

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
SEPTEMBER 11, 2008
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **September 11, 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> Joe Gardner, Chairman Tom Menser, Vice Chairman Richard Rosa Seymour Petrovsky Len Scamardo George Wiant	<i>Others Present</i> George Worley, Asst Community Development Director Matt Podracky, Sr. Assistant City Attorney Richard Mastin, Development Services Manager Mike Bacon, Community Planner
<i>Members Absent</i> Don Michelman	<i>Council Members Present</i> Jim Lamerson, Council Liaison Jack Wilson, Mayor

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 August 28, 2008 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the August 28, 2008 meeting.
Mr. Wiant, 2nd. **Vote: 6-0.**

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 fro Low-Medium Density Residential (1-7 DUA) to Commercial. Owners are Burro Creek, LLC and Theo and Sherene Lamb Trust. Applicant /Agent is Tom Devereauz, Burro Creek LLC. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and indicated that the property is located by a real estate office just off of Gail Gardner Drive and to the east. Continuing, Mr. Bacon indicated that the request is for two concurrent requests: 1) 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 concluded

his report by indicating that he had received two phone calls regarding this request with neither in support or denial; and staff is recommending approval of this request with two separate votes.

Mr. Rosa, **MOTION: to approve GP08-003, 1300 Westridge Drive, Mr. Petrovsky, 2nd. Vote: 6-0.**

-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 Devereaux, Burro Creek LLC. Community Planner is Mike Bacon (928) 777-1360.

Mr. Rosa, **MOTION: to approve the rezoning, RZ08-005, 1300 Westridge Drive. Mr. Petrovsky, 2nd. Vote: 6-0.**

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, informed the Commission that the proposed amendments to the Land Development Code have been discussed several times and he was just going to discuss each item briefly. Mr. Worley indicated that the first item had to do with temporary signs and the current requirement of a \$100.00 deposit on temporary banners. Continuing Mr. Worley indicated that staff is requesting that the banner deposit requirement be removed from the application process as there are procedures in place at the permitting process as well as code enforcement to assist with placements and non-compliant placement of banners. Mr. Worley concluded his staff report by informing the Commissioners that he would answer any questions they may have regarding this item.

Commissioners queried:

Commissioner Petrovsky inquired if banners were policed by code enforcement as well as complaints from citizens; informing staff that a banner type sign had been placed at an entrance to a development for some time now.

Mr. Worley responded yes that most banners are checked by code enforcement as a proactive measure for permitting and removal as well as responding to citizens concerns. Mr. Worley further explained that a permanent permitted sign could be made out of the same soft pliable material as a banner; the difference is that the material is framed and does not move with the wind.

Commissioner Wiant responded that it was his understanding that a sign has a rigid frame.

Mr. Worley stated that a permanent sign requires permanent installation and the distinction is that banners are to be used temporary and move and flap with the wind.

Commissioner Scamardo responded that the provision of the *LDC* that the Commission is being asked to vote on pertains to the deposit requirement.

Chairman Gardner invited the public to speak.

There were no public comments.

Chairman Gardner closed the public portion of the hearing and called for a motion.

Mr. Scamardo, **MOTION: recommend approval to the City of Prescott Land Development Code, Article 6, General Development Standards, Table 6.12.C Temporary Signs-Banners be changed based on the recommendations from both Planning and Zoning and Uniform Development Code. Mr. Rosa, 2nd. Vote: 6-0.**

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 conflicting language in the 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 completely removed, as it relates to design considerations and design considerations along with requirements are determined by the building code. Mr. Worley further indicated that by removing this section it would alleviate 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.

Chairman Gardner asked if there were any questions from the Commissioners. Hearing none Chairman Gardner opened to public comment.

There were no public comments.

Chairman Gardner closed the public portion and called for a motion.

Mr. Wiant, **MOTION: move for the amendment to the City of Prescott Land Development Code concerning Section 6.4.3 concerning Permits of Fences/Walls upon staffs recommendation. Mr. Rosa, 2nd. Vote: 6-0.**

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 indicated 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. Staff believes that based on the rest of the code section, this is not the intent, and this amendment would assure that both the motion sensor and the security lighting would not be directed beyond the property line. Staffs recommendation is to approve this amendment.

Chairman Gardner asked the Commissioners if there were any question.

Commissioner Wiant asked for clarification regarding the direction of the light and not extending the light.

Mr. Worley responded that there are already provisions in the *LDC* that address light direction and trespass.

Chairman Gardner called for public comment. Hearing none he closed the public portion and called for a motion.

Mr. Wiant, **MOTION: for the adoption of amendment to the City of Prescott Land Development Code** concerning Section 11.3 Outdoor Lighting Exemption and Security Lighting, *LDC* Section 6.11.3.A.1.b upon staffs recommendation. Mr. Petrovsky, 2nd. **Vote: 6-0.**

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. Mr. Worley informed the Commission that 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. Concluding, Mr. Worley indicated that staff is recommending approval and that he could answer any further questions on this item.

Commissioner Petrovsky inquired if any of the existing locations within the City would have to modify their drive-through requirements if the amendment was approved.

Mr. Worley responded no and indicated that this would not be applied to any existing structures as it would not be retroactive. Mr. Worley further informed the Commissioners that only new restaurants coming in would have to meet the current requirements if approved.

Chairman Gardner called for public comment. Hearing none he closed the public portion and called for a motion.

Mr. Rosa, **MOTION: to approve the amendment to the City of Prescott Land Development Code 6.2.9** effecting vehicle stacking requirements for drive-through restaurants. Mr. Petrovsky, 2nd. **Vote: 6-0.**

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 meeting certain criteria. Mr. Mastin informed the Commission that item was discussed before the Unified Development Code as well as the Planning Commission several weeks ago and that he would be happy to answer any questions at this time.

Chairman Gardner asked the Commissioners if there were any questions.

Commissioner Scamardo voiced that he needed to reiterate that the change with amendment was this is a road width of 28 feet pavement with turn downs at the edges, with four feet of shoulder on one side, and an eight foot shoulder on the other, with no sidewalks, and material such as decomposed granite finishing it out.

Mr. Mastin responded that the roadway designs will still have to meet the same engineering requirements such as the structural analysis for the base and asphalt.

Chairman Gardner stated that it would be nice to be able to view the design of the road once one gets built and with that closed the public portion, and called for a motion.

Mr. Scamardo, **MOTION: to approve the amendment to the City of Prescott Land Development Code Article 7, Subdivision and Land Split Standards, LDC Table 7.4.3L Rural Street Section per recommendations in staff report. Mr. Petrovsky, 2nd.**

Vote: 6-0.

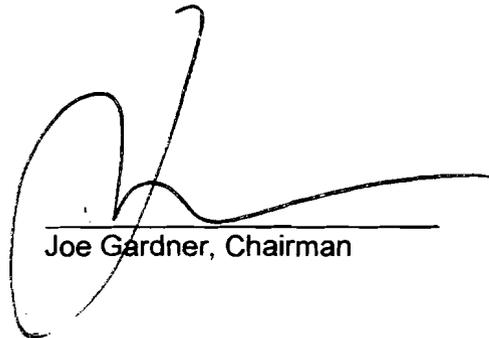
V. CITY UPDATES

None

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

Chairman Gardner adjourned the meeting at 9:18 AM.



Joe Gardner, Chairman