

# City of Prescott

## Planning & Zoning Commission



October 10, 2024 | 9:00 AM  
201 N. Montezuma Street  
Council Chambers, 3rd Floor  
Prescott, AZ 86301

### AGENDA

The following Agenda will be considered by the **Planning & Zoning Commission** at their meeting to be held **October 10, 2024**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION & ACTION ITEMS**
  - A. Approval of the September 12, 2024 Planning & Zoning Commission Meeting Minutes.  
**Recommended Action: MOVE to approve the minutes as presented**
  - B. **LDC24-001:** Proposed Amendment to the Land Development Code Affecting Accessory Dwelling Units.  
**Recommended Action: MOVE to recommend approval of amendments to Sections 2.5.2 and 2.5.6 of the LDC permitting Accessory Dwelling Units**
  - C. **LDC24-002:** Proposed Amendment to the Land Development Code Modifying the Definition of "Floor Area, Gross".  
**Recommended Action: MOVE to recommend approval of amendments to Section 11.2 (Table 11.2.5) of the LDC modifying the definition of "Floor Area, Gross"**
4. **UPDATES FROM STAFF**
5. **ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));
- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));

- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 10/3/24 at 11:00 a.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.



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Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: October 10 Planning and Zoning Commission Meeting  
DATE: October 10, 2024  
DEPT: Community Development  
ITEM #: 3.A  
SUBJECT: Approval of the September 12, 2024 Planning & Zoning Commission Meeting Minutes.

## ITEM SUMMARY

This item is for approval of the September 12, 2024 Planning & Zoning Commission meeting. Staff recommends approval of the minutes as presented.

## BACKGROUND

None.

## FINANCIAL IMPACT

There is no financial impact at this time.

## RECOMMENDED ACTION

MOVE to approve the minutes as presented

## ATTACHMENTS

1. September 12, 2024 P&Z Minutes



City of Prescott  
**Planning & Zoning Commission**

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September 12, 2024 | 9:00 AM  
201 N Montezuma Street  
Council Chambers, 3rd Floor  
Prescott, AZ 86301

**MINUTES**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Don Michelman, Chair  
Thomas Reilly, Vice Chair  
Thomas Davis, Member (Excused)  
Susan Graham, Member (Excused)  
Thomas Hutchison, Member  
James Kleczewski, Member  
James Whiting, Member

**3. DISCUSSION & ACTION ITEMS**

A. Approval of the July 25, 2024 Planning and Zoning Commission Meeting Minutes.

**MOTION BY COMMISSIONER REILLY TO APPROVE THE JULY 25, 2024 MEETING MINUTES; SECONDED BY COMMISSIONER HUTCHINSON: PASSED (5-0)**

B. **RE224-005** A Request for a Rezoning from RE-2 Acre (Rural Estate 2 Acre) to MF-M (Multifamily Medium Density) for L'Reserve Garden Apartments. Location: APN 103-20-008D, 3910 E State Route 69. Property Owner: 3910-5 LLC, Applicant: AAK Architecture and Interiors Inc.

Planning Manager George Worley provided a presentation to the Commission for a rezoning request proposal. The property owner has requested to rezone the 5.63-acre parcel, located at 3910 E. State Route 69 (SR69) from RE-2 Acre to MF-M. The rezone would allow for the proposed use of an 82-unit apartment complex.

Mr. Worley presented a list of criteria that staff uses for consideration for rezoning request:

- Consistency with the city's General Plan.
- Compatibility with surrounding zoning.
- Suitability of the property for the use being proposed.
- Availability of infrastructure (Sewer, Water, Stormwater Facilities).

Mr. Worley shared a map from the 2015 General Plan that identifies the proposed area as part of a commercial corridor, and includes the mall, Costco, and car dealerships to the west. The General Plan allows for residential uses in

this commercial designation but focuses on multifamily residential due to higher compatibility with adjacent commercial uses. The proposal for the location is in conformance with the General Plan zoning designation.

Mr. Worley presented an aerial vicinity map showing the location of the proposed project and explained that the same developer is currently building a single-family residence to the north of the complex, accessible by a single driveway through the apartment complex site. There will be an emergency egress crossing the adjacent property to a nearby cul-de-sac (also owned by the same property owner). He also shared the proposed site plan with property entrance off SR69 and emergency egress to the north. The emergency egress will require an easement and will be gated or chained for utility maintenance and emergency access only. SR69 is an Arizona Department of Transportation (ADOT) roadway and not in the city's jurisdiction. A Traffic Impact Analysis (TIA) was completed and submitted to ADOT, to coordinate recommended access improvements into ADOT's plans for planned widening and intersection improvements. Work on the interchange will include medians that will prevent traffic from making a left turn from either side of SR69. Citizens leaving the apartment complex traveling east will be directed to the traffic signal to make a U-Turn.

Mr. Worley stated that staff from various departments have reviewed the project and determined that it complies. Preliminary determinations were based upon the limited information available at the time. If the Commission recommends approval of the rezoning and City Council approves, the applicant's next steps would include creating construction plans to be submitted for a thorough review by staff. ADOT will also be involved in the review process until permits have been issued for construction.

Mr. Worley stated that the city received a petition from nearby property owners and shared a map showing the location of the owners in the vicinity to the proposed project. He stated that a number of the concerned property owners live near the cul-de-sac that the emergency egress will connect to and reiterated that the emergency egress is emergency only and will have no regular traffic. Finally, Mr. Worley stated that staff recommend approval of REZ24-005.

Commissioner Hutchison requested a supply and demand update regarding multifamily units from Mr. Worley.

Mr. Worley responded that there are many proposed apartment units in the queue, but nothing currently constructed. He referenced a previously performed housing study and stated that the city is currently under supplied with multifamily.

Applicant Michael Lafferty provided a presentation regarding the rezoning. He referenced a previous project, Dells View at 2051 Willow Lake Road, as a recent successful development with 200 units. He introduced the rest of the project team, Art Knadjian of AAK Architecture and Interiors, Craig Dorn with Lafferty Construction, and Gary Kelley with Kelley/Wise Engineering to present the proposed development.

Mr. Knadjian stated the goal is not to start a project that destroys the best qualities of the parcel, and instead maintains the pristine look for the surrounding area. He stated that Wildland Urban Interface (WUI) code requirements will be met for the landscape and civil plans, and that the project will create a trail circling the apartment complex for use by residents. The intended use is for Workforce Housing, resulting in smaller buildings without corridor systems.

These will be considered “Garden Apartments” with access from the parking space to the units. This proposal will provide amenities such as a pickleball court, swimming pool, and a community building. He stated that half of the units will be on the west side of the access road and the other half to be on the east side. The buildings sitting on the sloped areas will be 2 ½ stories while the other buildings will be 3 stories high on the flatter portion of the parcel.

Mr. Knadjian presented a map showing distances to existing single-family residences in the area. He stated that the emergency access and fire lane connecting to Butterfly Drive will only be used in emergency situations. Additionally, Mr. Knadjian presented a landscape plan showing the existing vegetation that will not be disturbed and the new vegetation to be planted during construction.

Mr. Kelley expanded on the water and sewer infrastructure for the proposed development. He stated that work with the Public Works department has been ongoing to establish connections to Walker Road, by tapping the 12-inch main to extended east to provide water to the proposed development. He added that the watermain would connect to Butterfly Drive and continue north to The Lafferty Ranch. The watermain from Walker Road to Butterfly Drive will be a 2,200-foot public main. A fire hydrant, tested for available flows in June 2023, is located at Butterfly Drive. Once the connection from Walker Road to Butterfly Drive is made, the flow will be estimated at 900 gallons per minute. The watermain connection will be beneficial to all surrounding property owners. The sewer main would be located in the center of the proposed project and have extensions running north connecting to the manhole of the 9.7-acre property.

Commissioner Hutchison asked about the dog friendliness of the complex and designated areas for pets.

Mr. Lafferty responded that there is a 30–40-foot setback for the entire project with a walking trail around the complex. He confirmed the complex is dog friendly and bag stations for pickup will be provided.

Mr. Dorn addressed the Commission regarding the TIA submitted to ADOT as well as the impact of traffic along SR69 related to the project. He stated that the project will generate an additional 600 trips per day along SR69 which is roughly 1% of the total trips per day for the area.

Mr. Dorn commented on concerns about a left turn lane into the development and stated that the TIA recommended keeping the left turn lane eastbound which was approved by ADOT. There will be a raised medians or a “dog bone” limiting left turns westbound into Costco and eastbound into the proposed project, as well as preventing left turns from either side. Access into the project will be a deceleration lane westbound creating a right turn into the project. Leaving the site will include a full stop right-turn-only lane with no acceleration. He stated that 60% of the trip distribution will be heading towards Prescott and 40% heading east towards Prescott Valley, controlled with a left-turn-only to a U-turn at Walker Road intersection.

Commissioner Hutchison asked if there is a plan for a public transit pickup or bus stop.

Mr. Dorn responded there is not at this time, nor has there been discussion regarding that.

Mr. Lafferty provided a synopsis of accomplishments for this property and previous Workforce Housing projects he has completed in Arizona. He discussed the benefits of Workforce Housing, pricing, land use, low utility costs, water, and lighting fixtures to meet conservation requirements.

Commissioner Davis asked what the different sizes of the proposed apartments are.

Mr. Lafferty responded that there will be 500 sq. ft studio, 650 sq. ft one bedroom-one bath, and 800 sq. ft two bedroom-two bath. He stated that by reverse engineering, he has been very successful with smaller units that provide full appliances, wood floors, and ADA bathrooms.

Commissioner Davis asked if Mr. Lafferty has worked with the local Workforce Housing Committee before.

Mr. Lafferty responded that he has not but has spoken with Mr. Worley about workforce housing.

Mr. Worley stated that Mr. Lafferty's Workforce Housing aspect for affordability is a market driven affordability where he scales the size of the units to obtain workforce level of affordability. He stated that the city has offered no density bonus or other incentives for the project.

Commissioner Hutchison asked if there would be a provision for electrical vehicle charging.

Mr. Lafferty responded that there will be a designated area that will need to be designed by Arizona Public Service (APS) to meet electric vehicle charging station requirements.

Commissioner Kleczewski asked if there will be a dedicated westbound turn lane and how long will the turn lane be.

Mr. Lafferty responded that the turn lane will be a dedicated deceleration lane approximately 205 feet per ADOT requirements.

Commissioner Kleczewski expressed concerns with the speed and safety issues related to the proposed turn lane on SR69.

Mr. Knadjian presented Commissioner Kleczewski with a small-scale drawing to address his concerns.

Mr. Lafferty responded that ADOT requires a full stop going westbound out of the proposed development with a deceleration lane going into the development.

Mr. Dorn added that the initial design of the deceleration lane and left turn lane were all reviewed by ADOT for approval. He stated that ADOT provided two rounds of comments related to stacking of vehicles in the left turn lane and all designs have been based on ADOT requirements for speed loads.

Chair Michelman asked if the developer will be putting in the emergency access road themselves and who will maintain this road.

Mr. Lafferty reiterated that this will not be a road, it will be an easement for utility maintenance and emergencies only. It will be kept as a gravel road and hiking trail maintained by the developer.

Commissioner Whiting asked ADOT representatives what the schedule will be for the improvements to the entrance for the project.

Anthony Rosich, District Administrator of ADOT, stated it will depend on the progression of the project. He added that ADOT plans to start construction in the spring of 2025.

Member of the public, Susan Breedan, presented a petition from the Yavapai Hills neighborhood and provided copies to the Commissioners to vote no on the rezoning request. She stated that access to and from Highway 69 is a safety hazard, the project will increase emergency response time, and that the intersection will only get more dangerous. She added that the project leads to one-way in and out traffic and referenced concerns for the emergency access leading to more traffic on Butterfly Drive.

Member of the public, John Sugg, stated that he has concerns for the project leading to increased traffic, and that citizens need help from the city to gather information to be well informed about the proposal.

Member of the public, David Kimmel, stated that his main concern is also increased traffic. He stated that it will be dangerous for people leaving the project crossing multiple lanes to make their U-turn to head eastbound. Also, he is concerned regarding decreasing home values because of the project., and how the city's water supply will be affected by this project.

Mr. Lafferty responded to public comments and confirmed that there will be a left-in designed by ADOT, and identified the need for workforce housing clarifying this will be a workforce housing project. He stated that minimal water use for the project will be 11.74-acre feet and explained that the TIA was done to defend the developer from petitions like those shared today.

Commissioner Kleczewski echoed comments related to the need for workforce housing. He expressed empathy for neighborhood concerns but realized the need for affordable housing in the city of Prescott.

Commissioner Reilly stated that this area is surrounded by businesses and apartments currently, and trusts ADOT engineering to do the right thing.

**MOTION BY COMMISSIONER REILLY TO RECOMMEND COUNCIL APPROVAL OF REZ24-005 in SUBSTANTIAL CONFORMANCE WITH THE SITE PLAN; SECONDED BY COMMISSIONER WHITING: PASSED (5-0)**

**4. UPDATES**

Mr. Worley provided updates about the 2025 General Plan public comment period beginning September 23, 2024. There will be physical and virtual meeting rooms provided for Commissioners and the public to participate.

**5. ADJOURNMENT**

There being no further business to discuss, Chairman Michelman adjourned the meeting at 10:29 a.m.

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DON MICHELMAN, Chairman

ATTEST:

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Recording Secretary



TO: MAYOR AND CITY COUNCIL  
AGENDA: October 10 Planning and Zoning Commission Meeting  
DATE: October 10, 2024  
DEPT: Community Development  
ITEM #: 3.B  
SUBJECT: **LDC24-001**: Proposed Amendment to the Land Development Code Affecting Accessory Dwelling Units.

## ITEM SUMMARY

This is a proposed amendment to the text of the City's Land Development Code (LDC) to allow for the use of accessory units and buildings for long-term residential rentals. The current language of the LDC does not permit occupancy of these structures except by guests of the resident family of the primary residence.

## BACKGROUND

One of many opportunities for creation of more workforce housing is the allowance of guest quarters and specifically built accessory dwelling units within single-family zoning districts. The LDC was written to prohibit separate residential use of accessory buildings, except for guests of the resident family of the main house. This was effective for its purpose until a change in state law pre-empted local government and allowed such guest quarters to be used for short-termed rental. These uses are defined by occupancy for less than 30 days. With the state law change, the intent of the LDC to allow only one family to reside on single-family zoned lots was undermined. Now multiple families can occupy a single-family residential property. Yet the LDC language still prohibits the use of accessory buildings for longer-termed residential use.

The LDC's original prohibition of full secondary use of accessory buildings was to help maintain the single-family character of neighborhoods and to reduce the impact of additional parking and utility connections. However, with the allowable use of such buildings for short-termed rentals, these protections have been invalidated. The impacts of longer-termed residential use are less than the impacts of short-termed use due to the frequent change of occupants associated with short-termed use. With the current LDC prohibition on longer-termed residential use, property owners have no ability to choose to rent to more stable longer-termed renters who would have less negative impacts on a neighborhood.

The attached text amendments will permit a secondary (smaller) residential occupancy on properties zoned single-family. As per usual practice, strikethrough represents text to be deleted and underlined represents text to be inserted.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

MOVE to recommend approval of amendments to Sections 2.5.2 and 2.5.6 of the LDC permitting Accessory Dwelling Units

## ATTACHMENTS

1. LDC24-001 ADU Language Change Proposal- 09.2024



September 25<sup>th</sup>, 2024

## Draft ADU Ordinance Revised Language- City of Prescott Land Development Code

**\*Strikethrough represents text to be deleted and underlined represents text to be inserted**

### 2.5.2 General

B. For residential uses within residential zoning districts, accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose. The total gross floor area of all accessory structures on a lot shall not exceed 600 sq. feet or 50 percent of the total gross floor area of the principal structure on the lot, whichever is greater. The provisions of this paragraph shall not apply to agricultural or commercial/industrial uses.

### 2.5.6 Guest Quarters & ADUs

Guest quarters/Accessory Dwelling Units (ADUs) may be attached or detached from the principal single-family dwelling unit and shall be considered accessory use to such a dwelling unit (principal use). All guest quarters shall be subject to the following standards:

- A. Guest quarters/ADUs may be attached or detached from the principal single-family dwelling.
- B. Guest quarters/ADUs shall be subject to the size limitations of Sec. 2.5.2B.
- ~~C. Guest quarters may be utilized by guests and persons employed on site by the resident family of the principal dwelling, and may not be rented separately from the principal dwelling unit.~~
- C. Detached guest quarters/ADUs shall meet all development standards generally applicable to accessory buildings or structures, including minimum building setbacks and building height.
- D. Guest Quarters/ADUs and the primary residence shall share utilities. Separate utility meters shall not be allowed.
- E. Guest Quarters/ADUs include a kitchen. ~~However, such quarters shall not be utilized as separate rental units.~~
- F. One off-street parking space shall be required for each guest quarters/ADU, in addition to that required for the primary dwelling unit. The additional required parking space shall be located on the same lot as the primary dwelling unit. Tandem parking shall be allowed for guest quarters only.
- G. Where 2 complete dwelling units are attached to each other on the same lot, they shall be considered a Duplex, without consideration to the relative size of each attached unit. A Duplex shall meet all development standards for the district, including minimum building setbacks and limitations on overall density.



TO: MAYOR AND CITY COUNCIL  
AGENDA: October 10 Planning and Zoning Commission Meeting  
DATE: October 10, 2024  
DEPT: Community Development  
ITEM #: 3.C  
SUBJECT: **LDC24-002:** Proposed Amendment to the Land Development Code Modifying the Definition of "Floor Area, Gross".

## ITEM SUMMARY

This is a proposed amendment to the text of the City's Land Development Code (LDC) to modify the definition of "Floor Area, Gross".

## BACKGROUND

Per LDC Table 11.2.5/Terms Defined, Gross Floor Area is defined as:

The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, but excluding areas used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.

By essence, this definition is not gross as it nets out certain areas. This causes confusion for the public and staff, particularly when it comes to enforcing maximum square footage allotments for accessory structures (per LDC Section 2.5.2.b).

The attached text amendment will eliminate the language excluding certain areas. As per usual practice, strikethrough represents text to be deleted.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

MOVE to recommend approval of amendments to Section 11.2 (Table 11.2.5) of the LDC modifying the definition of "Floor Area, Gross"

## ATTACHMENTS

1. LDC24-002 Gross Floor Area Language Change Proposal- 09.2024
2. Gross Floor Area Diagram- commerce.wa.gov

September 25<sup>th</sup>, 2024

Draft Gross Floor Area Amendment Language- City of Prescott Land Development Code

\*Strikethrough represents text to be deleted

LDC Section 11.2 Table 11.2.5

Floor Area, Gross (Gross Floor Area)	The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than 7 feet, <del>but excluding areas used exclusively for vehicle parking or loading and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters, and similar enclosures.</del>
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