



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting/Public Hearing
Thursday, November 8, 2007 - 9:00 AM
City Council Chambers, Prescott, Arizona

I. CALL TO ORDER

Chairman *pro tempore* Gardner called the meeting to order at 9:00 AM.

II. ATTENDANCE

MEMBERS PRESENT

Joe Gardner, Vice Chairman
Tom Menser
Richard Rosa
Seymour Petrovsky
Len Scamardo
George Wiant

OTHERS PRESENT

George Worley, Assistant Community Development Director
Gary Kidd, City Attorney
Dick Mastin, Development Services Manager
Jim Lamerson, Council Liaison
Bob Bell, Councilman
Bob Luzius, Councilman
Kathy Dudek, Commission Recording Secretary

MEMBERS ABSENT

Don Michelman, Chairman

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 10-11-07 meeting.

Mr. Petrovsky, **MOTION: to approve the minutes** of the October 11, 2007 meeting. Mr. Rosa, 2nd. **Vote: 6-0.**

2. **Site Plan for Texas Roadhouse at 3310 Gateway Boulevard.** APN: 103-20-600F and totaling ± 1.01 acres. Zoning is Business Regional (BR). Request site plan approval for new restaurant building. (*Associated with B0709-042*). Owner is Westcor. Applicant/agent is Paul V. Machalek/Greenberg Farrow. Community Planner is Wendell Hardin.

Mr. Worley reviewed the staff report and indicated:

- the proposal is for a restaurant at Gateway Mall adjacent to Cost Plus World Market;
- the building will be located on the upper level and on the wider section of the parcel;
- the review is part of the development agreement process required by both the City and the mall;
- a revision to a dark green roof has been made;
- building plans have been submitted based on staff review;
- lighting, color of the building, roof materials all have met the requirements thus far;
- primary access would be via the existing parking just north of the Sears building; and,

- this item was introduced to the City Council last Tuesday (November 6, 2007) and is on Council's consent agenda on November 13, 2007.

Commissioners remarked on and queried:

- an Arizona flag is not shown and needs to be placed on the roof along with the US flag and the Texas flag;
- the American flag belongs in the center, the Arizona flag and the Texas flag need to be correctly placed;
- very strongly urging City Council to add the Arizona flag;
- the flagpole needs modification to the height;
- the site plan lacking seven required parking spaces [Mr. Worley: there is a cross-parking access throughout the mall];
- the word "Texas" appears to be out of proportion and oversized [Mr. Worley: the flag will be required to meet the mall's signage requirements];
- location and treatment of the dumpster [Mr. Worley: the intent is to have vehicles arrive from south to north, exiting through the parking lot];
- the trash compactor [Mr. Worley: it is required to be enclosed]; and,
- the site plan appears to be "oblique".

The applicant is not present.

Mr. Bob Luzius, 237 S. Arizona Avenue, for the record, wants to make sure that the roof is green on all four sides [Mr. Worley: by the mall's requirement, the roof will be green].

Mr. Petrovsky, **MOTION: to recommend site plan approval** for Texas Roadhouse at Gateway Mall. Mr. Rosa, 2nd. **Vote: 6-0.**

- 3. PP07-006, Granite Creek Village** located behind the Pine Cone Inn on White Spar Road. APN: 107-15-049 & 107-15-049B and totaling ± 14.58 acres. Zoning is Single-Family 9 (SF-9) Planned Area Development (PAD). Request site plan approval for 36 residential lots. Owner is Dunbar Stone Company. Applicant/agent is Phil Wiens for Timber Creek Development/Naus Construction. Community Planner is Steve Gaber.

Chairman pro tempore Gardner indicated that this item will not be voted on today because an area meeting will be held on November 19. The item may be voted on November 29, 2007.

Commissioner Menser recused himself from this item because he lives adjacent to the property. Mr. Menser then left the dais.

Mr. Worley reviewed the staff report and indicated:

- because of concerns of homeowners that adjoin the property, an area meeting will be held on November 19, 2007 at 5:30 PM in Council Chambers;
- the request is for a Planned Area Development (PAD);
- the item is discretionary and Council may or may not grant the PAD status;
- depending on the results of the area meeting, another proposal may come back to Commission;
- the location of the property is in a single-family zoning district;
- the project is located off White Spar Road and has very steep terrain;
- the request is for 36 residential lots that will take access off White Spar Road;
- there is no easy or reasonable secondary access;

- the layout is similar to Timber Creek Villas, but will have detached residences rather than duplexes;
- staff does not have a recommendation at this time; and,
- representatives of the project are here today.

Commissioners queried and remarked on:

- will there be an emergency access through Haisley Homestead [Mr. Worley: understands negotiations are under way];
- lack of buffering between the two designated zonings [Mr. Worley: there will be no separate common ownership. Buffering does not exist between two residential zoning areas. A reduced rear yard setback as a PAD has been proposed]; and,
- relocating "Tract A" road.

Commissioners further queried and discussed:

- the property was looked at a number of years ago and what has been brought up today is still a "bone of contention"; and,
- another problem is the emergency access with ADOT previously not liking where access is proposed to occur on White Spar Road [Mr. Worley: ADOT is okay with the request as long as access occurs at White Spar Road].

Mr. Guy Naus, developer, 114 S. Pleasant Street, indicated:

- the residences will average between 2,000 and 2,300 square feet;
- the floor plans shown are all the larger floor plans;
- a tuck-under garage or two side-loaded garages may be used;
- from a marketing aspect, the units will not have stairs;
- the fronts of the homes will face Haisley to create privacy for the Haisley residents;
- Haisley will look over the top of the proposed roofs; and,
- efforts have been made to preserve existing trees.

Mr. Gardner indicated that the roads should be shifted toward White Spar Road. A cross-section and approximate floor elevation of the Haisley owners would be helpful to see. Mr. Naus stated he will have copies made for Commissioners of the homes in Haisley including the proposed roads.

Mr. Thomas Menser, adjacent property owner, 1120 Deerfield Road, didn't know what was happening with this project because only the Haisley Board of Directors received the information. Mr. Menser indicated:

- the Board did not notify the homeowners who would be affected;
- the property owners are not required to be notified by the City;
- there is no problem with RA-9 [*sic* Single-Family 9 (SF-9)] zoning; however, a problem occurs with the PAD designation.
- under a PAD, impacts could be mitigated in the form of reduced rear setbacks, etc.;
- the basic concern of the adjacent neighbors is that a natural barrier be maintained between the two projects;
- with the way the patio homes have been presented, the setback could be less than 20 feet;
- under a PAD, adjacent neighbors would have the right to ask for mitigation;
- it would take at least 30-feet to incorporate as many trees as possible into the buffer;
- the major storm stream swale cascades down and must be dealt with;
- there is a major wildlife corridor that should be maintained; and,

- a larger buffer on the east side of the property is necessary.

Mr. Gardner would like to see a slight change in the way projects are handled. Existing trees should be shown on the site plan or preliminary plat. Often the trees are not shown until the final platting process. By calling out existing trees on the initial site plan, a better idea of how the buildings fit on the parcel would occur.

Mr. Petrovsky, **MOTION: to continue PP07-006**, Granite Creek Village to the November 29, 2007 meeting at 9:00 AM in City Council Chambers. Mr. Rosa, 2nd. **Vote: 5-0-1** (recused: Menser).

IV. PUBLIC HEARING ITEMS

(May be voted on November 8, 2007 unless otherwise noted).

4. **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 November 29, 2007*).

Mr. Worley reviewed the staff report and indicated:

- the proposal before Commission today has changed since the last time Commission heard this item;
- the proposal will be shown to both the Chamber of Commerce and the Prescott Downtown Partnership in the near future;
- previously, both the Chamber of Commerce and the Prescott Downtown Partnership had proposals that differed;
- a third proposal takes into account that the buildings that were built prior to 1968 were exempt from parking requirements in a previous Code;
- the third proposal will restore rights to properties in the Downtown Business (DTB) zoning district.

Mr. Scamardo, Chairman, Unified Development Code Committee, outlined the various meetings that occurred prior to today's meeting. A consensus of the committee feels that an in-lieu parking fee is appropriate and that Council should determine the in-lieu fee. Also, Council has the right to waive fees if it deems it is appropriate.

Commissioners queried and remarked on:

- the 20 maximum in-lieu parking spaces;
- what are the locations of the second floors that are not being used;
- if the proposed businesses are not hospitality or retail in nature, what are the restrictions [Mr. Worley: the proposal to exempt certain buildings refers to a previous Code, and this proposal is an attempt to preserve buildings];
- what will the in-lieu fee cost [Mr. Worley: the actual fee is being left to City Council to determine, and the fee can offset or provide seed money to acquire parking lots]; and,
- how many buildings were built prior to 1968 [Mr. Worley: approximately 60% - 70%].

Mr. Adam Rowling, 325 E. Gurley Street, stated no consideration has been given to streets outside the DTB, and parking is disappearing there. He would like to change his laundromat to a different use.

Mr. Menser indicated that the boundaries are not cast in stone and that Mr. Rowling should send a letter to the Community Development Director if he wishes to have the DTB area expanded. Mr. Scamardo concurred and noted that an amendment to the *Land Development Code* would be needed.

No action taken.

5. **Guest Quarters, *Land Development Code*, Section 2.3 Use Table and Section 2.5.6 Guest Quarters.** Presentation and discussion of proposed amendment to the *Land Development Code*. George Worley, Assistant Community Development Director. (*May be Voted on November 29, 2007*).

Mr. Worley reviewed the staff report and indicated:

- there is a request for an amendment to the Conditional Use Permit section in the *Land Development Code (LDC)*;
- the request for the change was predicated on a property owner coming in for a very large guest house that had impacts to the neighborhood and would, most likely, adversely impact the property values;
- the request was denied by the Board of Adjustment because of its large size as well as potential impact to the neighborhood;
- the method of attaching a guest house in today's *LDC* could be as simple as a covered walkway;
- the Unified Development Code Committee looked at a number of different approaches in how to handle a conditional use permit:
 - a) making the building size a factor, i.e., 300 square feet or 600 square feet
 - b) the size of the guest house in relation to the size of the primary structure
 - c) 600 square feet being the proposed cutoff size whether attached or detached
 - d) anything over 600 square feet, whether attached or detached, would require noticing to the neighborhood; and,
- a parking requirement in the *LDC* requires one additional parking space.

Dr. Taylor Hicks, 1371 Barranca Drive, indicated his signature was not in a letter sent in opposition to the guest house in his neighborhood because he was out of town. It is important to consider the subdivision requirements which may prohibit this type of housing. The guest house was to be constructed in the Hassayampa Hills subdivision and was requested by an owner who is renting the primary structure. It was known that the owner would like to rent the house.

Mr. Menser noted that when no homeowners association exists, the only recourse is through litigation between neighbors.

Mr. Phillip Briggs, 7509 N. 13th Avenue, living at 1361 Sierra Vista, indicated that there were concerns that the request would not be keeping the character of the neighborhood. He supports the change.

Mr. Larry Finley, 1366 Sierra Vista, lives across the street from the referenced guest house request. He stated that the owner of the proposed guest house has several little homes in the

area. The property did not lend itself to the extremely large guest house. He supports both Dr. Hicks and Mr. Briggs and wants the City to stop this [large guest houses] from happening.

No action taken.

V. CITY UPDATES

Mr. Worley informed Commissioners that the annexation approval for Granite Dells Estates I & II was denied by City Council.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman *pro tempore* Gardner adjourned the meeting at 10:37 AM.

Don Michelman, Chairman