

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
AUGUST 28, 2008
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **August 28, 2008** in the **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET**, Prescott, Arizona.

I. CALL TO ORDER

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

II. ATTENDANCE

<i>Members Present</i>	<i>Others Present</i>
Joe Gardner, Chairman	Tom Guice, Community Development Director
Tom Menser, Vice Chairman	Asst Community Development Director, George Worley
Richard Rosa	Matt Prodack, Sr. Assistant City Attorney
Seymour Petrovsky	Richard Mastin, Development Services Manager
Len Scamardo	Mike Bacon, Community Planner
<i>Members Absent</i>	<i>Council Members Present</i>
Don Michelman	Jim Lamerson, Council Liaison
George Wiant	

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 July 31, 2008 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the July 31, 2008 meeting. Mr. Menser, 2nd. **Vote: 5-0.**

IV. PUBLIC HEARING ITEMS

(May be voted on September 11, 2008 unless otherwise noted.)

2. **GP08-003, 1300 Westridge Drive.** APNs: 115-07-154D, 115-07-155, and a portion of 115-08-019E and totaling ± 0.6 acre. Request General Plan Amendment from Low-Medium Density Residential (1-7 DUA) to Commercial. Owners are Burro Creek, LLC and Theo and Sherene Lamb Trust. Applicant /Agent is Tom Devereaux, Burro Creek LLC. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and indicated that the presentation included two concurrent requests: 1) Is to amend the General Plan from Low – Medium Density Residential (1-7 DUA) to Commercial, and 2) Rezone the two properties that

encompass a total of ± 0.6 acres that adjoin Westridge Drive, which has been designated as the East- West Connector. Mr. Bacon continued to report that the applicant has attended a pre-application conference with a proposal for a professional office type use; and, this is concurrent with the rezoning.

-associated with-

3. **RZ08-005, 1300 Westridge Drive.** APN: 115-07-154D, 115-07-155, and a portion of 115-08-019E, and totaling ± 0.6 acre. Request zoning change from Single-Family-18,000 square foot minimum lot size (SF-18) to Neighborhood Oriented Business (NOB), and Business Regional (BR) to NOB. Owners are Burro Creek, LLC. and Theo and Sherene Lamb Trust. Applicant is Tom Devereauz, Burro Creek LLC. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon continued with the staff report and indicated that the rezoning for the properties included the change from Single-Family- 18000 sq. ft. minimum lot size (SF-18) to Neighborhood Oriented Business (NOB), and Business Regional (BR) to NOB, Mr. Bacon closed his staff report with the information that the request comes from the incompatibility of homes adjacent to the old Lamb Chevrolet parcel which is currently zoned Business Regional.

Commissioners queried:

Commissioner Petrovsky asked if there are plans to develop the property due west of the site;

Mr. Bacon responded that the property is currently vacant as it was only platted eighteen months ago.

Commissioner Scamardo asked why the rezoning request was not for (BR) Business Regional to make it consistent;

Mr. Bacon informed the Commissioners that BR was a more intensive use and that it is not the best use for the location.

Commissioner Scamardo then asked if the properties are to be combined into one parcel;

Mr. Bacon informed the Commissioners that the properties are owned by two different owners at this time.

Commissioner Petrovsky asked if there would be a problem with the height if in the future they decided to build a multi-story structure;

Mr. Bacon responded that there would be a 25' height limitation due to the zoning.

No action taken at this time items to be heard again on September 11, 2008.

4. Amendment to the City of Prescott *Land Development Code* (LDC), Article 6, General Development Standards: Table 6.12.5.C. Temporary Signs- Banners Deposits. Assistant Community Development Director, George Worley.

George Worley, Assistant Community Development Director indicated that the items he would be discussing were a series of proposed amendments to the Land Development Code, and they have been presented to and discussed by the Unified Development Committee. Continuing, Mr. Worley indicated that staff currently works with the requirement of a \$100.00 deposit on temporary banners. Staff has found that there are glitches in the requirement, and have problems with trying to keep track of the deposits, as the checks are not cashed and must be stored. The request to the UDC was to remove the part of the deposit requirement and they have agreed. Staff is requesting that the banner deposit requirement be removed from the application process as banners are issued with a paid sign permit, are limited to thirty days, and in addition, Code Enforcement procedures are in place to pursue illegal banners. Staff does not believe that the \$100.00 deposit provides any additional benefits. Mr. Worley reminded the Commissioners that they would not be voting on these items today. In addition, Mr. Worley told the Commissioners that there was an additional request that he needed their opinion on regarding banners, which was not addressed in the staff report. Mr. Worley continued to explain that the language in the *Land Development Code* gives banners a time limit that can be utilized but, it does not address any size limitations. Staff has some concerns with this as there have been times when a banner is as large as the building it is placed upon. Mr. Worley closed his report by informing the commissioners that the item could be pulled off, and placed back on the agenda at a later date if the Commission thought it was something to look at.

Commissioners queried:

Commissioner Scamardo asked how often this type of situation comes up during a year;

Mr. Worley responded less than twenty however, the enforcement process for a banner removal could take months to process. Mr. Worley further explained that when an applicant asks about the size limitations they are told that there are no regulations for the banner and it is limited only to what the person pays for the banner.

Commissioner Menser responded that there should be a limitation on the size of banners however, it could become complicated and maybe it should be some type of administrative process.

Mr. Worley stated that staff is seeking input on this and maybe there should also be an option included for the limiting of how many banners a person should be allowed.

Community Development Director Tom Guice informed the Commissioners that there are provisions in the code related to commercial signage for roadways with speed limits greater than 35 miles an hour and perhaps this would be a different way to look at the locations of the banners.

Chairman Gardner responded that he liked the idea of limitations on the size. Further commenting, that it needs to be something simple, if a banner is smaller than 32 square feet then nothing would have to be done.

Mr. Worley then asked the Commissioners if they would like to go ahead with the amendment regarding the banner deposit, and have staff bring back the size consideration as a separate item back.

Commissioner Scamardo stated he would like to continue forward with this amendment, as the record of accounting is why they had the deposit in the first place. Further commenting, that he likes the idea that a temporary banner can not be more than 50% of the permanent signage.

Commissioner Petrovsky asked what the policy was on sandwich signs that were located on the sidewalks in front of businesses.

Mr. Worley responded that sandwich boards were regulated under a separate regulation for advertizing in the public right of way and it is not part of the *Land Development Code*; but City Code.

Commissioner Petrovsky then suggested that if a sandwich signs falls under temporary signs that maybe they need to be looked at too; as some of them are quite large.

Mr. Worley informed the Commissioners that there are already size limitations on sandwich signs and, that they are regulated differently as an allowed use in right of way areas. Continuing, Mr. Worley affirmed that Code Enforcement handles complaints on these types of signs proactively as well as reactively.

Mr. Worley then informed the Commissioners that based upon their inputs today; staffs recommendation is to approve the amendment removing the banner deposit and, in the future staff will bring back the language addressing the size criteria and/or the number of banners allowed.

Chairman Gardner then suggested that staff look at the sandwich board signage too and possibly work some language in regarding it.

No action taken.

5. **Amendment to the City of Prescott *Land Development Code* (LDC) Article 6, General Development Standards: LDC Section 6.4.3 **Permits for Fences/Walls**.** Text change clarifying when permits are necessary for fences. Assistant Community Development Director, George Worley.

Mr. Worley reported to the Commissioners that there is some duplication of requirements for the installation of fences and walls within the *Land Development Code*, and the building code. Staff is recommending that section 6.4.7 of the *LDC* be struck out completely, as it relates to design considerations and design considerations along with requirements that are determined by the building code. Mr. Worley further indicated that by removing this section it would alleviate the potential conflict, should one code change without the other one changing. Continuing, Mr. Worley added that staff is recommending that a line be removed out of Section 6.4.3 so that they can require a permit for anything over four feet in height.

No action taken.

- 6. Amendment to the City of Prescott Land Development Code (LDC) Article 6, General Development Standards: LDC Section 11.3 Outdoor Lighting Exemption Residential Security Lighting, LDC Section 6.11.3.A.1.b. Text change clarifying the intent of Outdoor Lighting Exemptions. Assistant Community Development Director, George Worley.**

Mr. Worley informed the Commissioners that staff has encountered issues with this section of the code as it addresses that a motion sensor cannot be pointed into the neighboring property, but does not say that the lights related to that sensor cannot be pointed into the neighboring property. Mr. Worley then explained that it is possible that a party can install a security light on their house, point it towards the neighboring house, and install a motion sensor pointed downward as directed per code, but anytime the party goes by the motion sensor it trips the light to go on and floods light into the neighboring parties' property. Staff believes that based on the rest of the code section, this is not the intent of that Section, and this amendment would assure that both the motion sensor and the security lighting would not be directed beyond the property line.

No action taken.

- 7. Amendment to the City of Prescott Land Development Code (LDC) Article 6, General Development Standards: LDC Section 6.2.9 Vehicle Stacking Areas and Table 6.2.9 Vehicle Stacking Requirements for Restaurant Drive-through. Text change clarifying Drive-through vehicle stacking requirements. Assistant Community Development Director, George Worley.**

Mr. Worley indicated that this amendment was a clean up item with regards to vehicle stacking for various uses associated with drive-through services. Informing the Commission he continued reporting that the issue is how many cars need to be stacked before and after the order box. The current code language may have been reversed and there have been a number of requests to have the numbers switched around. Mr. Worley indicated that recent reviews by staff have indicated that the drive-through designs tend to have unrestricted stacking prior to the order box to allow exiting. After review and consideration staff believes that the numbers need to be reversed to reflect 4 minimum stacking spaces instead of 6, and staff recommends that Table 6.2.9 be amended to reflect that.

Commissioner Menser commented that this could possibly restrict certain buildings to not have enough space to provide the room between the two windows.

Mr. Worley responded that staff did not believe that would be an issue. Further stating that usually the issue occurs when cars stack up before the order box and the overflow ends up in the parking area thus blocking parking.

No action taken.

- 8. Amendment to the City of Prescott Land Development Code (LDC) Article 7, Subdivision and Land Split Standards: LDC Table 7.4.3L. Rural Street Section. Richard Mastin, Development Services Manager.**

Development Services Manager Richard Mastin, indicated that this amendment to the LDC is to allow for a Rural Street Section. This item was discussed before the Unified

Development Code several weeks ago. The proposal came about because the Pre-Annexation Development Agreement for the future Granite Dells Estates allowed for a

Rural Street Section, and at that time the City did not have any code language to allow for Rural Street Sections. In addition, staff believes there may be future requests for Rural Streets with impending annexations and developments to the north of Prescott.

Mr. Mastin further reported that the Public Works Department has reviewed several different municipalities to come up with a cross section, criteria, and to setup guidelines for future requests for Rural Streets. Staff believes that Rural Street Sections may be appropriate in low density, large lot subdivisions which want to retain the natural vegetation and utilize historic drainage characteristics. The Rural Street Section would only be considered for Master Planned Communities with a minimum of 500 acres to develop, 50 lots minimum, rural 2 acres minimum lot sizes, and no Planned Area Developments. In closing Mr. Mastin informed the Commissioners that the guidelines also recommend that the private streets will also be maintained by the HOA.

Commissioners queried:

Commissioner Scamardo commented that he thought there had been a decision made that there would be no language related to the Home Owners Associations, but that language would reflect that the streets would be taken care of by the private property owner.

Mr. Mastin responded that it will reflect that the streets would be maintained by some other entity.

Mr. Worley reported that the decision for the language was leaning to some form of association, and not leaving the language as home owners.

Mr. Mastin agreed that it needs to be an entity not leaving the homeowners responsible.

Commissioner Petrovsky asked how it would be handled if the developer needed to mass grade due to the topography.

Mr. Mastin responded that staff believed that would be getting away from the concept of a rural area. Stating that mass grading usually means higher density, and if approved, the language would be included in the Land Development Code.

Commissioner Menser clarified that mass grading projects would fall outside of the criteria of rural type developments.

No action taken.

V. CITY UPDATES

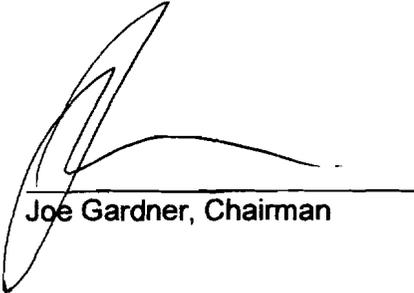
None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

There will be a Unified Development Code Committee meeting immediately following the Planning and Zoning meeting today.

VII. ADJOURNMENT

Chairman Gardner adjourned the meeting at 9:33 AM.



Joe Gardner, Chairman