



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, March 17, 2011
9:00 AM**

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

The following agenda will be considered by the **BOARD OF ADJUSTMENT** at its **PUBLIC HEARING** to be held at **9:00 AM** on **March 17, 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 January 20, 2011 public hearing.
- 2. CUP11-001, 828 Gail Gardner Way.** APN: 115-08-019E, totaling 7.88 acres. Zoning is Business Regional (BR). LDC Sections 2.3 and 9.3. Requesting a conditional use permit for a Recreational Vehicle Storage facility with a mini storage component. Owner is Ted Lamb. Applicant/Agent is Larry Strole. Community Planner, Ryan Smith.
- 3. CUP11-002, 620 Miller Valley Road.** APN: 113-07-028A, totaling 0.49 acre. Zoning is Business General (BG). LDC Sections 2.3 and 9.3. Requesting a conditional use permit for a Pawn Shop. Owner is Miler Valley Realty, LLC. Applicant/Agent is Thomas Weisenburger. Community Planner, Mike Bacon.

4. **CUP11-003, 909 E. Gurley Street.** APN: 110-02-073, totaling 0.34 acre. Zoning is Business General (BG). LDC Sections 2.3 and 9.3. Requesting a conditional use permit for a Car Wash facility. Owner is Eiland Investments. Applicant/Agent is Derek Gates. Community Planner, Ruth Hennings.

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.

IV. REVIEW ITEMS

1. **Mountain Oaks School, 1455 Willow Creek Road, requesting an extension of CUP09-008** (approved 2-18-10). Applicants are requesting a 2 year extension.

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on March 10, 2011 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
JANUARY 20, 2011
PRESCOTT, ARIZONA**

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on **JANUARY 20, 2011** in COUNCIL CHAMBERS, CITY HALL located at 201 S. Cortez Street, Prescott, Arizona.

I. CALL TO ORDER

Chairman Fuchs called the public hearing to order at 9:01 a.m. The Pledge of Allegiance was recited followed by a moment of silence for the shootings in Tucson.

II. ATTENDANCE

MEMBERS PRESENT

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

OTHERS PRESENT

George Worley, Planning Manager
Ryan Smith, Community Planner
Ruth Hennings, Recording Secretary

COUNCIL PRESENT

Jim Lamerson
Tammy Linn

MEMBERS ABSENT

Tom Kayn

III. REGULAR AGENDA

1. **Approve the minutes** of the December 16, 2010 public hearing.

Mr. Wiant, **MOTION: to approve the minutes** of the December 16, 2010 public hearing. Mr. Rosa, 2nd. **Vote: 6-0.**

2. **CUP10-007, 623B Miller Valley Road.** APN: 113-07-011 and totaling ± 0.26 acre. Zoning is Business General (BG). LDC Sections 2.3 and 9.3. Request conditional use permit for a tattoo parlor. Owner is Richard C. Hollister. Applicants/agents are George & Rebekah Prieto/Canvas Tattoo Studio. Community Planner, Ryan Smith (928) 777-1209.

Mr. Smith reviewed the staff report and indicated:

- the proposed parlor is located on the SE corner of Miller Valley Rd. and Walnut St.;

- the area is primarily businesses, and the zoning is Business General and Business Regional;
- the Business General designation requires that a Conditional Use Permit be approved before the shop can legally can operate;
- the site plan shows that the shop is located near the middle of parcel away from the street;
- the shop shares an entrance with hearing aid shop and a restaurant is along the street;
- the site plan shows ample parking;
- the Conditional Use Permit criteria have been met;
- there are no special requirements to be met;
- the Board has approved Conditional Use Permits in the area;
- there are several other tattoo parlors in the area;
- staff has received no comments on this proposal; and,
- staff recommends approval of the application.

Board members queried and remarked on:

- Mr. Fuchs noted that the business is already in operation [Mr. Smith: yes, the CUP process began as soon as an anonymous complaint was received and this was discovered]; and
- Mr. Wiant asked for clarification as to why tattoo parlors require a CUP [Mr. Smith: when the LDC was adopted in 2004, the Council thought that a tattoo parlor may have impacts on the surrounding area, similar to gas stations and mini-storage. Staff are now considering that it may be better to allow tattoo parlors outright without going through the conditional use process].

Chairman Fuchs asked the applicant, Mr. George Prieto, 7600 East Sedalia Trail, Prescott Valley, if he would introduce himself and answer questions from the Board.

Questions and comments by Board members included:

- why the business was operating without a Conditional Use Permit [Mr. Prieto: someone called the City with a complaint and Mike Bacon called to notify him of the problem. This is the applicant's first business and he was not aware of the requirement]; and
- if the CUP issue was addressed when the applicant received a tax privilege license [Mr. Smith: at that time, no, but this issue has since been discussed and resolved with the finance department].

When asked to speak, no members of the public came forward. The public hearing was closed.

Mr. Rosa, **MOTION: to approve CUP10-007, 623B Miller Valley Road**, as submitted. Mr. Wiant, 2nd. **Vote: 6-0.**

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Worley discussed two upcoming changes to the Land Development Code that have been to the Unified Development Code Committee. The first issue is to address transitional housing in the code differently so that it conforms to federal laws. Staff may return to the Board for comments at a later meeting. There are new terminology and definitions associated with this amendment.

The other proposal addresses Proposition 203, medical marijuana. Around April 15th, the Department of Health Services will start issuing licenses to patients and to those who want to open dispensaries and growing operations. The City plans to address this by using a similar use interpretation, which means using existing regulations to address this issue. The benefits of this are that the similar use regulations are already in place, and this provision was written by the UDC for this very reason. Mr. Worley noted that both proposals could result in some conditional use requirements for certain types of businesses in certain districts.

Questions and comments by Board members included:

- if a marijuana distribution business is a legitimate business similar to a pharmacy [Mr. Worley: yes, the state statute passed which made the use legitimate and it will be treated similar to a drug store];
- whether there will be state wide standards for the medical marijuana facilities [Mr. Worley: there are two sets of standards issued by the State. There are specific limitations such as a 500 ft separation requirement between any facility and a public school, which fits in with the zoning criteria administered by the City. There are also other criteria put into place by DHS that regulates the use itself as a business, including security and licensing considerations]; and,
- if there will be attempts made to have the laws for Prescott be the same as those for Flagstaff and Tucson [Mr. Worley: municipalities originally tried to do that, but following those discussions everyone decided to do something different. The similar use interpretation by the City of Prescott is unique. Other cities' regulations appear to be more restrictive, which may be more difficult to defend. Staff has not found anything that requires them to rewrite sections of the code, if there is no rational need to do so. He noted that staff believes it is conservative, but effective, to apply the similar use interpretation. If the issue changes, it can be addressed at a later date.

VI. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 9:20 a.m.

Ruth Hennings, Community Planner Intern
Community Development Department

nuisance, any greater than auto sales, that may arise from noise, smoke, odor, dust vibration or illumination.

- B. Compatible with surrounding area:** The business is on Gail Gardner Way where there is considerable traffic. Medical and other offices operate across Gail Gardner to the east. A nursing home and mobile home park operate across Westridge Drive to the south. To the west is Westridge Drive, a commercially zoned property and a vacant residential lot. And, to the north are single family homes in a MF-M district.
- C. External impacts minimized:** The proposed location is zoned commercially. The main entrance will face Gail Gardner Way. The applicant has indicated that landscaping shall be in conformance with City guidelines. Residential protection (section 6.13) for screening to the north will help to minimize external visual impacts to adjacent residents. In all other areas, landscaping placed out side of the proposed security fence and in conformance with LDC section 6.5. would also minimize visual impacts.
- D. Infrastructure impacts minimized:** Additional infrastructure is not required.
- E. Consistent with General Plan and Code:** The request is consistent with the General Plan.
- F. Parcel size:** The subject property is adequately sized for this use.
- G. Site Plan:** The applicant appears to adequately address design issues and is working with the Fire Department regarding a secondary access off Westridge Drive. A complete site plan review by staff will be required upon submittal for building permits. Extensive improvements are proposed .

NEIGHBORHOOD COMMENTS:

No comments have been received as of this writing.

STAFF FINDINGS AND RECOMMENDATIONS:

The Land Development Code allows for this use under the CUP process. No comments have been received from the public. Therefore, staff is recommending approval of CUP11-001 with suggested conditions.

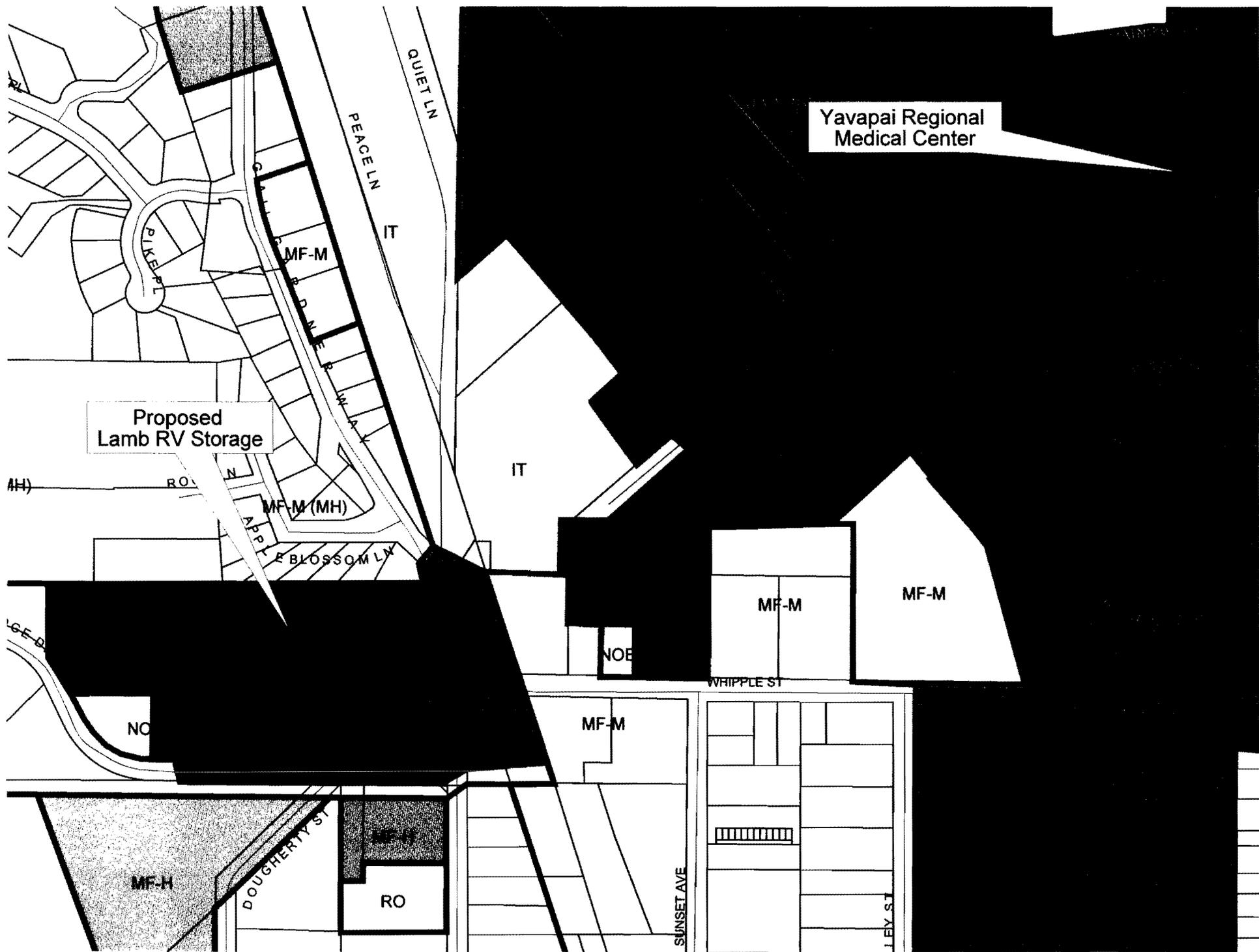
SUGGESTED MOTION OF APPROVAL WITH CONDITIONS:

Move To Approve Conditional Use Permit Amendment CUP11-001 with conditions:

1. Residential protection screening standards, as described in section 6.13 of the Land Development Code, shall be applied to the north to minimize external visual impacts to adjacent residents.
2. In all other areas, landscaping shall be placed outside of the proposed security fence.
3. Landscaping shall be in conformance with LDC section 6.5.

Attachments:

Vicinity and Zoning Map
Site Plan
Applicant Narrative



Yavapai Regional
Medical Center

Proposed
Lamb RV Storage

(MH)

ROSS LN

MF-M (MH)

APPLE BLOSSOM LN

LGE-D

NO

MF-H

DOUGHERTY ST

RO

MF-M

SUNSET AVE

WHIPPLE ST

MF-M

MF-M

LEY ST

IT

MF-M

IT

NO

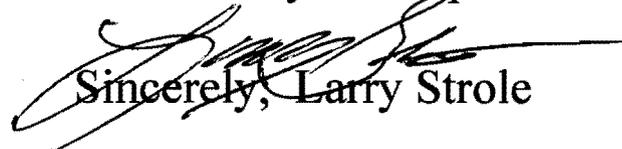
01/28/2011

To whom it may concern:

City of Prescott

The proposed use of the 828 Gail Gardner Way facility will be for storage units and recreational vehicle parking. This storage project is comprised of demolition of old service building and remodeling the lower sales building for office front and manager on site resident. The hours of operation will be 8:30 am to 6:00 pm. We will be adding perimeter fencing of the property as well as installing a security access gate system at the entrance on Gail Gardner Way. We also proposing a separate dedicated fire entrance gate located on Westridge Drive. We are resurfacing approximately 20,000 square yards of asphalt in parking area. The perimeter of the property will be landscaped to city guide lines as required for buffer. The property has been zoned and used as commercial property since 1966 as a auto dealership. We believe that health and safety issues will be diminished at this location, noise levels will be reduced from prior years and emergency services should not be affected with a storage facility.

Thanks for your help in this matter:


Sincerely, Larry Strole

CUP11-002 **CONDITIONAL USE PERMIT**

Pawn Shop

COMMUNITY DEVELOPMENT - PLANNING & ZONING DIVISION BOARD OF ADJUSTMENT

STAFF REPORT

Meeting Date: 3/17/11

TO: Board of Adjustment Members
FROM: Tom Guice, Community Development Director *TG*
George Worley, Assistant Director *GW*
Mike Bacon, Community Planner *MB*
DATE: 3/7/11

Location: 620 Miller Valley Road **Zoning:** BG **Assessor Parcel No.** 113-07-028A
Applicant: Thomas Weisenburger, 620 Miller Valley Road, Prescott, AZ 86301
Owner: Miller Valley Realty, LLC, 40 Prescott Lakes Parkway, Prescott, AZ 86314

REQUEST/ Site Description: A request for a Conditional Use Permit for a Pawn Shop within an existing 1400 sq. ft. tenant space which was formerly occupied by a plumbing store. Half of the space will be retail, and the other half used for storage and bathroom. The building occupies a parcel that is shared with another building that has several businesses with common parking (612 and 615 Miller Valley Road--see site plan).

Neighborhood Comments. None have been received to date.

STAFF ANALYSIS

Compliance with Zoning Code and ARS 9-462.06: Yes

Past Board of Adjustment Actions: None

Area Pawn Shop CUP's: CUP09-007 was approved by the Board at 650 Miller Valley Road in January 2009.

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

Parking: There is adequate parking provided on-site to meet the Land Development Code requirements for the pawn shop and the adjoining businesses.

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

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North:	Restaurant	BG
South	Cleaners, Tanning, Nails	BG
East	Various Commercial	BG
West	RV Park	BG

Conditional Use Review Criteria (Section 9.3.5 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 the proposed retail use is located within 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 harmonious as this is an existing older building with a prior lengthy history of commercial use in an established commercial neighborhood.*

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 with area uses and will not have negative 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. *No additional impacts are expected than what is typically associated with commercial uses of this size and nature.*

Photo 1: View from east toward proposed pawn shop building



Photo 2: View from east toward adjoining businesses on the same parcel



E. Consistent with General Plan and Code

The proposed use will be consistent with the purposes of this Code, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located. If the use is permitted outright in another zone, there must be substantial reason for locating the use in an area where it is only conditionally allowed. *The proposed use is consistent with the General Plan. The Business General 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.*

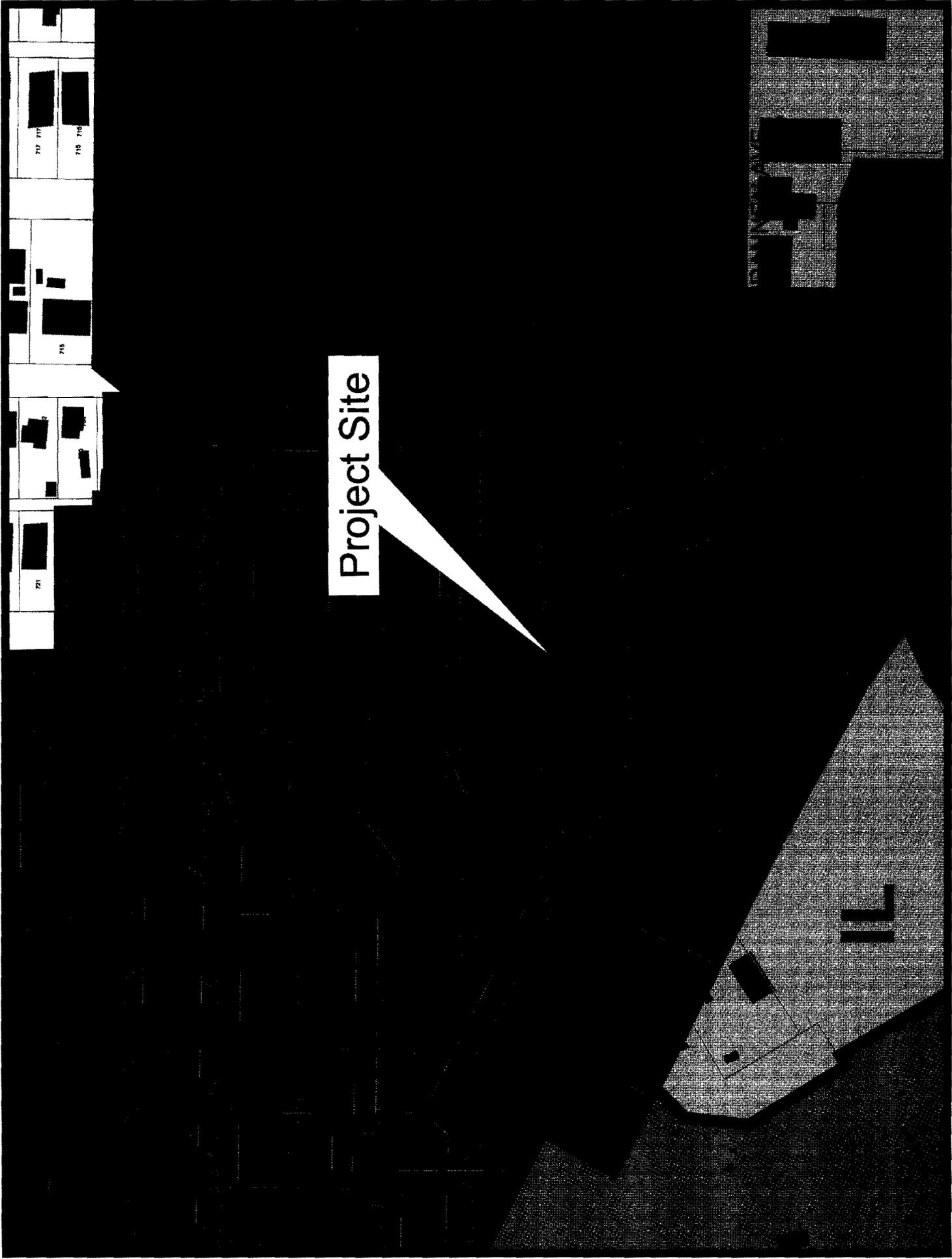
G. Site Plan

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.*

STAFF RECOMMENDATION

Staff recommends approval.

SUGGESTED MOTION: MOVE to Approve CUP11-002



Project Site

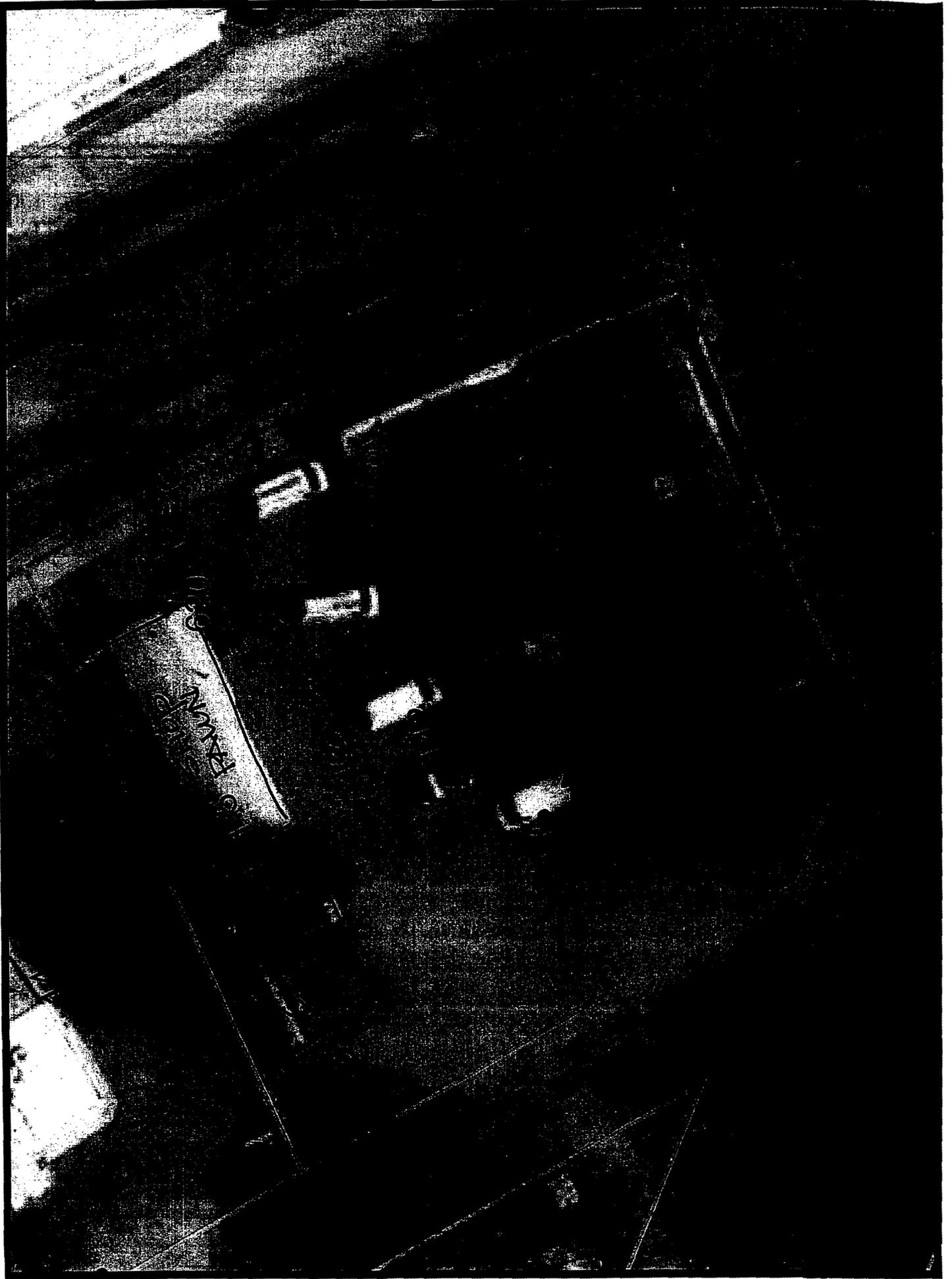
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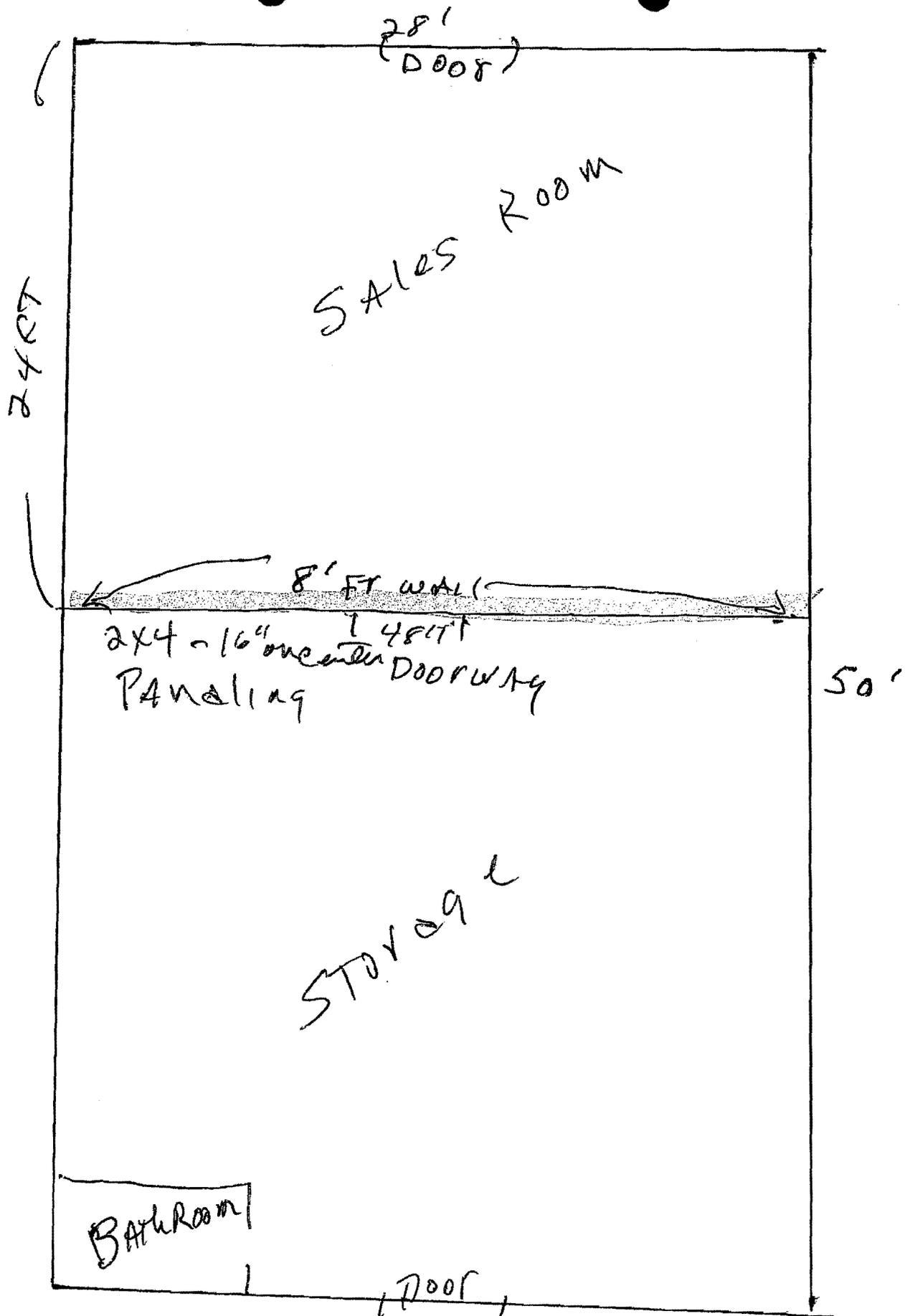
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FAVORITE
SERIES

NO. 1

1950



620 Miller Valley Rd

CUP11-003 CONDITIONAL USE PERMIT Agenda # _____

Car Wash Facility at 909 E. Gurley Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR March 17, 2011

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*
Ruth Hennings, Community Planner *RH*

DATE: March 10, 2011

ZONING: Business General (BG) **LOCATION:** 909 E. Gurley Street

APN: 110-02-073 **AREA:** 0.34 acres

Owner: Eiland Investments **Agent:** Derek Gates
PO Box 3040 850 Hattie Greene
Cottonwood, AZ 86326 Flagstaff, AZ 86001

REQUEST: A Conditional Use Permit to allow for a car wash facility to operate in a Business General zoning district. There is currently a service station operating at this location. Plans include removal of the existing service station to include all tanks, remediation of soil, and construction of the new carwash facility.

PAST BOARD OF ADJUSTMENT ACTIONS: None, there are no existing Conditional Use Permits at this address.

BACKGROUND: The applicant attended a Pre-Application Conference and revised the site plan in accordance with the PAC comments.

CONDITIONAL USE REVIEW CRITERIA: Conditional uses are uses that are generally compatible or can be made compatible with other uses in the underlying zoning district. 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:

- 1) **Effect on the environment:** The area is zoned Business General which allows for a car wash facility subject to conditions in the CUP. The potential impacts based on proposed operation characteristics include noise, lighting, and traffic.
- 2) **Compatible with surrounding area:** The business is located on E. Gurley Street, within the Business General zoning district. The area to the south of the property is zoned Multi-Family Medium and Multi-Family High, and the uses are primarily residential. Other businesses operate nearby along E. Gurley Street. The current use is a service station and a car wash facility is also in the automotive service industry. The car wash building is 100' by 34' and includes one automatic wash bay and three self service wash bays. Three vacuum stations are shown on the site plan, one of which is to be located along the south property line which will be surrounded on three sides by a wall to mitigate noise. The business proposes to be in operation 24 hours a day. Staff has concerns regarding the noise emanating from the automatic wash bay and the adjacent residential area.
- 3) **External impacts minimized:** The car wash facility proposes to incorporate a sound abatement system, including walls surrounding the vacuum stations and dense landscaping in the rear of the property adjacent to the residential property.
- 4) **Infrastructure impacts minimized:** The use may require a water service agreement depending on a forthcoming water demand analysis. The applicant is proposing a water reclamation system. The owner is also required to pave the adjacent alley. No other infrastructure impacts are anticipated.
- 5) **Consistent with General Plan and Code:** The Business General district is a moderate-intensity business district, and is frequently located adjacent to residential districts. Adequate buffering and screening between dissimilar uses is necessary to maintain the character of existing neighborhoods.
- 6) **Parcel size:** Car wash lots and facilities vary greatly in size within the City. All existing car wash facilities were permitted before the current Land Development Code went into effect. At that time, the parking standards were based on number of employees and no stacking spaces were required. The current Code, however, requires specific numbers of stacking spaces dependent on the type of wash bay, and parking requirements based number of bays or employees, whichever is greater. This indicates that parcel sizes for new car wash facilities will be larger.
- 7) **Site Plan:** The site plan shows the wash bays located parallel to the alley, with traffic entering from a single entrance off of Gurley. All traffic will exit using the alley. Parking and landscaping are shown to current Land Development Code standards. Adequate stacking spaces are shown on the site plan.

PUBLIC WORK / ENGINEER'S COMMENTS: The site plan shows all vehicles exiting directly to the alley from wash bays, and Public Works/Engineering will require the applicant to design and construct the alley fronting the property to City Standards. The alley improvements shall be designed by a licensed engineer and constructed by a licensed engineering contractor. A water demand analysis is required to determine if a water service agreement will be needed.

NEIGHBORHOOD COMMENTS: No written comments have been received to date. An Area Meeting was held on March 9 at 5:30 PM in the Council Chambers. One person was in attendance, and discussed noise, mechanics, and traffic flow with the applicant.

STAFF RECOMMENDATION: The Land Development Code allows for this use under the CUP process. Staff recommends approval with conditions or denial of CUP11-003.

SUGGESTED MOTION:

Move To Approve or Deny Conditional Use Permit CUP11-003. Should the Board of Adjustment choose to approve CUP11-003, the following conditions may be considered:

1. Site development must be in substantial compliance with the site plan.
2. Limitation of hours of operation for the automatic wash bay.
3. Sound abatement systems must be installed as proposed by the applicant.
4. Vacuum station along the south property line must be enclosed by walls on three sides to mitigate noise impacts.
5. Enhanced landscaping at the rear of the property, compatible with the standards listed in Land Development Code Section 6.13.4.C2, 80 Percent Screening.

Attachments:

Applicant Narrative

Zoning Map

Aerial Map

Site Photos

Site Plan

February 17, 2011

Eiland Investments
POB 3040
Cottonwood, AZ
86326

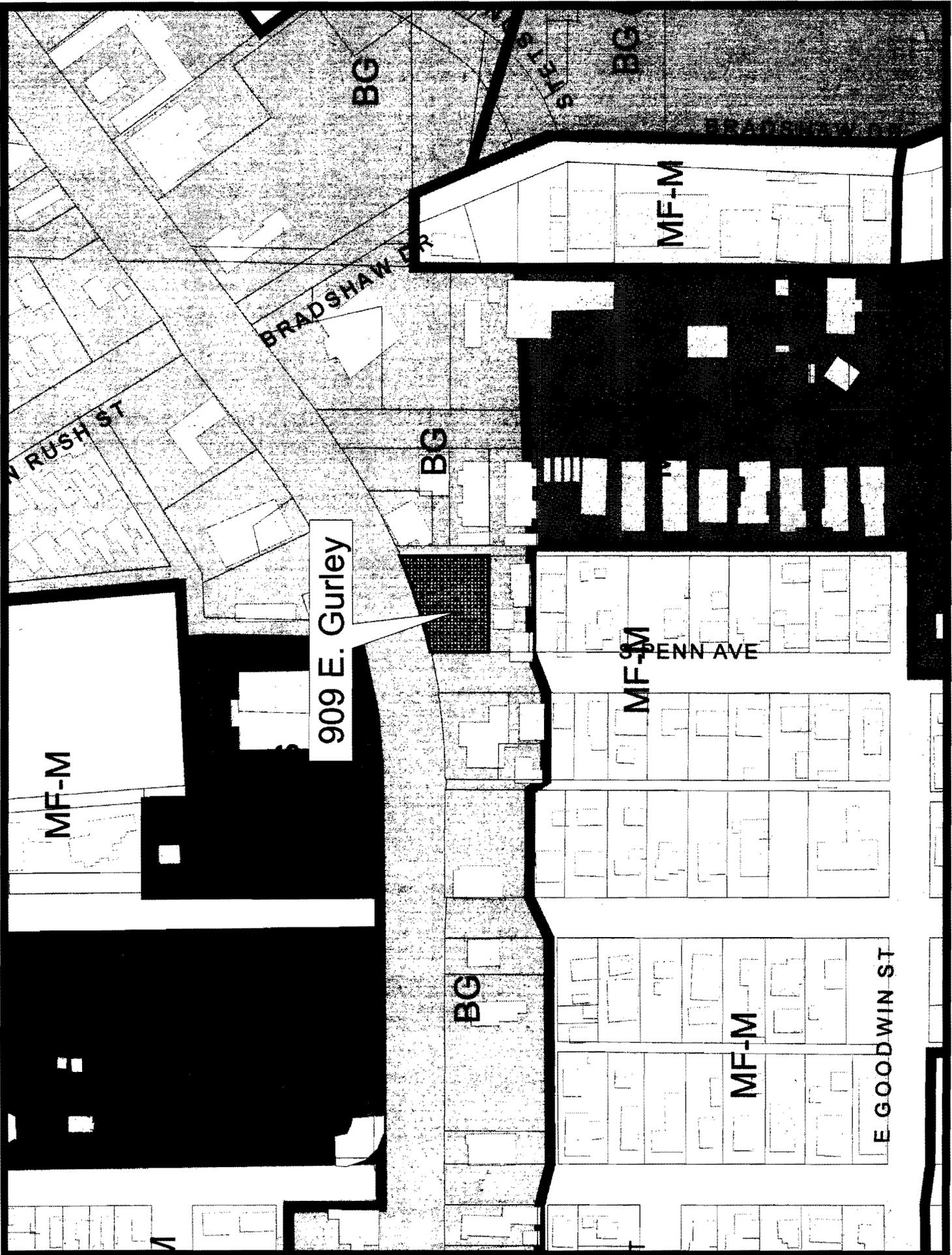
City of Prescott
Community Development Dept.
201 S. Cortez
Prescott, AZ 86302

**909 E. Gurley St.
Gas Station Removal/
Carwash Improvement**

The following is a brief description of the proposed project for the property located at 909 E. Gurley St. in Prescott, Arizona.

- Removal of existing tanks and any remediate soil.
- Removal of existing Service Station.
- Repair and replace grade to approved conditions.
- Build New Carwash Facility.
- Incorporate latest water reclamation system in design.
- Incorporate latest sound abatement system in design.
- Freshen up existing landscaping.
- Install new signage.

This property is located at the corner of Gurley and Penn streets. The building size is approximately 100'x 34' and height is approximately 14'. The construction type is metal and block. The intended use of this property is to provide the community a clean, modern carwash facility that is environmentally conscience. This facility would be replacing a service station-convenience store that is compatible with the automotive service industry. Access to the property will be changed to one entrance off Gurley St. and the exit on to the alley adjacent to the property. Adequate parking is designated on the west side of the site to include an ADA approved space. Hours of operation will be 24 hours that will include security lighting that meets Dark Sky ordinance. Sound-noise abatement initiatives for this project will include barrier walls around the vacuum stations and added dense foliage adjacent to residential property.



909 E. Gurley

MF-M

BG

BG

MF-M

BG

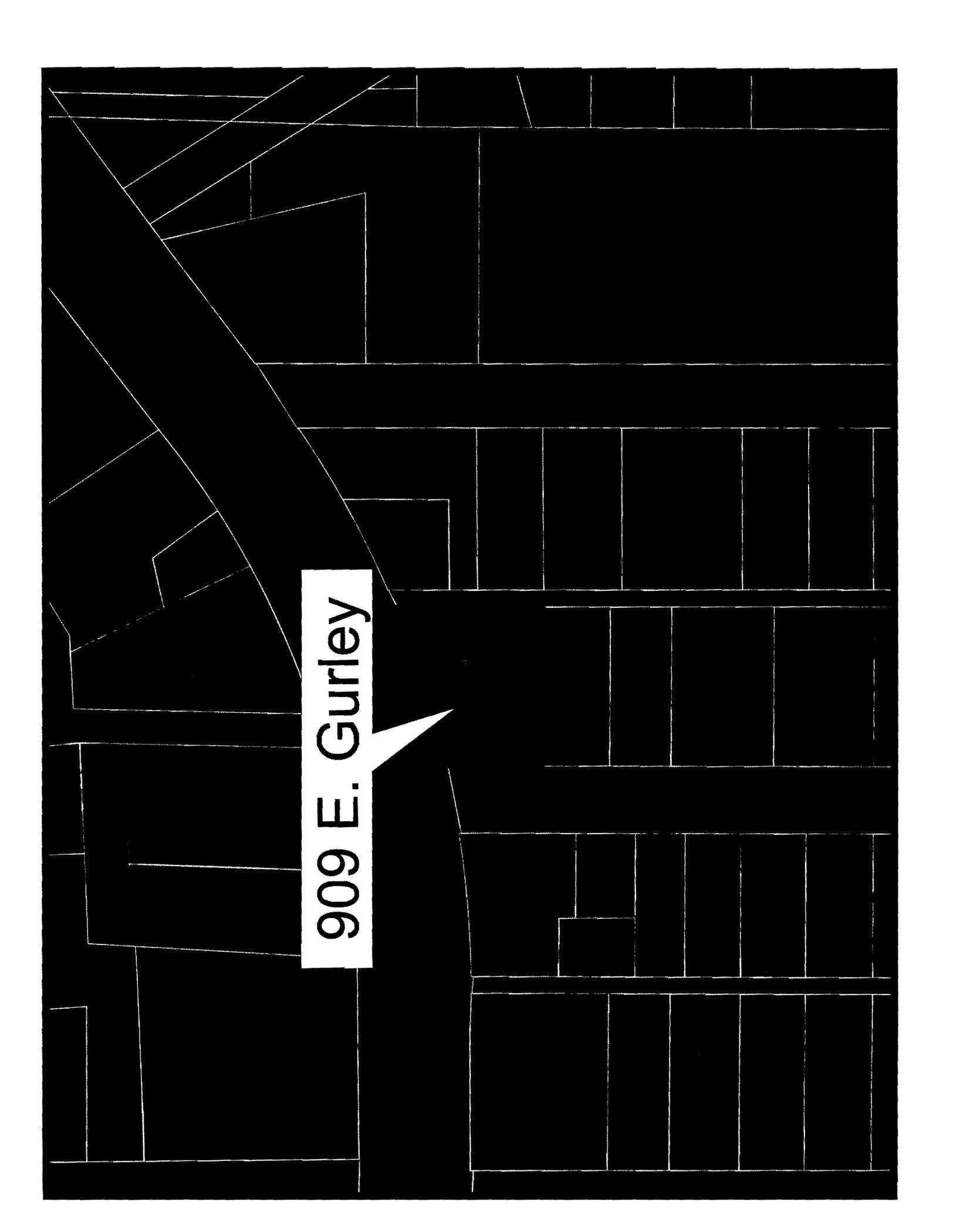
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ENN AVE

BG

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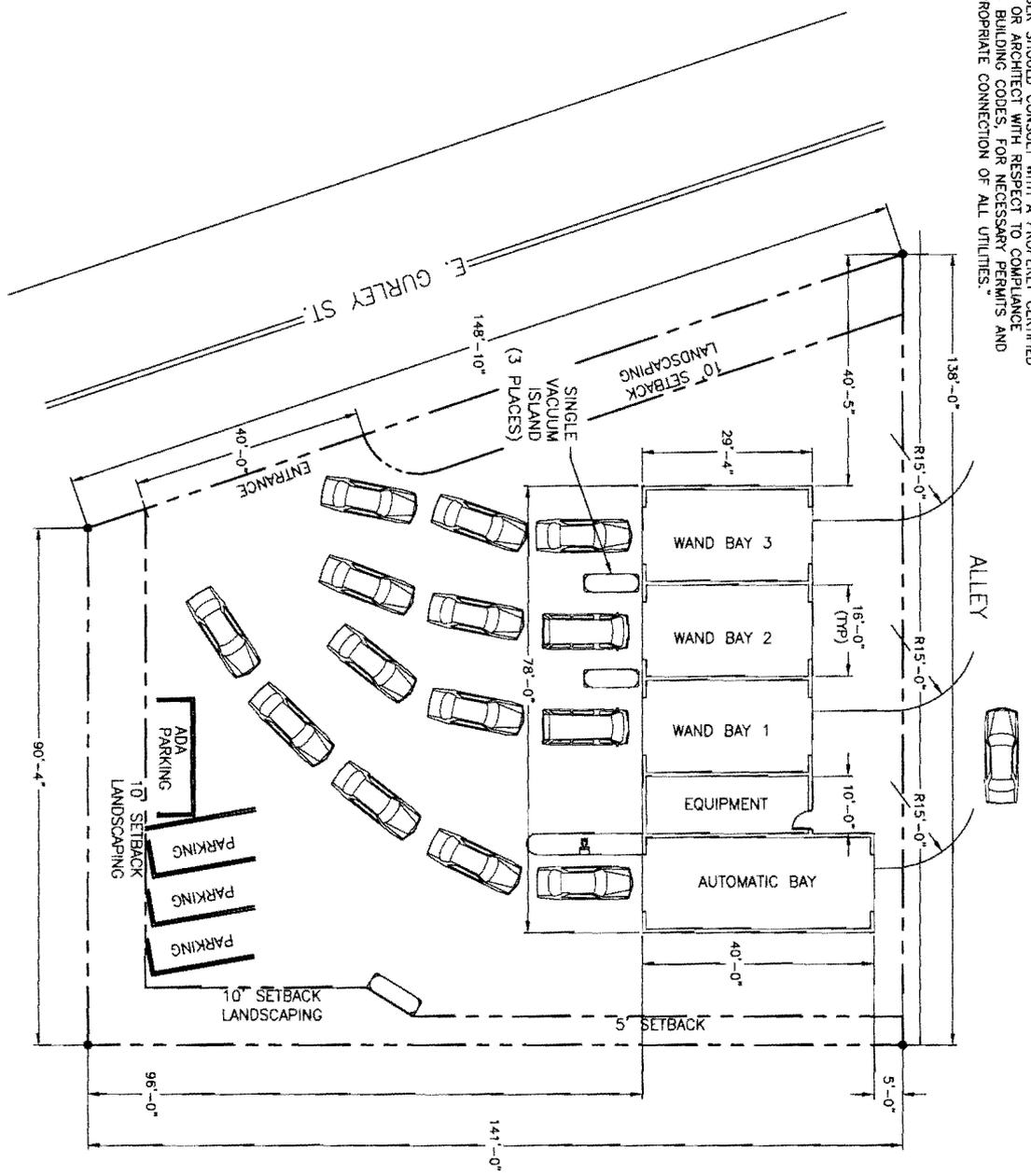
E GOODWIN ST



909 E. Gurley



NOTE:
 BUILDING DETAILS ARE FOR ILLUSTRATION, AND ARE NOT INTENDED FOR CONSTRUCTION. PURCHASER SHOULD CONSULT WITH A PROPERLY CERTIFIED ENGINEER, CONTRACTOR, OR ARCHITECT WITH RESPECT TO COMPLIANCE WITH LOCAL SAFETY AND BUILDING CODES, FOR NECESSARY PERMITS AND LICENSES, AND FOR APPROPRIATE CONNECTION OF ALL UTILITIES.



SHEET 1 OF 1

RYKO MFG.CO. GRIMES,IOWA, 50111 U.S.A. SITE PLAN/SIGNATURE SERIES, PLAN VIEW, SKYZ 909 E. GURLEY ST. PRESCOTT, ARIZONA 87565		All specifications subject to change without notice.		PRODUCT SIGNATURE SERIES					
SCALE AS NOTED DRAWN KS	DATE 1/26/11 CHK'D GDL	AUTOMATIC B	0211-047	ROTATE BUILDING, REMOVE BAY, REV PARKING	KS	2/16/11	GDL		
REV. B	DWG NO. 25300-194	APVD GDL	DATE 1/26/11	-- LTR	0111-065 ECO	RELEASE DRAWING DESCRIPTION	KS	1/28/11	GDL
							BY	DATE	APVD

CUP09-008

CONDITIONAL USE PERMIT

Agenda # _____

**Mountain Oaks School
1455 Willow Creek Road**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR **March 17, 2011**

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*
Ryan Smith, Community Planner *RS*

DATE: March 10, 2011

APPLICATION: CUP09-008

ZONING: Single Family - 9000 (SF-9)

APN: 116-17-270B

AREA: 6.37 acres

Owner: Steve Lummer - Pastor
1st Assembly of God Church
1455 Willow Creek Road
Prescott, AZ 86301

Agent: Cindy Roe - Principal
Mountain Oak School
124 N. Virginia St.
Prescott, AZ 86301

REQUEST:

A 2 year extension of Conditional Use Permit, CUP09-008 allowing for Mountain Oaks Charter School school to operate in an SF-9 zoning district. A church is currently in operation at this location. The Mountain Oaks School has been experiencing difficulty buying out the lease at their current location. The extra time will allow them to renegotiate the lease with the intent of moving the school by the fall of 2012.

PAST BOA ACTIONS:

CUP09-008 was originally approved on February 18, 2010. The Church CUP, CU8230, was approved in 1982.

STAFF FINDINGS AND RECOMMENDATIONS:

The Land Development Code requires that project construction must be completed within 12 months of the CUP approval date. It allows for a time limit extension, upon written request, with BOA approval. The LDC does not restrict a time extension, however, it must be for a specified period. Therefore, staff is recommending approval of an extension of 2 years for CUP09-008.

SUGGESTED MOTION OF APPROVAL WITH CONDITIONS:

Move To Approve Conditional Use Permit 2 year Extension for CUP09-008.

Attachments:

Applicant Request



Mountain Oak

• 124 N. Virginia St. Prescott, AZ 86301 •

A Waldorf-Inspired Charter School

March 4, 2011

To: City of Prescott, Board of Adjustment
Regarding: Extension of CUP

Project Number: CUP09-008
Address: 1455 Willow Creek Road
Parcel Number: 11617270B

Mountain Oak School was granted a Conditional Use Permit in February of 2010. I am requesting a CUP extension. We continue to move forward in site acquisition with the intention of occupying the site.

Sincerely,

Cynthia Roe
Principal

RECEIVED

MAR 17 2011

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT