



**MINUTES**  
**PLANNING & ZONING COMMISSION**  
*Regular Meeting/Public Hearing*  
*Thursday, March 27, 2008 - 9:00 AM*  
**City Council Chambers, Prescott, Arizona**

**I. CALL TO ORDER**

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

**II. ATTENDANCE**

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| <b>MEMBERS PRESENT</b><br>Joe Gardner, Chairman<br>Tom Menser, Vice Chairman<br>Don Michelman<br>Seymour Petrovsky<br>Dick Rosa<br>Len Scamardo | <b>OTHERS PRESENT</b><br>George Worley, Assistant Community Development Director<br>Gary Kidd, City Attorney<br>Ted Galde, Fire Marshal<br>Dick Mastin, Development Services Manager<br>Steve Gaber, Community Planner<br>Ryan Smith, Community Planner<br>Kathy Dudek, Recording Secretary<br>Kelly Sammeli, Transcribing Secretary |
| <b>MEMBERS ABSENT</b><br>George Wiant   | <b>COUNCIL MEMBERS PRESENT</b><br>Jim Lamerson, Council Liaison<br>Bob Luzius  |

**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 February, 28 2008 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the February 28, 2008 meeting.  
Mr. Michelman, 2nd. **Vote: 5-0-1.** (*Abstention due to absence: Len Scamardo*).

- 2. PP07-006, Granite Creek Village, Revised Plan** (located along the east side of White Spar Road, east of the Pine Cone Inn). APNs: 107-15-049 and 049B and totaling ± 14.58 acres. Zoning is Single-Family 9 (SF-9). Request preliminary plat approval for 43-lot residential subdivision. Owner is Dunbar Stone Company. Applicants/Agents are Guy Naus and Phil Wiens for Timber Creek Development. Community Planner is Steve Gaber.

*Mr. Menser recused himself due to a conflict of interest and left the dais.*

Mr. Gaber reviewed the request and indicated:

- the request is by Guy Naus and Phil Wiens of Timber Creek Development for pre-

- liminary plat approval of a subdivision to be known as Granite Creek Village;
- the property includes ± 14.58 acres, located off of White Spar Rd, east of the Pine Cone Inn, and east of Granite Creek;
- Commission has reviewed this property previously in November, 2007;
- a neighborhood meeting was held in November, 2007;
- the application has been revised due to the suggestions of the Commission and from the neighborhood meeting;
- the most significant change increases the amount of separation of the existing homes in Haisley and the setback proposed in the plat;
- the separation amount has been increased to 40 feet;
- excavation for driveways and retaining walls will occur in the separation area;
- the overall number of units have increased from 38 homes to 43 homes;
- originally the plan called out a single-family home plan;
- the single family homes would be located in the northern area;
- the southern area will be a townhouse-type product;
- efforts to include the trailer park property into the proposed project have been abandoned at this time;
- approximately 6.42 acres or 44% of the property will be built out;
- approximately 40% of the property will be common, open space area;
- the single family lots will range in size from 7000 square feet to 8000 square feet;
- the zoning for this property is Single-Family 9 (SF-9);
- the proposed project has steep slopes exceeding 20%;
- with the open space that is being set aside, the project does meet the requirements of the hillside development standards;
- the property also includes a significant area of Granite Creek that is in a 100-year flood plain that is undevelopable;
- the flood plain area is included in the open space;
- streets are proposed to be private and designed to meet City standards of 28 feet pavement width;
- the Fire Department has noted that the hammerheads, as proposed at both the northerly area and at the southerly area, have to be widened to provide the full 28 feet of pavement, and the detail will be worked out between the preliminary plat and the final plat along with a number of additional engineering design issues;
- the crossing at Granite Creek will require either a bridge or a box-type culvert meeting the 100-year flood requirements;
- the access from Hwy. 89 is an ADOT area of control;
- ADOT has reviewed the plan and requires that White Spar Road be widened along the easterly side of the development, creating an additional pavement width of 8 feet that will not provide a full transition lane but will make it safer for ingress and egress;
- a full turning lane is not being required due to the size of the development and the fact that there is not a direct or full use between this property and an adjoining property;
- Joseph Street touches the project and ends at rock outcropping that leaves no appropriate way to make a cross connection between Joseph Street and the development;
- in an early review of the project, both water pressure and volume issues exist in the southwest area of the property;
- capital projects will occur overall in the southwest area;
- off site improvements will be needed;
- a connection between the lines further south of this property into the lines that serve Haisley will loop that system and create some improvement;

- sewer service will tie in with the line that is currently within the Granite Creek drainage that lies immediately west of this property;
- a neighborhood meeting occurred on March 26, 2008 and 20-25 neighbors attended;
- Haisley Homestead neighbors have enjoyed this vacant piece of property as a back yard area for years and hate to see it in development;
- Haisley Homestead acknowledges that it is private property and knew that some day it would be developed;
- there was mixed discussion about the cluster-type development with discussion of what the product will look like within the development, the finish materials for the buildings, roof treatments, etc.;
- homes will sit lower than homes located in Haisley Homestead and Haisley homeowners will be overlooking roof tops;
- there is potential for an emergency access road for fire access connecting to an existing easement through the Haisley neighborhood that serves as an access road to the City water pumping station;
- the Fire Department is recommending that the emergency access lane be created to connect the development to Haisley to allow either westerly or easterly access in the event of a catastrophic event;
- the development can proceed without the emergency access road, however, all units will have to be sprinkled;
- even with an emergency access lane, some units will have to have sprinklers installed;
- additional staff and departmental comments will need to be addressed between preliminary plat approval and final plat approval;
- staff is recommending that the preliminary plat be approved;

Commissioners queried and remarked on:

- if the Fire Department is finding the long cul-de-sac acceptable because of the Sprinklers [Fire Marshal Galde: yes, if secondary access is not provided then about 19 houses will have to be sprinkled anyway due to the distance off of the roadway];
- streets to meet City standards to include sidewalks, rolled curbs and gutters, however, hammerheads will not have sidewalks or rolled curbs; [Fire Marshal Galde: asking for street continuation up into both parts of the hammerhead with whatever is intended for this project is acceptable to us.] [Mr. Gaber: the critical issue in relation to that was that the road was reduced at the hammerheads and the full pavement section is required. The ribbon curb is more of an assumption and it would be appropriate to have it.]

Mr. Phil Wiens, 1090 Pine Country Court, stated that:

- it was intended to build the streets to the full specifications of the City and then dedicate them to the City. [Mr. Gaber: since roads would meet full City specifications, it's not an issue. The City would not accept anything that did not meet the requirements. Council has made it clear that if a development comes in with private streets or public streets that they must meet the full width requirement];
- if streets are public then the City maintains them, and, if private, the homeowners association maintains the streets;

Commissioners queried and remarked on:

- vacant open space and looking at having disturbances up to 30% of this sloped area,

who makes sure that the guidelines are being followed [Mr. Gaber: the initial slope analysis for the development by Kelley-Wise has been cross checked both by myself and Kelley-Wise. We have cross checked the sloped percentages and the disturbable areas. When the grading plan comes in for the development, we will be cross checking it with the slope analysis that was part of the review of the preliminary plat] [Mr. Mastin: grading inspectors are there, they have a pre-construction meeting with the contractor and developer on site to go through the plans and check the erosion plans];

- moving the power and utility poles and construction of the bridge being the responsibility of the contractor [Mr. Gaber: yes it is. APS has already been moving the power poles as they had a nearby project already in progress and they have had conversations with us pertaining to this project];
- the trail easement through open space along Granite Creek, and will it follow existing social trails; [Mr. Gaber: yes it will leave a nice area of rock openings on both sides, it will not be as nice as the trail that exists today, however remaining areas will be nice];
- will any improvement be done on the trail by the developer [Mr. Gaber: part of it is on a pathway today that can be easily be maintained];
- on the east property line there is a 10 foot pedestrian easement, what is the intent [Mr. Gaber: matching the 10 foot easement on the Haisley side, then it becomes a 20 foot easement where some pathway activity can occur];
- does the proposal follow the general plan [Mr. Gaber: the general plan calls for residential development at this location];
- providing open space and clustering the housing is generally a good idea;
- having a general concern on how the City reviews projects, that when the final site plan comes in it is the first time Commission sees the trees, rocks, etc.; and, at this stage it is not shown. It would be nice to see the City ask for that information at an earlier date, i.e., the preliminary plat stage [Mr. Gaber: this topic came up at the neighborhood meeting and Mr. Naus did a good job at alerting residents that the site was going to be dramatically different when the development occurs];
- if emergency exit comes into being will it be gated [Mr. Gaber: it could be chained rather than gated, and it is better to have a gate that would be secure];
- in *Land Development Code (LDC)* discussions of the preliminary plat and final plat process needing to be clarified about Commission's reviewing the final plat before the item goes to Council;

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

- trees will remain in place over the five acres of common areas;
- there is a 40-foot buffer between development and Haisley;
- on the sloped or uphill lots, nothing much will remain that is there today;
- downhill lots are building off of stem walls and we will save whatever possible;
- each house in the project will be landscaped to a standard that will look great in twenty years;
- the great thing about a planned area development (PAD) is that you get a lot of open space and a lot of the area remains natural;

Commissioners further queried and remarked on:

- if there will be an emergency access via Haisley Homestead [Mr. Naus: we don't know that, an agreement needs to be worked out with the Haisley HOA and it is being worked on];

Public comments included:

Mr. John Hill, 1190 Deerfield Road stated that he:

- knew that this area would be developed one day;
- appreciates the fact that this project will be of quality construction and design;
- the feelings and ideas of the neighbors of Haisley are being considered;
- the roofing will be a common color so that when you look out over it you don't see a checkerboard effect;
- has a concern with the walk area that was laid out when Haisley was developed. The lot line does not go to the western boundary of the development but there is a 10-foot setback that was a walk area. Will the walkway be maintained, or will there be an additional area added to that;
- what will be done to prevent the erosion of the walkway during the excavation;
- has concerns with the emergency access that goes into private land;
- concerned about the lack of the left turn lane on Hwy 89;

Mr. Tom Menser, 1120 Deerfield Road, speaking as a resident stated that:

- he has lived in proximity to the request for approximately 14 years;
- bark beetles came in and took out 500 mature Ponderosa pines recently;
- he is representing neighbors on both sides of his property;
- he appreciates the fact that the developer went back and redesigned the project and came back with the 40-foot setback with a couple of driveways peeking into it;
- he wanted to place on record that the developer had said that he would do additional landscaping and he did indicate at the neighborhood meeting that the developer would be willing to enhance the landscaping in that 40 foot strip also;
- he wanted to also go on record that the colors were discussed and that the color scheme would be composed of natural colors;
- the developer also indicated that there would be no physical wall between the two properties and would be kept as natural as possible;
- the 10-foot path at Haisley Homestead is used daily by the neighbors and leads into the forest. To see the path increased to 20 feet as long as it's left natural will be an advantage.

Further queries by the Commissioners included:

- what is the reason the path at Haisley homestead property boundary, lots 31B and 32C, doesn't continue. Can it be continued [Mr. Naus: we will look into it].

Mr. Petrovsky, **MOTION: to approve Preliminary Plat PP07-006**, Granite Creek Village subject to all staff and agency comments including the staff report dated March 27, 2008. Mr. Rosa. 2<sup>nd</sup>.

Mr. Michelman indicated he hopes the emergency access can be worked out with both the developer and Haisley Homestead Homeowners Association.

**Vote: 5-0-1 (Recused: Menser).**

3. **RZ07-002, Side Road** (located generally southwest of the intersection of Side Road and Highway 89A). APNs: 103-01-042, 103-01-043, 103-01-040R, 103-01-040Q, 103-01-040K, 103-01-040J, 103-01-039, 103-01-037F, 103-01-037, 103-01-036, 103-01-035, 103-01-037D, 103-01-032A, 103-01-032D, 103-01-032F, and 103-01-032C

and totaling ± 43.37 acres. Request rezoning from Single-Family 9 (SF-9) zoning district to Industrial Light (IL) zoning district. Applicant/agent is Kirby Knoy. Community Planner is Ryan Smith. (May be voted on April 10, 2008 unless otherwise noted)

Mr. Smith reviewed the staff report and indicated:

- the request is to rezone 16 lots on the west side of Side Rd from its current zoning of Single-Family 9 (SF-9) to Industrial Light (IL) zoning district;
- the properties comprise ± 43.37 acres;
- the Centerpointe East subdivision surrounds this property on two sides, to the north and to the west, and is currently under construction;
- the recent Fann annexation runs to the south and, although the property has not been rezoned yet, it was annexed with the intent to rezone it to create a commercial residential area generally to the south;
- the site is located within the airport's one mile approach area;
- no opposition has been received;
- notices have been sent out to area property owners;
- one call in support has been received;
- the applicant is proposing a 10-lot industrial subdivision;
- the subdivision plat process will be followed, infrastructure will be addressed at the appropriate time;
- there is a condition of approval to tie in the rezoning to the site plan presented; and,
- staff is recommending approval.

Commissioners queried and remarked on:

- the word avigation and the meaning of it;  
[Mr. Smith: generally means allowing for aviation activity];
- permitted zoning uses under Industrial Light exclude residential uses with the current residential houses being grandfathered;
- are owners aware of not being able to build houses or making additions to the existing house [Mr. Smith: the applicants have been through the pre-application process and the details were discussed regarding industrial zoning and that it prohibits any additional residential uses. If the rezoning is approved, the current houses will be grandfathered in, but they will not be able to build any more or add on. The two remaining properties that are not part of the rezoning and are zoned SF-9 will be able to expand and build.]
- Side Road is part public road and part easement [Mr. Smith: Side Road is a county road. As part of the final plat process we will have to see something that shows that the applicant has made contact with the County and that any upgrades to Side Road have been approved through the County.]
- is there any feeling as to what the property owners to the east will do [Mr. Smith: there has been some discussion with that property owner coming in with an annexation request. We currently do not have an application; however, if that would happen then Side Road would be annexed into the City and there would be improvements needed there. It is a question of timing between the property to the east and the property owners on Side Road. Whoever develops first would most likely have to develop Side Road and the other would likely have to contribute. There will be a intersection of some type between Side Road and Hwy. 89A];
- the spot islands with residential and they are an area of concern;  
[Mr. Smith: we can't make a property owners rezone];
- there is an application fee to get a rezone, is this the reason why the other property owners are against the rezone;
- looking at 16 properties in relation to the Airport Specific Area Plan (ASAP);

- road improvement from Hwy 89A to the project;
- a fire easement being required on the south end from a previous project that was approved;
- if the fire access issue has been resolved [Mr. Worley: I don't believe that has been resolved, I think that is one thing that will get resolved in development proposals on both sides and how that actually gets paid will depend on a future plat on this property and also the adjacent property];
- if this area gets developed in the future there will be connectivity through it [Mr. Worley: it was required of Centerpointe to go ahead and make that connection point and it was done in a flexible manner];
- the fee for the application [Mr. Smith: the fee is \$1624.00 just for the initial fee and an additional \$20.00 per acre for the rezoning];

Public Comment:

Mr. Bob Luzius, 237 S. Arizona Avenue, stated:

- that he could shed some light of the adjacent property. It is owned by Cavan Land and there is a traffic interchange that is being designed and by the state at ADOT's request. it is going to be moved somewhere between 12 to 1800 feet east of where Side Road intersects Hwy. 89A now. The property owner to the east is donating a certain amount of land to provide for the right-of-way at the interchange at no cost to the City.
- within the ASAP it would most likely be commercial [Mr. Smith: both the property owners of the Side Road rezoning and the property owner to the east are very likely going to be asked to contribute; however, that all is taken care of at the final plat process.] [Mr. Worley: In relation to the contribution to the interchange, when a property plats, it will be subject to any off-site improvement requirements];
- so just changing the zoning isn't going to tie the City Council's hands in future negotiations [Mr. Mastin: there will be some participation between Engineering and the property owners' sides];
- discussions need to take place with the owners and letting them know about the history and what has gone before them.

Mr. Kirby Knoy, applicant, 1046 Spire Drive, Prescott questions whether Side Road is in the county or not; and, all the legals he has reviewed describes easements. Easement work has occurred by the City when they closed the old 89A and opened the access to the new 89A.

Mr. Knoy noted:

- there are four parcels gifted from the Heckethorn Farm;
- the smallest is a cousin, who lives in England, and is holding on to it for sentimental value;
- the other holdout plans to sell when the daughter graduates;
- the holdout near the school has had the place for sale quite a while;
- regarding the contribution for the overpass, the agreement with the City denotes a sales tax sharing agreement with Centerpointe East; and,
- a couple of developers have looked at this and just consider it as a part of development.

Mr. Michelman asked if the property owners developing or selling? [Mr. Knoy: yes to both]

Mr. Smith noted the rezoning fee is non-refundable if rezoning does not occur.

Mr. Knoy also noted that the property owner in the middle section didn't want to rezone it because it would affect his agreement with the lender.

No Action Taken. *(May be voted on at the April 10, 2008 meeting).*

**IV. PUBLIC HEARING ITEMS**

None.

**V. CITY UPDATES**

None.

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

None.

**VII. ADJOURNMENT**

Chairman Joe Gardner adjourned the meeting at 10:22 AM.

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Joseph Gardner, Chairman