



**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, October 26, 2006 - 9:00 AM*  
*City Council Chambers, Prescott, Arizona*

**I. CALL TO ORDER**

**II. ATTENDANCE**

**MEMBERS PRESENT**

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

**OTHERS PRESENT**

Tom Guice, Community Development Director  
George Worley, Asst. Community Development Director  
Gary Kidd, City Attorney  
Dick Mastin, Development Services Manager  
Ryan Smith, Community Planner  
Bob Bell, Councilman  
Kathy Dudek, Recording Secretary

**MEMBERS ABSENT**

George Wiant

**III. REGULAR/ACTION ITEMS**

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

**1. Approve the minutes** of the 09-14-06 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the September 14, 2006 meeting.  
Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

**2. SP05-019, Boulders Office Park, 1455 Willow Creek Road.** A portion of APN: 116-17-270B and totaling ± 2.6 acres. Request preliminary plat approval for 2 commercial buildings. Owner is First Assembly of God of Prescott. Applicant/Agent is Stan Hitson, Michael Taylor Architects. Community Planner is Ryan Smith. **(Associated with GP05-004, Item #9, and RZ05-013, Item #10).** (May be voted on October 26, 2006).

Mr. Smith reviewed the Staff Report for SP05-019, GP05-004, and RZ05-013 concurrently; and, he indicated that no changes have taken place since the October 12, 2006 meeting. Mr. Smith also indicated that he had one person who came to City Hall and asked to see the revised preliminary plat since the last meeting.

Commissioners queried and commented on:

- the approximate 325 feet from the centerline of Willow Creek Road; and,

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- the width of the General Plan amendment and rezoning from the centerline of Willow Creek Road extending the equivalent of four parcels eastwardly.

Mr. John McCutcheon, 826 Flora Street, stated that as one of the neighbors, he is very much opposed to the rezoning. Considerable opposition from the neighborhood still exists. Mr. McCutcheon also cited General Plan Section 4.4 which includes language that the concerns of the neighborhood would be the primary consideration.

Ms. Sarah Twombly, 1319 Northside Drive, remains opposed to the rezoning and desires to see the area kept as residential.

Ms. Cheryl Guptill, 814 Prescott Heights Drive, stated that it has taken eight months for the site plan as well as many meetings held at Council Chambers. The concerns of the neighborhood include extensive opposition to the concept of business development and she calculates the traffic will dump approximately 900 vehicles on the neighborhood streets.

Mr. Harold Ritchie, 1455 Willow Creek Road, representing the church, questioned and presented his statistics regarding the 40% opposition in the neighborhood. He does not believe that there is 40% opposition; and, he feels in order to establish 40%, 120 people would have to oppose the project. He indicated that the overwhelming percentage of the people who object are not present. Mr. Ritchie presented two pages of his statistics. The statistics were placed on the overhead projector and explained to the Commission by Mr. Ritchie.

Commissioner Petrovsky stated that he has been giving serious thought to the position to take on this item; consequently, after evaluating the evidence presented, the homeowners who are in opposition must be considered.

Commissioner Rosa indicated that he concurs with Mr. Petrovsky. He felt that this is a classic case of "spot zoning." He also stated that this didn't creep into the neighborhood from the south or north and feels this is bad planning.

Commissioner Menser stated he heard every scenario on how this will affect the neighborhood. He feels, whether 22 homes or commercial buildings are placed along Willow Creek Road, it won't make any difference. A developer would have a hard time selling homes along Willow Creek Road; and, medical office buildings are better neighbors. It is his belief that the commercial zoning designation should follow.

Commissioner Scamardo indicated the changes that the developer has made as a result of Commission's recommendations throughout the process. The developer made several compromises and is conforming with the Willow Creek Corridor Overlay which was approved prior to the General Plan. The developer came back adhering to the Commission's requests; and, he feels medical offices with a buffer between the commercial and the neighborhood is good for the area. If the developer came back and requested Neighborhood Oriented Business (NOB) zoning, the uses would be unsuitable.

Commissioner Gardner indicated that the main opposition is the traffic going through the neighborhood now. More projects need to be developed like this where the

traffic cannot go through the neighborhood. Single family residences along one of the busiest roads in town would be very hard to sell. He indicated he would rather live next to a medical office building than next to apartment buildings.

Chairman Michelman indicated the process took longer but that's because Commissioners were looking at the many components as well as requested revisions to the project. Neighbors may be concerned with a 2-story building next to them; however, there is a chance that when developing the adjacent single-family residences, 2-story buildings will be constructed.

Mr. Menser, **MOTION: to approve GP05-004** as presented. Mr. Scamardo, 2<sup>nd</sup>. **Vote: 4-2** (Petrovsky, Rosa).

Mr. Menser, **MOTION: to approve RZ05-013** as presented with stipulations: 1) that the rezoning be in general conformance to the preliminary plat, SP05-019; and, 2) that rezoning Single-Family 9 (SF-9) to Neighborhood Oriented Business shall occur to a depth of 4 adjacent parcels. Mr. Scamardo, 2<sup>nd</sup>. **Vote: 4-2** (Petrovsky, Rosa).

Mr. Menser, **MOTION: to approve SP05-019** as presented with no further stipulations. Mr. Scamardo, 2<sup>nd</sup>. **Vote: 4-2** (Petrovsky, Rosa).

3. **SP06-008, Arbor Place Condominiums, 905 Gail Gardner Way.** APN: 115-08-071G, 115-08-034C, 115-08-034D and totaling ± 1.22 acres. Zoning is Neighborhood Oriented Business (NOB). Request preliminary plat approval for a 20-unit condominium complex. Owner is B & R Commercial Group, LLC. Applicant/Agent is Brian Wirick. Community Planner is Steve Gaber. **(Associated with RZ06-005, Item #6).** (May be voted on October 26, 2006).

Mr. Worley reviewed the staff report for SP06-008 concurrently with RZ06-005 and indicated:

- the rezoning request is from Neighborhood Oriented Business (NOB) to Multi-Family-High (MF-H);
- the applicant proposes a 20-unit condominium project as shown on the preliminary site plan;
- the project meets all Code requirements; and,
- staff is supporting this request.

Commissioners queried and remarked on:

- the access; and,
- public comments or opposition [Mr. Worley: none received].

Mr. Rosa, **MOTION: to approve RZ06-005.** Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

Mr. Rosa, **MOTION: to approve SP06-008.** Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

4. **SP06-010 Centerpointe South.** Location is south of Hwy. 89A and east of Hwy. 89. APN: 106-01-003S and totaling ± 109.81 acres. Request preliminary plat approval for 7 commercial tracts and 27 residential lots. Owner is James Family Trust. Applicant/agent is Ty Myers, Centerpointe South Development, LLC. Community Planner is Steve Gaber. **(Associated with GP06-002, Item #7, and RZ06-009,**

**Item #8).** (May be voted on October 26, 2006).

Mr. Worley reviewed the staff report for SP06-010, GP06-002 and RZ06-009 concurrently and indicated:

- this project is associated with Centerpointe West and Centerpointe East which appeared before Commission several months ago;
- the rezoning is a follow up to the annexation and the property's zoning coming into the City at the time of the annexation;
- the request is for a General Plan amendment to allow a modification of the part as specified in the introductory paragraph of Item #6, GP06-002 of the staff report;
- a Traffic Impact Analysis (TIA) has been identified as an issue, and the study is underway;
- the access at Hwy. 89 needs to be worked out more thoroughly; and,
- the public hearing will need to be continued to the November 30 meeting when completion of the TIA and any resultant plat modifications are made.

Mr. Ty Myers, 3603 Crossings Drive, applicant, indicated he is present to answer any questions the Commission may have.

Commissioners queried and commented on:

- according to the TIA, the east-west road will include multiple lanes [Mr. Mastin: That's correct].

Mr. Petrovsky, **MOTION: to continue** the three associated items, SP06-010, GP06-002 and RZ06-009, to the November 30, 2006 meeting at 9:00 a.m. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

- 5. SP06-009, Prescott Executive Airpark.** Located on the north side of Prescott Municipal Airport and within the Airport Noise Overlay District. APNs: 102-02-002, 102-02-003, and 102-02-001E and totaling ± 68.83 acres. Request preliminary plat approval for a Commercial/Industrial center having an aeronautical focus. Owner is Prescott Airport Development. Applicant/Agent is CVID Investment, LLC. Community Planner is Ryan Smith. (**Associated with Item #13, RZ06-008.**) (May be voted on November 9, 2006).

Mr. Smith reviewed the staff report for both SP06-009 and RZ06-008 concurrently and indicated:

- the parcels are located on the northern portion of Prescott Airport;
- the 25 acres that are currently zoned Rural Estate-2 acre (RE-2ac) are requesting a zoning change to Industrial Light (IL);
- the applicant is requesting approval of a 57-lot subdivision that includes an additional parcel that is already zoned IL;
- the project will have an aeronautical emphasis due to its proximity to the airport;
- the applicant will be required to do a drainage study as part of the final plat process;
- both the Airport Specific Area Plan (ASAP) and the General Plan (GP) indicate that residential uses are not recommended because of the airport and noise;
- the Traffic Impact Analysis (TIA) needs to be completed before it can be voted on; and,

- if the TIA is not completed by the next meeting, staff will request a continuance.

Commissioners queried and commented on:

- who will own the taxiway;
- if CC&Rs will be made;
- a barrier will be placed on the taxiway until building is completed; and,
- future improvements, if any, that are planned for Ruger Road.

Mr. Ty Myers, 3603 Crossings Drive, applicant, indicated that all fees will go to the airport; and, it is expected that the fuel sales will increase.

*The public hearing for this item will continue at the November 9, 2006 meeting at 9:00 a.m.*

#### IV. PUBLIC HEARING ITEMS

*(May be voted on October 26, 2006 unless otherwise noted)*

- 6. RZ06-005, Arbor Place Condominiums, 905 Gail Gardner Way.** APN: 115-08-071G, 115-08-034C, 115-08-034D and totaling ± 1.22 acres. Request rezoning from Neighborhood Oriented Business (NOB) to Multi-Family Medium (MF-M). Owner is B & R Commercial Group, LLC. Applicant/Agent is Brian Wirick. Community Planner is Steve Gaber. **(Associated with SP06-008, Item #3).** *(May be voted on October 26, 2006).*

*Refer to Item # 3.*

- 7. GP06-002, Centerpointe South at Hwy. 89.** Located 0.5 miles south of Hwy. 89A and east of Hwy. 89. APN: 106-01-003S and totaling ± 109.81 acres. Request General Plan Amendment to the Land Use Map to change existing designations of Commercial Employment, Commercial Recreational and Recreational Open Space to Mixed Use. To amend the Airport Specific Area Land Use Map to change the existing designations of Commercial and Recreational Use to Commercial and Residential Use and to remove the reference to density uses for the Deepwell Ranch at 1 unit per 5 acres. Owner is James Family Trust. Applicant/agent is Ty Myers, Centerpointe South Development, LLC. Community Planner is Steve Gaber. **(Associated with SP06-010, Item #4, and GP06-002, Item #8).** *(May be voted on October 26, 2006).*

*Refer to Item # 4. (Continued to 11-30-06 at 9 a.m.)*

- 8. RZ06-009, Centerpointe South at Hwy. 89.** Located south of Hwy. 89A and east of Hwy. 89. APN: 106-01-003S and totaling ± 109.81 acres. Request rezoning from Single-Family 18 (SF-18) to Rural Estate 2-acre (RE-2) minimum ± 56.20 acres; and, from Single-Family 18 (SF-18) to Business Regional (BR) ± 39.15 acres. (Excluded is the right-of-way calculation of ± 14.56 acres). Owner is James Family Trust. Applicant/agent is Ty Myers, Centerpointe South Development, LLC. Community Planner is Steve Gaber. **(Associated with SP06-010, Item #4, and GP06-002, Item #7).** *(May be voted on October 26, 2006).*

*Refer to Item # 4. (Continued to 11-30-06 at 9 a.m.)*

9. **GP05-004, Boulders Office Park, 1455 Willow Creek Road.** A portion of APN: 116-17-270B and totaling ± 2.6 acres. Request General Plan Amendment from Single-Family Low-Medium Density to Commercial. Owner is First Assembly of God of Prescott. Applicant/Agent is Stan Hitson, Michael Taylor Architects. Community Planner is Ryan Smith. **Associated with Item #2, SP05-019, and Item #10, RZ05-013.** (May be voted on October 26, 2006).

*Refer to Item # 2.*

10. **RZ05-013, Boulders Office Park, 1455 Willow Creek Road.** A portion of APN: 116-17-270B and totaling ± 2.6 acres. Zoning is Single-Family 9 (SF-9). Request rezoning extending to a depth of 4 of the adjacent lots, or approximately 325', from the centerline of Willow Creek Road in an easterly direction from Single Family 9 (SF-9) zoning district to Neighborhood Oriented Business (NOB) zoning district for a commercial office park. Owner is First Assembly of God of Prescott. Applicant/Agent is Stan Hitson, Michael Taylor Architects. Community Planner is Ryan Smith. (May be voted on October 26, 2006). **(Associated with Item #2, SP05-019 and Item #9, GP05-004).**

*Refer to Item # 2.*

11. **GP06-001, 2069 Willow Creek Road.** APN: 116-15-011A and totaling ± 0.26 acres. Request General Plan Amendment from Low-Medium Residential to Commercial. Owners/applicants are William & Kathleen Hepburn. Community Planner is Steve Gaber. **(Associated with Item #12, RZ06-006).** (May be voted on October 26, 2006).

Mr. Worley reviewed the staff report and indicated:

- this request was discussed at the previous meeting on October 12, 2006;
- today is the public hearing for the rezoning request;
- the rezoning is part of the Willow Creek Corridor Overlay plan;
- the request is for a change from low-medium residential to commercial;
- two concerns are the terrain differences and the existing structure to the south; and,
- staff is recommending approval.

Commissioners queried and remarked on:

- the primary access on Willow Creek Road;
- the condition of Pulliam Drive to the east of the project;
- parking spaces at lots # 7, 8 and 9.

Chairman Michelman asked if anyone from the public would like to comment.  
[None].

Mr. Menser, **MOTION: to approve GP06-001**, General Plan Land Use Map to replace the “residential” section with “mixed use” designation. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

Mr. Menser, **MOTION: to approve RZ06-001**, to change the zoning from Single Family 9 (SF-9) zoning district to Residential Office (RO) zoning district. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0.**

12. **RZ06-006, 2069 Willow Creek Road.** APN: 116-15-011A and totaling ± 0.26 acres. Request zoning change from Single-Family 9 (SF-9) to Residential Office (RO). Owners/applicants are William & Kathleen Hepburn. Community Planner is Steve Gaber. **(Associated with Item #11, GP06-001).** *(May be voted on October 26, 2006).*

*Refer to Item # 11.*

13. **RZ06-008, Prescott Executive Airpark.** Located on the north side of Prescott Municipal Airport and within the Airport Noise Overlay District. APNs: 102-02-002, 102-02-003, and totaling ± 25.75 acres. Request to rezone from Rural Estate 2-acre (RE-2ac) to Industrial Light (IL) Zoning. Owner is Prescott Airport Development. Applicant/Agent is CVID Investment, LLC. Community Planner is Ryan Smith. **(Associated with Item #5, SP06-009.)** *(May be voted on November 9, 2006).*

*Refer to Item # 5.*

#### **V. CITY UPDATES**

None.

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

None.

#### **VII. ADJOURNMENT**

Chairman Michelman adjourned the meeting at 10:10 AM.

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Don Michelman, Chairman