



# BOARD OF ADJUSTMENT AGENDA

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**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, NOVEMBER 18, 2010  
9:00 AM**

**COUNCIL CHAMBERS  
201 S. CORTEZ STREET  
PRESCOTT, ARIZONA  
(928) 777-1207**

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The following agenda will be considered by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to be held at **9:00 AM** on **NOVEMBER 18, 2010**, in **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA**. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

**I. CALL TO ORDER**

**II. ATTENDANCE**

**Members**

Cal Fuchs, Chairman  
Duane Famas, Vice Chairman  
Johnnie Forquer  
Tom Kayn

Mike Klein  
Dick Rosa  
George Wiant

**III. REGULAR AGENDA**

- 1. Approve the minutes** of the October 21, 2010 public hearing.
- 2. CUP10-004, 307, 309 N. Willow St. & 645 Sheldon St., (Prescott College).** APNs: 113-10-013, -014, and -015 and totaling ± 0.80 acre. Zoning is Multi-Family (High Density) [MF-H]. Request conditional use permit for three dormitory buildings comprising a total of 14 dwelling units. Owner is Prescott College, Inc. Applicant/agent is Weddle Gilmore Architects/Philip Weddle. Planning Manager, George Worley (928) 777-1287.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

3. **CUP10-005, 506 W. Gurley Street.** APN: 113-12-026 and totaling ± 0.3 acre. Zoning is Business General (BG). Request conditional use permit for the relocation of a tattoo/body piercing business. Owner is CTF Properties, Ltd. Partnership. Applicant/agent is Leap of Faith Tattoo/Brian Randal. Community Planner, Ryan Smith (928) 777-1209.

**IV. REVIEW ITEMS**

None.

**V. SUMMARY OF CURRENT OR RECENT EVENTS**

**VI. ADJOURNMENT**

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**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on November 12, 2010 at 4:30 p.m. in accordance with the statement filed with the City Clerk's Office.

  
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Kathy Dudek, Administrative Assistant  
Community Development Department

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
October 21, 2010  
PRESCOTT, ARIZONA**

**MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT** held on **OCTOBER 21, 2010** in COUNCIL CHAMBERS, CITY HALL located at 201 S. Cortez Street, Prescott, Arizona.

**I. CALL TO ORDER**

Chairman Fuchs called the public hearing to order at 9:00 AM. The Pledge of Allegiance was recited followed by a moment of silence for our troops.

**II. ATTENDANCE**

**MEMBERS PRESENT**

Cal Fuchs, Chairman  
Duane Famas, Vice Chairman  
Johnnie Forquer  
Mike Klein  
Dick Rosa  
George Wiant

**MEMBERS ABSENT**

Tom Kayn

**OTHERS PRESENT**

George Worley, Planning Manager  
Matt Podracky, Senior Assistant City Attorney  
Richard Mastin, Development Services Manager  
Ryan Smith, Community Planner  
Kathy Dudek, Administrative Assistant and  
Recording/Transcribing Secretary  
Ruth Hennings, Community Development Intern

**COUNCIL PRESENT**

Steve Blair, Council Liaison

**III. REGULAR AGENDA**

1. **Approve the minutes** of the July 15, 2010 public hearing.

Mr. Klein, **MOTION: to approve the minutes** of the July 15, 2010 public hearing.  
Ms. Forquer, 2<sup>nd</sup>. **Vote: 6-0.**

2. **V10-001, 112 Garden Street.** APN: 113-11-031 and totaling ±0.12 acre. Zoning is Business General (BG). LDC Section 9.13. Request variance to reduce the interior side setback from 7'9" to 1'2" and the corner side setback from 8' to 1' to facilitate the construction of a guest house. Owners are Donald and Kay Knight. Applicant/agent is Norman 'Skip' Meyer. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated:

- the applicant is requesting removal of the existing, grandfathered garage/storage shed and replacing the structure with a guesthouse;
- the garage is already encroaching into the setback on the side and rear property setbacks;

- the lot is triangular in shape and narrows to 9’;
- the request is to reduce the setback from 8’ to 1’ on Gurley and reduce the interior setback from 9’ to 1’2”;
- under special circumstances, the *LDC* provides relief for the triangular-shaped lot;
- other lots on Garden Street are rectangular and do not require a variance for a guesthouse; and,
- the neighbor to the north, who is nearest to the proposed guesthouse, has no objection.

Board members queried and remarked on:

- who will use the guesthouse [Mr. Smith: a relative because of medical necessity; and,
- concern with the property becoming a rental property [Mr. Smith: the family has expressed that it will not be used for a rental, and the home and guesthouse will share utilities].

Mr. Norman Meyer, 5367 Western Boulevard, Prescott Valley, applicant/agent for the owners stated that he has no questions for the Board.

When asked to speak, no members of the public came forward. The public hearing was closed.

Chairman Fuchs noted that the request falls within the purview of the Board and a variance is deemed to be appropriate under Arizona Statutes.

Mr. Famas, **MOTION: to approve V10-001, 112 Garden Street**, subject to the guest house being built in substantial conformance to the site plan included within the Staff Report (dated October 21, 2010). Mr. Wiant, 2<sup>nd</sup>. **Vote: 6-0.**

### 3. **Approve Amendment to the Board of Adjustment Bylaws.**

Chairman Fuchs called the question and a vote was taken to approve the Amended Bylaws of the City of Prescott Board of Adjustment. Unanimously approved by the members of the Board.

## IV. SUMMARY OF CURRENT OR RECENT EVENTS

None.

## V. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 9:14 a.m.

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E. Calvin Fuchs, Chairman

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**CUP10-004**645 W. Sheldon Street, 307 & 309 N. Willow Street

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COMMUNITY DEVELOPMENT - PLANNING &amp; ZONING DIVISION

**BOARD OF ADJUSTMENT**

November 18, 2010

**STAFF REPORT****TO:** Board of Adjustment Members**FROM:** Tom Guice, Community Development Director   
George Worley, Planning Manager **REQUEST:** Conditional Use Permit to allow construction of 3 Dormitory buildings in a Multi-family High (density) zoning district for Prescott College.**PARCEL NO:** 113-10-013, 014, 015**SITE ZONING:** MF-H**LOCATION:** N. Willow Street, between Western Avenue and West Sheldon Street**OWNER/APPLICANT:** Prescott College/Weddle Gilmore Architects

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**REQUEST**

This request seeks a Conditional Use Permit to allow the construction of 3 dormitory buildings for Prescott College on college-owned properties in the Multifamily High (MF-H) zoning district (formerly the RC district). The proposed buildings are designed in a townhouse style with a total of 14 units separated within the buildings by partition walls (*these are not townhomes as there are no internal property lines*). Thirteen of the units are proposed to be three-stories with occupancy of 8 students per unit. One unit is to be two-stories and designated for a staff residence. A total of 104 students are proposed to occupy the three-building complex. Parking for this use is proposed to be included in a campus-wide parking plan, with 22 spaces provided in close proximity to the dormitories and the remaining 30 spaces in other campus parking lots.

**SITE INFORMATION**

The site is currently three separate lots which must be combined together for the proposed development. Two lots front N. Willow Street and extend eastward to the alley. The third lot adjoins the others on the north but has frontage only on the alley. Much of the area is zoned Multifamily-High (MF-H), however there is a predominance of existing single-family homes in the vicinity. There are three existing structures on the site, which are proposed to be removed prior to development. Those structures include two single-family homes, currently housing students, and one small five-unit apartment building, also currently housing students. Vehicular traffic circulation within the campus area is almost exclusively via public streets, including W. Sheldon Avenue,

Garden Street, N. Willow Street and the alley between N. Willow Street and Garden Street. Bicycle and pedestrian circulation makes use of both public rights-of-way and private pathways.

### **ESTABLISHING THE USE CATEGORY**

The submittal by the college describes the project as “apartment style” housing. Staff reviewed the criteria for apartments and then reviewed other definitions in Table 11.2.5 and uses established in Table 2.3 to ascertain the most appropriate LDC use category. Apartments are a more general category listed in table 2.3 as a type of multifamily dwellings. Apartments are defined in Table 11.2.5 and per that definition, are not necessarily associated with students or college ownership and management. Dormitories are also listed in Table 2.3 as a specific use and defined in Table 11.2.5 as *“any structure with six or more rooms specifically designed for the exclusive purpose of housing students of a university, college or school, excepting resident staff.”* The units within the buildings are not separate structures. Each building is a separate structure. The two smaller buildings each have 20 student rooms and the larger building has 25 student rooms. By the definition, the proposed use clearly falls within the category of dormitory. Dormitory is a more specific use than apartments. Staff has, therefore, determined that it is appropriate to select the dormitory definition over the more general “apartment” definition. The first paragraph of Section 11.2 reinforces this determination with language stating: *“The use-related terms are mutually exclusive, meaning that uses given a specific definition shall not also be considered to be a part of a more general definition of that use type.”*

### **SITE DESIGN**

The proposed site design includes three buildings. Two buildings (B & C) will have four units each and will face each other forming a courtyard. The third building (A) has five student units plus the faculty unit. Building (A) projects westward to a point 20 feet back from the N. Willow Street property line. All three buildings will be three-stories, except the western-most unit (closest to N. Willow) which will be two-stories. That western-most unit is the designated staff/faculty residence. The entire compound is proposed to be fenced, with the primary entrance and exit being from the alley side and only an emergency pedestrian exit for the student compound onto N. Willow Street. Each unit will have independent access with internal stairs connecting the three floors. Each unit will house 8 students in a mix of 5 single and double occupancy rooms and will have a living room, kitchen and laundry room for that unit’s residents.

The MF-H district requires minimum building setbacks of 20 feet for the front and rear and 7 feet for the sides. The plan indicates that the buildings will meet the 20 foot front and rear setbacks. The side yard setbacks are proposed to be 10 feet where buildings A and C adjoin the N. Willow Street neighbors and 8.5 feet where building C adjoins the W. Sheldon Street neighbor. The district allows building heights of up to 40 feet. The proposed buildings are to be approximately 33 feet in height.

Landscaping and exterior lighting appear to meet LDC requirements as they are shown on the plans. The landscaping will emphasize native and/or low-water usage plants with a rainwater harvesting irrigation system being a feature to reduce the potable water usage for the project. The landscaping will also provide some buffering of adjacent homes from the project. The additional few feet of setback on the side yards will allow additional landscape plantings to improve the buffering. Buffering is important because of the disparate height and bulk of the proposed buildings in relation to the existing homes. While most of the immediate area is zoned for

multifamily development, it is appropriate for the Board to take the scale of the surrounding development into consideration.

Dormitory uses require one-half parking space per bed, for a total of 52 parking spaces required for the proposed 104 beds. The alley adjacent to the east side of the site is proposed to have 22 parking spaces designated for student parking. The remainder of the required spaces (30) are proposed to be dispersed across the available parking throughout the campus, with the majority (19) being designated on the lot at the northeast corner of Sheldon Street and Garden Street.

A campus-wide parking plan is being proposed to address all of the parking demand of the college. Parking for 100 bicycles is indicated on the plan. This number far exceeds the maximum of 15 bicycle racks required by the LDC. The parking plan proposes parking lots scattered throughout the campus area. Many of the parking lots are remote from the uses they are intended to serve. Pedestrian amenities are proposed to connect dormitories and parking lots with classrooms and administrative offices to encourage students to walk or bicycle between these uses. The parking plan also proposes to "share" some parking between uses under the concept that students will park once and visit multiple locations within the campus rather than move their vehicles frequently. Staff has considered both the campus-wide parking plan and the "sharing" concept and believes there is validity to the approach given the similarity of this setting to more traditional campus settings. A key consideration in this regard is enforcement of certain parking regulations by the college. Areas designated for parking for dormitory residents must be posted as such and strictly limited to dormitory resident parking. The campus-wide parking plan and shared parking are an infrequently used, but potentially viable, concept under the LDC.

#### **CONDITIONAL USE REQUIREMENTS:**

Conditional uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the general criteria of Section 9.3.5, as follows. *(Italicized parenthetical text reflects staff comments or recommendations).*

##### **A. Effect on Environment**

The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

*(Shading, night-time lighting and noise from the proposed buildings may affect the adjoining properties to varying degrees, however there are no overt detriments to safety or health with this design. There are no existing health, welfare or safety detriments which will be exacerbated by this design).*

##### **B. Compatible with Surrounding Area**

The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with relationship to landscaping, scale, lot coverage, and the like.

*(The size and bulk of the buildings could have adverse impacts on adjoining properties. While the proposed buildings are designed to reduce some of the bulk of the three-story buildings by wall, window and balcony articulation, the Board may want to evaluate the effectiveness of the building designs and the landscape buffering in mitigating potential impacts. The Board may condition approval of this request upon the college providing*

*additional buffering or upon building design modifications. Similarly, the campus parking plan and its potential impacts should be evaluated and modifications conditioned as needed).*

### **C. External Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

*(The efforts put forward by the college to contain external impacts, both by screening and by building orientation, will mitigate some potential noise and lighting impacts. The neighbors have expressed concerns over the height and bulk of the proposed building as well as potential noise from student activities and believe such noise will be amplified by the amphitheater-like affect of the rocky terrain of the neighborhood. In addition to light and noise, the plans indicate an outdoor dining area where smoke could be generated by outdoor cooking. Noise and outdoor activity curfews may be made a condition of approval by the Board. Other impacts listed under this section are unlikely to occur with the proposed use).*

### **D. Infrastructure Impacts Minimized**

The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

*(Of the impacts proscribed by this section, impact on public roads and the scattered nature of the parking facilities may be appropriate to discuss. As noted previously in the staff report, much of the traffic circulation throughout the campus is via city streets. By placing a portion of the parking away from the dormitory units, the plan may encourage additional vehicle trips on the public roads in the immediate vicinity. The college proposes the concept that with the quasi-campus setting of Prescott College that the student behavior as to vehicle usage will be more like that of a true campus, such as Yavapai College or Embry Riddle Aeronautical University, where students are willing to park and walk much further to their dormitories (and classrooms) than residents of typical multifamily residences. If this is the case, then the campus-wide parking proposal may well work without generating significant additional vehicle trips and without contributing additional on-street parking to the public streets in the area. Staff believes this concept is sound and, if the college vigorously manages student parking behavior, the concept will work. Water and sewer infrastructure will need to be improved to accommodate this project and the college will responsible for their share of any costs).*

### **E. Consistent with General Plan and Code**

The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support, rather than interfere with, the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed.

*(Dormitories are a type of residential use and consistent with the General Plan land use designation. The determination of whether or not this use interferes with other uses permitted in the district is subject to the determination of the Board. The use is consistent with the LDC, subject to approval of the Conditional Use Permit).*

**F. Parcel Size**

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district. *(Staff suggests adequate land area exists within the site to provide necessary mitigation of impacts. Should the Board determine additional land area is needed to mitigate the project impacts, a discussion of such conclusion should occur during the hearing).*

**G. Site Plan**

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

*(Staff has reviewed this project submittal under the criteria of Section 9.8 of the LDC and finds it in compliance with the procedural criteria therein. For specific staff comments on site design please refer to page 2 of this report).*

**HISTORIC PRESERVATION:**

This site is not located in either a National Register or a local Historic Preservation district.

**NEIGHBORHOOD PLAN:**

The site is located within the boundaries of the Fleury Neighborhood Plan. The plan dates from 1996 and was developed with participation of area owners and residents, including Prescott College. The plan established a series of Goals and Objectives to preserve neighborhood character. The plan has no regulatory authority. Rather, it is intended to provide guidance to decision makers. Within the plan there are a number of goals discouraging further encroachment of commercial and non-compatible uses and encouraging adequate buffering of existing residential uses. The evaluation criteria listed above for Conditional Use Permit review effectively cover all of the matters identified within the Fleury Neighborhood Plan.

**PUBLIC UTILITIES:**

Public utility improvements are anticipated with this proposal. Both water and sewer lines will be up-sized to provide needed capacities. The alley east of the project site will be improved to city standards to support vehicular, emergency and service access. The costs of such work are to be borne by the college to the degree that this project is driving such improvements. In addition to utility improvements, the college has approached the city to consider pedestrian improvements such as cross-walks and restricting parking to only one side of Garden Street north of W. Sheldon.

**RECOMMENDED MOTION:**

*Move to approve, approve with conditions or deny CUP10-004.*

## PROJECT NARRATIVE

**date:** 20 October 2010

**re:** Prescott College Campus Housing  
PAC#: PAC 10-037  
Address: 645 W. Sheldon St. | 307 N. Willow St. | 309 N. Willow St.  
Parcel #: 113-10-015 | 113-10-013 | 113-10-014  
Zoning: MF-H

### Proposed Use:

- **General:** Prescott College is a private liberal arts college with approximately 500 resident students at the Prescott campus. Of those, 30 students are currently housed in existing campus housing. The proposed project is to construct new campus housing to accommodate up to 104 students in apartment style housing.
- **Structures:** The proposed project consists of new multi-story townhome style apartment buildings for student housing to be situated along the banks of Butte Creek. The project is planned to include thirteen (13) units for students and one (1) staff unit for the Director of Residential Life. The student apartment units are each planned to be three levels and will house up to eight students per unit. The staff unit is two levels and is located on Willow Street providing a transition to the single family residential to the west. Student units will provide five bedrooms with living, dining and kitchen facilities located on the first level and bedrooms spread among all levels. The staff unit will provide three bedrooms with living, dining and kitchen facilities.
- **Property:** Three parcels of property comprise the identified site and are intended to be combined into a single property. The combined net property area is 34,368 s.f. or 0.79 acres. The entire block is zoned Multi-Family High Density, with both Single Family and Multi-Family Medium Density zoning occurring across N. Willow Street. There are three existing structures located on the property which are planned to be relocated off-site or deconstructed so materials can be reused in the new project.
- **Environmental Goals:** The project will maintain the high environmental standards that define Prescott College through site and building design, material and product selection, integration of solar energy, and water conservation strategies that will enhance the projects physical appearance, longevity, and reduce impact on the environment. The project is targeting a LEED Gold designation upon completion from the US Green Building Council.

### Compatibility with Surrounding Area | Effect on Environment:

- **Landscape:** The landscape design will include native plant material around the perimeter of the site including the restoration of native trees and vegetation along Butte Creek. Existing native trees will be preserved where possible including large ponderosa pines along Willow Street. In addition, interior courtyard spaces will include fruit trees and edible garden spaces. Rainwater harvesting is planned to provide water for landscape irrigation. Landscaping will also be utilized for screening of the proposed project to minimize visual impact on surrounding residents.

WEDDLE  
GILMORE  
black  
rock  
studio

- **Site Plan:** The site plan is developed to minimize impact on neighbors while fostering a strong pedestrian connection between the campus housing and the central campus. The design is developed with three separate structures to help minimize the scale and break up the building mass. Primary outdoor gathering spaces are located between the two east buildings to help screen activities from neighbors. In addition, six foot high screen walls are planned at side and rear yards to provide screening from neighboring yards. A smaller outdoor gathering space and garden area is also provided on the south side of the site adjacent to Butte Creek. A six foot high picket fence will be provided on the south and east sides to secure the property. Students will access the site from the Alley on the east side of the property. The gates from Willow Street will be limited to staff entry and emergency exit.
- **Circulation Plan:** Vehicular access via the Alley will be paved to meet City standards for emergency access. Designated parking will be provided on the Alley as well as short term loading areas for students. Additional parking will be provided north of Sheldon on Garden Street. This parking will include expanded and improved parking lots as well as pedestrian links. In addition to vehicular access improvements, the proposed project will include bicycle parking spaces for all resident students. Historically, approximately 20% of the Prescott College students living in campus housing have cars. Approximately 80% of the students living in campus housing ride bicycles as their primary mode of transportation and have no car. New bicycle racks and paths will be an integral part of the campus circulation plan. Pedestrian circulation improvements will include new ADA accessible paths with links to the central campus as well as a crosswalk on Sheldon Street and paths on the west side of Garden Street between Sheldon Street and Miller Valley Road.
- **Architectural Design:** The design strives to maintain the residential character of the area through massing, material selection and landscaping. As noted above, the design is developed with three separate structures to help minimize the scale and break up the massing. The three structures have undulating wall forms and are clustered around landscaped garden spaces to further reduce the scale impact. In addition, porches are developed at the entry to each of the (13) units to help maintain the residential scale and character. Exterior materials in the proposed design are wood siding with a clear finish, standing seam roof and wall panels with a rust finish, and integrally colored concrete masonry with an exposed aggregate finish.
- **Scale & Lot Coverage:** The allowable Lot Coverage by zoning is 50% where as the proposed design has approximately 35% Lot Coverage. The lower density lot coverage is being proposed to assist in minimizing the scale impact as well as provide more space for landscape buffers. The allowable Building Height by zoning is 40' where as the proposed design is approximately 32' above finished floor. All building structures meet or exceed the building setbacks as required by zoning.

**External Impacts Minimized:**

- **Noise Control:** In an effort to minimize the impact of noise on surrounding residents, outdoor gathering spaces have been limited to two areas. The main gathering area is located between the two east buildings. The buildings and six foot screen wall will serve to minimize noise impact from neighbors. The smaller outdoor gathering space is located on the south side of the property adjacent to Butte Creek and the nearest residence is approximately 160' to the south. In addition, student activities will be monitored by a full-time staff member who lives on-site as well as six residential advisers who will live on-site.

- **Glare & Lighting:** The lighting for this project will utilize modular LED lights that will minimize light trespass from the site and will respect dark sky goals. These elements include 4 foot high LED bollards, 12 foot high post top mounted LED area lights, and small LED landscape lights. All walkways connecting the main campus with the new dormitories will be illuminated with LED bollards in order to minimize light trespass to adjacent residential properties. The courtyard and passage areas contained by the new dormitories will be illuminated by a combination of LED landscape lights mounted in the wood arbors, ground mounted LED landscape lights and appropriate building mounted decorative fixtures with LED lamps. Parking areas and the associated streets will be illuminated by pole mounted LED area lights. All illuminance levels will be designed in accordance with recommended practices of the Illuminating Engineering Society of North America (IESNA), the Dark-Sky Association, and all applicable local codes and ordinances.
- **Floodplain:** A portion of the site is within the FEMA 100-year floodplain with a small portion extending into the 100-year floodway. No structures will be located within the 100-year floodway and natural grade will be maintained in these areas. All structures will be located with finish floor elevations a minimum one foot above the water surface elevation of the 100-year floodplain. The proposed structures have been integrated into the hydraulic models of Butte Creek that are being completed as part of the larger FEMA watershed study for Prescott. The inclusion of the proposed structures presents no significant impact on the floodplain boundary or water surface elevations.
- **Fire Hazard:** As part of the infrastructure improvements associated with the project, a new fire hydrant will be installed on Willow Street as well as a new fire hydrant on the Alley. In addition, an automatic fire sprinkler system will be installed in all of the campus housing structures and the Alley will be improved to provide for fire department emergency vehicle access. These should all serve to reduce the risk of fire hazard for the campus housing and immediate neighbors.
- **Fumes, Dust, Smoke, & Vibration:** Based on the residential use of the proposed project, there should be no impact from fumes, dust, smoke, and vibration.

#### **Infrastructure Impacts:**

- **Roads:** Vehicular access to the site will be via the Alley accessed from Sheldon Street. The Alley will be paved and widened to meet standards for emergency vehicle access. Vehicular access from Willow will be limited to two carport spaces at the staff unit. A traffic impact study is being completed for this project. The initial draft analysis indicates that the proposed campus housing will actually reduce traffic on surrounding residential streets because it locates student housing adjacent to the central campus where students can walk and ride their bike to classes on a daily basis.
- **Parking:** A comprehensive Parking Analysis has been completed based on Institute of Traffic Engineers standards and the City of Prescott Land Development Code requirements. Based on this Parking Analysis a minimum of 309 parking spaces would be required for the main campus once the proposed campus housing has been constructed. A Campus Parking Plan has been developed that locates 329 parking spaces distributed around the main campus. These parking spaces will all be improved to City of Prescott standards prior to the occupancy of the campus housing. A total of 24 dedicated parking spaces will be provided immediately adjacent to the campus housing site including short term parking for loading. Additional parking is provided on Garden Street with pedestrian links to the campus housing. The vast majority of students who live in campus housing will walk or ride their bike to classes on a day to day basis which

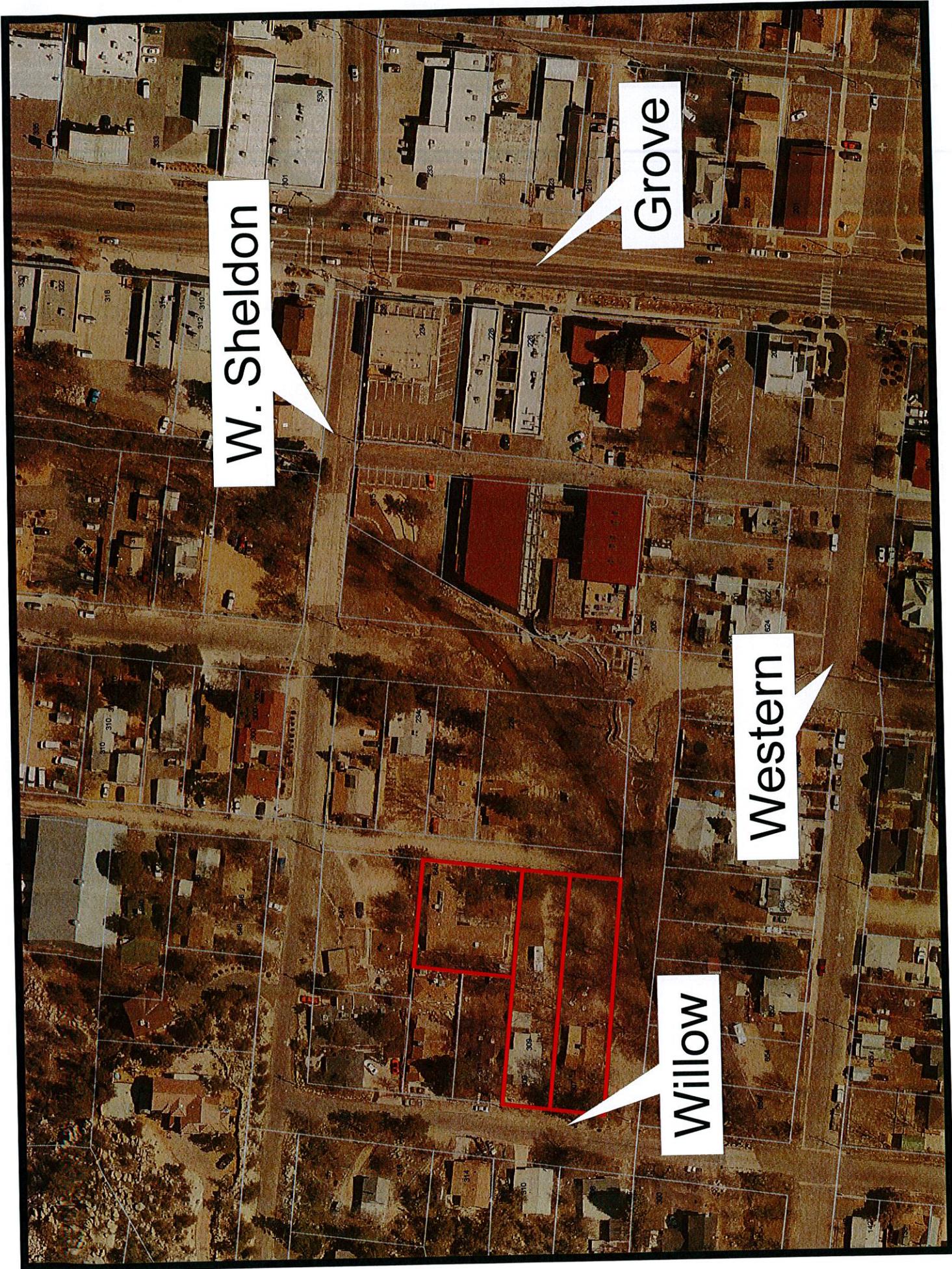
significantly reduces the pressure of parking and traffic on the surrounding neighbors. Historically, approximately 20% of the Prescott College students living in campus housing have cars. Approximately 80% of the students living in campus housing ride bicycles as their primary mode of transportation and have no car.

- Water & Sewer: The water mains in Willow Street and the Alley will be improved as a part of this project improving water service for immediate neighbors. Existing sewer mains have been evaluated and have been found to be adequate to serve the proposed project without adverse impact.
- Services: The preliminary plans for the project have been reviewed with the Fire Department and Solid Waste Services and there are no significant service issues with the proposed project.

6916 east fifth avenue  
scottsdale arizona 85251

480 517 5055 studio  
480 517 5057 facsimile

weddleilmore.com



W. Sheldon

Grove

Western

Willow



10-25-2010

L

## OPEN LETTER TO PRESCOTT COLLEGE

I am saddened by the deceptive tactics being employed by Prescott College to expand its campus facilities into a traditional, established residential neighborhood. It would have been far less impropriates had the college used the PAD process, or applied for special use permits. However both of these avenues would have alerted the public to the plans of the college to absorb this older residential neighborhood into the college campus.

Prescott College is putting on the face of a friendly generous neighbor, all the while attempting to cash in on the distressed market. An offer of \$1000 for "Right of First refusal" that binds the seller to an appraised fair market value has only the college's best interests at heart. Fair market value is what someone who wants to sell hopes to receive from that sale. How dare the college offer that as an enticement to long time residents who have never thought about leaving their "little slice of Heaven".

It is believed by many that the college intends to expand into this residential neighborhood using semantic subterfuge. This will do nothing to bolster the "fair market value" for these properties. I see the college as the wolf in "Little Red Riding Hood" dressed in a friends clothing and lacking a friends motives. Properties being acquired for the use of the college are not recorded as belonging to the college as they might be if they were being acquired in a less deceptive way.

In my opinion, as one of the property owners whose dream of living out my life in this quiet corner of Prescott seems to be in jeopardy, I believe that the plans of the college need to see the light of day. I also believe that the best interests of the citizens of Prescott be addressed, and not secondary to those of Prescott College.

Kevin Manley

Embry Riddle  
Yavapai College      Campuses

Privacy gone.

Noise pollution increase.

Street parking for our visitors gone

Real Estate Values plummet

Fluorescent orange clothes lines in front yard  
street lights, Police + fire Dept emissions

1. Prescott College + Norris Rd. residents have been before the Planning & Zoning Division before when the college wanted 10 acres at the <sup>west</sup> end of Norris Rd. for an outdoor campus. Fortunately and gratefully that was not approved by Planning & Zoning. When they did use that property, the students would walk down the middle of the road and no car could get through them. The road was also lettered.

2. All of us on Norris have a big investment in our homes. It has many features which make it a most desirable neighborhood. Living adjacent to a campus is not an advantage. It certainly does not enhance the value or the desirability to live there. What it does is detract from both the value and desirability.

3. Prescott College started out, once it came into town from the area where Emory Riddle is now, it was in one building, the old Mary Hospital Building. We thought that is not so bad. But through the years there has been an insidious encroachment destroying old established neighborhoods. Their former president told me it was their long range goal to own ~~every~~ every thing from the post office, down Garden Street to Gurley. It appears they have added the west side of Grove to that growth plan. They are now

buying property on Willow Street, plus having options to buy to increase their expansion.

3 story

4. If this 14-unit dorm building is built that just adds more people crossing Sheldon and Garden. Cars + trucks will park as they are now on both sides of Sheldon and both sides of Garden going north & south. Neither of these roads can accommodate two-lane traffic with two-lane parking. Should the students who live there be those without cars, they will have friends come to see them with cars which will have to be parked on the street. They will also park there for loading and unloading as they do now. If there is going to be access from this dorm to come out on Willow Street, there will be more cars on Willow, which is already a hazard because very few people stop at the stop sign but drive right out onto Sheldon/Norris. We have a tremendous amount of Prescott College cars already saturating this area. Just how many more are we going to allow? It appears there is no end to their requests.

5. If a private citizen wanted to build <sup>a 3-story</sup> an apartment building on this same piece of land with the required parking spaces, would you approve it? Is there anything about requirements being different for

Prescott College versus a private citizen?

6. The college has already absorbed Garden which crosses the creek bed as their property. They have put up "no parking at anytime" signs but they do park there.

7. I mention this because the seemingly prevalent attitude is considerations are for other people.

8. Prescott staff has said they can tell their students to do certain things. But that does not mean they have control over their students if they choose to do otherwise.

9. One of these days, it is not if - but when - some student is going to be seriously injured or killed as a result of their barreling out of the alley, sauntering down the middle of the road, not looking both ways when they enter the street, crossing against the signal, running stop signs, crossing in the middle of Grove. There are 309 cars in this <sup>neighborhood</sup> area is unconceivable!

10. This neighborhood area is not conducive to being a campus, never was and never will be. It certainly does not lend itself to have student dormitory living. This undoubtedly will not be the last variance request from Prescott College. \$

11. If this were happening in your neighborhood would you grant a variance knowing what you would be creating? I hope you will give some really serious consideration as if it were happening to you and that you think of us and what it portends for us and you vote "no." Thank you for hearing me out. I hope you will present what I'm giving you to the entire board as five of our residents on Karris are either out of ~~the~~ town or on vacation or are sick.

Jane Sherod  
820 Karris Rd,  
445-2739

12. What we really need to look at is a map of the neighborhood with all the buildings, property and homes are demarcated so we can see just how insidious <sup>and widespread</sup> this campus creep really is.

RECEIVED

NOV 09 2010

1001 Norris Road  
Prescott, AZ 86305  
November 6, 2010

CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT

Dr. Kristin Woolever, President  
Prescott College  
228 Grove Street  
Prescott, Arizona 86301

Dear President Woolever,

It was a pleasure meeting you at our recent neighborhood gathering at the college, and we welcome you to Prescott.

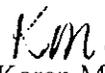
Since you have been introduced to the pending dormitory project, you are surely aware of the neighborhood concerns about the aftermath of additional student population in the confined area. It has become increasingly evident that Prescott College is intending to expand the campus in its inappropriate geographic location. The long range insidious acquisition of properties deliberately compounds the already existing problems of parking and student safety, and encroachment felt by adjacent property owners is real.

This communication is an appeal for the College to reconsider expansion at the present site and acquire a more suitable location for a dormitory. You being the College's newest authority, we appeal to your yet unbiased objectivity in recognizing the unrealistic aspect of the planned physical development.

This appeal is being shared with City Planning and Zoning, City Council members, and Richard Ach, Y.C. Board chairman, to include them in the option of relocation except for perhaps Administration and other already existing buildings.

We intervene at this point before it is disastrously too late to change course. Prescott College is too valuable an asset to our community to become embroiled in local controversy, and we hope the alternate plan will be seriously considered.

Very sincerely yours,

   
Jean Phillips & Karen Mayes, Co-Chrs  
Norris Road Block Watch committee

Copies X 3

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**CUP10-005      CONDITIONAL USE PERMIT**  
**506 W. Gurley Street**

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COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION  
 BOARD OF ADJUSTMENT MEETING FOR November 18, 2010

**STAFF REPORT**

**TO:** City of Prescott Board of Adjustment (BOA)

**FROM:** Tom Guice, Community Development Director *TG*  
 George Worley, Planning Manager *GW*  
 Ryan Smith, Community Planner *RS*

**DATE:** November 10, 2010

<b>APPLICATION:</b> CUP10-005	<b>ZONING:</b> Business General (BG)
<b>APN:</b> 113-12-026	<b>AREA:</b> 0.3 acres
<b>Owner:</b> Maria Townsend CTF Properties, Ltd Partnership 4543 E. Lynx Avenue Phoenix, AZ 85028	<b>Agent:</b> Brian Randal Leap of Faith Tattoo PO Box 12738 Prescott, AZ 86304

**REQUEST:**

A Conditional Use Permit to allow for the Leap Of Faith Tattoo parlor to operate in a BG zoning district. The applicant has been operating at 1211 E. Gurley Street since September of 2003. The prior location was also zoned BG and had an approved CUP (CU-0007) which allowed for the operation of the tattoo shop. The applicant narrative addresses parking, business goals, hours of operation and the reason for the move.

**PAST COUNCIL ACTIONS, BOA ACTIONS and BACKGROUND:**

There are no prior actions at the proposed location. Other CUPs exist adjacent to the property allowing for light manufacturing and outdoor dining under a previous code. There are also CUPs nearby allowing for a pre-school and offices in a multi-family zoning district.

That applicant lost the lease at the prior location, with little notice, when the property went into foreclosure. Since that time, the business has ceased operation and stored furnishings at the proposed new location during the CUP application process. At the previous location, there is no indication or record found of any activity which violated the conditions of the prior CUP or other City codes.

**CONDITIONAL USE REVIEW CRITERIA:**

Conditional uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the certain general criteria as described in Section 9.3.5 of the LDC:

- A. Effect on the environment:** The area is zoned BG which allows for a tattoo shop subject to any conditions in the CUP. The impact of the business should be minimal with ours of operation not extending past 8pm on most evenings and not past 10pm on Friday and Saturday. The use does not create a nuisance that may arise from noise, smoke, odor, dust vibration or illumination.
- B. Compatible with surrounding area:** The business is on Gurley Street where there is considerable traffic. Other businesses operate nearby along Gurley Street and Summit Avenue. Adjacent to the proposed tattoo shop is the Apple Pan Restaurant and the One Root tea and herb shop.
- C. External impacts minimized:** The proposed location is a storefront with relatively small windows and a wooden door, also with a small window. The limited window area would suggest that external visual impacts are minimal. No external changes are proposed. Advertising is also minimal, with most advertising by reputation, phonebook ad and on the business website at [loftattoo.com](http://loftattoo.com).
- D. Infrastructure impacts minimized:** Additional infrastructure is not required.
- E. Consistent with General Plan and Code:** The request is consistent with the General Plan.
- F. Parcel size:** The subject property is adequately sized for this use.
- G. Site Plan:** A site plan is not required. No additional parking or landscaping is required since the Land Development Code considers a tattoo shop as personal services and not a change of use for the existing building.

**NEIGHBORHOOD COMMENTS:**

Staff has sent mailings to the owners of record within 300' of the property, posted the property, and published notices in the local paper. Several letters (attached - including adjacent businesses) have been received expressing written support for the shop . Two phone calls were received - Cathy Rusing, who owns an apartment building located at 126 N. Summit and her father-in-law Russ Rusing, both expressed opposition in regard to tattoo shop clientele.

**STAFF FINDINGS AND RECOMMENDATIONS:**

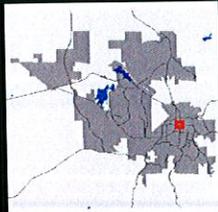
The prior history under a previously approved CUP would suggest an efficiently run business conforming to all City Codes. Opposition did not include any quantifiable aspect of the continued operation of this business, nor a conflict with any CUP requirement. The Land Development Code allows for this use under the CUP process. Therefore, staff is recommending approval of CUP10-005. No conditions are suggested.

**SUGGESTED MOTION OF APPROVAL WITH CONDITIONS:**

Move To Approve Conditional Use Permit Amendment CUP10-001.

**Attachments:**

Vicinity and Zoning Map  
Applicant Narrative  
Letters of Support

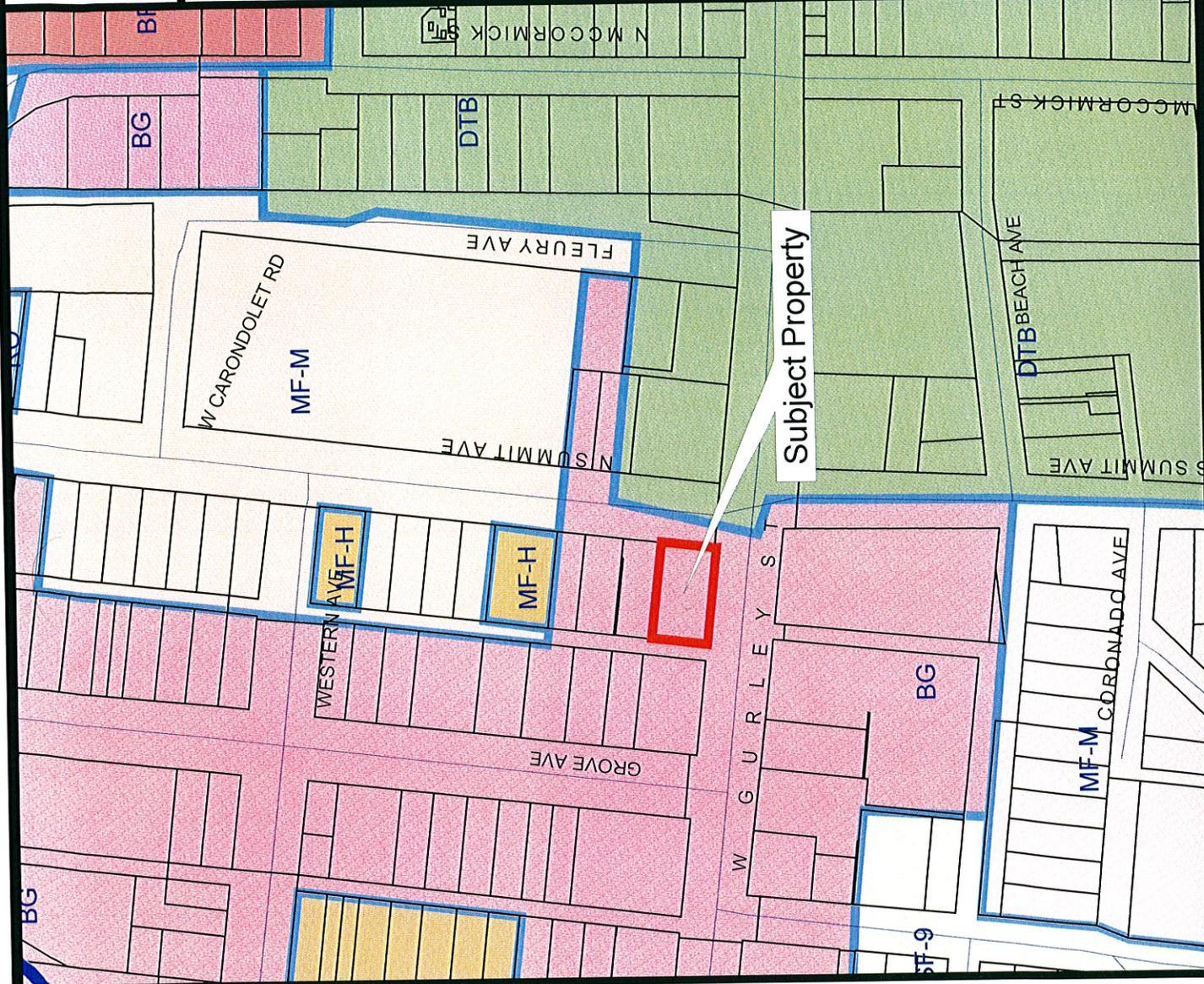


506 W GURLEY ST

This map is a product of The City of Prescott



1" = 251'



This document is a graphic representation only of best available sources. The City of Prescott assumes no responsibility for any errors.

### Parcel Report for APN: 113-12-026

Site Address:  
100 N SUMMIT AVE  
500 W GURLEY ST  
506 W GURLEY ST  
510 W GURLEY ST  
(first 4 of 6 shown)

Owner:  
C-T-F PROPERTIES LMT PTSHP  
1059 EVERGREEN RD  
PRESCOTT AZ 86303

Subdivision Name: FLEURYS ADDITION

Max. Lot Coverage: 60%  
Max. Bldg Height: 35 ft  
Setbacks  
Front: 15 ft  
Side: 5-12 ft  
Rear: 10 ft  
Corner: 8 ft

Acres: 0.30 acres  
Square Ft: sq.ft.  
TRS: T14-R2-S33

DOR Usage Code: Comm/Res  
Description: STORE & OFFICE OR STORE & APT COMBO

### Zoning Information

Zoning: BG  
Flood Zone: X;  
FIRM Panel: 04025C2061G

### Overlay District Information

HPD District: Outside  
NR District: North Prescott  
Willow Creek District: Outside  
Wipple-Zuma District: Outside  
Hwy 69 District: Outside  
Prescott East Area Plan: Outside  
Prescott Enterprise: Inside  
Airport Noise District: Outside  
Wildlife Urban Interface: Outside

### Planner's Actions:

V-8408: Variances  
NONE  
CU-8404: Conditional Use Permits  
NONE

## - Applicant Narrative -

Established in Prescott, AZ in September 2003 at 1211 E Gurley Ste B. Located at the intersection of Gurley and Sheldon, in front of the American motel. Leap of Faith Tattoo exceeds every standard set for the Tattoo and Body Piercing Industry. Since day one we have set the standard for Tattooing and Piercing not only for Prescott, for Northern Arizona as well.

Leap of Faith Tattoo and Body Piercing has been awarded "Best Tattoo & Piercing Studio" for the greater Prescott area for 2006, 2007, 2008, 2009, and 2010 by Market Surveys of America.

Leap of Faith Tattoo and Body Piercing was also awarded "Best Piercing Studio" for 2008, 2009, 2010 and "Best Tattoo Studio" for 2009, 2010 for the greater Prescott area by the U.S Local Business Association.

Leap of Faith Tattoo & Body Piercing has been a member in good standing of the National Tattoo Association for the past 7 years. We have also been a member /supporter of the NFIB (National Federation of Independent Business) for the past 5 years.

September 30<sup>th</sup> Brian Randal was informed that the property that the shop is located on had been in foreclosure for the past 3 months. The bank was to take possession of the property on October 1<sup>st</sup>. The current owner was supposed to have given the shop notice and also provide the bank with information that the business was located on the property. Instead the current owner never gave anyone notice and continued to take rent payments knowing that the business would be asked to vacate at the end of September. Had the bank received the correct information from the property owner a lease would have been negotiated and the business would be able to continue to occupy the space with no interruption of the business.

Leap of Faith Tattoo is now seeking to move the business to 506 W. Gurley Street. Located next to the Apple Pan restaurant.

The use of the space will be for Tattooing and Body Piercing. We will also be able to expand our retail side of the business by over 100%.

Our core hours will remain the same for this location.

Tuesday-Thursday 12p-8p

Friday-Saturday 12-10

Sunday-Monday by appointment only

Our clients will have full access to public parking right in front of the building along Gurley Street, and all Public Parking along side streets to the East and West of the building.

The entrance/exit of the business faces Gurley Street. There is also an exit on the north side of the building that leads to a common/alley area located in the back of the building.

We look forward to the reopening of our business in a new location and are ready to start our next adventure.

Thank you,

A handwritten signature in black ink, appearing to read "Brian Randal". The signature is fluid and cursive, with a large initial "B" and "R".

Brian Randal

C/o Leap of Faith Tattoo and Body Piercing

P.O Box 12738

Prescott, AZ 86304

(928)541-1180

[info@loftattoo.com](mailto:info@loftattoo.com)

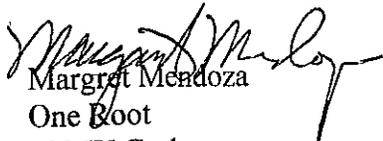
[www.loftattoo.com](http://www.loftattoo.com)

11/3/2010

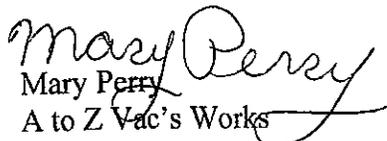
To whom it may concern,

We are the owners of the business located on the 500 block of W Gurley that surround the proposed relocation of Leap of Faith Tattoo and Body Piercing at 506 W Gurley. We all think Leap of Faith would be a good fit and are in full support of Leap of Faith Tattoo joining our block.

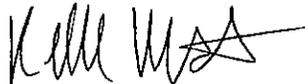
We look forward to seeing the doors open at Leap of Faith's new location!

  
Margrat Mendoza  
One Boot  
500 W Gurley  
(928)778-5880

  
SueAnn Duncan  
Apple Pan Restaurant  
510 W Gurley  
(928)445-8323

  
Mary Perry  
A to Z Vac's Works  
512 W Gurley  
(928)541-0470

Kelle West  
Quality Maytag  
514 W Gurley  
(928)445-8636



November 3, 2010

## **Letter of Reference for Leap of Faith**

To Whom It May Concern:

I have been asked to write this letter of reference because Leap of Faith and the Community Pregnancy Center have come together for a community event for 5 years now, that helps change and save lives in our own community. This event is "Christmas Cradle Project". This project helps stock our "Baby Store" for the entire year. Our program "Earn While You Learn" is where these items are used. Without compassionate and willing partners in our community we cannot help those in need. Leap of Faith is one of those businesses.

We have also been business neighbors for over a year and a half and based on our experience with them, have found them to be good and upstanding. It is a privilege to write this letter for them.

Sincerely,

Laurie Volcheck, Center Director

Community Pregnancy Center

Nicholas Yu  
American Motel  
1211 E Gurley Ste B  
Prescott, AZ 86301

10/07/2010

To Whom It May Concern:

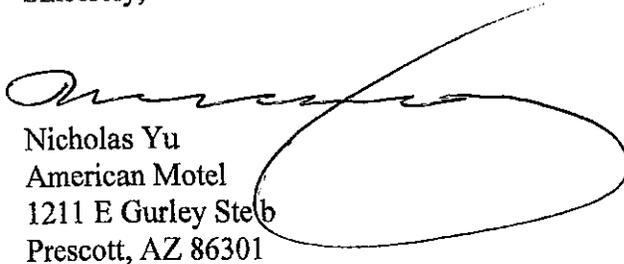
I am writing a letter of good reference for Brian Randal DBA Leap of Faith Tattoo and Body Piercing.

Brian Randal/Leap of Faith Tattoo and Body Piercing have been tenants on my property located at 1211 E Gurley Ste B since September of 2002. They have always been good tenants. I have never had any problems or complaints regarding Brian Randal or Leap of Faith Tattoo and Body Piercing. Brian has never been late on or missed a rent payment in the 9 years he has occupied the property and has conducted his business with the utmost integrity.

I would have no problem keeping Brian and Leap of Faith Tattoo as tenants for as long as they would like to stay. Due to the changing hands of the property I have regretfully had to give them notice.

I write this letter in good reference and wish Brian and Leap of Faith Tattoo the best of luck.

Sincerely,



Nicholas Yu  
American Motel  
1211 E Gurley Ste B  
Prescott, AZ 86301

FW: Leap of FaithTattoo

**FW: Leap of FaithTattoo**

Janet Glenn [maddog2860@msn.com]

**Sent:** Thursday, November 04, 2010 4:05 PM**To:** Smith,Ryan

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From: maddog2860@msn.com  
To: ryansmith@prescottaz.gov  
Subject: Leap of FaithTattoo  
Date: Thu, 4 Nov 2010 15:50:25 -0700

Recently concerns have come about concerning the location of Leap of Faith Tattoo. We have known and done business with Brian who owns the Company for 7 yrs He is an asset to this community a christian Father, and husband and he is a small business owner who has employees and has also done our tattoos and many in the community. He is a person of integrity. We feel his company does not deserve the stigma that people have about tattoo parlors. We are also small business owners Advantage Locksmith Services here in prescott for many years and are middle aged christian who attend Heights church. If you need to contact us concerning this matter we are more than happy to support Brian in this matter.

Wayne and Janet Glenn  
Advantage Locksmith Services  
Prescott Az  
928-776-1262

November 4, 2010

To whom it may concern:

Re: Leap of Faith Tattoo and Body Piercing

I am the General Partner of C-T-F Properties Ltd., which owns the 500 block of West Gurley Street, Prescott, Arizona. The partners of C-T-F and I fully support the relocation of Leap of Faith Tattoo and Body Piercing to our building located at 506 West Gurley Street. I have met with the owners of this business, Brian and Hope Randal, and visited their old store location. Their store was professional, clean and decorated nicely. They have carefully applied for the proper permits to move their business.

I spoke with the tenants of the other businesses in the block, and they also support the relocation of Leap of Faith to 506 West Gurley. I highly recommend their approval for relocation. It will be a pleasure to have the Leap of Faith Tattoo and Body Piercing as our new tenant. Thank you.

Very truly yours,

Maria Townsend  
General Partner of C-T-F Properties Ltd.