



City of Prescott Board of Adjustment

October 17, 2024 | 9:00 AM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair Lamerson called the meeting to order at 9:00 a.m.

2. ROLL CALL

Jim Lamerson, Chair
Tony Teeters, Vice Chair
Tom Davis, Member
Mary Frederickson, Member
Miriam Haubrich, Member
Mark Hokeness, Member
Tom Hutchison, Member

3. DISCUSSION & ACTION ITEMS

- A. Approval of the September 19, 2024 Board of Adjustment Meeting Minutes.

MOTION BY MEMBER DAVIS TO APPROVE THE MEETING MINUTES AS PRESENTED; SECONDED BY MEMBER FREDERICKSON: PASSED (7 - 0)

- B. **NOTICE OF CONTINUANCE – CUP24-004**, Conditional Use Permit to Allow the Inclusion of a Helicopter Landing Pad at the North Side of the Hospital Site Adjacent to State Route 69 in a BR (Business Regional) Zoning District. Property Location is 4822 E State Route 69. [Property owner: EHC Prescott LP. Applicant/Agent: BMH As-Built USA. APN: 103-15-160A, Encompassing 9.2 acres]

- C. **V24-008**, Request for a Variance to City of Prescott Land Development Code (LDC) Section 6.8.4.D to Allow for an Increase in the Maximum Retaining Wall Height of 8' to 10' in Sections due to Topographic Challenges. [Property Location: Peregrine Ridge Subdivision (West of N State Route 89 Across from Watson Lake Encompassing 24.3 acres). [APN: 106-13-034K, Property Owner: Peregrine Ridge at Prescott Lakes LLC; Applicant/Agent: Luther Kraxberger].

Community Planner Kaylee Nunez introduced the topics for discussion and stated that CUP24-004 will be continued until next month's Board of Adjustments meeting November 21, 2024. She provided the location of project V24-008 with maps and photos and added that no special privilege would be provided due to the approval of the request. All variance review criteria presented and V24-008 meets all criteria. Staff recommendation is to move to approve V24-008 as presented.

Member Hokeness asked if the variance was not granted, would it reduce the number of lots in the subdivision or make the lots smaller.

Applicant Luther Kraxberger stated that it would impede lots from being developable and reduce the storm water detention basins and require the project to be re-engineered.

Member Hokeness asked if the lots would be utilized without the variance.

Mr. Kraxberger said the lots would not be utilized and the number of lots would be decreased from the proposal.

Member Hutchison asked if this is not approved, does it kill the project.

Mr. Kraxberger stated that it would not kill the project, but it would be very detrimental.

Member Frederickson asked what the 36-foot criteria entails.

Ms. Nunez responded that the sum of the vertical runs of all retaining walls cannot exceed 36 feet.

Member Frederickson asked what is included in the total sum of retaining walls.

Ms. Nunez provided a photo from the Land Development Code (LDC) to Board Members.

Member Frederickson asked if there were plans for tiers between the retaining walls.

Mr. Kraxberger stated that all walls will be designed to a 1:1 ratio and is designed to look less than a 1:1 ratio.

Member Frederickson asked if there will be landscaping provided.

Mr. Kraxberger stated that there will be desert friendly landscaping, but it has not been finalized at this time.

Ms. Nunez added that landscaping is a requirement.

Member Hokeness asked if this would be a self-induced hardship.

Ms. Nunez stated that variances are reviewed against the land in its natural state.

Member Hokeness asked if the project was designed with the code in mind from the beginning.

Ms. Nunez provided information on the staff review process and stated that staff does not get involved in the economics of the project.

Mr. Kraxberger added that the project started with 52 units and has been reduced to 48 units to meet the hillside development requirements.

Member Davis asked if neighboring projects have variances for retaining walls or if they comply with the 8-foot requirement.

Ms. Nunez responded that neighboring projects are not asking for a variance for wall heights.

Member Davis asked how many 9-foot, and 8-foot walls will there be.

Mr. Kraxberger replied that 8-foot walls would not work for this project and there is only one 10-foot wall for the entire project.

Member Davis asked what if there were five walls that meet the 8-foot requirement.

Mr. Kraxberger stated that it would not work with the engineering.

Member Hokeness asked if it would not work because it reduces the number of lots.

Mr. Kraxberger responded that it would change the project as a whole due to the topography.

Member Hokeness stated that the project should have been designed to the code from the beginning.

Mr. Kraxberger stated that the walls originally were originally designed by Lyon Engineering with 10-foot walls and were changed to 8-foot walls due to comments received from city staff.

Member Hokeness stated that Lyon Engineering could have started the design with the code in mind.

Mr. Kraxberger stated that the project was back engineered based on the preliminary plat approved by city staff.

Ms. Nunez provided information on the preliminary plat review process.

Member Frederickson asked how staff weighs historical allowances versus current code.

Ms. Nunez stated that the LDC has been in place since 2005, and staff does consider historical context beyond current LDC. She added that this project was reviewed in context of the neighborhood.

Planning Manager George Worley stated that applications for variances are reviewed for context and reviewed only for the areas surrounding i.

Member Hutchison asked what the downside is of approving the proposal.

Ms. Nunez replied the only downside is precedent and does not feel that this proposal is problematic.

Chair Lamerson stated that due to the topography in Prescott, this type of proposal will be seen more. He added that he does not see any public health or safety issues being created. Additionally, he asked if a health or safety issue is created can staff explain what it is.

Ms. Nunez stated that there are no detrimental impacts on health and safety.

Member Hokeness stated that the code exists for a reason and that a solution can be designed that works to meet current code.

Member of the public, Jim Orr Board of Directors Prescott Lakes Community Association provided information on walls for other subdivisions within the Prescott Lakes Community. He said he is not opposed to this development and supports the project but wants it to be done in a responsible way. He provided guidelines and regulations related to the Prescott Lakes Community Association and that this project needs to meet all the guidelines. He stated that even if Board Members approved this variance, it would need to be approved by the Prescott Lakes Architectural Committee and Board of Directors and as it currently sits, would not be approved. He wants the development to be successful but stated that the rules need to be followed. Additionally he provided a packet to the Board Members that has been entered into the minutes record.

Mr. Kraxberger stated that the plans for this proposal were sent to HOAMCO and received preliminary approval from the architectural review committee. He stated that the height of the walls increases the open space. Additionally, he provided that there is only one 10-foot wall on this proposal and will not be visible by any neighboring properties.

Member of the public, Jim Orr stated that he was unfamiliar with any 10-foot walls and Mr. Kraxberger was given a preliminary approval to proceed pending other documents and requirements being provided. He added there will not be more open space created by this proposal.

Mr. Worley provided clarification to the board members that they can take into consideration any information related to the LDC but cannot take into consideration any of the HOA rules associated with the Development Agreement.

Member of the public, Kevin Paluch Prescott Lakes Club Manager stated that they are extremely pro-building but does have concerns about this proposal. Concerns he addressed are related to drainage and damage to the golf course that this proposal may create.

Member Davis thanked staff for their efforts in providing notices to property owners further than the 300 foot requirement. Additionally, he stated that he has concerns about the precedent of going outside the LDC without justification.

Member Frederickson stated that this proposal is different than most variances the Board reviews. She does not see why this variance is needed besides to allow the developer to proceed with what they have already proposed.

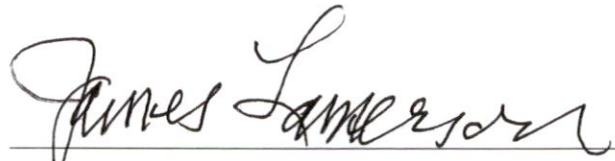
MOTION TO DENY V24-008 BY MEMBER HOKENESS; SECONDED BY MEMBER FREDERICKSON: VARIANCE DENIED UNANIMOUSLY (7-0).

4. UPDATES

Mr. Worley provided updates about the 2025 General Plan Open House at the Prescott library on Thursday 10/24/2024.

5. ADJOURNMENT

Chair Lamerson adjourned the meeting at 10:12 a.m.

A handwritten signature in cursive script, reading "James Lamerson", written over a horizontal line.

Jim Lamerson, Chair

A handwritten signature in cursive script, reading "Jake Zund", written over a horizontal line.

Board Secretary