



PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
PUBLIC HEARING
THURSDAY, June 25, 2009
9:00 AM**

**COUNCIL CHAMBERS
CITY HALL
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following Agenda will be considered by the **PLANNING & ZONING COMMISSION** at its **REGULAR MEETING / PUBLIC HEARING** to be held on **THURSDAY, June 25, 2009, at 9:00 AM** in **COUNCIL CHAMBERS, CITY HALL**, located at **201 S. CORTEZ STREET**. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

George Wiant, Chairman
Tom Menser, Vice Chairman
Joe Gardner
Don Michelman

Seymour Petrovsky
Richard Rosa
Len Scamardo

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 the June 11, 2009 meeting.
2. **SI05-002, Lowe's Landscape Plan for the Wall/ Soil Buttress.** APN: 112-05-049X; located at 2350 East State Route 69. Zoning is Business General (BG) Request for a revised site plan, grading plan and landscape plan. Owner is Lowe's HIW, Inc. Community planner is Mike Bacon.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

IV. PUBLIC HEARING ITEMS

3. **RZ09-002, 102 West Merritt Street.** APNS: 113-02-025B, 113-02-026A, 113-02-030A, 113-02-032A, 113-02-034A and, 113-02-035B and totaling ± 0.96 acres. Zoning is Multi-Family-Medium (MF-M). Request rezone from Multi-Family Medium (MF-M) to Neighborhood Orientated Business (NOB) for Office/Retail Suites. Owner is Bill Resnick, Resnick Family Limited Partnership. Agent is Tom Terry, Architect. Community Planner is Ryan Smith (928) 777-1209. (Vote: July 9, 2009)
4. **Land Development Code Amendment LDC09-001-A.** Amendments to Table 6.2.3, Article 6-Off-Street Parking, Section 11.2 and Section 11.1.3.D.3 all related to Parking for Workforce Housing. Community Planner, Mike Bacon. (Vote: June 25, 2009)

V. CITY UPDATES

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on **June 19, 2009 at: 12:30 PM** in accordance with the statement filed with the City Clerk's Office.

Kelly Sammeli, Administrative Specialist
Community Development Department

**PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
JUNE 11, 2009
PRESCOTT, ARIZONA**

Minutes of the **PLANNING & ZONING COMMISSION** held on **June 11, 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
Gary Kidd, City Attorney
Ben Vardiman, Airport Manager
Richard Mastin, Development Services Manager
Mike Bacon, Community Planner
Ryan Smith, Community Planner
Kelly Sammeli, Recording Secretary

Council Present

Mayor Wilson
Councilman Lamerson, Council Liaison
Councilman Luzius

III. REGULAR ACTION ITEMS

* **Due to a scheduling conflict Chairman Wiant moved item 1 to the last agenda item.**

2. Approve the minutes of the May 28, 2009 meeting.

Mr. Rosa. MOTION: to approve the minutes of the May 28, 2009 meeting.

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

3. **PP09-002 (formerly SP06-003)** The Homestead Preliminary Plat – request 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. Applicant/Agent is Carl Tenney. Community Planner, Mike Bacon. *(Associated with Item # 4 below)*.

Mike Bacon, Community Planner reported that the applicant, Mr. Tenney, submitted a letter requesting continuance for The Homestead items and that Mr. Tenney would like to address the Planning and Zoning Commission.

Chairman Wiant invited Mr. Tenney to the podium to speak.

Mr. Carl Tenney, 2191 N. Val Vista Drive, Chino Valley reported to the Commissioners that there will still drainage concerns that needed to be worked out with Engineering, and

instead of continuing the items, he felt that it would be best to remove the items from the calendar. Mr. Tenney further noted when everything was more securely in place he would request to be put back on the Commissions agenda.

Chairman Wiant announced that PP09-002 and RZ09-004 would be removed from the agenda until everything has been resolved by the City and the applicant.

Mr. Bacon noted that Mr. Tenney is not withdrawing his application however he is taking it off the Planning Commissions calendar.

Chairman Wiant noted that the item will be pulled until further notice.

Mr. Bacon informed the Commissioners that no motion was in order to remove the Homestead items.

Chairman Wiant thanked Mr. Tenney and called for agenda Item # 5.

4. **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. (*Associated with Item # 3 above*).

* **Item was removed from the calendar. See action and comments under item # 3.**

5. **Land Development Code Amendment LDC09-001-A.** Amendments to Table 6.2.3, Article 6-Off-Street Parking, Section 11.2 and Section 11.1.3.D.3 all related to Parking for Workforce Housing. Community Planner, Mike Bacon.

Mr. Bacon, Community Planner reported that staff has requested the item be continued until the June 25, 2009 meeting because, staff is in the process of researching alternative federal low income housing programs and needs additional time to completed the report.

Mr. Rosa, MOTION: Recommend that LDC09-001A be postponed until June 25, 2009 Planning Commission meeting.

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

6. **Land Development Code Amendment LDC 09-001-B.** Update Section 2.3 and create a new Airport Business (AB) zoning district and update section 5.2 Airport Noise Overlay. Community Planner, Ryan Smith.
7. **LUP09-002 Amendments to the Airport Specific Area Plan.** Community Planner, Ryan Smith.

* **Ryan Smith, Community Planner reported that item # 6 and item # 7 would be discussed simultaneously as they were related.**

Ryan Smith, Community Planner indicated that there was no additional information to report on however, he would briefly summarize the request. Mr. Smith reported that the City is currently working on the 2009 Airport Master Plan, and as a result of a study by using FAA guidelines, it has been determined that there are six airport influence zones. Mr. Smith projected several layouts of the airport area on the

overhead and noted that FAA guidelines take into consideration the safety impacts and noise intonation as well as limiting specific uses within the operation of the airport itself. Continuing, Mr. Smith reported that also out of this information the land use compatibility matrix was developed to address which uses would be appropriate within the six specific zones. Mr. Smith noted that staff would like to amend the Land Development Code and the Airport Specific Area Plan to match the guidelines as determined by the FAA. Staff is proposing that specific uses be determined in each of the zones according to the potential impacts of the airport. Continuing Mr. Smith reported that currently within the *Land Development Code*, land use compatibilities and noise are addressed in Table 5.2.4 and staff is proposing to remove this table completely and modify the Land Use Table 2.3. Staff is proposing to also use this table to amend the ASAP regulations for noise and height. Mr. Smith placed the modified Table 2.3 of the Land Development Code on the overhead projector and indicated that the proposal includes creating a new zoning district called the Airport Business (AB) District, which is a commercial industrial district that will be applied during a rezoning or annexation of any area located by the Airport within the impact zones 1, 2, or 3. Mr. Smith added that specific language and the methodology that staff would like to use, (using footnotes) is included under the Table. Mr. Smith concluded his report by noting the changes that will occur within the *Land Development Code* including creating a new zoning district, Airport Business (AB) District; Modify Section 2.3 Use Table and Section 5.2 Airport Noise Overlay (ANO) to regulate land uses with the 55 DNL, and include the requirements and restrictions of the FAA, and limit the height regulations of structures within Airport area, with no new residential within zones 1, 2, or 3 to protect the Airport operations and make sure that it is safe. Mr. Smith added that staff was asking for a positive recommendation to forward to Council with both of the amendments.

Chairman Wiant called for questions or comments from the Commissioners.

Mr. Michelman inquired if the amendments would affect the existing residential areas that are located adjacent to the Airport.

Mr. Smith indicated that the existing residential areas would be grandfathers in.

Chairman Wiant inquired about the noise control for new residential.

Mr. Smith noted that as part of the amendments, there will be updated information regarding noise control and it will be located in the overlay district.

Mr. Menser inquired if the amendments would affect any remodeling of the residences in the airport area.

Mr. Smith indicated that the amendments would affect any new properties located by the airport that might be annexed into the City.

Chairman Wiant opened the items for public comment. Hearing none closed the public comment portion and called for a motion.

Mr. Smith noted that two separate motions would be required.

Mr. Scamardo indicated that the Uniform Development Code Committee passed the amendments with a 7-0 vote and made a MOTION: to approve both LDC09-001-B and LUP09-002 according to the staff recommendations.

Mr. Smith reminded the Commissioners that two separate motions would be required.

Chairman Wiant asked Mr. Scamardo to restate the motion separating each item.

Mr. Scamardo, MOTION: to approve LDC09-001-B according to the staff recommendations.

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

Mr. Scamardo, MOTION: recommend approval of the Airport Specific Area Plan LUP09-002.

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

1. City of Prescott 2011 through 2015 Capital Improvement Program.

Finance Director, City of Prescott, Mark Woodfill.

Ms. Fisher reported on the Capital improvement Plan, 2011 through 2015, and noted that the five year plan was on water, waste water and streets, which was adopted in November of 2008.

Commissioners queried and commented on:

- the water improvements scheduled for the rest of Rosser Street towards Highway 89;
- dedicating the remaining money for Open Space;
- the Sundog connector road;
- the new Haisley reservoir; and,
- money allocated for the water ranch and if it would be bonded.

Mayor Wilson reported that the money allocated for the water ranch is not for the new water pipeline, it is being allocated to alleviate the concerns of a system failure for the production facility located in Chino Valley. Mr. Wilson added that it is also allocated to help in reducing the pressure of the water being pumped for that facility and that the amount for the project will probably be bonded.

V. CITY UPDATES

None.

VI. SUMMARY OF CURRENT OR RECENT EVENTS

Chairman Wiant noted to the Commissioners that in their packets there was a brochure on the Parliamentary Institute and if they were interested in attending they should contact the City. Chairman Wiant also informed the Commissioners that the updated Open Space report included in the packet was for informational purposes only.

VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 9:25 AM.

DRAFT

- Types of vegetation (Described in the presentation).
- Type of irrigation (Overhead spray for groundcover and shrubs; drip for trees).
- The hours of construction (6 AM-8 PM per City Code; however, Lowes indicates that it is expected that actual construction may not begin until around 7 AM).
- Color of drainage channels. (Channels to be colored an earth-tone color).
- A few native trees should be protected near the house on the northwest side of the property. (Lowe's will protect these trees).

STAFF ANALYSIS

Soil Buttress Landscaping.

Instead of a tiered landscape wall system which was originally approved, and subsequently failed, a 2:1 slope landscaped soil buttress is proposed. The main portion of the buttress will lie north of the parking lot toward Prescott Canyon Estate, and a significantly smaller portion to the west of the parking lot.

Landscaping. Lowe's has followed the recommendations of the landscape consultant for the Prescott Canyon Estates HOA in the proposed landscape plan. As a result, over 70 Arizona cypress are proposed to screen the parking lot, to act as a better noise barrier, and to provide faster growth than the slower growing pinon pines and juniper trees. In addition to the 143 planted trees, a variety of native shrubs (minimum plant size 5 gallon), and groundcover hydro-seeding in a naturalized design concept will enable the soil buttress to blend into the surrounding native vegetation. Minimum planted conifer tree size will be 5-feet and deciduous trees generally 8-feet in height.

The Powerpoint presentation will provide additional details regarding specific plants and the overall design.

Intergovernmental Agreement (IGA). An Intergovernmental Agreement (IGA) was approved in May 2009 by the Yavapai County Board of Supervisors to allow the City to perform the inspections and plan review for the portion of the soil buttress which extends into the County (i.e. Prescott Canyon Estates). The IGA will be brought to the City Council for consideration as a separate item.

Parking. The proposed parking exceeds the City's code requirements. The 2005 approved site plan with its 138,431 sq. ft. building was estimated to be 2/3's retail space of smaller consumer goods and 1/3 of the space being larger consumer goods. The 29,153 sq. ft. adjoining garden center parking was also based on larger consumer goods. (Total 167,584 total sq. ft.). After construction and stocking, Staff noted the store's wide aisles and a larger proportion of large consumer goods which reversed the above percentages (i.e. 2/3 large consumer goods and 1/3 smaller consumer goods)

Based upon the parking requirement 1 space for each 200 sq. ft. of retail area and 1 space for each 500 sq. ft. of large consumer goods, a total of 472 stalls are now required. 510 stalls are provided with the revised site plan.

State Land.

The State Land has seen a lack of sufficient groundcover and newly planted trees die because of irrigation issues, non-native trees planted, and tree sizes which did not meet the minimum code requirements. The proposed planting plan will correct these deficiencies. Fifteen (15) Arizona cypress trees have also been added to the plant palette in order to provide a faster growing tree among the slower growing pinon pine and junipers. Total trees to be planted number 223. This exceeds the 144 trees approved on the 2005 landscape plan. Other plantings will include 114 native shrubs of both a 5 gallon and 1 gallon size at planting and a native hydro-seed mixture of plantings. Special erosion control measures will be instituted on the steep slopes direct northeast of the building in order to provide a suitable plant medium for growth. An irrigation schedule is included as part of the approval (See Planning Department Comments further below).

Grading for the soil buttress will occur at the toe (bottom) of the State Land slope. The grading plans indicate that Hwy 69 grading ostensibly create a manufactured slope; however, Staff has required a note be placed on the civil plans that state "Final grading of all new cut slopes shall conform to Table 6.7.7 of the City of Prescott and Development Code (Nov. 25, 2008) to create a more natural undulating appearance with rounded toe and top of slope".

Concrete drainage channels will be colored an earth tone color subject to Council approval.

ENGINEERING. The Civil Plans have been approved subject to conditions.

STAFF RECOMMENDATION

Staff recommends approval of S105-002 REVISED site plan and landscape plan subject to City Department comments.

Recommended Action

Move to Recommend Approval of The Lowe's Revised portions of the Site, Grading and Landscape Plans dated June 15, 2009, subject to City Department Comments within this Staff Report dated June 25, 2009.

CITY DEPARTMENT COMMENTS

Engineering Services:

Reviewer: John Lambert 777-1694, Greg Toth 777-1622 – Drainage: Approved.
Scott Tkach 777-1606 – Geotechnical Review: Approved with the condition that the slope exposures of 1H: 1V or in excess are monitored and approved by the geotechnical engineer.

1. See redline plan set. Sheet C-6, Pavement match-up at Sta. 2+25 appears to have excessive grade break (1.36% to 12.8%) . Is it possible to extend /lengthen vertical curve to soften the transition.
2. Sheets C-8&C-9 minor typos for wall details.
3. Sheet E-4, Box note calls out for stained concrete, whereas sheet C-14 box note calls out colored concrete, which is correct. Please correct Sht. E-4 to read as colored concrete.
4. Sheet C-16 Provide a standard detail for the Storm Drain M.H.'s called out. Also specify Bolt down cover where redlined. Callout pipe slope anchors per Mfg's spec's for pipe used and slopes shown.
5. Sheet C-20, Curb opening/drive approach at the two gates for slope access may be problematic if the approach is not hiked up to prevent storm water from over topping.

The resubmitted landscape plans did not reflect revisions to the plans requested by Bruce Canavan. We are returning the first review comments and asked that Thomas Graham forward on to the Landscape Architect for corrections to Bruce's redline comments.

Planning

1. Irrigation shall be performed as outlined in the Jon Jessey letter to Tom Guice dated April 20, 2009 which states the following:
 - The Lowe's project will require two different irrigation schedules due to the fact there are some areas of grassland that have a one (1) year growth cycle behind them, and we'll also have new areas that will be hydroseeded as a part of the soil buttress construction process that will include both the Retail and the State Lands sites. The existing irrigation controllers for both sites are being replaced with a WeatherTRAK system "smart controller" to better regulate the application of water for all the landscaped areas. With this controller system in place, we would expect the schedules below to be the worst case and there would be a period of transition where a reduction in actual watering days would take place during both the spring and fall months. We would anticipate the following watering schedules for each of these scenarios to be as follows:
 - **Single Season Growth Grassland Areas** (Rain Sensor and Smart Controller to Manage During the Monsoon Season)

- OVERHEAD SPRAY
- Time of Day: 8:00 PM to 8:00 AM (overhead spray between 8 AM – 8 PM prohibited by City Code).
- Days: Monday, Wednesday, Friday
- Months: April – September

- TREE DRIP RINGS
- Time of Day: 8:00 AM to 8:00 PM
- Days: Saturday
- Months: April – September

- **Newly Hydroseeded Grassland Areas** (Rain Sensor and Smart Controller to Manage During the Monsoon Season)
- OVERHEAD SPRAY
- Time of Day: 8:00 PM to 8:00 AM (overhead spray between 8 AM – 8 PM prohibited by City Code).
- First 30 Days: Monday – Sunday
- After First 30 days: Monday, Wednesday, Friday
- Months: April – September

- TREE DRIP RINGS
- Time of Day: 8:00 AM to 8:00PM
- Days: Saturday
- Months: April – September

- Regarding removal of surface mounted irrigation lines: The lines supplying the overhead spray system are anticipated to be removed within a maximum of a three year period of time. At the end of the second full growing season, the site is to be evaluated for percentage of vegetative coverage and the ability of this vegetation to stabilize the soils that cover the State Lands area.

- The proposed areas described as grassland were conceived to be transitional plantings from an irrigated to non-irrigated scenario over a progression of years. The overhead spray irrigation system was proposed in order to establish the annual grasses and have them produce two to three seasons of seed that would add to the original hydroseeded application and create a dense thicket of grass to stabilize the slope profiles. The tree drip rings would be operable for a period no longer than five (5) years. During this five-year period a slow weaning off period would take place in order to provide a slow transition into a situation where the amount of seasonal rainfall would be enough to support the growth of these trees over their lifespan.

**Planning Commission Narrative
Lowe's of Prescott – Soil Buttress and State Land**

Just like you, we have been distressed about the problems in the facing of the retaining wall at our store off Route 69, and we are now before you with what we believe is the best solution for the residents of Prescott and for the long-term wall repair. We will briefly summarize some of the project history below as well as the alternative rock wall repair and end with the soil buttress solution that we are presenting to planning commission as the repair we are moving forward with.

In 2006, Lowe's HIW, Inc ("Lowe's) purchased commercially zoned property in the City of Prescott on which a new home improvement store was built. After moving through the approval process with the city and local jurisdictions to obtain the required permits, we began constructing the new store in early 2007 and opened the store in November 2007.

In December 2007, a problem occurred in the facing of the retaining wall on the north side of the Lowe's store (adjacent to Prescott Canyon Estates Homeowners Association), which caused great concern to Lowe's, the Prescott Canyon Estates HOA, and the City of Prescott. Lowe's immediately mobilized staff from our real estate, construction and engineering departments, including soil and geotechnical experts and other personnel to ensure safety, inspect the wall in order to determine what action should be taken, and create a plan of action. Lowe's continued its analysis of the wall and began soil testing and water level evaluations at various locations along the retaining wall and in the Lowe's parking lot throughout the spring.

In January 2008, Lowe's purchased the residence of Prescott Canyon Estate homeowner Robert Schaeffer and the well-kept home was donated to the Prescott Chapter of Habitat for Humanity.

Progress regarding the collection of wall monitoring data and alternative repair analysis was steady through the spring of 2008.

In May 2008, Lowe's staff and engineers met with a small body of Prescott Canyon Estates Homeowners to describe options for replacing the wall, which included the soil buttress solution and an alternative solution involving an artificial rock wall repair plan with soil nails, tie backs and a concrete surface. A number of homeowners opposed Lowe's soil buttress because it was to be developed and built on a portion of the common area property of Prescott Canyon Estates. As a result, Lowe's instructed its wall design engineers to stop work on the soil slope wall repair plan and to prepare design plans for the artificial rock wall repair plan that would be built entirely on Lowe's Property instead.

The artificial rock wall repair plan was designed using steel beams, soil nails and longer tie backs to hold the wall's soil in place. Installing these mechanical products involves drilling, which would have produced a loud, repetitive pounding sound. At least two (2) drilling platforms stationed in Lowe's parking lot would reach over the top of the wall to

drill into the wall facing. The wall would have been a colored concrete type of surface, which would have been applied to resemble rock and be visible throughout most of Prescott Canyon Estates. Lowe's wall design engineers substantially completed the plans for the artificial rock wall repair solution in July 2008. The City of Prescott was in the final stages of approving these wall repair design.

In the meantime, Lowe's continued to review the soil buttress wall solution—because, in addition to providing a long-term engineering wall repair solution, it will also return the wall area to a more aesthetically pleasing appearance for homeowners in Prescott Canyon Estates by creating a natural soil slope with landscaping similar to the hillsides surrounding Prescott Canyon Estates.

Lowe's has continued to meet with the Prescott Canyon Estates HOA officers and has conducted several presentations and neighborhood meetings to address concerns and answer questions of the residents.

To create this soil buttress solution, Prescott Canyon Estates is in the process of selling Lowe's approximately 1 acre of land from its common area near the wall on River Trail Road for this development. Lowe's has entered into an agreement with the Prescott Canyon Estates HOA to pay all construction costs, road movement and storm drain modification costs, voting expenses, Prescott Canyon Estates Attorney's fees and all other transaction costs (i.e. amendment of the Codes, Covenants and Restrictions (CC&Rs) of Prescott Canyon Estates.) Lowe's will landscape and maintain at Lowe's expense the soil slope as it grows and develops into a hillside similar to other natural areas around Prescott Canyon Estates.

To construct this soil buttress, Lowe's contractor will relocate the existing River Trail Rd towards the north approximately 20 feet along with the water, gas, electrical and sewer utilities that serve Prescott Canyon Estates. To relocate this road the contractor will need to extend the wing walls at the outlet of the box culvert up to 4 feet vertically. During the road relocation, residents of the HOA will have full access to their residences with their personal vehicles as well as for emergency vehicles and equipment. Once the road is complete and a safety zone has been re-established, Lowe's contractor will remove the wall facing panels of the existing retaining wall from the top down, similar to the original wall unloading operation that was completed last winter. While removing the wall panels the contractor will also remove the existing soil under the northern portion of the parking lot as well as any loose material beneath or at the toe of the proposed soil buttress. This will insure that the soil buttress is built on competent and firm material. The excess material from this initial operation will be temporarily stock piled behind the Lowe's store on the State Land property and then reused to create the soil buttress. Once this has been completed, the contractor will begin to re-compact the stock piled material to create the soil buttress and will import any additional material required for the project from the state land to create the soil buttress. Once all of the material is in place he will construct the terrace swales, the final drainage structures\pipes and then begin planting the vegetation and installing the irrigation as shown in the final renderings.

The additional fill material, beyond the stock piled material, will come from the State Land area below the existing lower terrace swale. The final grading will be completed according to the cities grading ordinance. Lowe's contractor will work around the existing utilities to create a less-engineered-looking slope by undulating the grades where possible. The final grades will vary from what has been shown on the engineered drawings based upon material quantity and soil property requirements for the buttress. When it is complete this will help create a more natural-looking cut behind and to the east of the City's pump house to allow for a greater sense of depth to roadway travelers as shown in the Highway 69 renderings.

The proposed landscape improvements for the area directly east of the Lowe's retail site on the State Lands, will maintain the theme defined during the initial development of the retail site. This theme has two major goals; the first is to establish a quick growth grassland planting to stabilize the slope profiles and eliminate soil erosion, and the second goal would be to establish a hardy drought tolerant native plant community that will, in time, blend into the surrounding hillsides abutting the site. The site will be planted via hydroseed application with herbaceous wildflowers, grasses, and woody understory shrubs. There is to be a concentrated planting of container grown shrubs placed in the northwest corner of the site to help accelerate the vegetative cover for this highly visible slope profile. There will also be a blend of container raised trees planted throughout the existing hillside and the area to be regraded in order to build the soil buttress slope located to the north of the Lowe's retail site. All trees proposed for the State Land site, except for three Net Leaf Hackberry trees, are evergreens and have been specified to meet the city's minimum size standard of 5' in height at the time they are planted.

We anticipate the entire site will be watered by an overhead application method for a minimum period of two years in order to insure a high degree of initial germination and survivability for two full growth cycles. With the production of new viable seed and a natural cycle of growth, the reseeded will be established and then transitioned over to being sustained by seasonal rainfall only. The tree plantings will be watered by a low volume drip irrigation system that we anticipate will be in place for a maximum of five years. These trees will be watered with the goal of getting the trees established and then hardening them off slowly over this five-year transition period to the point they, too, will be sustained only by seasonal rainfall. All irrigation pipe and hardware will be removed from the site once this five-year establishment period has been concluded.

Lowe's has been working with city staff and their hired outside experts to finalize a geotechnical report, engineering drawings and specifications, as well as landscape and irrigation drawings for the soil buttress solution. These drawings not only address the soil buttress repairs but also many of the ongoing issues onsite and on the State Land hillside behind the store. The construction of the soil buttress solution and hillside are anticipated to take approximately 6-8 months to complete.

This is one of the final steps in order to complete this project and gain the approval of the city. We hope that we have addressed the city's concerns and look forward to finishing this project as soon as possible.

Rezoning
102 W. Merritt St. Office/Retail Suites
RZ09-002

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION

Staff Report

Planning Commission Dates: June 25, 2009 (Regular Meeting)
July 9, 2009 (Public Hearing)

TO: City of Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director *TG*
George Worley, Assistant Community Development Director *(-k)*
Ryan Smith, Community Planner *RS*

DATE: June 18, 2009

REQUEST: RZ09-002 **ZONING:** Multi-Family Medium Density (MF-M) - Existing
Neighborhood Oriented Business (NOB) - Proposed

Parcel Number: 113-02-025B, 026A, 028A, 030A, 032A, 034A and 035B

Agent: Tom Terry, Architect
Distinctive Homes
PO Box 3988
Prescott, AZ 86302

Owner: Bill Resnick
Resnick Family Ltd. Partnership
1360 Winfield Circle
Prescott, AZ 86301

PROJECT PROPOSAL:

Located at the southwest corner of Whipple and Merritt Avenue, the applicant is proposing to build an office/retail center on a seven properties totaling .96 acres. If approved, the rezoning shall be conditioned to be in general conformance to the applicant's conceptual site plan indicating 14,000 square feet of interior floor area and 50 associated automotive parking spaces. At a future date, the applicant must go through the City of Prescott commercial subdivision plat and site plan review process which will address infrastructure, parking, lighting, landscaping and other issues before Building Permits may be issued.

PREVIOUS COMMISSION/COUNCIL ACTIVITY:

The area was annexed in February of 1956. The Prescott City Council adopted the Dexter Neighborhood Plan in September of 2000.

EXISTING SITE and AREA CONDITIONS:

The project site is mostly vacant with one older manufactured home, proposed to be removed, located toward the south edge of the project. The north fork of Granite Creek runs generally Southwest of the property, therefore, the southern portion of the project is designated as FEMA flood zone A. In recent years, a traffic light has been installed at the intersection of Whipple and Merritt Street.

The combined project area of .96 acres would allow for 27 apartments or condominiums if developed under the current zoning of MF-M.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTERISTICS, ZONING & LAND USE:

The proposed offices are compatible with the surrounding area. The properties to the north and south to the project proposal are industrially zoned with a dentists office to the north and Shuttle "U" to the south. The properties to the east and west to the project proposal are zoned multi-family. However, medical offices lay to the east allowed by Conditional Use Permit under a previous zoning code. The area to the west allows for manufactured homes.

SURROUNDING ZONING AND LAND USE:

Direction	Zoning	Land Use
North	Industrial Transitional, IT	Dentist Office
South	Industrial Transitional, IT	Merritt St. & Airport Shuttle
East	Multi-family High Density, MF-H	Whipple St. & Medical Offices
West	Multi-family Medium Density, MF-M(MH) (allows for Manufactured Homes)	Single & Multi-family Residences

TRAFFIC AND ROADS:

The site plan provides for access to the development at two locations: Primary access is located from the alley connecting to Merritt St. A separate entrance will serve Whipple St. located in the northeast portion of the development and is restricted to right-in/right-out movement.

Public Works has reviewed the application. Due to the nature of the location, development of any type would result in similar traffic issues. The applicant will not be required to perform a Traffic Impact Analysis as the proposed access location offers the best sight distance afforded at the sight. Sufficient right-of-way exists at the alley entrance of 25 feet. Specific design for access will occur when a plat is submitted for approval.

CONSISTENCY WITH THE GENERAL PLAN AND DEXTER NEIGHBORHOOD PLAN:

The proposed project is consistent with and conforms to the City's adopted 2003 General Plan. This area is designated as Mixed Use which is defined as a mix of commercial, employment, public and residential uses.

The project and traffic movements are also consistent with the Dexter Neighborhood Plan which identifies this area as a potential area of transition to commercial uses and suggests that redevelopment be targeted in this area before removing housing units in other areas of the neighborhood. The Plan further recommends that these lots be

consolidated to allow for adequate access and that access be from Merritt Street or the alley.

PUBLIC COMMENTS:

Notices were mailed regarding the rezoning application, to the surrounding property owners of record. The mailing included project details, a hearing schedule, contact information and a vicinity map. In all 47 notices were mailed. Also, the application has been advertised and posted according to State requirements.

An area meeting was not held due to the commercial nature of the area and limited number of residences adjacent to the project.

Two letters of opposition have been received as of this writing. Neighbors express concern regarding traffic with particular concern for the alley access. Per Arizona Revised Statutes ARS 9-462.04, opposition exists from sufficient area (20% of the rear or any side) to require a super majority vote from Council for approval. Residential protection standards (screening) will be required to the single family residence directly adjacent to the project.

STAFF RECOMMENDATION:

Staff suggests a positive recommendation for approval of RZ09-002 for the development of an Office/Retail Center located at the southwest corner of Whipple and Merritt Avenue, with the following condition:

1. The development shall be in general conformance with the site plan revised on 4-27-09.

Attachments:

- Vicinity and Zoning Map
- Conceptual Site Plan revised 4-27-09
- Letters from Area Residents

PRODUCT INFO
 PROJECT:
 CLIENT:
 CONTRACTOR:
 DATE:
 SHEET:
 2006 I.R.C.

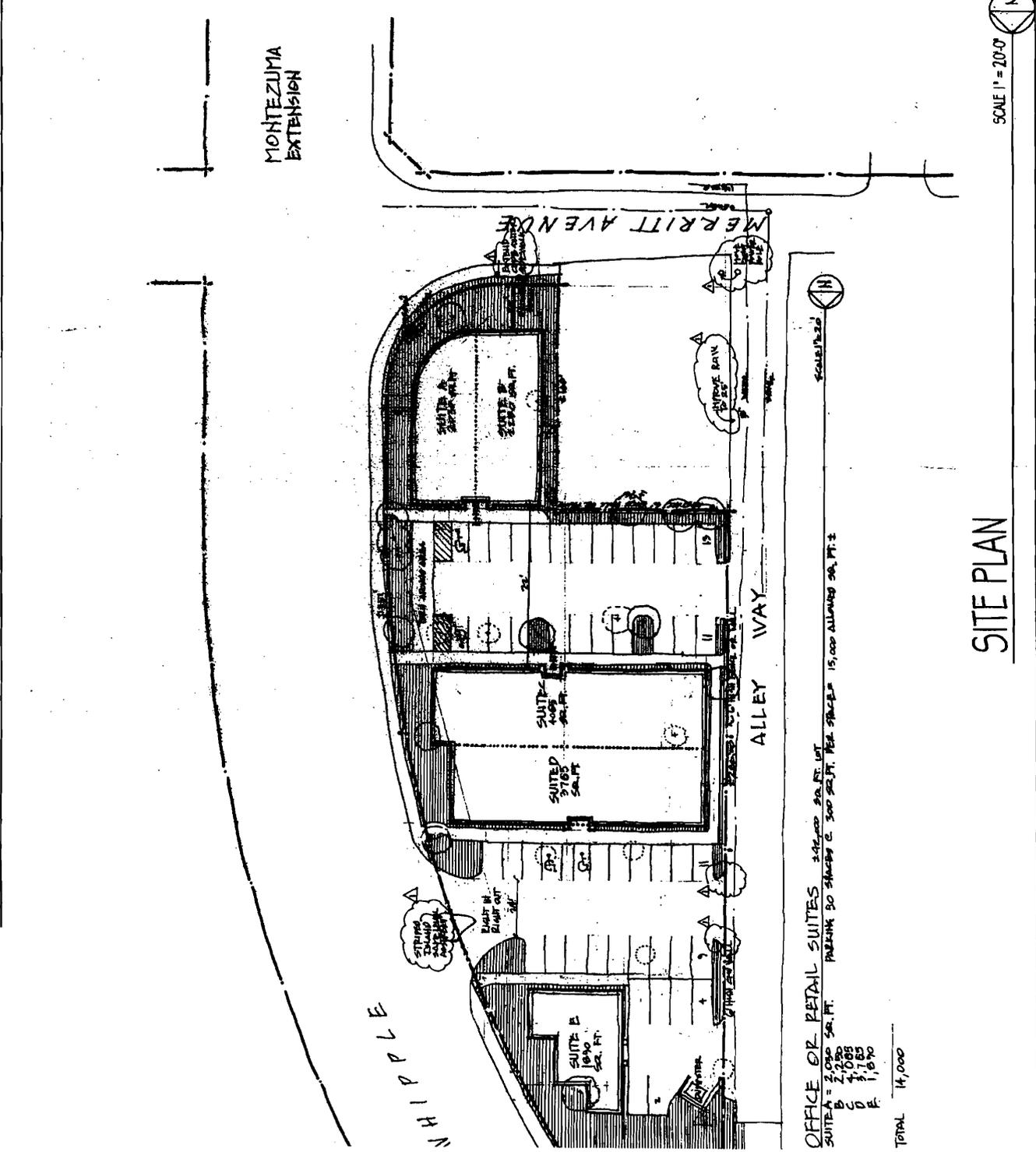
TYPICAL NOTES FOR SITE PLAN
 1. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES.
 2. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED DRIVEWAYS AND PARKING AREAS.
 3. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED FENCES AND WALLS.
 4. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED SIGNAGE.
 5. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED LANDSCAPING.
 6. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED UTILITIES.
 7. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES.
 8. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED DRIVEWAYS AND PARKING AREAS.
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 12. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED UTILITIES.
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 23. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED LANDSCAPING.
 24. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED UTILITIES.
 25. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED STRUCTURES AND UTILITIES.
 26. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED DRIVEWAYS AND PARKING AREAS.
 27. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED FENCES AND WALLS.
 28. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED SIGNAGE.
 29. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED LANDSCAPING.
 30. VERIFY ALL DIMENSIONS AND LOCATIONS OF EXISTING AND PROPOSED UTILITIES.

MATERIAL SPECIFICATIONS

1. ASPHALT	ASPH/FLY
2. CONCRETE	3000 PSI
3. GROUND	AS IS
4. GRAVEL	3/4" MAX. AGG.
5. SAND	30/60
6. SLOPE	2% MIN.
7. SIGNAGE	ALUMINUM
8. UTILITIES	AS SHOWN
9. STRUCTURES	AS SHOWN
10. DRIVEWAYS	ASPH/FLY
11. FENCES	AS SHOWN
12. WALLS	AS SHOWN
13. LANDSCAPING	AS SHOWN
14. UTILITIES	AS SHOWN
15. STRUCTURES	AS SHOWN
16. DRIVEWAYS	ASPH/FLY
17. FENCES	AS SHOWN
18. WALLS	AS SHOWN
19. LANDSCAPING	AS SHOWN
20. UTILITIES	AS SHOWN
21. STRUCTURES	AS SHOWN
22. DRIVEWAYS	ASPH/FLY
23. FENCES	AS SHOWN
24. WALLS	AS SHOWN
25. LANDSCAPING	AS SHOWN
26. UTILITIES	AS SHOWN
27. STRUCTURES	AS SHOWN
28. DRIVEWAYS	ASPH/FLY
29. FENCES	AS SHOWN
30. WALLS	AS SHOWN
31. LANDSCAPING	AS SHOWN
32. UTILITIES	AS SHOWN
33. STRUCTURES	AS SHOWN
34. DRIVEWAYS	ASPH/FLY
35. FENCES	AS SHOWN
36. WALLS	AS SHOWN
37. LANDSCAPING	AS SHOWN
38. UTILITIES	AS SHOWN
39. STRUCTURES	AS SHOWN
40. DRIVEWAYS	ASPH/FLY
41. FENCES	AS SHOWN
42. WALLS	AS SHOWN
43. LANDSCAPING	AS SHOWN
44. UTILITIES	AS SHOWN
45. STRUCTURES	AS SHOWN
46. DRIVEWAYS	ASPH/FLY
47. FENCES	AS SHOWN
48. WALLS	AS SHOWN
49. LANDSCAPING	AS SHOWN
50. UTILITIES	AS SHOWN

SHEET SCHEDULE

NO.	DESCRIPTION
1	OFFICE OR RETAIL SUITES
2	MONTEZUMA EXTENSION
3	ALLEY WAY
4	INDUSTRY BAY
5	WHIPPLE
6	MERRITT AVENUE
7	STREET LIGHTS
8	LANDSCAPING
9	UTILITIES
10	STRUCTURES
11	DRIVEWAYS
12	FENCES
13	WALLS
14	LANDSCAPING
15	UTILITIES
16	STRUCTURES
17	DRIVEWAYS
18	FENCES
19	WALLS
20	LANDSCAPING
21	UTILITIES
22	STRUCTURES
23	DRIVEWAYS
24	FENCES
25	WALLS
26	LANDSCAPING
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28	STRUCTURES
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30	FENCES
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32	LANDSCAPING
33	UTILITIES
34	STRUCTURES
35	DRIVEWAYS
36	FENCES
37	WALLS
38	LANDSCAPING
39	UTILITIES
40	STRUCTURES
41	DRIVEWAYS
42	FENCES
43	WALLS
44	LANDSCAPING
45	UTILITIES
46	STRUCTURES
47	DRIVEWAYS
48	FENCES
49	WALLS
50	LANDSCAPING



OFFICE OR RETAIL SUITES 24,000 SQ. FT. LOT
 SUITE A = 2,000 SQ. FT. PARKING 50 SPACES @ 300 SQ. FT. PER SPACE 15,000 ALLOWED SQ. FT. ±
 SUITE B = 2,200 SQ. FT.
 SUITE C = 3,000 SQ. FT.
 SUITE D = 1,800 SQ. FT.
TOTAL 14,000

SITE PLAN

SCALE 1" = 20'-0"

APR 3 2009

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

114 W. Merritt St.
Prescott AZ 86301

31 March 2009

TO: City Planning Commissioners

AND: Members of the City Council

Our family has recently become aware of the proposed development and request for rezoning to Neighborhood Oriented Business of the site at the Whipple and Merritt Streets corner that adjoins our residence at 114 West Merritt Street. If approved as submitted -- and we realize we cannot stop "progress" should it be determined to be progressive by the City -- we nearby residents express our grave concerns as to the safety and protection that access to such a complex at this specific location would pose with its ensuing density, noise, lighting and traffic pollution. It would clearly create a negative impact and a severe disturbance to the use and enjoyment of our homes and a challenge to the viability of this established residential neighborhood.

Our chief grievance, however, relates to the conversion of the narrow alley into a public roadway no less. Not only would it become the principal as well as the most likely entrance/exit to the projected units for the many patrons and customers without an alternative route at their disposal, but for the majority of the planned parking spaces this alley truly is indeed the one and only ingress and egress to the businesses according to the drawing. Keep in mind that this is a "dead end" lane and is the same alley provided to accommodate the pedestrian as well as the vehicular approach to the rears of their already existing residences. Presently it is barely wide enough for one vehicle to travel in either direction at any one time.

We believe that significant safety and security issues are at stake here due to the excessive traffic congestion -- in fact it would be downright dangerous and precarious, particularly for walk-in clientele. This alley was never designed to handle such a large influx of traffic, to include needed servicing and solid-waste disposal trucks; it does not provide adequate views for safe driving and it may impede the ability of emergency vehicles to access the adjacent properties unless a major reconstruction were to take place to control the much increased volume and movement of vehicles.

Let us point out also that the Merritt Street buildings immediately bordering the alley on the east and the west side as they were permitted are extremely and perilously close to the alley way and represent a real risk of security by the vehicles entering/departing the alley, not to mention the accompanying noise and headlights that would certainly drive us "out of bed" (our master bedroom happens to be right next to the alley) and would make it unliveable.

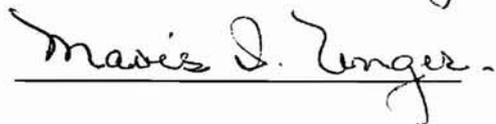
In our opinion -- and many of our neighbors agree and do intend to attend a hearing upon notification -- the intensity and problematic accessibility of the project is not compatible with the neighborhood as it exists and our community would suffer and be imperiled as a consequence.

We urge the City of Prescott to seriously weigh the possible eventualities of the design as presented and to mitigate its many inherent hazards prior to approval.

Thank you for your consideration.

Sincerely,





Karl/Mavis I. Unger

Dear Mr. Smith:

I recently received a letter concerning the Rezoning of property on Whipple and Merritt in Prescott. Included was a map of the site plan.

I have concerns regarding the entrance and exit to this proposed development and the traffic it will produce. I own a home at 813 2nd Street and my backyard faces this proposed plan. I do not have a privacy fence so all the activity created by this development will be open to view. I also have concerns about the alley way being used to enter and exit this proposed plan. The alley is very narrow and I don't believe supports the 50' roadway that we were required to allow for our project "Victory Hill" off of Trail Gardner/Wagon Trail/Pike Pl. by the city.

The meeting on June 25th will be attended by me.

Sincerely,
Barbara Vincent
813 Second St.
Prescott, Az 86301
928. 445. 3005

LDC AMENDMENTS
Workforce Parking Workforce Housing

Agenda # 4

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION
PLANNING & ZONING COMMISSION
STAFF REPORT
6/25/09 (Public Hearing)

TO: Planning Commission Members
FROM: Tom Guice, Community Development Director *TG*
George Worley, Assistant Director *GW*
Mike Bacon, Community Planner *MB*
DATE: 6/17/09
SUBJECT: LDC Amendments for Workforce Housing

UPDATE. This request for Land Development Code amendment was considered at the Study Session on May 28 and continued at the June 11 meeting to today to allow time to conduct additional research into providing a wider definition of Workforce housing and applicable funding mechanisms for affordability/low income housing programs.

Four Land Development Code amendments:

1. Table 6.2.3 of Article 6 Off-Street Parking Requirements to add a new parking requirement for Workforce Housing;
2. Section 11.2 to add a new definition regarding Workforce Housing,
3. Section 11.1.3.D.3. to add the definition of Workforce Housing,
4. Section 11.1.3.D.3. to add the definition of Area Median Income.

Background. WESCAP is currently constructing "The Bradshaws", a 5-phased planned community totaling 172 apartment units located at the southeast corner of Bradshaw Drive and Stetson---about a block south of Gurley Street. The project was originally approved for 184 units, was later reduced to 172 units, and now consists of 92 units of Senior apartments and 80 units of workforce housing.

WESCAP Investments requests a reduction in the LDC parking requirements for apartments, specifically as they relate to workforce housing. WESCAP has considerable experience in building 25 senior and family tax credit living projects nationwide--of which 11 projects with 750 units are located in Northern Arizona. Their experience is that affordable family housing does not generate the parking demand as non-workforce housing. He offers the example of a Flagstaff ordinance which specifically addresses parking for affordable housing.

STAFF ANALYSIS.

Staff has modified the definition for Workforce housing to be general in scope--rather than focus on one specific Federal program. Because of the reference to Area Median Income in the definition of Workforce housing, it is also necessary to add a definition of same to the LDC. A restriction on Student housing is still retained and referenced to Section 42 of the Internal Revenue Code.

PROPOSED LDC AMENDMENTS.

Table 6.2.3 **Dwelling Units, Workforce Housing:** 1 per studio apartment; 1 per 1 bedroom apartment; 2 per 2 and 3 bedroom apartment; plus 0.50 guest spaces per unit up to 20 maximum. Adequate area on-site is required to accommodate the number of required parking stalls for market-rate apartments should such a future conversion take place.

Section 11.2 Definitions: **Workforce Housing.** Housing developed with a household income paying no more than 35% of gross family income for mortgage, insurance and HOA fees or for rent and utilities; which earns up to 60% of the Area Median Income of Yavapai County, and that restricts student use per Section 42 of the IRS Code in accordance with Internal Revenue Code and Arizona Department of Housing guidelines.

Section 11.2 Definitions: **Area Median Income.** Area Median Income is a number set by the United States Department of Housing and Urban Development based on a variety of factors and representing wages and earnings in the community. Area Median Income is relative to family size and community dynamics.

Section 11.1.3.D.3. Household Living

3. Examples

Examples of household living use (structure) types include: Single-family Dwellings, Attached Single Family Dwellings, Duplexes, Patio Homes, Multi-family Dwellings, Townhouses, **Workforce Housing**, Mobile Home Parks, Group Homes, Retirement Center Apartments, manufactured housing and other structures with self-contained dwelling units.

STAFF RECOMMENDATION. Staff recommends approval.

Recommended Action:

1. Move to Recommend Approval of the LDC Amendments for parking for Workforce Housing, new definitions for Workforce Housing and Area Median Income, and to add the definitions of Workforce Housing to Household Living.