



# PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION  
REGULAR MEETING / PUBLIC HEARING  
THURSDAY, November 8, 2012  
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, November 8, 2012, 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**

Tom Menser, Chairman  
Ken Mabarak, Vice Chairman  
Joseph Gardner  
Timothy Greseth

George Sheats  
Don Michelman  
Terry Marshall

**III. REGULAR ACTION ITEMS**

1. Consider approval of the minutes of the July 12, 2012 regular meeting.
2. PP12-001, 238 Meany St. Madison Park Cottages, lots 1 through 4, Block 5, Bashford Addition. APN: 113-14-053 totaling ±0.69 acres. Existing zoning is Multifamily Medium (MF-M). The proposed subdivision is to result in 6 lots with a PAD designation. Owner/Applicant is Habitat for Humanity.

**IV. PUBLIC HEARING ITEMS**

**V. CITY UPDATES**

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

**VII. ADJOURNMENT**

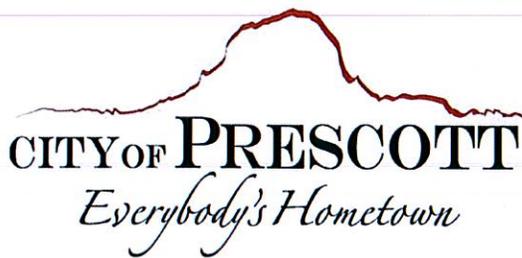
THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE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

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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 November 1, 2012 at 4:15 p.m. in accordance with the statement filed with the City Clerk's Office.

  
\_\_\_\_\_  
Suzanne Derryberry, Administrative Specialist  
Community Development Department



**MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION held on July 12, 2012 at 9:00 AM in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.**

**I. CALL TO ORDER**

Vice Chairman Mabarak called the meeting to order at 9:00 a.m.

**II. ATTENDANCE**

<b>BOARD MEMBERS</b>	<b>STAFF MEMBERS</b>
Tom Menser, Chairman (Absent)	Tom Guice, Community Development Director
Ken Mabarak, Vice Chairman	George Worley, Planning Manager
Tim Greseth	Suzanne Derryberry, Administrative Specialist
Don Michelman	Ryan Smith, Community Planner
George Sheats	Matt Podracky, Senior Assistant City Attorney
Joe Gardner	Ruth Hennings, Community Planner
Terry Marshall	<b>COUNCIL PRESENT</b>
	Len Scamardo
	Steve Blair
	Marlin Kuykendall (Mayor)

**III. REGULAR ACTION ITEMS**

1. Consider approval of the minutes of the June 28, 2012 regular meeting.

Minutes were postponed to the next regular meeting.

**IV. PUBLIC HEARING ITEMS**

2. SUP12-001, 543 W. Gurley St. APN: 113-12-059. Request is for an auto dealership. Owner is Rowle Simmons / Intermountain Communications. Applicant is Prescott Car Co., Inc. (May vote on item on July 12th)

Mr. Worley reviewed the staff report and indicated that there were some modifications made by the applicant regarding the flow pattern through the parking lot and designated employee parking spaces.

Mr. Worley discussed the site visit which took place earlier that week and noted that there were a number of questions related to parking spaces, display space issues related to encroachments onto the sidewalk and designation of employee spaces. He displayed the revised site plan on the overhead projector and continued discussing the amount of parking spaces and which spaces would be designated for customer parking, employee parking and sales vehicle parking.

Mr. Worley talked about questions regarding landscaping and the flow of traffic. He noted that the applicant had changed the flow of traffic to improve both functionality and safety concerns. He continued by noting that staff recommended the hours of operation to be from 8:00a.m to 8:00p.m and the lighting and signs would be turned off at close of business; the applicant agreed. Mr. Worley concluded the staff report and called for any questions.

Mr. Mabarak wanted to know what other uses would be allowed to operate at the location in question, without approval from the Planning and Zoning Commission. Mr. Worley discussed the uses permitted in a business general zoning district and noted that the general limitation on the uses would be determined in regards to the amount of parking which would be required. The main difference between this use and a retail use is the potential scale of auto dealerships which is one of the reasons it would require a Special Use Permit.

Mr. Mabarak called for any questions from the Commissioners.

Mr. Marshall expressed his concerns regarding safety and thought it would be appropriate for signage to be placed on Gurley Street to indicate that there wouldn't be an entrance to the site from Gurley Street and one-way traffic signs places on Park Ave. His other issue was the entrance closest to Gurley Street; he wanted to know if the applicant would be willing to block off that entrance with parking bumpers until the improvement project was completed. He discussed concerns about cars being placed too close to the sidewalk and would like to have the applicant place parking bumpers between the lot and the sidewalk to help prevent encroachments to the sidewalk. Mr. Marshall continued by discussing landscaping requirements; staff indicated that it cannot be complied with because of the lack of distance with setbacks requirements. He also wanted to take into consideration the possible issues of when school gets back in session and how it could potentially affect traffic during those times. Lastly, he wanted to know if there was a possibility of reorienting the parking spaces so that they line up better with the circulation of traffic.

Mr. Sheats discussed landscaping buffer concerns.

The applicant, Mr. Biele, 951 Norris, discussed signage and the request to place curbs. He continued by noting that he could look into the possibility of adjusting the direction of the parking spaces. He stated that he was willing to accept any restrictions that the Commissioners wanted to place, including the limitation of high profile cars.

Mr. Michelman wanted clarification of high profile vehicles.

Mr. Mabarak made a call to the public and commented that it was important to remember that the property was already zoned for business and they were only there to decide on the recommendation to Council; whether the request would be a good location for a car lot.

Jerry Smith Fornara, 405 Park Ave, discussed concerns with traffic and safety.

Elisabeth Ruffner, 214 Park Ave, addressed the importance of historic districts and noted the seriousness of the impacts of traffic.

Ms. Fornara noted that once a conditional use permit is issued, they are rarely reversed.

Mr. Mabarak pointed out that the request is for a special use permit, not a conditional use permit. Mr. Worley discussed the difference between a conditional use permit and a special use permit.

Mr. Gardner questioned having provisions related to lighting. Mr. Worley stated that there had not yet been any proposals but staff would recommend that the applicant be required to have signage and other lighting turned off no later than 8:00p.m.

Mr. Sheats discussed the forecast of customer visits during the day and added that it couldn't be more than four customer vehicles a day; it would be a low generator of traffic.

Mr. Biele agreed that it would be a low generator of traffic and stated that the amount of customers could vary but he did not anticipate a high level of traffic.

Mr. Marshall asked if Mr. Biele planned on having the site fully staffed. Mr. Biele stated that he did not plan to have the building staffed. He added that this would be more of a hobby than anything and he simply needed a facility to be able to work from. Mr. Marshall questioned whether they plan on having customers browsing the lot on the weekends. Mr. Biele stated that he did not have any concerns regarding that matter due to the small amount of vehicles on the lot.

Mr. Michelman requested Mr. Worley to discuss sizes of car lot sites.

Mr. Greseth discussed concerns regarding traffic.

Mabarak called for any other comments from the public; there were none.

Mr. Mabarak stated that the public portion of the meeting was closed and called for a motion.

Mr. Michelman, MOTION to recommend approval of SUP12-001 subject to the following conditions:

1. Substantial conformance to the revised site plan received on July 3, 2012
2. The hours of operation would be limited to 8:00a.m to 8:00p.m
3. All business signage and lighting must be turned off from 8:00p.m to 8:00a.m.
4. Directional arrows to be painted on the ground to show the one way flow of traffic
5. A "no exit" sign for the Park Avenue entrance
6. The entrance on Gurley Street would have two signs posted; a "no entrance" sign off of Gurley onto the lot and a right turn only exit onto Gurley from the lot
7. Only low profile vehicles would be allowed to be parked on the corner of the car lot
8. The entryway closest to Park Ave would be blocked until the work on Park Ave was completed
9. The addition of planter boxes for landscaping and blocking the entrance closest to Gurley Street off of Park Ave
10. Vehicle parking spaces to be marked on the lot
11. Sale of only seven motorized vehicles at one time on the lot

Mr. Gardner, 2<sup>nd</sup> the MOTION, VOTE 5-1 (Mr. Marshall opposed).

3. LDC12-002, Amend Land Development Code, Sections 6.12 and 11.2. Related to electronic changeable copy signage.

Ms. Hennings reviewed her staff report and indicated that this item may be voted on that day or it could be continued if needed.

Ms. Hennings explained how sign content is protected as commercial free speech and there is little that staff could do to regulate it as long as the advertising is not unlawful. A business owner would be permitted to use their electronic signs to display information regarding the community or items politically related in nature.

Ms. Hennings stated that there are a lot of conflicting studies and information regarding traffic safety in regards to electronic signage. However, it has been shown that the majority of accidents are caused by driver distractions and on the most basic level; all signs cause some kind of distraction since electronic signs, by their very nature, are designed to distract drivers. Continued discussions included definitions of changeable copy signage and proposed development standards for the request. She noted that staff recommended approval of the amendments.

Mr. Gardner stated that he did not think it would be possible for the Commissioners to come up with the rules and regulations related to the electronic signage.

Mr. Sheats wanted to have the ability to obtain a Conditional Use Permit for specific instances that do not impact traffic. He added that there could be certain circumstances where it wouldn't really pose a problem and he thought there should be some ability to bring the requests forward to the Board of Adjustment in order to obtain a Conditional Use Permit.

Mr. Michelman wanted to know that if the commission did recommend approval of the request, would it stop anyone from asking the Board of Adjustment for a Conditional Use Permit. He added that if a private party would like to have a certain type of sign and it's not on the street then they would have the opportunity to ask for an exception. Ms. Hennings stated that the difference is that variances are related numerical standards. They are not allowing something that's not allowed by the code. She suggested adding something specifically related to video messaging being allowed by a Conditional Use Permit only and that the request wouldn't fall within the purview of the Board of Adjustment.

Councilman Scamardo, 314 Double D, discussed different aspects of the proposal.

Ms. Hennings noted that it would not be advisable to include a standard that would allow video messaging by use of a Conditional Use Permit. She suggested that the commission make a decision as to whether or not they felt video messaging was appropriate within the city and whether or not to allow it as one of the proposed standards.

Mr. Greseth, Motion to approve LDC12-002. Mr. Marshall, 2<sup>nd</sup>. VOTE 6-0

**V. CITY UPDATES**

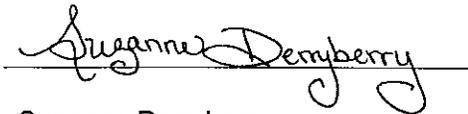
Mr. Worley stated that there would be a special council meeting scheduled to discuss campaign signage.

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

None

**VII. ADJOURNMENT**

Vice Chairman Mabarak adjourned the meeting at 10:49 a.m.

A handwritten signature in cursive script, reading "Suzanne Derryberry", is written over a horizontal line.

Suzanne Derryberry,  
Administrative Specialist

A solid horizontal line.

Tom Menser, Chairman

**PLANNING & ZONING COMMISSION MEMO – 11/08/12**

**DEPARTMENT:** Community Development

**AGENDA ITEM:** Preliminary Plat and Planned Area Development for a six-lot subdivision. Owner: Habitat for Humanity, APN: 113-14-053, Zoning: MF-M, File No. PP12-001.

**Department Head:** Tom Guice

**Planning Manager:** George Worley 

**Project Planner:** George Worley

**SUMMARY**

This is a proposed Preliminary Plat to create a subdivision with six single-family dwelling lots. The property is zoned Multifamily Medium (MF-M), which would allow single-family or multifamily developments. The lot layout is constrained by the topography on the site and the applicant has requested to modify the typical plat criteria through a Planned Area Development (PAD) to better address those constraints, while accomplishing their desire to have single-family homes for Habitat’s clients.

**BACKGROUND**

The subject parcel comprises 0.67 acre (approximately 30,000 square feet). The parcel has been held by Habitat for some time while a feasible development plan was devised. The parcel is a part of the Bashford Addition and, while surrounded by mostly single-family homes, the area is, and has been, zoned for multifamily development. Under the multifamily zoning the parcel could accommodate up to 13 dwelling units if developed as apartments. Minimum lot size for single-family home lots is 6,000 square feet. The minimum required setbacks are 20 feet for the front and rear yards; 7 feet for the side yards.

The proposed design creates six lots intended for single-family homes with ownership by Habitat client families. Four of the lots are substandard in size by the minimum requirements of the MF-M district for single-family lots, but would exceed the minimum size required if they were deemed Patio Home lots. The four undersized lots meet the LDC definitions of both “Single-family Dwelling” and “Patio Home”. Two of the smaller lots front Madison Avenue and the other two smaller lots front Meany Street. The two larger lots each exceed the minimum required size for single-family homes. The two larger lots (Lots 1 and 2) are “through lots” having frontages on both Madison Avenue and Meany Street. Each of the larger lots is divided by a large spine of rock running roughly east to west.

The site has several substantial rock outcroppings that constrain development. To address the site constraints, Habitat has proposed a Planned Area Development approach to this plat. Their design establishes open space areas (approximately 28%)

**AGENDA ITEM: PP12-001 - Preliminary Plat and PAD for Habitat for Humanity**

via easements that meet the requirements of a PAD (LDC Section 9.5.9.C) to allow flexibility to adjust lot sizes and to provide off-site parking spaces. Because of the topographic challenges to the site, Habitat proposes to create eight parking spaces on the Meany Street frontage of the two larger lots that will serve all four of the lots fronting Meany Street. Cross access and parking easements will provide all four property owners with adequate access and parking rights. There are also pedestrian access easements to provide all of the lot owners with access to the open space areas. The remaining two smaller lots facing Madison Avenue will have the required two parking spaces each on those lots.

The proposed PAD requests smaller lot sizes for four of the lots and the allowance for off-site parking for the Meany Street lots to allow a congregate parking arrangement with access easements for the lot owners. Two parking spaces are required for each lot, with a part of this requirement to be met with the congregate parking on the Meany Street frontage of Lots 1 and 2. The maximum building height allowed in the district is 35 feet. There are no specific LDC requirements for landscaping of the single-family lots. The PAD does not request reduction of any building setbacks, parking space requirements or building heights.

Access to the site would be via Madison Avenue or Short Street to Meany Street. Madison Avenue is sized to handle residential traffic and adequately handles current traffic loads. Meany Street is a dead-end street that serves a very limited number of lots, including this site. No additional improvements of Madison Avenue or Meany Street are being required by Traffic Engineering due to the small scale of the development. It is not anticipated that this development will have an adverse impact on traffic volume or circulation in the neighborhood. The parking spaces on Meany Street are well off of the roadway.

All of the homes are designed with one of two basic floor plans with a footprint of 844 square feet. The homes will vary in overall floor area by the number of floors above the first, with this depending upon the family size of the client family. Maximum height permitted in the MF-M district is 35 feet, effectively limiting these homes to three stories.

A home owners association will be required by LDC provisions (9.5.13) to assure that a responsible entity will be tasked with maintenance of common areas and easements.

Should this Preliminary Plat be approved by the City Council, Habitat will undertake the engineering and design steps to complete a Final Plat. Typical review process for Final Plats takes them directly to the City Council for approval. If the Planning and Zoning Commission desires to review the Final Plat as well, that request must be included in the Commissions motion when this Preliminary Plat request comes back for approval.

**AGENDA ITEM:** PP12-001 - Preliminary Plat and PAD for Habitat for Humanity

**NEIGHBORHOOD COMMENTS**

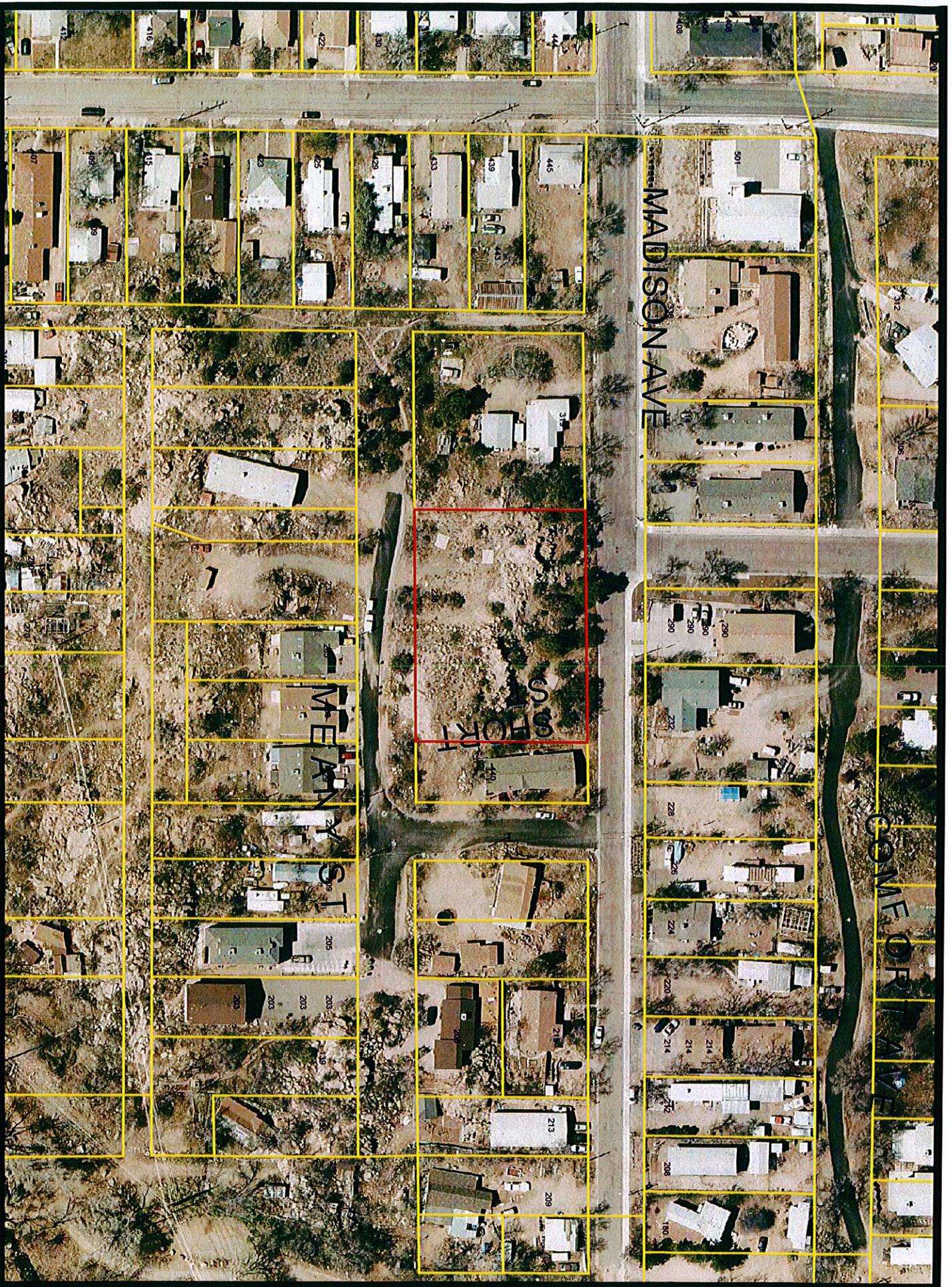
Staff received one letter of objection to this proposed plat from a nearby property owner. The letter is attached for Commission consideration. Staff would note that Mr. Hensley refers to a rezoning and setback variances, however no rezoning is proposed and Habitat has not requested any reduction of setbacks as a part of their PAD request.

**RECOMMENDATION**

No recommendation at this time. Staff contemplates an additional review and possible action by the Commission at a subsequent meeting.

- ATTACHMENTS**
- Preliminary Plat/Site Plan
  - Aerial Photo of site
  - Letter of Objection

**Recommended Action:** No recommendation at this time.





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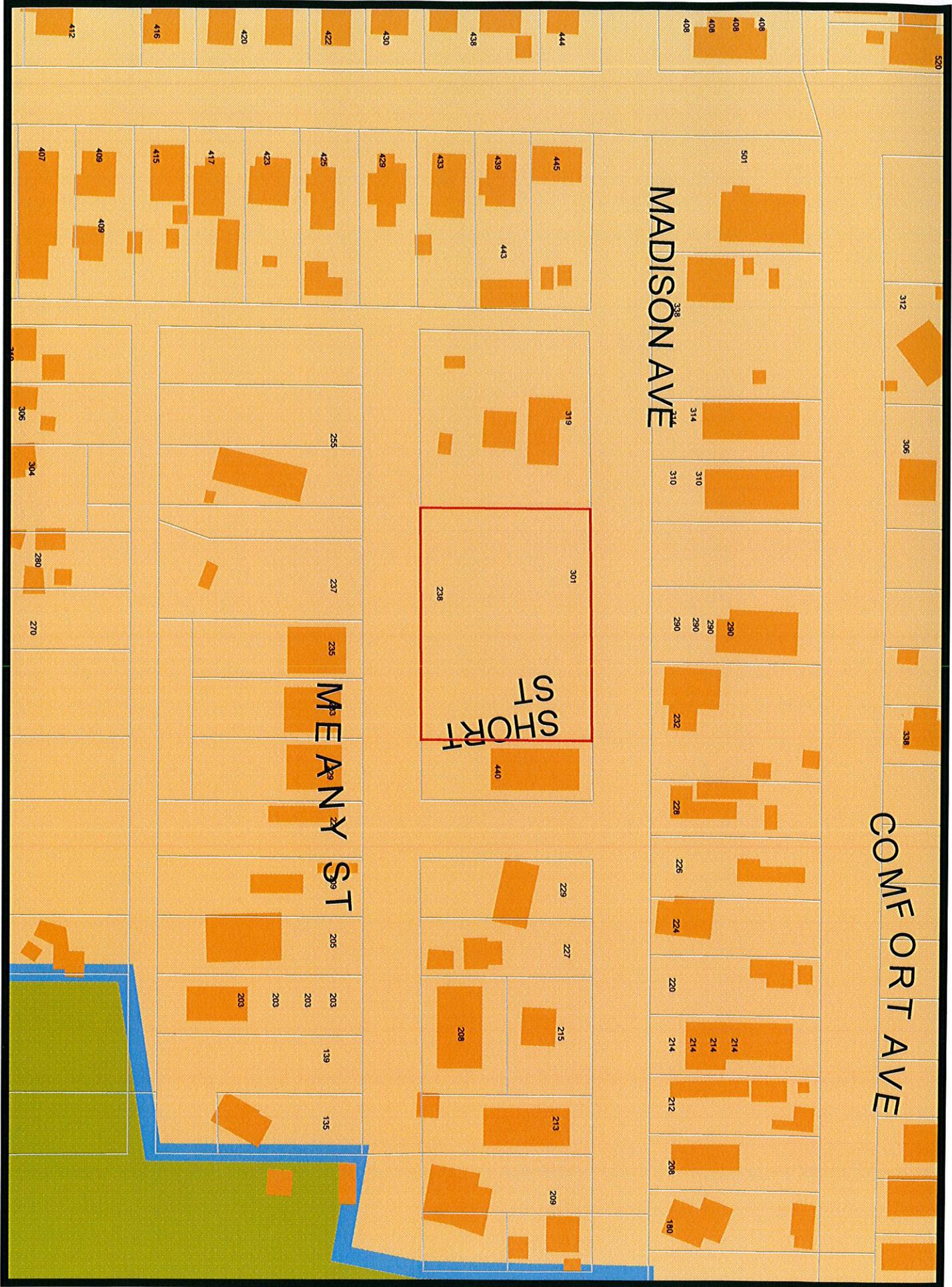
209

COMFORT AVE

MADISON AVE

ST SHORT  
ST SHORT

MEANY ST



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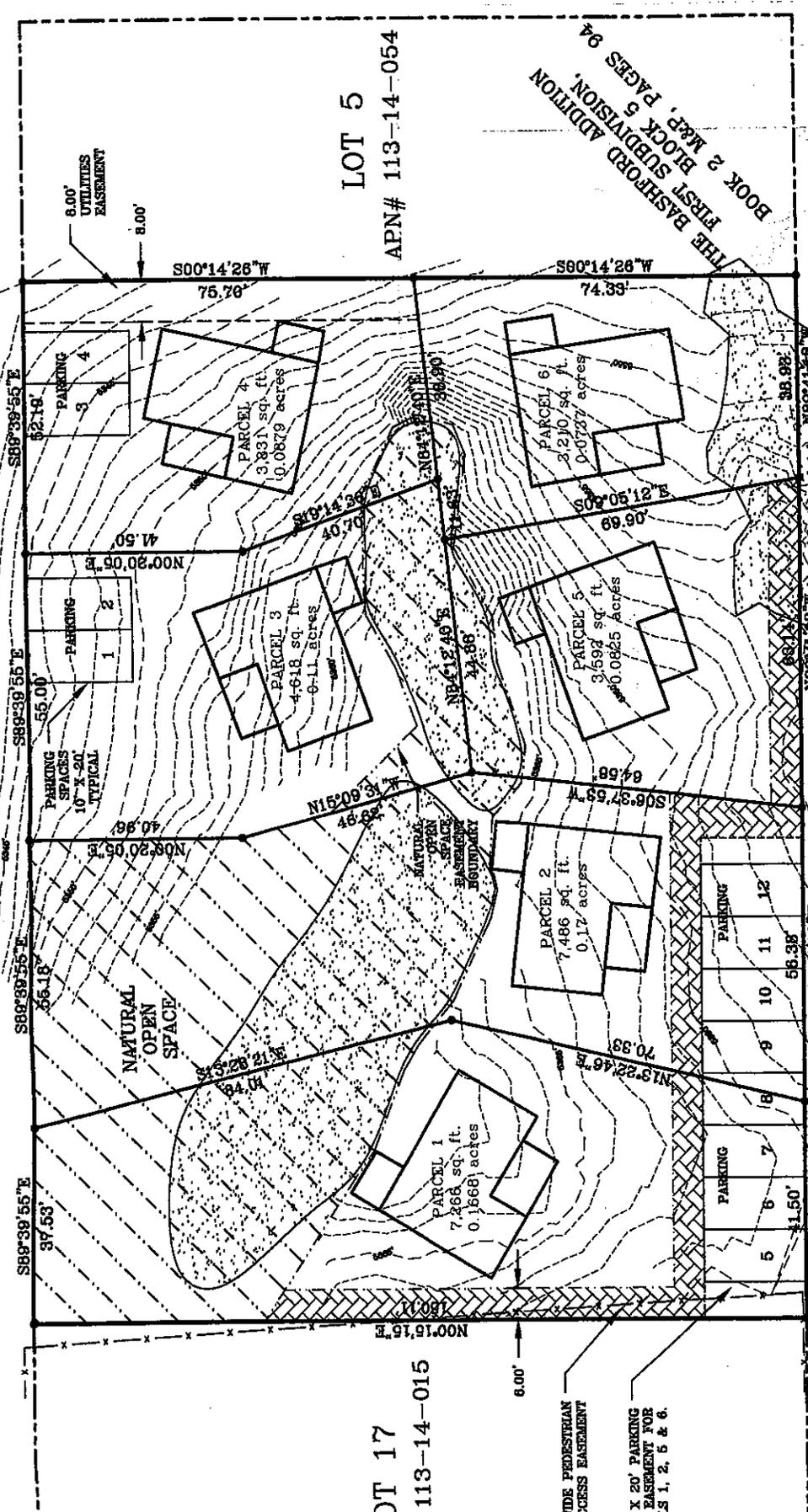
# SHORT STREET

LOT 5  
APN# 113-14-054

THE BASTARD ADDITION,  
FIRST SUBDIVISION,  
BOOK 2 MAP, PAGES 94

LOT 17  
113-14-015

# MEANY STREET



6.00' WIDE PEDESTRIAN ACCESS EASEMENT

6.00' UTILITIES EASEMENT

20' X 20' PARKING EASEMENT FOR LOTS 1, 2, 5 & 6

October 29, 2012

RE: PP12-001, 238 Meany St. Habitat for Humanity Housing Project, Re-subdivision of Lots 1 through 4, Block 5, Bashford Addition, Habitat for Humanity Applicant

Dear George Worley, and City of Prescott Planning and Zoning Commission:

I am writing you to express my opposition to Habitat for Humanity's request for re-zoning of their newly acquired property on Meany Street. The subject property is across Meany Street from my five lots. I understand that Habitat acquired the property from the previous owner with the promise that they would preserve the natural character of the boulders thereon. The problem is that when you "net out" the area surrounding the rock outcroppings and the unbuildable slope leading uphill from Madison Street, the remaining footprint for building purposes is approximately half the gross square footage of the four lot compilation. This would not be an issue if they were building three homes, but they are, unfortunately, intent on building six!

The way Habitat intends to offset the square footage issue is by acquiring a variance allowing the structures to be constructed outside of the codified building set-back line. This means that they'd be building the houses even closer to the street than their three recently constructed houses on the south side of Meany Street.

Because they are trying to cram too many units on to the property, their design affords inadequate on-site parking. This will equate to more cars being parked in the street and the associated misery related to garbage pick-up, and mail delivery, as well as pedestrian/vehicular traffic in general. The three houses that Habitat already built (too close to the street) necessitate roadside parking. The residents and their visitors currently use my driveway as a turn-around. My driveway should be no more their turn-around than theirs should be mine.

It's notable that Habitat has no plans to forfeit any of their property for construction of a proper cul-de-sac. A review of their plans reveals no provision for development or paving of the northerly half of the Meany Street right-of-way. With such a concentration of residents, I would expect the Fire Marshall to require a place for fire trucks and other emergency vehicles to turn around.

It is hard to ignore what seems to be a total disregard for the adjacent land owner's interests by Habitat for Humanity and the City of Prescott. I would appreciate it if you would contemplate the following thoughts and concerns:

- I'm OK with sporadic in-fill of an existing neighborhood with low-income housing, a couple houses here, and couple houses there, but...

- At what point does the density of low-income housing adversely affect the adjoining land owners' property values. It was never my intent to pay top dollar for panoramic view property on a low-income street; rather, my plan was to ultimately re-subdivide five lots into two or three larger more buildable lots and promote construction of something a little more upscale.
- If Habitat gets their way, they will be building 23 low-income single family units on land that's either across the street, or adjoins, my property (3 completed houses and 6 more proposed on Meany Street , and 14 units proposed for their 7.5-lot Sonora Street compilation, land that also is contiguous with my property).
- It would appear as though Habitat for Humanity is given an unfair advantage by the City of Prescott as is evidenced by their discounted purchase of three lots on Meany Street (\$70k), or their purchase of 7.5 lots on Sonora Ave (also \$70k). These sales, when evaluated as comparables, adversely affect the value of my property.
- I also suspect that Habitat gets a break or a subsidy on the cost of hook-up to City sewer and water services. If any other citizen were to build a house or houses, they would be levied \$6K to \$9K for each unit constructed for connection to city utilities. This is an important question to have clarified because if the City provides an advantage to an entity that effectively lowers the economic class of our neighborhood and the property values accordingly, then that is not equitable and/or acceptable to the surrounding property owners.
- Habitat has not been a good neighbor. While terracing the property on the south side of Meany Street to shoehorn the three new houses (on property that would have best accommodated only two), they carved away approximately six feet of my property with a track-hoe. As a result, I am unable to construct a fence along my property line. Despite my complaint and my request that Habitat build a retaining wall and backfill to repair the damage, they've made no attempt to rectify the situation.
- Think about it: six houses likely equates to twelve cars, six trash cans, six recycle cans, six mailboxes, noise, and considerable activity coming and going on a little street with no cul-de-sac.

It saddens me that I may be viewed as a grumpy neighbor, but I can assure you that I am not. This is serious business to me, and threatens not only my wife and my investment, but the quality of life at our second home and future retirement residence.

In closing, I have to ask this: In an economy where housing prices are at an all-time low, vacancies are at an all-time high, and mortgage interest rates are lower than they've been since 1956, is a project that could adversely affect the value of my home really prudent and/or necessary?

Respectfully,



John Hensley  
1423 E. Cholla Street  
Phoenix, AZ 85020  
602-319-7671 mobile