

## **Meeting Minutes**

### **City of Prescott Board of Adjustment Public Hearing Thursday, April 20, 2006 – 9:00 AM**

#### **MEMBERS PRESENT:**

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

#### **MEMBERS ABSENT:**

Bill Warren

#### **OTHERS PRESENT:**

Tom Guice, Community Development Director  
George Worley, Assistant Community Development Director  
Gary Kidd, City Attorney  
Dick Mastin, Development Services Manager  
Ryan Smith, Community Planner  
Mark Baker, Community Planner  
Kathy Dudek, Recording Secretary  
Bob Bell, Council Liaison  
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 six members present, four affirmative votes would be required to approve any request.

### **III. REGULAR AGENDA**

1. **Approve the minutes** of the 03/16/06 hearing.

Mr. Kayn, **MOTION: to approve the minutes** of the March 16, 2006 hearing. Mr. Mabarak, 2<sup>nd</sup>.  
**Vote: 5-0-1.** (Abstention: Famas).

2. **CUP06-002, 325 Eastwood Drive.** APN: 110-03-067F and totaling ± 4.311 acres. Zoning is SF-9. Request a conditional use permit for a place of worship/church. Owner/Applicant is St. Paul's Anglican Church. Community Planner is Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report indicating the parcel is located at Penn Avenue where it turns into Eastwood Drive. The Single-Family 9 (SF-9) zoning allows a church as long as a conditional use permit is obtained. The project meets Code, with elevations showing a 22-

foot building height. Staff has received three letters of support; however, the last letter of support received yesterday, has a concern with future expansions and other uses.

Chairman Fuchs requested a copy of the letter received on April 19, 2006, from Violetta Chemas to be placed in the record. [The letter was then copied, distributed, and a copy of the letter is attached to the staff report].

Board members queried and discussed:

- operating hours of the church;
- the driveway's being located on a curve and incline; and,
- clarifying the conditional use condition terms for any future expansion, i.e., schools, etc.

Mr. Mastin indicated the applicant is willing to work on the placement of the driveway so as to accomplish the request by Public Works.

Ms. Esther Rodriguez, 480 Hillcrest Drive, had concerns with:

- future expansions;
- the trend to incorporate schools and other facilities; and,
- traffic flow and safety issues, especially with school-age children.

Ms. Nancy Oliker, 431 Hillcrest Drive, representative of Manzanita Village, expressed concerns with:

- preserving the natural area; and,
- keeping the gully and pathways open for children to use to get to school.

Mr. Bud Beshers, 700 S. Montezuma Street, owner of adjacent apartment building, had concerns with:

- property values;
- uses of the church, i.e., weddings, funerals, Bible study, etc.);
- access and his paying for an alley improvement along Carleton; and,
- having the City make the church share in the improvement and/or reimbursement to him.

Mr. Ron Bathgate, 431 Hillcrest Drive, stated his concerns regarding:

- what the height of the steeple will be (35-feet maximum as allowed in Code); and,
- security lighting aimed downward so as to not have lighting pollution at night.

Rev. Peter Robinson, Rector, St. Paul's Anglican Church, answered many of the questions raised by the Board and the public:

- the church's hours, including office hours;
- nothing will be added to the building, no school will ever be added;
- the parking and the entrance to the parking lot; and,
- children, on their way to school, will be able to use the pathways established, etc.

City Attorney Kidd stated that an amended conditional use permit would be required for any change in use, additional buildings, etc., and that request would have to come before the Board of Adjustment.

Board and staff members further queried and remarked about:

- the church's possibly taking access, in the future, from Carleton Street;

- the improvements by the adjacent parking owner are specified as an alley only—not a fully-paved street with curb and sidewalk;
- the church is paying for improvements along the Eastwood Drive frontage; and
- the south-east traffic analysis that is to be conducted by CYMPO later this summer.

Mr. Kayn, **MOTION: to approve Conditional Use Permit, CUP06-002**, subject to the following condition: that additional uses or expansions, not expressed in this application, shall require the applicant to return to the public hearing process and obtain approval by the Board of Adjustment amending the conditional use permit. Mr. Famas, 2<sup>nd</sup>. **Vote: 6-0.**

3. **CUP04-010. 1035 Whipple Street (822) Sunset Drive).** APN: 115-09-018. (Sec.4.31.B(7)). Request a conditional use permit for a 30' x 30' modular classroom. Zoning is RBM. Owner is Granite Peak Unitarian Church.

**BOA Approved: 10-21-04** with 2 conditions: 1) The development of the property shall be in substantial conformance with the site plan dated 10-21-04; and, 2) Prior to issuance of a Building Permit for the classroom, a Parking Agreement between the property owner, the Church, and the City of Prescott needs to be completed and signed. This agreement will stipulate, in part, that the Church will provide the required parking associated with the proposed classroom use, and any future use of this building.

**Applicant is requesting a 6-month extension** to complete the project.

Mr. Baker reviewed the request for a six-month extension of CUP04-010, which will end on October 21, 2006.

Mr. Mike Thowson, President, Granite Peak Unitarian Universalist Congregation, stated the reasons for the request:

- at the time of the original request, the church had already purchased a modular unit; however, the requirement for a sprinkling system needs to be accomplished per the Fire Department;
- the church did not have the immediate, available funds to accomplish this task;
- the ensuing wet weather and water table prevented construction, causing a severe delay;
- subcontractors are not readily available; and,
- a six-month extension is what is realistically needed.

Mr. Mabarak, **MOTION: to approve an extension of CUP04-010**, for a six-month period. Extension will expire on October 21, 2006. Ms. Forquer, 2<sup>nd</sup>. **Vote: 6-0.**

#### IV. REVIEW ITEMS

4. **V04-008, 1202 Willow Creek Road (Bennett Chiropractic).** (Sec. 6.12E, 1c and 6.12E). APN: 115-05-015C. Request a variance to allow (1) an increase to the total identification signage for a business; and (2) a freestanding identification sign in excess of 5' high in RC district. Owner is Bennett Chiropractic, Inc.

**BOA Approved 10-21-04** with 2 conditions: 1) that the proposed signage is built in substantial conformance to the sign plan dated 10-05-04; and, 2) that the sign pedestal is

a minimum of 50 feet from the centerline of Willow Creek Road.  
**Finald 04-03-05.**

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

## **VI. ADJOURNMENT**

Chairman Fuchs adjourned the meeting at 10:47 AM.

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E. Calvin Fuchs, Chairman