



# BOARD OF ADJUSTMENT AGENDA

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**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, JANUARY 16, 2014  
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 January 16, 2014, 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**

Mike Klein, Chairman	Phil King
George Wiant	Richard Rosa
Johnnie Forquer	
James DiRienzo	

**III. REGULAR AGENDA / PUBLIC HEARING ITEMS**

1. Approval of November 21, 2013 meeting minutes.
2. CUP13-004, Conditional Use Permit for a Trinity Christian School. APN: 106-47-338A, 3201 Lakeside Village, totaling 0.54 acres. Located at 3201 Lakeside Village, in the Reserve at Willow Hills Commerce Center. Zoning is Neighborhood Oriented Business (NOB). Request is for approval to construct and locate a private school within the NOB zoning district. Owner is Northern Arizona Investment Group Inc. Applicant is Brian Wirick, Sterling Builders LLC. Community Planner is Ruth Traxler (928) 777-1319.

**IV. REVIEW ITEMS**

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

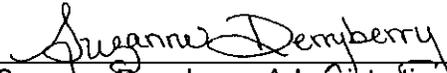
**VI. ADJOURNMENT**

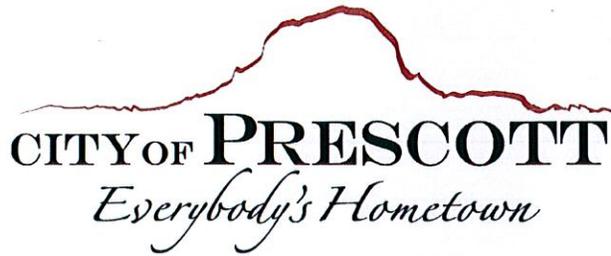
THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

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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 January 16, 2014 at 10:00 AM in accordance with the statement filed with the City Clerk's Office.

  
Suzanne Derryberry, Administrative Specialist  
Community Development Department



# BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT  
PUBLIC HEARING  
THURSDAY, NOVEMBER 21, 2013  
9:00 AM**

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

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on November 21, 2013 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

## I. CALL TO ORDER

Chairman Klein called the meeting to order at 9:06 a.m.

## II. ATTENDANCE

### Members

<i>MEMBERS</i>	<i>STAFF PRESENT</i>
Michael Klein, Chairman	Ryan Smith, Community Planner
Greg Lazzell, Vice Chairman (Absent)	Suzanne Derryberry, Administrative Specialist
Phil King	Matt Podracky, Senior Assistant City Attorney
James Di Rienzo	
Richard Rosa	
George Wiant	<i>COUNCIL PRESENT</i>
Johnnie Forquer	Jim Lamerson

## III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the October 17, 2013 meeting minutes.

Mr. King, MOTION to approve the October 17, 2013 meeting minutes. Mr. Wiant, 2<sup>nd</sup>.  
VOTE 6-0; passed.

2. V13-007 642 Merrell Blvd. APN: 116-17-118 totaling ±0.25 acre. LDC Section 3.6.F.1 and Section 9.13. Zoning is Single-Family 9000 square feet minimum lot size (SF-9). Request is for a variance for a reduced front yard setback from 25 feet to 18 feet 4 inches to allow for the construction of a 2nd story over an existing structure. Owner and Applicant: Ray and Sue Canova, 642 Merrill Blvd., Prescott, AZ 86301. Community Planner is Ryan Smith (928) 777-1209.

Mr. King recused himself from voting and all related discussions.

Mr. Smith reviewed the staff report and indicated that the request was for a reduction of the front setback from 25' to 18' 4" for a proposed second story addition on an existing structure. He pointed out the Land Development Code and stated that a grandfathered structure cannot be expanded without a variance approved by the board.

Mr. Smith displayed photos on the overhead projector and discussed specifics related to the proposal. He indicated that the applicant did not meet any of the required criteria since staff had not found any sort of hardship, which is the primary consideration in a variance request. In addition, he discussed feedback which had been received by the applicant's neighbors both for and against the proposal.

Mr. Wiant discussed the carport/garage being converted into living quarters and wanted to know if it had gone through the permitting process. Mr. Smith stated that the carport expansion had been done under a previous code with a permit. Subsequently, the garage had been converted into living quarters which had been done without a permit.

Erin Raisley, 305 Robinson Drive, discussed the converted enclosure and stated it had been done prior to his client living there. He continued by discussing the property setbacks and concerns regarding increased traffic. Mr. Wiant readdressed the garage conversion; upon further clarification, it was determined that the current property owner had in fact converted the garage into living quarters without obtaining a permit.

Josephine Carmen, 618 Morrell Blvd, stated that the problem regarding the addition was that it would make the home even closer to the street. In addition, she discussed the large amount of children, dogs and chickens that caused a lot of noise in an otherwise quiet neighborhood. She requested that the board deny the request for the proposed addition.

Dino Bulleri, 619 Morrell Blvd, requested denial of the variance especially after finding out that the conversion had been done without a permit. He also pointed out the staff report which stated that it did not meet the established variance criteria for approval.

Mr. Di Rienzo questioned the applicant regarding foster care and day care in the home. Mr. Podracky interjected that the board should stay focused on the issue at hand, which was the variance. Mr. Di Rienzo stated that the information was related to a home occupation and was found in the City Code. Ms. Canova had been conducting an activity which affected the code; therefore, it might have a difference on how they might proceed regarding the proposal.

Sue Canova, 642 Morrell Blvd, stated that she had not done daycare since the early 1990's and had stopped doing foster care back in 2005. She indicated however, that the neighbor across the street had moved out of state and they chose to take in the two girls until they completed high school.

Mr. Klein called for any other questions or comments; there were none.

Mr. Rosa, MOTION to deny variance V13-005 because it did not meet the requirements. Mr. Wiant, 2<sup>nd</sup>. VOTE 4-1 (Ms. Forquer opposed).

#### **IV. REVIEW ITEMS**

None

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

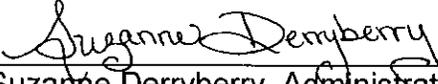
None

## VI. ADJOURNMENT

Chairman Klein adjourned the meeting at 9:20 a.m.

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Mike Klein, Chairman

  
Suzanne Derryberry, Administrative Specialist  
Community Development

**CUP13-004**

**Conditional Use Permit**

**Expansion of Trinity Christian School**

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

BOARD OF ADJUSTMENT MEETING for January 16, 2014

**STAFF REPORT**

**TO:** City of Prescott Board of Adjustment

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

**DATE:** January 16, 2014

**ZONING:** Neighborhood Oriented Business (NOB)

**LOCATION:** 3201 Lakeside Village

**APN:** 106-47-338A                      **AREA:** ±0.54 acres

**OWNER:** Northern Arizona Investment Group, Inc  
PO Box 10000  
Prescott, AZ 86304                      **AGENT:** Brian Wirick  
Sterling Builders LLC  
1965 Commerce Center Circle, B  
Prescott, AZ 86301

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**REQUEST:** Trinity Christian School requests a Conditional Use Permit (CUP) to allow for new classrooms and administrative offices at the Reserve at Willow Hills Commerce Center. The Commerce Center is within the Neighborhood Oriented Business (NOB) zoning district, which requires a Conditional Use Permit for elementary, middle, and high schools. The school's main campus is currently located at Willow Hills Baptist Church, approximately 850 feet from the proposed location. The requested classrooms and offices are an expansion of the main campus that would serve up to 144 students and associated administrative staff and faculty.

**PROJECT BACKGROUND:** Trinity Christian School currently operates out of the Willow Hills Baptist Church, which was granted a Conditional Use Permit in 1996 to operate in a Single-Family zoning district. There are approximately 200 students at the existing location, in grades K – 12. In order to accommodate projected growth, the school proposes to add an additional six classrooms and administrative offices at the subject location at the Reserve at Willow Hills Commerce Center (Attachment B). The six classrooms will hold an additional 24 students each,

in grades 7 – 12, for a maximum of 144 students. Total classroom area is expected to be around 3000 square feet and total office and administrative areas around 2000 square feet.

The Commerce Center has a shared parking arrangement, and sufficient parking spaces exist to accommodate the administrative staff and faculty. Students will be required to park at the main campus at Willow Hills Baptist Church and walk to and from the subject property. To accommodate student activity during breaks, the school has proposed including an interior flex room or enclosed quad area that would be used for multiple purposes. During lunch, the students will return to the main campus. Due to the increased pedestrian activity in the area, improvements to the pedestrian facilities, as shown in Attachment D, are an appropriate condition of approval of the CUP.

The Reserve at Willow Hills Commerce Center is within the Neighborhood Oriented Business zoning district, which is a lower intensity business district. Specific development standards are used in the NOB district to mitigate impacts to nearby residents. The maximum building height is 35 feet and the maximum building size is 12,000 square feet. Uses in the NOB district typically include small retail shops, service uses, professional offices, and restaurants. Uses permitted by CUP include schools, commercial storage, and indoor entertainment. In cases where commercial development occurs adjacent to residential property, similar to the proposed configuration, specific residential protections standards apply to buffer potential impacts.

**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 operational characteristics of the use will increase pedestrian traffic in the area and it is suggested that those impacts be mitigated through improvements to the infrastructure, as shown in Attachment D.
- 2) **Compatible with surrounding area:** The physical characteristics of the proposed use will not have any additional impacts on surrounding properties than would office or retail uses, which are permitted in the zoning district.
- 3) **External impacts minimized:** Pedestrian traffic impacts are proposed to be mitigated as shown in Attachment D.
- 4) **Infrastructure impacts minimized:** Pedestrian traffic impacts are proposed to be mitigated as shown in Attachment D.
- 5) **Consistent with General Plan and Code:** A mix of uses and services near residential uses are encouraged in the General Plan, with consideration given to adverse impacts.
- 6) **Parcel size:** The property is sufficiently sized for a one to two story building, approximately 5000 – 6000 square feet in area. There are no outside recreation areas

and so the school has proposed including an internal multiple purpose room or space to be used during breaks and other times as needed.

**7) Site Plan:** See attached site plan.

**PUBLIC COMMENTS:** Several phone calls have been received as of the writing of this report. The majority of calls requested additional project information and two of the calls were in opposition to the project. Concerns were noted regarding vehicular and pedestrian traffic and student visibility and activity around the building locations.

**Attachments:**

- A. Description of project
- B. Site Plan
- C. Zoning and Vicinity Map
- D. Traffic Engineer's recommendations

**STAFF RECOMMENDATION:** Staff recommends approval with conditions of the Conditional Use Permit. Student activity in the area and increased pedestrian traffic warrant conditions to ensure limited impacts to the adjacent residential neighborhoods.

Staff also recommends a site visit to the property to view the Trinity Christian School campus and the proposed expansion in the Reserve at Willow Hills Commerce Center.

**SUGGESTED MOTION:**

Move To Approve with Conditions CUP13-004:

1. The expansion of Trinity Christian School located at 3201 Lakeside Village must be in substantial conformance to the site plan dated December 19, 2013.
2. Students are required to park at Willow Hills Baptist Church. Student parking is not allowed at the Reserve at Willow Hills Commerce Center.
3. Infrastructure improvements to accommodate increased pedestrian traffic are to be completed in substantial conformance to the Traffic Engineer's recommendations (Attachment D).
4. An internal multipurpose room or space is required to accommodate student activity during breaks and other times as necessary.



Trinity Christian School

12 December 2013

Conditional Use Permit

Written Narrative

PAC #13-093

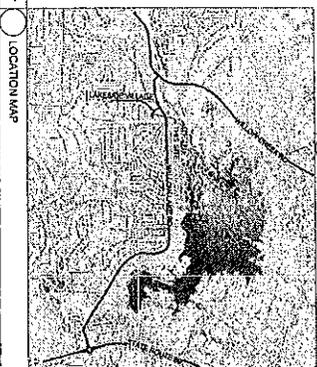
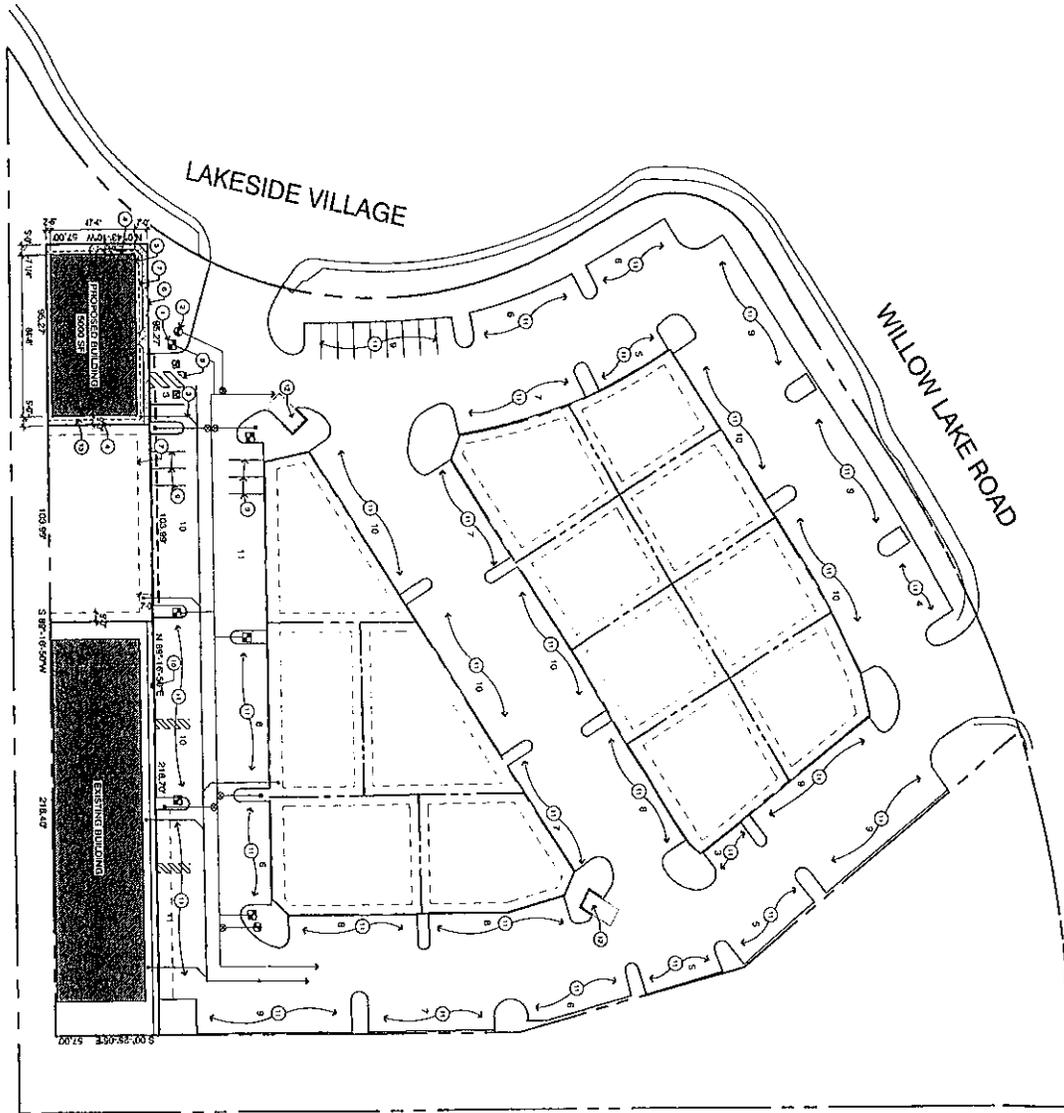
Trinity Christian School is a K-12 classical Christian School that was founded in 2003. We the board and staff of Trinity Christian School propose to expand our campus currently located at Willow Hills Baptist Church. Trinity Christian School currently operates out of the facility of Willow Hills Baptist Church where 200 students K-12 attend daily Monday through Friday from 8:15 AM to 3:15 PM with some before and after school activities. In order the needed expansion we propose to build a 5000 square foot building in the Reserve property adjacent to the HOAMCO building. This building would house 5-6 classroom to hold up to 24 students per classroom from the upper school in the 7-12<sup>th</sup> grade. This building would also have an entrance reception area, bathrooms, and administrative offices. This would operate on the school calendar Monday through Friday from 7 AM to 5:30 PM with minimal office use and tutoring during the summer months and when school is not in session. The parking would only be available to faculty and staff working in the building. Student parking would remain on the Willow Hills campus.

This use is compatible with the surrounding office and medical office uses as this is indoor instruction only. Students would be walking to this facility in most cases so traffic impact will be similar to any other use on this site. There is no impact to emergency services beyond any typical development of this area.

Access to the property is via existing arterial roadways, local streets and driveways. Parking is adequately provided for this use and is reflected on our site plan.

Health and safety impacts will be minimal as well. As mentioned above, instruction will be indoors only. The only hazardous materials will be small quantities of chemicals used in typical high-school chemistry. MSDS sheets for all materials will be on file with the Prescott Fire Department.

1 SITE PLAN



**PROJECT DESCRIPTION**  
 PROJECT NAME: TRINITY CHRISTIAN SCHOOL  
 PROJECT ADDRESS: 3201 LAKESIDE VILLAGE  
 PROJECT NUMBER: 15071  
 DESIGNER: MICHAEL TAYLOR ARCHITECTS, INC.  
 ARCHITECT: MICHAEL TAYLOR ARCHITECTS, INC.  
 PROJECT NUMBER: 15071  
 PROJECT ADDRESS: 3201 LAKESIDE VILLAGE  
 PROJECT DATE: 12/14/2015  
 PROJECT TIME: 10:16 AM  
 PROJECT STATUS: PRELIMINARY DESIGN  
 PROJECT OWNER: TRINITY CHRISTIAN SCHOOL  
 PROJECT CONTACT: TRINITY CHRISTIAN SCHOOL  
 PROJECT PHONE: 480-440-0416  
 PROJECT FAX: 480-440-0416

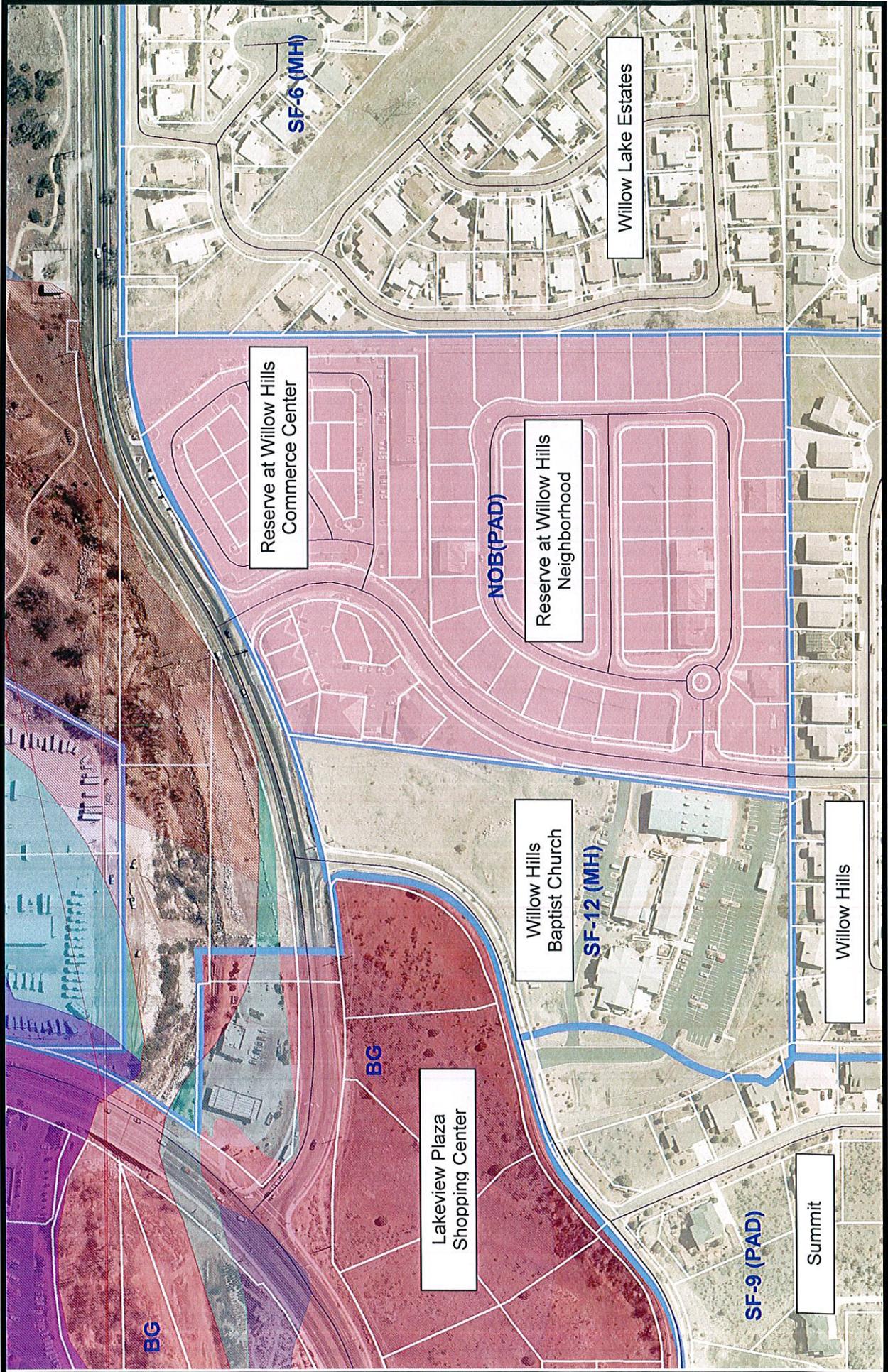
- REVISIONS**
1. EXISTING VEHICLE TRAFFIC - TRINITY
  2. EXISTING PEDESTRIAN TRAFFIC - TRINITY
  3. EXISTING SERVICE CONNECTIONS - TRINITY
  4. NEW WALKWAY
  5. NEW WALKWAY
  6. NEW WALKWAY
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  18. NEW WALKWAY
  19. NEW WALKWAY
  20. NEW WALKWAY

NO.	DATE	DESCRIPTION

**TRINITY CHRISTIAN SCHOOL**  
 3201 LAKESIDE VILLAGE TRINITY, ARIZONA

**PRELIMINARY DESIGN  
 NOT FOR  
 CONSTRUCTION**

**MICHAEL TAYLOR ARCHITECTS, INC.**  
 85 South Pleasant St. Phoenix, Arizona 85003  
 Phone 480-440-0416 Fax 480-440-0416



SF-6 (MH)

Willow Lake Estates

Reserve at Willow Hills  
Commerce Center

NOB (PAD)

Reserve at Willow Hills  
Neighborhood

Willow Hills  
Baptist Church

SF-12 (MH)

Willow Hills

Lakeview Plaza  
Shopping Center

BG

SF-9 (PAD)

Summit

BG

Attachment D  
CUP 13-004

**Traxler, Ruth**

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**To:** Mattingly, Ian  
**Subject:** RE: CUP#13-004

**From:** Mattingly, Ian  
**Sent:** Tuesday, January 07, 2014 10:47 AM  
**To:** Traxler, Ruth  
**Subject:** CUP#13-004

**TRANSPORTATION SERVICES**

Reviewer: Ian Mattingly, City Traffic Engineer 777-1130

Vehicular traffic is anticipated to be minimal and the existing off site classrooms are being constructed in a NOB retail center that has parking and traffic infrastructure designed for land uses which are much more intense. For this reason there is no vehicular traffic improvements required.

Pedestrian traffic is anticipated to consist of 144 students (maximum) moving to and from the satellite campus daily. This volume would warrant a crosswalk in a location that would facilitate their safe movement across Lakeside Village near the main school campus. A site review by staff has resulted in a preferred crossing location. The developer is required to construct a crosswalk on Lakeside Village just south of their northerly parking lot driveway. The installation will require a 10' white (thermoplastic) crosswalk, associated advanced school warning signs, two ADA accessible curb ramps and modification of the existing drainage inlet as needed to accommodate the installation. A site plan showing these improvements is attached for reference.

Sincerely,

--

Ian Mattingly, P.E.  
City Traffic Engineer  
City of Prescott

