CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT AGENDA

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, JANUARY 20, 2011
9:00 AM

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

The following agenda will be considered by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to be held at **9:00 AM** on **JANUARY 20, 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 December 16, 2010 public hearing.

2. **CUP10-007, 623B Miller Valley Road.** APN: 113-07-011 and totaling ± 0.26 acre. Zoning is Business General (BG). *LDC* Sections 2.3 and 9.3. Request conditional use permit for a tattoo parlor. Owner is Richard C. Hollister. Applicants/agents are George & Rebekah Prieto/Canvas Tattoo Studio. Community Planner, Ryan Smith (928) 777-1209.

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.

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

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 January 14, 2011 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.

Kathy Dudek, Administrative Assistant
Community Development Department

BOARD OF ADJUSTMENT
PUBLIC HEARING
DECEMBER 16, 2010
PRESCOTT, ARIZONA

MINUTES OF THE **PUBLIC HEARING** OF THE **BOARD OF ADJUSTMENT** held on **DECEMBER 16, 2010** in COUNCIL CHAMBERS, CITY HALL located at 201 S. Cortez Street, Prescott, Arizona.

I. CALL TO ORDER

After reciting the Pledge of Allegiance and a moment of silence for our troops, Chairman Fuchs called the public hearing to order at 9:00 AM.

II. ATTENDANCE

MEMBERS PRESENT
Cal Fuchs, Chairman
Duane Famas, Vice Chairman
Johnnie Forquer
Tom Kayn
Mike Klein
Dick Rosa
George Wiant

COUNCIL PRESENT
Marlin Kuykendall, Mayor
Steve Blair, Council Liaison
Jim Lamerson, Councilman

OTHERS PRESENT
Tom Guice, Community Development Director
George Worley, Planning Manager
Matt Podracky, Senior Assistant City Attorney
Richard Mastin, Development Services Manager
Mike Bacon, Community Planner
Ian Mattingly, Traffic Engineer
Kathy Dudek, Administrative Assistant and Recording/Transcribing Secretary
Ruth Hennings, Community Development Intern

III. REGULAR AGENDA

1. **Approve the minutes** of the November 18, 2010 public hearing.

   Mr. Kayn, **MOTION: to approve the minutes** of the November 18, 2010 public hearing. Ms. Forquer, 2nd. **Vote: 7-0.**

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.

   Chairman Fuchs noted that this item was deferred from the November 18, 2010 public hearing. It is the Board's task to determine whether a substantial reason

exists for the dorms to be granted a conditional use permit (CUP) in the Multi-Family High (MF-H) Density zoning district. Chairman Fuchs asked the applicant Mr. Weddle, to step to the podium.

Mr. Phillip Weddle, Weddle/Gilmore Architects, 6916 E. 5th Avenue, Scottsdale, responded to questions asked by Chairman Fuchs:

- whether the dorms could be placed in the Business General (BG) zoning district properties owned by the college [Mr. Weddle: the BG parcels are used primarily for the academic and administrative functions of the college. (If using) BG, those functions would have to be relocated and we would be in the same situation];
- was the property along Garden Street looked at [Mr. Weddle: we looked at it, but at the time, the Prescott College didn't own enough property to accommodate the project];
- did the project happen before Prescott College acquired additional property [Mr. Weddle: the college did own two parcels which wasn't enough to accommodate 104 students];
- was the property running along the creek looked at [Mr. Weddle: that area was looked at as well but approximately 50% of the land is in the 100-year floodplain];
- of all the land shown on the map, is this the only place the dorms can be placed [Mr. Weddle: yes].

Chairman Fuchs and other Board members questions of Mr. Weddle and staff included:

- what is the maximum elevation height permitted in BG [Mr. Worley: 50-feet];
- when was the property zoned MF-M and BG [Mr. Worley: MF-H occurred sometime in the mid-1950s];
- parking associated with the Stanley Lumber lease [Mr. Weddle: this is factored into the lease which extends to 2034];
- are the final negotiations of the lease agreement in effect [Mr. Weddle: the lease is in place and has been in place for a long time];
- the service vehicles being removed from the calculated parking spaces [Mr. Weddle: the lease agreement to do so is currently in process];
- if the lease falls through, does it impact the student parking [Mr. Weddle: absolutely not];
- looking at the site plan and the layout of the building, why are they situated so close to the adjoining properties, especially Building A (the largest) and the reason for not moving it [Mr. Weddle: the primary reason for the location closest to Willow Street has to do with the floodway. We are trying to minimize the negative impact and keep the buildings as far away as possible];
- Building B is located inside the floodplain [Mr. Weddle: 20% is in the floodway to insure we are not creating a negative impact];
- would you be willing to re-look at the placement of Buildings A and B [Mr. Weddle: we can take a look at that. We are in a situation where the property setbacks range between 7' and 20', and we have addressed that with additional landscape buffers. We can look at the opportunities to see if we can increase the sideyard setbacks further];
- the only buffer between a 30' building height is "air," and plants are unlikely to grow in that area [Mr. Weddle: there are issues with topography that diminish that with a 4-foot grade change];
- what is the size of the contours depicted [Mr. Weddle: 1-foot; however, the contours do not reflect the finished floor elevations];

- the neighbors have recognized that there will be perpetual shade areas that the buildings create, the walkway between Buildings A and B will have an ice buildup. This is a safety concern that can be remedied and help the neighbors [Mr. Weddle: we will be happy to take a look at it as we don't want to create negative impacts];
- familiarity with the property since the 1960s and Prescott College's never developing a General Plan;
- if the dorms are approved, how long does the college anticipate that the dorms will be sufficient [Mr. Weddle: how far down the road would be something the president of the college could speak to. The college is looking at doing a revised Master Plan. The college cannot do plans for properties they do not own, everything would be speculation];
- does the college have options on any of the surrounding properties [Mr. Weddle: I can't speak to that] [Mr. Richard Ach, 992 Copper Vista Drive, Board Chairman, Prescott College, notes that he and another board member own 309 N. Willow. In terms of options, the college has only one at the corner of Garden Street and the alley];
- will the considerable growth we have seen continue into the future [Mr. Ach: there are properties we have interest in. In terms of properties we currently own, we can only plan for those properties. What we would be able to acquire in the future cannot be determined];
- what growth rate, i.e., 1%, 10%, 20% etc., is anticipated [Mr. Ach: perhaps 3% to 4% per year. We are actually seeing stability in enrollment. We are currently revising the strategic plan and will anticipate completion in Fall 2011].
- how many parcels are immediately adjacent to the dorm [Mr. Weddle: three buildings have a common property line];

Chairman Fuchs stated he shares Mr. Famas' concerns with the Prescott College site. A number of buildings are located on the west side of the campus that are teaching buildings. Where the dorms are placed at a 30' height next to a single-story residence is a concern. The Board has received letters requesting the buildings be limited to no higher than two stories. Mr. Famas has suggested moving the buildings. From what you have told us, those are feasible concerns. [Mr. Weddle: the number of stories would have significant impact on the project in the number of students being able to be served. I am not in a position to say that the college would be willing to do that. In terms of repositioning Building A, we have worked with the City staff and consultant to minimize impact on the floodway. Height and density measures have been taken to minimize the impact well below the allowable 40' building height at 32'. I am not saying we can do that. We are working well below allowable densities that the *LDC* allows. We have supplied more than the required setback. The only building that could be moved to the east would be Building B. Building A would have more impact on the floodway. The drainage engineer would have to look at it for negative impacts. A significant amount of engineering would have to occur before we would comment on that].

Mr. Famas noted that zoning and character of the neighborhood are two different things. The City recognizes the changing aspect of the area along with guidelines and strategies of working with the neighbors. That appears to be missing. It appears that the impacts to the neighbors are not being addressed. Parking and traffic circulation are real concerns. Towering over people who have lived there a

long time is a concern [Mr. Weddle: if the Board would allow clarification to speak to specific scale, we would like to make a presentation].

A PowerPoint™ presentation was made by Mr. Weddle showing the elevations, setbacks, etc. Mr. Weddle noted that both the grade and topography help diminish the impact in net height of the buildings.

Further queries and comments included:

- the height of the arbor [Mr. Weddle: 12'];
- were any other designs for possible step-downs included [Mr. Weddle: initially a higher density was looked at. The step back is to allow more landscaping space between buildings. In terms of roof forms, we could have looked at a steeper pitched roof, but it would have increased the height of the buildings. We are using a lower-profile roof at 1:12 slope which will take advantage of the sun's angle];
- where are the mechanicals for the building to be located [Mr. Weddle: there will be no roof mounted equipment. The condensing units (3) will be ground mounted];
- where will the ground units be located [Mr. Weddle: the units are shown on the overhead. We will look at minimizing the noise impacts on the neighbors];
- what benefits occur from three separate dorm buildings when dorms are typically one building with one main entrance [Mr. Weddle: dorms have changed dramatically over the last 15 years. A wide range of options was looked at around the country. We have supplied what Prescott College wanted, *i.e.*, an independent living environment. Traditional dorms with long corridors are not a good fit for Prescott College];
- how has the parking plan been revised [Mr. Weddle: in the last meeting a traffic analysis has been developed by Paul Basha on the surrounding City streets. City staff has had input. Pedestrian improvements would occur along with traffic safety. An ADA accessible link between the housing and campus will be made, including sidewalks along Garden Street. We have discussed with neighbors developing two pedestrian crossings and installing speed humps];
- the approximately 5' high retaining wall along the alley [Mr. Weddle: we will pull the retaining wall back 20' from its current location to improve sight lines for pedestrians, bicycles and vehicles];
- parking master plan [Mr. Weddle: we have continued to work with staff to review layout to meet LDC as well as landscaping setback requirements. We have been able to increase parking by four spaces. We are ready to commit to the position of providing 320 spaces or 11 more spaces than required and exclusive of fleet vehicles. We are showing 329 spaces. We wanted to have a buffer because of existing site features, *i.e.*, ponderosas, etc., that we would be able to work around. Excluding fleet vehicles, 267 spaces now exist. We are increasing parking with 53 additional spaces. We designated ADA and access aisles providing 10 spaces where 8 are required. Standard spaces of 9' x 19' total 287. There will be 32 compact 8' x 16' spaces and up to 48 compact spaces are allowed per the *LDC*];
- how will parking be managed [Mr. Weddle: the spaces will be reserved or designated for student housing at the beginning of each semester. Assigned parking would be for any students living in campus housing with 48 spaces on Garden Street];
- traffic circulation [Mr. Weddle: we are not proposing to close Willow Street, as

was mentioned at the last meeting. We will close off the driveway on Willow Street and landscape it. All pedestrian circulation would enter from the alley];

- will assigned parking entail an assigned space, or any space [Mr. Weddle: a decal would be required to park in any reserved space];
- would the decals be issued each semester [Mr. Weddle: we would take care of it each semester];
- construction plans for crossing the floodplain via sidewalks as well as foot traffic across the wash [Mr. Worley: we have not received details about the construction method. Mr. Mastin can provide the basic concepts] [Mr. Mastin: a hammerhead would be allowed in the floodway and the natural grade would not be permitted to be changed. An area could be paved for a turnaround and a walkway would be allowed];
- the site plan illustrating flow at 11' per second, *i.e.*, 12 tons of water per second [Mr. Weddle: we are working through the design stages including banking stabilization and erosion protection];
- is employee parking included in the parking spaces allowed [Mr. Paul Basha, Traffic Engineer, EPS Group: the parking calculations include all students, faculty and administrators. All employees are included];
- requiring all staff, students and employees to have a parking sticker [Mr. Weddle: it is something we could consider. We have on street legitimate public parking];
- making the decal a condition with limiting street parking [Mr. Podracky: I would avoid limiting parking on a public street];
- making a condition that, prior to certificate of occupancy, the college will provide 320 code-compliant parking spaces [Mr. Worley: several additional conditions could be specified, *i.e.,* the spaces need to be surfaced by striping, wheel stops, or roll stops, spaces need to actually be counted by a person, with hard surfacing, concrete or permeable materials, etc.];
- would any problems arise, under the terms of the proposal, with all traffic for Sheldon Street being funneled off the alley [Mr. Mattingly: impacts will be minimal on Sheldon Street, Garden Street and Miller Valley Road];
- would additional traffic lights be necessary at either Garden Street or Western Avenue [Mr. Mattingly: they would not meet any warrants for installation and would be a great expense for either the developer or the City];
- water flow through the creek is now based on a soft surface, and what will happen with the additional paving [Mr. Mastin: a detailed plan has not been provided to the City. No significant amount of paving in the floodplain will occur. The paving at the hammerhead will pose the greatest impact] [Mr. Weddle: rainwater harvesting will occur and will not contribute to the runoff. It {*runoff*} would percolate on site]; and,
- the perimeter fence appears impermeable and drainage from homes occurs naturally across the college—openings need to be installed [Mr. Weddle: we are working on that with Kelley-Wise. The flow would continue and we are not creating adverse impacts on the neighbors].

Chairman Fuchs asked for comments from the public which include the following:

Mr. Gary Hassen, 317 N. Willow Street, representing the Fifth Community Association, noted the group's concerns with the CUP and the effects on the Environment, compatibility, external impacts, and lack of communication to the neighbors by Prescott College. He is also concerned that the neighbors do not have the financial ability to fight them {the College}.These concerns appear in a

letter submitted and made part of the public hearing packet.

Mr. Kayn asked Mr. Hassen whether the density of the project or the size of the buildings is the main concern [Mr. Hassen: both. The overall mass of the project is out of character with the single-family homes in the area. The design and layout will amplify the noise in the area. Traffic problems, especially at Norris and Western will increase when 104 students are added].

Ms. Angie Zamora, 311 N. Willow Street, has lived in her house for approximately 50 years and is concerned with the elimination of sunlight on her property should the proposed project be approved.

Mr. Kevin Manley, 315 N. Willow Street, noted that he was approached by the college with an offer to buy his property. He stated that he was informed he could sell his property to them {the college} or anyone. He further stated he was told if he continued to live there, his life would become unpleasant with noise, traffic, and dust; and, if he continued to live there, his life would be unpleasant because of student and vehicular traffic with the dorm looking into his backyard. He was told he would be looking into a "fishbowl."

Chairman Fuchs asked who told Mr. Manley this. Mr. Manley replied that it was Mr. Weddle and the president of the college. Mr. Manley asked the Board to take great care in deliberations to make sure that the decisions are defendable in light of potential future litigation. Mr. Manley noted that telling him his life would be unpleasant doesn't seem to be the action of a college that has the best interests of the neighbors.

Ms. June Sherod, 820 Norris Road, noted that the runoff in a previous storm came down so hard that an automobile passenger drowned. She feels there is significant negative impact on the neighborhood and the architectural design is not compatible with the neighborhood. Parking is an issue and may become more dangerous than it is already. Cars are now parking on both sides of Western, Sheldon and Willow. Placing 309 parking spaces in the neighborhood would be like a parking lot at WalMart. [Mr. Worley: parking requirements do not include on-street parking. Public parking is not counted]

Ms. Sherod continued and presented the concerns of Ms. Susan Smart, 791 Norris Road [not present at today's public hearing]. The concerns include safety, security and possible theft of vehicles. Ms. Smart is also concerned with keeping the noise down.

Mr. Rick Ryan, 142 N. Summit Street, noted he has a business at 143 Grove Avenue which has been affected by the college's previous expansion. He noted that the alley was given to Prescott College by the City. Parking has become a problem at his business; and, when he voiced his concerns to the traffic engineer, nothing was done. One of the unintended consequences of the expansion by Prescott College, is that parking has become a problem.

Mr. Mattingly offered to meet with Mr. Ryan to discuss his concerns.

Ms. Jean Phillips, 1001 Norris Road, offered that the residents are not hostile to Prescott College students. She has a concern with putting a "size ten foot into a size five shoe". Ms. Phillips noted that when a special event occurs at the college, there is not enough parking. The vehicles are not stopping for the stop signs.

Mr. George Gammill, 306 N. Willow Street, will be directly across from Building A. He has lived in his home since 1979 and has seen problems with the water runoff in a heavy rain. He is concerned with the height of the buildings and with traffic.

Chairman Fuchs closed the public comments.

Mr. Kayn noted that there is an argument for mitigating the size, shape and occupancy requirements for the project.

Mr. Klein made a motion to approve CUP10-004, with Mr. Rosa seconding the motion. After discussion, the motion was amended.

Mr. Klein, MOTION: to approve CUP10-004, 307, 309 N. Willow Street and 645 Sheldon Street, Prescott College subject to the terms and specifications listed in the Updated Staff Report dated December 16, 2010 and subject to the following nine conditions:

1. Site development must be in substantial compliance with the site plan dated 10/20/2010. *(See exhibit "A")*
2. The college will not house more than 104 students in this student housing facility.
3. Prior to occupancy, the college will develop and provide a minimum 320 code compliant campus-wide parking spaces which is in excess of the EPS Group Parking Study requirement of 309 spaces, exclusive of any parking spaces to be utilized by college fleet vehicles, and without prejudice to the College for use of the additional spaces to meet future LDC requirements. *(See exhibit "B")*
4. The college will provide designated/reserved parking spaces equal to or greater than the number of students living in the combined facility who possess cars. This shall be determined each semester.
5. The college will complete the campus pedestrian improvements as indicated on the pedestrian plan prior to occupancy. *(See exhibit "C")*
6. The college will not undertake construction on this project over weekends until buildings are fully enclosed with roof, walls, doors and windows installed.
7. The college will combine college-owned parcels within the campus, where practicable.
8. The college will install enhanced landscape plantings around the perimeter of the student housing to assist in providing screening for neighboring residents. *(Per LDC Section 6.13.4.C.2.a.1 or a.2)*
9. The condensing units for Building A (as shown in the site plan) are to be located at the southeast corner of Building A.

Mr. Rosa, 2nd. **Vote: 4-3** (dissenting: Famas, Forquer, Kayn). Motion passes.

(A 5-minute recess was taken at 10:12 a.m.)

3. **CUP10-006, 621 E. Gurley Street.** APN: 110-01-082 and totaling ± 0.19 acre. Zoning is Business General (BG). *LDC* Sections 2.3 and 9.3. Request conditional use permit for a tattoo studio. Owner is Jose Raul Alvarez. Applicant/agent is Christopher Gear/Porthole to Soul Tattoo. Community Planner, Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and noted:
- the proposed tattoo parlor wishes to locate in a business general (BG) zoning district;
- the business will have parking on the side of the building;
- zoning to the south is Multi-family Medium (MF-M);
- letters of support from 10 business owners in the surrounding area were received;
- letters from five property owners in opposition to the proposal were received;
- staff is recommending approval; and,
- the applicant is present at today's public hearing to answer questions.

The applicant, Christopher J. Gear, applicant, Porthole to Soul Tattoos, 421½ S. Penn Avenue (*no signature appears on attendance roster*), stated that he would like to have a collaborative artist studio where a gallery wall would be devoted to local artists.

Commissioners queried and remarked on:
- what items and whether items like "spice" would be sold in the premises [Mr. Gear: pieces of art, nothing like "spice" would be sold at all];
- would acrylic and oil canvasses, easels, etc., be included and whether area would be provided for others to work [Mr. Gear: the space is not conducive. The art studio will be just for me].

Public comments included:

Ms. Charlotte DeJesus, 128 S. Washington Avenue, resident on the block next to the studio, urged the Board not to approve the CUP. She noted that the area includes a section of homes that are listed in the National Register. The houses are also in an historic district. Ms. DeJesus believes that this proposal does not fit in with the historic character of the neighborhood. In citing a part of the City's General plan, Ms. DeJesus notes that this business does not "maintain the character and integrity of the existing neighborhood." Further, preservation guidelines call for being "sensitive" to the neighborhoods. Having a tattoo parlor will lower neighborhood property values. She notes that the Joslin-Whipple Historic District does not need to include a tattoo parlor. Also, Mr. Hale's letter of support and four additional letters from Core Structures' tenants should not count individually as "support letters."

Mr. Jack Wilson, 1514 Eagle Ridge Road, owner of a "class A" commercial building at 600 E. Gurley Street, opposes the CUP. Mr. Wilson asked that the Board not count the "form" letters, and notes that not one residential owner has signed a letter of support. He feels that this is an incompatible use within the area and that it will have a negative impact on his ability to lease space in his commercial building. Mr. Wilson also fees that a tattoo parlor located nearby will lower the value of his property.

Additional discussion and queries included:

- signage [Mr. Bacon: since there are two businesses located in the building, each would be allowed 50 square feet of signage. No sign is being brought to staff at this time] [Mr. Gear: the sign will be no larger than my neighbors {*the adjacent business*}. The façade of the building is only on Gurley Street, there are no houses around the perimeter];
- are there plans to have a lighted sign [Mr. Gear: no, it is not a lighted sign and it will be placed underneath the window];
- impact to school children in regards to a "sandwich board" or "a-frame" sign [Mr. Bacon: code allows for one sandwich or a-frame sign];
- the property's being located in the Joslin-Whipple Historic District [Mr. Bacon: it is a non-contributor as the building has been modified over the years and has lost its historic integrity];
- the staff's recommendation that the CUP be granted [Mr. Bacon: in the past,] these types of uses have been granted with conditions of approval. The use is not permitted "outright" in the district]; and,
- licensing of tattoo parlors [Mr. Gear: there is no licensing for this type of business. I have blood-borne pathogens and CPR certification].

Ms. DeJesus added that home values could go down. Leap of Faith Tattoo and other tattoo parlors are not located in an historic district.

Mr. Wiant, **MOTION: to approve CUP10-006**, 621 E. Gurley Street, Porthole to Soul Tattoo subject to the terms and specifications listed within the Staff Report dated 12/16/10. Mr. Rosa, 2nd. **Vote: 7-0**.

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Worley noted that the Unified Development Code Committee is meeting to discuss Prop. 203, Medical Marijuana. There is a 120-day deadline and the decision will be based on the Department of Health Services guidelines. The DHS will release their findings on December 17, 2010. The next meeting of the UDC will be on January 5, 2011 at 10:00 am in the Downstairs Conference Room at City Hall. There is a probability of requiring a CUP for the dispensary and cultivation/infusion centers. Prescott is in the process of coordinating with other municipalities in the quad-city area and Yavapai County. The entities are urging the State of Arizona to consider uniform requirements throughout the

state rather than having each municipality set up individual requirements. After the UDC makes recommendations, Planning and Zoning Commission will review the recommendations and then forward them to City Council.

Chairman Fuchs noted that two Boy Scouts, Paul and Will Riley, spearheaded the placement of a statue at Miller Valley School marking the 100th Anniversary of the Boy Scouts of America. The statue was unveiled yesterday and it is quite impressive.

VI. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 12:04 PM.

E. Calvin Fuchs, Chairman

DRAFT

CUP10-007 CONDITIONAL USE PERMIT Agenda # _____
623 Miller Valley Road, Suite B

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR January 20, 2011

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director
George Worley, Planning Manager
Ryan Smith, Community Planner

DATE: January 12, 2011

APPLICATION: CUP10-007

ZONING: Business General (BG)

APN: 113-07-011

AREA: 0.26 acres

Owner: Richard C. Hollister
24625 W. Kirkland-Hillside Rd.
Kirkland, AZ 86322

Agent: George & Rebekah Prieto
Canvas Tattoo Studio
623 Miller Valley Rd., #B
Prescott, AZ 86301

REQUEST:
A Conditional Use Permit to allow for a tattoo studio to operate in a BG zoning district. The business is currently operating at this location. City staff has not requested the applicant to cease operation as long as he is in the CUP application process. The applicant narrative addresses business details, which includes goals, hours of operation and retail items.

PAST COUNCIL ACTIONS, BOA ACTIONS and BACKGROUND:
A 1982 CUP action (CU-8227) at the proposed location exists allowing for an upholstery shop under a previous code. Numerous other CUPs exist near to the property allowing for offices and a print shop under a previous code. There are current CUPs nearby applicable under the current LDC allowing for a palm reader, pawn shop and 2 tattoo parlors.

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 hours of operation not extending past 9pm on Friday and Saturday. The use does not create a nuisance that may arise from noise, smoke, odor, dust vibration or illumination.

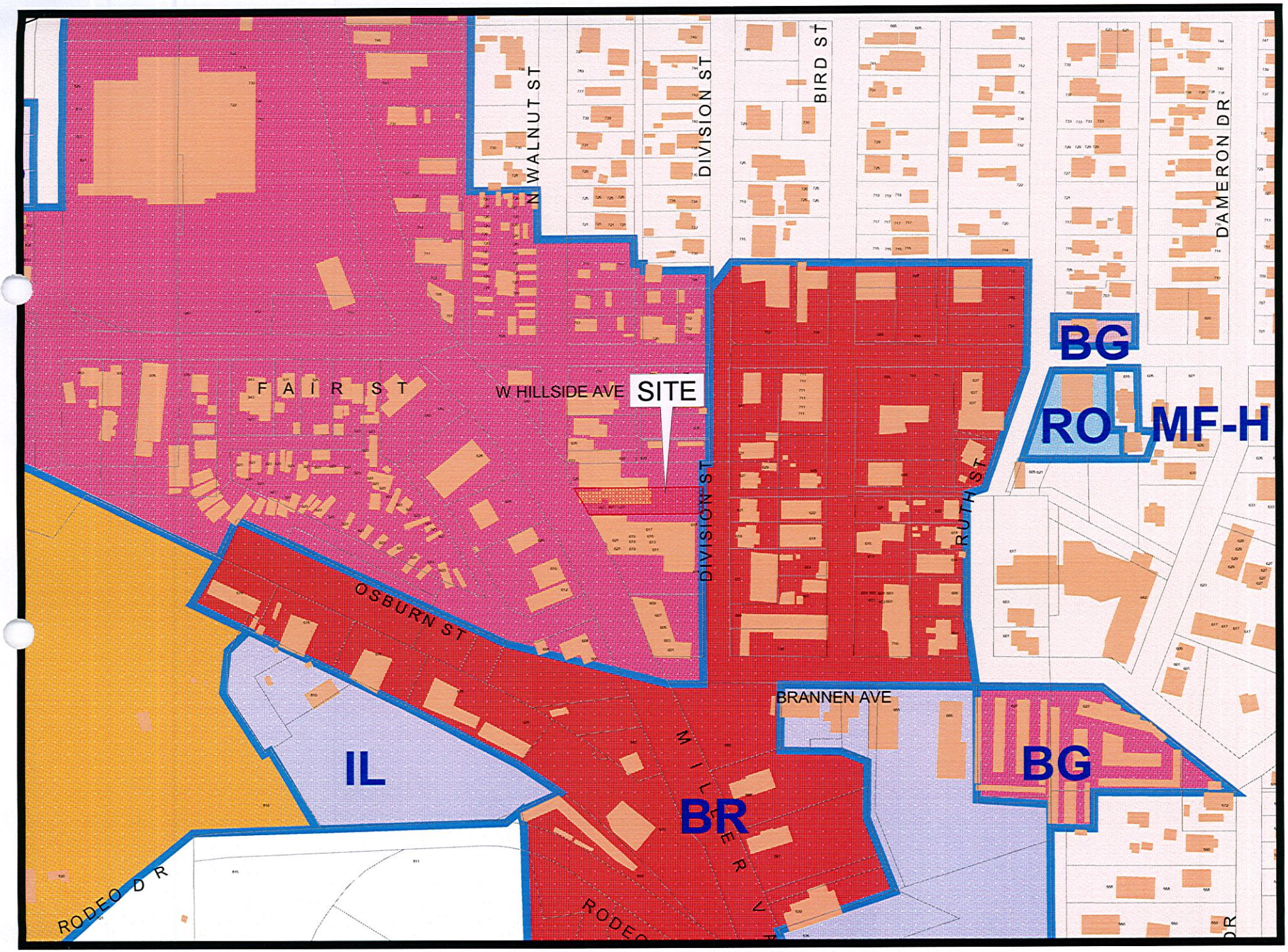
B. **Compatible with surrounding area:** The business is on Miller Valley Road where there is considerable traffic. Other businesses operate nearby along Miller Valley Road and Division Street. Also in this commercial center is the Italian restaurant known as the "Roman Ristorante".
C. **External impacts minimized:** The proposed location is a storefront located behind other businesses in an existing commercial center. The storefront does not face either Miller Valley Road or Dameron Street and would suggest that external visual impacts are minimal. No external changes are proposed. Advertising is also minimal, with most advertising by reputation and on the business website at canvastattooaz.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. No comments have been received as of this writing.

STAFF FINDINGS AND RECOMMENDATIONS:
The Land Development Code allows for this use under the CUP process. The business is currently open and appears to be operating without issue. No comments have been received from the public. Therefore, staff is recommending approval of CUP10-007. No conditions are suggested.

SUGGESTED MOTION OF APPROVAL WITH CONDITIONS:
Move To Approve Conditional Use Permit Amendment CUP10-007.

Attachments:
Vicinity and Zoning Map
Site Plan
Applicant Narrative


WALNUT ST
DIVISION ST
BIRD ST
CAMERON DR
F A I R S T
W HILLSIDE AVE
SITE
DIVISION ST
RUTH ST
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MF-H
OSBURN ST
BRANNEN AVE
IL
BR
M I L E R
BG
RODEO D R
RODEO
DR

3 MILLER VALLEY: ROMAN DELI - CONST: SLUMP BLOCK + WOOD FRAME W/ STUCCO

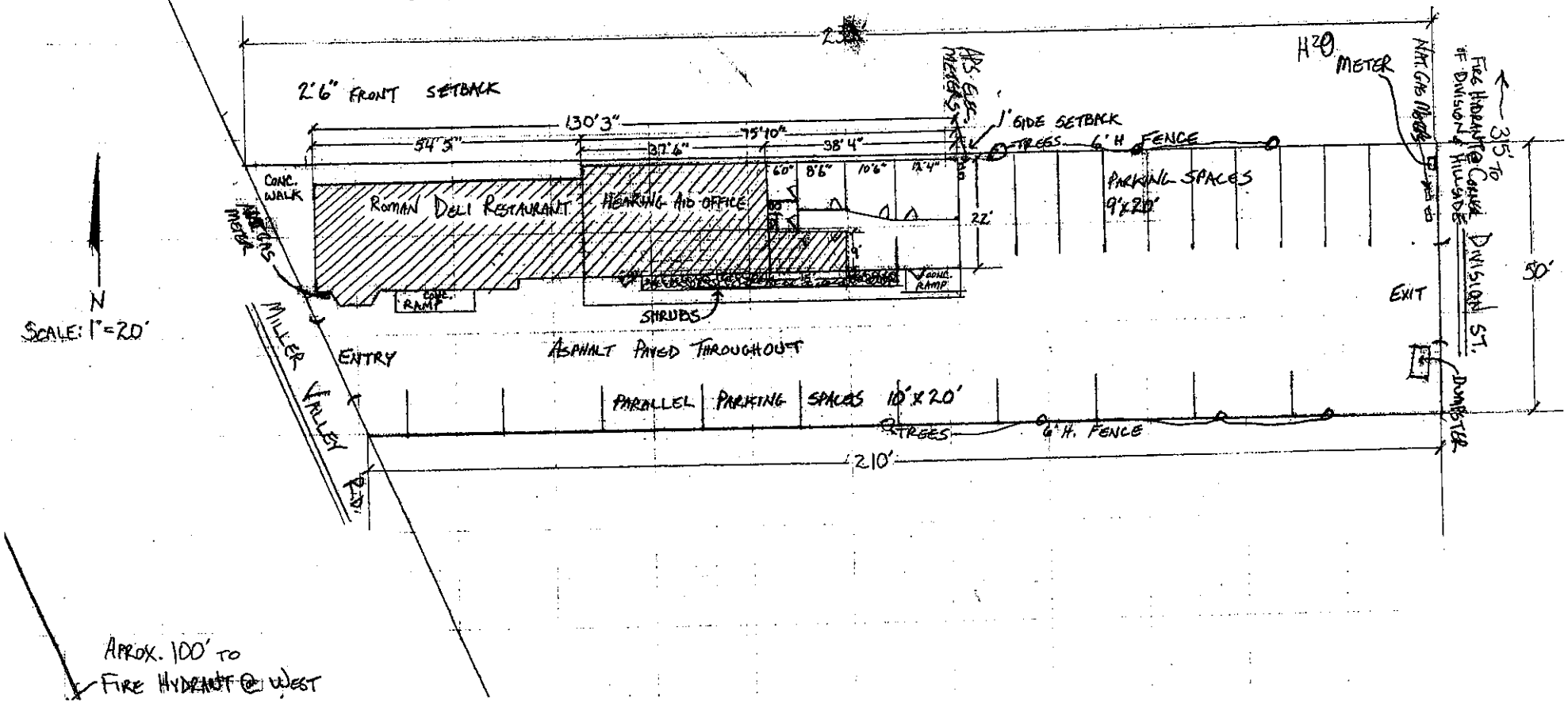
A MILLER VALLEY: HEARING AID OFFICE &

B MILLER VALLEY: PROPOSED TATTOO SHOP: SLUMP BLOCK W/ WOOD FRAME ROOF

BUILDING HT.: APPROX 11'

SIGN LOCATION ON RESTAURANT @ MILLER VALLEY

PROPOSED TATTOO SHOP
APPROX. 708 SQ. FT.
OCCUPANCY B-3



APPROX. 100' TO FIRE HYDRANT @ WEST

January 12, 2011

To The Board of Directors:

In conjunction with our request for a Conditional Use Permit, for Canvas Tattoo Studio LLC., please accept this brief narrative stating what our studio plans to provide.

We are currently open for business and our hour of operation are as follows:

Tuesday – Thursday: By appointment only
Friday : 3pm – 9pm
Saturday: 12pm – 9pm

However, as our business grows we do intend to increase on increasing our hours of operation to:

Tuesday – Saturday: 12pm – 9pm

Our signage currently is limited to one window sign which is placed to the right of the entrance door. We plan on submitting a permit request for a 4ft. by 2ft. A-frame sign. This be placed near Miller Valley Rd.. Staff note: A 31"x50" A frame sign is allowed. no permit is needed.

Currently we do not sell any retail items. However, this to may change to include T-shirts as our business grows.

Our employees consist of:

George Prieto – Artist
Rebekah Prieto – Office Manager
Ron Chapell – Artist (To be starting soon)

We hope that this information will assist you in making your decision.

Sincerely,

George and Rebekah Prieto
Canvas Tattoo Studio LLC.