



**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, January 12, 2006 - 9:00 AM*  
*City Council Chambers*

**I. CALL TO ORDER**

Chairman Rosa called the meeting to order at 9:00 AM.

**II. ATTENDANCE**

**MEMBERS PRESENT:**

Richard Rosa, Chairman  
Don Michelman, Vice Chairman  
Joe Gardner  
Tom Menser  
Seymour Petrovsky  
Len Scamardo

**MEMBERS ABSENT:**

George Wiant

**OTHERS PRESENT:**

George Worley, Asst. Community Development Director  
Tom Lloyd, Chief Assistant City Attorney  
Mike Bacon, Community Planner  
Dick Mastin, Development Services Mgr.  
Kathy Dudek, Recording Secretary  
Jim Lamerson, Councilman & Liaison  
Bob Luzius, Councilman

**III. REGULAR/ACTION ITEMS**

(May be voted on contingent upon any related public hearing item below also being acted on unless otherwise noted).

**1. Elect Chairman and Vice-Chairman** for calendar year 2006.

Mr. Scamardo, **MOTION: to elect Mr. Michelman Chairman** of the Planning & Zoning Commission for the calendar year 2006. Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

Mr. Scamardo, **MOTION: to elect Mr. Gardner Vice-Chairman** of the Planning & Zoning Commission for the calendar year 2006. Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

Mr. Michelman, newly-elected chairman, accepted the gavel from out-going Chairman Rosa and thanked him for his year of service as chairman.

**2. Approve the minutes** of the 12/29/05 meeting.

Mr. Petrovsky, **MOTION: to approve the minutes** of the December 29, 2005 meeting. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

**3. SP05-003, Canyon Meadows at Prescott Lakes.** APNs: 106-18-063D, 106-18-063G, 106-18-065E, and 106-18-066D and totaling ± 9.20 acres. Request preliminary plat

approval for 27 lots. Zoning is Single-Family 12 (SF-12). Applicant/Agent is Lyon Engineering. Owner is Canyon Meadows at Prescott Lakes. Community Planner is Michael Bacon. *(Continued from December 29, 2005).*

Mr. Bacon reviewed the staff report and indicated a call has been received from the adjacent neighbor to the west who is in support of the project. Commission's concern regarding the issue of parking has been resolved. The "no parking" situation has been eliminated and parking will be permitted along one side of the road leading up to each of the cul-de-sacs. Staff is recommending approval of this project.

Commissioners concerns included:

- parking in regard to code;
- the lack of plot plan showing how the units will be placed, the setbacks, the parking;
- the disparity between parking space in front of single-family homes and duplexes or townhomes.

Commissioner Rosa, **MOTION: to recommend approval of Preliminary Plat SP04-003**, Canyon Meadows Estates dated 1/4/06 at Prescott Lakes with the following condition of approval: 1. Comply with Agency comments within this Staff Report dated January 9, 2006. Commissioner Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

#### IV. PUBLIC HEARING ITEMS

(May be voted on January 12, 2006 unless otherwise noted).

4. **RZ05-012, Meadowridge**, located near Meadowridge and Iron Springs Road. APN: 115 06-132A and totaling ± 2.23 acres. Request zoning change from Multi-Family Medium (MF M) to Business General (BG). Owner is David Parker. Applicant/Agent is Michael Haywood Associates. Assistant Community Development Director is George Worley.

Mr. Worley reviewed the staff report and indicated at the last meeting most of the conversation occurred in relation to the possibility of omitting unwanted uses. Mr. Worley reviewed the procedure that is followed when a Development Agreement is entered into.

Ms. Carla Renak, 1999 Meadowridge Road, spokesperson for the neighborhood, referenced the following:

- there has been a 30-day window for the developer to address the homeowners' requested 14 uses to be omitted; however, the developer has not made any contact;
- the zoning surrounding this proposal;
- Mr. Love's not wanting intense usages directly next to his property via his formal letter of protest;
- the problems Prescott Live had posed to the neighborhood;
- Commissioners asking for details to be worked out between this meeting and the last meeting in December; and,
- leaving the Multi-Family Medium (MF-M) zoning.

Mr. David Parker, 716 N. Montezuma Street, Suite C, owner/developer responded with the following:

- the inclusion of the Love's property and the exclusion of the Byerly's property in this request;

- the views expressed by some do not reflect all of Prescott, i.e., residents in both Forest Trails and Williamson Valley; and,
- the desire he has to develop a “quality project.”

Chairman Michelman asked Mr. Parker if he would be willing to work out a Development Agreement (DA) to limit certain types of occupancies. (Mr. Parker: Certainly. . . within reason.”)

Commissioners queried and remarked about:

- why a meeting between Mr. Parker and the neighborhood representatives did not take place;
- Mr. Parker’s being agreeable to enter into a DA before it goes to Council;
- if the project will be coming before staff and Commission for scrutiny for a formal Site Plan Review;
- if, after Council approves a zoning change, a DA can still be entered into if the owner agrees;
- clarification of Commission’s or Council’s requiring a DA other than as a condition of zoning;
- the existence of over 200 homes in the area and the numerous petitions in opposition;
- the actuality of the neighbors having basically four real concerns because in approximately 10 uses, the businesses couldn’t afford the rent, i.e., tattoo parlors, convenience stores, etc.;
- the possibility of a tattoo parlor going into Mr. Parker’s Industrial Transition (IT) zoned property; and,
- suggesting a DA or formal site plan review being made a condition by City Council.

Mr. Parker stated that he could limit the uses [by the occupants] in his CC&Rs. He reiterated that he is willing to work on a DA.

Chief Assistant City Attorney Lloyd clarified the legal ramifications of CC&Rs.

Mr. Carl Brown, 1331 Meadowridge and 1260 Los Arcos, adjacent property owner, had three points to offer:

- the lack of action to Commission’s request that the developer, staff and neighborhood needed to take prior to today’s hearing;
- the major concerns that Mr. Love has expressed; and,
- the issue that surfaced in previous discussion of Mr. Parker’s selling the pieces of the development with the result of the “owner/lessors” changing the property however they want.

Mr. Worley explained the General Plan in regard to this proposal. Requests for rezoning must conform to and further the land use as designated in the General Plan.

Mr. Jim Lamerson, 955 Angelita, speaking as both a citizen and councilman, indicated that open dialogue between Council and Commission is integral Prescott’s land use and future planning. He spoke to Council’s developing goals and objectives that go hand-in-hand with the General Plan. One of the issues is the depletion of property out of the inventory in Prescott that goes unchallenged for multi-family. Multi-family offers the opportunity to provide workforce housing in a capacity that is unchallenged. Mr. Lamerson has trouble, as a councilman and individual in Prescott, changing the zoning that people have become dependent on in Prescott without a compelling reason to do so.

Ms. Renak, in summation, offered:

- a law that is put into place, but has no condition of retribution when broken, is no law;
- IT zoning allows for 160 usages, and the 8,008 square-foot building would allow a grocery store in Mr. Parker's adjacent area where it could be placed.

Mr. Parker, stated:

- the meeting between he and the neighbors will take place, and he gives his word;
- the neighbors could have bought this property when it was for sale;
- he desires a vote on this request today.

Mr. Gardner, **MOTION: to approve RZ05-012** with two suggested recommendations to Council: 1) that a formal site plan review be included in the process; and, 2) requiring a formal Development Agreement eliminating some of the uses that the neighbors deem to be offensive. Mr. Scamardo, 2<sup>nd</sup>. **Vote: 5-1** (Petrovsky).

Mr. Petrovsky explained his objection: the high number of objections expressed by the neighbors via petitions and the inability to reach an agreement between Mr. Parker and the neighbors.

#### V. CITY UPDATES

None

#### VI. SUMMARY OF CURRENT OR RECENT EVENTS

None

#### VII. ADJOURNMENT

Chairman Michelman adjourned the meeting at 10:16 AM.

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Donald Michelman, Chairman