



CITY COUNCIL STUDY SESSION MEETING

STUDY SESSION MINUTES

TUESDAY, SEPTEMBER 14, 2021, 2:00 PM

201 S. Cortez Street
Prescott, AZ 86303
Council Chambers

Greg Mengarelli, Mayor

Alexa Scholl, Mayor Pro Tem
Steve Blair, Councilman
Phil Goode, Councilman

Cathey Rusing, Councilmember
Steve Sischka, Councilman
Clark Tenney, Councilman

MINUTES OF THE STUDY SESSION OF THE PRESCOTT CITY COUNCIL STUDY SESSION HELD ON SEPTEMBER 14, 2021, IN THE 201 S. CORTEZ STREET PRESCOTT, AZ 86303 COUNCIL CHAMBERS.

1. CALL TO ORDER

Mayor Mengarelli called the meeting to order at 2:10 p.m.

2. ROLL CALL

Greg Mengarelli	Mayor
Alexa Scholl	Mayor Pro Tem
Steve Blair	Councilman
Phil Goode	Councilman
Cathey Rusing	Councilmember
Steve Sischka	Councilman
Clark Tenney	Councilman

3. DISCUSSION

A. Discussion of Land Development Code Updates in Process

Community Development Director Bryn Stotler provided a presentation to Council regarding ongoing review of the Land Development Code by staff.

Zoning Terminology:

* Most Common Types of Zoning

- Euclidian Zoning (cumulative or pyramidal or traditional) districts range from least number of uses (most restrictive) to most number of uses (least restrictive); typically either prohibitive (districts each have specific list of uses that are prohibited), permissive (districts each have a list of uses that are permitted) or blended (permissive but with a mechanism to allow unspecified uses based on similarity with specified uses)

- Prescott is blended

- Commonly referred to as Inclusive Zoning, but Ms. Stotler would suggest using "cumulative" terminology instead to avoid confusion and is more accurate
- Conventional Zoning – districts have no cumulative or pyramidal component, there is no overlap
- Performance Zoning – form based codes are a sub-type uses of properties are only broadly addressed

Planning Manager George Worley continued the presentation regarding State Law Limitations on land development. Governed by ARS 12-1134 (Prop 207). Based on a presumption of property ownership rights in the State of Arizona, any diminution of value could require the city to offset the value of the land so that is always something Planning staff takes into consideration when looking at applications. State law allows you to re-zone only when asked.

Councilman Sischa asked staff to address what the effect of the city re-zoning an area after a property purchase.

Mr. Worley responded that the question is broad and this is a very individual circumstance, but would require a thorough review by the legal and planning departments to insure that there would not be a potential for a Prop207 claim to develop from any changes.

Councilman Tenney added that it is his understanding that if the city were to change the zoning of a property after a person purchased it there is a potential they could pursue a claim against the city.

Mr. Worley confirmed. He continued the discussion regarding proposed additions to cover LED Lighting requirements and standards (LDC 6.11). This is not currently referenced in the code and the city simply references the National Dark Sky Association recommended criteria. These revisions would codify the criteria for use of LEDs, which is a big deal for development right now.

Community Planner Tammy Dewitt continued the presentation with discussion regarding proposed revisions staff has been reviewing related to Accessory Structures for parcels of 1 acre or more. Code currently has a maximum allowed square footage for accessory buildings, these changes would amend LDC 2.5.2 by removing the square footage restrictions and relying exclusively on lot coverage giving applicants more flexibility and options.

Councilman Blair asked staff what would preclude people from using these structures for AirBnB purposes.

Ms. Dewitt responded that under state law this is an allowed right which the city cannot prohibit. She added that revisions would also clean up the definition of Gross Floor Area for detached accessory structures to include garages and areas for parking vehicles.

Councilman Goode asked how often this has come forward as a problem.

Ms. Dewitt responded that this has been limiting for residents and this revision would make it easier for applicants to achieve their expectations.

Councilmember Rusing asked about the role of HOAs and CC&Rs as they relate to these restrictions.

Mr. Worley said that the city does not enforce HOA rules, and while the property owner is subject to both sets of rules the city is not party to the HOA staff cannot withhold a permit that meets city guidelines.

Mayor Mengarelli asked if in the current rules a person could build an additional structure without the primary living space first being on the property.

Mr. Worley responded that it does not allow for additional accessory structures without a primary structure.

Councilman Sischa asked if one of the reasons for these changes is to make things easier to explain to the applicants.

Ms. Dewitt confirmed.

Administrative Specialist Kaylee Nunez continued the presentation regarding Accessory Dwelling Units (ADUs) such as granny flats, guest quarters etc. Staff is looking into this option to provide expedited relief to the long term rental shortage in the area. Currently LDC prohibits rentals in residential districts, but state legislation in 2017 bars us from prohibiting short term rentals. Makes sense to offer the long term option and adds more options into the market. These structures don't alter the residential feel as they typically look like an addition and it is infill development. Staff can build protections into the code for things like parking or limiting occupancy loads.

Councilman Goode asked about the consequences of short term rentals that have created issues for municipalities, and if these changes were to realize un-intended consequences would that trigger Prop207 issue. He commented that Council must be careful about what they consider and approve when it comes to these situations.

Interim City Attorney Matt Podracky responded that it certainly could, but that is why protections would be built in to the revisions.

Ms. Nunez added that the protections to address those types of concern could be included in the code. These are an option that is getting a lot of traction in municipalities throughout the country and something to consider.

Councilmember Rusing asked if this would pertain to downtown, living above a business etc.

Mr. Worley responded that commercial districts allow residential use by right already so this could apply if a person built an apartment above a commercial business but would have to meet building and fire code requirements.

Permit Technician Kimberly Blanco continued the presentation regarding tattoo parlors and pawn shops. Currently there is a requirement for Conditional Use Permits (CUP) in Commercial Zoning Districts, but in Industrial Zoning Districts these businesses are allowed without additional approvals like a CUP for tattoo parlors and pawn shops which are currently not allowed in commercial (DTB, BG, BR) zoning districts without a CUP. This proposed change would remove the CUP requirement in Commercial Zones as well. As these business have evolved, they are not impacting other commercial businesses in the ways they used to and a CUP is an additional unnecessary step.

Councilman Goode asked how removal of the CUP requirement would impact what hours these businesses are allowed to operate within.

Ms. Blanco responded they would continue to be required to operate within the hours that are allowed for the zoning of the area. They will still be required to go through all of the normal processes for establishing the business and location but not create additional conditional barriers on these businesses.

Councilmember Rusing commented that Business General, which falls within commercial zoning, is a catchall and can operate in residential so that would mean that they could do that in a residential area.

Ms. Blanco confirmed, they would be permitted by right in all three areas that are zoned commercial.

Councilman Sischka stated that if this were specific to Downtown Business District it would make much more sense than in Business General or Business Regional.

Councilman Tenney commented that this is just a discussion of what staff is reviewing.

Mr. Worley continued with a discussion regarding sign code in the downtown business district. Staff is looking at updating sign code to address allowance for wall mounted signs particularly allowing a minimum with the potential for larger signs when a business qualifies. This will allow for better signage for smaller businesses. Additionally, staff is looking at updates to parking in downtown that would include removing all parking requirements for all uses which furthers the path that staff was already on and allows more flexibility for business owners and potential residents of the downtown area.

Ms. Stotler continued that staff looks at these types of issues regularly because of the issues they come across when projects are proposed. Don't always come up with a new code but they are important decisions that staff looks at when putting code into practice.

General Plan Update:

- * Review 2015 General Plan for areas that require update – will convene a community committee to look at this in 2nd quarter of 2022 and this is a long process
- * Researching new land use trends for potential additional sections

Councilman Sischa asked how staff looks at overall parking in the downtown area when residential components in the downtown corridor come up and create issues.

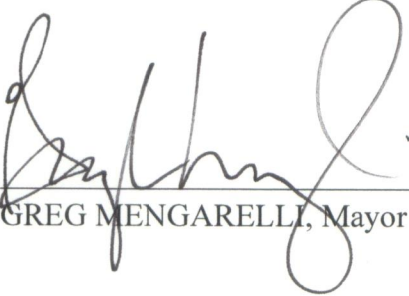
Ms. Stotler responded that parking is a larger issue that needs to be discussed, but the city needs to continue to insure there is adequate parking in the surrounding areas for business owners/residential use downtown which we have and need to properly advertise.

Councilmember Rusing thanked staff for starting the conversation about our Ordinances and added that she feels the city need to involve the community. It is hard to apply 1970 Ordinances to 2021 development so it is important to take a look at these. The goal should be to increase property value and decrease conflicts that can happen.

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

4. ADJOURNMENT

There being no further business to discuss, Mayor Mengarelli adjourned the meeting at 3:02 p.m.



GREG MENGARELLI, Mayor

ATTEST:



SARAH M. SIEP, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council Study Session of the City of Prescott, Arizona held on September 14, 2021. I further certify the meeting was duly called and held and that a quorum was present.

Dated this 06 day of Oct., 2021.

AFFIX
CITY
SEAL



Sarah M. Siep
Sarah M. Siep, City Clerk