



**TOWN OF PRESCOTT VALLEY
BOARD OF ADJUSTMENT**

Meeting Minutes
Monday, May 20, 2019
Prescott Valley Library Auditorium

I. Call to Order

Chairperson Shimmin called the meeting of the Board of Adjustment to order at 5:30 p.m. and outlined the public hearing rules and procedures for the Board of Adjustment.

II. Roll Call

Members present: Chairperson Shimmin, Vice-Chairperson Johnson, Member Brower, Member Corrigan, and Member Van Boening. Staff present: Fernando Gonzalez, Code Enforcement Supervisor and Kristi Jones, Administrative Support II.

III. Approval of Minutes – February 25, 2019

Chairperson Shimmin asked if there were any changes to the minutes from the February 25, 2019 meeting. Member Brower noted a clerical error on page 9 that was corrected. Chairperson Shimmin called for a motion to approve the amended minutes. Member Corrigan made the MOTION, seconded by Member Van Boening, to approve the minutes as submitted from the February 25, 2019 Board of Adjustment meeting.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, Member Van Boening YES, and Member Brower Yes.
MOTION carried with 5 ayes and 0 Nays.

IV. Announcements

V. Action Items

- 1. UP19-001.** Upon the application of Tom Auther, Agent, for J&J Equine Enterprises LLC, a request for a Use Permit per Section 13-19a-020 C. 1, of the Town of Prescott Valley Zoning Ordinance in order to allow a caretaker to have residency in a PL Zoning District. The subject property is located at 10501 E. State Route 89A. Prescott Valley, APN# 401-01-127D.

Fernando Gonzalez, Code Enforcement Supervisor, stated that the subject property is located in the PL (PUBLIC LANDS) Zoning District. He noted that the district is intended to allow for a variety of uses such as Arizona Downs (formerly known as Yavapai Downs). Mr. Gonzalez reported that the applicant is requesting approval for any essential personnel, associates, caretakers be allowed to reside on the property

during the horse race season. He expressed the importance of the caretakers being onsite to ensure proper care for the horses around the clock including any unexpected situations that may arise.

Mr. Gonzalez stated that the PL Zoning District Section 13-19a-020 C. 1 allows for residences, including mobile homes and manufactured homes in compliance with Chapter 15 of this Code, for caretakers and necessary employees and associates.

Mr. Gonzalez mentioned that he had a discussion with Member Brower earlier and, as a result of the conversation, he is recommending three additional conditions that were not provided in the Board member packets.

In conclusion, Mr. Gonzalez stated that Staff recommends the Board approve UP19-001 to allow a caretaker to have residency in a PL Zoning District with the following conditions:

1. All residences comply with chapter 15 of this code.
2. That building permits as required for any changes or alteration to the property be secured prior to construction.
3. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.
4. That occupancy is limited to two (2) persons per unit.
5. Signs with Emergency Contact information (including Fire, Police, and Race Track personnel) be posted throughout the residence areas.
6. That all safety procedures be monitored by race track security personnel.

Chairperson Shimmin opened the item to questions or comments from the Board.

Member Brower commented that he met with the manager of Arizona Downs and was impressed with their enthusiasm to make it as safe as possible. Member Brower shared his safety concerns that have been addressed by the additional recommended conditions.

There were no further questions or comments from the Board for Staff; therefore, Chairperson Shimmin invited the applicant to address the Board.

Tom Auther, owner of Arizona Downs, addressed the Board. Mr. Auther expressed his excitement for opening weekend and noted that they have a full field for opening weekend. He gave kudos to Mr. Gonzalez, Larry Tarkowski, Town Manager, and the community in general.

Member Corrigan asked what days of the week they'll be open.

Mr. Auther stated that normally, they will be open on Saturdays and Sundays; however, over the holiday weekends (Memorial, 4th of July, and Labor Day), they will be open Friday through Monday.

Member Corrigan asked if they were doing okay getting horses.

Mr. Auther stated that has been great. Mr. Auther explained that their main income is derived from off track betting (OTB); they pay to receive the simulcast signals from various race tracks and they are currently denied from obtaining the signal from one of the race tracks which constitutes 42% of the handle within Arizona. As a result, Arizona Downs is personally putting up money to cover the purses. Mr. Auther reported that there is current legislation that would prevent this in the future. The legislation would mandate if a signal is sent to Arizona, all OTB permitted establishments would receive it.

Vice-Chairperson Johnson asked if it is a common practice for caretakers to live onsite.

Mr. Auther stated "yes, almost everywhere." He indicated that their original plan was to set up sleeping quarters within the Coors Event building; however, the caretakers want to be in the stables with the horses in case the horses wake up during the night with colic or other health issues.

Chairperson Shimmin opened the item to public comment. There was no public comment; therefore, Chairperson Shimmin called for a motion related to the item.

Prior to voting, Member Corrigan noted for the record that he is a member of the Arizona Thoroughbred Breeders Association; however, he has no connection to Arizona Downs nor does he own any horses.

Action UP19-001:

Member Van Boening moved to approve UP19-001 as submitted with the following conditions:

1. All residences comply with chapter 15 of this code.
2. That building permits as required for any changes or alteration to the property be secured prior to construction.
3. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.
4. That occupancy is limited to two (2) persons per unit.
5. Signs with Emergency Contact information (including Fire, Police, and Race Track personnel) be posted throughout the residence areas.
6. That all safety procedures be monitored by race track security personnel.

Member Corrigan seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, Member Van Boening YES, and Member Brower YES.

MOTION carried with 5 ayes and 0 nays.

2. **UP19-002.** Upon the application of Chris Graff, Agent, for Asphalt Paving & Supply Inc., a request for a Use Permit per Section 13-14-

020 C.10, of the Town of Prescott Valley Zoning Ordinance in order to allow outside temporary storage in a C2 zoning district. The subject property is located at 3314 N. Glassford Hill Road, Prescott Valley, APN# 103-02-942.

Fernando Gonzalez, Code Enforcement Supervisor stated that the subject property is located in the C2 (COMMERCIAL; GENERAL SALES AND SERVICES) Zoning District. He noted that the subject property is currently a vacant lot surrounded by retail establishments.

Mr. Gonzalez explained that the proposed use is necessary to accommodate the Outside Temporary Storage of materials related to the Town of Prescott Valley's Sunset Lane improvement, which is currently slated to be a two year project.

Mr. Gonzalez noted that the C2 zoning district does allow for Outside Temporary Storage in Section 13-14-020 C.10 as a permitted use by use permit.

Mr. Gonzalez mentioned that he had a discussion with Member Brower earlier and, as a result of the conversation, he is recommending two additional conditions that were not provided in the Board member packets.

In conclusion, Mr. Gonzalez stated that Staff recommends the Board approve UP19-002 to allow outside temporary storage in a C2 zoning district with the following conditions:

1. All screening requirements per Town Code are met.
2. That building permits as required for any changes or alteration to the property be secured prior to construction.
3. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.
4. No maintenance of motor vehicles or equipment to be conducted onsite and no fuel storage onsite.
5. Any and all environmental issues created by the storage are addressed prior to the end of lease.

Chairperson Shimmin opened the item to questions or comments from the Board.

Vice-Chairperson Johnson stated that the Utility Company is currently using this site for storage. He noted that he'd like the Town to remove the curb indicating no right-hand turn to allow access during this time and indicated that the curb is currently broken from the Utility Company and their heavy equipment.

Mr. Gonzalez stated that he'd be happy to make that recommendation.

Member Brower stated that upon research, the applicant isn't the owner of the subject property and he wondered who would be responsible for any environmental issues after the completion of the project.

Mr. Gonzalez stated that the property owner, Four Seasons, will be monitoring and responsible for the property.

Chairperson Shimmin opened the item to public comment. There was no public comment; therefore, Chairperson Shimmin called for a motion related to the item.

Action UP19-002:

Vice-Chairperson Johnson moved to approve UP19-002 as submitted with the following conditions:

1. All screening requirements per Town Code are met.
2. That building permits as required for any changes or alteration to the property be secured prior to construction.
3. That the duration of the Use Permit be limited to two (2) years and subject to renewal at that time.
4. No maintenance of motor vehicles or equipment to be conducted onsite and no fuel storage onsite.
5. Any and all environmental issues created by the storage are addressed prior to the end of lease.

Member Brower seconded the motion.

MOTION carried unanimously by roll call vote as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, Member Van Boening YES, and Member Brower YES.

MOTION carried with 5 ayes and 0 nays.

VI. Call to Public

Chairperson Shimmin called for public comment. There was none.

VII. Adjournment

There was no further public comment related to any item presented during this meeting; therefore, Chairperson Shimmin called for a motion for adjournment.

Member Corrigan made the MOTION to adjourn by roll call vote. Board members voted as follows: Chairperson Shimmin YES, Vice-Chairperson Johnson YES, Member Corrigan YES, Member Van Boening YES, and Member Brower YES.

MOTION carried with 5 ayes and 0 nays

The May 20, 2019, Board of Adjustment meeting adjourned at 5:51 p.m.

Linda Shimmin, Chairperson