



## BOARD OF ADJUSTMENT AGENDA

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**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, DECEMBER 16, 2010  
9:00 AM**

**COUNCIL CHAMBERS  
201 S. CORTEZ STREET  
PRESCOTT, ARIZONA  
(928) 777-1207**

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The following agenda will be considered by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to be held at **9:00 AM** on **DECEMBER 16, 2010**, 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**

Cal Fuchs, Chairman  
Duane Famas, Vice Chairman  
Johnnie Forquer  
Tom Kayn

Mike Klein  
Dick Rosa  
George Wiant

**III. REGULAR AGENDA**

1. **Approve the minutes** of the November 18, 2010 public hearing.
  
2. **CUP10-004, 307, 309 N. Willow Street & 645 W. Sheldon Street (Prescott College)**. APNs: 113-10-013, -014, and -015 and totaling ± 0.80 acre. Zoning is Multi-Family (High Density) [MF-H]. LDC Sections 2.3 and 9.3. Request conditional use permit for three new dormitory buildings totaling 14 units. Owner is Prescott College, Inc. Applicant/agent is Weddle Gilmore Architects/Philip Weddle. Planning Manager, George Worley (928) 777-1287.

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.

3. **CUP10-006, 621 E. Gurley Street.** APN: 110-01-082 and totaling ± 0.19 acre. Zoning is Business General (BG). LDC Sections 2.3 and 9.3. Request conditional use permit for a tattoo studio. Owner is Jose Raul Alvarez. Applicant/agent is Christopher Gear/Porthole to Soul Tattoo. Community Planner, Mike Bacon (928) 777-1360.

**IV. REVIEW ITEMS**

None.

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

**VI. ADJOURNMENT**

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**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 December 10, 2010 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek, Administrative Assistant  
Community Development Department

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
NOVEMBER 18, 2010  
PRESCOTT, ARIZONA**

**MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT** held on **NOVEMBER 18, 2010** in COUNCIL CHAMBERS, CITY HALL located at 201 S. Cortez Street, Prescott, Arizona.

**I. CALL TO ORDER**

After reciting the Pledge of Allegiance and a moment of silence for our troops, Chairman Fuchs called the public hearing to order at 9:00 AM.

**II. ATTENDANCE**

**MEMBERS PRESENT**

Cal Fuchs, Chairman  
Duane Famas, Vice Chairman  
Johnnie Forquer  
Tom Kayn  
Mike Klein  
Dick Rosa  
George Wiant

**COUNCIL PRESENT**

Steve Blair, Council Liaison  
Tammy Linn, Councilwoman  
MaryAnn Suttles, Councilwoman  
Jim Lamerson, Councilman

**OTHERS PRESENT**

Tom Guice, Community Development Director  
George Worley, Planning Manager  
Matt Podracky, Senior Assistant City Attorney  
Richard Mastin, Development Services Manager  
Ryan Smith, Community Planner  
Ian Mattingly, Traffic Engineer  
Greg Toth, Civil Drainage Engineer  
Kathy Dudek, Administrative Assistant and  
Recording/Transcribing Secretary  
Ruth Hennings, Community Development Intern

**III. REGULAR AGENDA**

1. **Approve the minutes** of the October 21, 2010 public hearing.

Mr. Wiant, **MOTION: to approve the minutes** of the October 21, 2010 public hearing. Mr. Rosa, 2<sup>nd</sup>. **Vote: 6-0-1** (abstention due to absence: Kayn).

2. **CUP10-004, 307, 309 N. Willow St. & 645 Sheldon St., (Prescott College).** APNs: 113-10-013, -014, and -015 and totaling ± 0.80 acre. Zoning is Multi-Family (High Density) [MF-H]. Request conditional use permit for three dormitory buildings comprising a total of 14 dwelling units. Owner is Prescott College, Inc. Applicant/agent is Weddle/Gilmore Architects/Philip Weddle. Planning Manager, George Worley (928) 777-1287.

Mr. Worley reviewed the staff report and indicated:

- the conditional use request is to allow dormitories in an area zoned Multi-Family High Density (MF-H);
- the project is adjacent to property owned by Prescott College and is in close proximity to a residential neighborhood;
- the criteria for the conditional use process as listed in the *Land Development Code (LDC)* [Attached as Exhibit A] (*described and presented on the overhead projector and also made available for the public*);
- after a review of the criteria for both apartments and dormitories in the *LDC*, staff has determined that the proposed development is a dormitory;
- the boundaries of the project, the zoning districts and the access points were outlined;
- Article 11 of the *LDC* specifies that if something falls into a more-specific category, that is the definition that must be used, hence the dormitory category is the prevailing definition;
- the conditional use process allows for public input and participation in the review of the project; and,
- the architect is here and will make a presentation.

Mr. Kayn asked whether the dormitory designation is more demanding with regard to parking than the other classifications. Mr. Worley explained that the dormitory designation and apartment designation are very close in the way the parking is calculated. A dorm requires ½ parking space per bed for a total of 52 parking spaces; an apartment complex requires one parking spot per bedroom within each unit, or five parking spaces per unit.

Mr. Phil Weddle, architect, Weddle/Gilmore Architects, 6916 E. 5<sup>th</sup> Avenue, Scottsdale, made a PowerPoint™ presentation and noted:

- other persons present associated with the proposal include Paul Basha, Traffic Engineer from EPS Group, Gary Kelley from Kelley/Wise Engineering and Tom Haley from Haley Construction;
- meetings were held with the neighborhood in both June and October and the three main concerns surfaced to include: traffic and parking, massing and character, and student behavior and noise;
- the college would like to provide housing for incoming freshmen that will provide the support and supervision for the incoming student to be successful;
- the project is in MF-H zoning, and when the college acquired the property, the intent was to build student housing;
- the design includes 13 multi-story apartments for students and one staff unit along North Willow Street that will be a two-story building;
- the project is being designed to follow the US Green Building Council's LEED Program at the Gold Level for environmental sustainability;
- a Traffic Impact Analysis (TIA) has been completed for the site that also analyzes the surrounding surface streets, and the impact is a net reduction in traffic volume on the surrounding streets—when students live on site, they use bicycles and pedestrian walkways as their primary modes of transportation;
- the traffic engineer, Mr. Basha, also conducted a parking analysis that looks at the campus as a whole, or a master parking study for the campus, and that study meets the City's *LDC* guidelines as well as the requirements of the Institute of Traffic Engineers;
- it has been determined, through the study, that 309 spaces are required for the

campus as a whole, with 52 of those spaces connected to the housing proposed today;

- the college has approximately 280 to 290 spaces now;
- a good portion of the parking is not improved to City standards, and as a part of the commitment to the project and parking improvements, we would bring all of that parking, as well as expanding parking, up to City Code [*sic LDC*] standards ;
- at the end, 326 spaces would result, with all spaces being brought up to City Code [*sic LDC*] standards;
- achieving 100% parking on site, with parking under 40' high buildings, would have a greater impact than having distributed parking;
- the distributed parking plan would be done in conjunction with a managed parking plan, *i.e.*, at the beginning of each semester students registered in student housing would be issued parking decals;
- 22 spaces are located on the alley and would include a loading area;
- parking off Garden Street would be dedicated parking for the students;
- currently, only 20% of students have cars, and that is an historical norm for the college;
- if 40% to 50% of the students have vehicles, we can accommodate all of them with dedicated parking;
- the distance of parking from housing includes both 300' and 600' radii;
- in a campus setting, having to walk 300' to 600' is really the norm, not the exception;
- Yavapai College parking for the academic buildings include parking at approximately 600';
- the pedestrian circulation [in the presentation] denotes the access areas;
- over 100 bike loop parking spaces are provided, enough for every student;
- the landscaping will break the massing of the buildings, and along with a back and forth shift of the buildings, native trees and orchard-type plants will be used;
- the allowable lot coverage is 50% with a maximum of 35% is proposed to allow additional landscaping buffers;
- building height allowable is 40' with heights of 32' at the student units and 24' at the staff unit being proposed;
- the computer-model renderings were reviewed;
- the student behavior and noise control would be controlled because the college would have a better opportunity to manage student behavior;
- the campus security officer would be on campus 24/7 and would be placed immediately adjacent to student housing in the Residential Life Office which is the building immediately to the east of the student housing;
- the residential life director will be living on site, and six resident assistants will live in the units;
- the outdoor activity areas are clustered in the center of the courtyard;
- screen walls would be built along the western property line; and,
- site lighting will be entirely at low levels, *i.e.* LED lighting.

Queries and comments from Board members included:

- there is currently no delineation of the 290 parking spaces, parking is occurring randomly—how will the 326 spaces be calculated and what improvements will be made to parking [Mr. Weddle: the parking situation is not well delineated; sometimes 280 students and sometimes 290 spaces are available depending on how cars are parked. As a part of this improvement plan, the commitment is to bring all of that parking up to City Code (*LDC*). The 326 comes from a survey of

- the entire campus, and improvements would be a condition of occupancy];
- if 40% of the students had vehicles, how would changes to accommodate the increase occur [Mr. Weddle: in terms of total required parking, the 20% doesn't factor in; the required parking is 52 spaces or 50% of students who live in student housing, which is per City's Code (*LDC*). As part of the plan, every student would be registered every semester, and that number of spaces would be reserved];
  - what is the total population of the college, including students, faculty, etc. [Mr. Weddle: the resident student population is approximately 500 and changes by semester];
  - what is the total enrollment [Mr. Steven Corey, Executive Vice President of Prescott College, noted there are 500 students who take classes on campus in Prescott, approximately 180 full- and part-time employees, and another 600 students who live around the world and are not taking classes in Prescott on a full-time basis];
  - is the college's intent to expand the student base in the near future [Mr. Corey: we have seen a modest increase in enrollment growth over the last few years, and we anticipate that will continue in the next several years];
  - we are providing parking spaces for what is there now, but there is no room for expansion [Mr. Weddle: that is Mr. Basha's area. As the college potentially acquires more space to accommodate potentially more students, the parking requirements will be adjusted accordingly.] [Mr. Basha: the parking analysis is not based on the number of students, it is based on the building areas within the campus, so we do not consider the 20% or 50% car ownership at all. The analysis is based entirely on the building areas that are, and will be present, should these new dormitories be constructed. If the college were to add more buildings, more parking spaces would need to be added. The analysis is based on the college's projection of their use];
  - what would happen if someone parks in a space and does not have a decal [Mr. Corey: the intent would be to issue decals to students who live in campus housing with the designated areas immediately adjacent to the buildings, or approximately 20 sites, that would be permanently designated as "resident parking only, permit required". The next adjacent lot, which is within the 300' limit, which would be designed as "resident parking only, parking permit required" up to the number we would need to accommodate resident students so that excessive spaces would be reserved, keeping other visitors from parking there. This signage would be reviewed on an on-going basis and would be adjusted accordingly];
  - will the alley coming in from the north, which is unpaved and is to be paved, become a part of the parking lot, or does it remain a City street [Mr. Corey: it would be retained as public right of way. We are providing parking off the alley on private property, but the alley remains as public right of way, and we are not seeking public abandonment];
  - is the alley area included in the parking calculations [Mr. Corey: there is no parking within the right of way that is included in our calculations. All parking presented is provided outside the right of way];
  - based on the facility space today and the number of classes, programs, etc., how many additional students could be accommodated [Mr. Corey: the other factor is the way in which courses are offered at a given point in time of the day. Currently, the way offerings are structured, many more students couldn't be accommodated without extending the school day. More courses in the late

afternoon, for example, could be accommodated without adding additional physical space. Not much coursework is offered in the evenings or on the weekends, but this may be considered as the student population increases];

- in a review of the traffic report, *i.e.*, the late night, early morning hours, parking is needed for about 70 cars [Mr. Basha: that is correct], 22 spaces are adjacent to the proposed dormitories [Mr. Basha: correct]. In basing the calculations, you are approximately 30 spaces short on parking for the complex based on calculations of 50% usage by students [Mr. Basha: as Phil indicated, it is common for students to walk 400' from the parking space to the dormitory or to the classroom. There is a surplus of parking within the 400' to accommodate the 70 parking space demand];
- human nature would indicate that one would want to park on the surface streets, *i.e.*, Sheldon Street and Gardner Street, rather than going out the student parking lot [Mr. Basha: I respectfully disagree with you. Students obviously will live on campus, they will know where their dormitories are, and know where their parking spaces are, and there will be much greater security in the future with the proposed dormitories than there is currently. The college will be able to control where students park and provide a more desirable place to park than the other parking locations];
- how many spaces are within the 600' radius mentioned earlier [Mr. Weddle: in the 600' radius, well in excess of the required parking because the 600' radius encompasses the parking on the other side of the creek. We have over 225 parking spaces within 600'];
- has a study been done indicating the parking on the exterior of the campus on all four sides [Mr. Corey: we have been have been working with the City as part of our on-going efforts in developing a parking master plan. As part of the improvements to the central campus, parking has been removed from the area around the library to create a pedestrian core that is safer for a college campus. We have been working with the neighbors and presenting the plans at the public meetings as they develop];
- what control occurs over students who choose to park on the exterior [Mr. Corey: several situations occur: several streets are posted no parking, *i.e.*, Sheldon Street; Garden Street allows parking on both sides, and discussion with the City and neighbors has occurred to reduce parking to one side of Garden Street. The neighbors seem to be in agreement with that. We are not dependent on any off-street parking to support the plan being presented today. Typically, in a campus setting, the college can go to a campus area where decals are issued to neighbors.] [Mr. Weddle: it is a management option and has not been brought up or required by neighbors or the City];
- the status of the traffic impact analysis [Mr. Basha: Ian Mattingly, City Traffic Engineer, has reviewed the plan and has approved it].

*[Mr. Basha was excused from the public hearing]*

Further queries and comments included:

- the status of the large amount of parking within the Stanley Lumber Company property and whether is it temporary or perpetual [Mr. Corey: we have had a long-term relationship, approximately 20 years, with the property owners. We have 20-year lease agreement with the owner as a master lease including all of the parking associated with it];
- will the trailers and vehicles stored in one of the lots be relocated [Mr. Corey:

part of the commitment in converting the parking is moving those vehicles off site, actually in near proximity to the campus. We are in the final negotiations of a lease agreement with the other facility].

Chairman Fuchs asked Mr. Worley to return to the podium. Chairman Fuchs indicated that all the members conducted a site visit to the project last week; and, all had received documents and correspondence related to the project. One of the requirements of the Board of Adjustment is to consider how the project will affect the neighboring property. Chairman Fuchs asked whether the project is limited to the neighboring property, designated as the area that is northwest of the creek, or is it the entire college campus. Mr. Worley noted that the *LDC* doesn't specify either immediately adjacent to or adjoining the particular site. The Board has the ability to look further out if potential impacts are identified. The Board would be able to look beyond just those properties that "touch" this particular site.

Chairman Fuchs proffered that there is no question about having an obligation to look at what the dormitory buildings will have on the immediate, adjacent properties. [Mr. Worley: that, I believe, is absolutely correct].

Chairman Fuchs referenced the following:

- whether there are any buildings in the area are 30' in height [Mr. Worley: not that I am aware of, and not measured from the grade of that site];
- the neighbor's letter that height of the building will cut sunlight to the home, and whether that becomes a health issue to be considered by the Board in making a determination of whether or not to issue a conditional use permit [Mr. Worley: it is an issue the Board can take into consideration. The primary reason for the items listed is for the Board to determine what types of conditions to place on the property to mitigate those adverse impacts. Also, something to keep in mind, is that if the adjacent zoning districts allow for certain types of development, the probability of that type of development occurring must be taken into consideration. In this case, the district would allow buildings of this size to be there. If it were a private development, disassociated with the college, the impacts of that development would be similar to those proposed; and, you would be looking at a compatibility issue where conditions improve the compatibility. not removing adverse conditions entirely, but reducing them through the conditions that the Board applies].
- the property is zoned MF-H [Mr. Worley, that is correct and zoning allows up to 32 units per acre];
- is there a specific zoning area for dormitories [Mr. Worley: dormitories are allowed in business-related districts and by conditional use in multi-family districts];
- in the *LDC*, if a 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. Does that change how we should be looking at this particular project because there are, in fact, zones where the dormitory can be placed [Mr. Worley: from the Board's perspective, and the associated conditions, this is associated with and owned by Prescott College. Those other locations that the Board would consider would have to be under the same control and ownership of Prescott College. If there are nearby locations within the district that would permit the use by right, that would come into play. If there are no other properties nearby that are within the college's control that are zoned to allow it by right, then the

conditional use is something that this Board should consider;

- the LDC, to me, I apologize, doesn't say it is related, in any way, to the particular owner of the property [Mr. Worley: if you look at the way the code is worded as to being permitted in another district, there still has to be some association with the ownership and use of that particular property. If it were a stand-alone use that wasn't associated with the college and it required a conditional use, there are certain other circumstances to be taken into account, *i.e.*, could this property owner acquire property somewhere else and place the dormitory there. Because this all is associated with the college, and the dormitory is not a stand-alone use, it functions only because of the college, and close proximity is required for it to be a functional use. That needs to be a circumstance taken under consideration in the review. If a dormitory is placed four miles away in a business general district, it does not function as a dormitory associated with this college campus]; and,
- familiarity with college's land ownership and whether any of those properties are in a business general zone [Mr. Worley: I do know which of the immediate, adjacent properties are under the college's direct control. Those properties that adjoin Grove Avenue between Garden Street and Grove Avenue are all zoned business general].

Further items queried and referenced by Board members included:

- what triggers a signal light at Western Avenue and Grove Avenue [Mr. Mattingly: Western Avenue and Grove have been looked at in the past. Mr. Basha's analysis did not include a review of that study because traffic volumes have held steady, or not increased, since the last study. National guidelines would have to be met to put a signal there. The previous study did not come anywhere near the national requirements. It is on the radar of the City. It is unlikely that the dormitory traffic on a 24-hour basis would impact Western's traffic volumes. Until such point, it would not be advisable to install the signal against national guidelines as that would submit the City to some type of liability. Traffic signals cost approximately \$250,000 to \$300,000];
- do the dormitories have kitchen facilities [Mr. Worley: each dormitory unit has a kitchen facility in it, *i.e.*, 13 kitchen facilities within this complex];
- what is the rationale for the one-way traffic on North Willow Street [Mr. Mattingly: that was done before my time, in the late 1990s, out of a request by the neighborhood to cut down on the traffic that would come down Miller Valley Road. The half closure was done because of the concern by neighbors. Two speed humps were also added];
- the statement in one of the letters that the college is proposing to block off North Willow Street with a barricade [Mr. Mattingly: I have never heard of any proposal to do that. In talks with the architect and college, there are proposals to do some sidewalk improvements and follow up with posting of Garden Street parking on one side only. No other street closings have been discussed nor issued from the City];
- if there is anything of concern in the TIA [Mr. Mattingly: the impact of the dormitory if straight traffic volumes are looked at, does not require the college to conduct a traffic study. Public Works has the right to ask for that, especially when it is sensitive. The traffic volume impacts on Sheldon and Garden, intersection of Sheldon and Grove, Miller Valley and Garden, some other surrounding areas, as well as collisions were looked at. Based on the study, peak hour volume should drop. Overall, there will be a very small increase in traffic volume and remains at residential levels. There is no recommendation or

degradation of the level of service at the traffic signal or at Miller Valley. I reviewed the study and agree with it];

- because pedestrian traffic will increase, both in crossing Sheldon and the creek, will there be any improvements, i.e., sidewalks, required by the City [Mr. Mattingly: there are improvements related to the right of way and the street adjacent to alley; however, alleys are not required to have sidewalks. The parking plan proposed by the college shows some sidewalk connections from the units to the east and north up to Sheldon Street. Mr. Weddle or Mr. Corey could address that] [Mr. Corey: as part of the parking improvements, we are looking at pedestrian circulation improvements that would extend well beyond the boundary of the project. We are proposing pedestrian circulation improvements that would connect up to Sheldon and improve sidewalk on Garden Street all the way from Sheldon Street to the Miller Valley Road. Pedestrian connectivity all the way up Garden Street as well as pedestrian connection into the central part of the campus would be developed to ADA accessible standards in terms of slope and surface];
- does that improvement include a pedestrian walkway from the proposed dormitories to the library [Mr. Weddle: it does. That is what is shown on the diagram, the connection from the student housing over to the central campus and how we can get an accessible connection across there];
- has the college conducted a general plan for five- to ten-years [Mr. Worley: not that the City has seen. They have not submitted something like that to us; though, we would not require it as part of this submission to the City];
- where the college has "outright" business zoning on properties owned [Mr. Worley illustrated the business general district on the overhead];
- how are the business general uses taking place now [Mr. Corey: that section is primarily the academic classrooms, office space, meeting areas, and the Crossroads Center];
- to the north travelling up the alley, what is the cluster of buildings used for [Mr. Corey: the college owns the building on the corner, which is a multi-family unit that has just been acquired. The other two parcels are not owned by the college; and, above that is a college-owned multi-family unit in residential or student housing use];
- has the college approached the owners of the property in between [Mr. Corey: we have not had conversations in the last year];
- does the college own or lease any property on the east side of Miller Valley [Mr. Corey: the college leased the Marler Building for a long time. That lease was terminated a number of years back to keep students from crossing Miller Valley Road. The college acquired a lease for that building to be used for classroom space within the last year. All of the college property is on the west side];
- the educational, classroom use appears to be clustered in business general now [Mr. Corey: that is correct];
- what would happen if a classroom were to be proposed in the area for development [Mr. Worley: in the multi-family area that would be allowed and is not considered a part of use in that district. Residential and office uses can occur in a multi-family setting. A rezoning to a higher density, i.e., probably a commercial district, would be needed];
- the activities now taking place on the college's property in the business district are not easily moved over into the other area [Mr. Worley: not without a rezoning, i.e., the classroom space primarily. There is some limited use of office

- in MF-H, but it is not something we encourage];
- what triggers the use permit [Mr. Worley: the dormitory use];
- hypothetically, if another entity owned the property, they could build 22-units, provide the adequate parking, with no conditional use [Mr. Worley: yes, if it were a stand-alone type apartment complex];
- could an entity build the 22-units, and then lease the building to the students of the college [Mr. Worley: that's a potential. Multi-family zoning, 32 units per acre are allowed, three- to four-stories tall, and the conditional use permit process isn't triggered unless it is specifically designed for student housing];
- in essence, more control of the project is achieved due to the fact that it is a dormitory use under the conditional use permit process than is achieved under any other circumstance if it was a stand-alone apartment complex catering to students [Mr. Worley: you are correct. The one exception to that is we would require all of the required parking be placed on site, perhaps a 40-foot tall building with parking under the building]; and,
- is the shared parking plan up to the Community Development Director to approve [Mr. Worley: the concept of sharing parking, because of the campus setting, is something that can be approved by staff. With the conditional use process, that would not be done until the issue has been resolved. Shared parking is something that is subject to whether or not the conditional use permit gets approved. One of the City's requirements is to account for all of the on-site student parking on campus and designate it accordingly].

*(A five minute recess was taken from 10:25 a.m. to 10:30 a.m.)*

Ms. Forquer asked,

- because student behavior/misconduct with the neighbors appears not to have been controlled in the past, how it will be controlled in the future [Mr. Corey: Certainly, I would acknowledge that all students are not as good citizens as we would like; and, that is certainly part of the educational mission of the college, *i.e.*, to help build good citizenship as well as intellectual capacity. It is difficult to respond to general assertions about misbehavior. Certainly there are young people, both college students and otherwise, who are in and about the neighborhood and from time-to-time identified as misbehaving. In terms of [student] the residents within the neighborhood, by and large, have not been under the control of the college outside of their classroom experience. To speak more specifically to a complaint or concern we have heard, referencing police reports and having the police come out to various problematic situations, and in looking at our reports to the federal government, our records do not indicate that occurs. According to the Police Chief, that has not been occurring in Prescott College controlled housing. That may be occurring where students are renting from private landlords as the college does not have purview over that situation. In the project proposed, with staff and peer support and campus safety staff involvement, behavior is able to be controlled and is often much better in that situation]; and,
- if you aren't able to control it [student housing] what would you do [Mr. Corey: we have a student disciplinary procedure, a dean of students and a full judicial process that can deal with the problem up to expulsion from the institution. We have the latitude and ability to influence student behavior in the best possible way].

Queries continued from Board members:

- how will students pay for the housing [Mr. Corey: it would be on a per-semester basis, combined with tuition and fees];
- is the college subject to the privilege and use tax for the revenues received for renting its housing [Mr. Corey: my understanding is that it is not as part of the non-profit status of the institution. One of the things we have yet to make a final determination of as an institution, so it might be premature of me committing it so I am not doing that, is that we have been talking about ways in which we could reflect that and maybe make a voluntary contribution to the City that might be partially reflective of that 2% tax that would otherwise be, by law, required];
- the housing being presented to incoming students [Mr. Corey: that's correct. This will be for first year students, *i.e.*, those that need the most amount of supervision as a 19-year old needs more supervision than a 22-year old student on average];
- is the housing strictly limited that way [Mr. Corey: It will be limited for the first year of college and then the students will transition into private residences];
- if not enough first year students are obtained to occupy the housing, would the housing be opened to others [Mr. Corey: it would be opened to others. We would be able to accommodate about 80% of our first-time students. We are confident that it will be 100% occupied];
- what will the impact be on the rental housing market [Mr. Corey: we believe it is nominal];
- what is the authority of the on-campus security [Mr. Corey: it is private security. We use a private contract agency to provide the services. At some point, the college may become wholly operated by the college. The security staff are unarmed and are able to enforce college policy and be observers and report to the Prescott Police Department and civil authorities];
- the security, basically, then is to the college's policies of conduct [Mr. Corey: correct, and observation of violations of law, working with civil authorities in that regard];
- what is the size security group [Mr. Corey: part time in nature now, with about 80% coverage mostly during the periods of time when the college is not fully functioning during the business/school day. Then, they are there overnight, on the weekends and late afternoons. As we move to this implementation, we are in the process of phasing that in, and we will have 24/7 presence by the time the building opens];
- does the college have a student handbook [Mr. Corey: yes, indeed]; and,
- will alcohol be allowed in college-operated properties, *i.e.*, the student housing [Mr. Corey: the answer is no, the dean of students indicates we do not allow alcohol in college-operated properties].

Mr. Worley wanted to clarify whether the college could move its classroom spaces into the area that is now proposed for the dormitories. Colleges are permitted in multi-family districts as conditional uses. It is not permitted by right, but it could be permitted with a conditional use permit. It could also be accomplished by rezoning.

Chairman Fuchs opened the public hearing to comments from the public. The comments included the following:

Ms. Carol Cook, 134 Garden Street, feels the college is an enhancement to the community and is in support of the project; however, she has concerns with the

close proximity to the neighbors and hopes the situation can be negotiated for both sides. The changes would occur, but they would be less drastic than if large retail located in the area. The college is concerned with the creek area and has a commitment to the environment; and, it has allowed public access.

Mr. Gary Hassen, 317 N. Willow Street, owner of a property adjacent to the proposed dormitory, stated that the City of Prescott and the neighborhood in general has been very good to Prescott College; and, when the college asked for Garden Street to be closed it was done, help with buying the DES building was given, and closing the alley for safety concerns was done. Now it is time for the neighborhood to get concessions from Prescott College. The real impacts need to be looked at for the people in the neighborhood and Norris Road. Mr. Hassen cited the following concerns with the proposed project: the problems the new family of 104 "kids" will bring; 32,000 SF on a .75 acre lot; the noise will be amplified; traffic impacts and especially the congestion; insufficient parking spaces; the June (2010) meeting with very little information; no response to the letter of concerns presented to the college after the October 26 (2010) meeting; and, the scale and size of the project unless conditions are added. Mr. Hassen responded, when asked about the conditions and perhaps a two-story building, perhaps the development should be moved to the other side of the creek.

Mr. Rosa asked the college about the net increase in student population. [Mr. Corey: In terms of the net gains of the students as a whole, zero. In terms of the number of students located on that particular parcel, as of today, the three structures hold about 20-25 students, or approximately a net gain of 75 students].

Mr. Kayn indicated that there were approximately 60 items of concern in Mr. Hassen's follow-up letter. If all of these things were completed satisfactorily, one would be living in a virtual "utopia" of ideal residential living. Some of the items have been addressed along with their mitigation. Inappropriateness, sidewalks and paths, site being too small, construction mess, transparency, etc., are the normal part of any construction project. Mr. Kayn asked Mr. Hassen if he feels anything presented today has answered or addressed some of the concerns he brought out. [Mr. Hassen: yes, with good points by the Board members. The list was a brainstorming list that included key words to open discussion in those particular areas. One of the biggest problems is that Prescott College has not come to the table and helped work through the issues—they have been silent]. When asked by Mr. Kayn if there has been a reasonable give-and-take to the design, Mr. Hassen responded that he didn't feel that has occurred. Mr. Kayn pointed out that the renderings submitted as a black wall are not to scale. The actual true impact is not given. Mr. Hassen pointed out that 313 N. Willow Street will have increased heating bills and ice on sidewalks because of the shadows in the wintertime.

Mr. Kayn inquired whether most of the neighbors enjoy the same zoning. Mr. Hassen responded that they do. In conclusion, it was proffered by Mr. Kayn that the neighbors could do the same thing [build] on their properties.

Ms. Jean Phillips, 1001 Norris Road, feels Prescott College is a valuable asset to the City of Prescott; however, none of the neighbors who bought their properties many years ago anticipated the impact the college would have on the

neighborhood. Her concern, aside from the individual issues of student behavior, parking, etc., is that someone needs to make an overall, practical observation of putting this kind of facility in this particular location. The college would be best placed in a more suitable facility that would not have such a negative impact on the neighborhood. To impose this kind of monumental addition on the neighborhood is frightening. When asked by Chairman Fuchs if the height was limited to a two-story project would it be a problem, Ms. Phillips indicated she didn't have a problem as long as it is within City's requirements. The concern is with the utilization of that particular piece of property. The project is an insidious encroachment into the neighborhood that will ultimately eliminate the neighborhood.

Mr. Wiant inquired whether the request would be coming before the Board if it were for classrooms. Mr. Worley responded by saying a conditional use permit would be required in multi-family zoning. If it were a building not associated with the campus, it would not require a conditional use permit. A private corporation could build an apartment complex without a conditional use permit. The ownership and management by the college makes it a dormitory.

Mr. Kayn asked whether a private concern, not the college, leased the land from the college for basic commercial apartment and then leased it back to the college for living purposes, would we be here today. Mr. Worley noted that the City would have to evaluate the proposal and determine whether it was designed as student housing; and, if it was student housing, the dormitory category comes into play. The project would also have to provide on-site, not shared, parking.

Ms. June Sherod, 820 Norris Road, stated the residents approved the barrier on Willow. Ms. Sherod asked if the Sam'l Hill property was leased or owned by the college. When the answer was "yes," Ms. Sherod noted that there is student traffic crossing from the east across Grove Avenue. The property on Norris Road does not have the same zoning as the college. Ms. Sherod's home was built in 1964 without the knowledge of being impacted in the subsequent years by Prescott College. There are not enough parking places in existence now, and parking occurs on both sides of Garden, Sheldon and Willow. The roads are narrow, two-lanes wide, and have two-way traffic. Prescott College must abandon the practice of "gobbling up" properties; and, there is an abundance of land available for sale. Residents who pay their property taxes and shop in Prescott need to be heard. Please save our way of life.

Mr. Don Biele, 951 Norris Road, neither favors or opposes this project. He would agree that it is a "pain in the neck" to drive through Prescott College campus. He prefers the project rather than driving through a "slum." Prescott College has rehabilitated many downtrodden, abandoned and failed businesses. He cited the demise of two chiropractic offices, three real estate offices, the DES building, Marler's (now occupied by the college), Stanley Lumber, Tubman's, credit union, and, accounting office. Safety is not a concern, and Mr. Biele and others walk through the neighborhood frequently. The property is zoned properly, the college is going to grow; and what cleaner, greener industry could occupy the property. Accept it, embrace it, and regulate it. Make the college campus something we are proud of in this community.

Mr. Robert Carpenter, 240 Garden Street, is affected by the project as he owns properties on Garden Street and the corner of Western and Willow Streets. He acquired the properties because of Prescott College. He feels the multi-family high density drew him in. He feels the neighborhood has gotten significantly better since Prescott College came into the neighborhood. Very high end, LEED Gold buildings are an improvement. He respects the challenges presented by the other neighbors. When asked if he lives in one of the homes, Mr. Carpenter replied that he did not. He encourages support for the project.

When asked about the zoning history, Mr. Worley responded that the zoning has been in place for at least 15 years based on his research. The current LDC became effective in 2004. Prior to that, the Fleury Neighborhood Plan went into effect in 1998. Prescott's first zoning occurred in 1951.

At 11:40 a.m., Chairman Fuchs noted that he would hear the comments from the next person and close the public portion of the hearing.

Ms. Kathi Calahan, 315 N. Willow Street, noted that three-fourths of the houses directly impacted are on fixed incomes. Her home is one of the homes impacted. If the Board reduced the buildings to two stories, it would be wonderful. Ms. Calahan demonstrated what the size of the building will look like by pacing off the Council Chambers and height of the wall. She does not want North Willow to be blocked off because of emergency access. She indicates that she has called either the Police or Fire Department at least ten times about the yelling, shouting, street fights, drunken students bashing cars into each other, fires under trees, etc. She stated students across the street setting lounge chairs on the roof during the summer, drinking beer, all because of lack of air conditioning. A double fluorescent orange line is strung in the front yard of one house for the purpose of hanging out the wash. The residents were there first, the college has moved into the neighborhood and impacted it. This community [*sic* the college] pays no property tax. Who will pay for all the property tax that won't be collected because the college has acquired all the properties—not them.

*(A recess was taken from 11:50 to 11:58 a.m.)*

Chairman Fuchs stated that deliberations would begin for CUP10-004.

Mr. Kayn would like to see, based on what was heard today, any reason to deny this project. Mr. Kayn also appreciates when the college chancellor or president [*sic* executive vice president] did make mention about the opportunity to perhaps contribute something to the tax and privilege office of the City.

Mr. Kayn, MOTION: to approve CUP10-004. Mr. Wiant, 2<sup>nd</sup>.

Discussion ensued including:

Mr. Klein's needing to have conditions on the project. Parking spaces need to be addressed including: the number, the condition of the parking, paving and delineation, adequacy, etc. Without that, I will not vote in favor. The approval needs to be conditioned upon the college providing the 326 spaces that would be paved and lined within the campus facility.

The motion was amended and seconded to include those conditions.

Chairman Fuchs noted that ADA compliance needs to be included. Mr. Worley proffered that it is a code requirement.

Mr. Klein also asked that the plans need to be tied to the plats in regards to the setbacks and dated. Mr. Worley noted substantial conformance must occur.

Mr. Rosa doesn't particularly like the way the project has been forced into the neighborhood. Prescott College should have known that they wanted to expand when they picked the area. This particular scenario will only repeat itself in the future when more expansion is desired. Because of the guidelines, he noted he will have to vote for it, but doesn't like it.

Mr. Wiant encouraged the college to also include the staff and students when parking decals are given.

Mr. Podracky noted that the parking stickers can be made a condition of approval.

Mr. Worley proffered that staff has come up with suggestions for possible conditions. The conditions were shown on the overhead and include:

- a) the proposed occupancy of 104 students can be conditioned as maximum;
- b) an outdoor activity curfew such as 10 p.m.;
- c) the designated dormitory parking need to be marked and parking needs to be enforced as private property by the college;
- d) enhanced landscaping and additional plantings around the perimeter of the property;
- e) pedestrian pathways through the campus should be conditioned to be required before the occupancy of the building, 326 spaces should be marked and paving should done before occupancy.
- f) construction access to the site off Willow is hugely problematic and needs to be taken from Sheldon and the alley;
- g) weekend construction be limited;
- h) an off-site parking agreement to move campus vehicles for non-students out of the current parking lots, allowing spaces to be used by students for classroom spaces prior to occupancy;
- i) review, once the building is completed, to analyze the impacts with further conditions as necessary; and,
- j) any other mitigations the Board desires.

Mr. Wiant asked if the project is out of conformance with the criteria and the code, the conditional use could be withdrawn; and, additional conditions to mitigate those new impacts, if any, be made. The additional conditions have been done in the past. Open-endedness is not typical, but it is a good idea.

Mr. Kayn asked about the curfew and whether it would come back to staff or the Board. Mr. Worley responded that it would be a condition with a specified time limit. Certain types of things could be limited, i.e., no concerts, no organized activities after a certain hour, etc. The City has an Unnecessary Noise Ordinance

after certain hours. The determination is made by the responding Police Officer. If organized activities, student dinners, student concerts, or outside lecture activity could be made with a 10 p.m. common time. In view of a number of comments that were made about student conduct, is it reasonable for something like this to be worked out and language added that a proposal or policy from the college go to staff after the fact of approval.

Mr. Klein asked if the college currently has a curfew with any of the buildings. Mr. Corey noted that the dean of students indicates that the college matches the City code or at 10 p.m. The City would have the ability to enforce the violation of code and it would also be a violation of college policy.

Chairman Fuchs proffered that the Board has the opportunity to defer the decision until a full set of conditions are available for a vote. The hearing process would be reopened.

Mr. Worley noted that if the decision is deferred, the public would be sent a new public hearing notice so they would have the opportunity to return to the public hearing [on December 16].

Mr. Famas would like to see landscaping and parking in place before approval of this item occurs. If that could be done, he noted he is willing to defer this item until the next public hearing.

Mr. Worley asked what needed to be provided by staff to identify all the conditions. Mr. Famas responded that parking, landscaping, and the Stanley Lumber being willing to dedicate their parking lot forever. Mr. Famas would like to see a General Plan and parking plan for the college.

Mr. Kayn inquired about the other local college plans. Mr. Worley indicated that Yavapai College has a plan and that the City has seen parts of plans associated with the proposed business park from Embry-Riddle Aeronautical University.

The motion and second were withdrawn by Mr. Kayn and Mr. Wiant.

Mr. Wiant would like to see a hard-and-fast business plan. He stated he would like to move ahead with the request today.

Mr. Podracky stated that asking for a General Plan from Prescott College would be beyond the purview of the Board for this request.

Mr. Klein noted that the college must find 329 parking spaces, paved and lined, and it should be shown before certificate of occupancy.

Mr. Corey indicated that we would stipulate to the conditions expressed both verbally by the Board and the conditions on the screen. We share the concern about the General Plan request and would have a hard time with that one.

When asked by Mr. Wiant if the college would accept all the conditions, Mr. Corey responded by stating he would accept all the conditions as outlined on the screen.

Mr. Worley noted that the conditions, *i.e.*, outdoor activities and parking plan, is something that can be done by staff. Staff could not do that unless the conditional use permit was approved. If you want to know that the parking spaces work before the conditional use is granted, it becomes a catch-22 situation. If you grant the conditional use permit, and you condition number of students as well as condition the parking, staff is responsible for enforcing that just as it would in a shopping center or an apartment complex. Parking must meet the LDC requirements. Provisions allow for a parking study that permit for some other calculation than simply a square foot calculation for each unit or a student count for each unit. If you move forward with the conditions today, and you specify that staff can determine what an outdoor activity is, you have created a set of conditions staff can enforce and that can be brought back to the Board if it is believed the conditions are not being followed through the design or operation.

Chairman Fuchs stated that it is up to the Board to set the conditions under which the conditional use permit is granted. While the possible conditions have been outlined for us and have some specificity, they do not have the requisite specificity to be enforceable. Since it is the Board that has to make those choices, rather than staff, I would recommend that we postpone our vote on this particular application until we have developed a set of conditions, after due deliberation, which meet some of the complaints made by the residents. I would entertain a motion in that regard.

Mr. Rosa, **MOTION: to defer CUP10-004** (Prescott College) until the December 16, 2010 Board of Adjustment public hearing at 9:00 AM in Council Chambers, 201 S. Cortez Street, Prescott, AZ. Mr. Famas, 2<sup>nd</sup>.

Mr. Klein noted we are not approving the project and coming back to "rehash" everything done today. Mr. Klein feels that if the item is back on the agenda for the next meeting, we cannot restrict discussion to the conditions.

Chairman Fuchs noted that the entire item will be brought back and discussion will not be restricted because the public is entitled to look at the conditions and talk about them. Chairman Fuchs further noted that the conditions will not be discussed or suggestions supplied between now and the next public hearing.

Mr. Podracky stated that staff can compile a list of possible conditions between now and the next public hearing. No discussion will take place between this public hearing and the public hearing on December 16, 2010.

**Vote: 4-3** (concurring: Famas, Fuchs, Kayn, Rosa; dissenting: Forquer, Klein, Wiant).

3. **CUP10-005, 506 W. Gurley Street.** APN: 113-12-026 and totaling ± 0.3 acre. Zoning is Business General (BG). Request conditional use permit for the relocation of a tattoo/body piercing business. Owner is CTF Properties, Ltd. Partnership. Applicant/agent is Leap of Faith Tattoo/Brian Randal. Community Planner, Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and noted:

- the applicant requests a conditional use permit to relocate a previously existing business;
- zoning is Business General (BG);
- the zoning districts adjacent to, and surrounding the area, include the Christian grade school;
- no detrimental impacts to the environment will occur;
- external impacts will be minimal, with very small windows on the building;
- a site plan was not required as it is in an existing building;
- letters of support and opposition were received;
- in the *LDC*, tattoo shops are not prohibited based on proximity to any other use, nor is clientele addressed by the *LDC*; and,
- staff is recommending approval.

Board members queried and discussed:

- the standard allotted signage and whether a mural or artistic work would be included [Mr. Smith: any mural that depicts that the business is counted as signage. The applicant has indicated that he will use the standard sign code and already has a sign that is smaller than what he could have. He has not proposed any illumination for the windows];
- churches in the area [Mr. Smith: across the street is the Methodist Church, to the north is the Sacred Heart Church, non-profit organizations, and a grade school];
- if the use is compatible for the location [Mr. Smith: according to the *LDC* the tattoo shop is no different from any retail shop, beauty shop, etc., so it is compatible];
- if any age restrictions from entering the store apply [Mr. Smith deferred the question to the applicant]; and,
- the hours of operation would not conflict with the feeding program for the homeless, students arriving at school, etc.

Mr. Brian Randall, 506 W. Gurley St. (previously at 1211 E. Gurley St.), responded by stating there is no law to prevent minors from entering the business. To have procedures done, parental consent must occur for persons 14 years of age. No parental consent is required at 18 years of age. When asked about retail items offered, the items include body jewelry, jewelry and clothing.

Chairman Fuchs asked for public comment. The following persons spoke:

Ms. Cathey Rusing, 1904 Young Place, owner of property at 126 N. Summit Avenue, across from the Sacred Heart School and Gym, read a letter from her husband, Dr. Thomas Rusing. [the letter was presented and made a part of the agenda packet]. Both Dr. and Mrs. Rusing oppose the request. She noted that the conditional use is granted to a property owner and must not be detrimental to the public welfare, etc. She feels the use is not compatible and requests a public hearing before the City Council.

When asked, no representative from St. Vincent de Paul nor the Sacred Heart was present.

Ms. Ann Tewksbury, 1059 Evergreen [?] Road [no signature appears on attendance roster], noted that her family has owned the property where the

proposed project is to be located for over 60 years. She feels there is no reason why any acceptable, honest business cannot locate in the area. There are no types of people that can't be in the neighborhood. There have been massage parlors in this property, and they have not bothered anybody. There is no reason why this request should not be granted.

Mr. Kayn noted the area is surrounded by retail and businesses. He is concerned with having flashy-type signage that would seem to draw in young persons.

Ms. Jodi MacKenzie, 2250 Aspen Acres Drive, spoke in opposition to the request as a parent of four children who attend Sacred Heart School. She is also a member of the parish and a member of the school board. She patronizes all the businesses in the area and disagrees with Ms. Tewksbury, as the business is not compatible with the neighborhood. The irony of the name, "Leap of Faith," conflicts with the faith-based education her children receive at Sacred Heart School. There is a stigma associated with this type of business. She is not asking for the business to be abolished, but notes there are better places for the business to locate.

Mr. Rick Ryan, 142 N. Summit, owner of a business property at 143 Grove Avenue, is concerned with business parking as the parking near Prescott College was taken away. He has no objection to the tattoo business, but all the tattoo/piercing parlors have a large contingent of loiterers around the business. He opposes the proposed relocation of the business.

Mr. Randal noted that he has received letters of support from every business in the 500 block of West Gurley. All the business owners were consulted about the relocation of his business. Mr. Randal wanted to make sure his business was acceptable to the surrounding businesses.

Mr. Wiant also noted that a letter was sent from the previous landlord supporting Leap of Faith Tattoo denoting that in the eight- to nine-years the business was located on his property, there were never any complaints received.

Mr. Kayn, **MOTION to approve CUP10-005**, 506 W. Gurley Street (Leap of Faith Tattoo). Mr. Wiant, 2<sup>nd</sup>. **Vote: 6-1** (dissenting: Fuchs).

#### IV. REVIEW ITEMS

None.

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

None.

#### VI. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 1:03 PM.

E. Calvin Fuchs, Chairman

DRAFT

## EXHIBIT "A"

### **9.3.5 / Conditional Use Review Criteria**

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:

#### **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.

#### **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.

#### **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 responses to these impacts.

#### **D. Infrastructure Impacts Minimized**

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.

#### **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.

#### **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.

#### **G. Site Plan**

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

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# CUP10-004

307 & 309 N. Willow Street, 645 W. Sheldon Street

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COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION

## BOARD OF ADJUSTMENT

December 16, 2010

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### UPDATE REPORT

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**TO:** Board of Adjustment Members

**FROM:** Tom Guice, Community Development Director *TG*  
George Worley, Planning Manager *GW*

**REQUEST:** Conditional Use Permit to allow construction of 3 Dormitory buildings in a Multi-family High (density) zoning district for Prescott College.

**PARCEL NO:** 113-10-013, 014, 015

**SITE ZONING:** MF-H

**LOCATION:** N. Willow Street, between Western Avenue and West Sheldon Street

**OWNER/APPLICANT:** Prescott College/Weddle Gilmore Architects

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### REQUEST

This request seeks a Conditional Use Permit to allow the construction of 3 dormitory buildings for Prescott College on college-owned properties in the Multifamily High (MF-H) zoning district (formerly the RC district). The proposed buildings are designed in a townhouse style with a total of 14 units separated within the buildings by partition walls. Thirteen of the units are proposed to be three-stories with occupancy of 8 students per unit. One unit is to be two-stories and is designated for a staff member residence. A total of 104 students are proposed to occupy the three-building complex. A total of 52 parking spaces are required for this use. The parking is proposed to be incorporated into a campus-wide parking plan, with 26\* spaces provided along the alley in close proximity to the dormitories and the remaining 26\* spaces to be provided in other nearby campus parking lots. (*\*These numbers have changed since the Board last met*)

### UPDATED INFORMATION:

Some modification of the parking and pedestrian plans has been made by Prescott College, in addition to the one noted above. Parking spaces have been re-aligned and those in the alley west of Grove and north of Sheldon have not been counted in the total. Additional spaces have been designated in the parking lots at the north end of Garden Street and several other areas bringing the total shown on the plan to 329 spaces. There are 8 spaces within the right-of-way of Western Avenue that can be used by the college, but are not counted toward the total because they are fully within the public right-of-way. The EPS Group parking study recommends 309 as the minimum number of parking spaces needed.

**POSSIBLE CONDITIONS:**

At the conclusion of the November meeting of the Board of Adjustment and following extensive public comment and Board discussion, staff was tasked with developing a series of possible conditions that could be considered by the Board should the Board choose to approve this request. The Board also directed staff to involve Prescott College in the development of those possible conditions.

During the November meeting staff took note of a number of possible conditions based upon comments made by the Board and audience members. That list was somewhat rough due to the need to compile it quickly during the meeting. Staff began by thoroughly reviewing that list and either clarifying or eliminating possible conditions. Additional possible conditions were added after staff reviewed the amended site plan, the draft meeting minutes, and letters from neighboring property owners. The list of possible conditions was presented to Prescott College and their planning consultant for their comments.

The list of possible conditions (attached) is practicable, verifiable, is effective in mitigating certain impacts and is generally acceptable to Prescott College. Should the Board choose to approve the requested Conditional Use Permit, applying some or all of the listed conditions would be appropriate and enforceable. The Board may add other conditions that they determine necessary and appropriate.

In considering potential conditions for any Conditional Use Permit, staff and the Board must remain aware that the conditions imposed must have a rational nexus to impacts generated by the proposed use. The conditions imposed must mitigate or eliminate impacts that will be caused by the use. Conditions may not be imposed to mitigate pre-existing impacts unless the proposed use will exacerbate those impacts. Conditions may not be imposed solely to affect general neighborhood or city-wide improvements.

**RECOMMENDED MOTION:**

*Move to approve, approve with conditions or deny CUP10-004.*

**EXHIBITS:**

- A. Building site plan dated 10/20/2010**
- B. Campus parking plan dated 12/06/2010**
- C. Campus bicycle/pedestrian plan dated 12/06/2010**

**ATTACHMENT:**

**List of possible conditions**

# Prescott College Dormitory Project

## Possible Conditions of Approval

1. Site development must be in substantial compliance with the site plan dated 10/20/2010. **(See exhibit "A")**
2. The college will not house more than 104 students in this student housing facility.
3. Prior to occupancy, the college will develop and provide a minimum 320 code compliant campus-wide parking spaces which is in excess of the EPS Group Parking Study requirement of 309 spaces, exclusive of any parking spaces to be utilized by college fleet vehicles, and without prejudice to the College for use of the additional spaces to meet future LDC requirements. **(See exhibit "B")**
4. The college will provide designated/reserved parking spaces equal to or greater than the number of students living in the combined facility who possess cars. This shall be determined annually.
5. The college will complete the campus pedestrian improvements as indicated on the pedestrian plan prior to occupancy. **(See exhibit "C")**
6. The college will not undertake construction on this project over weekends until buildings are fully enclosed with roof, walls, doors and windows installed.
7. The college will combine college-owned parcels within the campus, where practicable.
8. The college will install enhanced landscape plantings around the perimeter of the student housing to assist in providing screening for neighboring residents. **(Per LDC Section 6.13.4.C.2.a.1 or a.2)**



ADDENDUM TO  
AGENDA ITEM # 2

CUP10-004  
CORRESPONDENCE RECEIVED  
FOR THE  
BOARD OF ADJUSTMENT PUBLIC HEARING  
ON  
DECEMBER 16, 2010

December 2, 2010

City of Prescott  
Community Development Department  
Attn: George Worley  
P.O. Box 2059  
Prescott, AZ 86302



COMMUNITY DEVELOPMENT  
City of Prescott, Arizona

Date Received: 12/6/10

Time Received: 10:40 am (pm)

Received by: [Signature]

Dear Mr. Worley and Board,

I am writing in regards to the Conditional Use Permit CUP010-004 being considered by your board for Prescott College.

I am proud to be a neighbor of Prescott College and feel this institution is an asset to our community and the State of Arizona. The proposed dormitory buildings are probably much needed to attract new students and increase the overall campus quality; however my concern is still the parking issue.

The last two meetings, when discussing parking, the college dealt entirely about student parking issues and the fact that they had an adequate number of spaces. The college stated at the last meeting in City Council Chambers that they had approximately 120 to 180 part-time fulltime employees, but no mention was made of where these employees park or will park in the future. Please consider this issue when making a decision on granting permit. I know there are other issues involved, but I feel this area is critical to our neighborhood.

If you would like to discuss this further we can be reached at the telephone number below.

Respectfully,

Handwritten signature of Michael & Vivian Farmer.

Michael & Vivian Farmer  
1011 Norris Road  
Prescott, AZ 86305  
928 771-9942

Board of Adjustments  
City of Prescott  
P.O.Box 2059  
Prescott, AZ 86302



COMMUNITY DEVELOPMENT  
City of Prescott, Arizona

Date Received: 12-3-10  
Time Received: 1:51 ~~am~~ pm  
Received by: K. Rudek

Dear members of the Board,

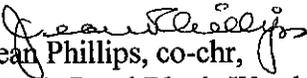
We neighbors recognize that Prescott College will probably get what it wishes from the city in the matter of the proposed dormitories. The existing zoning seemingly offsets the very real concerns of safety and congestive impact in the area which makes the Board's decision challenging at best.

We find Prescott College's overwhelming plans insulting to the immediate neighbors, and this "toe hold" will surely lead to acceptance of their ongoing intent for further expansion into the long time residential neighborhood.

The questions asked and conditions proposed are a credit to the Board, and we thank you for your thoughtful consideration of this problematic request. May we respectfully request another condition? that the west wall at the ally along W. Sheldon Street be reduced in height for visibility safety? (We have requested this from the College before.)

We sincerely hope that student and resident safety will not become the inevitable factor anticipated from this impact.

Again, thank you for your service to the community.

  
Jean Phillips, co-chr,  
Norris Road Block-Watch

11-30-10



COMMUNITY DEVELOPMENT  
City of Prescott, Arizona

Date Received: 12-6-10

Time Received: 3:38 am pm

Received by: R. Ouellet

Committee Members,

My name is Teresa Reeser and I live across the street from Prescott College. I could tell you horror stories about living with a college as a neighbor.

I feel for those families on Willow Street who will be invaded by 100 teenagers. The parking is only one problem facing those people. The college claims to have over 300 parking places for students and faculty and still they park all over our neighborhood. I realize it is a public street and we have no right to complain but, they park like they are the only ones on the road. Sometimes they park in the middle of the street for hours at a time. Please consider the fact that those 100 students do come in cars, they may walk once they are here, those cars are going to be parked some where. That will illuminate at least 80 parking places from there 300. These cars will be there for the year as these students ride bikes and walk. That should be a quote. The rest will be all over Willow Street and Sheldon Street. Streets that are already stressed by traffic. I have to use those streets to exit the neighborhood because the college has closed the alley and Garden Street.

I am also concerned about the mess when they have to tear up Willow to put in a new water line. Where are we to go then . This was discussed at a previous meeting. The need for a bigger line. Who pays the cost for that. The college pays no tax. Mr Corley makes remarks about paying a 2% tax, on all the college property or just the dorms. Mr Corley has made lots of promises about cleaning up the creek for all to use, we can't use it in summer months because the weeds are taller than my Grandson and in the fall the smell of pot and the oils they use to cover the b.o. is over whelming.

The college has an unending amount of money. We on the other hand have put our lives into having the American dream. They have spent thousands of dollars to put lines underground and remodel there building to look like hippie kingdoms. Why can't they put their dorms on property where it won't ruin peoples lives. They own most of Garden Street north of the creek. Putting dorms on that property won't hurt the value of property on Willow or Sheldon.

My family is held prisoner in our homes. Beside the college and their students cursing as they walk our streets, we have three rehab centers within a half mile of our homes and recently we were notified of another child molester two blocks away. Molester number three. All these people use our street to go to the little stores on Grove Ave.

The students walk by day and night yelling at each other. We here them at 2:00 in the morning and in warmer weather it is all night long. They flick cigarettes at my dogs, stomp at them and have at times made threats at them. We say nothing for fear of retaliation. I can't imagine what will happen with 100 more students all over the neighborhood. The college talks about security, once those students leave school property they have no control.

Please ask them to put all these students someplace else. Don't ruin anymore dreams of tax paying citizens. If you want to hear more about life with a college please feel free to contact me. I have lived in this neighborhood all my life . Never did I dream this would happen.

*Teresa Rodarte Reeser*  
445 4829



COMMUNITY DEVELOPMENT  
City of Prescott, Arizona

Date Received: 12/9/10  
Time Received: 1:37 am pm  
Received by: CL

Marilyn Van Demark

146 Garden Street  
Prescott, Arizona 86305

H: 928 445 9717  
C: 928 925 1852

vandy27@cableone.net

Tuesday, December 7, 2010

To the members of the Planning & Zoning Board:

It seems unconscionable to consider three high rise buildings to be built in a desirable, family neighborhood.

The tax paying citizens that will have their financial investment in their homes as well as the loss of privacy they will suffer, with windows looking down on their homes and back yards, needs an empathetic consideration on the part of the members of this board.

The "multi-family" designation is held to mean, by owners in this area, more than one **family**, not a collection of over 100 individuals. Over 100 nineteen year old students on their first adventure away from home.

The thought of this being accepted without knowing what the colleges next five year plan will hold, would be short sighted. Whose homes will be targeted next?

Please do not just stamp this request "accepted" because it is the college that asks. They have often indicated in letters to the neighborhood that they want to be good neighbors. Let them prove it by considering how they would feel if a large entity were to move in and decrease the value of their institution ... and with that in mind, find another solution to their student housing problem.

Marilyn Van Demark

**CUP10-006      CONDITIONAL USE PERMIT**

Tattoo Parlor

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION  
 BOARD OF ADJUSTMENT  
**STAFF REPORT**

Meeting Date: 12/16/10

**TO:** Board of Adjustment Members  
**FROM:** Tom Guice, Community Development Director  
 George Worley, Assistant Director *GW*  
 Mike Bacon, Community Planner *MB*  
**DATE:** 12/6/10

**Location:** 621 E. Gurley Street    **Zoning:** BG    **Assessor Parcel No.** 110-01-082  
**Applicant:** Christopher J. Gear, 141-1/2 S. Penn Ave. Prescott, AZ 86301  
**Owner:** Raul Alvarez, 8891 East Valley Road, Prescott Valley, AZ 86314

**REQUEST/ Project Description:** The applicant is requesting a Conditional Use Permit for a tattoo parlor ("Porthole to Soul" is the business name) within an existing 287 sq. ft. tenant space in a two-tenant 1834 sq. ft. (total) building with a 345 sq. ft detached office building and another 320 sq. ft detached building (currently vacant). The other building tenant space (an architect's office) occupies the remaining 1547 sq. ft. This is an older neighborhood where commercial parking has also occurred for many years on adjoining City streets. The former use was a beauty parlor.

**Neighborhood Comments.** Staff has received the attached 10 letters of support from adjacent businesses and 4 letters of opposition from neighborhood residences.

**STAFF ANALYSIS**

**Compliance with Zoning Code and ARS 9-462.06:** Yes

**Past Board of Adjustment Actions:** None

**Area Tattoo CUP's:** None.

**Land Development Code Requirements**

A Pre-Application Conference was held and the applicant has submitted this site plan in accordance with the PAC comments.

**Zoning & Uses:** The site is located within a Business General Zoning District (BG) district which allows this use by CUP only.

Direction	Land Use	Zoning
North:	Restaurant, offices, park	BG and RS
South	Residential	MF-M
East	Offices	BG
West	Offices	BG

**Conditional Use Review Criteria** (Section 3.5 Land Development Code)

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:

(Note: Staff comments are *italicized*).

**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. *There will be no detriment because this is a commercial zone.*

**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 relationship to landscaping, scale, lot coverage, and the like. *This project is compatible as this is an existing older building with a prior lengthy history of commercial use. The property is located within the Joslin Whipple Historic District and is a non-contributor. (it is not an historic building).*

**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 responses to these impacts. *The proposal is compatible and there will be none of the above impacts.*

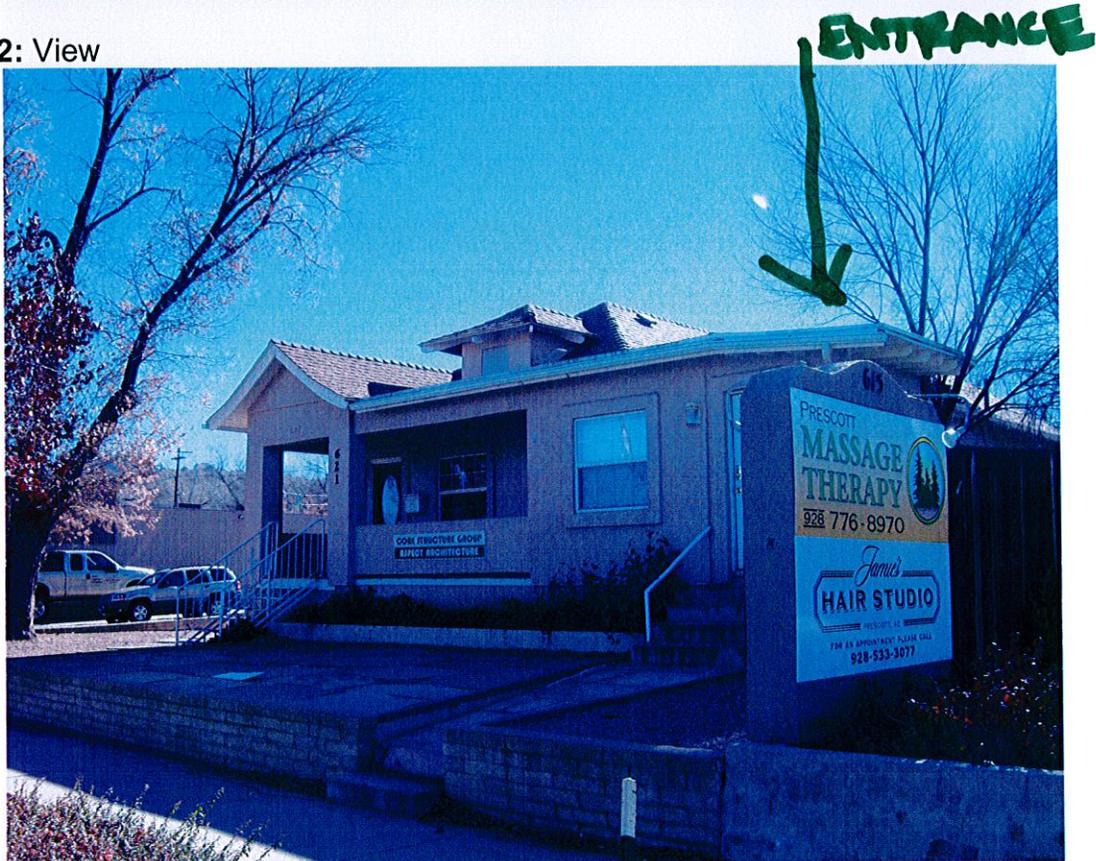
**D. Infrastructure Impacts Minimized**

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 proposal will generate less additional traffic than other business uses which would be allowed by right in this zoning district, and will be open past the closing time of 5 PM for the other 2 offices. Usage is proposed to be by appointments only.*

Photo 1: View from



Photo 2: View



**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. *This zone permits this use by Conditional Use Permit so that surrounding residents may voice their opinions on the type, intensity, and other impacts the proposed project may have on their individual properties. The Board of Adjustment may establish additional reasonable conditions of approval to mitigate project impacts.*

**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 zoning district. *No additional land area is required by the Land Development Code.*

**G. Site Plan**

The proposed use shall comply with the procedures and requirements of [Sec. 9.8](#), Site Plan Review. *This is done at the time of Building Permit application.*

This is an adaptive reuse of a building similar to the November 2010 approval by the Board for the "Leap of Faith" tattoo Parlor at 506 W. Gurley Street. The prior use was a beauty parlor which has the same parking requirement as a tattoo parlor.

The 2 other general office business on the property will close their doors at 5, whereas the "Porthole to Sole" Tattoo will be open past that hour (until 7:00 PM), which will allow more on-site parking spaces to be utilized (if needed). The number of parking spaces on site is 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.

**STAFF RECOMMENDATION**

Staff recommends approval.

**SUGGESTED MOTION**

Move to Approve CUP10-006



**RS**

**RS**

**MF-H**

**MF-M**

**MF-M**

**SITE**

N VIRGINIA ST

ALDER ST

N MOUNT VERNON AVE

S PENN AVE

E GURLEY ST

MAPLE ST

E GOODWIN ST

S M O U N T V E

11-14-10'

To whom it may concern at the Community Development Center of the City of Prescott. The proposed use for the aforementioned space of 621 E. Gurley St. is an 'upscale tattoo art studio' that will also be used for painting acrylic and oil canvases and doing other art on various media as well. I have been doing this for 14 years and have owned my business since 1999.

Much to my surprise I am having to close down and relocate my previous location of 134 ½ S. Montezuma St. because it is against city zoning law to have a business of this type in the Downtown Business District. Of the many people I have associated with in order for me to get approved to this space, I had to come before a panel of three of the historic building owners (the Fields) and the 'Arts Prescott' Gallery manager Tony Reynolds. In addition he also had to approve my acceptance with the 25 artists in the coalition that comprise and run the gallery. I worked with Bob Fields at some length on painting, lighting and new flooring to this historic space. Full costs for all this is upon request if it required. Out of these 29 people that I had to get accepted by, several of which grew up in this area, no one was aware of this particular zoning prohibition. It was a community effort that led me to be able to prepare the space for this work and out of everyone and my self this stipulation was unbeknownst to us. It hadn't crossed my mind to ask since I was misled by there being a tattoo shop in the Down Town Business District at 330 ½ W. Gurley St. Without further adieu I am here to abide and cooperate in any way possible to recover from this loss and move on to function as a businessman in the utmost legitimate way possible in accordance with local conditional use permit zoning laws.

Demographically the nature of this business appears intrinsic and compatible with the surrounding area. There is a Hair Salon and Day Spa in the lot to the west and Core Structure Design Group to the east (attached to the building) which is a Civil Engineering Group that does industrial, commercial and residential design. One of the people that work there is in charge of interviewing and renting the proposed space out. It was he, Jason Hale who I was accepted by and paid for the space to. Also synchronistic in this observation of fitting into the area is the recent vacancy of the only other tattoo shop on E. Gurley St. that was at 1211. The only other tattoo facility on the east side of Prescott is at 424 N. Arizona Ave. which is .8 of a mile from this perspective site of 621 E. Gurley St. I took into account that there was enough space between myself and this other tattoo facility. When determining this locale I was also respectful of maintaining a balance and even distribution of the remainder of other tattoo shops throughout town so as to avoid any congestion of the same type of businesses.

Entrance to the proposed business is accessed from the front of the building on E. Gurley St. Appropriate signage will clarify which door to use. The sign size will not exceed the neighbors to maintain uniformity. Parking for the proposed business is ample and varied. I am a sole proprietor and am the only worker. I myself will not be driving to work because coincidentally my permanent address is 1/8 of a mile from there at 141 ½ S. Penn Ave. I will be walking or riding a bicycle. I will be working with one client at a time since the work that I do is appointment only and subjective to each individual. I will be booking them between the hours of 2:30-7:00 Tue-Sat. The other business

attached to the building closes at 5:00. I was informed that it is not customary that 'Core Structure Groups' clients go to this office. In regards to choices of where my client is going to park, they can park in the devoted parking lot which consists of 7 spaces or they can park anywhere on Washington St. which offers parking since the building is on the corner of Washington And E. Gurley. I actually counted 7 out of many spaces on the street that are a closer walk to the front entrance than that of the buildings' devoted parking lot which is close as well, buttressing up against the rear of the building. The neighboring employee Jason Hale let me know that of the 4 people in his employ, including him self, 3 of them drive to work. Of the several times I have been there I have seen 2 cars parked in the parking lot which leads me to believe that one of them parks on the street. Jason said that I could give you his number to clarify any of this information. He can be reached at 928-273-6396 (work) or 928-458-5155 (cell). Cumulatively, out of the 14 immediate parking spaces 3 will be used indefinitely by employees.

While conversing with Jason about these concerns amongst other things he assured me that noise wasn't an issue because of his experience with previous businesses there that were of an equal or noisier nature. He didn't have any issue with them possibly in part due to the structure of the building. The separating wall was originally an outside wall before this part of the building was added on, therefore it is comprised of extra thickness and insulation within this dividing wall.

All sharps that are used are single use and are deposited into designated sharps container and will be taken to the hospital or other incinerating facility that disposes of them properly before the container gets to the full line. I have my red cross first aid certification as well as CPR. I have been to several seminars on universal precautions and cross contamination prevention.

I moved here to Prescott from the Verde Valley of 12 years. Visiting here periodically throughout that time I noticed that the citizens were quite amicable and friendly. It just feels more like home to me. I started considering relocating to Prescott within the last 3 years believing it was a better fit for me artistically as well as culturally. It would be an honor for me to become part of this nice community called Prescott, contributing to the economy and the arts here I believe I have a lot to offer as well. Thank you for your time and efforts with this consideration.

Christopher John Gear

1. Section <sup>287 sq. ft.</sup> being requested for cond. permit.

2. Front Door (facing Gurley St.)

3. Dead Tree has Fallen and is no longer there.

4. Dead Tree

5. St. Parking

6. Sanctioned Parking

7. Fence

8. Trash receptacles (no dumpster)

9. Sign locations

10. bldg. occupancy: 4

11. construction type: wood frame & stucco

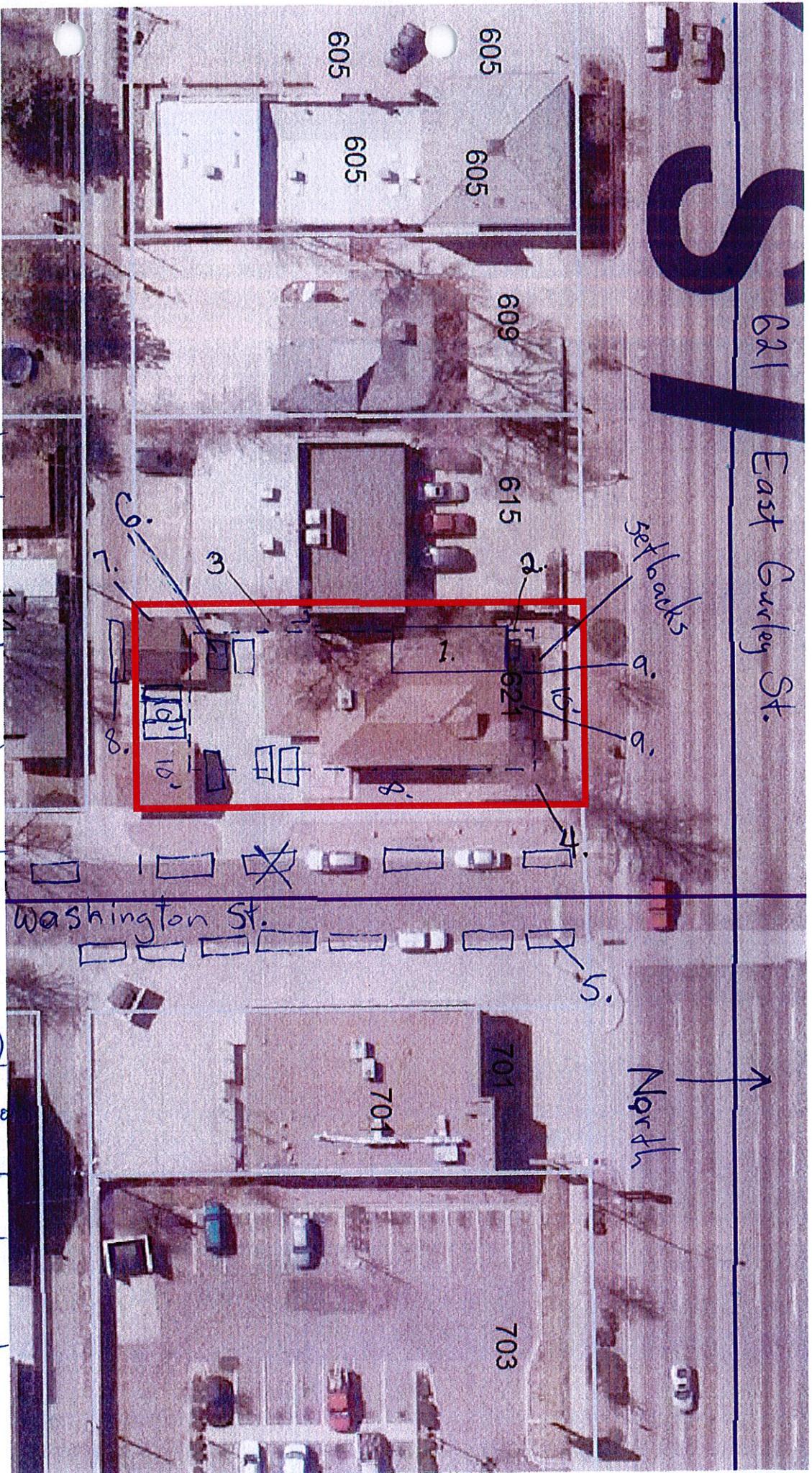
12. Fire hydrant (see attached)

13. Overall bldg. dimension: 1834 sq. ft.

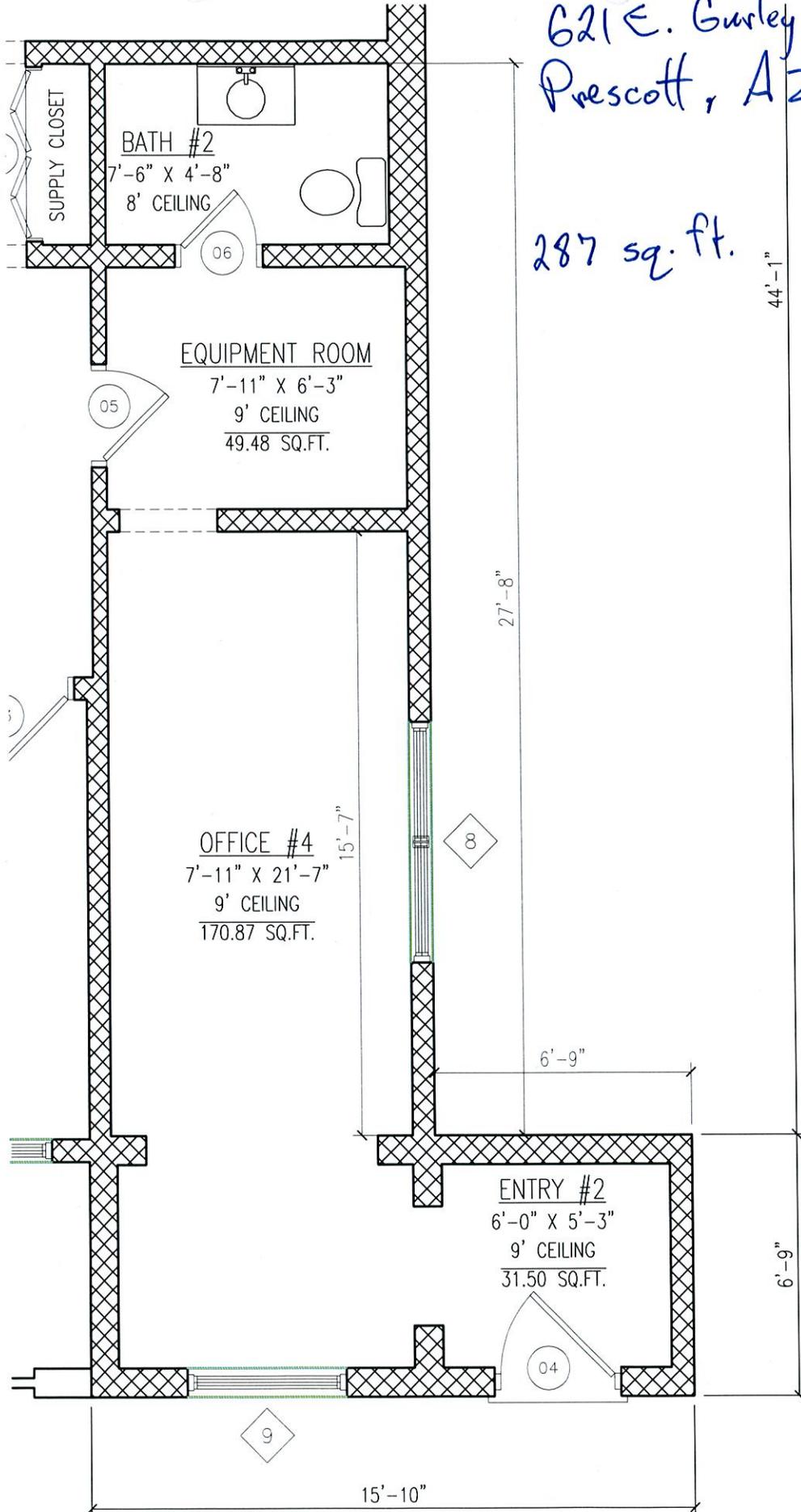
14. rear bldgs. Offices 330 sq. ft. x 2

15. Lot dimensions: 55' x 132'

16. No pending easements



Flr Plan:  
621 E. Gurley St.  
Prescott, AZ 86301

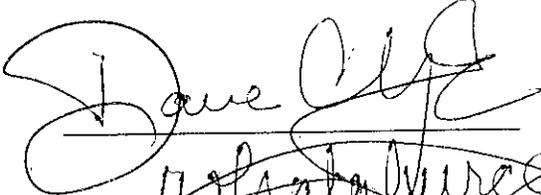


287 sq. ft.

GURLEY STREET

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

  
~~Christopher John Gear~~  
(928) 445-0450  
715 E. Gurley St.  
(928) 778-0450

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

Gear Gold Gear  
(428) 776-6040

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Christopher John Gear

D. W. Miller Mail  
701. E. Gurley St  
928-776-1019  


I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

Christopher John Gear

525 E. Gurley St.  
(928) 778-9399  
Farmers Insurance

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

  
\_\_\_\_\_ mgrs.  
AZ STATE CREDIT UNION  
928-777-6001

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear



Tim's Cabinet Comp

928-710-8853  
701 B. East Gurley

**Tim's Cabinet Company  
701 B East Gurley St.  
Prescott, AZ 86301**

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

Tim B...  
...  
621 E. Gurley  
(938) 778-2491

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

*Chris Gear*  
*Linda Boser*



PRESCOTT  
MASSAGE  
THERAPY  
615 E. Gurley St.  
Prescott, AZ 86301

(928) 776-8970

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

Richard Moll  
525 E Gurley St  
Prescott, AZ 86301  
(928)443-0493  
PROGRESSIVE  
MOLL INS AGY

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

Mary Beth McQueen  
Prislett Massage Therapy  
(928) 776-8970

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Christopher John Gear

Chris Gear  
GOLDEN GATE RESTAURANT

928 - 778 - 0042

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

**Core Structure Group**  
621 E. Gurley St.  
Prescott, AZ 86301-3236  
928.894.8696



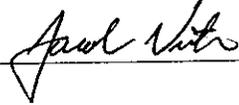
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Christopher John Gear

**Core Structure Group**

621 E. Gurley St.  
Prescott, AZ 86301-3236  
928.399.8096

JACOB VINTON  


I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

**Core Structure Group**

621 E. Gurley St.  
Prescott, AZ 86301-3236  
899-2696



JASON HALE

CORE STRUCTURE GROUP

I Christopher John Gear am applying for a 'conditional use permit' to relocate my business to 621 E. Gurley St. I have owned 'Porthole to Soul' upscale tattoo and art studio since 1999. I am meeting with all the surrounding neighbors in a 300 ft. radius and getting their input on the addition to this general business area. I am a sole proprietor and will be the only employee working. I also work by appointments with one client at a time. I will be booking appointments between the hours of 2:30-7:00. If you approve of this addition to your area your signature and business would be greatly appreciated. Thank you and I very much look forward to being a fellow neighbor and a positive addition to the area.

Christopher John Gear

**Core Structure Group**  
621 E. Gurley St.  
Prescott, AZ 86301-3236  
928.899.8096

Stanford Lake  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **Tattoo parlor variance @ 621 Gurley Street**

Tom Atkins [tatkins1943@me.com]

**Sent:** Friday, December 03, 2010 5:13 PM

**To:** Bacon, Mike

---

Dear Mr. Bacon

Re: Tattoo studio variance @ 621 Gurley Street.

We neighbors think that this type of service would be better suited in a small mall as opposed to a children-filled neighborhood.

Kathy's hair styling shop (previous business) in that area was about as far as I would like to take this type of business in a residential neighborhood.

Although many of the clients of these places are upstanding citizens, there are still a number that are not.

We want them somewhere else.

Thanks for your consideration.

Tom Atkins

Joanne Tomasi

309 S Washington  
Prescott, Arizona  
86303

**Permit CUP010-006 Porthole to Soul Tattoo**

Diana Pivovar [paws4dee@msn.com]

**Sent:** Sunday, December 05, 2010 4:19 PM**To:** Bacon, Mike

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Mr. Bacon,

I strongly oppose consideration of the new business that is being considered for 621 E. Gurley Street, known as Porthole to Soul Tattoo. I work in that area and our business caters to the senior age clients. I believe a tattoo parlor can only bring a negative response from older folks coming and going from our office in the course of a day. Please remember there are also many school age kids who walk along Gurley street and will be exposed to that type of lifestyle whether their parents want them to or not. And if the business plans on having late evening hours, that is going to be a further danger there from the type of people who usually frequent tattoo parlors. Not to mention the "low class" look that a tattoo parlor will certainly give a neighborhood. I think Prescott deserves an upstanding type of business on Gurley Street, not something that will surely bring down the desirability of living and doing business in that area. I don't want to see Gurley Street "cheapened" in any way. Please, please turn down their request for a permit. I'm sure I'm not alone in this request.

Thank you for the opportunity to voice my opinion.

Diana Pivovar  
[paws4dee@msn.com](mailto:paws4dee@msn.com)



COMMUNITY DEVELOPMENT  
City of Prescott, Arizona

Date Received: 12/8/10

Time Received: 8:56 am pm

Received by: CL

Krystal and Cody Bennett  
120 South Washington Ave.  
Prescott AZ 86303

December 6, 2010

To the Community Development Committee,

We highly disapprove of having a tattoo parlor in our residential (FAMILY) neighborhood. This type of business is not appropriate for the proposed location. As residents of this neighborhood for sixteen years, we ask you to please deny this zoning request.

Signed,

*Cody Bennett*      *Krystal Bennett*

**re: tatoo studio at 621 E. Gurley Street**

Marci Golden [goldenwink@msn.com]

**Sent:** Tuesday, December 07, 2010 6:49 PM

**To:** Bacon, Mike

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Dear Mr. Bacon,

In regards to the conditional use permit request for 621 E. Gurley :

We (Tony Winkelman and Marci Golden) have lived at 313 S. Washington for the past 26 years. We raised our children here. They walked to Washington School daily right by where this tatoo studio would be. Now our grandson comes over often and walks to the park. There are many children in the neighborhood.

We just don't think it is an appropriate business so close to a family oriented neighborhood. We feel there are other locations in Prescott that would be more suitable for this type of business.

We also own Golden Insurance Services (and have for 26 years) on the same block. Many elderly clients come to the office daily.

Thank you for your consideration of our request.

Sincerely,

Marci Golden and Tony Winkelman  
313 S. Washington Ave  
(928) 778-1166