



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, August 20th, 2020
9:00 AM**

**Council Chambers + Zoom Meeting
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following agenda will be considered by the **BOARD OF ADJUSTMENT** at its meeting to be held on **August 20th, 2020**, Board Members and public may attend the meeting through the use of a technological device via Zoom teleconferencing. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

City of Prescott is inviting you to a scheduled Zoom Webinar.

Topic: City of Prescott Board of Adjustment
Time: August 20th, 2020 9:00 AM Arizona

Join Zoom Webinar

<https://us02web.zoom.us/j/85326574554>

Dial by telephone (if computer audio not available):

1 253 215 8782 or
1 929 205 6099

Meeting ID: 853 2657 4554

- I. **CALL TO ORDER – Housekeeping – Please keep your phone or PC microphone on mute unless you are speaking to minimize background noise.**

Please identify yourself each time you speak so that we can record your comments in the minutes and properly count motions and votes.

CALL TO ORDER

- I. **ATTENDANCE**
Members

Tony Teeters, Chair	Jerry Kaufman
Raymond Everett	Larry Meads, Vice Chair
Johnnie Forquer	Stephen Silvernale
Mary Frederickson	

- II. **MINUTES**
Approve the minutes of the July 16th, 2020 meeting.
- III. **PUBLIC HEARING ITEMS**

II. MINUTES

Approve the minutes of the July 16th, 2020 meeting.

III. PUBLIC HEARING ITEMS

1. **CUP20-004**, Conditional Use Permit to allow the inclusion of a helicopter landing pad at the east side of the Banner Hospital site. Property location is 3835 Willow Creek Road. [Property owner: Prescott Whispering Rock, LLC. Applicant/Agent: Banner Health. APN: 106-02-398, encompassing 20.82 acres]

IV. STAFF UPDATES

V. 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 08-14-2020 at 12:30 p.m. in accordance with the statement filed with the City Clerk's Office.

Michelle Shaw For:

Sarah Siep, City Clerk

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 72 hours advanced notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (928) 777-1272 to request an accommodation to participate in this public meeting. Prescott TDD number is (928) 445-6811. Additionally, free public relay service is available from Arizona Relay Service at 1-800-367-8939 and more information at www.azrelay.org.



BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, July 16th 2020
9:00 AM**

**Virtual Zoom Meeting
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

CALL TO ORDER – Chair Teeters called the meeting to order at 9:00 am.

I. ATTENDANCE

Board Members	
Tony Teeters, Chair	Mary Frederickson
Larry Meads, Vice Chair	Jerry Kaufman
Ray Everett	Stephen Silvernale
Johnnie Forquer	
Staff	
Bryn Stotler, Community Dev. Director	Tammy Dewitt, Community Planner
George Worley, Planning Manager	Jon Paladini, City Attorney
Michelle Chavez, Recording Secretary	
Council	
Steve Sischka, Liaison	

II. MINUTES

Approve the minutes of the May 21st, 2020 Board of Adjustment meeting.

Board Member Kaufman made a motion to approve the May 21st, 2020 minutes. The motion was seconded by Board Member Silvernale and passed unanimously (7-0).

III. PUBLIC HEARING ITEMS

- V20-003**, Variance to Article 3, Section 3.3.3.F. (Single Family-35/Minimum Setbacks) of the Land Development Code (LDC) to allow a reduction of the required 30’ front setback by 10’ to allow for a 20’ front setback for a new single family residence on a 0.32 acre parcel. [Zoning: SF-35; Property Owner: The Other Hand Construction LLC; Agent: Todd Marolf-Headwaters Architecture; APN 116-01-036]. Location: 2325 Cyclorama, Prescott, AZ 86305.

Community Planner Tammy Dewitt shared a zoning map and aerial view of the subject property. Ms. Dewitt clarified zoning requirements of minimum lot size of 35,000 square feet. The lot in question is 13,939 square feet and is therefore a legal nonconforming parcel. There are physical constraints that challenge the 30’ front setback requirement. Neighboring parcels contain buildings in close proximity to some property lines, which occurred prior to the establishment of road right of way. These parcels are also legal nonconforming. The terrain on the parcel is rocky and limits the building area. The parcel meets hardship criteria to qualify for a reduced setback variance. Staff recommends the approval of V20-003.

Board Member Kaufman inquired about the appearance of a parcel boundary overlap of an already built structure on a neighboring property. Ms. Dewitt clarified that the aerial imagery and property lines are not completely accurate as depicted in our mapping system, and stated that there is currently no encroachment of the existing building in question over the property line.

Applicant Ty Freeman stated that the neighboring structure in question is 5 feet from the property line according to a recent survey.

Board Member Meads asked if the reason the small lot size is not being considered is because it is legal nonconforming; Ms. Dewitt confirmed this.

Ms. Dewitt then invited any public comment. There were no comments from the public.

Board Member Meads made a motion to approve V20-003. This motion was seconded by Board Member Kaufman. The motion passed unanimously (7-0).

Board Member Meads addressed City Attorney Jon Paladini about a visit to the site the day prior where he did not see the posted hearing notification signage. Community Planner Dewitt stated that notifications had been mailed to neighboring property owners and signage had been posted two weeks prior to hearing; photo evidence of the posting was provided in the PowerPoint presentation. Mr. Paladini commented that due to a scrivener's error, two mailings and posting of notices had occurred, so there was essentially more notice of the meeting than customarily occurs.

2. **CUP20-003**, 1117 Iron Springs Road, APN: 115-09-034. Land Development Code (LDC) Sections 4.8 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for an RV Storage Facility in the rear of the property. Owner: 1117 Iron Springs Road LLC. Applicant: Vince Fornara - Vibrant Building Solutions. Community Planner: Tammy Dewitt.

Community Planner Tammy Dewitt shared a zoning map and aerial view of the subject property. Access to the parcel had been addressed and holds no concerns from Public Works. The existing Savoini's commercial building retains adequate parking in front for future businesses. An access gate and six foot high chain link security fence are proposed for the facility. Neighboring properties within 300 feet have been notified. Ms. Dewitt noted that staff recommends approval of CUP 20-003.

Board Member Kaufman inquired about the RV storage capacity. Ms. Dewitt displayed a site plan with parking measurements. Applicant Vince Fornara clarified that there are going to be roughly thirty-six, 12' x 30' units.

Board Member Meads asked about the fencing material. Mr. Fornara responded that the fence will be a slatted chain link fence with security wire running atop the fence.

Board Member Meads made a motion to approve CUP20-003. This motion was seconded by Board Member Silvernale. The motion passed unanimously (7-0).

IV. STAFF UPDATES

None

V. ADJOURNMENT

Meeting adjourned at 10:01 am.

Kaylee Nunez, Recording Secretary

Tony Teeters, Chairman



BOARD OF ADJUSTMENT

MEETING DATE: August 20, 2020

DEPARTMENT: Community Development

AGENDA ITEM: CUP20-004, 3835 Willow Creek Road, APN: 106-02-398. Land Development Code (LDC) Table 2.3 and 9.3. Zoning is Business Regional (BR). Request for a Conditional Use Permit for an air ambulance landing site for Banner Hospital. Owner: Dr. Hojat Askari. Applicant: Banner Health and the SmithGroup. Planning Manager, George Worley.

Approved By:	Date:
Director: Bryn Stotler	
Planning Manager: George Worley	
Community Planner:	

REQUEST:

This request seeks a Conditional Use Permit (CUP) for a helipad at the site of the proposed new Banner Hospital. The helipad will be located on the east side of the hospital, screened from view from Willow Creek Road and screened from all nearby residential areas.

Conditional Use Permits are required for certain uses that may have impacts on other surrounding uses. The CUP allows the Board of Adjustment to apply conditions to mitigate any such impacts. Such impacts are often associated with lighting and noise generation. In the case of hospital associated ambulance services (including air ambulance), the frequency of expected use is an issue to be examined in determining conditions.

PROPOSED USE:

The proposed helipad will be for air transport of patients from Banner Hospital to other hospitals and trauma centers. No aircraft will be based at Banner and the air transport will not be used to bring patients to Banner hospital. The anticipated frequency of flights out is approximately once per month. This could certainly vary as needs arise.

Mitigation required by the Board is most often applied in the form of limited hours of operation or enhanced landscaping. In this case limiting the hours of operation is not viable and given the proposed location of the helipad, enhanced landscaping may not produce

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any additional mitigation.

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 general criteria, as detailed in LDC Section 9.3.5/Conditional Use Review Criteria.

Section 9.3.5.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.”

The proposed location of the helipad is screened by the proposed hospital building from Willow Creek Road and from the nearby Pinon Oaks subdivision. Given the size and location of the hospital building, no impacts to the health, welfare or safety of the surrounding properties is anticipated.

Section 9.3.5.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 respect to landscaping, scale, lot coverage, and the like.”

The remote location of the helipad and the low anticipated frequency of use makes this use compatible with nearby uses.

Section 9.3.5.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 response to these impacts.”

The placement of the use away from the nearby neighborhood and the infrequent use of the helipad significantly reduces external impacts.

Section 9.3.5.D. Infrastructure Impacts Minimized

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“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.”

The property is part of a platted commercial subdivision and the infrastructure has been developed. This use will not impact infrastructure.

Section 9.3.5.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.”

The proposed Conditional Use Permit is in conformance with the purposes of the LDC and General Plan, and all relevant policies and plans.

Section 9.3.5.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 affected zoning district.”

This proposed use will not have impacts requiring additional land area.

Section 9.3.5.G. Site Plan

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

The proposed use is required to meet all applicable code requirements.

Section 9.3.6. Additional Conditions

“The Board of Adjustment may impose additional reasonable conditions to carry out the spirit and intent of this Code and to mitigate adverse effects of the proposed use.”

No additional conditions are being recommended for this application because of the significant screening of the use provided by the building.

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Section 9.3.7.C. Expiration/Revocation of Approval

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

Section 9.3.8. Appeal

“An appeal from any final decision regarding a Conditional Use Permit shall be in accordance with Sec. 9.18, Appeal of Council or Board of Adjustment Decisions.”

Appeals must be filed within 30 days of Board of Adjustment decision.

STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for an air ambulance helipad in association with the proposed new Banner Hospital at 3835 Willow Creek Road.

NEIGHBORHOOD COMMENTS:

Staff has not received any public comments regarding this Conditional Use Permit request.

Attachments:

- 1. Location Map
- 2. Site Plan

SUGGESTED MOTION:

Move to Approve/Deny CUP20-004, to approve an air ambulance helipad at 3835 Willow Creek Road for the proposed Banner Hospital.



WILLOW CREEK RD

Banner Hospital Site

