



**PLANNING & ZONING COMMISSION
COUNCIL CHAMBERS / CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA**

MINUTES OF THE **PLANNING & ZONING COMMISSION** from the **PUBLIC HEARING** held on **THURSDAY, APRIL 10, 2008**, in **COUNCIL CHAMBERS** in **CITY HALL**, located at **201 S. CORTEZ STREET**.

I. CALL TO ORDER

Chairman *pro tempore*, Tom Menser, called the public hearing to order at 9:00 AM.

II. ATTENDANCE

MEMBERS PRESENT

Tom Menser, Vice Chairman
Don Michelman
Richard Rosa
Seymour Petrovsky
Len Scamardo
George Wait

OTHERS PRESENT

George Worley, Assistant Community Development Director
Gary Kidd, City Attorney
Dick Mastin, Development Services Manager
Steve Gaber, Community Planner
Kathy Dudek, Recording Secretary
Kelly Sammeli, Transcribing Secretary

MEMBERS ABSENT

Joe Gardner, Chairman

COUNCIL MEMBERS PRESENT

Jim Lamerson, Council Liaison
Bob Luzius
Lora Lopas

III. REGULAR ACTION ITEMS

May be voted on contingent upon any related public items below as being acted on unless otherwise noted).

- 1. Approve the minutes** of March 27, 2008 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the March 27, 2008 meeting.
Mr. Michelman, 2nd. **Vote: 6-0.**

- 2. Open Space Plan, 2008 Draft.** Follow-up presentation to respond to questions from the Commission's meeting held on February 28, 2008. City Open Space Acquisition Advisory Committee, Jeff Low and Steve Walker. Community Planner is Steve Gaber.

Mr. Gaber introduced the draft report and indicated:

- the open space committee was established in 2003, and it is an all volunteer committee;
- Mayor Wilson has added new members to the committee;
- it took about a year for the development of this plan;
- the plan was presented to the Commission in February;

- at the February Planning and Zoning meeting there were questions in the area of purchase of development rights and potential for greater incentives to create open space;
- Jeff Low, Co-chairman, committee member Steve Walker, and Councilwomen Lora Lopas were present to address concerns.

Jeff Low, Co-Chairman for Open Space Acquisition Advisory Committee, then indicated:

- after presentation to the Planning and Zoning Commission in February, Section 3.1 will be updated to include a title section and description for Granite Dells above the description for the Granite, and Willow Creek Corridors;
- other key Open Space areas are Glassford Hill and Badger Mountain;
- both purchase of development rights and transferable development credits are designed to ascertain the public's willingness to pay for acquisition of conservation easements under large tracts of open space, particularly the ranches that are over our aquifer;
- the notion is that the County elects to raise public funds to match the City of Prescott, US Department of Agriculture, or others, in securing our vital water resources or grasslands;
- the group has suggested that the purchase of such easements by multiple parties (i.e., Young's Farm) is the only way to raise the funds;
- easements, by themselves, might still represent 50% to 80% of the value of the parcels.

Commissions queried and remarked on:

- whether the State has any involvement with the open space; [Mr. Low: the bigger areas, i.e., Glassford Hill and Badger Mountain, are both State Trust Land areas].

Mr. Bob Luzius, Councilman, 237 S. Arizona Ave., stated that:

- there is grant money available through Growing Smarter which was in force several years ago;
- the City is actively pursuing purchasing Badger "P" Mountain by having that land re-categorized as state land available for conservation;
- the land is already has the conservation status, however, it has to be re-established every five years;
- approximately \$76,000,000 in funds are available for open space; and,
- both Glassford Hill and Badger "P" Mountain would qualify for the money.

Mr. Low stated that: there is a helpful website that helps explain Purchase of Development Rights, Conserving Lands and Preserving the Western Livelihoods and is located at: <http://www.westgov.org/wga/public/pdr.pdf>.

Commissioners further queried:

- is this something that would require multiple entities to be involved [Mr. Low: it could be, this is the difficult part, the City, or someone would have to keep track of it all].

Mr. Low stated that the last request of the Planning and Zoning Commission was to review recommendation #6, the Executive Summary, to create incentives for Open Space Preservation and the OSAC recommends that:

- the committee be involved in reviewing existing Zoning, including PAD, subdivision, hillside and grading and drainage ordinances and any proposed revisions regarding open space preservation;
- incentives might include allowing cluster parcels to be developed; and
- additionally, the committee would like to be involved in the development review process as early as possible for recommendations on open space acquisition.

Commissions further queried and remarked:

- likes to have the concept of incentives if it works out to the advantage of all the parties;
- the City might buy the buffer for open space in developments;
- the committee might investigate some models from different areas of the country to see how they preserve their open space; and,
- the committee has done a great job in developing the report and endorsing it to the City.

Mr. Jim Lamerson, 955 Angelita, stated as a taxpayer he is:

- concerned with the private property owners and the private property developers are synonymous with taking property out of the tax base;
- nothing exists in recommending use fees, liability, fire safety; maintenance of trails, etc.

Ms. Lora Lopas, Councilwoman, 1716 Broken Arrow Dr., stated as the past chair of the Open Space Committee, the committee has discussed things including:

- friends of Open Space Foundation where there is a revolving amount of money to use;
- user fees in certain situations where high maintenance might be a priority;
- Open Space Master Plan is basically just a starting plan that will evolve over time;
- extension of the 1% tax is also being considered;
- maintenance will not be a huge burden on the City, the 1% tax could go for maintenance; and
- the committee may look at a parking fee.

Commissioners further queried and remarked:

- open space should pay its own way;
- this document is a basis to start from and also should be a flowing document and expanded upon as times goes on;
- glad to see a dialog on the maintenance issue since it always seems to be a major point of discussion on every open space parcel that comes up.

Councilman Luzius, further stated that:

- he attends most of the meetings of the Open Space Committee;
- the committee is doing a fine job on looking into the future and planning on what spaces and parcels might be available for open space;
- in the initiative of 2000 maintenance was flawed, and if it does go to an extension, it is quite possible that the provisions may include maintenance;

Commissioners further queried:

- Fire Department regulations that must be taken into consideration;

- if 1% of the tax will be approved for continuation, the public perception better be that the road maintenance be up to par, too, as these go hand in hand.

Mr. Rosa, **MOTION: to endorse the Open Space Plan Draft 2008** as submitted.
Mr. Scamardo, 2nd.

Mr. Michelman asked if this will include information received today? Mr. Low responded we will add a section on maintenance.

Vote: 6-0.

IV. PUBLIC HEARING ITEMS

(May be voted on April 10, 2008 unless otherwise noted).

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 today).*

Mr. Worley reviewed the staff report and indicated:

- the area came before the Commission a few weeks ago;
- the area off of Side Road has been under discussion for potential rezoning since about 2001;
- the area is owned by a number of private property owners;
- two property owners have not agreed to the request to rezone;
- there is a conceptual design for commercial development off of Side Road or a branch road;
- has a connection into Centerpointe East;
- the street layout provides connectivity to hold-out parcels;
- no plat is attached to this rezone;
- prior to any development, all issues would be addressed at time of plat;
- the City has proposed and encouraged owners to take this action;
- staff supports this request;

Commissioners queried:

- what are the plans for the interchange at Highway 89A [Mr. Worley: It is being designed at this time];
- more people involved in the plan, [Mr. Worley: the recent Fann Annexation will be considered];
- the reason for not submitting an application for plat [Mr. Worley: because so many property owners are involved, they felt it was better to get the rezone in place and then proceed with the preliminary plat];
- if there has been any discussion with the hold-out parcel owners.

Kirby Knoy, 2580 Heckathorn Rd. stated that:

- the large owner wants to live in house with his daughters while another house is being built. The second parcel is owned by a member of the Heckethorn family and it is being held for sentimental value;
- the large parcel owner does not want to have to refinance the property if rezoned.

Commissioners further queried:

- what type of preliminary plat will it be, will it be a subdivision type of project where they will have some flexibility; an exception to the subdivision [Mr. Worley: they will follow a process similar to Centerpointe East followed, perhaps a subdivision at plat process];
- who is the owner of Side Road, is it a series of easements [Mr. Worley: we know what is in the City and what is not. What will have to happen is that part of the subdivision plat easements will have to be converted to right of way. There has to be a formal public access and formal subdivision process. There is a short stretch of road that lies within the county and that area will have to be incorporated into any part of the right of way. It will have to be absolutely clear as part of the subdivision plat in order for each of those parcels to show they have frontage along a public street];
- street widths in the area and necessary increase of street width within a Industrial Light zoning (IL).

Mr. Knoy indicated that he has had discussions with the Parks and Rec Department, and they have indicated that they do not need all the railroad right of way now for the Peavine Trail. [Mr. Worley: Of course there are some complications associated with the right of way that was acquired as part of the Rails-to-Trails program and it may take some investigation.

Commissioners further queried and remarked on:

- if staff is satisfied with the continuity [Mr. Worley: staff is recommending it because it is likely to resolve in a development that is very similar to the adjacent development. If at some time in the future the property to the east were to annex into the City, we would anticipate the same zoning as the zoning that is shown for this request. Some form of commercial or light industrial would be anticipated].
- is the property owned by Canavest [Mr. Worley: Cavan].
- has there been discussion with the hold-out owners regarding potential future annexation [Mr. Worley: I understand that there has].

Mr. Scamardo, **MOTION: to approve RZ07-002** to Industrial Light (IL) zoning district for the development of an Industrial Center located generally on the southwest corner of Side Road and Highway 89A with the following conditions: 1) The landowners shall grant an Avigation Easement to the Earnest A. Love Airport allowing for airport navigation and operations within the Airport Influence Area; and, 2) The Preliminary Plat and the Final Plat shall be in general conformance with the conceptual sight plan associated with this application. Mr. Rosa, 2nd. **Vote: 6-0.**

IV. PUBLIC HEARING ITEMS

None.

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman *pro tempore*, Menser adjourned the meeting at 9:50 AM.

Tom Menser, Chairman *pro tempore*