hours of operation and sign lighting. Please see the recommended actions at the end of this report for suggested limitations.

Special Use Review Criteria (Section 9.9.5)

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

A. Effect on Environment

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

There are no obvious detriments to health and welfare of the surrounding neighborhood. Safety, as related to access to and from the site should be a consideration for the P&Z Commission.

B. Compatible with Surrounding Area

The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to scale, height, landscaping and screening, lot coverage, and density. *The proposed use will be compatible with the commercial character of the properties in the vicinity.*

C. External Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts. *No obvious impacts have been identified. Noise is a consideration but no outside speaker system is proposed. The applicant has offered to limit the hours of operation and sign lighting.*

D. Infrastructure Impacts Minimized

The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately. *None have been identified. The applicant has re-arranged the traffic flow pattern through the site to improve safety.*

E. Consistent with General Plan and Code

The proposed use will be consistent with the purposes of this LDC, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. *The zoning of the site and the proposed use are both in conformance with the 2003 General Plan.*

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district. *No minimum lot size is required. The site is much smaller than the recommended 2 acre size for this use.*

G. Site Plan

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review. *This will be accomplished during the Building Permit Process, subject to any limitations or restrictions imposed by the City Council.*

CONCLUSION AND STAFF RECOMMENDATION:

Staff recommends approval of this request subject to the limitations described in this report and listed in the recommended action.

Recommended Action:

Move to recommend approval of SUP12-001 subject to the following conditions:

1. Substantial conformance to the revised site plan dated as Received July 3, 2012.
2. Hours of operation limited to between 8:00AM to 8:00PM.
3. Business signs to be turned off between 8:00PM and 8:00AM.

PRESCOTT CAR CO.

PRE-OWNED VEHICLES

July 3, 2012

City of Prescott
Planning and Zoning Commission
201 S. Cortez Street
Prescott, AZ 86303

Re: 543 W. Gurley Street – Application for Special Use Permit

Members of the Commission:

Attached please find the revised plat which addresses the concerns raised by the commission at the June 28th meeting.

We have rearranged the parking to adequately allow customer and employee parking and have shown a one way ingress and egress as suggested by the commission.

My partners, Gary Young, Steve Schott and myself have been members of this community for 40+ years and have every intention of being a good neighbor, thus we are willing to accept any other restrictions as may be recommended by the commission, such as:

Limited hours of operation
Limited lighting or signage

Your consideration of our application is appreciated.

Sincerely,



Donald H. Biele
President

DHB/dfg

LDC12-002**Land Development Code Amendment****Electronic Changeable Copy Signs**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

PLANNING AND ZONING COMMISSION for July 12, 2012

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: July 12, 2012

FILE NO: LDC12-002

SUBJECT: Consideration of standards for electronic changeable copy signs

ITEM SUMMARY: A changeable copy sign is any sign with the capability of changing the message or text. These signs may be manual (e.g. a marquee) or electronic (e.g. LED, LCD, etc.). The Land Development Code currently prohibits any changeable copy sign over 12 square feet and prohibits signs that are flashing, animated or display any illusion of movement.

Over the past year, there has been an increased interest in electronic signage. Because of the new and changing technologies available to sign manufacturers, staff has acknowledged that current Land Development Code sign standards no longer effectively address the capabilities of this type of signage.

UPDATE: The Planning and Zoning Commission held a Study Session on June 28, 2012 to address this issue. There was one (1) representative of a local sign company in attendance. At the meeting, staff presented a summary of the proposed amendments. Following the presentations, there was discussion by the Commission members. Several Commission members requested further information regarding electronic signage. Research collected from the *American Planning Association* and the *International Sign Association* is included as part of the responses below:

How is message content and text regulated on an electronic sign? Sign content, at the broadest level, is protected by the First Amendment to the Constitution as freedom of speech. Commercial speech is regulated differently than non-commercial speech though, and therefore

the content must represent a lawful activity to be considered constitutional. However, there are many ways in which municipalities may regulate signage, other than content regulation. In the late nineteenth century, it was debated whether or not municipalities were able to regulate the size and setbacks of signage, as those were considered to be aesthetic considerations. That was quickly overturned, as many zoning regulations involve aesthetic or visual impacts such as height and lot coverage. Courts today hold that police powers can be used to uphold these types of regulations, given that the ultimate purpose is to promote a healthy and balanced community. Specifically, economic development and tourism are often cited as goals of aesthetic related considerations.

At the local level, the City of Prescott's Land Development Code Section 6.12, Signs, is used to regulate signage within the city boundaries. The LDC currently prohibits off-premise signage. Off-premise signage is any sign used to identify a business, service, or product that is conducted, sold, or offered, but that is *not located on that premises*. Given this definition, and that political signs *are allowed* on private property, it would be permissible for electronic signage to be used to promote political candidacy. In the same frame of reference, it would be allowable for a business to use their sign to offer a congratulatory note to a local sport's team, as long as no advertising of an off-site nature was intended.

Are there traffic concerns related to electronic signage? The majority of all accidents and crashes involve driver distraction, also known as driver inattention. Since advertising signage, in general is intended to attract attention, it follows that an increase in advertising can lead to increased inattention and thereby crashes.

By their very nature, electronic signs are designed to distract drivers and their passengers more so than traditional signage. Several studies suggest varying amounts of distraction due to electronic signage, dependent on the source of the research. Some research shows significant distraction, but not all distraction has significant safety impacts. In these studies, video and scrolling transition methods are the most distracting. Signs that carry messages delivered through multiple displays are generally more distracting because they induce drivers to watch the sign for a longer period of time than it takes to read a single message. Flashing messages are distracting because they are more difficult to comprehend and so take more attention away from the driver. Static signs with transition times controlled within an allowable range create less distraction than the previous sign types.

Sign size is not specifically quantified in determining driver distraction; however an effort should be made to make the sign large enough to provide a clear message readable within a short time but small enough not to dominate the scenery with an overly conspicuous sign which distracts needlessly.

UDC RECOMMENDATION: Sign regulation affects both public safety and aesthetic values, and any changes must take into account the policy preferences of that community. That being said, the intent of the proposed amendment is to maintain relevance given the emerging

technological capabilities and to offer businesses the advantage of electronic signage, without compromising the safety of the residents and the character of the City.

At their June 27th meeting the UDC recommended the following definitions and standards as amendments to the Land Development Code:

Sign, Changeable Copy: A sign that is capable of regular and routine change of copy, which may be other than the name of the business advertised. There are two types of changeable copy signage permitted:

1. *Manual:* utilizes a manual means of changing copy. May or may not be internally illuminated. Also referred to as a reader board or marquee.
2. *Electronic:* Utilizes an electronic means of changing copy, either remotely or by automatic means. These signs include, but are not limited to, displays using incandescent lamps, LEDs, LCDs, or a flipper matrix. Also referred to as electronic message centers and electronic message boards.

Changeable copy signage is subject to the following development standards:

1. Changeable copy signs are permitted up to a maximum of 50 square feet and shall encompass no more than 50% of the allowable freestanding sign area.
2. Minimum time interval between copy changes is 30 seconds.
3. Transition methods are limited to static message replacement.
4. Allowable brightness is 0.3 foot candles above ambient light conditions. An automatic dimming sensor is required to appropriately adjust brightness.

SUGGESTED MOTION: Move to recommend approval of LDC12-002, an amendment to Sections 6.12 and 11.2 of the Land Development Code, related to changeable copy signage.