

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
MAY 15, 2008  
PRESCOTT, ARIZONA**

MINUTES OF THE **PUBLIC HEARING** OF THE **BOARD OF ADJUSTMENT** held on **MAY 15, 2008** in the **COUNCIL CHAMBERS IN CITY HALL** located at **201 S. CORTEZ ST.**, Prescott, Arizona.

**I. CALL TO ORDER**

Chairman Klein called the public hearing to order at 9:00 AM.

**II. ATTENDANCE**

<b>MEMBERS PRESENT</b> Michael Klein, Chairman E. Calvin Fuchs Johnnie Forquer Tom Kayn Ken Mabarak Bill Warren	<b>OTHERS PRESENT</b> George Worley, Assistant Community Development Director Gary Kidd, City Attorney Steve Gaber, Community Planner Kelly Sammeli, Recording Secretary
<b>MEMBERS ABSENT</b> Duane Famas, Vice Chairman	<b>COUNCIL MEMBERS PRESENT</b> Bob Luzius

**III. REGULAR AGENDA**

**1. Approve the minutes** of the April 17, 2008 public hearing.

Mr. Mabarak, **MOTION: to approve the minutes** of the meeting of April 17, 2008.  
Mr. Fuchs, noted a minor correction of date in the first paragraph.  
Mr. Klein, minutes as corrected, 2<sup>nd</sup>. **Vote: 5-0-1** (abstention due to absence: Mr. Kayn).

**2. CUP08-002, 635 N. Walnut Street.** APN: 113-07-006 and totaling ± 1.33 acres. Zoning is Business General (BG). LDC Section 2.5.6 and Table 2.3. Request conditional use permit for a tattoo parlor. Owner is Ina Mae Womack. Applicant is Prescott Tattoo, LLC. Community Planner is Mike Bacon (928) 777-1360.

Mr. Bacon reviewed the staff report and indicated:

- the request is for a Tattoo Parlor;
- the business will be located in an older building with zero front setbacks;
- there is existing parking in the right of way, and additional parking located in the rear of the property;
- the business is located in a 1,925 square foot building and the applicant will utilize one-half of the building;
- there is enough parking on site to accommodate this request; and,
- staff recommends approval of this request.

Commissioners queried and discussed:

- if the eleven parking spaces includes those in the rear;
- if the back of the building were expanded for use, would the parking be adequate [Mr. Bacon: No, we are looking at an older area here perhaps, fifty years. The building may predate Code.]

Mr. Worley stated that he has some knowledge of use prior to last one being a retail use; and, only half of the building was used. The back half was also used for storage. Code would not allow the back half to be rented out for a use because the parking is not sufficient for the site.

Commissioners further queried:

- if expanded uses would be dealt with on an individual basis;
- did staff receive any comments from neighbors with respect to this request [Mr. Bacon: No];
- does a tattoo parlor fall under medical, barbershop/ personal services for parking requirements [Mr. Bacon: parking 1:150 medical, 1:100 babershop];
- is this the applicant's only business?

Ms. Chery McKenzie, 8601 N. Calle De Almonte, Skull Valley, stated that they have been in operation for six years as Prescott Tattoo Shop, and, they are moving the operation from the current location on Iron Springs Road.

Mr. Kayn, **MOTION: move to approve CUP08-002** for a Tattoo Parlor in an existing 1,925 square foot building located at 635 N.Walnut Street, in substantial conformance to the site plan that was submitted in the staff report dated May 15, 2008. Mr. Fuchs, 2<sup>nd</sup>. **Vote: 6-0**

#### IV. REVIEW ITEMS

1. **Extension request of CUP06-008**, 1025 White Cloud Lane. APN: 116-05-035. Zoning is Single-Family 18 (SF-18). Original request granted a conditional use permit for a detached guesthouse that expires in May, 2008. Request is for a six-month extension to finish the guesthouse. Owner/ Applicant is Gary P. Sumner Revocable Trust. Assistant Community Development Director, George Worley.

Mr. Worley reviewed the request and indicated:

- the applicant is requesting an extension of the CUP to allow completion of the guesthouse;
- staff has reviewed the request and supports the request for the six month extension; and,
- the applicant is present.

Commissioners queried and asked questions of staff:

- if anyone from the City has looked at progress of project [Mr. Worley: Yes, there have been inspections of the site. The building permit also needs an extension but is awaiting the outcome of this request];
- has project begun [Mr. Worley: Yes, the original foundation has been done however, there is still interior work that needs to be done.]

Mr. Robert Morgan, 1025 Whitecloud Lane, stated that this project consisted of two components. One is an addition on the owner's house and the other was the detached guest house. The owners house has almost been completed; however,

some of the cabinets that are in the main house will be relocated into the guest house and this is why they need the extension of time to complete the move and get the final inspection on both buildings.

Commissioners further queried:

- If the project could be completed in the six-months [Mr. Morgan: Yes.]

Mr. Mabarak, **MOTION: move to approve** extension request for CUP06-008 for a period of six months to expire on November 15, 2008. Mr. Warren, 2<sup>nd</sup>. **Vote: 6-0.**

- 2. Extension request of TUP08-003**, 1301 Prescott Lakes Parkway, APN: 105-04-002M. Original Temporary Use Permit for a Land Sales Office was granted in 1998 to expire in 2000. Item was brought before BOA in May of 2000 for an extension request and was granted additional three years expiring in May of 2005. Brought before BOA again in May of 2005 and again was granted three years to expire in May of 2008. This request is for a five year extension for continual use of Land Sales Office to May, 2013. Owner is Prescott Lakes Developer, LLC. Applicant is M3 Companies, LLC. Assistant Community Development Director, George Worley.

Mr. Worley reviewed the request and indicated:

- some years ago Prescott Lakes sales office was granted a TUP to operate a sales office;
- due to the length of time associated with it, it has had two previous extensions;
- the applicant is before the Commission today because sales have slowed on the remaining lots or parcels in Prescott Lakes, and this on- site sales office has been utilized to help sell those parcels, and;
- staff supports the five year extension request.

Commissioners then queried:

- a need for clarification of the address, is it 1880 N. Highway 89 [Mr. Worley: the parcel has two addresses the other being 1301 Prescott Lakes Parkway];
- does the parcel go to corner [Mr. Worley: it does include the Waterfall];
- the original TUP was granted in 1998 and, previously extended twice. Was this for the use of the building that doesn't meet code, to sit upon property [Mr. Worley: It can be used for that purpose however, it can also be used for a temporary use such as; a contractor's office or sales office until the subdivision is completed or the build out of the land occurs. This request was viewed in that circumstance and, because of that original request, the terminology has just remained];
- is it appropriate after ten years to continue in this direction [Mr. Worley: We know that sales office will go away after the land sales cease];
- does the building meet all the building codes; [Mr. Worley: Yes, it was installed and inspected to meet the building codes at the time.]

Jeff Davis, M3 Companies, Master Developer for Prescott Lakes Communities, stated that:

- at this time the building is not being utilized;
- they just recently vacated the building and they are getting ready to let another company move in;
- a real estate company is moving in and could make this location work and put life back in the building;

- the building was built to code;
- Prescott Lakes would like to remove the building in the future;
- there is a possibility of utilizing the site for a restaurant or commercial use, something that the City can benefit from as well; and,
- M3 is compelled to ask for extension to help builders out here in Prescott Lakes.

Commissioners further queried:

- is the new use a resale real estate office;
- if the occupant changes would that be a liability of the temporary use permit [Mr. Worley: No, it will still be issued to the parent company, Prescott Lakes];
- will this space be rented [Mr. Davis: Yes, we will execute a lease specifically for real estate sales];
- what is the current zoning [Mr. Worley: BG-PAD, business-general with a planned use designation];
- why utilize the TUP [Mr. Worley: because of the extent of time. If it was one year or less it would be handled administratively];
- is a subdivision sales office permitted in a subdivision [Mr. Worley: it is permitted. There is a possibility of a development agreement that may limit this as a temporary use]; and,
- has there been any complaints reported from the neighborhood; [Mr. Worley: No.]

Mr. Fuchs, **MOTION: move to approve** the extension request of TUP08-003 for a period of five years to expire on May 15, 2013, to continue use of the location as a sales and marketing office located at 1301 Prescott Lakes Parkway. Mr. Mabarak, 2<sup>nd</sup>. **Vote: 6-0**

## V. SUMMARY OF CURRENT OR RECENT EVENTS

None.

## VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:45 AM.

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Michael Klein, Chairman

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Kelly Sammeli, Recording Secretary