CITY OF PRESCOTT
Everybody's Hometown

SPECIAL MEETING BOARD OF ADJUSTMENT AGENDA

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 4, 2013
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 April 4, 2013, 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

Mike Klein, Chairman	Duane Famas
Greg Lazzell, Vice Chairman	Richard Rosa
Johnnie Forquer	George Wiant
James DiRienzo	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the February 21, 2013 meeting minutes.

2. V13-003, 323 Cochise Street. APN: 108-01-076 totaling 0.24 acres. LDC Section 9.13. Zoning is Multi-Family Medium. Request is to reduce front yard setback from 20' to 14'6" for a new covered front porch. Owners are Brent and Beckie Kellogg. Applicant is Headwaters Architecture. Planner is Ryan Smith (928) 777-1209.
   Item may be voted on at the April 18, 2013 meeting.

3. CUP13-002, 1365 Iron Springs, Unit C. APN: 115-05-067U totaling 1.7 acres. LDC Section 9.3. Zoning is Business General. Request is to allow a pawn shop business. Owners are KB Properties LLC. Applicant is Ronald Ulman. Planner is Ruth Hennings (928) 777-1319.

IV. REVIEW ITEMS

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

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.

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 March 29, 2013 at 1:00 PM in accordance with the statement filed with the City Clerk's Office.

Suzanne Derryberry

Suzanne Derryberry, Administrative Specialist
Community Development Department

Variance Request

V13-003

Reduction of required front yard setback to construct a porch.

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR April 4, 2013.

STAFF REPORT

TO: Board of Adjustment

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

Date: March 28, 2013 **Parcel Number:** 108-01-076

Location: 323 Cochise St. **Zoning:** MF-M (Multi-Family Medium Density)

Owner: Brent and Beckie Kellogg
323 Cochise St.
Prescott, AZ 86305

Applicant/Agent: Todd Marolf
Headwaters Architects
1951 Commercial Center Circle, #A
Prescott, AZ 86301

REQUEST:
The applicant is seeking a variance approval to reduce the required front yard setback from 20' to 14' 6" for the construction of a front covered porch. The applicant wishes to construct a 700 square foot addition on the south side of the building that runs perpendicular to the original home. This addition encroaches into the front setback as proposed in the site plan submittal.

BACKGROUND:
Lots 11 and 13 of the Pine Crest Subdivision have been combined to form one flat lot with a width of 100 feet and a depth of 105 feet, therefore, a useable building area exits. The property is in an historic district. The required setbacks for a home with a covered porch structure within the MF-M zoning district is 20' front, 7' side and 20' rear.

PAST BOARD OF ADJUSTMENT ACTIONS: No other variance or CUP applications exist for this property. A 1980 variance was approved at 305 Cochise requesting a 3' side and 2' setback for a shed. No other variances exist in the vicinity allowing for relief from code requirements.

VARIANCE CRITERIA:

Extraordinary Conditions:
Variances may be granted for special and unique circumstances to the property.

There are no topographic conditions present on the property that constrain development on this property.

Substantial Detriment:
There will not be detrimental effects to the public health safety and welfare or be materially injurious to nearby properties. Impacts are expected to be minimal to nearby properties.

Special privilege:
This is an older subdivision constructed in the early 1900's. Many examples exist of pre-existing encroachments into the modern setback requirement. However, this is a relatively large flat buildable lot, granting the variance may constitute a special privilege.

Self-induced hardship:
The proposed hardship is a result of the applicant's desire to build an addition with a porch toward the street-side of the house. Ample room exists toward the sides and rear of the lot.

General Plan:
The structure and use is in conformance with the General Plan.

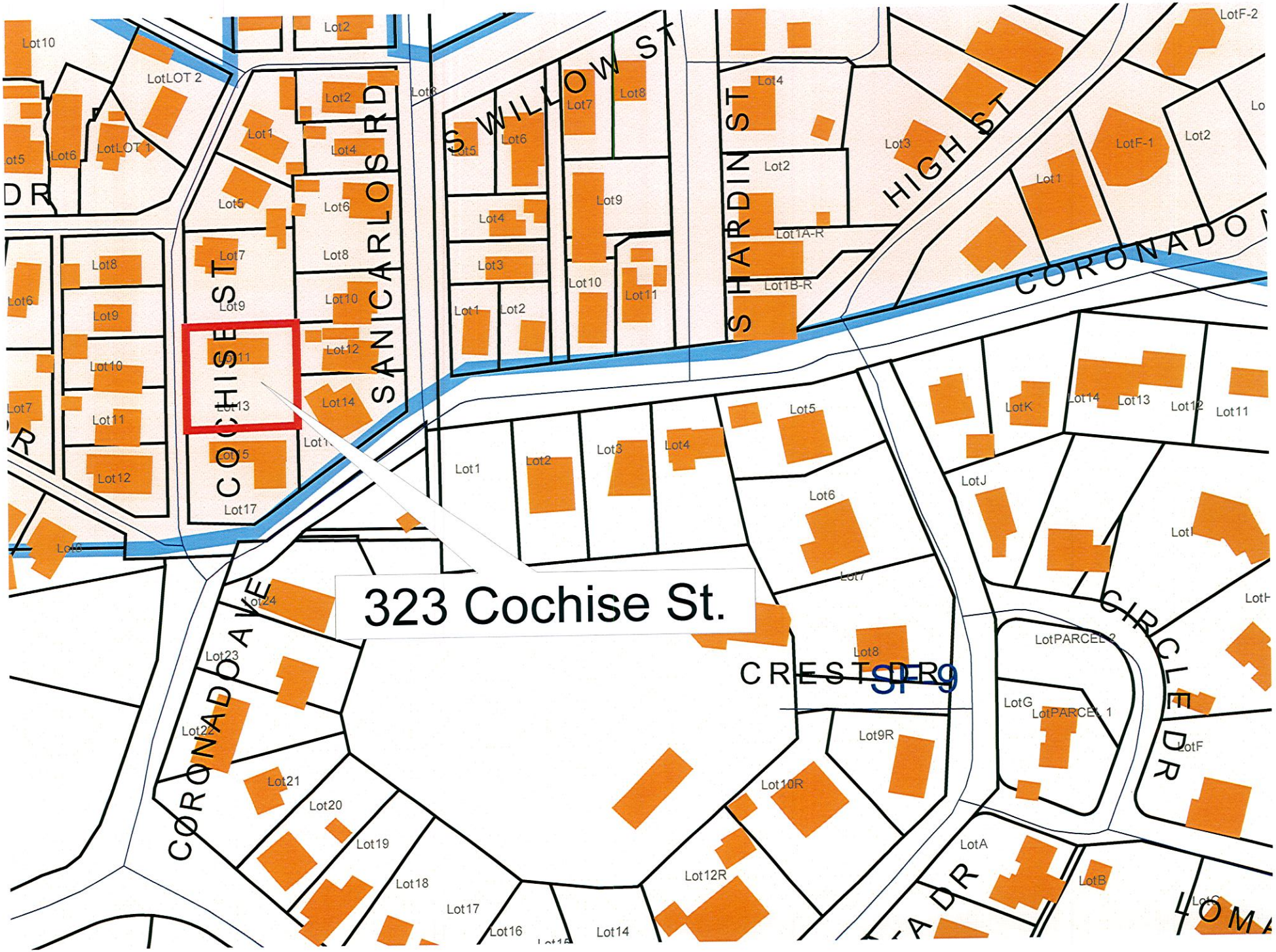
Utilization:
Variances may be granted for extraordinary conditions affecting the land such as size and shape, and strict application of the code will deprive the applicant of the reasonable use of his land. No unique circumstance exists which creates a limited building envelope.

NEIGHBORHOOD COMMENTS:
Several phone call inquiries have been received seeking general information. One email indicating support has been received as of this writing.

HISTORIC PRESERVATION:
The subject property is within the Pine Crest National Register District. It is not listed in the National Register of Historic Places due to major alterations to the building between 1982 and 1992. On March 8th, 2013, the Preservation Commission voted to support this variance due to the context of the neighborhood and the pattern of the adjoining home's location relative to the front property line.

STAFF RECOMMENDATION: Staff has a neutral recommendation for Variance V13-003 due to concerns over a self-imposed hardship as described in the variance provisions contained in the Land Development Code as expressed above.

Attachments:
Site Plan
Vicinity & Zoning Map
Email indicating support


323 Cochise St.
COCHISE ST
SAN CARLOS RD
S WILLOW ST
SHARDIN ST
HIGH ST
CORONADO
CORONADO AVE
CREST DR
CIRCLE DR
Lot1
Lot2
Lot3
Lot4
Lot5
Lot6
Lot7
Lot8
Lot9
Lot10
Lot11
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Lot1A-R
Lot1B-R
Lot9R
Lot10R
Lot12R
LotLOT 1
LotLOT 2
LotF-1
LotF-2
LotF
LotG
LotH
LotJ
LotK
LotA
LotB
LotPARCEL 1
LotPARCEL 2

question about project V13-003

Bonnie Mitchell [prescottbonnie@gmail.com]

Sent: Tuesday, March 05, 2013 9:06 AM

To: Smith,Ryan

Cc: prescottbonnie@gmail.com

Good morning Ryan,

I am a neighbor across the street at 328 Cochise St. I think it's great that the Kellogg's are working to improve the look of their new home at 323 Cochise. Could you provide a copy of their planned porch drawing? You are aware that we are in a historic neighborhood and they must approve also?

Thank you and sincerely,

Bonnie Mitchell

Red Arrow Real Estate
Realtor, GRI, SFR, e-PRO
1107 E. Gurley St.
Prescott, AZ 86301
Allied Member ASID
Cell (928) 533-1534
FAX (928) 778-2599
email: prescottbonnie@gmail.com

working harder for you!
Please visit my website: www.PremierPrescottproperties.com

CUP13-002 Conditional Use Permit

Pawn Shop at 1365 Iron Springs Road, Unit C

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

BOARD OF ADJUSTMENT MEETING for April 4, 2013

STAFF REPORT

TO: City of Prescott Board of Adjustment

FROM: Tom Guice, Community Development Director
George Worley, Planning Manager
Ruth Hennings, Community Planner

DATE: April 4, 2013

ZONING: Business General

LOCATION: 1365 Iron Springs Road, Unit C

APN: 115-05-067U

AREA: ±1.7 acres

OWNER: KB Properties LLC
PO Box 829
Sedona, AZ 86339

APPLICANT: Ronald Ulman
1514 W. Calle de Pompas
Phoenix, AZ 85085

REQUEST: The applicant, Mr. Ulman, requests to operate a pawn shop at the subject property at 1365 Iron Springs Road, Unit C. Pawn shops require a Conditional Use Permit in commercial zoning districts, including the Business General zoning district.

The existing shopping center where the subject property is located has a variety of commercial uses including new consumer goods, a thrift store, and restaurants and bars. There is shared parking for the shopping center, and there is sufficient parking available to meet the demands of a pawn shop. There are no additional development or use standards specific to pawn shops.

PAST BOARD OF ADJUSTMENT ACTIONS: There have been no other Board of Adjustment actions (e.g. variances or conditional uses) in this shopping center.

CONDITIONAL USE REVIEW CRITERIA: Conditional uses are uses that are generally compatible or can be made compatible with other uses in the underlying zoning district. The Board of Adjustment may approve an application for a conditional use where it reasonably

determines that there will be no significant negative impact upon residents or other owners of surrounding property or upon the public.

The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

1) **Effect on the environment and surrounding neighborhood:** Operational characteristics and public safety are potential impacts to be considered. The Police Department has provided a written statement (attached) and does not object to a pawn shop at the subject location. Proposed hours for the pawn shop are Tuesday through Saturday, 10:00am to 6:00pm.
2) **Compatible with surrounding area:** There are a variety of commercial uses, including a thrift store, in the shopping center. The use would be compatible with the existing businesses.
3) **External impacts minimized:** There are no impacts associated with the use.
4) **Infrastructure impacts minimized:** There are no impacts associated with the use.
5) **Consistent with General Plan and Code:** The Business General district is a moderate-intensity business district, and is frequently located adjacent to residential districts. Public review of uses that have the potential for adverse impacts is necessary.
6) **Parcel size:** The property size is adequate for the use.
7) **Site Plan:** See attached site plan, in conformance with criteria in the Land Development Code.

PUBLIC COMMENTS: Two letters have been received as of the date of this report, one in support and one in opposition to the request (see attached). The letter of opposition noted concerns related to crime and safety. Several phone calls were received requesting further information.

STAFF RECOMMENDATION: The Land Development Code allows for this use under the CUP process, where there is no significant negative impact on the surrounding area. The Police Department has noted that there are no safety concerns with a pawn shop at the location. In consideration of the shopping center, the proposed pawn shop is compatible with the adjacent commercial uses, which operate both day and evening uses. Staff recommends approval of the Conditional Use Permit.

SUGGESTED MOTION:
Move To Approve CUP13-002, Conditional Use Permit allowing a pawn shop at 1365 Iron Spring Road, Unit C.

Attachments:
1. Application submittal
2. Zoning map
3. Public comment
4. Written statement from Police Department

FEB 11 2013 14:10 FROM:BIDDLE OUTDOOR CENTE 9280283003 TO:18007214049 P.1/1

GKB Properties, LLC
P.O. Box 829
Sedona, Arizona 86339

February 11, 2013

Mary Jo Kirk
Arizona Commercial
1670 Willow Creek Road, Suite A
Prescott, Az. 86301

Re: LOI Pawn Shop Lease
1365 W. Iron Springs Road #C

Dear Mary Jo:

We would welcome Ronald Ulman, CPA, as a tenant in our building at 1365 W. Iron Springs Road and are agreeable that a Pawn Shop would be a suitable usage for the space.

Please let me know if you have any other questions.

Sincerely,

Karla Biddle

Karla Biddle, managing member
GKB Properties, LLC

CONDITIONAL USE PERMIT
Additional Considerations

Property address 1365 Iron Springs Rd. #C, Prescott, AZ 86301

Proposed Use Lease of property to be used to operate a high-end pawn shop. The pawn shop would deal principally in giving loans secured by gold, silver, jewelry, firearms, or other valuable personal property. If the loans are not redeemed, the property forfeited will be sold retail or scrapped to a wholesaler. The business will not purchase and resell general merchandise.

Compatibility with the surrounding area The pawn shop will be in a commercial mall area with a bar, a Goodwill second-hand store, an outside patio furniture store, a massage parlor, a H&R Block tax office, and a Waffle restaurant. I do not believe the pawn shop would be incompatible with any of these other businesses and cause any of them a loss of business.

Emergency Services I do not believe that there will be any additional burden on fire and police services.

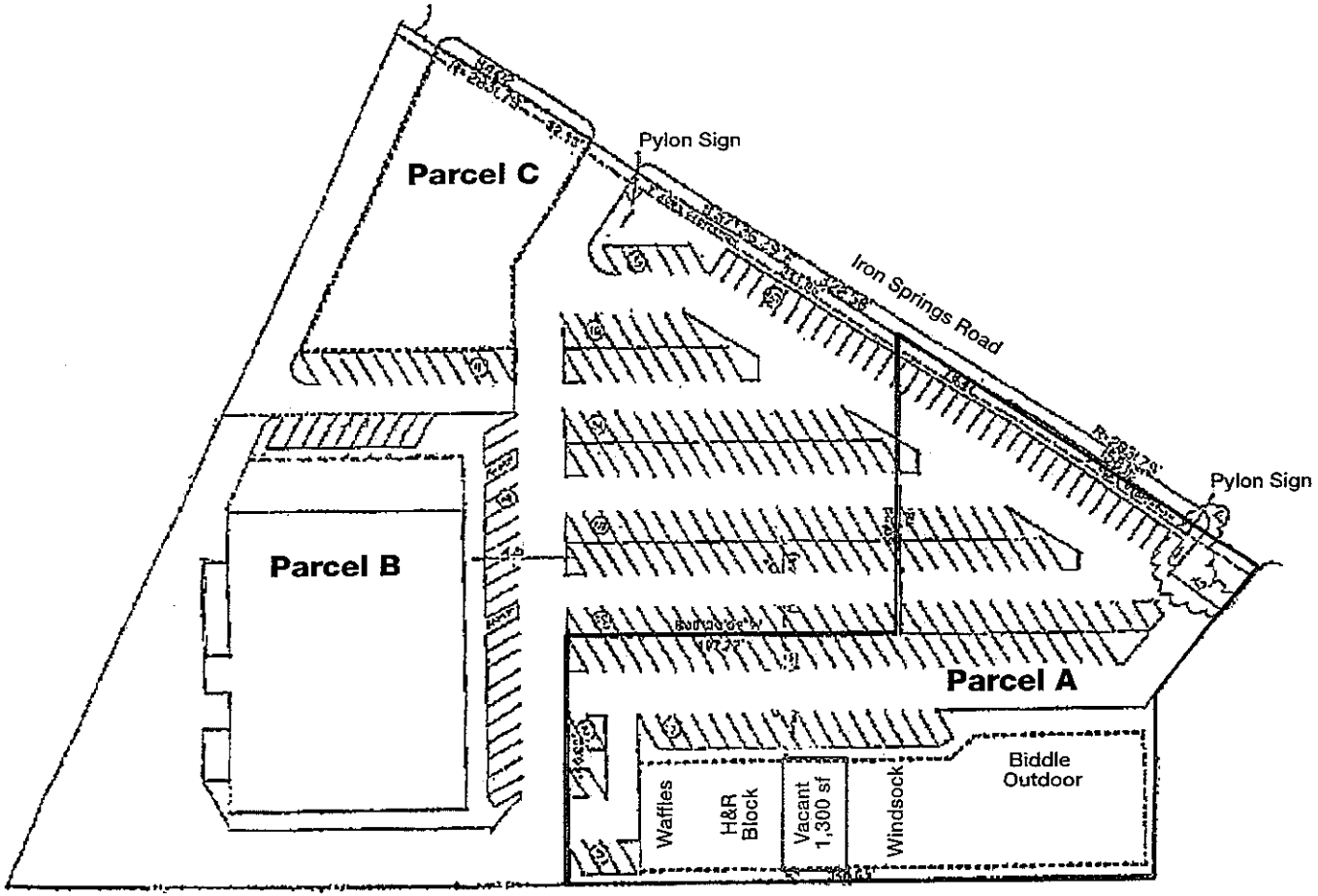
Access to the Property This commercial mall has two entrances to the business and the concomitant parking. The proposed pawn shop would not affect access in any way.

Parking This commercial mall has a large parking area. I anticipate that the proposed pawnshop will have a relatively low amount of traffic and, accordingly, will not adversely affect the availability of parking in the commercial mall.

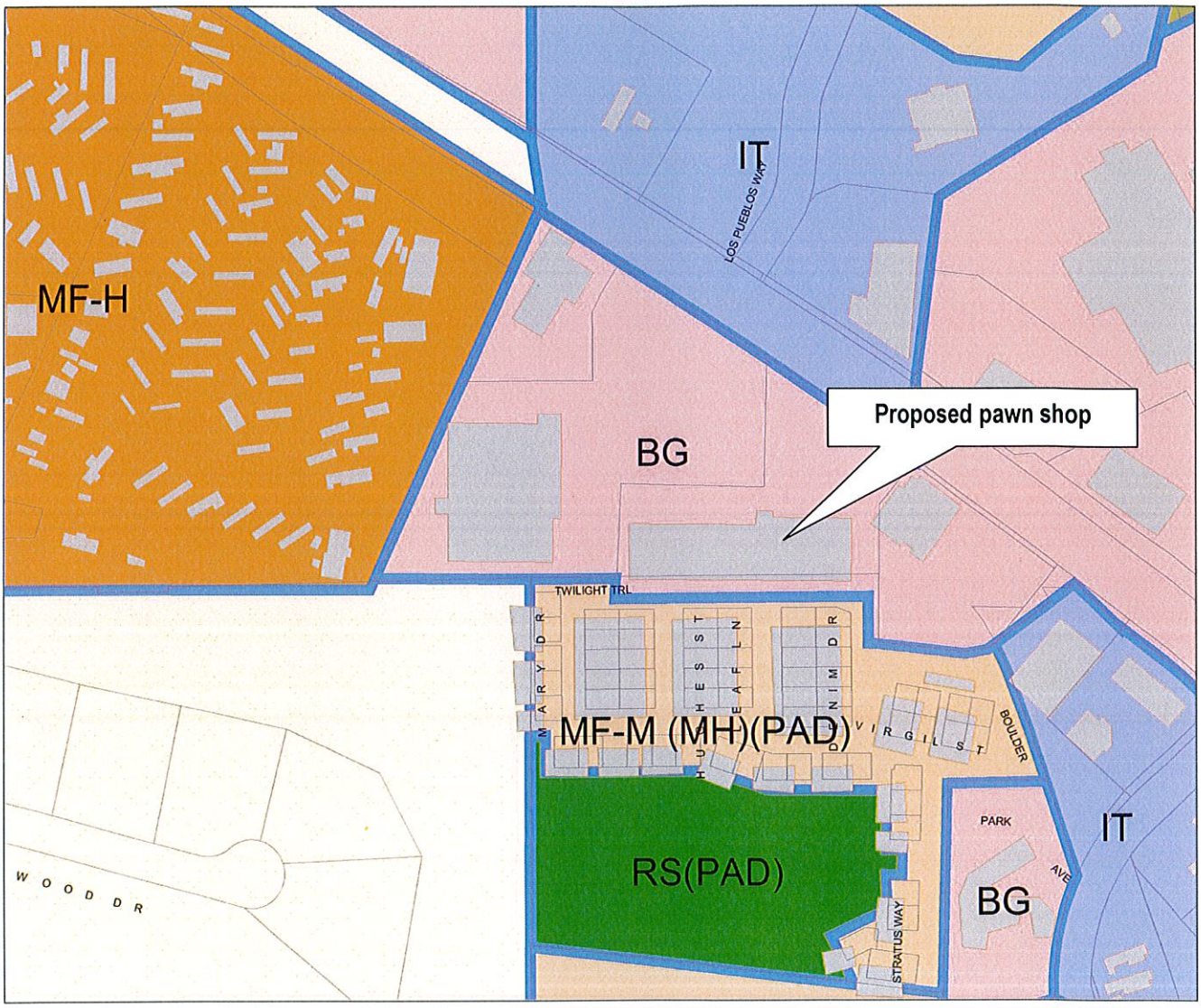
House of Operation The proposed pawn shop would operate from 10am to 6pm Tuesday through Saturday. These hours are consistent with those of the other businesses in the mall and should not adversely affect them in any way.

Health and Safety I do not anticipate any noise or hazardous materials issues arising out of the operation of the pawn shop.

Additional Information I am a Certified Public Accountant and have had a private practice for nearly 30 years, and have always leased commercial property to conduct my business. I have always conducted my business to the highest level of ethical standards that served me, my landlords, fellow tenants, and community well. I plan to conduct my pawn shop business in the same manner.


Parcel C
Pylon Sign
Iron Springs Road
Pylon Sign
Parcel B
Parcel A
Waffles
H&R Block
Vacant 1,300 sf
Windsock
Biddle Outdoor

Zoning Map



MF-H
IT
LOS PUEBLOS WAY
BG
Proposed pawn shop
TWILIGHT TRL
MARY DR
HUGHES ST
LEAF LN
DENIM DR
MF-M (MH)(PAD)
VIRGIL ST
BOULDER
PARK
AVE
IT
BG
RS(PAD)
STRATUS WAY
WOOD DR

Re: AZ Commercial

From: **Gary Stude** (studeenterprises@cableone.net)
Sent: Wed 2/27/13 1:27 PM
To: Dan Frederiksen (danfrederiksen@msn.com)

To whom it may concern,my name is Gary Stude,I own and operate waffles-n-more restaurant in the prescott Towne plaza,I believe that a pawn shop would be a good addition to our plaza and would totally welcome it. thank you Gary Stude

Sent from my iPad

On Feb 27, 2013, at 9:44 AM, Dan Frederiksen <danfrederiksen@msn.com> wrote:

Hennings,Ruth

From: Dick and Michelle [dingeni@cox.net]
Sent: Saturday, February 23, 2013 5:59 AM
To: Hennings,Ruth
Subject: Pawnbroker Business on Iron Springs Road

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Hennings,

We received the notice about the pawnbroker business proposed for Iron Springs Road. We own a condominium on Mary Drive and have very serious concerns about this proposal. As you know, this type of business tends to draw a criminal element. We are worried about increased crime, lower property values, and the safety of the children living in the community.

We ask the Community Development Department to reject the proposal and suggest that the owner find a more suitable location away from families.

Thank you,

Michelle Johnson & Dick Van Treijen
1143 Mary Drive
Prescott, AZ

Hennings,Ruth

From: Gill,Rich
Sent: Thursday, March 14, 2013 10:18 AM
To: Hennings,Ruth
Subject: Pawn Shop Activity

Ruth,

Per your request for Police Department calls for service at our existing Pawn Shops. I requested our Records Section run a query for activity within the last 12 month calendar period at the following locations:

Yavapai Pawn 330 South Montezuma Street

6 calls for service

2 False Alarm calls.
1 Follow Up from a prior call.
1 Found Property.
1 Criminal Damage, window broke on the business.
1 Stolen Weapon Report with an individual arrested for the stolen property and a warrant.

Prescott Pawn & Coin 650 Miller Valley Road

5 calls for service

1 False Alarm call.
1 Trespassing in progress, invalid as the person had permission to be on the property.
3 Follow Ups from a prior calls.

Pawn Palace 301 North Alarcon

9 calls for service

4 False Alarm calls.
2 Criminal Damages to the exterior of the building.
1 Follow Up from a prior call.
1 Stolen Weapon Report.
1 Assault Report

High Country Guns 555 White Spar Road

3 calls for service

1 Report of Suspicious Activity, invalid as it was juveniles waiting for a ride.
1 Stolen Weapon Report.
1 Private Property Accident.

These locations are not requiring a high volume of police services and the Police Department would have no objections to an additional pawn shop at the location you described.

Let me know if you need anything further.

Rich

Lieutenant Rich Gill
Prescott Police Department
Patrol Bureau
928-777-1904