



**RESOLUTION 2009-793**

**A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA, YAVAPAI COUNTY, APPROVING USE PERMIT 2009-03 TO ALLOW AN OFF-PREMISE SIGN ADVERTISING OTTO BOND & BAIL LLC DISPLAYED ON PARCEL 403-25-023 OWNED BY LESLIE FRIEDLANDER. THE PROPERTY IS LOCATED IN VERDE VALLEY BUSINESS PARK, 2931 COMMONWEALTH DRIVE. OFF-PREMISE SIGN USE PERMITS EXPIRE IN THREE YEARS.**

The Common Council of the Town of Camp Verde hereby resolves as follows:

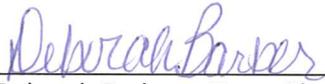
- I. The Common Council hereby finds as follows:
  - A. A request for approval of Use Permit 2009-03 was filed by Jeff Wilhelm, owner of Otto Bond & Bail, LLC, to allow an off-premise sign, to advertise Otto Bond & Bail LLC with written permission from Leslie Friedlander, owner of parcel 403-25-023.
  - B. The request was reviewed by the Planning and Zoning Commission on October 10, 2009 and by the Common Council on October 28, 2009 in public hearings that were advertised and posted according to state law.
  - C. A neighborhood meeting was held on September 8, 2009 by the applicant as required by ARS and Town of Camp Verde Ordinance Section 113.
  - D. The purpose of the Use Permit is to allow the use of an off-premise advertising sign for Otto Bond & Bail LLC, with a color graphic of sign attached as Exhibit "A".
  - E. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

The Common Council of the Town of Camp Verde hereby approves UP 2009-03 for the purpose of allowing an advertising sign for Otto Bond & Bail LLC.

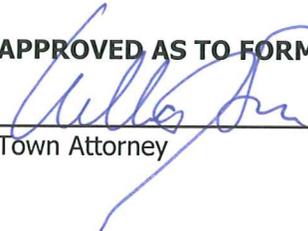
**PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON OCTOBER 28, 2009.**

  
\_\_\_\_\_  
Bob Burnside – Mayor

Date: 11-12-09

Attest:   
\_\_\_\_\_  
Deborah Barber – Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Town Attorney

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**John Otto**  
**BAIL BONDS** L.L.C.

**(928) 567-5657**

**DownTown Camp Verde w 348 S. Main Street, Suite 14**

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7. **Discussion, consideration, and possible approval of Resolution 2009-793, a Resolution of the Common Council of the Town of Camp Verde, Arizona, Yavapai County, approving Use Permit 2009-03 to allow an off-premise sign advertising Otto Bond & Bail, LLC displayed on parcel 403-25-023 owned by Leslie Friedlander. The property is located in Verde Valley Business Park, 2931 Commonwealth Drive. Off-premise sign Use Permits expire in three years. Staff Resource: Mike Jenkins**

On a motion by Whatley, seconded by Kovacovich, the Council unanimously approved Resolution 2009-793, a Use Permit 2009-03 for a period of 3 years from the date of the Town Council approval, as required by Section 118 of the Planning & Zoning Ordinances, for an Off-Premise sign located on Parcel 403-25-023, owned by Leslie Friedlander, as requested by Jeff Wilhelm, owner of Otto Bond & Bail, LLC, with the following stipulations:

1. That all conditions of Section 118-XIV (Sign Ordinance) of the Town of Camp Verde Planning & Zoning Ordinances be met and continue to be met throughout the allowed 3-year term of the Use Permit.
2. That under the conditions of the Use Permit process as described in Section 108-I of the Town of Camp Verde Planning & Zoning Ordinances, if any requirements of the Use Permit approval and requirements are violated, the said Use Permit will be voided and the Off-Premise sign shall be removed.
3. No Use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, with approval of a new Use Permit (Section 108.K)
4. A Town of Camp Verde Business License must be in place and current.
5. Conditioned upon Otto Bond & Bail having an office located in Camp Verde, in operation, as long as the sign Use Permit is in effect.
6. The back side of the said sign shall be painted to blend in with the local surroundings.
7. The sign as submitted by the applicant will state the name of the business, the local phone number and address of the business office in Camp Verde, and a copy of the sign is to be attached to the Resolution as an exhibit and made a part thereof.

#### **STAFF PRESENTATION**

Acting Community Development Director Jenkins reviewed the purpose of the request for the Use Permit, which is to place a sign in the Verde Valley Business Park on the subject parcel pursuant to the owner's letter of permission; there currently are no other off-premise signs in the area. The conditions required by the Planning & Zoning Ordinance have been met by the applicant. The letters sent to adjacent property owners resulted in three responses, two of which expressed objection to the proposed sign, with one supporting the request. The main objections, in summary, were that the applicant has no plans to construct a building or business; a precedent could be set for other property owners to collect space rent and allow any business to advertise; the sign could give unfair advantage to businesses outside of Camp Verde; the sign does not indicate a business location in Camp Verde, and indicates a physical address located in Flagstaff; a new business wanting to put a similar agency in the Business Park may be discouraged from doing so; and the Business Park does not want a potential "Billboard Junction." No comments have been received from either the Town Engineer or the Town Building Department.

The Planning & Zoning Commission voted unanimously to recommend that Council deny the subject application for the Use Permit; the motion was based on the possibility of more billboard-type signs, the effect on property values, and on future development. Jenkins projected an aerial view of the area, indicating the location of the proposed sign and its proximity to the County facility, as well as the site plan outlining the subject parcel and access road.

#### **PUBLIC HEARING OPEN**

##### **Applicant's Statement**

**Jeff Wilhelm**, one of the three owners of Otto Bond & Bail, outlined the background of the establishment and operation of the family-owned bail bond business since 1990; he also maintains an insurance business along with the bail bond service in Prescott. The applicant described the bail bonding service provided primarily for the families and friends of individuals who have been arrested and placed in detention, and listed the counties and courts that have authorized their activities, as well as his certification by the Professional Bail Bond Agent Association of the United States, and as a member of good standing in the State Bar of Arizona. The business has never received even an inquiry by the Department of Insurance, an entity that heavily regulates bail bond agencies. Mr. Wilhelm explained that the jail in Prescott has been shut down, and all detention now is being handled at the Camp Verde site, which led to looking into the possibility of locating an office in Camp Verde, and preferably close to the detention center. There currently is no building activity in connection with the lots in the Business Park, so no office is available at that site. Mr. Wilhelm said that arrangements have been made to lease a Camp Verde office, located at 348 South Main Street, Suite 14, contingent upon receiving the Use Permit for the off-premises sign. Mr. Wilhelm stated that, in addition to paying rent at that location, which would benefit the Town, he has applied for a business license, and will be joining the local Chamber of Commerce.

#### **COMMENT FROM OTHER PERSONS**

There were no comments from other persons.

#### **APPLICANT'S REBUTTAL**

No applicant's rebuttal was necessary.

#### **PUBLIC HEARING CLOSED**

**Council Discussion**

During the Council discussion, there was comment that none of the objecting Business Park property owners has an office in Camp Verde. The members discussed several issues with Mr. Wilhelm, including how long his group has been in business, and a reluctance to rule against the P&Z Commission recommendation. However, it was noted that changes have been made since the Commission hearing, including arranging to provide a Camp Verde business address and applying for a business license, and the plan to join the local Chamber of Commerce. In addition, Mr. Wilhelm produced a redraft of the proposed sign, revised to show the local phone number as well as the Camp Verde address; there was a suggestion that the revised sign be made a part of the Resolution, if the request for a Use Permit is approved. Mr. Wilhelm confirmed that the Prescott office will continue as the administrative office, since he also maintains an insurance business there as well. Making Camp Verde the central hub of the business has not been thought through as yet; that will depend upon future demand, in essence. There were general comments in support of how the applicant has met the concerns of the Commission, and that if the application is approved, such approval should include a stipulation that the sign must be removed in the event of termination of the Use Permit at any time. Other stipulations were discussed, including requiring maintaining and operating an office in Camp Verde during the term of the Use Permit. The applicant also agreed to paint the back of the sign in an earth tone, to blend in with the background. The additional stipulations discussed were summarized and incorporated into the formal Council action.