



City of Prescott

City Council - Study Session

June 11, 2024 | 1:00 PM
201 N Montezuma Street
City Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Mayor Goode called the meeting to order at 1:00 p.m.

2. ROLL CALL

Phil Goode - Mayor
Connie Cantelme - Mayor Pro Tem
Lois Fruhwirth - Councilwoman
Ted Gambogi - Councilman
Brandon Montoya - Councilman
Eric Moore - Councilman (Excused)
Cathey Rusing - Councilmember

3. DISCUSSION

- A. Presentation & Discussion Regarding the Airport Vicinity Overlay District Draft and Possible Timing for Future Adoption.

Planning Manager George Worley provided a presentation to Council regarding the background on the AVO which puts additional restrictions on land uses, impact zones and noise restrictions within the airport impact areas. Impact zones most likely impacted by a crash are also areas for consideration regarding noise restrictions. A series of meetings were held to review the overlay, including six Planning & Zoning Commission meetings. Deep Well Ranch is exempt from the AVO given the existing Development Agreement (DA) in place. Discussions have also taken place with YRMC regarding the potential for an additional hospital location in the area and a noise contour was adjusted to allow the proposed hospital property to develop a residential component they had planned for.

City Attorney Joseph Young stated this was done as a concession from the city to acknowledge their future development but there was no specific agreement related to this.

Mr. Worley confirmed.

Councilmember Rusing asked how far the hospital property is from the end of the cross-wind runway.

Mr. Worley responded that it is just under a mile away. He continued that there were also areas to the east of the airport that are owned by AED and have been considered in the AVO as well. Throughout the course of the public meetings and

public hearings there was a great deal of impact from developers and residents that would potentially be impacted by the AVO, comments were taken at all of those meetings. At the time the AVO was recommended for forwarding to Council for approval negotiations were ongoing with DWR and it was never brought forward. At this point staff would like to get direction and feedback from the Council on how they would like to move forward with it. Much of the property in the area is covered by DAs which have land use entitlements within the AVO, and many of the subdivisions that are covered within the AVO and not exempt due to a Development Agreement are substantially developed already.

Councilman Montoya asked staff to address what percentage of the land within the AVO is not covered under DAs as well as for the areas within the AVO that are outside the city limits and if they would have to follow the regulations.

Mr. Worley responded that it is approximately 50% which is not covered by DAs.

Mr. Young stated that outside of city limits, the AVO would just be a suggestion and not a requirement.

Councilmember Rusing asked if the areas covered by DAs would still be required to provide appropriate disclosures.

Mr. Young stated that the AVO is land use, disclosures, etc. All of the DAs have requirements for disclosures and enforcement of that applies in the same manner as it does for the land use.

Mayor Pro Tem Cantelme asked what are the downsides of not passing the AVO.

Mr. Worley responded that there is no downside to implementing an AVO because not only do you have the potential for future annexations of areas surrounding the airport as well as some of the other areas which would potentially redevelop. As well as the fairness in enforcing these requirements.

Mr. Young added that the downside is always any impact to property rights, but that is to be weighed against protecting the property around the airport.

Councilmember Rusing stated that she supports moving ahead with the AVO, it is better to be late than never.

Councilwoman Fruhwirth asked about the existing subdivisions not covered by an existing DA and if they are still required to provide disclosures if and when a property is sold in the future.

Mr. Worley confirmed, the fair notice and disclosures would apply, as well as vegetative growth and height where it would be applicable.

Mr. Young added that we are limited with DAs but where there are pre-existing uses they can continue being that was as a non-conforming use where they stay as they are, or a pre-existing use. Therefore, they wouldn't see a different use in how they can use their property but just the addition of the disclosure and

noticing requirements.

Councilman Montoya commented that he understands this would impact a current homeowner of having to disclose that they are in an AVO district in order to sell their home and asked if that would impact their property value. He is concerned about the liability of that and the impact of that on residents in that area.

Mr. Young responded that he couldn't speak to whether that would have an impact on their property values. That is part of what Council will need to consider, there will be some impacts to people but it makes all the requirements in the area the same for everyone. There is also an existing state requirement to disclose that you are close to an airport. He added that there is a legal opinion provided by an outside attorney that there is an exception for health and public safety as well as traffic control as it relates to Prop207.

Mayor Pro Tem Cantelme stated that with the possibility of future redevelopment in the area, this gives another layer of protection for the city which would be good to move forward with. She is in favor of moving the AVO forward.

Councilmember Rusing added that the Council needs to support the Airport and passing of an AVO is one way to do that so she is in support.

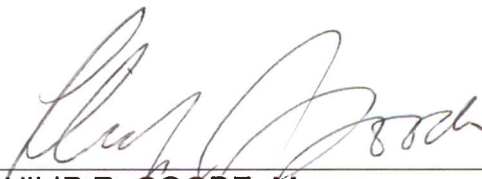
Mayor Goode commented that he has been monitoring the disclosure requirement for a few years and has reviewed purchase agreements for homes in the area and has frequently found that new buyers don't get adequate notification and information. Advancing the AVO into the land development code is something that he strongly supports.

Councilwoman Fruhwirth stated that she hasn't had an opportunity to review previous public comments on these items and doesn't understand the level of public concern with these issues so she is concerned about sequencing of picking their battles over the next several months so wants that to be considered in timing of bringing it forward.

This item was for discussion only, no formal action was taken.

4. ADJOURNMENT

There being no further business to discuss, Mayor Goode adjourned the meeting at 1:41 p.m.



PHILIP R. GOODE, Mayor

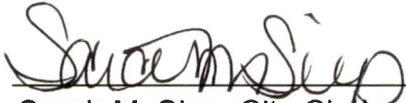
ATTEST:



SARAH M. SLEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Voting Meeting of the City Council Voting Meeting of the City of Prescott, Arizona held on June 11, 2024. I further certify the meeting was duly called and held and that a quorum was present.



Sarah M. Siep, City Clerk

