

Meeting Minutes

City of Prescott Board of Adjustment Public Hearing Thursday, February 16, 2006 – 9:00 AM

MEMBERS PRESENT:

E. Calvin Fuchs, Chairman
Mike Klein, Vice-Chairman
Duane Famas
Johnnie Forquer
Tom Kayn
Ken Mabarak
Bill Warren

OTHERS PRESENT:

George Worley, Assistant Community Development Director
Ryan Smith, Community Planner
Dick Mastin, Development Services Manager
John Moffitt, City Attorney
Kathy Dudek, Recording Secretary
Bob Luzius, Councilman

I. CALL TO ORDER

E. Calvin Fuchs, Chairman, called the hearing to order at 9:00 AM.

II. ATTENDANCE

The proceedings of this hearing were recorded and a tape is available in the Planning and Zoning Division for playback. A list of members of the public in attendance is also on file in the Community Development Department.

Chairman Fuchs advised that with seven members present, four affirmative votes would be required to approve any request.

III. REGULAR AGENDA

1. **Approve the minutes** of the 01/19/06 hearing.

Mr. Klein, **MOTION: to approve the minutes** of the January 19, 2006 hearing. Mr. Warren, 2nd.
Vote: 7-0.

2. **V06-001, 215 W. Leroux Street.** APN: 109-14-022 and totaling ± 0.378 acre. Zoning is Business Regional (BR). Request a variance for a parking reduction waiver (*LDC* Section 6.2); request a zero setback allowance on the south side for a 12-unit studio apartment (*LDC* Section 4.8); and request an increase in density (*LDC* Section 4.8). Owner is Project Aware, Inc. Applicant is Alfred E. Falk. Community Planner is Ryan Smith. (*May be voted on March 16, 2006*).

Mr. Smith reviewed the staff report and indicated that this item, due to a noticing error, will be discussed today but cannot be voted on until the hearing on March 16, 2006 at 9:00 AM. The subject property has been owned by Project Aware and in existence since 1992. The applicant is proposing 20-apartment units for transitional housing.

Mr. Smith referenced the following:

- The apartment center will replace the existing home;
- The homeowners' association of the adjacent property are opposed to the project;
- Under code, 37 parking spaces would be required and a request is for a reduction to 11 spaces; however, the residents of this project are not likely to have vehicles; and
- The reduced setback is to eliminate "dead space" where loitering would occur between the property and the adjacent storage space.

Board members queried and remarked about:

- Number of on-site employees;
- The Fire Department's preference for the 10-foot setback;
- The parking situation and placing a possible restriction where occupants cannot have vehicles;
- The reduction from 37 parking spaces needed in the *LDC* to only 11 spaces;

Chairman Fuchs indicated that there was nothing special about the subject property that would permit the Board to grant the variance requested. Why has staff recommended approval?

Mr. Smith replied that the City has had a long-standing relationship with Project Aware and Council has indicated a need for this type of use, i.e., a men's shelter/transitional housing; therefore, staff felt it could make a positive recommendation because of the need for this type of use.

Mr. Alfred Falk, 1991 Atlantic Avenue, Administrator of Project Aware, referenced and responded to the following:

- The units are for low income individuals and rent-relief apartments would be in the \$300 to \$400 per month range;
- The proposal is supported by City Council, and approximately \$385,000 of CDBG funds have been made available for this project;
- The State is awaiting funding this project as soon as it is approved;
- The facility will have a limited stay of occupancy;
- This project is an opportunity to provide a way of improving the lives of the homeless with assisting them to becoming self supporting;
- The anticipated time of occupancy for each man is estimated to be three to six months in duration, and occupants will be checked for alcohol, drugs, etc.;
- Eliminating the "dead space" with the reduction in the setback will eliminate loitering and crime to the adjacent storage lockers; and,
- The apartments will be sprinkled to satisfy the Fire Department requirements.

Ms. Rhonda Chambers, 8086 E. Donna, Prescott Valley, manager of the homeless shelter for men indicated that residents bring very few vehicles when they come to the shelter, i.e., perhaps only one or two a month.

Board members further queried and commented on:

- The possibility of installing surveillance cameras;
- Mitigating the on-street impact of the parking;
- A concern with the intensity of the project, i.e., shoehorning in too much building; and
- Firewall requirements and the need for a supplemental report;

Mr. Steve Gaber, CDBG Grants Administrator, gave a quick history of Project aware. He indicated money is set aside awaiting approval of this project.

Mr. Bruce Hella, 333 W. Leroux Street, president of the adjacent condominium homeowner's association indicated he is in support of the concept of this type of project; however, shoehorning the project to the number of units proposed generates parking problems for the homeowners.

When the owners purchased their properties, they expected to follow the zoning requirements. Changing the zoning requirements for this project should not be done.

Mr. Adam Thomas, 2190 Singletree Street [no signature on file], owner of the property at 208 W. Leroux, indicated there have been parking problems in the past. He believes that a zero setback is crowded and tasteless. His property was broken into when it was vacant for a week, and he feels this project will decrease the value of the properties in the neighborhood.

Mr. Tom Cox, 333 West Leroux Street, indicated as a veteran he has no objection to help out the homeless; however, this project increases the density unreasonably. He is in favor of having the night staff at Project Aware monitor surveillance cameras.

Mr. Harry Miller, [no signature on file], Board Member of Habitat for Humanity, indicated that he is in favor of the project. Project Aware runs a very strict program.

Mr. Jarrett Shirley, 333 W. Leroux Street, questioned if the variance runs with the land, and would like to see a condition given that the variance not run with the land.

City Attorney, John Moffitt, indicated a variance runs with the land and is for a specific use. A new owner could continue with the variance if the use would remain the same. With a new use, the variance would expire.

Mr. Gaber indicated that to change an owner would require both federal and state approval. People with low- to moderate-incomes cannot be displaced without finding the occupants comparable housing.

Mr. Shirley indicated that there would be a demand, by college students, to rent the units should they become apartment rentals. This would generate many more cars.

Ms. Kathern Mitchell, Executive Director, Project Aware, 325 W. Gurley, indicated studies show low-to-moderate houses that have been built actually increase property values, not decrease them.

Chairman Fuchs indicated V06-001, 215 W. Leroux Street, will be continued to March 16, 2006 at 9:00 AM.

IV. REVIEW ITEMS

3. **708 Ashwood Lane, CUP04-008.** Section 4.20.A.3, APN: 106-49-038, RA-35 to allow a detached guesthouse with porch and garage in an accessory building within the front yard.
BOA Granted August 19, 2004 with 2 conditions: (1) The development of the property shall be in substantial conformance with the site plan dated August 19, 2004; and, (2) The guesthouse is non-rentable.

708 Ashwood Lane, V04-005, Section 7.04.A.1, APN: 106-49-038, RA-35 to allow a detached guesthouse.
BOA Granted August 19, 2004 with 1 condition: (1) The development of the property shall be in substantial conformance with the site plan dated August 19, 2004.
4. **822 W. Gurley Street, V04-003,** Section 7.10.C, APN: 113-11-066B to allow a reduction of a 2-way drive from 20' to 12' to access parking area in rear portion of the property.
BOA Granted August 19, 2004 with 1 condition: (1) The development of the property shall be in substantial conformance with the site plan dated August 18, 2004.

5. **240 S. Mt. Vernon Avenue, CUP04-009**, Section 4.20.B.3, APN: 110-01-035, RA-35 to allow a detached guesthouse.

BOA Granted August 19, 2004 with 3 conditions: (1) The development of the property shall be in substantial conformance with the site plan dated July 7, 2004; (2) The guesthouse is non-rentable in accordance with the zoning code; and, (3) The project must be completed in 18 months (February 19, 2006).

Mr. Baker stated that the final inspection occurred on February 15, 2006. It will be finalized today, and there is no need for further review.

V. SUMMARY OF CURRENT OR RECENT EVENTS

After 185 meetings, this will be City Attorney Moffitt's last Board of Adjustment meeting. Next month, Gary Kidd, newly-appointed City Attorney will take over.

VI. ADJOURNMENT

Chairman Fuchs adjourned the meeting at 10:25 AM.

E. Calvin Fuchs, Chairman