

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

**MINUTES** of the **PLANNING & ZONING COMMISSION** held on **July 9, 2009** in **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>MEMBERS PRESENT</b>	<b>OTHERS PRESENT</b>
George Wiant, Chairman	Tom Guice, Community Development Director
Tom Menser, Vice Chairman	George Worley, Asst. Community Development Director
Joe Gardner	Matt Podracky, Senior Assistant City Attorney
Don Michelman	Richard Mastin, Development Services Manager
Seymour Petrovsky	Jane Bristol, Economic Development Director
Richard Rosa	Mark Nietupski, Engineering Services Director
Len Scamardo	Scott Tkach, City Engineer
	Wendell Hardin, Community Planner
<b>COUNCIL PRESENT</b>	Ryan Smith, Community Planner
Jack Wilson, Mayor	Kathy Dudek, Recording Secretary
Jim Lamerson, Council Liaison	

**III. REGULAR ACTION ITEMS**

- 1. Consider approval of the minutes** of the June 25, 2009 meeting.

Mr. Petrovsky, **MOTION: to approve the minutes** of the June 25, 2009 meeting.  
Mr. Rosa, 2<sup>nd</sup>. **Vote: 7-0.**

*(After the approval of the minutes, Chairman Wiant stated that Agenda Item #6 will be moved before Item #2. Refer to minutes in Item #6).*

- 2. MP09-001, Master Plan Amendment, Embry-Riddle Aeronautical University (ERAU), 3700 Willow Creek Road.** Master Plan Amendment for consideration of parsing out 11 new tracts for the development of a Business/Technology Park. The parcels affected are APNs: 106-02-001J, 106-02-003A, 106-02-006, 106-02-009B, 106-03-004, 106-08-006 and 106-09-006. Owner/applicant is Embry-Riddle Aeronautical University. Wendell Hardin, Community Planner.

Mr. Hardin reviewed the project's four parts concurrently: MP09-001, PP09-003, RZ09-005, and LDC09-002.

There will be a meeting hosted by ERAU at the Davis Learning Center on Tuesday, July 14, 2009 at 6:30 PM to present the project in further detail to interested members of the public.

Mr. Hardin reviewed the following four parts of Embry Riddle Aeronautical University's request:

■ **MP09-001 – Land Use Plan Amendment**

- aerial overhead plans were shown of the 11 proposed tracts;
- the proposed business/technology park objectives include:
  1. Creating a business/technology park offering housing, recreation, generous open space with a focus on healthy lifestyle and a safe and secure connection to the central campus;
  2. Leverage ERAU's land assets to create revenue, create high-skilled jobs and create opportunities for applied research;
  3. Provide economic growth for northern Arizona;
  4. Create a market advantage by developing a highly-sustainable, mixed-use park that integrates environmental protection with a unique business environment; and,
  5. Show environmental leadership in the community by setting a high standard of sustainability through "green" building.
  
- the project will take approximately 15-20 years;
- the first tract will consist of 10 acres, divided into two parcels, and will house two 10,000 SF buildings built to the highest LEED standard possible, i.e., platinum;
- nothing has been done on this scale either locally or nationally.

Commissioners queried and remarked on:

- plans for the roads, possibly using porous pavement especially in the parking lots;
- the roads being private or public [Mr. Mastin: the loop road does not meet City standards and will need a waiver from Council];
- the loop road needs to be installed first;
- a possible conflict with commercial and light industrial zoning;
- what is "LEED" certification [Mr. Hardin explained LEED certification];

Mr. Mike Willinger, applicant, Director of Business and Administration, ERAU, proffered:

- waiver requests may come before the Commission because this is not a typical project;
- a grant from the Economic Development Authority (EDA) and additional funds from the Global Initiative have been secured for help with the LEED Platinum certification;
- the EDA will hold a lien on the property for 20 years;
- prospective tenants include two professors having an interest in locating within the business park;
- the first building should be in place by the winter of 2011;
- the bids are out for architectural engineering, and it is hoped a decision will be made by August 2009.

Mr. Tom Britzman, 5798 Goldenrod Way, asked if more discussion would take place at this meeting or the meeting on July 30. Chairman Wiant indicated that Commission would not act on this item until the July 30 meeting.

Mr. Britzman stated he attended the meeting at the Davis Learning Center and applauds not only the residents of Pinon Oaks but also the City of Prescott. He recommends the Master Plan be amended so that the acreage in front (west) of Pinon Oaks be changed to Single-Family 9 (SF-9) zoning rather than be a part of the commercial overlay. He indicated that he wanted the City to have a "heads up".

Mr. Hardin pointed out that this is not a part of ERAU's request. Chairman Wiant indicated that this is not an agenda item and should not be discussed at this time.

■ **LDC -- Land Development Code Amendment – Section 9.5.10, Exception to PAD Development Standards**

Mr. Hardin reviewed the changes to the wording of the LDC (the wording was shown on the overhead projector, and is also located in the Commission's packets and on the City's website under the July 9, 2009 meeting). He noted that the onus is on the developer to prove that "innovative techniques" will be used.

Commissioners queried and remarked on:

- the developer having to be required to obtain certification;
- this opens the door for a developer to use "alternative" energy forms of construction; and,
- the change will also be discussed in more detail at the July 30 public hearing.

■ **RZ09-005 – Rezoning**

Mr. Hardin reviewed the rezoning objectives:

1. Decrease the current Industrial Light (IL) zoning from 155 acres to 28 acres;
2. Increase the current Business General (PAD) from 411 acres to 538 acres;
3. Replacing the Commercial Corridor Overlay (CCO) along the ERAU road frontage by employing stricter building and design guidelines developed by ERAU (currently this is under review by City staff);
4. All business/technology park structures will fall under the new "green" building standards, and tenants will be guided by CC&Rs (also under review by City staff).

Commissioners queried and remarked on:

- the depth of the CCO [Mr. Hardin: 300 feet];
- the thrust of the new tenants [Mr. Hardin: any new tenant will be required to follow the guidelines of the LEED certification];
- who will give approval to prospective tenants [Mr. Hardin: ERAU]; and,
- why there is no recommendation from staff [Mr. Hardin: this will come at the July 30 public hearing].

Mr. Willinger noted that Tract 5 will be the next tract to be developed and will be market driven. Mr. Willinger responded to Commissioner Scamardo by indicating that the guidelines provide greater consistency to the project. The CC&Rs and guidelines will be stringent.

Mr. Scamardo emphasized that by removing the CCO and building to LEED standards, the corridor will be replaced with something greater.

Commissioners further queried and requested:

- the content of the July 14<sup>th</sup> ERAU meeting [Mr. Hardin: it will replicate the June 22, 2009 area meeting; however, ERAU will be depicting what the new business park will look like. The rezoning, *Land Development Code*, etc., will not be discussed at that meeting. The meeting will be an outreach program at ERAU's Davis Learning Center in conjunction with the U S Green Building Council;
- that copies of maps be supplied in the next packet for the July 30 public hearing.

■ **PP08-003 – Preliminary Plat**

Mr. Hardin reviewed the preliminary plat request and summarized:

- the request is for a Mixed-Use Planned Unit Development;
- there is a compatible zoning all around the proposed project;
- Pinon Oaks will be buffered with open space;
- Tract 1 is the only tract being considered today; and,
- each tract will come back to the P&Z Commission for a separate review and platting.

Commissioners queried and remarked on:

- the terrain dictating the tracts;
- the Circle trail;
- the project's 35% open space;
- how the roads will be designed.

Mr. Hardin noted:

- that at some future time access out to Pioneer Parkway may be requested; and,
- the open space on the northern edge is not permanent.

Ms. Jane Bristol, Economic Development Director, pointed out that she has received several questions about marketing and has been working through the process with ERAU since the project's inception. The project will mesh very nicely with the City's economic development program. Some possible tenants would include companies seeking location in a LEED area; and, there are some computer or tech-related businesses actually seeking out LEED university locations. She is certainly open to any companies seeking these compatible locations.

Mayor Jack Wilson segued on the project and indicated he had spent two days in group focus sessions using the "world-café" approach and looked to bring the best to the table via an elaborate process.

Mr. Mastin has questioned the preliminary plat and what appears to be a 60' right-of-way (ROW) at the loop road and indicated that it needs to be widened to City standards.

Mr. Randall Beck, URS Corporation (no address listed on attendance record), engineer for ERAU, replied that there is 60' of ROW plus an additional 10' for the multi-use path. When the additional lanes are required, for example, at Willow Creek Road, additional ROW will be dedicated at that time.

Mr. Mastin also questioned if the plat of dedication includes the entire loop road initially. [Mr. Beck: that is correct]. It would include all the geometry for all the intersections, the roundabout, etc. [Mr. Beck: no, we are dedicating 60' of ROW with the preliminary plat. As Phase 1 develops and additional lanes are needed, then the roadway would be widened and additional ROW would be dedicated at that time].

Further, Mr. Mastin inquired whether the multi-use trail is an easement or is it intended to be within the public ROW. [Mr. Beck: it is shown on the plat as an easement and is adjacent to the public ROW].

Commissioners further queried:

- if a ROW of 60' is adequate [Mr. Mastin: additional land must be set aside so as not to be encroached upon by a building close to the ROW];
- if space of access at Willow Creek Road will set a precedent for the rest of the development [Mr. Beck: the demand for additional lanes is considered to be far off into the future. As the project develops, there will be additional traffic studies that will inform the City when the lanes are required];
- are we looking for traffic control at the loop at Willow Creek Lane, and who is paying for it [Mr. Mastin: yes, traffic control will be worked out in the development agreement. Ultimately there will be a signal there] [Mr. Beck: yes, ultimately there will be a signal there].

Mr. Scott Tkach, City Engineer, speaking with Traffic Engineer Ian Mattingly, noted that there will be a need for drop lanes with the geometry. We may talk to ERAU about a map of dedication that would quantify the geometry. We also know that there will be a need for drop lanes within the loop road and they have been identified through the Traffic Impact Analysis (TIA). [Mr. Beck: that is correct]. Mr. Mattingly indicated that the access management or spacing on Willow Creek Road, does meet the criteria for a principal arterial which is about 300'.

3. **PP09-003, Preliminary Plat for Embry-Riddle Aeronautical University (ERAU), 3700 Willow Creek Road.** A Planned Area Development for developing a Business/Technology Park associated with the revised Master Plan Amendment MP09-001 to create 11 new tracts. APNs: 106-02-001J, 106-02-003A, 106-02-006, 106-02-009B, 106-03-004, 106-08-006 and 106-09-006 and totaling ± 430 acres. Owner/Applicant is Embry-Riddle Aeronautical University. Wendell Hardin, Community Planner.

*(Refer to Item #3—associated with MP09-001, RZ09-005 and LDc09-002)*

#### IV. PUBLIC HEARING ITEMS

4. **RZ09-005, Embry-Riddle Aeronautical University (ERAU), 3700 Willow Creek Road.** APNS: 106-02-001J, 106-02 003A, 106-02-006, 106-02-009B, 106-03-004, 106-08-006 and 106-09-006 and totaling ± 430 acres. Zoning is Industrial Light (IL) and Business General (PAD) [BG (PAD)]. Request is to reduce current Industrial Light (IL) zoning from 155 acres to ± 20.8 acres and increase the Business General (PAD) zoning by an additional 127 acres. In addition to this request, the applicant proposes that the City remove the existing Commercial Corridor Overlay District (CCO) along the property frontage from the most southern property point to the most northern property point adjacent to Willow Creek Road and extending to the centerline of Willow Creek Road; and, in addition, requests a text modification for *Land Development Code*, Article 9, Section 9.5.10, Exceptions to PAD Development Standards. Owner/Applicant is Embry-Riddle Aeronautical University. Wendell Hardin, Community Planner.

*(Refer to Item #3—associated with MP09-001, PP09-003 and LDC09-002)*

5. **LDC09-002, LDC Text Amendment.** Amending Section 9.5.10, Exceptions to PAD Development Standards by adding language to permit additional flexibility for the City Council in their consideration and approval of Planned Area Developments.

*(Refer to Item #3—associated with MP09-001, PP09-003, and RZ09-005)*

6. **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. Ryan Smith, Community Planner.

*(This item was moved up in the agenda and discussed after Item #1 was acted upon).*

Chairman Wiant announced that this item is to be continued to the July 30, 2009 public hearing at 9:00 AM.

Mr. Scamardo, **MOTION: to continue this item** to the July 30, 2009 public hearing at 9:00 AM. Mr. Michelman, 2<sup>nd</sup>. **Vote: 7-0.**

Chairman Wiant announced that the Planning & Zoning Commission will hold a site visit on July 20, 2009 at 8:30 AM. The participants in the site visit will meet at City Hall for purposes of utilizing a carpool. *(No formal discussion or action will be taken during the site visit).*

## V. CITY UPDATES

*None.*

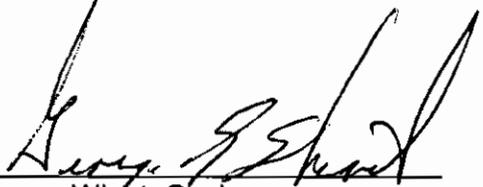
## VI. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Worley reminded the public about the ERAU meeting next Tuesday, July 14, at 6:30 at the Davis Learning Center on the ERAU campus.

There will be a site visit to 102 West Merritt Street (RZ09-002) at 8:30 AM on Monday, July 20.

## VII. ADJOURNMENT

Chairman Wiant adjourned the meeting at 10:20 AM.



George Wiant, Chairman