

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
APRIL 9, 2009
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **April 9, 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

Members Present

George Wiant, Chairman
Joe Gardner
Tom Menser
Don Michelman
Seymour Petrovsky
Richard Rosa
Len Scamardo

Others Present

George Worley, Asst. Community Development Director
Richard Mastin, Development Services Director
Gary Kidd, City Attorney
Mike Bacon, Community Planner
Kelly Sammeli, Recording Secretary

Council Members Present

Jim Lamerson, Council Liaison

III. REGULAR ACTION ITEMS

1. **Approve the minutes** of the March 12, 2009 meeting.

Mr. Rosa, **MOTION: to approve** the minutes of the March 12, 2009 meeting.

Mr. Petrovsky, **2nd. VOTE: 7-0.**

- * Chairman Wiant announced that he was moving ahead to items #5 & #6 which was the rezoning and the general plan amendment for 1711 Thumb Butte Road, owned by Mr. and Mrs. Hanna. Chairman Wiant noted that he held a letter that was dated April 8th, 2009 that stated that Mr. and Mrs. Hanna withdraw their request to amend the General Plan and the request to rezone parcel 108-06-031P. Chairman Wiant indicated that the request was not a postponement but a withdrawal and further informed the citizens who attended the Planning and Zoning meeting that the item would not be discussed.

- * Chairman Wiant announced that the Commission was also moving ahead to item #8, RZ09-004, and item #4, PP09-002, The Homestead Preliminary Plat, 677 and 714 Tenney Lane. Refer to items #4 and #8 below.

2. **Bradshaw Senior Community Landscape and Grading Plan** for Phase 2, located on the southeast corner of Bradshaw Drive and south of Stetson on ±10.47 acres. Zoning is BG-PAD. Owner is Bradshaw Senior Community/Prescott LP. Agent/Applicant is Chris Fergis. Community Planner, Mike Bacon.

Mike Bacon, Community Planner noted that the site plan has been brought before the Commission in phases with one in 2007 and another in 2008. The overall complex includes senior and family apartments. Mr. Bacon noted that there are five phases and during phase one which is now completed the Commission asked that all future landscaping and grading plans for the project come before the Commission for review due to the topography of the area. Mr. Bacon noted that the grading plan is currently under review by City Staff and will meet the Land Development Code requirements prior to the issuance of any grading permit. Mr. Bacon noted that the review is for the grading plan for phase two of the development. Mr. Bacon further noted the developer has reduced the number of family apartments from 20 unit's to 16 unit's, and from three stories down to two stories. In closing Mr. Bacon reported that there are detailed comments regarding the landscaping plan added to the suggested motion to include native plants that require low water usage and are drought tolerant; and, staff recommends approval of the grading and landscaping plan.

Chairman Wiant called for questions or comments from the Commission.

Mr. Bacon noted that the developer had placed a large rendering of the site and the development at the front of the Council Chambers for everyone to view.

Mr. Menser inquired if the maximum height of the retaining walls on the site were 8'.

Mr. Bacon indicated that was correct.

Mr. Menser inquired about the various sized detention areas being spread out all over the site.

Mr. Chris Fergis, Fergis and Harding Architecture, 7227 North 16th, Phoenix, AZ indicated that there are some drainage areas that run through the site and they tried to set aside some of the areas for landscaping.

Mr. Menser inquired if they thought the plan for the drainage was adequate.

Mr. Fergis commented yes and that adjustments have been made to the site such as reducing the heights of some of the buildings so that adjustments could be made to the foundations.

Mr. Menser indicated that it appears that improvements were made to the grading plan.

Mr. Gardner agreed with Mr. Menser and noted it was a big improvement.

Mr. Fergis noted that they are currently in the process of redesigning the building for phase two of the senior apartment complex and they may incorporate some stepped features or ramping within the building to help adjust for some of the sloping grades where the building is located.

Chairman Wiant inquired if the retention meets the City standards.

Mr. Bacon reported that the grading plans are currently under review by the City and the plan will have to meet the City standards.

Mr. Mastin, Development Services Director reported that before Engineering/Public Works signs off on the plan it will have to meet the City's standards.

Chairman Wiant inquired if the Commission was ready to vote on the item.

Mr. Bacon noted that it was the concept and if the Commission agreed they could vote on the item today and reminded the Commissioners that it would be subject to staff approval of the native plants.

Mr. Scamardo, **MOTION: to approve** the conceptual grading plan and landscaping plan, Phase II of The Bradshaws subject to the two items noted in the staff report. 1) City Department review comments of the Building Permit and Grading Permit Applications. 2) Submission of a revised landscape plan for review and approval by the Community Development Department which: A. Illustrates the addition of native plants. B. Retains to the extent possible native vegetation (particularly trees) adjoining the western and southern property lines. C. Illustrates the location of these larger trees which will be saved in 2B above. D. Provides for the protection of these trees during site construction and grading by and roping an area off beneath each tree which extends to the drip-line (where possible). E. Eliminating turf areas on hillside slopes.

Mr. Rosa, 2nd. **VOTE: 7-0.**

3. Revisions to Standard Details for Public Works Infrastructure.

Richard Mastin, Development Services Manager.

Mr. Richard Mastin, Development Services Manager reported that Public Works/ Engineering submitted for review and approval revisions to Standard Details for Public Works Infrastructure. The items were previously reviewed by the (UDC) Uniform Development Code Committee and were approved. Mr. Mastin noted that most of the City's Public Works construction details were taken from and adapted from (MAG) Maricopa Association of Governments and (YAG) Yavapai Association of Governments. Mr. Mastin noted that the YAG Details were last revised in 1998 and staff believed that it is time to create Standard Details that are unique to Prescott and better suited for the Prescott Area. Mr. Mastin indicated that the details will provide a consistent, across the board, Standard Detail used in Capital Improvements. Mr. Mastin closed his report and noted that he would be happy to answer any questions.

Chairman Wiant noted that he would defer to Mr. Scamardo and Mr. Menser who are also members of the Unified Development Code Committee for comment.

Mr. Scamardo noted that there was a UDC meeting on March 26, 2009 where Mr. Mark Nietupski presented both the YAG and MAG details to the Committee. Mr. Scamardo added that the Standard Detail revision provides details that are unique to the City Prescott and have portions of the YAG and MAG incorporated into it. Mr. Scamardo indicated that based on the Engineer/Public Works report the committee approved it.

Mr. Menser added that everything was good and that he deferred to the Engineer/Public Works Departments and their expertise.

Chairman Wiant called for other comments or questions from the Commissioners. Hearing none Chairman Wiant called for a motion.

Mr. Rosa, **Motion: to forward the amendment** to the City Council with a recommendation for approval.

Mr. Michelman, 2nd. **VOTE: 7-0.**

4. **PP09-002 (formerly SP06-003)** The Homestead Preliminary Plat--a 36-lot preliminary plat on ±19.56 acres located east of Senator Highway and west of Summer Field. Owners are, Jeannie Brown and Harold O. Tenney, Agent/Applicant is Carl Tenney. Community Planner, Mike Bacon. (associated with item 8 below)

NOTE: The minutes for item # 4 and item # 8 are the same as the items were discussed concurrently.

Mr. Michelman announced for the record prior to the start of the staff report that he and his wife live in the Foothills subdivision which is a subdivision adjacent to the Tenney property. Mr. Michelman indicated that they were more than 300 feet away from the location however, he wanted to make sure everyone was informed that he does live in the area.

Mr. Kidd, City Attorney, noted that in order to address that Mr. Michelman would have to determine if it would have a financial impact on his decision.

Mr. Michelman commented that there was no financial impact.

Mr. Kidd indicated that there would be no legal conflict as defined by state statutes.

Community Planner, Mike Bacon reported that the rezoning from SF-35 to SF-18 and the homestead preliminary plat would be presented concurrently. Mr. Bacon noted RZ09-004 and PP09-002 is comprised of 19 acres which will be rezoned from Single-Family 35,000 sq ft lot size to Single-Family 18,000 sq ft lot size. Mr. Bacon further noted that the Commission first reviewed the preliminary plat in 2006 where it was voted on and sent to the City Council where it was tabled until a traffic study could be completed for the area. Mr. Bacon reported that the traffic study has now been completed and the Tenney family would like to bring the rezoning and the preliminary plat forward for consideration. New numbers have been assigned and the preliminary plat has been distributed to staff for review to check that it is in compliance with current codes. Mr. Bacon placed the preliminary plat on the overhead projector and noted the surrounding subdivisions, and indicated that the plat is the same as the one that was submitted in 2006. Mr. Bacon noted that an area meeting was held where 14 people attended and comments were made regarding the accessibility of lots off of Nathan Lane and sight distance issues. Mr. Bacon indicated that the City's Traffic Engineer did not see any issues with that, however, the applicant has submitted a revised preliminary plat to address the neighborhoods concerns by extending the cul-d-sac to the south and reducing any vehicles backing out onto Nathan Lane/ City Lights Drive. Mr. Bacon noted that the revised preliminary plat is currently being reviewed by staff and that is why staff is requesting a continuance until the April 30th Planning and Zoning Commission meeting. Mr. Bacon reported that staff received 4 letters in opposition to the project this week including one from Crystal Creek Development/Summit Point Estates, which is the property along the western side of the Tenney project. In closing, Mr. Bacon noted that staff is recommending continuance of the item and reiterated that the City Traffic Engineer did not see any concerns with increase of traffic from 16 more homes that would result from the rezoning of the property and the adoption of the preliminary plat.

Chairman Wiant called for questions from the Commissioners.

Mr. Michaelman asked Mr. Bacon to place the revised preliminary plat back on the overhead and commented that he would like to give his compliments to the Tenny's for taking the public input and working on correcting the plat. Mr. Michelman inquired if lots 27 and 28 are still going to come out onto Nathan Lane.

Mr. Carl Tenney, 2191 N. Val Vista Drive, Chino Valley noted that the driveways will feed onto Tenney Lane.

Mr. Bacon indicated that he did not report that the Cul-de-sac had been relocated in the revised plat to address the visibility concerns.

Mr. Gardner noted that it appears the plat has also been reduced by two lots.

Mr. Scamardo indicated that there are two lots that are SF-12 that are not included.

Mr. Bacon noted the area of the lots on the overhead map of the plat.

Mr. Tenney noted that the location of the lots was where his bother lives and he is not participating in the subdivision plat. Mr. Tenney indicated that the homestead has been owned by his family for a long time and is where he grew up. Mr. Tenney reported that the project is an infill project and is within walking distance of the Courthouse square. Mr. Tenney indicated that as you get closer to the center of town the density increases and they would like their project to be consistent with the area. Mr. Tenney noted the surrounding areas and their zonings on the projected area map and indicated that they would like their zoning to be SF-18 like that of Quail Hollow. Mr. Tenney indicated that as each of subdivisions got ready for development they requested a rezoning from the City and they are also requesting a change to be compatible with the neighborhood. Mr. Tenney noted that currently their property is zoned SF-35 which they believe is incompatible with the neighborhood as no one around the area has SF-35 zoning except Summit Point Estates which is a Planned Area Development. Mr. Tenney reported that he would like to address the three issues that have come up in regard to the subdivision. Mr. Tenney placed an area map showing traffic on the overhead projector reflecting the street layout. Mr. Tenney indicated that the City commissioned a study in 2006 and it was completed in 2008. The study indicated that the traffic on Mount Vernon Street, between Gurley Street and Carlton Street is "slightly too moderately congested", Mr. Tenney noted that the majority of the traffic which comes onto Mount Vernon Street is traffic that is by passing the downtown area and cutting across Goodwin Street or Carlton Street. Mr. Tenney added for the year 2030 that the consultants also projected a huge daily traffic count at approximately 22,000 vehicles per day on the Senator Highway coming from points south of Prescott, the Prescott National Forest area. Mr. Tenney indicated that in projecting that huge traffic increase the planners failed to consider that the majority of the land is Prescott National Forest owned by the federal government. Mr. Tenney further indicated that the planners just assumed that every two acre parcel would be developed with a house by the year 2030 because a two acre minimum is the current Yavapai County zoning. Mr. Tenney reported that in order to achieve the projected traffic rate on the Senator Highway for the year 2030 there would need to be over two thousand new homes built south of Prescott. Mr. Tenney added that they believe that a realistic traffic estimate could come from the available building lots, platted and unplatted in current and future subdivision in southeast Prescott, as well a Yavapai County. Mr. Tenney noted that by using the projected lots they estimate that between 300-400 units could be built which would generate approximately 3,000 new vehicles per day which will still

place the Senator Highway traffic in the "slightly to moderately congested" category. Mr. Tenney added that whether there is more credence to the consultant's 2030 traffic projection or to their projection, they believe that their small subdivision at full build out will be approximately 1% to 2% of the total Senator Highway and Mount Vernon Street traffic which is hardly noticeable. Mr. Tenney continued to report that the City is planning a major reconstruction of Senator Highway from Mount Vernon Lane to Nathan Lane sometime in the future and as part of the Development Agreement the Tenney family will pay for the installation of the a left turn lane on Senator Highway at City Lights/Nathan Lane. Mr. Tenney added that both of the adjoining subdivisions have been developed as Planned Area Developments and have set aside open space however, the Tenney family has chosen not to set aside open space through the Planned Area Development but to spread the lots out and, as part of the development agreement have agreed to fund, identified improvements to Acker Park, owned by the City, which borders the north side of their property. The proposed improvements to the park will include an improved all weather parking area off of Penn Street, an all weather parking area and shade structure with a picnic table located at Autumn Breeze, and new trails throughout the Homestead, Summit Pointe Estates and along the eastern edge of the cemetery to connect with the current trail system of Acker Park and will make the park more accessible to folks on the south side. The Tenney family will fund the improvements in the amount of \$20,000 dollars as part of phase two, and the actual work will be done by the City of Prescott. Mr. Tenney indicated that as previously mentioned, all subdivisions in South East Prescott, after they were annexed into the City applied for and received a change in their original SF-35 zoning and most have been developed into ½ to ¼ acre lots. Mr. Tenney indicated that the character of the lot sizes have been set by the adjoining subdivisions and that they too wish to have a zoning of SF-18 which would allow them to provide ½ acre lots. Mr. Tenney placed the proposed preliminary plat back on the overhead and noted that it is their goal to provide a quality subdivision of 34 acres, developed in two phases. Mr. Tenney concluded his report by reporting that as the result of the neighborhood input they have changed the configuration of the streets so that all but the first four lots will be tied to Tenney Lane and a non vehicular access easement will be located on the north side of City Lights. Nathan Lane has also been relocated to the northern edge of the property to improve the visibility on City Lights as well as Nathan Lane. Mr. Tenney reiterated that the subdivision will occur in two phases as the market indicates and as part of the subdivision plat process they will abandon and cap three domestic wells. Mr. Tenney noted that they plan to develop Covenants, Conditions, and Restrictions (CCR's) consistent with the neighboring subdivisions.

Chairman Wiant called for comments or questions from the Commissioners. Hearing none opened the item up to public comment.

Mr. Donald Pratt, 831 City Lights, Prescott noted that staff had indicted that four letters were received in objection to the development and he would like the Commission to know that all the members of the Foothills subdivision are not in objection to the development. Mr. Pratt added that a petition was signed and circulated by the community that surround the development and has not been presented to the Commission but will be presented to the City Council. Mr. Pratt further added that it might be relevant for the Commission to know that there is support as well as non support. Mr. Pratt indicated that numerous people, including City staff have stated that the increase of 16 to 18 homes should not be a significant factor to the traffic and believes that the Tenney's have done an outstanding job with addressing the concerns of the community.

Mr. Menser inquired if Mr. Pratt was indicating that there was a petition in favor of the development that the Planning and Zoning Commission has not seen.

Mr. Pratt noted that was correct and asked Mr. Tenney to comment about it.

Mr. Tenney indicated that he and his brother, Harold, have been talking to the neighbors in the area and have about 40 signatures in favor of the project. Mr. Tenney noted that the petition would be presented at the next Planning and Zoning meeting.

Mr. Roger Swenson, 717 City Lights, Prescott indicated that he lives at a location where wildlife migrates through the area and that he and his wife had presented a letter regarding some of the issues that they have noted. Mr. Swenson noted however, they did appreciate the adjustment of the traffic off of City Lights. Mr. Swenson added that he is an advocate of Planned Area Developments because it allows for a mix in the zoning that could not be achieved any other way and the open space area that was set aside in the Foothills development probably would have been built out. Mr. Swenson noted that one comment he put in his letter was that there is a major drainage area that allows for the migration of the wildlife and they are concerned that the lots are too square and will become fenced and the migration of the wildlife will cease. Mr. Swenson further noted that the area is only one mile from the Prescott National Forest.

Chairman Wiant called for other public comment. Hearing none closed the public portion of the meeting.

Mr. Rosa, **MOTION: to continue** RZ09-004 and PP09-002, The Homestead Preliminary Plat until the April 30th, 2009 Planning and Zoning Commission meeting.

Mr. Menser 2nd.

VOTE: 7-0.

IV. PUBLIC HEARING ITEMS

(May be voted on today unless otherwise specified)

- 5. GP08-005, 1711 Thumb Butte Road.** APNs: 108-06-031K, 108-06-031P, and totaling ± 0.33 acres. Request General Plan Amendment from Low-Medium Density Residential (1-7 DUA) to Mixed Use. Owners/Applicants are Raymond & Lanette Hanna. Community Planner, Mike Bacon (928) 777-1360.

***Application has been withdrawn.**

- 6. RZ08-006, 1711 Thumb Butte Road.** APNs: 108-06-031K, 108-06-031P, and totaling ± 0.33 acre. Request zoning change from Single-Family-9000 square foot minimum lot size (SF-9) to Residential Offices (RO). Owners/Applicants are Raymond & Lanette Hanna. Community Planner, Mike Bacon (928) 777-1360.

***Application has been withdrawn.**

- 7. SUP09-001, 105 South Cortez Street. APN:** 109-01-021A and totaling ± 4,500 sq. ft. *Land Development Code* Sections 9.9 and 4.9.3.E.3. Zoning is Downtown Business (DTB). Request for a Special Use Permit to install a flagpole on top of

the building and go above the maximum 50' height allowed in the DTB zoning district. The flagpole will rise $\pm 18'-3"$ above the height of the $\pm 55'-4"$ inch tall building for a total height of $\pm 73'-6"$. Owner is TIS Holding, LLC. Agent is Otwell Associates Architects. Community Planner is Mike Bacon (928) 777-1360.

Mike Bacon, Community Planner reported that the request is for a Special Use Permit to install a 20-foot tall flagpole on the rooftop of the Knight of Pythias building which will extend above the maximum 50' height allowance in the DTB zoning district. Mr. Bacon noted that there has been extensive work on the building and the owners would like to have the building features represent as close to the original design as possible and that would include the Flagpole and Flag on the top of the building. Mr. Bacon placed an old photograph of the building on the overhead that reflected the Flagpole. Mr. Bacon reported that the Flagpole will extend about 18' above the height of the building with a total height of about 73'. The flagpole will be cast aluminum, medium or dark bronze in color, and electronic so the flag is raised, lowered and stored automatically at sunrise and dusk. Mr. Bacon noted that staff is recommending approval of the Special Use Permit and indicated that the architect was present to answer any questions.

Chairman Wiant indicated that this was Prescott's first skyscraper, the tallest one built in Prescott and survived the great fire.

Mr. Petrovsky noted that staff has indicated that the flag is stored in a container on the flagpole however, the details provided do not show the container.

Mr. Bacon indicated that the applicant could describe the storage as they have all the details.

Mr. Bill Otwell, 121 East Goodwin noted that the flag is stored in the diameter of the flagpole and the storage system is activated by a photo-sensor which activates when the sun goes down or comes up. Mr. Otwell further noted that because of the feature the flagpole will not have to be lighted. Mr. Otwell added that the building was the first high rise in the Arizona Territory and was built in 1892.

Mr. Michelman inquired if the applicant was asking for the flagpole to have the building reflect what it was in the early 1900's.

Mr. Otwell noted that was correct and added that the owner is doing a full restoration on the building and plans on using the top floor for art programs for children, and the bottom as an art gallery. Mr. Otwell added that the owner is also providing an endowment so that the programs can continue into the future. Mr. Otwell indicated that the faux stone stucco was installed on the outside of the building after the fire of 1900. The stucco was placed over the charred bricks and is now considered historic. Mr. Otwell further indicated that the placement of the flagpole is part of final show to restore it to the original look.

Chairman Wiant called for other public comment. Hearing none closed the public hearing and called upon the Commissioners for final comments or questions.

Mr. Menser commented that the building was grandfathered long before he was born and does not relate the flagpole to the height of the building.

Mr. Rosa, **MOTION: to recommend approval** of the Special Use Permit for 105 S. Cortez Street, SUP09-001 to allow the 20' flagpole on the rooftop of the Knights of Pythias Building.

Mr. Petrovsky, 2nd. **VOTE: 7-0.**

Chairman Wiant called for a five minute recess at 10:02 AM.

The Commission reconvened at 10:06 AM and heard agenda item # 9.

8. **RZ09-004, 677 & 714 Tenney Lane.** APNS: 110-06-005Z, 110-06-005R, 110-06-005Q, 110-06-006A and totaling ± 18.81 acres. Zoning is Single-Family 35 (SF- 35). Request zoning change from Single-Family 35 (SF-35) to Single- Family 18 (SF-18). Owners are Jeanine T. Brown and Harold O. Tenney. Applicant/Agent is Carl Tenney. Community Planner is Mike Bacon (928) 777-1360.

* See item # 4 for minutes.

9. **LDC08-002, Various Amendments to the City of Prescott Land Development Code (LDC)**, more specifically amendments to: Article 2, Use Regulations, Table 2.3; Article 6, General Development Standards, Section 6.2.5 C; Article 7, Subdivision and Land Split Standards, Section 7.4.5B.4. The proposed amendments affect property within the corporate limits of the City of Prescott.

Chairman Wiant called for the first item, **Flag Lot Dimensions.**

Mr. Worley noted that the report included a series of modifications of the (*LDC*) *Land Development Code* and that some of the items were previous heard by the Commission however, in the process of batching the items to take to the City Council there have been a few items added. Mr. Worley reported that he would be providing a recap of the previous items as well as presenting the new item on Mobil Food Vendors. Mr. Worley started with the Flag Lot dimensions and noted that currently in the *Land Development Code* the dimensions for a Flag Lot can not exceed more that 150 feet on the flagpole portion of the lot and because the Fire Department has adopted new modifications to the Fire Code that allow for the dealings of houses built further than 150 feet back, there is no reason that 150 feet designation that was adopted in the *LDC* has significance now. The new Fire Codes require a working platform on the property for fire apparatus to be staged on if the property is more that 150 feet from the street regardless if it is a flag lot or not. Staff is proposing to eliminate the 150', allowing for the flagpole portions of the lot to be longer if needed, provided that the property meets all other Fire Department requirements and any other dimensional requirements that the *LDC* requires for safe lots. Mr. Worley added that residential fire systems were not as common as they are today, and there is not the concern of how far the building will be away from the street as most of the construction that is reviewed now has residential fire sprinklers as part of their design. Staff believes that the modification to the code will allow for more flexibility back to the property owner or developer and does not compromise the safety of the property being developed.

Chairman Wiant indicated that takes care of the interior of the property and inquired about the regulations for trimming back on the exterior.

Mr. Worley reported that there is a provision in the Wild and Interface Code that was adopted the same time as the amended Fire Code and requires new construction to prune the property back to provide a defensible space around the building.

Mr. Menser indicated that it is a perimeter defense where at every ten feet something has to be done.

Chairman Wiant inquired if that pertained to new construction only.

Mr. Worley specified that the amendment would be applicable for lot splitting or the creation of a new subdivision of lots.

Chairman Wiant called for questions from the Commissioners and noted that this had also been reviewed by the Uniform Development Committee.

Mr. Scamardo noted that at the UDC meeting on March 29th all the items were discussed. Mr. Scamardo added that the committee members for the UDC are made up from 3 Planning and Zoning Commissioners, 1 Board of Adjustment member, and 3 City Council members.

Chairman Wiant noted that was for clarification in case there were concerns that there is not adequate time to the discussion on the items that was being presented.

Mr. Worley stressed that when code amendments are brought before the Planning and Zoning Commission that affect other departments, they are reviewed by the affected department prior to the final presentation to the Commission.

Chairman Wiant announced the next item, **Schools in Industrial Light (IL) Districts.**

Mr. Worley noted that this also was a previously reviewed item and reported that schools are limited to certain zoning district under the *LDC*. Mr. Worley indicated that there has been a series of developments within the Light Industrial areas which are of a business type nature. Mr. Worley noted that there has been a number of inquires to establish trade schools or private schools that would fit very well in that area however, are not allowed per the *LDC*. Mr. Worley further noted that the proposal is to allow for schools in the Industrial Light district when the criteria is met and the use is compatible to the other uses.

Mr. Menser noted that one example was for a private pilot training schools where they would spend the night.

Mr. Worley noted that was another modification request to the *LDC* but, they are very similar. Mr. Worley indicated that this request stemmed from a request for a private K-12 school but were denied because of the current code regulations.

Chairman Wiant called for additional comments from the Commissioners. Hearing none moved to the next item. **Hotels and Motels in Industrial Light (IL) Districts.**

Mr. Worley noted that currently the uses of hotels and motels are not allowed in Industrial Light zoning areas, and staff is requesting the modification to the code because much of the airport area is zoned Industrial Light. Mr. Worley further noted that staff believes that potential annexations around the west side of the airport will include Industrial Light zoning areas close to the highway where hotels and motels would normally be located and are a commercial use. Staff is requesting for the change in the *LDC* to allow for the uses of Hotels and Motels because of the closeness to the airport area and without changing the zoning of areas.

Mr. Michelman inquired if the concept of allowing hotels/motels in industrial light areas is also common in other cities.

Mr. Worley indicated that the use is common and that most of the areas around airports have hotels and motels and are in a mixed light industrial area. Mr. Worley noted that there is also storage type facilities and industrial uses associated with an airport.

Chairman Wiant noted no further comments from the Commissioners and moved to the next item. **Compact Parking Spaces for Multi-Family Projects.**

Mr. Worley noted that currently the *LDC* allows for up to 15%, for compact spaces in a commercial establishment but not in residential type projects. Mr. Worley reported that there have been requests to allow for the same considerations within multi-family residential properties. Mr. Worley indicated that during the last discussion of the item the Commission noted that it does not sound like a good idea, however, if the property owner wants to do it, they should also be allowed to the 15%. Mr. Worley noted that the use of a compact space is the property owners' marketing issue and that staff is recommending to move the request forward to allow for the opportunity should the property owner request it.

Mr. Scamardo indicated that Mr. Worley was being nice and noted that the comments were if the owner wants to be dumb enough to do something to affect the marketability then let them do it.

Mr. Rosa inquired who would enforce the parking of the compact spaces.

Mr. Scamardo indicated that the reduction would be noted on the site plan when it came in for approval.

Mr. Rosa commented that if he parked a large vehicle in a compact space who would enforce it.

Mr. Scamardo commented that if an owner thinks that he wants to have the compact parking and people misuse it, it is a private property issue. Mr. Scamardo added that the property owner will have to police it themselves.

Mr. Michelman inquired where the 15% reduction number came from.

Mr. Worley noted that it is the reduction amount that is currently allowed in the *LDC* for commercial areas.

Mr. Scamardo commented when the *LDC* was being written the consultant made recommendations.

Mr. Worley noted that it also included checking with other communities, and there was a lot of variation where some places allowed as much as 25% reductions.

Chairman Wiant inquired how significant is 1½ feet x 3 feet considering the size of vehicles today, noting that there is not as many large cars today.

Mr. Worley noted that the significance is in the ability to provide more parking spaces in a larger development, the extra feet noted in the dimensions of the space add up.

Chairman Wiant noted that the 7 ½ feet x 16 feet parking space would be an adequate size for most vehicles today.

Mr. Worley agreed.

Mr. Gardner indicated that he owned three different apartments and the one he had the least amount of trouble with was the one with the tightest parking because, people tend to bring in other stuff such as trailers when there are extra parking spaces.

Chairman Wiant called for further questions or comments from the Commissioners. Hearing none proceeded to the next item. **Schools and Dormitories in the Industrial Light (IL) Zone.**

Mr. Worley reported that the modification is to allow for a dormitory associated use with a technology type school, where people can actually stay on site as they are being trained. Mr. Worley indicated that the particular request was for a flight school, but this request could include other possibilities where the schooling lasts a limited amount of time and could allow for a business of this type to establish in and around the airport. Mr. Worley noted that dormitories are treated as a residential use and are currently not

allowed in industrial districts per the *Land Development Code*. Mr. Worley added that staff recommends support for the request.

Chairman Wiant called for comments or questions from the Commissioners. Hearing none moved to the next item. **Mobil Food Vendors.**

Mr. Worley noted that over the years staff has had a number of requests for Hot Dog Cart Vendors to be located around town, with the majority of the requests for the downtown area. Mr. Worley reported that in most cases the requests were for areas around the Courthouse Plaza and that it is not allowed for several reasons. Mr. Worley noted that for one, the right of way extends to the face of the buildings and that it is considered public right of way and, two, it is not allowed in the area of the Courthouse Plaza because, the Courthouse Plaza is regulated by the County, where the use is not allowed unless, it is tied to a special event. Mr. Worley further noted that recently there was a request made for a location that was on private property away from the plaza and met some of the interpretations that the City has been using to regulate the use of Hot Dog vending carts. Mr. Worley explained that the interpretation that has been used over the years defines a Hot Dog Cart as an accessory use and can only be used as accessory use. Mr. Worley added that the current request made staff look at how they have been interpreting the code. The interpretation noted that if someone occupied the building, then the cart was considered an accessory to the principal use in that building. Mr. Worley added that they further used the interpretation to say that if the cart was under the roof of the building but outside the wall, it was still considered an accessory use of the building. In addition, sometimes, the interpretation is used to allow the Mobil Food Vendors to set up on a piece of property, still as an accessory use but, they are not located under the roof or up next to the building. Mr. Worley added that staff developed the proposed code criteria from information that was gathered from other jurisdictions. The proposal is to allow for the use of a Mobil Food Vendor on site, outside of the building if; they do not adversely impact the principal use, they remain an accessory use to the property, it can not be a vacant property, it has to have a building and a principal use located on it, it can not be set up on a parking space that is needed for the principal use, it can not block sidewalks or walkways, and it must continue to be an accessory use. Mr. Worley cited the example of the Hot Dog Vendor located on the property at Foxworth Galbreth where they have operated for years, under a carport type cover as an accessory use. Mr. Worley indicated that the use also influenced the language that staff uses today. Mr. Worley added that the newer Hot Dog Cart that is operating today is located under an awing that is located on S. Montezuma Street and Carlton Street meets the current interpretation and also the new code proposal. Mr. Worley concluded the report by adding that the proposal was reviewed by the Development Code Committee where it was approved to move forward to the Planning and Zoning Commission.

Mr. Petrovsky inquired if the conditions of the use were previously established in the *Land Development Code* or if it was new.

Mr. Worley reported that it was new and that a fellow staff member, Planner, Wendell Hardin had provided the research with other communities and found that conditions were established in those communities for Mobil Food Vendors of all types.

Chairman Wiant indicated that there was no limitation as to what could be offered and he inquired if there was a size limitation.

Mr. Worley indicated that there was a maximum size of the cart because it will either occupy a space off of the parking lot or locate in a spare parking space.

Mr. Scamardo indicated that the Uniform Code Committee decided to limit the size based on what the manufactures were providing and enlarged it a little to provide for small seats or an umbrella. Mr. Scamardo further noted that committee did go into

technical details with the size decision. In addition, Mr. Scamardo noted that a Yavapai County Health Department permit would also be required.

Mr. Menser added that under certain zonings a conditional use permit would be required.

Mr. Worley reported that was established for the downtown area because of the small size of the lots and the large size of the buildings, and it is more likely that they would be direct competition in the downtown for the pedestrian traffic.

Mr. Scamardo indicated that he had viewed one in Phoenix where the cart was not too big but the tables had added to the site.

Mr. Michelman inquired if a vendor wanted to set up on a vacant lot or an area where the building was vacant, would it be allowed?

Mr. Worley noted it would not, it has to be an accessory to a principal use, it has to have a building on the site, and the building has to be occupied with a principal use in order to allow for the use.

Mr. Menser reported that there were Vendors at the UDC meeting that were helpful and that is how the 8'x5' size was determined and everyone was happy with the outcome.

Chairman Wiant asked Mr. Worley if the motion could incorporate all the items as a group.

Mr. Worley indicated yes.

Mr. Scamardo, MOTION: to approve the staff's various amendments to the Land Development Code; Flag Lot Dimensions, Schools in Industrial Light Districts, Hotels and Motels in Industrial Light Districts, Compact Parking Spaces for Multi-Family Projects, Schools and Dormitories in the Industrial Light Zone and, Mobil Food Vendors.

Mr. Michelman, 2nd. VOTE: 7-0.

V. CITY UPDATES

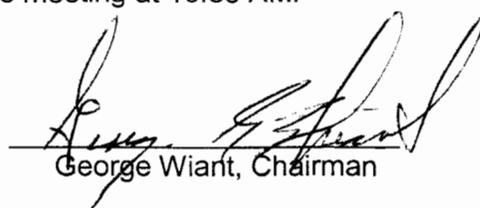
None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

None.

VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 10:35 AM.


George Wiant, Chairman