



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting/Public Hearing
Thursday, May 31, 2007 - 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
George Wiant

OTHERS PRESENT:

George Worley, Assistant Community
Development Director
Gary Kidd, City Attorney
Mike Bacon, Community Planner
Steve Gaber, Community Planner
Jim Lamerson, Council Liaison
Kathy Dudek, Recording Secretary

MEMBER(S) ABSENT:

Len Scamardo

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 4-12-07 meeting.

Mr. Rosa, **MOTION:** to approve the minutes of the April 12, 2007. Mr. Petrovsky, 2nd.

Vote: 6-0.

2. ANX07-001, 1855 Hillsdale & Tarra Avenue (Willow Lake Subdivision). APN: 106-16-004C and totaling ±0.39 acre. Request annexation into the City. Owner is Southern Cross Mission LLC/Vic Pomel. Applicant/agent is Michael Haywood & Associates. Community Planner is Steve Gaber.

Mr. Gaber reviewed the staff report and indicated:

- the proposed annexation zoning request is for a commercial center;
- the City annexed an adjacent property in 1998;
- Mr. Pomel acquired the additional parcel that is proposed for annexation;
- the preliminary plat will come before Commission after the annexation;
- the County zoning exists at C1-3 with Business General (BG) being requested for when the parcel is annexed into the City of Prescott; and,
- staff is recommending the BG zoning.

Commissioners queried and remarked on:

- the process of annexation into the City;
- de-annexation of property to the County [Mr. Gaber: there is no process to de-annex];

- a cell tower nearby that was approved by Planning & Zoning and then City Council; and,
- access to parking.

Mr. Rosa, **MOTION: to approve** that the .44 acres associated with ANX07-001 be zoned Business General (BG). Mr. Petrovsky, 2nd. **Vote: 6-0.**

IV. PUBLIC HEARING ITEMS

(May be voted on June 7, 2007 unless otherwise noted)

- 3. SUP07-001, 6100 Wilkinson Drive.** APN: 102-03-007J and totaling ± 3.31 acres. Zoning is Industrial Light (IL). Request special use permit for a 57' monopole, cell site, and equipment shelter/compound. Owner is Davidson Supply Company. Applicant/agent is Danielle Waechter, RLS Land Sources, and T-Mobile. Community Planner is Steve Gaber (928) 777-1206. *(May be voted on June 7, 2007)*

Mr. Gaber reviewed the staff report and indicated:

- the request is for a cell site at the Davidson Supply Company location;
- there is an existing 57-foot pole which has three carriers: Qwest, Sprint and AT&T/Cingular;
- the existing cell site is of limited height and has no room for collocation by other cell companies;
- T-Mobile wants to construct a second monopole to be 57-feet in height and located 42-feet to the northeast of the existing monopole;
- the proposal meets the criteria of the *LDC*, and staff deems it an appropriate request;
- both airport management and the FAA indicate that the monopole needs to have a red light installed for air traffic purposes;
- while there is a cell site plan, the City does not have any designated sites in the vicinity;
- both the airport and golf course are exploring sites within those properties for future requests;
- City Council has the authority to permit monopoles in excess of permitted height, i.e., Council could approve the requested site at a 50-foot height.

Commissioners queried and commented on:

- does an overall plan exist for cell site locations [Mr. Gaber: staff is trying to find a balance between large and small structures; however, smaller structures are more efficient in terms of technology developments today than many large towers in the past;
- the airport site has been deemed inappropriate because of the nearness to the runway;
- a definition for "apparent" wireless [Mr. Gaber: fake trees, under rocks, etc.]; and,
- why erect a 57' high monopole [Mr. Gaber: two carriers could collocate on the upper locations and a marginal, third lower position might be viable.

Chairman Michelman asked if anyone from the public wished to speak. No one came forward. The vote on this item is scheduled for the next public hearing on June 7, 2007 at 9:00 AM.

No action taken.

- 4. SUP07-002, 202 S. Montezuma Street.** APN: 109-02-046A and totaling ± 0.25 acre. Zoning is Downtown Business District (DTB). Request special use permit for a maximum building height of 55 feet located at the corner of Montezuma Street and Goodwin Street. Owner is Helen R. Finnell Estate. Applicant/agent is Barclay Smith Architects. Community Planner is Mike Bacon (928) 777-1360. *(May be voted on June 7, 2007)*

Mr. Bacon reviewed the staff report and indicated:

- the proposed request is to allow a 55' building height where 50' is permitted;
- City Council previously approved an overall height increase to 68' for the parking garage on Granite Street for the elevator shaft;
- the height increase will occur at the rear of the building adjoining the alley where the grade is lower;
- the front height, on Montezuma Street, will be 38';
- the building materials will be of brick, glass and stone;
- overall, there will be 12 condominiums of approximately 1950 SF each on the second, third and fourth floors;
- three retail shops will be located on the ground floor with the corner shop having an angled entrance;
- parking will occur at ground level; and,
- the proposed project is consistent with the Prescott Historic Plan.

Commissioners queried and remarked on:

- why two Preservation Commissioners voted against the proposed project [Mr. Bacon: one didn't like the glass atrium; he didn't recall the other reason]; and,
- concern with granting one increase and then seeing a proliferation of requests to "stretch" proposed building heights [Mr. Bacon: stated the heights in excess for St. Michael's Hotel, McCormick Place, Summit Bank Building, etc.].

Mr. Bacon proffered that developers can apply for a special use permit for building height if the project is unique and has no significant impact on the surrounding properties. Extenuating circumstances are taken into consideration.

Mr. Gardner stated that this request is for five feet; whereas, under Code the building could go to 100' in height.

Commissioners further inquired and commented on:

- the measurement of the slope from Montezuma Street to the back alley [Mr. Gardner: 6'];
- while two parking spaces are necessary for each unit, there is no provision for guest parking; and,
- the lack of looking old [Mr. Bacon: Historic Preservation guidelines do not want buildings to look "old," rather the building should incorporate compatible elements within the district].

Mr. Brad Christianson, 3260 Blackjack Ridge Road, indicated that the architect was unable to attend today's meeting. The height was added to make the project feasible; consequently, adding the height to the rear of the building where the topography slopes downward is more pleasing and is a better fit for the property.

Commissioners further discussed and remarked on:

- the third floor "step down";
- the personal property of the occupants that may be exposed on balconies [Mr. Christianson: CC&Rs and the homeowners association will control what is placed on the balconies].

Chairman Michelman asked if any members of the public wished to speak and the following came forward:

Mr. David Humphrey, 243 S. Washington, new owner of adjacent property at 206 S. Montezuma, stated he is in favor of the project.

Ms. Dava Hoffman, Dave & Associates, 310 E. Union Street; gave a brief history of the zoning code where 100' building heights were permitted without review by anyone. Only in recent years has the 50' maximum height come into existence. She would like the project to be reviewed by in terms of "looking at the prize," i.e., will the building meet the goals of the community. The project does meet the goals and blends with mass and scale. This project will help revitalize downtown Prescott.

Mr. Menser indicated that each project needs to be looked at for its own merits. He feels this is a good project for the community. Mr. Petrovsky agrees, but has a problem with setting a precedent for higher-than-allowed buildings.

No action taken

5. In Lieu of Parking Fee, *Land Development Code*, Section 4.9. Presentation and discussion of proposed amendment to the *Land Development Code*. George Worley, Assistant Community Development Director. *(May be voted on June 7, 2007)*

Mr. Worley reviewed the staff report and indicated:

- both staff and the Unified Development Code Committee (UDC) have looked at increasing flexibility and options for parking in the Downtown Business District (DTB);
- the UDC looked at an In-Lieu Fee allowance that will permit a business owner who is changing or modifying a building to pay into a fund that will be used by the City to pay for parking elsewhere;
- staff held meetings with the Prescott Downtown Partnership (PDP) and the Chamber of Commerce (COC) to work out a modification to the *Land Development Code (LDC)* Section 4.9.4 and will be amended to address an in-lieu-fee;
- only the DTB will be addressed in the *LDC* amendment;
- the overall perspective includes eliminating parking requirements for the DTB in the *LDC* if an in-lieu fee is provided;
- restaurants, hospitality-related businesses and hotels would be exempt as they are exempt today;
- PDP basically asks for exemptions on the existing square footage in the DTB which mirrors a previous Code requirement;
- the UDC's perspective was not to exempt existing space;
- the PDP, UDC and COC want to keep the *LDC* as easy as possible to keep the historic buildings intact;
- the in-lieu fee gives an additional option when a change of use or expansion of a business in the DTB occurs;
- the maximum of not more than 20 spaces per any one building and the dollar amount of the in-lieu fee will be examined and incorporated by the City Council;
- staff has submitted a recommendation but would also like to look at the broader picture;
- the Prescott Preservation Commission will look at the proposal during the June 8, 2007 meeting; and,
- staff will work with the various entities to make sure that whatever is done will be in the best interests of the DTB district.

Commissioners queried and commented on:

- the reason why the PDP is not happy with the recommendation [Mr. Worley: they would

accept the criteria but would like the amendment broadened to exempt existing buildings];

- what would happen if a change of use or an office were to locate in a building in DTB and wouldn't have the required amount of parking spaces [Mr. Worley: they couldn't do it the way the *LDC* is presently written];
- most of the buildings in the DTB are historic;
- if an owner wanted to demolish a DTB historic building, would that be denied [Mr. Worley: no, an owner could demolish it].

Mr. Menser stated that the proposal gives the tools to remodel or renovate a historic building.

Mr. Gardner would like to see wording problems corrected, i.e., change "uses" to "project" in 3A. What would happen if a building applied for 20 spaces for offices and 20 more spaces for condominiums? He would like to see language, or a clause, that specifies "preservation of buildings and character."

Mr. Adam Rowling, 325 E. Gurley Street, would like to state that he is in favor of the project. His property is outside the DTB boundaries. The DTB is slowly creeping up the hill [on Gurley] and he would like to see the DTB extended to his property. He feels if he is to bear the burden of parking, he should have something that would benefit him.

Mr. Dave Ganci, business owner, 201 S. Montezuma Street, questioned the parking just north of the Salvation Army Store. That area previously was open to the public and business owners. Spaces are now reserved for county employees from 7 AM to 7 PM, Monday through Friday. He stated that the parking lot is always half empty. Also, the Chamber of Commerce has reserved spaces. The spaces along the edge of the Salvation Army Store are also being reserved. All the empty spaces could be used by employees, business owners, and customers.

Mr. Menser indicated 11 spaces were lost this year. He would like answers as to why this has occurred.

Ms. Dava Hoffman, 310 E. Union Street, thanked the Commission, staff and UDC for working on the parking in the DTB. A comprehensive look needs to be taken at the situation. An in-lieu fee is an excellent tool for new construction. The PDP has objections and concerns about why the old ordinance had been changed to exempt only certain types of uses. As the former Planning Director for the City in the early 70s, she has tried to keep up with the changes to the code. In 2003, the *LDC* was adopted and has been continually amended. It is difficult to interpret and Ms. Hoffman doesn't see much that protects the downtown. There are references to [Section] 4.9 being amended and references in Article 11, etc., that all need to be addressed at the same time to provide consistency.

Continuing, Ms. Hoffman indicated that there used to be references to "non-conforming" uses in the old Code which was added only because of off-street parking requirements. Non-conforming status would exempt the parking requirements. An ordinance prior to October 1928 [?] eliminated the parking requirements when a change of use that was legal took place. In 2003, the only exemptions were for hospitality, retail and restaurants.

Ms. Hoffman would ask to defer this matter for a time to allow for the *LDC* to be thoroughly examined and updated at one time. If new proposals for projects occur that would need the in-lieu fee, it would be fine for them to go ahead with construction. Everyone wants to keep downtown a viable place. Without this characteristic, Prescott could be any town in Arizona.

There would be no reason to come to Prescott other than for the nice weather. It is important to bring the residential aspect into the equation.

Commissioners further questioned and commented on:

- everyone has the same intent;
- residential is a good mix in the DTB; and.
- what is the total existing square footage on the upper floors that is available to be developed in the future.

Mrs. Elisabeth Ruffner, 1403 Barranca Drive, indicated she was prepared to give a history lesson but will reserve that for a later time. Prescott Preservation Commission is the first preservation commission in the state as well as the first to adopt a preservation code. The Historic Preservation Code (HPC) does not prohibit demolition of old historic buildings; however, there is a 180-day waiting period to protect buildings from being demolished. The waiting period enables either private citizens or groups to purchase a building that is slated for demolition.

Mr. Dave Maurer, CEO, Prescott Chamber of Commerce (COC), explained the parking lot situation that Mr. Ganci referred to. The Chamber leases 10 spaces and another 20 spaces were leased to the firm that will be constructing the Pierce Building adjacent to the COC. Until the Pierce Building development starts, the spaces go back to day-to-day use.

Mr. Maurer continued stating that the COC met with the PDP; and, representatives of both groups met with the UDC. An in-lieu fee is supported by the COC in the form presented; and, it is hoped that the Planning & Zoning Commission will support the plan as well. The formula for the in-lieu fee is not a part of the proposal because City Council will adopt an ordinance setting forth the formula and the fee structure. The COC came up with a formula that the UDC agreed with.

Mr. Jim Lamerson, 105 N. Cortez, speaking as a business owner, stated that private owners have rights. He urged a slow, thorough consideration on the in-lieu fee especially in light of Prop. 207. Codes will impact his life and the lives of others as well.

Mr. Worley indicated that the City wants to make the changes after careful study and is not in a hurry to push this matter forward. Mr. Worley asked that this item be deferred to a date certain which will establish a checkpoint to bring the findings back before Commission.

Mr. Rosa, **MOTION: to defer** the In Lieu of Parking Fee until the July 26, 2007 meeting at 9:00 AM. Mr. Petrovsky, 2nd. **Vote: 6-0.**

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

The next Planning & Zoning Commission public hearing/voting session will be held on **Thursday, June 7, 2007 at 9:00 AM** in City Council Chambers. (There will be no Planning & Zoning Commission meeting on June 14 due to the Statewide Historic Preservation Conference that will be held in Prescott on that date).

VII. ADJOURNMENT

The meeting was adjourned at 10:35 AM.

Don Michelman, Chairman