

**MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION PUBLIC HEARING MEETING held on SEPTEMBER 29, 2016 at 9:00 AM in COUNCIL CHAMBERS ROOM, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.**

**I. CALL TO ORDER**

Chairman Menser called the meeting to order at 9:00 a.m. He thanked Mayor Pro Tem Lamerson for attending.

**II. ATTENDANCE**

<b>BOARD MEMBERS</b>	<b>STAFF MEMBERS</b>
Tom Menser, Chairman	Tom Guice, Director
Ken Mabarak, Vice Chairman	George Worley, Planning Manger
Joe Gardner	Frank Hall, Community Planner
Terry Marshall	Darla Eastman, Administrative Specialist
Len Scamardo	Jon Palidini, City Attorney
George Sheats	<b>COUNCIL PRESENT</b>
Phil Goode	Mayor Pro Tem Lamerson

**III. REGULAR ACTION ITEMS**

**1. Approval of the September 8, 2016 Meeting Minutes**

**Mr. Marshall, MOTION to approve the September 8, 2016 meeting minutes. Mr. Goode, 2<sup>nd</sup>. VOTE 6-0; passed.**

**1. Community Residences Presentation by the Legal Department**

Jon Paladini, City Attorney, gave An update on Community Residences in Prescott. He said the proposed ordinance will change the definition of Community Residence in the Land Development Code. The primary purpose is to discuss the “meals” issue where some of the Community Residences do not provide a food service and instead are taking their clients to a local non-profit, charitable food service provider. It creates a significant impact on the demand on the food service provider by overloading them with customers without providing compensation for the extra meals. Therefore, we are revising the definition that qualifies the Community Residence to be a group home where they must have a process where meals are provided or give the residents access to food. Mr. Paladini said that this is consistent with the Fair Housing Act (FHA). To qualify for FHA benefits the residences have to emulate a biological family or the legal standard and we feel updating the definition would resolve that. The definitions of the proposed ordinance were updated to keep consistency between the Land Development Code and the City Code, Section 4-11.

The new State law is an enabling statute that allows the cities to create an Ordinance for Community Residences to operate. We will be the first City in the State to adopt the Ordinance for Community Residences and we are setting a standard. We are probably the first city in the Country to operate with the types of standards we are proposing. Mr.

Paladini reviewed the requirements for the issuance of a license, safety issues, fees, basis for denial or revocation, and background checks. He said most operators in Prescott were operating legally, safely, and supported the proposed ordinance. He said the issue was the questionable operators. He said this would help determine whether the house would be at fault.

He reviewed time frames for application submittals and options for reasonable accommodations. The new process is effective January 1, 2017, and the timeline for Community Residences to comply is 3-4 months after initiation. There are two separate operations, business and land use. He said the new ordinance could not be applied retroactively and the ordinance effective date would coincide with implementation of the business license program.

Mr. Paladini said there were two types of Community Residences, transitional, where the length of time is measured in months, usually 3-9 months (sober living), and the other is traditional, which is more permanent, indefinite period of time for group home for mentally disabled. Mr. Paladini said someone might ask for exceptions based upon financial feasibility, number of residents in group homes, and/or distance allowed between a group home and residential homes. He stated the definition of a community group home is 5 to 12 non-related persons with a disability. The intent is to integrate group homes into the community to simulate as a regular single-family residence and to have a normal living environment. The original Ordinance language was written to reduce the "cluster" of group homes that creates a social service zone or institutional zone.

He said the intent is to protect the residents of structured Community Residence homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of the vulnerable population, and secondary, to protect the neighboring community.

Phil Goode stated that he is co-chair of the Mayor's Ad Hoc Committee for Sober Living Homes and has looked closely into the issue of Community Resident Management. He saw the same issues progress over a 15-year timeframe in another communities of California where the area is now called, (in jest) "Rehab Riviera." He said he has also witnessed states, such as Georgia, Florida, and Minnesota that use aggressive zoning attempts where tried and failed and cost communities millions in settlement fees. He said he is comfortable that Mr. Paladini and the City has taken a methodical and thorough analysis of putting together the Ordinance where the potential for legal challenges are minimal as possible and most likely be upheld, and there is no way to know until it is implemented.

Mr. Paladini concluded that the Vacation Rental Ordinance will be on the Council's Study session agenda on October 11, 2016. The Land Development Code will be modified to reflect a performance-type regulatory scheme requirement, as well as the City Code.

**2. PP16-003, Preliminary Plat for Quantum Condominiums, a seven (7) unit multi-family condominium subdivision (APN 113-15-035A). Property Owner is Millennium Holdings, LLC. Zoning is Downtown Business District (DTB)**

Frank Hall presented the staff report and provided overhead maps on the projector. He stated that this is a preliminary plat project for Quantum Condominiums because it is a proposal for condominiums and not apartments. If the proposal was for apartments where the units were not being sold individually, the review would be for a Site Plan Application. The proposed project is a seven unit multi-family development located on

North Granite Street, or the Chase Bank building, and is a permitted use in the Downtown Business District (DTB).

Mr. Hall provided details and the requirements of the proposed project stating that the residential units will be 3-stories high but will look like 2-story units with the parking underneath the building. The six residential units will be constructed and the existing unit will be the seventh, and seventeen off-street parking spaces on the ground level including one handicapped space. All new lighting must meet the "Dark Sky" requirements, landscaping, and all other requirements. Also, the Water Resources Subcommittee recommended a water allocation to the project. He then introduced the applicants. Phil Goode commented that he supports and encourages projects with higher density development that meets the standards in the 2015 General Plan.

Michael Haywood, 115 E Goodwin Street, stated that he is taking a thrust in the development of high density uses in the Downtown Business District and taking vehicles off the streets where people can walk to restaurants and bars. He said he will comply with all the building requirements of the City.

The Commissioners agreed that they liked the project and thanked Mr. Haywood.

**Mr. Mabarak, MOTION to approve PP16-003, Preliminary Plat for Quantum Condominiums, a seven (7) unit multi-family condominium subdivision (APN 113-15-035A). Property Owner is Millennium Holdings, LLC. Zoning is Downtown Business District (DTB) Mr. Sheats, 2<sup>nd</sup>.**

Dava Hoffman, 310 E. Union Street, stated that she encourages all the residential uses we can bring into the Downtown Business District area and has been an advocate for a long time. We need to support our businesses downtown and we need more places to live where we can walk to activities and conveniences. We don't seem to have the where-with-all to create transit systems. We need to think about the future with our baby-boomers and the millennial need to encourage those people to move into the community who like to walk to everything. We need to keep in mind that they have to be good projects and have affordability. The Commission should have a discussion on commercial building and their costs.

**VOTE 7-0; passed.**

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

**Proposed amendment to Article 4, Sections 4.9.3.A, 4.9.3.B.5, and 4.9.3.F of the Land Development Code to amend the overall maximum density, increase multi-family residential density, and adjust the minimum residential setbacks in the Downtown Business District (DTB)**

Frank Hall presented the staff report and provided overhead maps on the projector. He said the discussion is about residential density in the Downtown Business District (DTB) and is a continuation of the April 14, 2016 Planning and Zoning Commission meeting. The amendment proposes to maintain the existing maximum residential density for the DTB district which has a maximum residential density of 58 units to the acre. For multi-family residential development there needs to be a 7,500 foot lot. Currently, the Land Development Code (LDC) permits a maximum of three multi-family residential units on a 7,500 square foot lot.

During a Pre-Application Conference (PAC), an applicant proposed a new multi-family residential building that included six apartments on a 7,500 square foot lot in the DTB. As a result, the request was denied. Mr. Hall then displayed an exhibit that described the requirements to increase the density in the DTB which has not been used to date. DTB is the only zoning district that has a way to increase density with provisions for amenities to increase the density in the DTB. All other district has a straight residential density.

Mr. Hall stated that the Unified Development Committee, at their March 30, 2016 meeting, voted unanimously to forward a proposed amendment to the Planning and Zoning Commission. On June 30, 2016, the Community Development Department hosted a community meeting to discuss the proposed amendment with the public. Notices of the community meeting were sent to all property owners within the DTB. The general consensus was supportive of the proposed amendment.

The Commissioners discussed the impacts of the proposed 58 units in a multi-family residential within the historical district and the importance of public awareness with changes in the provisions to get to an increase in density, as well as setbacks. The larger issue is that the DTB has been stagnating for years and parking. Mr. Hall stated that there are only a few properties that could meet the requirements of provisions. He then provided some options to demonstrate the amount of units that could be used: Option 1 is to have 58 units/7500ac = 9 units. Option 2 is to have 35 units/7500ac = 6 units. Option 3 is to do nothing. He also mentioned that maximum density is seldom achieved due to parking, landscaping, and setbacks. The setbacks proposed are the same as commercial setbacks and that is zero. However, there are building and fire code required setbacks that must be met.

To have the same commercial and residential building setbacks would not be compatible in the DTB. We want traditional downtown look and feel which we have unlike many other cities in Arizona and that is to build to the sidewalk to focus on the streetscape and not the building itself, as well as parking in the alleyway or in the back of the building. The Shared Parking Agreement and Fee-in-lieu-of was discussed as options to the off-site parking requirement.

Dava Hoffman, 310 E. Union Street, stated that she feels the discussion is going in a good direction but there are people who still need to review the proposed amendment. Many of our businesses lease space from the property owners and do not always receive notice. That is why the Prescott Downtown Partnership group was formed, and Kendall Jaspers is the Director. She invited a staff member to her Board Meeting that afternoon. She said she hopes that the Commissioners put this item off until October when more business owners are able to review the amendment.

Jim Griset, 136 S. Montezuma stated he was the original applicant. He discussed the parking issue and the option to buy or lease spaces in the structure on Granite Street. He stated he has a parking lot behind his building and wants to create an access in the alleyway. He also discussed the stairways and said he could possibly pay for the stairways to access his property. He also discussed the option to purchase hotels which does not require parking; however, an apartment complex does. He said he appreciates the Commission for reviewing the amendment.

Catherine Knight-Brusing, 1904 Yampa Place, said she wants to express her support for the downtown density and thanked the Commission for reviewing the proposed amendment and to Frank Hall for his hard work coordinating the Community Meeting. She said she would like to encourage higher density downtown. She said there are many people

interested in the project. She gave an example of back in the 80's when Tucson's downtown was crime-ridden and dilapidated, and now they have a light-rail system, it's vibrant, and has more activities. She hopes that the Commission will continue to help support the downtown and keep it alive and well.

Mayor Pro Tem Lamerson stated as a member of the Council and a Prescott resident he appreciates the Commission for looking into the downtown density amendment and appreciates the Commission keeping in mind the 2015 General Plan. He also said he appreciates that they are looking out for elder residents moving into the City. He described a personal situation where his daughter could rent a place in the downtown area where she and her husband could work and play and not have to worry about owning a 3500 square foot house and the issues that goes into that. He said none of us want to see the historical character leave the district area; however, people are part of the infrastructure. The more we limit the people from living here the less of an opportunity to be the real Prescott. For example, let's let Prescott choose what it wants to be in the year 2020, and let's look at the opportunity in the future where people want to live, work, and play in Prescott.

The Commissioners decided to continue the discussion to amend the overall maximum density, increase multi-family residential density to the next Planning and Zoning Commission meeting.

**V. UPDATES**

**VI. ADJOURNMENT**

Tom Menser, Chairman adjourned the meeting at 11:00 a.m.



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Darla Eastman,  
Administrative Specialist



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Tom Menser, Chairman

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Legibly

**WELCOME**  
PLANNING & ZONING  
COMMISSION  
**ATTENDANCE SHEET**



**CITY OF PRESCOTT**  
Everybody's Hometown

NAME	ADDRESS	ZIP	PHONE
NIKHIL JADHAV	126 W GEMINI DR, TEMPE	85283	480 777 4397
Reg Nostre	7201 E Campbell Rd, Ste 310 Scottsdale	85251	602-349-6930
MARIA FESTENESE	11630 CONSTABLE ST	86301	928 830-1150
SAL FESTENESE	1467 KWANA ST	86301	928 830-0878
SANDY SWAN	1173 W. TIMBER RIDGE RD	86303	445-6568
Carolyn McCord	2873 W Prospect Pt	86303	602-321-0045
DAVE MCCORD	"	"	602.509.9824
Jana Conrad	2535 Copper Basin	86303	928 533 7672
KENNY BEINLICH	2140 W. Bonanza Lane	86303	(928) 710-2464
GERALD BENGTSON	1692 CONSTABLE ST	86301	928-778-6343
TOM COLLINS	1321 SABATINA	"	445-7828
Dick Roy	1618 BONAVISTA PL	86301	778-0343
Brian Purpys	2550 W. Copper Basin	86303	612-1571
Bob Kremp	1694 CONSTABLE ST	86301	973-715-8181
Carolyn Murphy	2550 W. Copper Basin	86303	602-0460
Lesley Schuh	2313 W. Mtn Laurel Rd	86303	499-4496
Blake Dewitt	903 Danita St.	86301	928-446-8111
Jim DeLozier	1355 WICKWOOD LN	86303	714-270-0146
LISA DeLozier	"	"	929-212-8764
Wendy Maden	2188 N. Hwy 89	86301	
LINDA McCALL	2229 W. VISTA RIDGE AD	86303	928-541-0638
MAX PIPPS	1669 CONSTABLE ST	86301	
Rachelle Doolan	1681 Constable St	86301	928-277-5454