



Planning and Zoning Commission
Monday, September 9, 2019
5:30 PM
Library Auditorium
7401 E. Skoog Blvd.

----- Minutes -----

I. Call to Order

Chairperson Zurcher called the September 9, 2019, public meeting of the Planning and Zoning Commission to order at 5:30 p.m.

II. Invocation

✚ Invocation given by Commissioner Roberts.

III. Pledge of Allegiance

IV. Attendance

Chairperson Zurcher asked for roll call attendance to be taken. Members present: Chairperson Zurcher, Vice-Chairperson Renken, Commissioner Yeater, Commissioner Musarra, Commissioner Roberts and Commissioner Duskey. Members absent: Commissioner Rutherford. Staff Present: Joe Scott, Planner; Richard Parker, Community Development Director and Vikie Anderson, Administrative Supervisor.

V. Approval of Minutes

Chairperson Zurcher asked if the Commission had amendments to the minutes from the August 12, 2019, meeting. No revisions were submitted; thus, Chairperson Zurcher called for a motion to approve the minutes. Commissioner Yeater made the MOTION, seconded by Commissioner Musarra, to approve the minutes from the August 12, 2019 Planning Commission meeting.

MOTION carried unanimously by voice call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken YES, Commissioner Musarra YES, Commissioner Yeater YES, Commissioner Duskey YES, and Commissioner Roberts YES.

MOTION carried with 6 ayes and 0 nays.

VI. Announcements

✚ There were no announcements

VII. Public Hearing Items

1. **ZMC19-008.** Upon the application of the Cavan Opportunity Fund, a request for a Zoning Map Change from C2-PAD (Commercial; General Sales and Services - Planned Area Development) to RS-PAD (Residential, Sales and Services - Planned

Area Development) on approximately 17 acres, located on the Northeast corner of S.R. 69 and S.R. 169.

2. **PDP19-005.** Upon the application of the Cavan Opportunity Fund, LLC, a request for a Preliminary Development Plan for 197 multi-family residential units on approximately 17 acres, and approximately 12,000 square feet of commercial, and approximately 30,000 square feet of future commercial/office development on approximately 8 acres located on the northeast corner of S.R. 69 and S.R. 169.

Chairperson Zurcher explained that the Public Hearing item, ZMC19-008 and the Action Item, PDP19-005 were going to be presented together; however, separate actions would be taken.

Joe Scott, Planner, addressed the Commission. Mr. Scott clarified the specific acreage request is based on gross acreage of the table on the plan and not the net acreage, which is approximately 19 acres going from C2 to RS zoning and 6.3 acres which will remain C-2PAD commercial in areas 2 and 3 comprising 12,000 and 30,000 square feet of additional commercial and office space.

Mr. Scott stated that the subject property was part of Annexation ANX04-C that comprised a total of two hundred twenty-four (224) acres in the Dewey Area approved April 29, 2004 by Ordinance No. 585, and the zoning on the annexed property was designated as R1L-70 and C2 as existed in Yavapai County at the time of annexation.

Mr. Scott noted that at the time of annexation, all of the property within the annexation boundary was outside of the Prescott Valley *General Plan 2020* boundary, and added that at the November 13, 2006 meeting, the Planning and Zoning Commission recommended approval of a Major General Plan Amendment that, among other things, included the expansion of the Tier II boundary and the PAD 5II boundary to include all the annexed lands, along with other State Lands. GPA06-001 was approved by the Town Council at the December 7, 2006 meeting and included the subject property.

Mr. Scott stated that PAD 5II characteristics are diverse housing, commercial, office and employment opportunities for people working or living in the vicinity of Hwy 69 Corridor; and, land uses are Low density residential, Medium density residential, medium-high density residential, regional, community and neighborhood commercial and open space, with the rationale of proximity to Highways 69 and 169 provide excellent commercial and living opportunities and, to provide services to the neighborhoods and surrounding communities, and encourages development of wastewater collection and municipal water system facilitate future development.

Mr. Scott stated that along with the Tier II expansion in 2006, GPA06-001 amended the circulation element to include the future extension of Village Way as a 100 foot arterial

roadway from Bradshaw Mountain Rd., to SR 169.

Mr. Scott reported that in January of 2007, Cavan Opportunity Fund LLC requested a Zoning Map Change (ZMC07-002) from R1L-70 and C2 to C2-PAD on approximately 25 acres at this location along with a Preliminary Development Plan for the purpose of developing a commercial center with a potential of 200,000 square feet of retail, office and service uses. The Planning and Zoning Commission approved ZMC07-002 on March 12, 2007 and Town Council approved on April 26, 2007. Additionally, Mr. Scott noted that due to the economy at the time, and other matters, the project never developed.

Mr. Scott mentioned in January of 2008, the Planning and Zoning Commission approved Zoning Map Change (ZMC07-013) for a regional commercial and residential center on 58 acres from R1L-70 to C2-PAD, and was subsequently approved by Council in February 2008. He noted that the plan also identified a conceptual location for the Village Way Extension and would use the existing signalized intersection at SR 69 and Kachina Place – likewise, due to the economy at the time, the project never developed.

Continuing, Mr. Scott explained that in May, 2019, the Planning and Zoning Commission recommended approval of ZMC19-001, and a Preliminary Development Plan (PDP19-001) for development of the “New Multi-family Community” providing 212 one-story, one-bedroom, two-bedroom and three-bedroom dwelling units on approximately forty-eight (48) acres located east of Hwy. 69 and south of Bradshaw Mountain Road. Council approved ZMC19-001 in June, 2019.

Mr. Scott stated that Cavan Opportunity Fund, LLC has now requested a Zoning Map Change for the Prescott Valley Crossings on approximately 19 acres of the original C2-PAD zoning to RS-PAD to allow 197 multi-family residential units, along with development of approximately 42,000 square feet of commercial and office use on the remaining approximately 6 acres already zoned C2-PAD comprising Parcels 2 and 3 as illustrated on the Preliminary Development Plan.

Mr. Scott explained that Prescott Valley Crossing is located in Section 3, T. 13 N., R. 1 E. G&SRM in the Prescott Valley Town Limits, bounded by the Agua Fria River to the east, State Route 169 to the south, State Route 69 to the west, and Low Density residential development to the north. The site and surrounding area generally slope to the east at approximately 3%, with steeper slopes along the Agua Fria River frontage. A portion of land, east of and including a portion of proposed Village Way is impacted by the Floodplain and will be subject to a letter of map revision from FEMA prior to any development beginning.

Mr. Scott discussed the Preliminary Development Plan identifies conceptual building

locations, parking and open space, and identifies access and circulation features. The final building configuration, traffic circulation, signage, etc., will be addressed as part of Final Development Plan submittals for each phase of the development. He noted that the preliminary plan is not drawn to standards; however, the Final Development Plan would include final building configuration, traffic circulation, signage, etc. as set forth within Town Code meeting all Town standards.

Mr. Scott reported that Preliminary Water and Wastewater Impact Studies, and Drainage Report have been submitted for review and will be required to be approved prior to a Final Development Plan approval. He noted that the 197 residential units within Prescott Valley Crossing will be served by an internal network of 8-inch gravity sewer mains, and this network of sewer mains will flow to a lift station at the southeastern corner of the Project. This lift station will be designed to pump wastewater from this development, the subdivision to the east, and other future development in the area to the Town's lift station on Aztec road to the north, where it will ultimately be further conveyed to the Town's wastewater treatment plant. Mr. Scott added that there is no existing wastewater infrastructure in the Project vicinity, and the nearest wastewater facility to this project is the existing Town of Prescott Valley lift station on Aztec Road approximately one mile to the north. Development of the project will be dependent on the owner and Town acquiring necessary Easements for Sewer easements as needed.

Mr. Scott detailed via visual elevation illustrations there are 52 1-bedroom units, 98 2-bedroom units and 47 3-bedroom units on Parcel 1. All are single-story units in detached and duplex configurations available on a lease basis, and the site includes a community center with a leasing office.

Mr. Scott stated that this development will complete the southern portion of the Village Way extension south, and this extension may also serve as the same easement as for the sewer. He noted that a Traffic Impact Analysis (TIA) has been approved by the Arizona Department of Transportation (ADOT) for access from State Routes 69 and 169. Mr. Scott indicated that the main entrance from SR 169 is supposed to have a secondary emergency access from SR 69. He further explained that ADOT is proposing that Dunivin no longer connect to SR 169 at its existing location. Rather, access to Dunivin Lane is intended to be provided through the project via a dedicated right-of-way.

Mr. Scott noted that it is recognized that an approval process would be required with one or more public agencies to close the Dunivin Lane access. Staff understands that ADOT will have the authority to make and enforce this decision due to the failure of the SR 69/169 signal when an alternate route through public streets is made available.

Via an illustrated table, Mr. Scott exhibited comparisons of traffic trips generated by the currently-proposed land use of 197 bungalows, 12,000 sf commercial and 20,000 sf office with a hypothetical land use that consists of exclusively 185,000 sf commercial use. The comparison indicated significant reduction in “trips” with the current proposed use, due to the reduction in the density of the project.

Further, Mr. Scott reported that the requested RS-PAD zoning, and existing C2-PAD zoning is intended to provide the most development flexibility for the property. He explained that Planned Area Development Districts (PADs) are zoning districts established over underlying zoning districts and which modify the regulations of the districts with which they are combined. PADs allow groups of structures to be designed for construction as a "unified" project under a "plan". Mr. Scott indicated that the purpose of PADs is to help develop large areas and encourage variations in environments, commercial facilities, building styles, lot sizes, lot arrangements, site plans, streets and utilities. A Final Development Plan is approved by the Town Council following approval of a Preliminary Development Plan.

Mr. Scott reported that the applicant conducted a Neighborhood Meeting and Open House with property owners on August 8, 2019, and noticed owners within a one thousand (1,000) foot radius; the required Neighborhood Meeting Summary was provided to the Commission in their packets.

Mr. Scott reiterated that the Commission is asked to consider the ZMC and PDP with separate motions, First, the Commission is being asked to consider if the request for the Zoning Map Change (ZMC19-008) from C2-PAD to RS-PAD is in conformance with the General Plan 2025 and appropriate with the limitations set forth as conditions of approval to guide or direct the management of future site plan submittals and construction of public infrastructure that is necessary to support the use.

Concluding, Mr. Scott stated Staff recommends Commission make a motion to approve ZMC19-008 with the conditions below.

1. Development shall generally occur consistent with the circulation patterns as illustrated on the Preliminary Development Plan and uses of the property shall be consistent with uses permitted in the RS PAD Zoning District and storage requirements for Multi-Family residences.
2. Approval by the Town Council of a Final Development Plan (FDP) as required by Town Code Article 13-19 for each phase of construction, prior to issuance of construction permits, and including engineered drainage and grading plans and all off site street and drainage improvements as recommended by the Town Engineer and Public Works Director.

3. The developer shall be responsible for any infrastructure needed to serve the site; however, may seek to distribute or reimburse cost through a creation of a public improvement reimbursement agreements per Section 14-04-070, a Development Agreement with the Town per ARS §9-500.05 or other voluntary process or arrangement with the Town or other parties.
4. The developer shall participate in roadway improvements commensurate with traffic generated by the project as determined by the Public Works Director and approved by the Town Council in conjunction with each subsequent Final Development Plan approval.
5. Remitting to the Town, on a monthly basis, all monies collected as a result of the proposed multifamily development, and/or its successors and assigns, applying a “surcharge” against all rents collected from occupation and use of units within any phase of the apartment complex, with said surcharge being two percent (2%). Such remittances shall be made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the apartment complex.

Second, the Commission is being asked to approve PDP19-005 as submitted in order to permit the eventual development of 197 multi-family residential units on approximately 17 acres, and approximately 12,000 square feet of commercial, and approximately 20,000 square feet of future commercial/office development on approximately 8 acres located on the northeast corner of S.R. 69 and S.R. 169.

Chairperson Zurcher opened the item to questions or comments from the Commission.

Commissioner Yeater asked what the timeline for the project is. Mr. Scott stated that he could not give an exact timeline for production given there are many other pieces such as sewer and roadways that need attention prior to development.

Vice-Chairperson Renken asked about Dunivin lane and the access to Village Way. Mr. Scott stated there will be access through the developed portion by utilizing local streets to reach Village Way.

Vice-Chairperson Renken questioned if there was to be a signal installed at the intersection of Village Way and SR 169. Mr. Scott stated that the current Traffic Impact Analysis (TIA) did not warrant a signal at for this development; however, maybe with additional development it may be warranted.

Commissioner Duskey asked about the roadways through the development and if there will be any restrictions to load, truck size, etc. Mr. Scott stated he was not aware of any at this time; however, they would be built per Town standards as well as Fire standards.

Commissioner Roberts questioned if there were only two entrances into the development. Mr. Scott stated that there is a main entrance and a secondary emergency access.

Commissioner Musarra asked about the mentioned roundabout and if the location would be at the intersection of SR 69 and SR169. Mr. Scott replied that was his understanding of ADOT's preference.

Chairperson Zurcher asked the applicant to address the Commission.

Mark Ready, RVI, addressed the Commission. Mr. Ready represents the land owner, and responded to the question regarding the emergency access. Mr. Ready stated that they have been working with ADOT for 12-18 months reviewing the Traffic Study and trying to obtain an access permit to the state highway. ADOT has expressed their safety concern at the intersection of Dunivin Lane and SR 169. ADOT has plans to build a major roundabout at that location and the entrance would impede their ability to build that roundabout.

Mr. Ready stated that their project development is required to provide an alternative access point to Dunivin Lane. Mr. Ready also stated that they are working with Mortimer Farms to ensure the alignment location for the intersection is conducive to their business as well.

Mr. Ready addressed the question of load restrictions within the development: He noted that all roads would be designed and built to Town standards as well as Fire standards to accommodate weight and turning radius requirements for Fire and Emergency vehicles. Meeting these requirements would eliminate concerns of horse trailers traveling the roadways. Mr. Ready noted that long term; the goal is that Village Way would be the ultimate access point for all the properties to the north. He added that ADOT has expressed their intent to close Dunivin connection once the new one is built, and ultimately it is ADOT's decision and they have to comply with that.

Commissioner Yeater reiterated his concern on the timeline.

Mr. Ready stated that their goal is to complete this project as quickly as possible; however, they have to secure easements to get sewer lines to the lift station first. Once that is completed, they will be moving forward with the development plan. Mr. Ready added that they have an agreement with ADOT that is being finalized currently.

Commissioner Musarra asked if it was anticipated that Village Way be expanded from a 2-lane to a 4-lane. Mr. Ready stated he believed it is designated as a major collector road and they are dedicating their full right-of-way, so as traffic warrants expansion, the ability will be there.

Mr. Ready reiterated the comparison statistics of the traffic trips being reduced approximately 65% with this current project as previously mentioned by Mr. Scott, and he

also said that their plan is to put a dedicated right turn lane on SR 169 to enter SR 69 to substantially alleviate traffic back-up at that location. He noted that further improvement of the flow and circulation of traffic would occur once ADOT completes the roundabout.

Commissioner Renken asked if the roundabout was ADOT's priority or a signal at Village Way and SR 169.

Mr. Ready replied the ADOT's biggest priority is the roundabout at the intersection of SR 69 and SR 169. He noted that a signal at Village Way and SR 169 would only occur once ADOT finds that traffic warrants a signal; at this time, traffic studies do not prove a signal is necessary. Mr. Ready added that they plan to install a dedicated left turn lane from east bound SR 169 into the project and are also working with Mortimer Farms and dedicating a left turn lane into their project also. This has all been reviewed by ADOT and the plan has been accepted.

Commissioner Renken asked Mr. Scott if a condition should be added regarding the road access on Village Way. Mr. Scott stated that a condition could be added stipulating compliance with the Traffic Impact Analysis (TIA) as approved by ADOT.

There were no further questions or comments from the Commission for Staff; therefore, Chairperson Zurcher opened the item for public comment.

Estella Carlson, 545 S. Dunivan, addressed the Commission. Ms. Carlson stated that Dewey approved a Super Pumper at the SE corner of SR 69 & 169 for future development and no one has taken that into consideration. She is concerned about the safety of horse trailers going through the development where there are children. Horse trailers need two lanes to make a turns and feels it is unsafe having to travel through a neighborhood.

Carol Stensrud, 1422 S. Gone Fishin Rd., Dewey, addressed the Commission. Ms. Stensrud stated Prescott Valley is benefiting from the tax benefit; however, the residents from Dewey and Prescott Valley are negatively impacted by the traffic increase. She commended the developers on creating a project with less impact; however, has major concern with traffic issues. Ms. Stensrud also expressed concern for an additional emergency access, fire safety and protecting the Agua Fria River.

Joe Bassett, 541 Dunivin Ln., addressed the Commission. Mr. Bassett stated that his family has had their property for 45 years and run a horse training business that at times have 80-100 head of horses on the property. Mr. Bassett described his concerns with the access on Dunivin Lane, specifically with large semi's and horse trailers having to travel through the development once the access from Dunivin to SR 69 & 169 is eliminated.

Joe Cannizzaro, addressed the Commission. Mr. Cannizzaro lives in the Villages of Lynx Creek. His concern is with the future extension of Village Way and the increased amount of traffic.

Chairperson Zurcher closed the public comment and invited the Applicant back to address

comments and concerns regarding the horse trailer and semis.

Mr. Ready reiterated that their development is not proposing to close off Dunivin Lane, rather, it is coming directly from ADOT because they feel it is an unsafe situation at that intersection. Further, Mr. Ready explained that the long term goal is for Village Way to be extended, and when it is completed, those properties on Dunivin Lane would have access to a major collector road, which would be better access than they have currently. Mr. Ready indicated that the access through the development would be temporary until all other pieces are complete. He noted that the roads within the development would be constructed to standards which would accommodate large vehicles.

Commissioner Renken asked if other alternative roadways were contemplated as it seemed the turning radius as proposed was tight. Mr. Ready stated that they felt this was the best option as it keeps the easement in place. He added that the preliminary plan is merely a “hand sketched” concept that is part of the preliminary plan, and the geometry of that intersection will change dramatically as the turning radius requirements are configured as part of the Final Development Plan.

Chairperson Zurcher stated that he would like to add the condition of approval that the Planning Commission review and approve the Final Development Plan prior to formal Council approval. The Commission members all agreed.

Commissioner Duskey asked if expediting the extension of Village Way was considered. Mr. Scott stated the Director would be better suited to answer that question.

Chairperson Zurcher asked the applicant if he had any knowledge of the “Super Pumper” that was mentioned by a previous speaker. Mr. Ready stated that he doesn’t know that exact story of the Super Pumper; however, they were required to include that in their Traffic study, and they included that site in their design to include a left turn pocket into the Super Pumper site as well as their own.

Richard Parker, Director, addressed the Commission, specifically Commissioner Duskey’s question regarding Village Way. Mr. Parker stated that a CFD was established for the infrastructure for this area that would have included the extension of Village Way and unfortunately the great recession happened. While the CFD was formed, it never came to fruition, and it is not likely another CFD would be approved by Council. Mr. Parker indicated that there are properties to the north that are obligated to fulfill certain infrastructures when the commercial properties are developed.

Mr. Parker addressed the condition of the Planning Commission reviewing and approving the Final Development Plan prior to Town Council stating that given the uncertainties and concerns with traffic flow, he concurred with the Chairperson and recommended adding the stipulation to the approval.

There were no further questions or comments from the Commission or the public related to the item; therefore, Chairperson Zurcher called for a motion.

Action ZMC19-008

Vice-Chairperson Renken moved to approve ZMC19-008 as submitted with conditions (5) and additional (1) condition and forward to the Town Council for approval.

1. Development shall generally occur consistent with the circulation patterns as illustrated on the Preliminary Development Plan and uses of the property shall be consistent with uses permitted in the RS PAD Zoning District and storage requirements for Multi-Family residences.
2. Approval by the Town Council of a Final Development Plan (FDP) as required by Town Code Article 13-19 for each phase of construction, prior to issuance of construction permits, and including engineered drainage and grading plans and all off site street and drainage improvements as recommended by the Town Engineer and Public Works Director.
3. The developer shall be responsible for any infrastructure needed to serve the site; however, may seek to distribute or reimburse cost through a creation of a public improvement reimbursement agreements per Section 14-04-070, a Development Agreement with the Town per ARS §9-500.05 or other voluntary process or arrangement with the Town or other parties.
4. The developer shall participate in roadway improvements commensurate with traffic generated by the project as determined by the Public Works Director and approved by the Town Council in conjunction with each subsequent Final Development Plan approval.
5. Remitting to the Town, on a monthly basis, all monies collected as a result of the proposed multifamily development, and/or its successors and assigns, applying a “surcharge” against all rents collected from occupation and use of units within any phase of the apartment complex, with said surcharge being two percent (2%). Such remittances shall be made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the apartment complex.
6. Compliance with approved Traffic Impact Analysis (TIA) as approved by ADOT.

Commissioner Yeater seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken YES, Commissioner Musarra YES, Commissioner Yeater YES, Commissioner Duskey YES and Commissioner Roberts YES.

MOTION carried with 6 ayes and 0 nays.

Action PDP19-005

Commissioner Yeater moved to approve PDP19-005 as submitted with (1) added condition.

1. Planning Commission to approve Final Development Plan in relation to traffic effects of adjoining properties prior to formal approval by the Town Council.

Vice-Chairperson Renken seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken YES, Commissioner Musarra YES, Commissioner Yeater YES, Commissioner Duskey YES and Commissioner Roberts YES.

MOTION carried with 6 ayes and 0 nays.

VIII. Action Items

1. **RP19-013.** Upon the application of Thomas Marty, a request for a Reversionary Plat to combine four (4) lots into one (1) lot located at the Northeast corner of Grizzly Bear Dr. and Valley Rd.

Joe Scott, Planner, addressed the Commission. Mr. Scott stated that the request involves lots in both Units 7 and 14 that were approved and platted in Yavapai County in 1970 and were included in the Incorporation of Prescott Valley in 1978. Mr. Scott noted that the site was previously an auto repair business and rental truck business. Having separate vacant lots was a violation. The property was recently purchased for a moving business and the owner now wishes to combine the four (4) lots to comply with Town Code standards.

Mr. Scott reported that Staff recommends approval subject to condition:

1. Submittal of one signed and notarized Reversionary Plat Mylar for recording following approval by the Town Council.

Chairperson Zurcher opened the item to questions or comments from the Commission.

There were no questions or comments from the Commission for Staff; therefore, Chairperson Zurcher opened the item for public comment.

There were no further questions or comments from the Commission or the public related to the item; therefore, Chairperson Zurcher called for a motion.

Action RP19-013

Commissioner Musarra moved to approve RP19-013 as submitted with condition and forward to the Town Council for approval.

1. Submittal of one signed and notarized Reversionary Plat Mylar for recording following approval by the Town Council.

Commissioner Roberts seconded the motion

MOTION carried 6:0 by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken YES, Commissioner Musarra NO, Commissioner Yeater YES, Commissioner Duskey YES, and Commissioner Roberts YES.

MOTION carried with 6 ayes and 0 nays.

IX. Call to the Public

Chairperson Zurcher called for further public comment. He stated that those wishing to address the Planning and Zoning Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

X. Adjournment

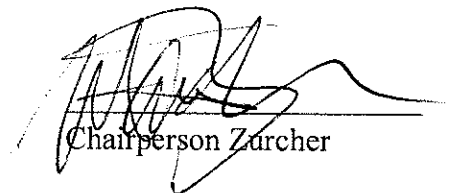
There was no further public comment related to any item presented during this meeting; therefore, Chairperson Zurcher called for a motion for adjournment.

Commissioner Roberts made the MOTION, seconded by Vice-Chairperson Renken to adjourn by voice call vote.

Commission members voted as follows: Chairperson Zurcher YES, Vice-Chairperson Renken YES, Commissioner Musarra YES, Commissioner Duskey YES, Commissioner Roberts YES, and Commissioner Yeater YES.

MOTION carried with 6 ayes and 0 nays.

The September 9, 2019, meeting of the Planning and Zoning Commission adjourned at 6:36p.m.



Chairperson Zurcher