
**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 21, 2011
9:00 AM**

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

The following decisions were made by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on APRIL 21, 2011, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting was given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS PRESENT

Mike Klein, Chairman
Duane Famas, Vice Chairman
Johnnie Forquer
Tom Kayn
Greg Lazzell
Dick Rosa
George Wiant

STAFF PRESENT

Tom Guice, Community Development Director
George Worley, Planning Manager
Matt Podracky, Sr. Assistant City Attorney
Dick Mastin, Development Services Manager
Ruth Hennings, Community Planner
Ryan Smith, Community Planner
Kathy Dudek, Administrative Assistant &
Recording Secretary to the Board

COUNCIL PRESENT

Marlin Kuykendall, Mayor
Jim Lamerson, Council Liaison

III. REGULAR AGENDA

- 1. Approve the minutes** of the March 17, 2011 public hearing.

Mr. Kayn, **MOTION: to approve the minutes** of the March 17, 2011 public hearing.
Mr. Lazzell, 2nd. **Vote: 7-0.**

- 2. CUP11-004, 202 S. Montezuma Street.** APN: 109-02-046A totaling ± 0.25 acre. Zoning is Downtown Business (DTB). LDC Sections 2.3 and 9.3. Request to amend Conditional Use Permit CUP09-006 to allow all food items to be sold from cart, to approve a shade structure, and increase hours of operation until 2:00 a.m. Owner is Montezuma Goodwin, LLC. Applicant/agent is Diane Rosito. Community Planner is Ryan Smith (928) 777-1209.

Mr. Kayn, **MOTION: to approve Conditional Use Permit CUP11-004, amending CUP09-006**, subject to the following six conditions:

1. The applicant must obtain a building permit for the canopy prior to installation.
2. If the canopy is not fire rated, then the food cart must be placed outside the canopy with a single cart umbrella as required by the County Health Department. Tables and chairs may then be placed under the canopy. At no time may the service area extend beyond the canopy.
3. The canopy may be lighted from within using low-output lighting in conformance with both the *Land Development Code* and Building Code.
4. Except for Condition #2, as noted above, the CUP shall be in strict conformance to the applicant's site plan received 03-15-2011.
5. At no time shall this CUP be construed to allow sales of non-food retail items.
6. Violations of any City Codes shall be deemed a violation of the conditions of this CUP which will result in a review by the BOA to determine the continued approval of the CUP.

Mr. Rosa, 2nd. **Vote: 7-0.**

3. **CUP11-005, 909 E. Gurley Street.** APN: 110-02-073 and totaling ± 0.34 acre. Zoning is Business General (BG). *LDC* Sections 2.3 and 9.3. Request a conditional use permit for a new car wash facility. Owner is Eiland Investments. Applicant/agent is Derek Gates. Community Planner, Ruth Hennings (928) 777-13139.

Mr. Rosa, **MOTION: to approve CUP11-005**, subject to the following six conditions:

1. Site development must be in substantial compliance with the site plan dated April 14, 2011 with the exception that no Recreational Vehicle (RV) car wash bay will be permitted. All wand bays are to be a maximum of 30' in length.
2. Hours for the overall operation of the business shall be from 6:00 a.m. to 10:00 p.m.
3. Sound abatement systems must be installed as proposed by the applicant.
4. Automatic wash bay will have doors closed during the dryer cycle.
5. Periphery vacuum station must be enclosed by walls on three sides and overhead to mitigate noise impacts.
6. Enhanced landscaping is required at the rear of the property, compatible with the standards listed in *Land Development Code* Section 6.13.4.C.2, with 80% screening.

Mr. Wiant, 2nd. **Vote: 7-0.**

IV. REVIEW ITEMS

None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

Mr. Worley handed out the City's criteria for the Medical Marijuana law that was passed in 2010. Board members are requested to familiarize themselves with the content and conditions listed in the memorandum.

VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:46 a.m.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted on the City's website on April 21, 2011 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek, Administrative Assistant
Community Development Department