



## TOWN COUNCIL

### WORK STUDY

Council Chambers/Library Auditorium 7401 E. Skoog Blvd. Prescott Valley, Arizona 86314, at 3:00 p.m.

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## **MEETING MINUTES**

### **November 03, 2022**

#### **1. CALL TO ORDER AND ROLL CALL**

Mayor Palguta called the meeting to order at 3:00 p.m.

**Present:** Mayor Kell Palguta  
Vice Mayor Lori Hunt  
Council Member Don Packard  
Council Member Kendall Schumacher  
Council Member Brenda Dickinson  
Council Member Roger Kinsinger

**Absent:** Council Member April Hepperle

#### **2. DISCUSSION ITEMS(S):**

- 2a.** Land Use Development Code Amendments Update and Discussion - [Frank Cassidy, Attorney/Consultant]

Attorney and Consultant Frank Cassidy first addressed the association between density districts and zoning districts. Currently, there are 16 zoning districts and 14 density districts. He explained that the regulations associated with the P1, C1, C2, C3, PM, M1, M2, and PL zoning districts don't appear to follow the "D-" density districts; they either don't have any density regulations associated with them (such as P1 and PL) or have special density relations associated with them (C1, C2, C3, PM, M1, and M2). He stated there are areas that could be condensed; however, this would require eliminating unused district combinations and rezoning those affected.

Moreover, existing code is written in text format with definitions on what the zoning is as opposed to using a matrix as found in most municipal zoning codes. Therefore, Mr. Cassidy created an analysis table exhibiting existing permitted land uses. His goal is to evaluate inconsistencies in uses. As a result, he highlighted areas for

discussion, for instance, he explained there are conditional uses that are allowed in C3, and when you go to PM, Town Code states anything permitted in C3 is permitted in PM, but it doesn't mention conditional uses. Moving forward he would like to discuss simplifying the uses and categorizing them into land use groups. For example, C1 district lists business or professional and lists offices then goes on to define libraries, and museums, etc. He suggests defining business or professional land uses and listing the potential uses.

Mayor Palguta asked where C1 zones can be found? Development Services Director Fernando Gonzalez answered they are typically around residential areas in neighborhoods where there is commercial use such as on Robert Rd. and Spouse. In like manner, C2 zoning is found along Spouse between Robert and Ranger; there are some commercial buildings where their backyard is residential.

Vice Mayor Hunt asked for clarification on the proposal to change all use conditions to permitted uses. Mr. Cassidy clarified that the conditions will still be there, it is just being simplified on the analysis table for visual's sake. In current code, conditions for the same uses are repeated in every zoning district. His proposal is to centralize into one general category. In any case, use permits would be defined in a separate section aside from use conditions.

Director Gonzalez explained that use permits currently go before the Board of Adjustment (BOA), and Conditional Use Permits go before the Planning and Zoning Commission. The role of the BOA is to primarily review use permits to ensure that all standards that have been established by the Council are met to an extent that if a judgement call is needed to determine if a sensitive use is appropriate in a certain zoning area, a conditional use permit could come to the Council for review.

Mr. Cassidy believes with how code is currently written; the Town will find some uses that are not fit for certain zoning areas. He suggested reducing and relocating some of the zoning; however, while this can be done, an action like this opens the Town to Prop 207 claims.

Similarly, Vice Mayor Hunt asked Mr. Cassidy what approach can the Town make in situations where the Town wants to annex land from the County that permits uses, not congruent within Town limits? Cassidy answered that in his experience, that is a reason why people would not annex in. Town Attorney Ivan Legler mentioned that historically, the Town would annex the land and there would be a grandfathered use as long as it is not altered. At the same time, Mr. Cassidy expressed concern that we may find people have not established a use, so that may cause hesitation in wanting to come into the town.

Vice Mayor Hunt shared there has been conversations about possibly allowing water retention from the roofs of single-family lots that are large enough (similar to rainwater harvesting, but through a large French drain). She asked if that would be a permitted use, or if it would need to be addressed through a zoning code? Mr. Cassidy

replied that it can be written out as an outright permitted activity throughout the Town.

Councilmember Dickinson referred back to C1 zones in the Spouse and Ranger neighborhoods and asked if the grandfather clause would be taken into consideration for these businesses? Mr. Cassidy answered it is dealt in terms of size and enclosure of the use. As it stands, those areas are not in uniform zones. For that to be changed it would require a rezoning process which he does not recommend because that would entail zoning down some areas, opening the Town up to the possibilities of diminution claims.

Lastly, Mr. Cassidy reported he will work on creating another analysis table based on the feedback he received.

There was no further discussion.

### **3. ADJOURNMENT**

Mayor Palguta adjourned the meeting at 4:09 p.m.

ATTEST:

APPROVED:

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Fatima Fernandez, Town Clerk

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Kell Palguta, Mayor

STATE OF ARIZONA)  
COUNTY OF YAVAPAI)

ss:

TOWN OF PRESCOTT VALLEY)

#### **CERTIFICATE OF COUNCIL MINUTES**

I, Katelynn Tarrant, Deputy Town Clerk of the Town of Prescott Valley, Arizona, hereby certify that the foregoing minutes are a true and correct copy of the Minutes of the Work Study Meeting of the Town Council of the Town of Prescott Valley, held on November 03, 2022.

I further certify that the meeting was duly called and held and that a quorum was present.

Dated this November 30, 2022

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Katelynn Tarrant, Deputy Town Clerk