

**PLANNING & ZONING COMMISSION  
REGULAR MEETING / PUBLIC HEARING  
MARCH 12, 2009  
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **March 12, 2009** in the **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET**, Prescott, Arizona.

**I. CALL TO ORDER**

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

**II. ATTENDANCE**

<b><i>Members Present</i></b> George Wiant, Chairman Joe Gardner Don Michelman Richard Rosa Len Scamardo	<b><i>Others Present</i></b> Tom Guice, Community Development Director George Worley, Asst. Community Development Director Richard Mastin, Development Services Director Ian Mattingly, City Traffic Engineer Matthew Podracky, Senior Asst. City Attorney Steve Gaber, Community Planner Mike Bacon, Community Planner Kelly Sammeli, Recording Secretary
<b><i>Members Absent</i></b> Tom Menser Seymour Petrovsky	<b><i>Council Members Present</i></b> Jack Wilson, Mayor Jim Lamerson, Council Liaison  Bob Bell, Councilman

**III. REGULAR ACTION ITEMS**

1. **Approve the minutes** of the February 26, 2009 meeting.

Mr. Rosa, **MOTION:** to approved the minutes of the February 26, 2009 meeting.

Mr. Michelman, 2<sup>nd</sup>. **VOTE: 5-0.**

2. **PP09-001, Preliminary Plat for Granite Dells Estates Commercial PAD.** APN: 103-04-001L, 103-04-001M, 103-04-001Q, 103-04-002A, 103-04-003B, 103-04-009C and totaling ± 206 acres. Located South of State Route 89A, East of the Peavine Trail. Owner is Granite Dells Estates Properties Inc. Engineering is Lyon Engineering. Community Planner is Steve Gaber (928) 777-1206.

Steve Gaber, Community Planner reported that the request before the Commission was the preliminary plat for Granite Dells Estates. Mr. Gaber placed the Master Plan exhibit for Granite Dells Estates on the overhead and noted the commercial portion of the PAD indicated that the application is consistent with all the earlier approvals. Mr. Gaber noted

that the plat had been adjusted to reflect the total number of acres of 215 acres. Mr. Gaber indicated that the adjustments are specific to right of way dedication that had been discussed in the earlier meeting. Mr. Gaber noted that the plat was adjusted to show the right of way area of Dells Ranch Road, easterly to road 27, as well as the Granite Dells Parkway along old SR89A to be platted as part of phase one however, the road will not be developed until later on.

Mr. Gaber further reported that the Planning and Zoning Commission has met two times previously two times, to discuss the preliminary plat and have followed up with a site visit to see how the grading plan will occur and where the road crossing of the Peavine Trail would occur. The two areas of concerns that have been noted are the crossings of the Peavine Trail and the preliminary grading that will occur. Mr. Gaber noted to the Commissioners that the grading plan reflects mass grading the entire site however, the proposal is to grade the 100 acres associated with phase one very soon. Mr. Gaber reminded the Commissioners that when the earlier Preliminary Plat for Granite Dells Estates was approved, it included a waiver to the *LDC, Land Development Code*, Sections 6.7 and 9.6.3, allowing for grading to occur prior to the submittal and approval of the final plat. Mr. Gaber further noted that Mr. Fann has alerted staff that sometime within the next few months there would be grading activities occurring on the site. Mr. Gaber recalled to the Commissioners the concerns that were mentioned when they were on the site visit included having the cut and fill slopes reflect a more natural look, the grading occur in a terraced fashion, and at the vicinity along the Peavine Trail by the old SR89A having a natural slope with the fill instead of it just ending at the properties edge.

Mr. Gaber noted the extent of the grading and acknowledged that the removal of the natural grass areas on the hills will be visibly noticeable as they are altered to a series of building pads for the commercial area. Mr. Gaber noted the proposed trail crossing location on the projected map and indicated that the location is just prior to the old railroad bridge over the old SR89A location. Mr. Gaber reminded the Commissioners that at the last Planning and Zoning meeting on February 26, 2008, the Commission made a recommendation that all Peavine Trail crossings will occur via a separated grade crossing. Mr. Gaber reported that upon that recommendation, the Public Works Department has initiated, some possible conceptual trail crossing designs that would involve either a bridge, or box culvert type crossing, and will be used to do a cost estimate study. Mr. Gaber indicated that upon the completion of the cost study the information will be brought back to the Planning and Zoning Commission.

Mr. Scamardo commented that it was his understanding that some sort of criteria was going to be established that would help decided when a separated trail crossings would need to occur.

Mr. Rosa concurred and commented that it was included in the recommendation.

Mr. Michelman noted that part of the discussion was that the Commission recognized that if there is a small dirt driveway crossing there is not much exposure where a four lane roadway or more has a lot of traffic and it is the in between place that needs the cut off for needing the split level crossings vs. having a designated crossing with some sort of signal.

Mr. Gaber reiterated that at the last meeting the Commission voted to make the recommendation that all crossings will occur via separation. Mr. Gaber went on to explain that when the Commissioners were at the site on the site visit, there was acknowledgement that depending on the intensity and the design of the road, there may not be a need for a separated grade crossing. Mr. Gaber reminded the Commissioners

that their first recommendation of all roads crossing the Peavine Trail be separated by grade is still in play, and staff is recommending that the Commission take another step, to recommend specific design criteria of when a separated grade crossing is required, along with a cost estimate of such a grade crossing, for when the separated grade crossings required.

Chairman Wiant noted that the Peavine Trail is located outside of the site that they are reviewing.

Mr. Gaber noted that was true however, the Commissioners should give it consideration.

Mr. Michelman indicated that the Commission can give recommendations that the City Council set up a criteria for trail crossings that will not only help with the Peavine Trail but other trails. Mr. Michelman further added this will also help future developers as they will know what the criteria is and what is expected of them as they move forward with projects.

Chairman Wiant indicated that he thought all the Commissioners agree with that.

Chairman Wiant opened the item up to the public for discussion.

Nigel Reynolds, 795 Sunrise Blvd, Yavapai Hills, Prescott noted that the Commissioners have heard his concerns many times over the past several meetings and that he would only emphasize that at grade crossings of the Peavine Trail is a bad idea and commercial traffic does not mix with hikers, bikers or equestrians. Mr. Reynolds further stressed that the Peavine Trail is a very heavily traveled trail that is important, and unless the crossing is a minor crossing with light traffic, at grade crossing should not be allowed. Mr. Reynolds concluded by asking the Commissioners to not mess up the trail by allowing at grade crossings.

Chairman Wiant closed the public portion of the meeting and called on the Commissioners for further comments or questions.

Mr. Gardner indicated that he thought the site visit was beneficial and that he felt better about most of the fill locations he was concerned with. Mr. Gardner further indicated that he still has concerns with the grading plan and that the City should look into the grading policies because currently there is an advantage to do mass grading. Mr. Gardner noted as an example, that building heights can be calculated from the mass graded land and the terrain of the land is not respected. Mr. Gardner further noted that in reality, if each site is designed for each use and building, there is not always the need for a flat pad. Mr. Gardner added that he was o.k. with the use for the area and the open space, but just giving carte blanche to taking hillsides and turning them into flat ground is wrong. Mr. Gardner commented that if it was possible to separate the vote between the plat and the grading plan he would like to do that. Mr. Gardner indicated that with regards to the Peavine Trail, the City needs criteria as to when the crossings should be grade separated and also noted that he understood that it was not part of the review but he would suggest keeping the old overpass of SR89A and possibly using that location as part of the roadway.

Chairman Wiant inquired if Mr. Gardeners' recommendations are directed to the developer or to the City.

Mr. Gardner noted the City.

Mr. Rosa indicated that he agreed with Mr. Reynolds regarding the crossing of the Peavine Trail however, upon the site visit and looking at the one location where there would be hardly any traffic, there was discussion of possibly installing a push button system where a light would come on to stop the traffic to allow a crossing to occur. Mr. Rosa further noted that the trails people have to get together with traffic people and come up with a plan for each of the crossings and that is the recommendation that is being proposed today. Mr. Rosa further indicated to install an underground or overhead crossing at the one location would be cost prohibitive.

Chairman Wiant recalled to the Commissioners that at the last Planning and Zoning meeting there was mention of the communication that needs to occur between the departments involved but that the Commission was not going to design the crossings.

Mr. Scamardo indicated that he would like to ask Mr. Reynolds a question and invited Mr. Reynolds back to the podium. Mr. Scamardo explained that what happened is that when the Commissioners looked at proposed trail crossings, there were crossings that require separated crossings and there are driveways that will not require separation. Mr. Scamardo indicated that there is a space between high traffic interchange areas, and driveway crossing that still need to be addressed and that some sort of written criteria should be established to determine when a separated grade crossing will be required. Mr. Scamardo then asked Mr. Reynolds if his group would be interested in working with various departments of the City to come up with a written criteria.

Mr. Reynolds commented that there should not be a problem working with the City as his group has already talked with the Trails people as well as City Planners. Mr. Reynolds indicated that he did not understand Mr. Scamardo's description of a driveway and inquired why the (purple) road needed to travel from east to west at that specific location. Mr. Reynolds noted the area on the northern side, in purple, (road 69) on the overhead map, the proposed road, the Peavine Trail and further indicated that the whole issue could be avoided if the traffic was removed from the area and redirect it to the northwest to Centerpointe or to the southwest to the bridge area that has been discussed.

Mr. Scamardo commented that he believed that there was a development agreement done between the developers of Centerpointe and Fann.

Mr. Gaber reported that Granite Dells Estates owns all of the property and the piece in discussion is one of the last pieces to be annexed. However, the road as it is laid out is not located within the piece of property owned by Granite Dells Estates but is owned by Cavan. Mr. Gaber further noted that the agreement is between those two parties however, in the development agreement between the City and Granite Dells Estates there is acknowledgement that there will be a need to have crossings of the Peavine Trail for road access but it does not specify where the roads will occur.

Mr. Reynolds stressed again that he did not see the need for road 69.

Mr. Scamardo noted that from his understanding that the deep purple location on the map is the Granite Dells property. However, the roadway (road 69) is located on Cavan property and the whole purpose of the roadway is to provide access to property to the south, owned by Cavan and not as an alternative route for Granite Dells access.

Mr. Reynolds inquired if the road could not be easily extended to provide access to the Cavan property.

Mr. Scamardo indicated that he did not know and thanked Mr. Reynolds for his comments.

Mr. Michelman noted that the Commission was not there to micro manage one crossing but to set up guidelines where there is public input and where all the information can be utilized to determine the criteria of the trail crossings for the future and everyone is under the same guidelines and each crossing does not have to be looked at individually.

Mr. Reynolds indicated that he understood that and offered that the criteria should focus on minimizing the crossings of the Peavine Trail.

Chairman Wiant noted that the Commission has made it very clear as to where they stood with the Peavine Trail concerns and that the Commission should now move on to the approval of the Preliminary Plat and called for a motion.

Mr. Rosa, **MOTION: move to approve** the Preliminary Plat, Granite Dells Estates Commercial Planned Area Development with the following condition; A. That all Department and Agency Comments be addressed prior to the submittal of a Final Plat for any phase or unit of development. In addition the Planning Commission would like to recommend that the City Council develop and adopt standards and policies for road and trail intersections and crossings.

Mr. Michelman, 2<sup>nd</sup>.

Mr. Gardner indicated that the point of Cavan being served via SR89A and the road to the north (Centerpointe) is a valid point, and if the Commission were to say that there should be a separated grade crossing at road 69, this would cost the developer a large amount of money and could possible encourage them to look at alternatives to the road location. Mr. Gardner further stated that with his concerns regarding the grading and the grade crossings he was not comfortable with the plat and was not ready to vote for it.

Mr. Gaber reported that the grading information was brought to the Commission as informational purposes so they knew what as being proposed as part of the application. Mr. Gaber added based upon the pre approved waiver, that Granite Dells Estates or agent Lyon Engineering would submit all full grading plans, however the grading permit would be issued administratively and would come back before the Planning and Zoning Commission for further review.

Mr. Michelman inquired how much grading would be done prior to submittal of the grading plan.

Mr. Gaber indicated that the grading would be 100 acres, specific to the roads and pad sites within the phase one area.

Mr. Michelman inquired what else would they have to submit if that is what they are already allowed to do.

Mr. Gaber reported that they would develop a full grading plan to include the drainage, storm water protection, utilities, water and sewer lines, a complete detail package of the design as if they were coming in for a final plat except they are not required to do the final plat element first.

Mr. Michelman indicated that he understood Mr. Gardner's concerns and maybe the Commission should consider not necessarily holding up the plat because of the one road crossing but suggesting to the City Council to please consider if the road location is necessary or if there could be more thought to road 39 crossing over the trail.

Mr. Gardner noted that the Commission's vote does not approve or deny the plat, the vote is a recommendation to the City Council and if there is belief there are still issues that need to be worked out then a no vote is appropriate.

Chairman Wiant noted that all the Commission was doing is agreeing to approve the Preliminary Plat as presented with the recognition of the trail crossing and move it to the City Council. Chairman Wiant further noted that the trail crossings will be looked at and addressed before it reaches final plat.

Mr. Michelman commented that all of the discussion regarding the trail crossings has been heard by two members of the City Council who have been present and they should have an idea that there are some questions on the best way to deal with those concerns. Mr. Michelman further noted that overall the concept is good and by suggesting that the criteria be set up for the crossings we have gotten the concerns and ideas addressed.

Chairman Wiant indicated that he thought the motion noted in the staff report did recognize the concerns.

Mr. Michelman noted that motion did not recognize the one crossing however, it does recognize the criteria for developing a policy. Mr. Michelman then commented that the fact is there is an area on the other side of the trail that needs access and the question is can that area on the other side of the trail be met by another method.

Mr. Scamardo noted that Mr. Gardner spoke eloquently when he commented that the way grading is done on commercial properties is putting the cart before the horse and it would be nice to know what the uses are so that the grading could be done accordingly because there are some uses that could use terraced parking and grade change elevations instead of taking large acre sites and mass grading it to 2 or 3%. Mr. Scamardo further noted that looking at the entire 100 acres that the Commission is looking at is hard to do because the uses are unknown except for the Fann building and one of the advantages to a large site like this is getting the drainage plan in.

Chairman Wiant noted that there was a motion and a second and called for a vote.

Vote: 4-1. Dissenting vote Mr. Gardner.

- 3. RZ09-003, 910 Canterbury Lane, located at the north end of Canterbury Lane.** APNs: 116-19-017, 116-19-017A, 116-19-017B, 116-19-021B, and 116-19-022 and totaling ± 6.27 acres. Zoning is Single-Family Residential (SF-9). Request rezone from Single-Family Residential (SF-9) to Multi-Family High Density (MF-H) For 132 residential units, comprising 44 assisted living and 88 non-assisted living units. Owner is Arcadia Housing, LLC. Agent is Civiltec Engineering. Assistant Community Development Director George Worley (928) 777-1287.

Assistant Community Development Director, George Worley reported that the Commissioners were presented with two letters, one in opposition and one in favor

of the project that was delivered prior to the meeting. Mr. Worley indicated that because there might be something in the letters that could affect the Commissioners decision making, as an option, staff recommends that a special meeting be held next week to allow time for review of the letters.

Chairman Wiant inquired if there were any changes to the site plan for the Boulders from what the Commission had previously reviewed.

Mr. Worley commented no and noted to the Commission he could briefly go through the actions that have taken place with the application and provide information as to why the item was back on the agenda. Mr. Worley reported that several weeks ago the Commission reviewed the site plan for the Boulders because it needed recommendation from the Commission, as it was not in strict conformance with a previous site plan, that was attached to a previous development agreement, that was part of a previous zoning. Mr. Worley reminded the Commission that at the time of the site plan review, the Commission was reviewing the same amended site plan for the Planned Area Development for the Boulders that was before the Commission today. Mr. Worley further noted that during the previous review the applicants, the engineers, and architect for the applicant had provided a detailed review of the site plan. Mr. Worley explained that what happened was that a question was raised at City Council review that if the zoning of Multi-Family-High was still in place since it was first approved in 1999. Mr. Worley reported that the property had several site plans submitted in conformance with the zoning or similar to the uses permitted by the zoning over the past ten years. Mr. Worley further reported that because the question regarding the zoning was raised, the City Attorney recommended that the project be brought back before the Planning and Zoning Commission as a rezoning to reinstate the Multi-Family High zoning. Mr. Worley indicated that there were two points of opinion, the City Attorney's and the applicants Attorney, opposed to one another, and it raised enough awareness for staff, that staff would like the Commission to make a recommendation to reinstate the Multi-Family High zoning so that the zoning is confirmed for the City Council to take action on. Mr. Worley noted that because the zoning question was raised, staff is presuming that the property is with a SF-9 zoning, the same as the properties to the west, and the same as it was prior to the rezoning in 1999. Mr. Worley concluded his report by noting that an action to reinstate the zoning of MF-H by the Planning and Zoning Commission is appropriate before moving the project on to the City Council. In addition, because the Commission assumed the Multi-Family High zoning was in place when the site plan was approved several weeks ago, staff is asking the Commission to reaffirm the approval of the Site Plan associated with The Boulders, with all of the conditions that were proposed during the last review for The Boulders by a separate vote once the rezoning has been voted on.

Chairman Wiant asked staff if there had been any action by the City or any developer on this location since 1999.

Mr. Worley asked Chairman Wiant if the question was directed towards projects or the zoning.

Chairman Wiant indicted that the Commission is trying to determine if the zoning was valid and noted that there was a criteria in place that stated that there needed to be continual development of the project.

Mr. Worley noted that the language of the original Development Agreement was transferred over and the term used was "develop" over a certain period of time. Mr. Worley indicated that the definition of the term develop can mean several different things

and this is why the City Attorney and the applicants Attorney on opposite sides of the issue. Mr. Worley further noted that staffs concern is that develop can be treated as if it is past tense or treated as an on going project where building permits have been submitted for the project, and staff believes that the process of rezoning the property will legally demonstrate that zoning is securely in place via action by the Commission, to recommend to City Council and Council to approve it. Mr. Worley noted that in this manner it is clearly open to the public, with advertisements of the meetings to provide adequate time for public comment. Mr. Worley further noted that staff prefers the Planning Commission to act on both the rezoning request and the reaffirmation of the site plan for The Boulders.

Mr. Scamardo indicated that he had read the letters and although there has been a lot of history with the site since 1999, the Commission is really looking at the present contract owner of the property and their site plan. Mr. Scamardo further stated that the zoning should be reaffirmed to Multi-Family-High and this will allow for the correction of what ever was written in 1999 or 2003 to go away, as the Planning Commission will have placed the appropriate zoning on the property for the intended use and the site plan, and the project can move forward without having a cloud over it.

Mr. Worley indicated that Mr. Scamardo was correct, and noted again the reason that the project was before the Commission again, was for the confirmation of the zoning that was previously established for the site as Multi-Family-High, and to reaffirm that the Site Plan that was previously approved, along with the stipulations by the Planning Commission will be moved forward to the City Council for possible approval.

Mr. Scamardo stressed that he firmly feels that the property should be zoned Multi-Family-High.

Mr. Michelman noted that with the lateness of the letters he was only able to briefly skim over the letters and did not see anything new that has not been discussed before. Mr. Michelman then inquired if he had missed something pertinent in the letters.

Mr. Worley noted that the authors of the letters could better address the contents of the letters and that from staffs' perspective the main concern from the two parties, Jennings-Strouss and the applicants' attorney, Thomas P. Kack, was that the rezoning was addressed.

Mr. Michelman indicated that if there was not a major issue there is no reason to delay the vote another week. Mr. Michelman further indicated that it would be good to have the authors of the letters speak to the Commission and inform them of any new information.

Chairman Wiant commented that is why he had inquired at the beginning of the meeting, if anything had changed on the site plan, SI09-002. Chairman Wiant indicated that no changes have taken place with the Site Plan since it was previously approved and the rezoning is the only thing that might need to be discussed.

Mr. Worley indicated that was correct, and reminded the Commissioners that it was a rezoning process and the actions were advertized as a public hearing and it was important to allow public comment. Mr. Worley further noted that the one new thing with the Site Plan was that the zoning was not discussed because it was believed to be in place.

Chairman Wiant opened the item to the public.

Mr. Tom Kack, 1135 Iron Springs Road, Prescott, AZ., indicated that he was speaking on behalf of the Developer, Arcadia Housing, LLC. Mr. Kack noted that they were not all that apposed to the City Attorneys' direction however, they were just not sure that the property is not still zoned Multi-Family-High. Mr. Kack further noted that they understand the cloud issue and that is why they support the City initiated rezoning of the property. Mr. Kack indicated that they had also received a letter from Jennings-Strouss on March 11, 2009 about 9 o'clock in the morning and penned a response to them accordingly. Mr. Kack further indicated that the Jennings-Strouss letter for Las Fuentes, rehashes their objections to the Site Plan, and have added the history of the project. Mr. Kack noted that Jennings-Strouss has commented that because previous developers have not been able to develop the property that it is not developable. Mr. Kack indicated that the comments were not true and that the site is suitable for development and is ready to go. Mr. Kack further indicated that the project was before the Commission to reaffirm the zoning and the project is exactly the same project that the Commission unanimously previously approved. Mr. Kack stressed that in reviewing the history records the vote for the rezoning was unanimous in 1999 and in 2003, and nothing had changed, and there was not reason to postpone the vote on the project. Mr. Kack closed his comments by asking the Planning Commission to please move forward and approve the rezoning because they (Arcadia Housing, LLC) are running out of time to meet their deadlines with HUD in April.

Chairman Wiant indicated that in reviewing the letter from Jennings-Strouss it appeared that the concerns were the same and had not changed. Chairman Wiant added that at this point the Commission is looking at the rezoning.

Mr. Worley commented that staff is asking that the Commission reaffirm the approval of the Site Plan for The Boulders also.

Chairman Wiant responded that will be done and, there really is not an issue with the Site Plan, the zoning is where it becomes clouded. Chairman Wiant called for other public comment, hearing none closed the public comment portion of the item.

Mr. Rosa, MOTION: to recommend approval of Rezone RZ09-003 from Single-Family 9 to Multi-Family High Density.

Mr. Scamardo, 2<sup>nd</sup>.

Vote: 5-0.

4. **SI09-002, The Boulders, a Prescott Retirement Center, 910 Canterbury Lane.** APNs: 116-19-017, 116-19-017A, 116-19-017B, 116-19-021B, and 116-19-022 and totaling ± 6.27 acres. Request site plan approval for a Planned Area Development (PAD). Owner is Arcadia Housing, LLC. Agent is Civiltec Engineering. Assistant Community Development Director George Worley (928) 777-1287.

Mr. Worley reported that the Site Plan for the Boulders has been given a number from this year for tracking purposes.

Chairman Wiant opened the item for public hearing. Hearing none Chairman Wiant closed the public portion and called for comments, question, or action from the Commissioners.

Mr. Worley reported that staff is seeking to reaffirm the recommendation that was previous given on the site plan and that all the stipulations that were proposed at that time will be transmitted again to the City Council along with the Rezone. Mr. Worley further indicated that the stipulations for the record included an allowed 49 ½ foot building height per the PAD process, valet parking be provided on the site, the buffer between the property along the west will be reduced from the code requirement but the landscaping will be enhanced.

Mr. Michelman started to motion for the rezone and was informed that the motion should be for the Site Plan approval.

Mr. Michelman MOTION: to recommend approval of the Site Plan and Grading Plan for The Boulders, a Prescott Retirement Community, a Planned Area Development. SI09-002, Exhibit A, and subject to the City Development Department Comments in the staff memo dated 2-12-09.

Mr. Scamardo, 2<sup>nd</sup>.

VOTE: 5-0.

#### **V. CITY UPDATES**

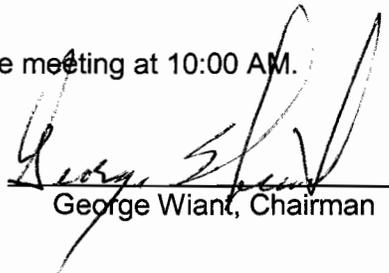
Mr. Worley noted that the final plats for Mystic Hills and Prescott Lakes Commerce Center, (conversion of buildings to a condominium plat) have been approved by the City Council.

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

None

#### **VII. ADJOURNMENT**

Chairman Wiant adjourned the meeting at 10:00 AM.



George Wiant, Chairman