



# PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION  
PUBLIC HEARING  
THURSDAY, APRIL 8, 2010  
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, APRIL 8, 2010**, 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	Seymour Petrovsky
Tom Menser, Vice Chairman	Richard Rosa
Joe Gardner	Len Scamardo
Don Michelman	

## III. REGULAR ACTION ITEMS

(May be voted on contingent upon any related public hearing items below being acted on unless otherwise noted).

1. **Consider approval of the minutes** of the March 25, 2010 meeting.
2. **PP10-001, Gardner Cove Townhomes.** APNs: 115-08-034C, 115-08-034D, and 115-08-071G and totaling  $\pm$  1 acres. Zoning is Multi-Family Medium (MF-M). Request preliminary plat approval for a Planned Area Development (PAD) consisting of 16 townhomes contained in eight duplexes. Owner is Advanced RE Management, LLC. Applicant/Agent is Gisi Enterprises, Inc. Community Planner is Ryan Smith (928) 777-1209.

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.

3. **PP09-002, 710 Tenney Lane** (located east of Senator Highway, west of Summer Field, and primarily north of Nathan Lane). APNs: 110-06-005R, 110-06-005Q, 110-06-006A and totaling ± 17 acres. Request Preliminary Plat approval for 33 lots. Owner is Tenney Homestead, LLC. Applicant/Agent is Carl Tenney. Community Planner is Mike Bacon (928) 777-1360. *(May be voted on April 29, 2010, contingent with the rezoning request being approved).*

#### IV. PUBLIC HEARING ITEMS

(May be voted on April 29, 2010 unless otherwise noted).

4. **RZ09-004, 710 Tenney Lane** (located east of Senator Highway, west of Summer Field, and primarily north of Nathan Lane). APNs: 110-06-005R, 110-06-005Q, 110-06-006A and totaling ± 17 acres. Zoning is Single-Family 35 (SF-35). Request zoning change from Single-Family 35 (SF-35) to Single-Family 18 (SF-18). Owner is Tenney Homestead, LLC. Applicant/Agent is Carl Tenney. Community Planner is Mike Bacon (928) 777-1360.

#### V. CITY UPDATES

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

#### VII. ADJOURNMENT

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#### 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 April 1, 2010 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek, Administrative Assistant  
Community Development Department

PLANNING & ZONING COMMISSION  
 REGULAR MEETING / PUBLIC HEARING  
 MARCH 25, 2010  
 PRESCOTT, ARIZONA

MINUTES of the PLANNING & ZONING COMMISSION held on MARCH 25, 2010 at 9:00 AM 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> George Wiant, Chairman Tom Menser, Vice Chairman Don Michelman Seymour Petrovsky Richard Rosa Len Scamardo	<b>OTHERS PRESENT</b> Tom Guice, Community Development Director Matt Podracky, Senior Assistant City Attorney George Worley, Asst. Community Development Director Ryan Smith, Community Planner Kathy Dudek, Recording Secretary
<b>MEMBERS ABSENT</b> Joe Gardner	<b>COUNCIL PRESENT</b> Jim Lamerson

III. REGULAR ACTION ITEMS

(May be voted on contingent upon any related public items below as being acted on unless otherwise noted).

1. Consider approval of the minutes of the February 11, 2010 meeting.

Mr. Rosa, **MOTION: to approve the minutes** of the February 11, 2010 meeting. Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

2. **PP10-001, Gardner Cove Townhomes.** APNs: 115-08-034C, 115-08-034D, and 115-08- 071G and totaling ± 1.21 acres. Zoning is Multi-Family Medium (MF-M). Request preliminary plat approval for a Planned Area Development (PAD) consisting of 16 townhomes contained in eight duplexes. Owner is Advanced RE Management, LLC. Applicant/agent is Gisi Enterprises, Inc. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and noted:

- this is a request for 16 townhomes comprising eight duplex buildings on three vacant lots;
- the current zoning is Multi-Family Medium (MF-M);
- access will be taken via a service road parallel to Gail Gardner Way limiting the driveway access to two places;
- the applicant is requesting a series of waivers for a Planned Area Development (PAD) under the *Land Development Code (LDC)* provisions;
- a zero lot line and reduced front and side setbacks waivers are requested along

- with reduced landscaping and open space waivers;
- in lieu of open space, private open space is shown on the site plan;
- a waiver of the lot size from the 6,000 SF requirement in MF-M is requested with lot sizes of approximately 2,600 SF shown on the site plan;
- the property abuts to apartments to the north and south;
- the Iron Springs Manor Mobile Home Park is located directly to the east;
- across the street are single family homes; and,
- the item could be voted on today, and staff is recommending approval.

Commissioners queried and remarked on:

- the parking for two bedroom units [Mr. Smith: 2 spaces required per unit];
- guest parking [Mr. Smith: will occur on Gail Gardner Way];
- the 20-foot width of the street, where 22' is needed;

Mr. Gary Kelly, Engineer, Kelley/Wise Engineering, 146 Grove Avenue, remarked:

- the frontage, one-way drive is at 20', with 16' of paving and a 2' curb/roll cut on each side.

Further questions and comments by the Commissioners included:

- the width of the street is not sufficient for a turning radius [Mr. Kelley: it is a one-way road similar to Albertson's parking aisles with no problem in maneuverability];
- will parking be allowed on the access road [Mr. Kelley: no];
- is parking allowed in Gail Gardner Way [Mr. Smith: yes];
- there are too many exceptions and waivers for this project to qualify as a PAD;
- insufficient parking is a big issue, i.e., guest parking as well as setbacks, and LDC Article 9.5.9 was cited;
- the general parking standards require two off-street spaces, prohibited from the front setback;
- requesting a larger site plan [than 8½ x 11"] for the next meeting;
- where are the four existing driveway cuts [Mr. Smith reviewed the cuts on the overhead projector];
- the increased trip generation [Mr. Smith: a traffic study was not required];
- the service road placed to the rear would be preferable;
- the project appears to be "jamming" too much into too little space;
- the 20' street width is unacceptable;
- there needs to be space for on-site guest parking;
- infill projects are desirable for the City;
- increasing the landscaping;
- the six requested waivers are too many.

Mr. Kelley further remarked:

- he has an issue with the discussion centering on the amount of waivers requested;
- eight lots could result in dividing the three parcels, as the previous owner pursued; and,
- with adding the frontage road, there will be two driveway cuts on Gail Gardner as opposed to the eight if the parcels were divided and that means more waivers.

Mr. Guice proffered that the 20' drive aisle sets the stage for many of the technical waivers. Early in the project review, the price point was set and it was noted that the project could qualify as workforce housing for water allocation purposes; hence, the idea of the PAD. That, in itself, gives the developer opportunities for waivers and flexibility. The tradeoff occurred when the frontage road was designed. Previously,

there was an approval for 20 condominium/apartment units. The direct access off the roadway resulted in the developer's having a problem meeting the landscaping and setback requirements. The units call out 800 to 1,000 SF, which is a plus for workforce housing.

Further questions and comments included:

- is there a requirement for open space [Mr. Smith: there is a 20% requirement for open space, the site plan shows private open space on each individual lot];
- would the private open space qualify under PAD [Mr. Smith: it would not];
- isn't the 5' private open space, the space required between units;
- the problem design may be rearranged to utilize the one-way road and loading it to the back along with relocating the garage as well as a patio to the rear;
- reducing the units to 14 would give the project the required open space and guest parking;
- the concept of having townhouses on the property is good;
- setting a precedent in the large amount of waivers and applying PAD to circumvent zoning requirements;
- private side yards and private rear yards as qualified open space hasn't been allowed;
- required parking in the front yard has never been allowed;
- reducing the 22' parking minimum between the curb and the garage has not been allowed;
- the project qualifies for only one out of the eight PAD requirements, i.e., an efficient use of land resulting in smaller footprints; and,
- a problem with the word "could" in "... this could qualify for workforce housing"—it either does or it does not—could is not a guarantee.

Mr. Guice clarified that the Hartin Suites conversion from apartments to condominiums which did not have the required landscaping. Mr. Guice noted that the drive aisle kicks in the need for many waivers. Staff will continue working with the applicant.

Mr. Ken Mohn, Architect, 3915 W. Roadrunner Drive, Chino Valley (no signature appears on attendance roster), noted:

- the project was started by looking at the price point and then working backward;
- if two units are lost, the price goes up;
- to fit into the market, the project was kept to being as inexpensive as possible;
- the idea of the frontage road was to keep eight separate drives from accessing Gail Gardner;
- to put a driveway in the back, four units would have to be removed; and,
- a driveway to the back would be impossible.

Chairman Wiant noted that a 2' adjustment would not require that all lots be adjusted, asked if a 22' turning radius would be a problem. The applicant was asked if design changes could be made to include the 22' radius and then come back to the next Commission meeting. [Mr. Mohn: yes].

Mr. Rosa, **MOTION: to defer PP10-001**, Gardner Cove Townhomes, to the April 8, 2010 meeting at 9:00 AM. Mr. Petrovsky, 2<sup>nd</sup>. **Vote: 6-0.**

#### **IV. PUBLIC HEARING ITEMS**

None.

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

Mr. Guice reviewed recent Council approvals:

- Ms. Kitty's Cat House rezoning, (without a change of name);
- the cell tower on East Willis Street;
- changes to the Board, Commission, and Committee appointments, terms, etc., on March 23, 2010.

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

Ms. Elizabeth Burke, City Clerk, reviewed the changes to the boards, commissions and committees that were approved by City Council earlier this month. All appointed members will be required to fill out a new application and return it to her office. Councilman Lamerson discussed the reasons for the changes that were asked by the Commissioners.

#### **VII. ADJOURNMENT**

Chairman Wiant adjourned the meeting at 10:11 AM.

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George Wiant, Chairman

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# Preliminary Plat for “Gardner Cove Townhomes PAD” PP10-001

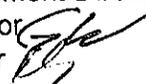
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COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
PLANNING AND ZONING COMMISSION

**Staff Update**

Planning Commission Date: April 8, 2010 (Voting Session)

**TO:** Prescott Planning and Zoning Commission

**FROM:** Tom Guice, Community Development Director   
George Worley, Assistant Director   
Ryan Smith, Community Planner 

**DATE:** March 31, 2010

**APN:** 115-08-034C, 034D & 071G

**ZONING:** MF-M

**Owner and Agent:** Advanced R.E. Management, Rick Radovich  
3200 Lakeside Village Drive, suite 201  
Prescott, Arizona 86301

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**PROJECT UPDATE:**

The applicant has addressed the concerns of the Planning and Zoning Commission by extending each individual lot to the edge of Gail Garner way. The applicant has provided for individual easements which eliminates the need for a separate street parcel. Each structure has been adjusted to be 22' from the garage to the back of the curb.

The common wall associated with each duplex still requires that the plat must be a Planned Area Development (PAD). The remaining requested waivers, allowed by the Land Development Code for PAD's, are for setbacks and open space. LDC requirements are now met for parking to be 22' from the front of the garage to the curb, lot coverage, front setback and for parking out of the front setback.

Several inconsistencies are noted in the staff report. The LDC indicates that within the MF-M zoning district, a 3000 square foot minimum lot size is required per duplex unit (section 3.9). The previous plat did not meet the 3000 square foot minimum lot size requirement. However, the updated lot sizes are between 3120 to 3500 square feet and therefore, meet this standard. Landscaping requirements are not applicable since townhouse units are defined as single family dwellings (table 11.2.5).

As currently proposed, the building setbacks, not associated with the common wall, are unchanged at 15' in the rear and 5' on the side. Common open space area will not meet PAD standards.

**SUMMARY OF REMAINING WAIVER REQUESTS:**

	Required if no waivers are granted	As proposed
Rear and Side Setbacks	20' and 7'	15' and 5"
Common Open Space	25% or more	less than 25%

**PUBLIC COMMENTS**

A letter of support has been received citing the need for housing.

**Attachments:**

- Revised Preliminary Plat.
- Letter of Support

**STAFF RECOMMENDATION**

The applicant has provided for adequate movement of traffic, emergency access, utilities, waivers and other practical considerations addressed in the LDC.

Staff supports a positive recommendation to Council for approval. There are no suggested conditions of approval.

RECEIVED

APR 6 1 2010

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT

March 25, 2010

City of Prescott Planning and Zoning  
201 S. Cortez Street  
Prescott, Az. 86305

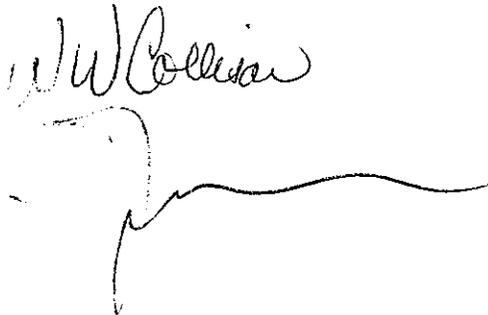
To Whom It May Concern:

RE: Residential Rezoning; Multi-Family Dwelling; Gail Gardner Way

We are in favor of satisfying the growing need for housing with the proposed, multiple unit dwelling on Gail Gardner Way. We have had our offices here for over 20 years. We are very aware of increasing traffic volumes and would favor a reduction in the number of units proposed on this arterial. We also favor placing detached garages and parking to the rear of the lot away from the street. Since this lot is also on a curve, having a single entry to the South would be favorable from a safety standpoint.

Sincerely,

Prescott Surgical Specialists  
Dr. Wade Collison  
Dr. Francisco Jaime  
1050 Gail Gardner Way  
Prescott, Az. 86305

A handwritten signature in black ink, appearing to read "Wade Collison", with a long horizontal flourish extending to the right.

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**RZ09-004      Rezoning from SF-35 to SF-18**  
**PP09-002      The Homestead Preliminary Plat**

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COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION  
 PLANNING & ZONING COMMISSION  
**STAFF REPORT**  
 4/8/10 (Study Session) and 4/29/10 (Voting Session)

**TO:** Planning Commission Members  
**FROM:** Tom Guice, Community Development Director  
 George Worley, Assistant Director  
 Mike Bacon, Community Planner

*EW*  
*MOB*

**DATE:** 4/2/10

**Subject:** RZ09-004 (formerly RZ06-003) (±17 acres)  
 PP09-002 (formerly SP06-003)–The Homestead Preliminary Plat.  
 33 Lots, (± 17.94 acres)

**Parcels:** 110-06-005R, 005Q, 006A (±17.94 acres)      **Zoning:** SF-35

**Location:** East of Senator Highway and west of Summer Field

**Agent/ Applicant:** Carl Tenney, 2191 N. Val Vista Dr, Chino Valley AZ 86323.

**Owners:** Tenney Homestead, LLC., and Jeanne Tenney Brown, Prescott, AZ 86303.

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**REQUEST.** Rezone ±17 acres from Single-Family 35,000 sq. ft minimum lot size (SF-35) to Single-Family 18,000 sq. ft minimum lot size.(SF-18) with an associated request for a 33-lot preliminary plat (PP09-002) on ±17.94 acres. The reason for the difference in the rezoning and plat acreage is that Lots 4 and 5 of the proposed plat do not have to be rezoned because they are currently zoned SF-12. A Water Service Agreement for 11.55 acre-feet of water and a Development Agreement (both to be approved by Council) are also proposed for the plat.

**Preliminary Plat Project Information**

Number Of Lots:	33	Parcel Size:	±17.94 acres
Minimum Lot Size:	18,000 sq. ft	Average Lot Size	±19,679 sq. ft.
Maximum Lot Size:	±32,185 sq. ft.	Proposed Density:	1.84 units/ac
		Maximum Density Allowed:	2.2 units/ac

**Background.** Both the preliminary plat and rezone requests were approved by the Commission by a vote of 4:3 in 2006. Council took these cases (RZ06-003 and SP06-003) off the agenda until the Southside Traffic Circulation Enhancement Study was completed. The traffic study was completed and a revised plat submitted for review with new case numbers in early 2009.

The two requests were *again* continued off-calendar by the Commission at its meeting on May 14, 2009 to allow the applicant additional time to work with Engineering and the Parks Department on a newly proposed City Regional Detention Basin in Acker Park. The

drainage and basin study has now been completed by the City Engineering Department and received Council's support in March 2010.

## **UPDATE**

Design of the Plat / Subdivision. The applicant has made a few design changes to the plat based upon neighborhood comments:

1. Lots adjoining Nathan/City Lights Drive now take access from Teeples Lane and Tenney Lane. This addresses concerns by the neighborhood regarding cars backing-up from their driveways on lots 13, 14, and 25-28 into Nathan Lane / City Lights.
2. The number of lots are reduced from 36 to 33. (Special Note: Nathan Court is removed which results in only 3 lots now fronting Nathan Lane).
3. The applicant has agreed to a change in name from Nathan Lane to City Lights (if the other adjoining property owners agree as well) in order to provide continuity in names and eliminate any confusion.

Narrative. The applicant has submitted an up-to-date detailed letter describing his request (attached) with traffic impacts and proposed park improvements.

Neighborhood Comments: There was opposition from area residents in 2006 and 2009. The responses from these years both for and against the project are not included because people may have moved or changed opinions. For the current year -2010 - new notices have been sent to property owners primarily affected by the rezoning, and 77 door hangers placed (including along S. Mt. Vernon and the Foothills neighborhood).

Petition. A petition containing 50 signatures in support of his request is attached. Many of the signees live outside of the immediate area (i.e. more than 300-feet) to be rezoned. Staff notes that 15 signees live to the east which could be potentially impacted by traffic accessing Gurley Street, 3 signees are not considered in the area affected, and 17 signees live to the west impacted by traffic accessing Mt. Vernon, and 15 signees are within the immediate area to be rezoned.

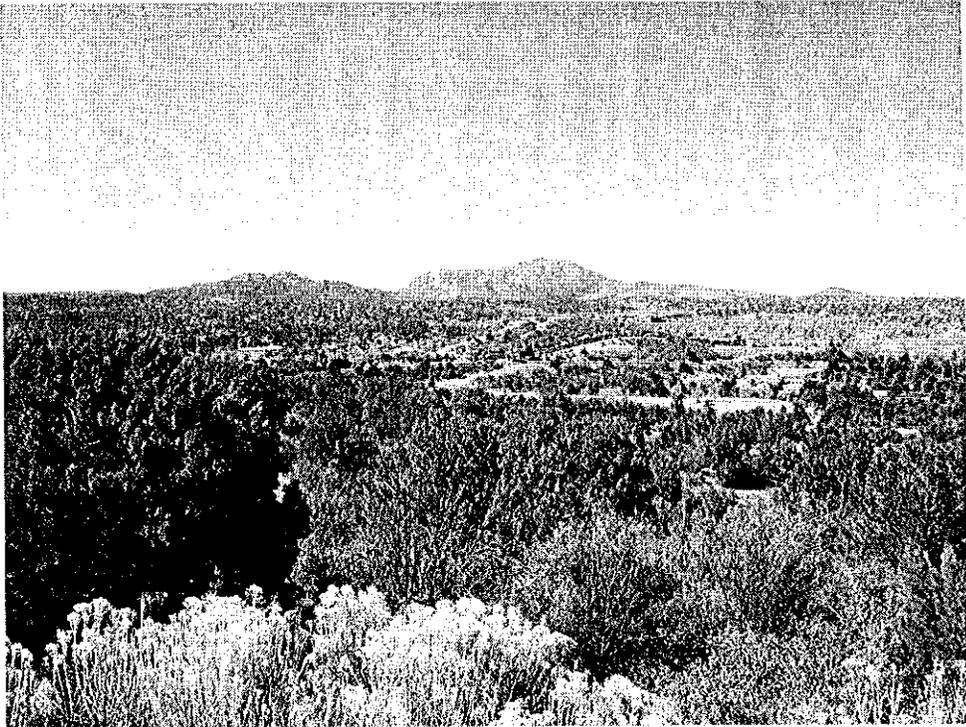
Street Name Request. On page 4 of his letter, Mr. Tenney makes a specific request for a street name which is not in agreement with the recommendations made by the City. (See City Department Addressing Comments).

## **Area Meeting**

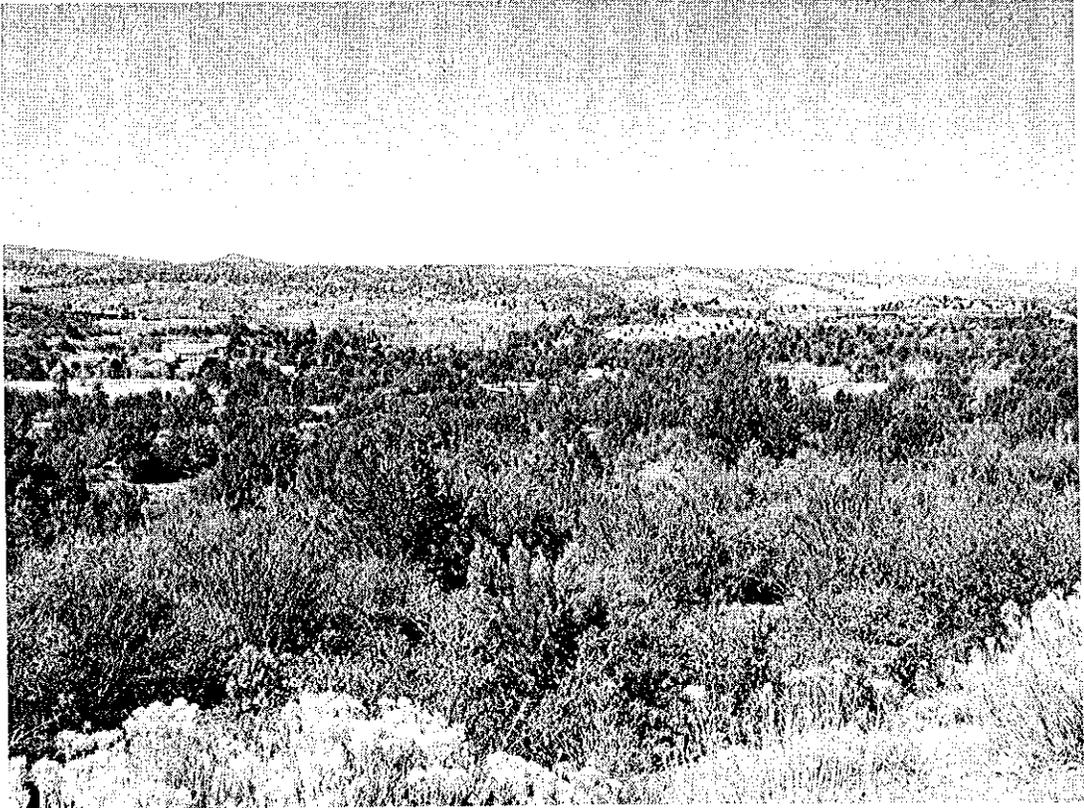
The area meeting held On March 26<sup>th</sup> 2009 was attended by 14 area residents with all but one couple from the Foothills subdivision. A few residents expressed the primary concern of sight-distance issues for home vehicles entering and existing driveways along Nathan Street.

A second area meeting was held on March 31<sup>st</sup> because of the project's continuance and additional changes. A total of 13 residents attended and expressed concerns relating to traffic on Mt. Vernon and Eastwood Drives in a one hour meeting with the applicant.

**Photo 1: View to Northwest from Nathan Drive**



**Photo 2: View to North from Nathan Drive**



**Opposition and Support.** There was significant opposition to the same project in 2006. In 2009, Staff received 4 letters in opposition and a petition containing 31 property owner signatures in support. To date, no new petitions have been received in opposition. Because Crystal Creek Development (the property owner of at least 20% of the west boundary of The Homestead) and Glen Gustafson, an adjoining property owner to the south, have submitted written opposition, a Supermajority Vote will be required by City Council to approve the rezoning.

**Development Agreement (DA).** The applicant is proposing a Development Agreement in which he agrees to provide at his expense several new features to Acker Park at a cost not to exceed \$20,000, a \$28,000 contribution to a new turning lane on Nation Lane at its intersection with Senator Highway, \$120,000 toward a regional detention basin, a requirement that Phase II construction is not to commence until after the Senator Highway improvements are completed, and a footpath connecting City Lights/Nathan Drive to Teeples Lane which would allow easier access to Acker Park. City Council will review the DA in conjunction with the Rezoning and the Preliminary Plat request.

#### **PREVIOUS CITY COUNCIL AND COMMISSION ACTIONS IN THE VICINITY**

- Crystal Creek attempted to develop the Summit Point East subdivision adjoining the Homestead property to the west to SF-18 zoning, together with an annexation of County property (ANX 0202) to the south with a preliminary plat. They withdrew their application after determining the extent of the opposition to their request. Residents of the South Mt. Vernon neighborhood, and others wrote that the increased traffic resulting from the rezoning was inappropriate until an alternate by-pass road is constructed. Instead of SF-35, Crystal Creek then proceeded to garner Council approval in 2005 for the development of their subdivision (FP05-020) based upon the existing SF-35 zoning and without any annexation.

Crystal Creek has submitted their letter with their reasons opposing the Homestead.

#### **STAFF ANALYSIS**

**Access and Circulation.** The project will have access from the west via Senator Highway via Nathan Lane, from Grand Valley Pointe Street in the proposed Summit Point Estates; and from the east via Summer Field from City Lights in the Foothills subdivision. The existing or proposed street network has not changed from the earlier 2003 rezoning request (SF-35 to SF-18) by Crystal Creek Development.

Traffic Engineer. This development does not have a major impact on Senator Highway or any other roadway network. The Southside Traffic Circulation Enhancement Study (SSTCES) does not result in any concrete solution to the long term (2030) traffic issues in the area. The Tenney development is not the cause of these volumes (only as a small contributor), and it is the City Traffic Engineer's opinion that the developers are not required to complete either a TIA or Technical Memorandum. The future Senator Highway improvement project will provide for the improvement of the intersection of Senator Highway and Haisley and includes left turns pockets for north and southbound.

**Existing Conditions.** The site is vacant except for 1 existing home which will be incorporated within the development. Existing vegetation consists of native grasses, scrub oak, and junipers on a generally north-facing slope of less than 20% in gradient.

**General Plan Consistency.** The project is *consistent* with the April 2009 General Plan Land Use Map which designates the plat project area as Low Density (1-7 DUA) Residential. Applicable 2003 Prescott General Plan Polices include:

- "Goal 1. Maintain the integrity and character of existing neighborhoods." (p36).
- "Goal 6. Encourage more compact development..." (p39).

**Land Use Compatibility.** The proposed SF-18 rezoning provides an acceptable and reasonable transition zoning district from SF-12 to SF-35. The SF-18 zoning district will allow 33 homes rather than the 19 homes which would be allowed in the existing underlying zoning of SF-35.

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North:	SF-9	Church, cemetery, former drive-in theater
South:	R1L-35	Yavapai County, Single-family, vacant
East:	SF-12	Single-family - Foothills Planned Area Development (PAD) Plat
West:	SF-35	Single-family - Summit Point Estates PAD Plat

Adjoining the proposed Homestead Plat on the west are 30 lots of the Summit Point Estates Planned Area Development (PAD) subdivision. Overall this subdivision has 36 lots which average 24,562 sq. ft in size with the smallest at 15,115 sq. ft., and the largest being 110,456 sq. ft. Thirty (30) of these lots are located east of Senator Highway due to steep slopes (over 20% and designated as Open Space) located west of Senator Highway. The other 6 lots of this subdivision are located west of Senator Highway.

The Foothills Subdivision to the east was approved in 1995. Its smallest lot is ±10,397 sq. ft., only 2 lots in the subdivision are below 12,000 sq. ft., an average lot size of ±22,350 sq. ft. and the largest lot at ±60,984 sq. ft.

The applicant has submitted an analysis (attached) of lot sizes in his proposed Homestead plat as it compares to the adjoining subdivisions.

Open Space. A Planned Area Development (PAD) offers a developer the opportunity for creative design and to cluster lots when slopes exceed 20%. These hillside slopes greater than 20% are generally designated as open space. This is the case for the Foothills PAD subdivision to the east and the Summit Point Estates PAD to the west. Clustering allows density to be transferred to more level areas of the development site by reducing lot sizes, but the *overall* density permitted within the underlying zoning *is maintained* (such as SF-35 for Summit Point Estates and SF-12 for the Foothills). The Homestead site does not contain any hillside lots (lots which exceed 20% in slope). The applicant is *not* obligated by code to provide any open space.

**Regional Detention Basin.** Under the LDC guidelines for offsite drainage improvements, a regional detention pond will be constructed to offset the additional stormwater runoff generated from this development. The detention pond, which will be funded by the applicant's participation fee of \$120,000.00, will be located within Acker Park and incorporated as part of the planned Park's trail system. Support for this construction has been obtained by the Acker Park Advisory Board and The Friends of Acker Park and the City Engineering Department. The timeframe for the deposit of the participation fee and the construction is established within the development agreement.

The Acker Board approved the proposed Detention Basin at their meeting on March 25, 2010.

Lot Drainage. Natural drainage flows across lots 28-33 and will be addressed at the time of Final Plat with an easement for redirected drainage to the rear of the lots.

**WAIVER REQUEST.** Although Lots 24, 25, 26, and 27 has legal access to Nathan / City Lights, a one-foot wide Non-Vehicular Access easement strip has been placed on these lots to satisfy neighborhood concerns on vehicles backing out into this street. To meet the neighbors' concern and also to have all the homes in the subdivision along this street face north, the applicant is requesting a waiver of the code requirement which require a minimum 25-foot flag lot for access:

Section 4.5.5.B.a The lot has at least 20 feet of frontage on a dedicated public or private street, which frontage serves as access only to the subject lot or parcel;

Instead, a 30-foot wide ingress/egress and utility easement will serve Lots 26 and 27.

The authority to advise and grant preliminary plat and final plat waivers is contained in Sections 7.4.1.D. Waivers and Sections 9.10.13, respectively:

Section 7.4.1.D "The Planning and Zoning Commission may advise and the City Council may grant waivers to the standards of this Sec. 7.4, Subdivision and Land Split Design Standards, where it finds that such waivers are necessary due to the physical characteristics of the site, is not harmful to surrounding properties or public interests, and is consistent with Sec. 1.5, Purpose and Intent, of this Code."

**WATER ALLOCATION COMMITTEE MEETING.** The Committee will re-review this project at their May meeting for their recommendation to Council after the Commission has made their decision. (The committee previously voted 3:0 for approval on August 8, 2006). A Water Service Agreement for 11.55 acre feet per year (to be approved by Council) is proposed for the plat.

**PROs (+) and CONs (-)**

- + 50 property owners have signed the petition in support.
- + The applicant is proposing certain improvements to Acker Park and Nathan Lane as part of a Development Agreement.
- + The applicant has addressed neighborhood concerns about driveways facing Nathan Lane.
- ± Traffic generation for 13 additional properties will minimally impact Senator Highway / S.

Mt Vernon Street.

- **2** property owners have submitted correspondence in opposition to the proposed rezoning. (As note previously, Staff has not attached other letters in opposition or support due to the number of continuances and years these requests have been in process and that the project has been renoticed for these meetings.

**STAFF RECOMMENDATION**

Staff will present a recommendation at the Commission meeting on April 29.

## CITY DEPARTMENT PRELIMINARY PLAT COMMENTS

### **Addressing.** Paul Greenlee 777.1306

A new street name request form will need to be submitted for approval because one had not been submitted yet and Teeples Lane is an existing street name elsewhere and will not be approved for this location. Within the new subdivision, Summer Field Dr. will not be allowed to change its name to Tenny Lane. The Fire Department and E911 find it confusing to have a contiguous street change its name at this type of location. You should use Tenny Ln to replace Teeples Ln. Unfortunately, because of the preexisting situation on Nathan Lane, City Lights signage will change into Nathan Lane at the east end of parcel 110-06-005Z.

### **Historic Preservation Specialist:** Nancy Burgess (777.1318)

All required archaeological reports have been submitted and reviewed for this project. Cleared archaeologically for development.

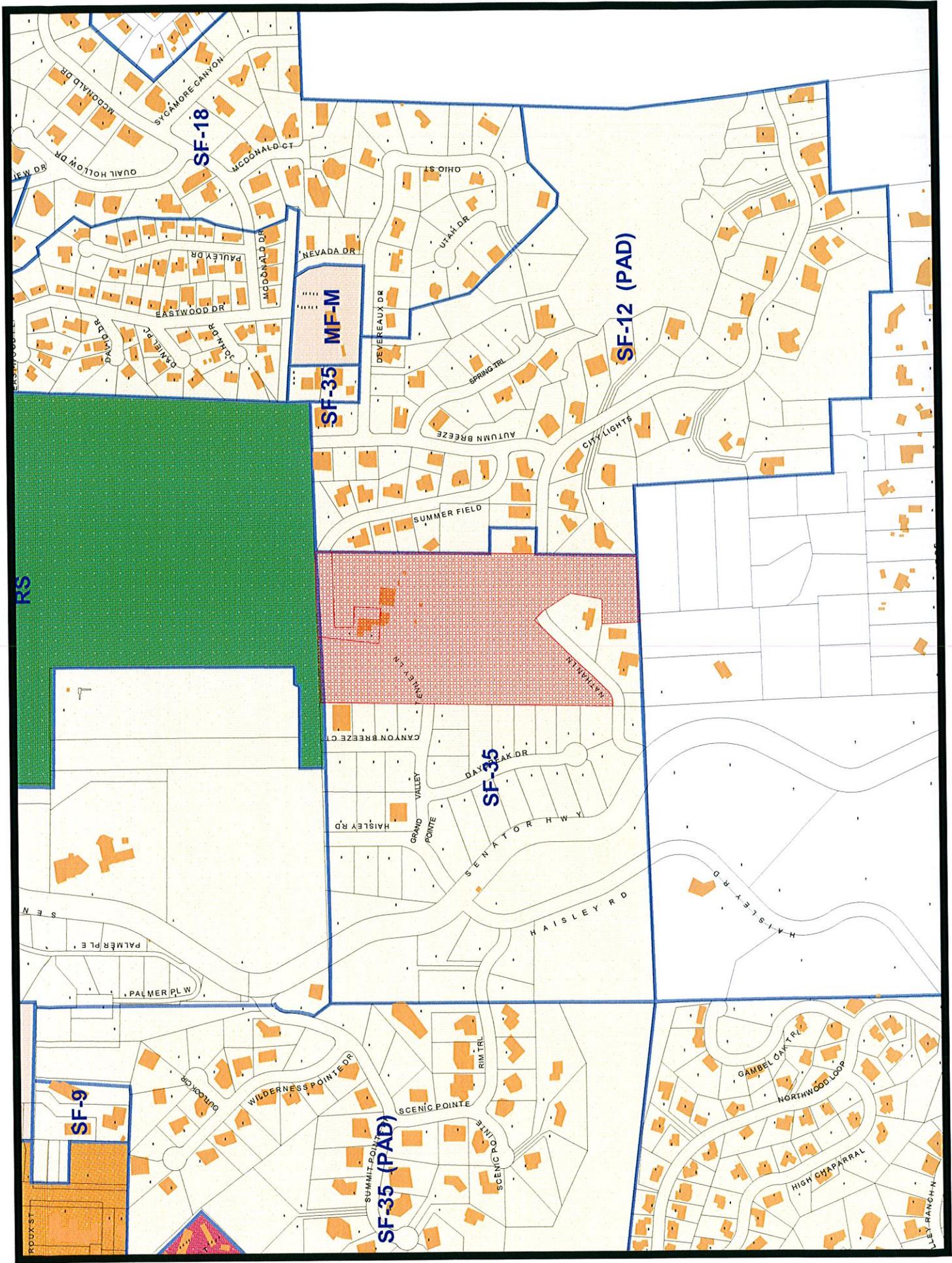
**Parks and Recreation.** The Acker Trust approved the regional detention basin at their meeting on March 25. The \$20,000 contribution is correct and Council is aware of this project coming their way.

### **Planning.** Mike Bacon (777.1360).

1. Rezone #06-003 is to be approved in conjunction with this preliminary plat request.
2. Prior to the Recordation of the Final Map remove the existing portion of the home on Lot 17.
3. Indicate the rear yard setback on Lot 2 to be the ±132-foot and ±48-ft sections.
4. Lots 12, 13, 19, 24, and 25 are double frontage lots which will have front yards on both streets, and are to be noted on the Final Plat as such.
5. There is the possibility that if the existing property owner(s) along Nathan agree to a name change to City Lights that a name change can be effectuated.
6. A common easement for a driveway for Lots 2 and 3 is a suggestion.
7. Abandon existing wells in accordance with the Water Service Agreement.

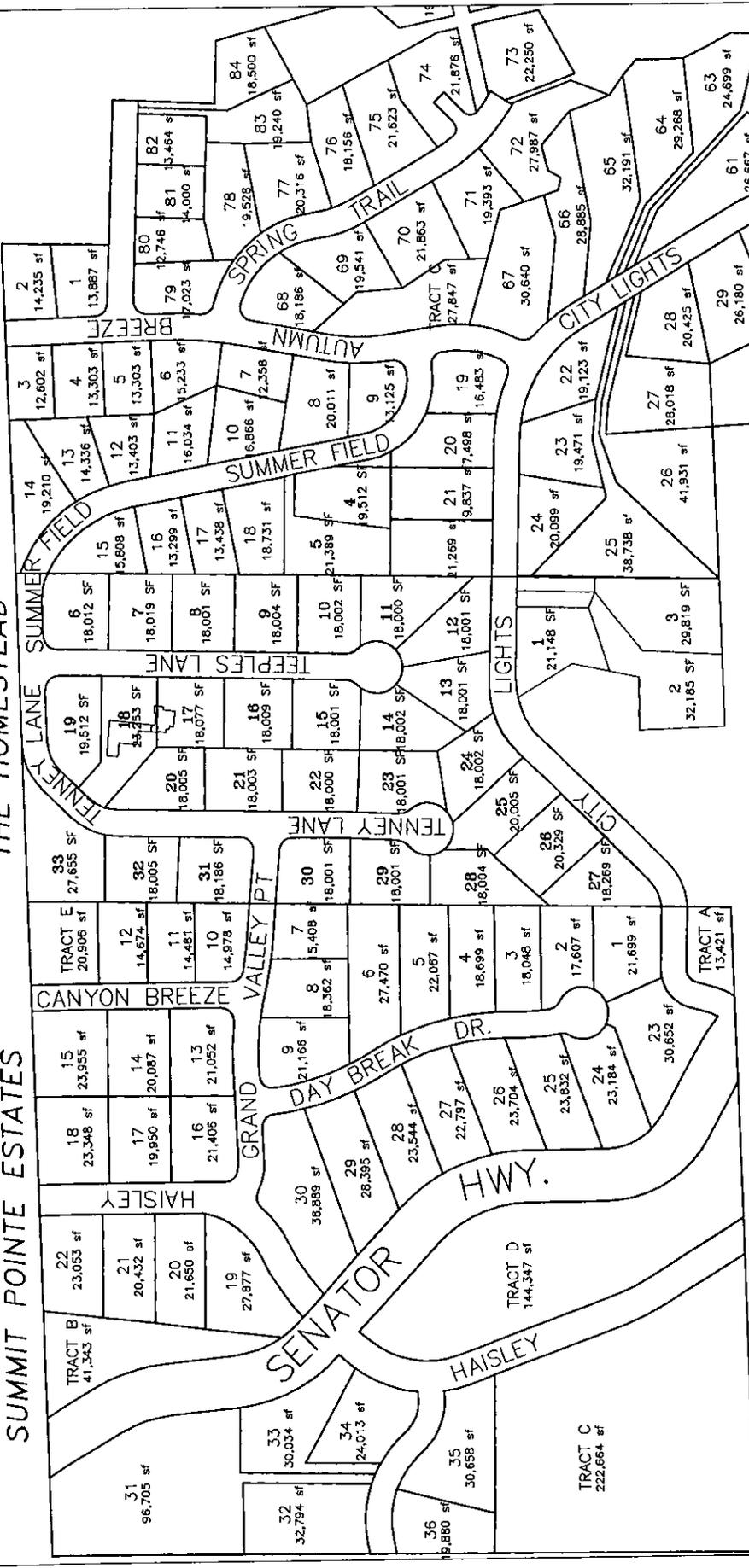
**Yavapai County Engineering.** Tim Stotler. The County recommends reviewing the possible need for left-turn lane on Senator Highway due to the additional traffic turning onto Nathan Lane.

**Yavapai County Flood.** Jeff Low. Future grading and improvement plans should detail that historical drainage patterns are maintained at property boundaries



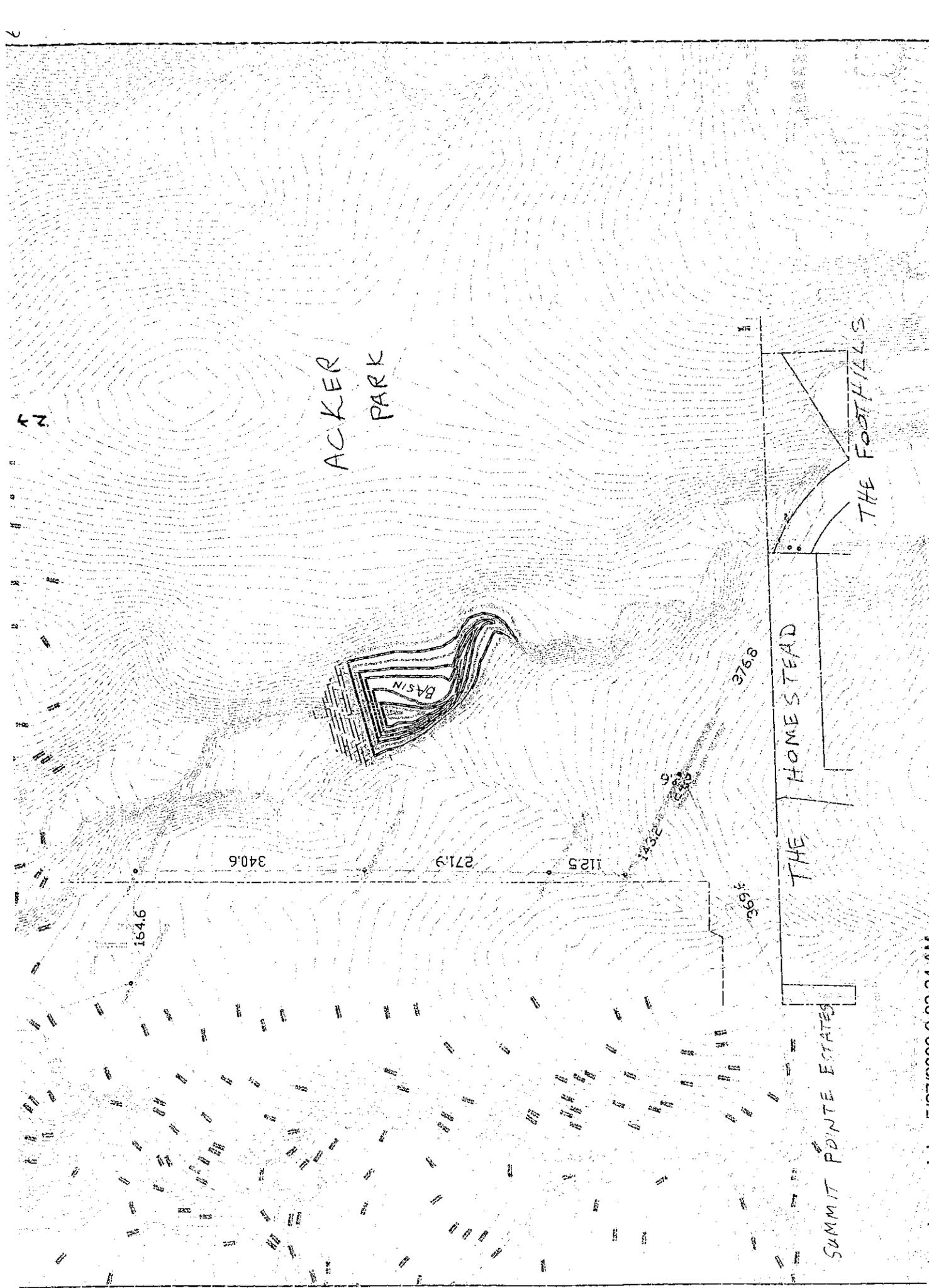


SUMMIT POINTE ESTATES THE HOMESTEAD THE FOOTHILLS



THE HOMESTEAD SHOWN WITH ADJACENT SUBDIVISIONS





ACKER  
PARK

BASIN

THE  
HOMESTEAD

THE  
FOOTHILLS

SUMMIT  
POINTE ESTATES

N

164.6

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112.5

133.2

169.6

379.8

April 1, 2010

RECEIVED

MAR 18 2010

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT

City of Prescott  
Planning & Zoning Commission  
201 S. Cortez Street  
Prescott, AZ 86303

Re: The Homestead Subdivision

Dear Commissioners,

As owners of Tenney Homestead, LLC, a family owned limited liability company, my siblings and I are renewing our petition for approval of our rezoning request and preliminary plat for our property located in South East Prescott, off Senator Highway. The property in question, known as the Homestead Subdivison, consists of three parcels totaling approximately 17 and ½ acres. It is presently owned by Tenney Homestead, LLC (2 parcels totaling approximately 16 ½ acres) and Jeanine Tenney Brown (a 1 acre parcel).

**Our request is to rezone the property from the present SF 35 zoning to SF 18 zoning (minimum lot size of 18,000 square feet), to be more consistent with the current neighborhood zoning and development.** Our request is also to approve the Preliminary Plat calling for the development of 33 building lots in two Phases, with Phase One consisting of five lots (lots 1-5) and Phase Two consisting of 28 lots (lots 6-33). Finally, we are also requesting approval of an accompanying Development Agreement and Water Service Agreement.

We first petitioned for rezoning of this property in the Summer of 2006. The Planning & Zoning Commission approved our first rezoning request and preliminary plat submittal in July 2006. In August of 2006 we received a favorable water allocation recommendation from the Water Allocation Committee, comprised of three members of the City Council. On August 29, 2006 we presented the rezoning request and preliminary plat to the City Council. After some discussion, at our request the matter was pulled from the City Council agenda without a vote to await the completion of the Southside Traffic Circulation Study. The Study was completed and presented to the City Council in the Spring of 2008.

Since the Council did not vote on our original petition within the required 60 days, our request was deemed to be denied, and we are now starting over. We conducted a neighborhood meeting on March 26, 2009 and again on March 31, 2010 as the first step in the new process. As a result of those meetings we have made modifications in the road alignment and lot orientations and configurations to better address the concerns of our neighbors.

**This property is close to downtown, within walking distance of the Courthouse Square. It is an “infill” project, with development already occurring or completed on both sides of our property.** Our south boundary is the city limits boundary. We are bordered on the East by The Foothill Subdivision, on the West by Summit Pointe Estates, and on the North by the City’s Acker Park.

This is one of the last properties that can be developed in South East Prescott. The only other parcel available for development is the Senator Drive-In Theater property, immediately to our North West. The Drive In property is presently zoned SF 9 (minimum lot size of 9,000 square feet). Other South East Prescott parcels that have been developed as subdivisions in the past several years have all been rezoned in some fashion from the original SF 35 zoning that was assigned to these properties as they were annexed to the City over the last several decades. These neighboring subdivisions currently carry zonings from SF 9 to SF 35 PAD.

In our previous meetings with neighbors, the P&Z Commission and the City Council, a few issues have surfaced that we would like to address.

#### **TRAFFIC ON SENATOR HIGHWAY AND MT. VERNON STREET**

Our subdivision traffic will feed onto Senator Highway and South Mt. Vernon Street. There have been concerns expressed in the past over the increasing traffic on these two collector streets, hence the desire for the City to do a Southside Traffic Circulation Study, which, as mentioned, was completed in 2008.

**The Study indicated that traffic on Mt. Vernon Street between Gurley Street and Carleton Street is currently “slightly to moderately congested”, with average traffic volumes totaling 8,300 to 8,900 vehicles per day.** The consultants project the traffic on these two blocks to increase about 1,000 vehicles per day by the year 2030, which will still be a “moderately congested” volume as per the consultants.

**For traffic on the 300 block of South Mt. Vernon, which comes from Senator Highway, the consultant indicated that such traffic is currently “not congested”, averaging 1,400 to 5,800 vehicles per day.** For the year 2030, however, the consultants projected a huge increase daily traffic, estimating 22,000 vehicles per day on Senator Highway between Mt. Vernon Street and Haisley Road, an approximately ten fold increase. That will make such traffic “highly congested” as per the consultants.

We challenged this huge projected Senator Highway traffic increase in discussions with city officials and county officials. No one could give us a definite answer as to where these huge traffic projections came from. The final best answer was that they considered the current Yavapai County zoning south of Prescott (2 acre minimum) and assumed that every two-acre parcel would be developed with a house. The consultants failed to consider the fact that the vast majority of this land south of Prescott is owned by the Prescott National Forest Service and is not likely to be sold for development. To achieve that huge traffic increase they would have to cut down the forest and build a home on

every two-acre parcel, as well as develop the state-owned Government Canyon and the city-owned Acker Park. The private land within the forest, such as Marapai Road area, Friendly Pines Camp area, Groom Creek Village, the Potato Patch and the Walker area, has already been developed. There is very little private land left to develop south of Prescott, and most of that is private mining claims in deep canyons.

By reviewing the available lots in the current and planned South East Prescott subdivisions, as well as Yavapai County south of Prescott, **we estimate a total potential housing stock that can be developed over the next generation to be 300-400 units, which will generate approximately 3,000 new vehicles per day. Such a traffic increase will still place Senator Highway traffic in the “slightly to moderately congested” category, as per the traffic consultant’s criteria.**

Whether you place more credence in the consultant’s large traffic projections or our smaller numbers – the bottom line is this – **our small subdivision will not make any significant difference in traffic on Senator Highway or Mt. Vernon Street. At full build out we estimate our subdivision traffic will be 1% to 2% of the total Senator Highway and Mt. Vernon Street traffic – hardly noticeable.**

Also, the City is planning a major reconstruction of Senator Highway from Mt. Vernon Street to Nathan Lane. This project is currently under design and should be completed sometime within the next five years. Traffic counts, per the City Traffic Engineer, do not warrant a left turn lane on Senator Highway at Nathan Lane. Neighbors have expressed concern about the difficulty of exiting the highway when there is heavy traffic. We agree with their concerns and, as part of the development agreement, **we will commit to pay for installation of a left turn lane on Senator Highway at Nathan Lane as part of the reconstruction project, at a cost not to exceed \$28,000, should the City choose to construct a left turn lane.**

## **TRAFFIC WITHIN THE SUBDIVISION**

The Foothills Subdivision residents now access their subdivision from Senator Highway via Nathan Lane. Nathan Lane becomes City Lights as it enters the Foothills Subdivision. **To avoid confusion about street names, we have agreed to change the name of the present street “Nathan Lane” to “City Lights” to be consistent with the Foothills Subdivision.**

In our various meetings with our Foothills neighbors they have often expressed concern about increasing traffic on City Lights as it passes through our subdivision. Their concern is for the increased traffic that will occur due to construction and the new home sites we have intended to build along City Lights. In response to their concerns expressed in the recent neighborhood meeting, **we have changed the road configuration and the lot layouts so that the six lots that would have fronted on City Lights will now instead have access only to the north, along Tenney Lane and Teeples Lane, respectively.** This change in design will greatly reduce traffic on City Lights. Only lots 1-3 will use City Lights and only lot number 1 will front on City Lights. Lots 1-3 will

now access City Lights at the most visible spot rather than on the curve as previously planned. This change should also help relieve traffic concerns of our neighbors in the Foothills.

**Also, we have reduced the total lots in the Homestead Subdivision from 36 lots in the original plan, to 33 lots presently.** The reduction in the number of came about because of our response to drainage and access issues, and due to the elimination of one property from the project.

In addition to changing the name “Nathan Lane” to “City Lights” to be consistent with the Foothills Subdivision, as mentioned above, we are also requesting the continued use of the name, “Tenney Lane” for the street that currently exists and has been in use for decades and identified as Tenney Lane by the police and fire departments. We are requesting the name “Teeples Lane”, my mother’s maiden name, for the new street in the subdivision. There is no other Tenney Lane or Teeples Lane in West Yavapai County, per county records. We will provide street signage for all streets in the subdivision.

## **OPEN SPACE**

The question has been raised as to whether we should set 25% of our property as open space through a Planned Area Development (PAD) procedure. Both of our adjoining subdivisions have provided open space. The open space in the Foothills subdivision is in the southeast corner of their property, up the canyon from most of the development. This property provides a connection from Acker Park to the Turley Trail in Government Canyon. The open space in the Summit Pointe Estates is in the south east corner of their property, on the steep hillsides adjacent to Haisley Road. This is their most difficult acreage to develop, and is separated by their more buildable parcels by Senator Highway.

We don’t think it makes sense to set aside open space on our property. Our property is bordered by development on the east and west and doesn’t connect to any landmark or trail on the south. On the north we border the city’s 90-acre Acker Park. However, as part of the development agreement, **in lieu of providing open space on our property, we propose to fund, in an amount of \$20,000, certain improvements in Acker Park to make the park more useable, especially for residents of the three south side subdivisions** (the Foothills, the Homestead, and Summit Pointe Estates). Such funding will be provided at the beginning of Phase 2 of our project. We will also provide a pedestrian access from City Lights to Teeples Lane and to Acker Park as part of Phase 2.

## **DENSITY**

Another issue deals with density. As previously mentioned, at the time they chose to develop, all subdivisions in South East Prescott, after they were annexed into the City, have applied for and received a change in their original SF 35 zoning. Most have been developed with ¼ to ½ acre lots.

Our most immediate neighbors have transitional zoning – SF 12 with PAD for the Foothills Subdivision and SF 35 with PAD for Summit Pointe Estates. We desire transitional zoning of SF 18. Such zoning will allow us to provide roughly ½ acre lots, which is very similar to our neighbors. **On our west side the 11 Summit Pointe Estates lots that adjoin us average 18,513 square feet each compared to our 19,446 square feet average lot size on our west side. On our east side the 5 Foothills Subdivision lots that adjoin us between City Lights and Summer Field Drive average 16,508 square feet each compared to our 18,006 average square feet lot size on our east side.** Thus we can see that the lots that front our property on the east and west are smaller, as both developers have chosen to cluster their smaller lots in the most buildable areas of their subdivisions. **We believe that SF 18 zoning for the Homestead Subdivision will be the most consistent with the neighborhood and the most appropriate for our property.**

## **DRAINAGE**

Under current City regulations we are required to provide one or more detention basins to capture storm water runoff and to slow down the flow of water to our neighbors down stream. Since our property fronts on a major creek running through Acker Park and down to Virginia Street, the City’s drainage engineer, Greg Toth, has suggested that we consider participating financially in the construction of a regional detention basin in the creek area of Acker Park in lieu of providing detention basins on our property. This regional detention basin will capture storm water not only from our subdivision, but also from The Foothills Subdivision, which presently has no detention basin, and from Summit Pointe Estates. This new regional basin will provide a benefit to residents of South Virginia Street, who currently face periodic flooding challenges. **We will contribute \$120,000 toward the construction of the regional detention basin at the beginning of Phase 2 of our development.**

## **SUMMARY**

In an effort to dialog with the neighbors, over the past year my brother, Harold, and I have visited with dozens of the neighbors in their homes to share our ideas about our subdivision and to listen to their issues and concerns. In this process **we have obtained 50 signatures of support for our project.**

**In summary, our goal is to provide a quality subdivision consistent with the density and the standards already set for the neighborhood by the Foothills Subdivision and the Summit Pointe Estates.** We will develop Covenants, Conditions and Restrictions (CCR’s) consistent with the neighborhood as well. We thank you in advance for your consideration of our request, and we ask for your support.

Cordially,



Carl Tenney, Agent for The Homestead Subdivision

Acker Park Improvements  
Funded by Tenney Homestead, LLC.

Exhibit E

Tenney Homestead, LLC, developer of The Homestead Subdivision (Developer), hereby agrees to contribute the sum of \$20,000 to the City of Prescott (City) for improvements to Acker Park (the Park).

This financial contribution will be made within thirty days from the date the Developer posts financial assurances for Phase Two construction for The Homestead Subdivision.

It is agreed between the City and the Developer that the improvements to Acker Park shall include the following:

1. A gravel parking area for approximately four cars to be constructed at the south east corner of Acker Park, at the north end of Autumn Breeze.
2. A new foot trail connecting the existing Loop Trail across the wash to the north end of Teeples Lane.
3. A gate at the north end of Teeples Lane to allow pedestrian access to the Park.
4. An information kiosk to be constructed at the north end of Teeples Lane and dedicated to the memory of Boyd and Rachel Tenney.
5. A new foot trail from the Teeples Lane kiosk along the west side of the park connecting to the north end of the Loop Trail.
6. Such other Park improvements as the City deems appropriate.

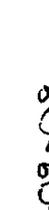
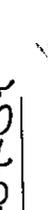
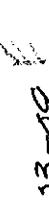
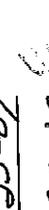
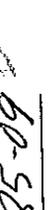
All of the above improvements shall be constructed by the City within a reasonable time after the financial contribution is made by the Developer.

Petition to Mayor Jack Wilson and Prescott City Council Members  
 Re

Proposed Homestead Subdivision Development and Neighborhood Improvements

To Mayor Wilson and City Council:

We the undersigned residents of The Foothills and neighboring subdivisions in Southeast Prescott do hereby support the proposed rezoning of **The Homestead Subdivision to SF-18** (18,000 minimum square foot lots), the construction of a **Left-Turn Lane on Senator Highway at Nathan Lane** as part of the Senator Highway Reconstruction Project, **improvements to Acker Park** including the erection of an 8' by 12' shade structure with a picnic table and parking lot improvements at the north end of Autumn Breeze, Penn Street parking lot improvements, providing pedestrian access to the Park at Tenney Lane and Canyon Breeze, and the construction of a new Cemetery Trail. We also support the **connection of Summer Field to Tenney Lane**, which will provide a safe, additional access to Senator Highway at Haisley Road for residents of Summer Field. It is our understanding that both the Senator Highway left hand turn lane, the Acker Park improvements and the additional access to Senator Highway will be provided by Tenney Homestead, LLC, the developers, as part of the Development Agreement between the City and the Homestead Subdivision.

Name	Address	Date
	915 CITY LIGHTS	03-09-09
	558 Braclshard Drive	3-23-09
	558 Bradshaw Dr.	3-23-09
	550 Bradshaw Dr.	3-25-09
	601 McDonald CT (Quail Hollow)	3-26-09
	601 McDonald Ct. ( " )	3-26-09
	803 Autumn Breeze	4-13-09

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Name	Address	Date
<i>Art Wundob</i>	<del>301 Mt Vernon</del>	3-25-09
<i>Elmer E. Mendenhall</i>	516 Quail Hollow	4-13-09
<i>Justine M. Mendenhall</i>	526 Quail Hollow	4-13-09
<i>Alfred B. Smith</i>	146 S. Mt Vernon	4-13-09
<i>Allyson J. Smith</i>	146 S. Mt Vernon	4-13-09
<i>John L. Smith</i>	223 S. Mt. Vernon Ave.	4-13-09
<i>Shirley J. Boyer</i>	231 S. Mt. Vernon Ave	4-13-09

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Name	Address	Date
Janet P. Collier	1214 McDonald Dr.	2/25/09
Virginia Collier	1214 McDonald Dr.	2/25/09
Virginia Wiley	887 Summer Field Dr	3/04/09
Thomas Wiley	820 Summer Field	3/04/09
Margaret Gray	820 Summer Field	3/04/09
Myrtle Gray	132 Oak Lights	3/4/09
Barbara A. Caskey	732 City Lights	3/4/09

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Name	Address	Date
<u>Juliana Winters</u>	<u>671 Nathan Lane</u>	<u>3-4-09</u>
<u>Donna McInnes</u>	<u>425 Webb Place</u>	<u>03-06-09 +</u>
<u>Janey M. James</u>	<u>425 " "</u>	<u>3-6-09 +</u>
<u>Paul Boyce</u>	<u>947 City Lights</u>	<u>3-9-05</u>
<u>Susanne Badley</u>	<u>947 City Lights</u>	<u>3-9-09</u>
<u>Ronald E. Beckman</u>	<u>324 S. Mt. Vernon</u>	<u>3-21-09</u>
<u>Octaviana Herrera</u>	<u>324 S. Mt. Vernon</u>	<u>3-21-09</u>

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Name	Address	Date
<u>Donald Elliott</u>	<u>831 CITY LIGHTS</u>	<u>2/25/2009</u>
<u>Grannum Pratt</u>	<u>831 City Lights</u>	<u>2/25/2009</u>
<u>Roger Brammer</u>	<u>755 Scenic Pointe Dr.</u>	<u>2/25/2009</u> W
<u>Pete M. Brammer</u>	<u>755 Scenic Pointe Dr.</u>	<u>2/25/2009</u> W
<u>Robert Wayne Fox</u>	<u>362 RIM TRAIL</u>	<u>2/25/09</u> W
<u>Harlenee Jane Fox</u>	<u>362 Rim Trail</u>	<u>2/25/09</u> W
<u>Stanley N. Lurvey</u>	<u>887 Summer Field Dr.</u>	<u>3-4-09</u>

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Name	Address	Date
Barbara J. Williams	880 Upper Sky Terr	3/23/09 S
Ronald Cliffores Williams	880 Upper Sky Terrace	3/25/09 S
Gary Kaca	534 Bradshaw Dr	3/25/09 E
Rosalee G Hall	534 S Bradshaw Dr	3/25/09 E
Mark Henry	871 Summerfield	3/25/09 E
Shirley Penny	871 Summerfield	3/25/09 E
Suzanne M Roodenka	251 S Mt Vernon	3/25/09 E

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Name	Address	Date
<i>[Signature]</i>	PALMER HILL 300 N. Goodwin	March 25, 2009
<i>[Signature]</i>	338 Fork Lane	3/25/09
<i>[Signature]</i>	608 McDonald Ct	03/25/09
<i>[Signature]</i>	608 Mc Donald Ct	03/25/09
<i>[Signature]</i>	546 Broadview Dr	3/25/09
<i>[Signature]</i>	546 Broadview Dr.	3/25/09
<i>[Signature]</i>	251 S. MT Vernon	3/25/09

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Name

Address

Date

*[Handwritten Signature]*

*344 RIM TRAIL*

*4/13/09*

*W*

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\_\_\_\_\_



# Crystal Creek Homes Inc.

*Thoughtfully Planned ... Carefully Crafted*

RECEIVED

JUL 17 2006

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT

**FILE**

BUILDERS & DEVELOPERS OF  
THUMB BUTTE MEADOWS  
THE BOULDERS  
SUMMIT POINTE  
GRANITE SPRINGS

July 14, 2006

Mike Bacon, Community Planner  
City of Prescott  
P.O. Box 2059  
Prescott, AZ 86302

Dear Mr. Bacon,

This letter is in regard to the Tenney property, The Homestead, located adjacent to our subdivision Summit Pointe Estates.

Crystal Creek is opposed to the rezoning of the property from SF-35 to SF-18. Crystal Creek Homes was denied SF-18 zoning and had to remain with the RA-35 and chose to plan around a PAD design. We gave access with planned roads to the Homestead based on the existing zoning.

Crystal Creek Homes would object to the added density and traffic thru our new Summit Pointe Estates development.

Sincerely,

E.L. Bud Beshers, Vice President  
Crystal Creek Homes, Inc.



700 S. Montezuma St.  
Prescott AZ 86303

(928) 445-3200  
1-800-553-0542

Fax (928) 771-9357  
[www.crystalcreekhomes.com](http://www.crystalcreekhomes.com)



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Delivered Via E-Mail and U.S. Mail

March 30, 2010

Mike Bacon, Community Planner  
City of Prescott  
201 S. Cortez Street  
Prescott, Arizona 86303

Re: RZ09-004 and PP09-002; Opposition to Tenney Homestead, LLC application for zoning change from SF-35 to SF-18 and for plat approval.

Dear Mr. Bacon:

In response to your recent letter and notice provided to me, I am writing to oppose Tenney Homestead, LLC's application for zoning change from SF-35 to SF-18. I also oppose Tenney Homestead, LLC's application for plat approval. I urge that neither is approved for the following reasons.

I own approximately 10.5 acres consisting of six contiguous parcels that lie to the south of the proposed rezone and development.<sup>2</sup> The southernmost border of that proposed development is entirely abutted by my property, parcels 110-08-001N and 110-08-001Z. In addition, my parcel 110-06-005X fronting on Nathan Lane is directly across the street from part of the proposed development. Essentially, the area of proposed development lies in the foreground of my view path to Granite Mountain and the San Francisco Peaks. My parcel 110-06-005X fronting on Nathan Lane lies in the City of Prescott but the remainder of my property lies outside the City in Yavapai County. All of my land is zoned residential, single family site built homes of 35,000 square foot minimum lot size. I will refer to it all as "R-35" for ease of reference, however, the City and Yavapai County may use slightly different terminology. Tenney Homestead, LLC's land is presently also all zoned R-35, as it has remained for decades. Each of us could presently develop our lands as a matter of right and place a house on every 35,000 square feet of land that we own and there is essentially nothing that the City or Yavapai County could do to prohibit that. Those are among our "rights" in owning this land. While Tenney Homestead, LLC's rights in its property should not be taken through further government regulation, neither should they be enlarged as requested here.

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<sup>1</sup> Mailing: P.O. Box 101962, Anchorage, Alaska 99510-1962

<sup>2</sup> Parcels 110-06-005X, 110-08-001N, 110-08-001P, 110-08-001W, 110-08-001Y and 110-08-001Z.

*Property Rights are Enlarged for One Owner by Taking Property Rights From Others*

Tenney Homestead, LLC is requesting is that the City enlarge its rights in that land to now allow 18,000 square foot lots, or, for it to sell off nearly twice as many lots and homes as they presently have right to develop on that same land under R-35 zoning. By doing that, however, the City would be effectively depriving other land owners certain rights that they presently possess in use and enjoyment of their land. Without saying more than necessary, my property will now have nearly twice as many roofs to look over and half as much vegetation as would otherwise be expected to exist under present development standards. If Tenney Homestead, LLC's requests are granted, residents of Mt. Vernon Avenue will have essentially twice the number of cars driving past their homes and driveways as otherwise would be expected from R-35 development and they will suffer commensurate difficulty in backing out of their driveways, not to mention noise, pollution, etc. All our "rights" in our respective land around and otherwise affected by granting Tenney Homestead, LLC greater development rights will thus be diminished.

The logical response for someone situated as I am, with 10.5 developable acres, would be to support this so it would facilitate my future development and net profit too. That was not my goal in buying this property in the first place, however, if the City grants this request to Tenney Homestead, LLC, it should expect that I will shortly file an application for annexation and to likewise rezone my property to R-18. That would support approximately 24 lots and homes as compared to the 12 that are presently a matter of right. The City's decision to grant Tenney Homestead, LLC's requests would signal to me and other similarly situated land owners that we can no longer trust or have confidence in the City of Prescott to reasonably regulate land use and development. I purchased my property knowing that all undeveloped land in the area was zoned R-35 and relied upon that as reasonable land use regulation, providing a natural buffer or transition area from the high density development of downtown (including Mt. Vernon Avenue), to the National Forest public lands not too far to my south. There are plenty of other well run communities not so dissimilar from Prescott that would afford such respect for orderly development and my property rights.

*The Foothills Argument Debunked*

The Foothills was platted for higher density development. So the argument goes; since they were allowed to do it, why shouldn't Tenney Homestead, LLC be allowed the right to so develop? Women were previously denied the right to vote, yet no one would be heard to say that because of that they should not now be entitled to vote. The platting of The Foothills subdivision was similarly in error. Two wrongs doesn't make a right. The Foothills was rezoned and platted in an era of pillage and plunder, when a couple hundred dollar donation to the local rodeo would seal a deal for a project like The Foothills with little opposition or thought, just as inebriates were allowed to paint cross walks along Whiskey Row with impunity. The latter was charming, the former was not and will forever detract from the natural beauty of our community. The influx of conservative, educated Californian's largely put and end to that and precipitated an era of more enlightened thought about how such dense development could adversely impact our community. I suspect that had even Prescott's forefathers known what the Cliff Rose area would come to look like from the vantage point of my property (which appears as a

distant wall of houses with blue, green and pink roofs), they would have choked on their chewing tobacco in approving such development. The same can be said of Yavapai Hills, where properties atop its barren hills overlook literally hundreds of roofs in their foreground to the focal point of Highway 69 and Costco.

Unlike Tenney Homestead, LLC's proposed development, Crystal Creek's development to the west and southwest of the proposed development, in the aggregate, respects the existing R-35 zoning. You may recall that Crystal Creek originally proposed development of the contiguous 80 acre (less rights of way for Senator Highway and Haisley Road) as one plan, including annexation of the 40 acre piece to the southwest of Tenney Homestead, LLC's proposed development into the City. Ultimately, compromises were reached, and City water service was extended to the parcels that Crystal Creek divided in the southwest section, now known as Senator Heights. The west section is known as Summit Pointe Estates. In aggregate, the density of development authorized and undertaken by Crystal Creek in Senator Heights and Summit Pointe Estates reflects an average lot size of over one acre. To my knowledge, Tenney Homestead, LLC is proposing no common areas or multi-acre lots as exists in Crystal Creek's Senator Heights and Summit Pointe Estates subdivisions. Moreover, what Tenney Homestead, LLC is proposing is inconsistent with even its predecessor's prior development of those lands. Previously, the lands currently held for development by Tenney Homestead, LLC encompassed three additional separate parcels that were pared off and now designated as 110-06-005Y, 110-06-005Z and 110-06-005Q. Each of those parcels range from the smallest at .91 acres to the largest at 1.11 acres, all well over the 35,000 square foot minimum allowed under R-35 zoning.<sup>2</sup>

*Where is Prescott. Where is it Going and What Type of Development is Best Suited Here*

Prescott has long since lost its shot at being another Sedona or Paradise Valley. That was, at one time, realistic but it is now out of the question, largely due to its many, high density developments and lax architectural standards for commercial construction.<sup>3</sup> Prescott is a remote area that has "prospered" largely on wealth generated outside that has been expended by its newcomers in support of the local economy. Prescott's economy is, in my view, not even remotely close to being self-sustaining and will depend on the continued expenditure of accumulated outside wealth to survive; its output being the type of golf club head manufacture and second or third tier educational institutions; not the type of sustaining commerce supported by the likes of Boeing or Microsoft. Moreover, the Prescott area is not even remotely self-sustaining in terms of agricultural production or manufactured products for local consumption. Literally, near everything has to be transported some 100 more miles distant and a mile up in elevation from Phoenix, or further. Prescott also relies upon regular commerce from distant, surrounding developments such as Crossroads Ranch, the type of folks that like to frequent the angle

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<sup>2</sup> Actually, the largest of those three parcels originally included more land, now split off as my parcel 110-06-005X.

<sup>3</sup> There are actually Walmarts and Costcos elsewhere in the country, and even the State, that are actually architecturally appealing and harmonious with natural landscape. We didn't opt for that however, nor does it appear that there is active work to encourage any upgrading in that regard. Fortunately for me, neither is in my view path.

parking spots on Courthouse square with their quad cab, long bed dually trucks that extend well into the curb traffic lane and get around 10 miles per gallon of fuel. As explained below, fewer such “trips to town” are to be expected in the future.

In the intermediate to long term, the realities of Peak Oil<sup>4</sup> and fuel prices that will make \$3 per gallon seem like the “good ole days” are going to bring hard times upon places like Prescott, especially for those of lesser means. As in other areas of the country already, major chain stores either re-brand their distant stores to prevent direct price comparison with their lower advertised prices in major metropolitan areas, or, just hike the prices in distant stores to account for higher transportation costs, which should be expected to increase in the future. In Arizona, over time, the most efficient and economical places to live and work will be the greater Phoenix, Tucson and possibly Yuma areas, which are far closer to being efficient, self-sustaining communities and for which transportation costs are lower. Other places like Sedona will continue to thrive because of their retained, natural beauty and because there are people with wealth that continue to desire that despite its high cost. Much of the rest of Arizona that lies remote from Phoenix, Tucson and possibly Yuma will expect to live lesser standards of living based upon higher costs of purchasing staples such as food and lower wage levels.

The Prescott residents that generally live in parts of Hassayampa, The Ranch, and other estate type properties will continue to thrive and support the Prescott economy. For others with lesser financial resources, however, the future will not be so kind. These are the people that are more likely to live on 18,000 square foot and smaller lots as contrasted with 35,000 square foot lots and estate type properties. As a real estate broker for the past two decades who has had one of these smaller lots listed for sale for more than two years in The Lakes subdivision without receiving a single call from a prospective purchaser, I can tell you that the market is so saturated with those smaller type properties that it may take a decade or more for the existing inventory to clear the market. Prescott real estate prices are still in steep free fall, have not reached bottom yet and sales prices of existing construction is likely remain below cost of new construction for an extended period, further delaying recovery of prices for undeveloped real estate. Moreover, the eventual sale and development of all the small lots already platted in and around Prescott will have a dramatic and adverse impact upon the natural beauty of our community, further removing us from the ranks of Sedona and Paradise Valley and closer to the Ned Warren development in Paulden, where lots are still on the tax rolls at \$1,000. Prescott doesn't need more small lots, it needs fewer large ones for all the reasons stated above.

*This Property is Particularly Unsuitable to Enlarged Property Rights*

Unlike the approximate 80 acres<sup>5</sup> that comprise Crystal Creek's Senator Heights and Summit Pointe Estates subdivisions (on which the prior owners paid thousands of dollars per year in property taxes to support local government including its roads and utilities), the parcel held by Tenney Homestead, LLC had until recently provided

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<sup>4</sup> Peak Oil is the point in time when the maximum rate of global petroleum extraction is reached, after which the rate of production enters terminal decline. North America's largest oil field has already reduced throughput in the TransAlaska Oil Pipeline to less than one third its 2 million barrel per day peak production in 1988. Globally, the same is soon to occur.

<sup>5</sup> Less rights of way for Senator Highway and Haisley Road.

virtually no tax support. Review of the pertinent tax records will reveal that property taxes paid for all that acreage held by Tenney Homestead, LLC was in the order of magnitude of tens of dollars per year as compared to the Crystal Creek property which, as I recall, was around \$4,000 per year. The cumulative effect of this "agricultural designation" taxing to what is now slated for high density residential development is to have removed tens if not hundreds of thousands of dollars in tax revenue that could have otherwise been dedicated over the years to improvement of the Senator Highway, installation of sidewalks, bike paths, etc. for the benefit of all in the area. A small dedication of monies to a turn lane and retention basin as I understand to be offered here does not even offset what this parcel should have otherwise contributed to taxes in the past, let alone address the effect of the high density development currently proposed.

More forward looking and progressive states such as Washington allow "open space" designation and commensurate reductions in property tax for larger parcels (or contiguous parcels) to encourage lesser development and undeveloped land holdings such as the Tenney Homestead, LLC property and mine. However, the present development, if undertaken in Washington state (and through conversion of previously lesser taxed "open space" property into development property) would require immediate payment of a surtax based largely on the tax savings that had been achieved over several prior years, which could amount to several thousand dollars per acre. Arizona law does not provide for that, which explains in part why Mt. Vernon Avenue and especially the City portion of the Senator Highway are in such poor repair and unsafe to pedestrians and bicyclists. While the prior taxing granted for the Tenney Homestead, LLC property was as provided for by law, this circumstance of longstanding under-support for local government, roads and utilities makes it more "equitable" to grant property owners such as Crystal Creek (by virtue of tax payments by its predecessor owners) and me the right to expect enlargement of our property rights, and not as to Tenney Homestead, LLC's land.<sup>6</sup>

If this letter and objection should be directed to the Prescott Planning & Zoning Commission, Mayor and Prescott City Council, I would appreciate you forwarding copies to them.

Best regards,

  
Glenn M. Gustafson

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<sup>6</sup> Even now, the property held by Tenney Homestead, LLC is providing lesser tax support relative to mine despite it being much larger and having more available services. In 2009 I paid more than \$5,000 in property taxes for barely 10.5 acres as compared to \$2,949 by Tenney Homestead, LLC on nearly 60 percent more land which has both city water and sewer available.

The Tenney's are good people and should be accorded equal rights with respect to development of the subject property, as would anyone else owning that property. Their business acumen is to be admired and is inspiration for my ongoing discussions with the Arizona Department of Game and Fish about importing Alaska Reindeer to my property so that I might start a commercial Reindeer agricultural operation and for which Prescott could expect to benefit as the "Christmas City" when my Reindeer pull a sleigh in the annual Christmas Parade and so that all might come to enjoy Reindeer sausage for year-round consumption as is on the menu in many Alaska diners, incidentally qualifying my land to be taxed just a few dollars per year.