CITY OF PRESCOTT
Everybody's Hometown

PLANNING & ZONING COMMISSION AGENDA

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
THURSDAY, APRIL 26, 2012
9:00 AM

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

The following agenda will be considered by the **PLANNING & ZONING COMMISSION** at its **REGULAR MEETING / PUBLIC HEARING** to be held on **THURSDAY, APRIL 26, 2012, at 9:00 AM in COUNCIL CHAMBERS, CITY HALL,** located at **201 S. CORTEZ STREET**. Notice of this meeting is given pursuant to *Arizona Revised Statutes*, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

MEMBERS

Tom Menser, Chairman
Ken Mabarak, Vice Chairman
Joseph Gardner
Timothy Greseth
George Sheats
Don Michelman

III. REGULAR ACTION ITEMS

1. **Consider approval of the minutes** of the April 12, 2012 regular meeting / study sessions.

IV. PUBLIC HEARING ITEMS

1. **RZ12-001, 2121 Larry Caldwell Drive.** APN: 102-06-005H totaling ±23.5 acres. Existing zoning is Single-Family Residential (SF-9), Neighborhood Oriented Business (NOB), and Residential Office (RO). The current application is for a rezoning to a Business General zoning district, of the NOB and SF-9 portions of the property only. Owner/Applicant is The Heights Church. Community Planner is Ruth Hennings (928) 777-1319.

V. CITY UPDATES

VI. SUMMARY OF CURRENT OR RECENT EVENTS

VII. 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.

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 April 20, 2012 at 2:00 p.m. in accordance with the statement filed with the City Clerk's Office.

Suzanne Derryberry

Suzanne Derryberry, Administrative Specialist
Community Development Department

CITY OF PRESCOTT
Everybody's Hometown

PLANNING & ZONING COMMISSION
REGULAR MEETING / PUBLIC HEARING
JANUARY 26, 2012
PRESCOTT, ARIZONA

MINUTES of the **PRESCOTT PLANNING & ZONING COMMISSION** held on **January 26, 2012** at **9:00** AM in **COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.**

I. CALL TO ORDER

Chairman Menser called the meeting to order at 9:00 a.m.

II. ATTENDANCE

BOARD MEMBERS	STAFF MEMBERS
Tom Menser, Chairman	Tom Guice, Community Development Director
Len Scamardo, Vice Chairman	George Worley, Planning Manager
Don Michelman	Ruth Hennings, Community Planner
Ken Mabarak	Suzanne Derryberry, Administrative Specialist
Joe Gardner	Matt Podraky, City Attorney
Tim Greseth	Gwen Rowitsch, Engineering Technician
George Sheats	Ian Mattingly, City Traffic Engineer
	COUNCIL PRESENT
	Steve Blair
	Al Carlow
	Jim Lamerson

III. REGULAR ACTION ITEMS

1. Consider approval of the minutes of the January 12, 2012 regular meeting / public hearing.

   Mr. Michelman, **MOTION: to approve the minutes**; Mr. Sheats 2nd. **VOTE: 7-0**

IV. PUBLIC HEARING ITEMS

1. RZ12-001, 2121 Larry Caldwell Drive. APN: 102-06-005H totaling ±23.5 acres. Existing zoning is Single-Family Residential (SF-9), Neighborhood Oriented Business (NOB), and Residential Office (RO). The current application is for a rezoning to a Business General zoning district, of the Neighborhood Oriented Business and SF-9 portions of the property only.

Mr. Menser provided an explanation of the order he would like the meeting to follow. He assured the audience that everyone would have a chance to speak; if not today, at the next meeting. He added that they will not be taking action at today's meeting.

Mr. Greseth stated for the record that he is a member of the Heights Church, but is not a member of their staff nor is he a part of the zoning request.

Ms. Hennings reviewed the staff report and indicated that she would be discussing three major aspects of the proposal:

- Project history
- Current proposal for rezoning request to Business General
- Review specific neighborhood concerns

The church purchased the property back in 2002. At that time they had originally intended to rezone the entire site commercially. After the first neighborhood meeting the request was revised. They subsequently applied for a Conditional Use Permit and two smaller re-zonings. The Conditional Use Permit that was applied for and approved in 2002 was subject to four separate conditions:

- Substantial conformance to the conceptual plan that was submitted at those meetings
- A requirement that they meet all of our standard building permitting codes
- The parking lot lighting to be turned off an hour after the closing of any events
- Enhanced landscaping requirements

Later in 2002 they applied for two separate re-zonings of either ends of the larger parcel. They were approved for the re-zonings in early 2003 by City Council. They rezoned the far eastern five acres to Neighborhood Oriented Business and the far western two acres to Residential Office. Those re-zonings were done in conjunction with the development agreement that further restricted the uses that were otherwise allowed in the Neighborhood Oriented Business (inaudible). The other aspect of that development agreement, which still exists today, is that the Church is required to go to City Council for site plan approval for any development on the Neighborhood Oriented Business portion of that parcel. Over the last five years the Church has constructed and built out to the limits of their existing Conditional Use Permit.

Ms. Hennings displayed an overview of the property on the over-head projector. The current proposal that has been submitted is to rezone the center portion which is about seventeen acres and the far eastern portion of the Neighborhood Oriented Business, both to Business General. The church has stated that one of their reasons for applying for the Business General zoning district is for the increase in flexibility in development standards which would allow for greater density, square footage and height. The largest building they are proposing is 50,000 sq ft and 50 ft in height which is not permitted in a single-family zoning district. They also propose to use and amend the existing development agreement in a few different ways. Similar to what they did in the first rezoning, they are proposing to further restrict the uses that would otherwise be allowed under the Business General district in that DA. Infrastructure requirements related to traffic and engineering requirements would also be included in that development agreement. The Traffic Impact Analysis itself further controls the uses that would be permitted in the DA.

Ms. Hennings displayed a conceptual site plan which was submitted by the Church on the over-head projector and noted that the development on the northern portion of the lot will be the majority of the new construction which is proposed adjacent to Larry Caldwell. The phasing they suggested would be tied to increases in their Church membership.

She continued by briefly describing concerns from members of the neighborhood. One of the bigger concerns she heard was regarding traffic. There were also concerns regarding emergency response times, height and scale of buildings in connection to the single-family zoned neighborhood, location of the buildings, noise and event times, property values and communications with the applicant and frustrations in that regard. Ms. Hennings called for any questions or comments.

Mr. Michelman stated that in 2003 the Neighborhood Oriented Business and Residential Office were approved for the property and wanted to know why those two zonings were needed at that time. Ms. Hennings stated that the church had proposed a Residential Office zoned area to build some radio facilities and had plans to expand some larger facilities for the church on the Eastern portion of the Neighborhood Oriented Business zoned area.

Mr. Sheats questioned how they could use the frontage road for a direct entrance or exit when there really isn't an entrance to the highway from there. Ian Mattingly stated that 89A is an ADOT facility and having direct access to alleviate traffic off of Larry Caldwell by somehow creating some kind of exit is not allowed by ADOT. There was a Traffic Impact Analysis done back in 2011; the assumptions were that staff was looking at the improvements of the roadway based on a Church use. The traffic is highest on the weekend and midweek evenings and it was agreed that if the Church came back they would provide an addition Traffic Impact Analysis if any other use that would be approved under the existing zoning or any other zoning that would shift the peak traffic from weekend to a more weekday peak period. Ms. Hennings stated that the improvements would be tied to the uses and not a zoning change, so the analysis is based on a change of uses and increase density, so regardless if these changes were approved through a Conditional Use Permit or by some other means a Traffic Impact Analysis would still be required. Mr. Menser questioned if the Traffic Impact Analysis that was already done in 2011 only encompassed Sundays. Mr. Mattingly confirmed that the Traffic Impact Analysis that was done was only for a Church use. Mr. Scamardo stated that they currently have substandard streets that are generating a lot of traffic and wanted to know what improvements could be done. Mr. Mattingly stated that the Church was proposing a total of seven driveways with improved roadways with curb gutter sidewalks, new pavement, etc.

Mr. Menser called for the church to give an overview of their plans. Todd Marolf, Headwaters Architecture, stood to address the commission and noted that the current site plan is completely different from the one submitted last year; the Traffic Impact Analysis had them adjust circulation so the discharge traffic is going out toward Larry Caldwell. They went through several site plan iterations to determine the correct zoning that would meet with the church's future plans. The current Conditional Use Permit only allows a 30,000 sq ft permit. Mr. Marolf continued to discuss neighborhood concerns regarding a gigantic parking lot, they said they would move things around to provide a buffer. Mr. Menser discussed the placement of buildings on the site. Mr. Marolf said obtaining a Business General would be the best way to have the big building "D". Mr. Scamardo stated that getting the Business General zoning would satisfy the

requirement that they can go 50 ft in height without having to go to Planning & Zoning for a Conditional Use Permit from the Board of Adjustment. Mr. Michelman questioned why the building must be 50 ft in height. Mr. Marolf stated that building "D" is anticipating use for multiple things, if the church wanted to go with a two-story option it would allow more flexibility to do that. He added that the last time they went to the Board of Adjustment there were too many personal questions asked and the Church doesn't want to go through that process again.

Mr. Marolf stated there is no intent of having a University or a Christian Education School; however, the word "school" can be interpreted many different ways. There will be faith based teaching in a school setup, which already happens now for Sunday school. The church does not rent their facilities but has opened them for memorial services and they offer that for free, it is not for profit. Safety is a great concern and the Church hopes that there could be some sort of access off of 89A for emergency access and that the church had offered to pay for, but they do not know if it is allowed.

Mr. Michelman noted that on the eastern part of the property there is a section near Larry Caldwell called "open space", the parking there looks like a drive-in theater and asked what they had planned for that area. Mr. Marolf stated that it will become a main exit out; their intent is to place parking there. Mr. Michelman wanted to know how they will the open space. Mr. Marolf stated that they hadn't discussed specifics but they will probably be used as their current open space is now. Mr. Gardner stated that if this goes forward, he would like to see more landscape planning. The problem with the existing parking lot is that it is too large with no natural landscaping. Mr. Sheats wanted to know what they had planned for their next construction project. Mr. Marolf stated that it would most likely occur around be building "5". There would be a nursery, restroom, and chapel.

Mr. Greseth asked the attendance on a typical weekend. Tye Myers, church staff, stated that it is approximately 3,000 on a normal weekend. On Easter it was closer to 4,500. He added that the use of development agreement is very important and that they are more than willing to have one in place. He stated that they will have a better detailed landscaping plan in the future. Mr. Menser added that the intent of the original Conditional Use Permit was for a small church in a normal neighborhood and maybe it has outlived its usefulness. The original purpose was to try to protect the neighborhood and create some compatibility. Mr. Scamardo added that it's a negotiating process and having the ability to stay flexible is appreciated.

Mr. Menser opened to public comments. Ken Helenbolt, representing Golf Links Subdivision, stood to address the committee. He briefly discussed the petition that was given to the board members and added that it has eight major points:

- Original/initial plan of Golf Links Community set forth in the development and approved by the City was for residential properties.
- Conditions of their current property zoning as SF-9 and Neighborhood Oriented Business have not been adhered to or completed.
- Expansion poses safety issues on ingress and egress into the subdivision via one road only.
- Property values are projected to decrease due to the rezoning.
- Unknown future uses of land, should rezoning be granted.

DRAFT

- Heights Church expansion will add a substantial load to the current City infrastructure.
- The Business General code has no safeguards for nearby Single-Family 9 properties.
- The plan for a 50 ft. tall, 50,000 sq. ft., 3,000 seating building and the addition of 11 classrooms buildings totaling 81,500 sq ft with another three buildings totaling 5,500 sq. ft cannot be considered as complementing residential areas with compatible site and building design elements.

Mr. Helenbolt added that the affects of lights, traffic, noise and the visual impact will dramatically affect property values. He felt that this size of church will not be served by the capabilities of the retirement community. He suggested to the board to view the information regarding mega Churches.

Mr. Menser stated that he understands where the members of the community are coming from, that is the reason why there were restrictions put in place back in 2003. He is not surprised by the growth of the Church, but added that they cannot treat the Church any differently than any other land owner. He confirmed with Ms. Hennings that the General Plan Future Land Use Map indicated this area as being a potential commercial property. One of the duties of the commission is to ensure that every project that goes before them relates to the General Plan.

Mr. Mabarak questioned the amount of parking required for what they currently have today. Ms. Hennings stated that parking for Church uses is calculated in one of two ways; one parking space per every four fixed seats, or one space per every 50 sq. ft. As the buildings have been constructed they have meet the parking requirements. She added that for special events they may not have enough parking to accommodate those uses but that's true for any facility in town that brings in more people than their typical use would. Mr. Mabarak wanted to know how the current square footage. Mr. Hennings stated that is it approximately 30,000 sq. ft. and the potential future build out could be approximately 170,000 sq. ft. Mr. Mabarak is concerned that there won't be enough parking in general once there is the build out and they will continue to see parking on the street. He would like to see more of the land use today for additional parking.

Mr. Scamardo inquired about a portion of the lot that has excess construction material and debris strewn around the lot near building "D" and neighbors have asked the Church to clean it up but they don't always get a response that is satisfactory to them. Mr. Myers stated that they wanted to fence that area around the portion of the lot that contains the debris but they are unable to do so.

Mr. Greseth inquired which formula was used to determine the amount of current parking. Mr. Myers stated that they used the one space per every 50 sq ft. Overall they can contain the parking on their property except during special events. They always try to bring in an off duty Police Officer to help control the traffic.

James Mitchell, 5688 Hole In One Drive, stated that he did not like the Church not having a short term or long term plan. He is also concerned about the traffic issue. The Church appears to want to have flexibility to develop the property as they wish, which he understands, but the homeowners would like to know how large will it be. He does not feel comfortable with the current amount of traffic and does not think it will be able to accommodate an additional amount in the future.

DRAFT

Mr. Menser called for a five minute break at 10:32 a.m.

Andy Ozols, 2029 Golf Links Drive, provided a presentation on the overhead projector displaying the size of a fifty foot building and also the parking and traffic which occurred on Easter Sunday. Mr. Scamardo addressed the elevation change on the undeveloped part of the property.

Jim Kilbourne, 1946 Golf View Lane, commented on the size of the larger building and traffic issues. He is in opposition of the Church's proposal.

Dick Hill, 2045 Golf Links Drive, discussed his issues with the lights being left on by the Church, and also issues of the Church not addressing his concerns. He was also concerned with traffic issues.

Sharon Anderson, 5658 Hole In One Drive, shared her concerns regarding traffic on Wednesday evenings. She was also upset about the traffic cones being left out on the road over night and being strewn across the road.

Charlene Marshall, 2083 Golf Links Drive, discussed the issues with traffic and felt that maybe the Church has outgrown its space.

Greg Watts, 2108 Golf Links Drive, shared his memories of how the subdivision was prior to the development of the Church. He felt that they basically have outgrown their space; the streets will never be able to handle future growth.

Dan Fraijo, 2002 Golf View Lane, provided his personal background having been a Fire Chief for 12 years. His concern is safety and he is worried about response times being impacted by the tremendous potential growth.

Lee Andrus, 5635 Hole In One Drive, briefly discussed the zoning request. His main concern is the change in zoning and how approval of the request would allow both present and future property owner to build anything that the zone would permit. He stated that he would like the Commission to deny the request.

Larry McLerran, 1943 Golf View Lane, noted that he submitted a ten page letter and indicated that he did not think it was in the best interest of the community members to have members of the Church, which sit on either Council or the Board, to be able to vote on the rezoning request. He added that he researched the different areas in Prescott extensively before he purchased his home.

Mr. Orzos asked the Commission if there was any further information that they would like him to provide. Mr. Gardner noted that the photos of the mega Churches were beneficial, but would like to see a way to tie that to the size of this project. He also noted that he would like to see more information from the traffic department at the next meeting.

Mr. Michelman added that the pictures of traffic were helpful but wanted to see some pictures of traffic on a normal Sunday as opposed to Easter Sunday.

DRAFT

Mr. Myers stated that there are many different issues which need to be discussed and possibly categorized. He suggested a "crash gate" for emergency personnel to access the area. He apologized for the cones being left out over night; he added that the new plan would not require the use of any cones. In regards to the lighting issue, they have looked at automatic lighting. Lastly, he wanted to point out that the General Plan does identify the property as commercial and has for a number of years.

Mr. Michelman asked if the Church could provide a two year plan to get an idea of what their thought process might be. Mr. Myers stated that he will bring something more concrete to the next meeting. Mr. Mabarak added that his concern is that he doesn't know what the future of the site is and if they could provide that it would give a better idea of what they intended to do in the future. Mr. Myers noted that the Wednesday evening gatherings are for the youth and Friday's have other meeting groups. He stated that they offer their facilities for free and it's never for profit.

Ms. Hennings provided the date and time of the next meeting.

V. CITY UPDATES

Mr. Scamardo read his letter or resignation. Mr. Menser thanked Mr. Scamardo for all his work over the years.

VI SUMMARY OF CURRENT OR RECENT EVENTS

None

VII. ADJOURNMENT

Chairman Menser adjourned the meeting at 11:44 a.m.

Suzanne Derryberry

Suzanne Derryberry,
Administrative Specialist

Tom Menser, Chairman

7-6

RECEIVED
MAR 13 2012
BY: P. Crouse

March 13, 2012

To: The Honorable Mayor of Prescott, Arizona
The Honorable Members of the City Council of Prescott, Arizona
The Planning and Zoning Commission of Prescott, Arizona

Subject: Opposition to Rezoning Proposal by The Heights Church. RZ 12-002, 2121 Larry Caldwell Drive, APN 102-06-005H.

We oppose the proposed rezoning of the Heights Church property, APN 102-06-005H, for the following reasons:

- We have always opposed any large business, commercial, or other development on this parcel that brings traffic and disturbance to our neighborhood in excess of what the original Residential zoning anticipated and implied when we purchased our property in the Golf Links Subdivision.

  In spite of neighborhood opposition the City granted a CUP allowing the Church, a large and growing enterprise, to be built.

- By virtue of its size and growth, the Church, as a neighbor, has negatively impacted our lives and property values. We have been forced to complain to the Church about light, noise, weed control, and traffic. Only then has the Church reacted. Some complaints have had to be made to the Police. These problems will only escalate as the Church grows. As an example, the Church has piles of what appear to be supplies and trash scattered throughout their property which are clearly visible from Larry Caldwell Dr. as well as the neighboring homes, and have not been cleaned up.

- At times of high use, the Church traffic impedes not only our access to our homes, but also that of emergency vehicles and visitors. Larry Caldwell Dr. provides the only ingress and egress to and from any home on Golf Links Drive, Golf View Lane, and Hole-in-One Drive. The Church traffic overwhelms this single street when it has any large gathering.

- The Church is a large, very wealthy concern with over 2500 members and is growing rapidly. It owns millions of dollars worth of land and buildings, pays no property taxes, and has no debt. The Church organization can easily afford the professional services of the required Architects, Engineers, and Lawyers to achieve its goals.

At the February 15, 2012 meeting the Church and its representatives seemed to imply we should organize in some similar manner. It is doubtful we could do such a thing, nor should we have to do so.

Our neighborhood consists of 77 lots, 70 homes, and approximately 140 residents. Most of the residents are older, retired, and live on some form of fixed income.

Collectively we enjoy living in Prescott, the surrounding area and its amenities, golfing, and decent life style in a quiet, secure neighborhood.

We and many of our neighbors travel, some extensively, and are gone from home a good deal of the time. We do not wish to spend our time at home continuously defending our property values and life quality from degradation resulting from construction planned by the Church.

The aggregate 2011 Property tax paid by the Golf Links Subdivision residents is $117,621.

A few of our neighbors drive very little if at all. If there are to be future public meetings concerning the Church plans we respectfully request they be held at the Church rather than City Hall, at a time different than dinner time, to allow all who desire to attend a reasonable opportunity to do so.

The Heights Church is simply too large for a small neighborhood as it is, and its plan for unfettered growth should not be approved by the City of Prescott.

Thank you for your consideration.

Respectfully submitted,

Douglas J. and Wendy L. Ruckel
5627 Hole-in-One Dr.
Prescott, AZ

Douglas J Ruckel
Wendy L Ruckel

Monday, April 02, 2012

To: The Honorable Mayor of Prescott
The Honorable City Council
Planning Development Department

From: The Property Owners and concerned "Citizens of Golf Links Community"

We as Property Owners are questioning the proposed additional rezoning of the property occupied by "The Heights Church" as not in accordance with the initial/original plot plan, originally approved by the City of Prescott. This plan originally set forth in the development of "Golf Links Community" (to include CCR's), also i.e. "Antelope Hills Golf Course" and its adjacent properties. These are residential properties that were designed to appeal to Families, Retires', Vacationers' and as indicted by its name, "Golfers".

This property was never envisioned as a "gateway to a commercial enterprise, with boundless visions of expansion, under the guise of a non profit organization"!

This is to include; in order, the property zoning of the original usage requirement as residential, to the current rezoning (R-9 with conditional use permit HOB Eastern Most Parcel) and now its further proposed rezoning to (Business General with Deed Restricted Uses of 22.81 acres) of the "Heights Church" property.

"Heights Church" and its President/Director and Board Members, it appears, have not adhered to and have not completed the previous requirements set down in the approval by the City of Prescott, for its original request for rezoning the "property" (R-9).

Heights Church has admitted in meeting (One), held Wednesday, February 15, 2012, in the Prescott City Council Chambers, 201 S. Cortez St., Prescott, AZ, 86303, that they have been "NON Responsive" (minutes of meeting) to the Homeowners of "Golf Links Community". This is in regard to their

compliance and progress on the previously approved rezoning status (R-9). They have admitted being a "poor neighbor" and respondent, in supplying the direction and intent of their progress to the Community!

The "Golf Links Community" and its other adjacent neighbors, state the following as obvious, openly known and unacceptable drawbacks creating safety hazards regarding the further development of the said, "Heights Church proposals for further development/expansion".

1. Access and egress to the only road available to the development and surrounding users, Larry Caldwell Road and overpass.

2. Current excessive demand by the current "Heights Church" Parishioners', Golf Links Homeowners, Condo Owners, Batch Plant heavy truck daily usage (Hansen Concrete/Ready-mix), Prescott Airport Airpark and Business Park, Emery Riddle Training Facilities, Airport Fire and Rescue Services, Antelope Hills Golf Course Maintenance and further occupied and vacant proposed industrial property accessibility only by Larry Caldwell Road.

3. Excessive noise levels, unacceptable to the "Golf Links Community" at ALL hours of the day/night, to include hours after 11 P.M., until early morning hours, by "church activities". The current "Golf Links Community" is already identified as a "noise impacted area", by its geographic proximity to the airport.

4. Safety issues to include "Emergency Services to Homeowners", "church attendees" and other stated users, during ALL hours, to include "church services", both planned/advertised and irregular. This additional demand is unpredictable now and in the future, but will be acerbated by future additional volumes of attendees', at the "church". Stated future growth by the "church" is estimated to exceed the present attendance by 5 time's current membership, if further development/expansion is approved! (minutes February 15th meeting)

5. Studies made and submitted by a "Traffic Study", paid for and submitted to the City by "Heights Church", is at best a biased analysis and at worst self-serving.

6. Homeowner's values used by the City of Prescott for tax purposes applied to "Golf Links Homeowners" are projected to decrease, due to the effects of additional expansion of "Heights Church". (Coldwell Banker Real-Estate estimates) These are projected to negatively affect both annual revenues to the City of Prescott and resale value to the property owners. Homeowners may also find the appeal of their property to prospective buyers severally affected and DOM (days on the market), to eventual sale, excessive.

7. "Heights Church" is not required to pay taxes by its charter and classification and therefore is a NON-contributor to the tax base of the City of Prescott. All funds received by the "church" are available for "unbridled" expansion, with little regard to the surrounding Community.

8. This added "church" expansion, if approved, will add a substantial load to the current City infrastructure. Waste services to include sewer and trash, will increase. Electrical, domestic water and support utilities will rise, dramatically. Landscape/runoff and overall esthetics of the adjacent properties may be negatively affected. Lighting for the "church" parking lots, will make "Golf Links Community" appear to be a Sports Arena/Heliport, with complete loss of privacy and ambiance. All, including construction effects and duration, will be born by and exposed to "Golf Links Homeowners". These activities, in there final form, will NOT be restricted to weekends, but are planned as future weekly scheduled/advertised functions. (meeting minutes)

9. The possible uses in the rezoning project, suggested by "Heights Church", to include a possible educational facility, daycare program, youth camp, missionary outreach, or drug/rehabilitation center, if completed, each, or all, are outside the scope of a residential community atmosphere. This possibility could lead to additional problems, to include, but not limited to, an increase in the City "Public Safety Response". Also, the possible escalation in the crime rate, brought about by excessive transient traffic adjacent to residential housing.

10. A definite need of an Environmental Impact Study Review by the City should be applied to this area, based on any further changes in zoning.

11. The results of this Review could avoid possible future legal action, based on the impact on 70+ homeowner sites and surrounding affected neighbors.

We as Property Owners of "Golf Links Community" appeal to the City to consider these facts and others that may become readily apparent. We wish to be GOOD neighbors to the "church" in the spirit it originally presented "itself" to the "Community". We do not wish to be unfair, or arbitrary in our factual presentation.

We do advise the City that it has come to the attention of "Golf Links Homeowners" that some decision makers at the Council/Administrative Level of the City have been identified as either Members, or Parishioners' of the said, "Heights Church"? Therefore, it would be advisable for anyone in this category "recues" his/her self, prior to any decision being rendered, by the Council and the City.

Thank You,

Larry W McLerran

Karen L McLerran

1943 Golf View Lane
Prescott, AZ 86301

928-667-4585

To; Planning and Zoning Commission and City Council

In 2002 my neighborhood was asked to allow a church to rezone part of their newly acquired property to NOB and to issue the SF-9 property with a conditional use permit to build a church. We were told it would be about 12,000 to 15,000 square feet. (A small neighborhood church).

Now the Heights Church is requesting a rezoning of their property to build a 50 foot tall, 50,000 square foot church. Why?? They want to house all of their parishioners at one service and I have also heard that because tidings are down, they also plan to hold concerts in this "new cathedral".

To me this is fund-raising by a tax non-exempt entity. Looks like more of a commercial business than a church. This larger operation does not fit into our "neighborhood setting". Besides, there is greater potential for impacting traffic, creating visual and noise problems and may create major issues to our water and wastewater facilities.

I am against this rezoning request and you should be, too.

[illegible]

1965 Golf View Ln

RECEIVED
APR [illegible]
CITY OF [illegible]
COMMUNITY DEVELOPMENT

RECEIVED
APR 10
CITY OF
COMMUNITY DEVELOPMENT

TO: P & Z Commission and City Council

FROM: Charlene and Francis Arruda

DATE: April 9, 2012

RE: Rezoning of Heights Church to Business General

In Golf Links Subdivision there are 77 zoned lots. Of these, 70 lots have been improved upon with a height restriction of no more than 25 Feet. The Heights Church is requesting a zoning change of more than 22 acres to allow them to erect a **50 foot tall, 50,000 square foot building**. A few years ago both entities declined a 50 foot tall building in a **commercial zoned area.**

Why should a building of this nature be allowed in an adjacent **residential** area? Would you agree to this concept in your own neighborhood??

We are totally against this rezoning request.

Charlene Arruda

Francis Arruda

RZ12-001 **Rezoning** Agenda # ___

2121 Larry Caldwell Drive

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

PLANNING AND ZONING COMMISSION for April 26, 2012

STAFF REPORT – UPDATE

TO: City of Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director
George Worley, Planning Manager
Ruth Hennings, Community Planner

DATE: April 26, 2012

REQUEST: RZ12-001

EXISTING ZONING: Single-Family 9 (SF-9) and Neighborhood Oriented Business (NOB)

PROPOSED ZONING: Business General (BG)

LOCATION: 2121 Larry Caldwell Drive

APN: 102-06-005H **AREA:** 23.5 acres

OWNER: The Heights Church
2121 Larry Caldwell Drive
Prescott, AZ 86301

REQUEST: The Heights Church has requested a rezoning to Business General of the areas of the parcel zoned Single-Family 9 and Neighborhood Oriented Business. The Residential Office zoning district at the western end of the property is to remain. As a part of this project, the existing Development Agreement is to be revised. The Heights Church has proposed to use the DA to limit the uses that would typically be permitted by the Business General zoning district, to only those allowed by the Neighborhood Oriented Business district. The DA will also include infrastructure improvement requirements as set forth by the Traffic Impact Analysis (TIA)

The conceptual site plan shows the proposed uses to be church facilities and accessory uses that support the church operations. The accessory uses, as shown, include classroom areas and administrative offices. The total area of all new buildings is approximately 140,000 square

feet. The largest building, a new worship facility, is proposed at approximately 50,000 square feet and 50 feet high.

UPDATE: The Planning and Zoning Commission held a Study Session on April 12, 2012. There were approximately 40 – 50 members of the public in attendance. At the meeting, staff presented a summary of previous action taken by the Commission, Board of Adjustment, and City Council. The applicant, The Heights Church then presented their project in detail. Following the presentations, there was public comment and discussion by the Commission members. Selected discussion item summaries and a response from staff, where appropriate, are below:

Potential uses of the property. The proposed rezoning is to a Business General (BG) zoning district. The Heights Church has also stated their intention to revise the existing Development Agreement to limit the allowable uses to those permitted by the Neighborhood Oriented Business (NOB) zoning district. The NOB district is a lighter intensity commercial zoning district than BG. A list of allowable uses in the NOB zoning district is attached.

It is also important to note that the Traffic Impact Analysis submitted was based solely on church and other accessory uses. Traffic improvements are required based on that study. If any other uses are proposed (e.g. retail, offices, medical), a new TIA would be required, possibly triggering additional traffic and infrastructure improvements.

Parking and landscaping. Comments were made regarding parking and landscaping requirements. As a part of the building permit submittal process, the property will be required to meet the City's parking and landscaping standards. Enhanced landscaping will be required as per the Land Development Code's Residential Protection Standards (Section 6.13) and the requirements for berming and screening parking areas with more than 200 feet of street frontage (Section 6.5.6.A).

Open space area. There is an open space area showing on the conceptual site plan, on the eastern portion of the property. There was concern from several members of the public and the Commission that this might be used to stage outdoor events. The Land Development Code prohibits outdoor entertainment and amphitheaters in both single-family and business zoning districts (Table 2.3).

Fence permit. There were references by the Church to a fence permit that was submitted and subsequently denied by the City's building department. The permit was denied for two reasons. The first is that the property has been built out as approved by the original Conditional Use Permit. The second reason the permit was denied is that the fencing was to enclose an outdoor storage area on the property, and outdoor storage is not permitted in single-family or in the proposed business zoning district (Table 2.3).

Emergency access off Larry Caldwell. The Traffic Engineer has requested a response from the Arizona Department of Transportation regarding possible emergency ingress and egress

access on Larry Caldwell at Highway 89. Staff is expecting that a response will be available by the April 26 meeting.

PUBLIC COMMENT: Prior to the study session, a total of four letters were received and one petition, signed by a majority of the neighborhood property owners, in opposition to the project. Those letters not included as a part of the previous staff report are included in the meeting minutes. Since that time, two additional letters have been received; one in opposition and one in support of the project (see attachments).

At the study session, members and representatives of the neighborhood voiced opposition to the rezoning. There were several repeated areas of concern, including traffic impacts, emergency response times, noise and lighting, scale and design of the buildings, and location of the proposed new worship center. New to the discussion was concern related to lack of specific information on site development and project phasing. Several members of the neighborhood requested a more specific timeline and more information on the proposed uses.

Attachments:
1) Neighborhood Oriented Business uses
2) Written Public Comment

SUGGESTED MOTION: Move to continue the Public Hearing for RZ12-001 to the Planning and Zoning Commission meeting on May 10th.

Neighborhood Oriented Business (NOB): The NOB zoning district is a low to moderate intensity business district, appropriate for a variety of business, office, and service uses.

Permitted Uses

Single-family dwellings
Duplex dwellings
Multi-family dwellings
Bed and breakfasts
Boarding houses
Community residences for people with disabilities
Congregate living and dormitories
Motels and hotels
Senior family homes
Colleges and universities
Day care centers
Libraries
Medical clinics and offices
Museums
Parks
Churches
Private clubs
Minor utilities
Antique shops
Art gallery
Photo studio
Bakeries
Banks
Barber and beauty shops
Book stores
Candy and ice cream stores
Flooring sales
Catering associated with a restaurant
Cigar and tobacco shops
Convenience stores
Craft stores
Department stores
Dressmaker or tailor
Drug stores
Electronic equipment sales
Florist shop
Funeral homes
Furniture stores
Greenhouses or nurseries
Grocery stores
Hardware stores
Health club or spa
Laundromat or dry cleaner
Building material sales
Micro-breweries (no distribution)
Offices
Pack and ship shops
Stand alone parking lots
Personal services
Pet grooming
Print shops
Radio or television broadcast studio
Minor repair ships (small appliances, shoes, etc.)
Resale or consignment shops
Restaurants (no drive through)
Dance or music studios
Video rentals and sales

Uses permitted by Conditional / Special Use Permit

Emergency medical clinics
Schools
Telecommunication facilities
Car detailing
Indoor entertainment
Family game centers
Veterinary clinics
Self storage or mini storage
Mobile food vendors
Shelters (temporary)

Uses permitted by Temporary Use Permit

Carnivals, circuses or other special events
Construction and storage offices
Land sales and leasing offices
Open air sales

Note: *Underlined uses are specified in the existing Development Agreement as allowed within the area zoned Neighborhood Oriented Business. Uses not allowed are not permitted by the existing DA in the NOB district.*

File

Crouse,Patti

From: Jim & Karen Pennington [pennington@cableone.net]
Sent: Monday, April 16, 2012 3:28 PM
To: Crouse,Patti
Subject: HEIGHTS CHURCH vs NEARBY SUBDIVISION

Dear Mayor and City Council:
After reading the article in the Courier last week, we took particular notice of the situation when we were invited to a 6 PM church service and baptism last Saturday evening at the Heights. Neither did we come close to the nearby subdivision when we drove into the church parking lot, nor did we when driving away. We only drove by golf course fairways. There are no houses close enough to be affected by folks like us arriving or departing the Heights. The Heights only has services on Wednesday and Saturday evenings and Sunday mornings. For the remainder of the week (say 95% of the time) there should be very little, if any, traffic, and none of it near any housing. Adding additional facilities should not change this fact.
Therefore, we hope that you will approve the Heights request.
Thanks,
Jim Pennington
368 Hackberry Circle
Prescott, AZ 86301
778-9102
pennington@cableone.net

April 17, 2012

RE: RZ12-001
2121 Larry Caldwell Drive

RECEIVED
APR 19 2012
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

Ruth Hennings, Community Planner
Community Development Dept.
Planning & Zoning Division
201 S. Cortez St.
Prescott, AZ 86303

Dear Ms. Hennings:

We live directly across from the Heights Church. It is our understanding another meeting of the Planning & Zoning Commission will be held April 26th. It is with regret we will be unable to attend the meeting. Therefore, we would appreciate it if you would share with the Commission our concerns and lack of support for the re-zoning change request. We simply feel noise, traffic, congestion and emergency response time are serious issues which cannot be overcome. The potential footprint will be too large for the space and incompatible with the Golf Links Subdivision.

The attached chronological complaint/concern letters directed to the Heights Church represent our attempts to resolve issues including noise. They include our initial letter and any response from the Church. The letters begin with face to face contact and end with 3 letters involving the police.

In summary, we do not support the request for re-zoning based upon our study of the issues and experience with the church.

Sincerely,

Gary and Trisha Tibbits
2099 Golf Links Dr

(928) 710-0718

August 28, 2005

Copy

Dear Neighbor,

Our neighbors, Jack and Ruth Whitesell have indicated you may be interested in some information we gathered during a meeting on Friday, August 6, 2005 with Lee Wiggins, Lead Pastor, The Heights Church, 2025 Larry Caldwell Drive. We had planned to have a face-to-face meeting with him since our arrival in June. However, we got caught up in the details of moving, landscaping, installing a fence and various other activities. The realtor who sold us this house indicated the tent and truck trailer were a temporary situation pending permanent installations. We wanted to verify the situation for ourselves. In addition, neighbors over the last few weeks have indicated other concerns. We felt the best source of information would be Pastor Wiggins.

This Church some day will be a "mega-church" (if it is not already). It is ironic that a couple of months ago we read an article indicating churches of the future will be "mega-churches" and smaller churches will become a thing of the past. This certainly seems to be the trend. The Heights Church is non-denominational and the Bible is the basis for their foundation and teachings. The Church presently has over 1000 members and is growing. There are six full time ministers who serve the membership including the lead pastor, Lee Wiggins. The complex presently consists of one large multi-purpose building and a ramada (Eventually, the complex will contain several buildings, a church, several ramadas and walkways extended from the present buildings west on Larry Caldwell Drive. The church building itself will be situated across from the entrance to Golf Links Drive). The interior of the multi-purpose building is attractive and well furnished. It consists of a lobby, administrative offices, library, and a large multi-purpose room where adult services are held. The youth services are presently conducted in the tent adjoining the multi-purpose building. The church expects to implement Saturday services shortly, in addition to, the regular Sunday services to meet the needs of the growing congregation. The view from the multi-purpose building, which overlooks the golf course, is outstanding. All buildings, pathways and parking lots will be situated on the large parcel of land consisting of approximately 25 acres. The parcel is presently zoned RA-9 and they are operating under a conditional use permit (CUP). They expect 70% of the land to be used for parking upon completion of the complex.

The following specific issues were discussed with Pastor Lee Wiggins:

1) **The truck trailer, which is being used as a sign -** Pastor Wiggins indicated the Church requested the city's permission some 4-5 months ago to construct a more attractive and conventional sign. In fact, he indicated they have approximately $50,000 set aside for this purpose. The city has failed thus far to provide the necessary approval apparently based upon their present zoning. He indicated the Church may find it necessary to request a more commercial zoning, which would allow for the desired sign installation. Pastor Wiggins indicated once they are able to install a permanent sign the truck trailer will be moved to a less visible location. The Church considered at one point placing "The Heights" symbol on the rear of the present multi-purpose building and using it as a sign. However, apparently the zoning would not allow for that solution either.

   Pastor Wiggins further indicated the truck trailer would not be a problem shortly because within the next couple of weeks construction will begin on the youth center buildings, which will obscure the truck trailer. He does realize the truck trailer is not the most attractive representation of the church and it serves as the biggest source of frustration for residents of Antelope Hills.

2) **The canvas tent presently used for youth services** – Construction on the permanent youth center buildings located west of the tent will begin within the next few weeks. Pastor Wiggins stated the city has approved the building plans and construction materials should begin arriving shortly. The

completion of the youth center buildings will negate the need for the tent and it will be removed. The building height for all buildings cannot exceed 35 feet, which is the approximate height of the multi-purpose building. The architecture of the youth center buildings and all future buildings will be in keeping with the present structures. The buildings will definitely obstruct the mountain views for many but Pastor Wiggins assured us their complex would be an attractive addition. The complex when completed will appear similar to a small college campus with "meandering walkways, benches, armadas, landscaping and attractive buildings".

3) **The delivery van parked in the church lot, which is allegedly used for personal business to deliver window blinds** – Pastor Wiggins, stated the van is owned by and registered to the Church. It is used only to conduct church business by transporting various properties from one location to another.

4) **The alleged purchase of 14-15 go-carts and the construction of a go-cart track** – Pastor Wiggins denied the church is involved in this type of activity or has any plans for a go-cart track. He mused they had not thought of it. The only thing close to a go-cart would be the golf cart, which is presently used to transport members from the parking lot to the multi-purpose building.

We found Pastor Wiggins to be likeable, friendly, enthusiastic, articulate, and passionate about his Church. He is a person on a mission. There is little doubt the Church will come first in his mind but he did indicate a willingness to take a broader view. We felt at ease confronting him about these matters. It should be noted we did suggest the Church open up a line of communication with Antelope Hills Homeowners so we could better understand their intentions and activities. Pastor Wiggins indicated a strong preference for meeting with residents on an individual rather than a group basis. He welcomes visits to the church and indicated a willingness to meet with anyone on an individual basis regarding concerns they might have. There is also an artists rendering of the completed project in the lobby of the multi-purpose building. Pastor Wiggins seems interested in establishing a good relationship with "his neighbors".

The one thing we would recommend is residents of Antelope Hills and our Association closely monitor any proposed zoning changes, which could lead to a more commercial designation. However, it only seems fair to support some type of sign for the Church. We would encourage residents to take any concern they might have regarding the Church directly to Pastor Lee Wiggins and our Association.

We are enjoying our new home, the neighborhood and activities of the Prescott area. If we have not met you we hope to do so in the near future.

The information contained in this letter is accurate to the best of our knowledge and memory.

Sincerely,

Gary and Trisha Tibbits
2099 Golf Links Drive

(928) 710-0718

CC: Pastor Lee Wiggins, The Heights Church
Ann Peterson, President, Antelope Hills Homeowner's Association

September 11, 2008

Pastor Lee Wiggins
Heights Church
2121 Larry Caldwell Drive
Prescott, AZ 86301

Dear Pastor Wiggins,

We hope this note finds you, your family and the Heights Church in good health and having an enjoyable summer/fall.

You might be interested to know we have had a couple of large neighborhood parties on our back patio this summer. The Church's appearance received several favorable reviews (even from some who have been derogatory in the past). The comments included some guests from as far away as Prescott Resort who initially voiced concerns. As the Church grows with the neighborhood, additions are completed, and landscaping continues to mature, we are confident neighbors will be even more complimentary. We feel the Church is an asset to the neighborhood.

Unfortunately, we do have an issue, which we would like to share with you. There is a large truck trailer and panel truck parked by the dumpster in the far end of the southwest parking lot. Initially we thought the truck trailer was a temporary placement, but that may be erroneous. The truck trailer is directly across from our patio and detracts from an otherwise aesthetically pleasing view. The view is partially obscured by two dead trees on the golf course, which we expect will be removed later in the fall, which then will provide a full view. However, our neighbors on either side have a rather direct view, which is not obscured.

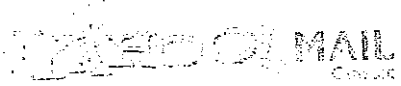
We would appreciate your consideration of at least the truck trailers placement, which is a rather large broadside view from our perspective. Perhaps, if a better (at least in our opinion) placement is not presently available, more appropriate vehicle storage space could be considered in future plans. In any event, we would appreciate any consideration you might be able to give this issue.

Sincerely,

Gary and Trisha

Gary and Trisha Tibbits
2099 Golf Links Drive
Prescott, AZ 86301

(928) 710-0718
tjtibbits@yahoo.com



Thursday, September 25, 2008 10:32 AM

Re: Trucks

From: "Trisha Tibbits" <tjtibbits@yahoo.com>
To: "Lee Wiggins" <sycamoredrive@gmail.com>

Good Morning Pastor Lee,

Thank you for the cooperative and understanding attitude. We were hesitant to share our concern thinking it might be viewed as "petty", particularily with so many more significant issues people are facing today.

We will look forward to the view without the truck/trailer at some point.

Gary and Trisha

-- On **Wed, 9/24/08, Lee Wiggins** ***<sycamoredrive@gmail.com>*** wrote:

> From: Lee Wiggins <sycamoredrive@gmail.com>
> Subject: Trucks
> To: "Trisha Tibbits" <tjtibbits@yahoo.com>
> Date: Wednesday, September 24, 2008, 3:41 PM
>
> Thanks for your kind note regarding the property of the Heights. We work real hard to make it attractive for all. We think that your concern regarding the trailers that are in your view is very valid. I have directed our team to get them moved. I have no idea how long it will take but please know that we are working on it diligently. It is great having wonderful neighbors like you.
>
> Pastor Lee
>
> Heights Church.

June 22, 2010

Pastor Lee Wiggins
The Heights Church
2121 Larry Caldwell Dr
Prescott, AZ 86301

Dear Pastor Wiggins,

We hope this letter finds you and your family in good health, happy, and enjoying the summer.

We share the following information with you in the spirit of trying to be a good and understanding neighbor:

It has come to our attention that several residents in the Antelope Hills Subdivision are "grumbling" about the volume and type of noise emanating from the Heights Church. In fact, on Saturday, June 5th at 8:20am we ventured over to the Church after listening several minutes to an irritating public address system. A service was being held under the pavilion for approximately 25-35 people. We spoke with a gentleman by the name of Jeff, who seemed to understand our concern and indicated he would remedy the situation. We returned home and were no longer bothered by the noise. On Wednesday, June 9th at 6:15pm there was a fairly large crowd gathered outside and music was being played loudly with a distinctive "thumping" bass. In the interest of fairness, on both occasions the wind was blowing in our direction which probably made the situation more difficult.

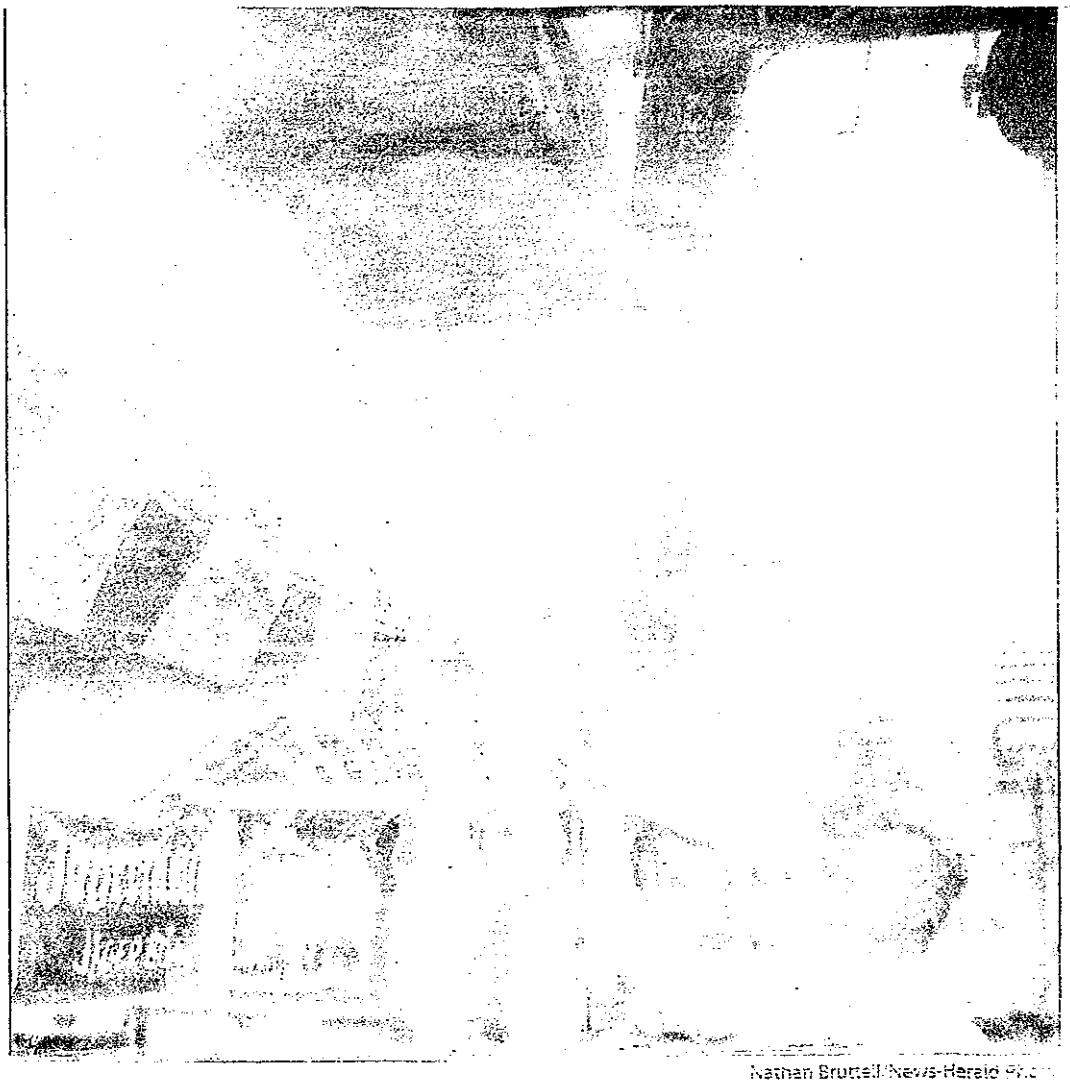
The issue of noise arose this year in Lake Havasu between residents and some local businesses. The solution they found was to mount speakers overhead and direct the sound down. This seems to have satisfied the audience need for sufficient volume and local residents need for peace and quiet. In any event, I enclosed the articles from the Lake Havasu News Herald, which describes the situation and the apparent solution they found. Perhaps, there is something in the information which will make for a better situation between the Heights Church and the residents of Antelope Hills Subdivision.

We realize it is a difficult situation, but appreciate your continuing concern and cooperation.

Gary and Trisha Tibbits

Gary and Trisha

2099 Golf Links Drive
Prescott, AZ 86301
tjtibbits@yahoo.com



Nathan Bruttell/News-Herald Photo

BJ's Tavern Manager Artie Collins gets a decibel reading from the speakers Monday on the outdoor patio. The staff at BJ's recently adjusted the speakers to point downwards on the floor and nearby residents say the sound is almost non-existent even one block away.

Tavern quieter after changes

By NATHAN BRUTTELL
TODAY'S NEWS-HERALD

Artie Collins thinks he may have found a solution to the city's noise problem.

"I think we're there," the BJ's Tavern Manager said. "We've been trying to get something going for sometime with the people and we've kept working on it and now I think we've got it."

After visiting a bar in Tempe recently, Collins said he noticed every speaker was attached to the ceiling and facing downward. Inside the bar area, the music was loud, he said, but just outside it was barely audible. Following dozens of public comments at three lengthy discussions on the noise ordinance in the last two months, the City Council decided the noise ordinance would need further research during its last meeting April 27. A majority of the comments revolved around BJ's Tavern, 2122 McCulloch Blvd., and Kokomo's Night Club, 1477 Queens Bay. The council is expected to revisit the issue May 25, but Collins said if establishments change their speakers in the same fashion, the problem could solve itself.

"With the way we have it now, anything that misses the bodies dancing below will just hit the ground and bounce straight up," he said. "Basically you're getting more sound on the dance floor and less outside. The speakers used to be on the ground, facing out and the sound would bounce off of everything and travel. Now people only a block away can't hear a thing and it's loud enough where our customers want it."

Several residents who previously had a prob-

See NOISE, Page 5

NOISE CONTINUED FROM PAGE 1

Residents seem pleased with change; no complaints to police so far in May

lem with the noise agree the problem might be solved.

"I bought a condo on Mesquite Avenue several months ago after moving here and it was awful," resident John McCauley said. "At nighttime, I would go upstairs in my bedroom and I would hear the insidious pounding of the bass and drum beat. But the last few days since they've made that switch, it's been fine. I've been very happy with it."

In order to come up with a compromise, Collins previously told residents with complaints he would personally visit their homes and adjust the bass levels at the bar accordingly. Mesquite Avenue resident Garnette Peterson said she was getting sick and tired of the noise and took Collins up on his offer.

"Before they had that bass going boom, boom, boom and no one could sleep in the building," she said, adding that her winter home is less than a block from the tavern. "Artie told me he'd be able to come by on Friday right after they moved the speakers. I called him back and told him don't bother because now I can't hear a thing."

Noise complaints concerning BJ's Tavern have also dropped recently, according to a report from the Lake Havasu City Police Department. The department received six complaints in March and nine in April, but has received none so far in May, according to the report. Complaints have also declined at Kokomo Night Club as the department received 12 complaints in March, two in April and one so far in May, according to the report.

Acoma Condominium Association President Don Casler previously said the decline in winter visitors could cause the complaints to drop. While the population change might contribute to the statistics, Casler agreed the noise at his residence is no longer a problem.

"Please understand we are only relating to those of us at Acoma Condos, we do not know how others are being affected in the area," Casler wrote Monday. "For this past Thursday, Friday and Saturday nights, we did not hear any music from BJ's (Tavern) in our homes and we did not hear any microphone noise."

Casler added that he hopes the City Council will still examine the noise ordinance further.

"We strongly believe revision to the noise ordinance is required," he wrote, adding that the current noise ordinance requires sound to be lower than 55 decibels. Casler said a decibel reading at his residence recently showed 35 decibels, lower than a previously measured 50 decibels. Casler's suggestions included "revisions to the noise ordinance (to) reflect the changes made at BJ's."

The council adopted the current noise ordinance following many public hearings and discussions in April 2009.

Queens Real Estate owner Connie Collette said she also feels the council needs to revisit the issue as residents living near Kokomo Night Club are still hearing excessive noise.

We've had noise issues with Kokomo's for years," she said, adding that she's heard complaints recently in other locations near the island. "We've been suffering from it since early 90s but nothing has changed for us."

Collette also suggested the City Council adopt a policy similar to other cities like Los Angeles and Phoenix.

"These two urban areas are not using decibel readings as they do not work," she said. "They're using a distance measurement for commercial and residential areas that seems to be working for all parties involved. We're not trying to close down local nightclubs or any other establishment, but to control the noise problem to the satisfaction of everyone in the community. If you can hear the sound a half a mile away, it's too loud. It's that simple."

You can contact the reporter at nbruttell@havasunews.com

heights church
2121 Larry Caldwell Drive • Prescott, Arizona 86301
928.445.1421

June 30, 2010

Mr. & Mrs. Gary Tibbits
2099 Golf Links Drive
Prescott, AZ 86301

Dear Gary & Trisha,

On behalf of Pastor Lee Wiggins, I can assure you that we have been made aware of the issue that you brought to our attention in your letter dated June 22, 2010, and that we are taking the necessary steps to reduce any inconvenience.

We certainly appreciate your input and insights regarding a solution.

Sincerely,

Ty Myers
Director of Operations

July 8, 2010

Ty Myers
Director of Operations
The Heights Church
2121 Larry Caldwell Dr
Prescott, AZ 86301

Dear Mr. Myers,

Thank you for your kind and thoughtful letter of June 30, 2010 regarding our sound concerns.

You might be interested to know on Thursday, July 08, 2010 we were awoke at approximately 5:00am by a constant "thumping and pounding" bass sound which appeared to be coming from the Heights Church. We stayed in bed until 5:25am when we continued to hear/feel a large bass sound and observed a group of what appeared to be teenagers running around the church. At 5:30am we went over to the church and found the disturbing sound was emanating from the inside. We opened the door and approached an adult (identified himself as Gary) who was seated at a computer to the left of the door. Our situation was explained and he noted several teenagers had pulled an "overnighter". He was courteous, seemed to understand the situation and indicated he would take care of it. It was obvious a very large sound system was in use.

It seems from our limited knowledge and experience with this situation that the powerful sound equipment (public address and music amplifiers) need to be under better control (appropriate and necessary use). At present, they seem to be used rather liberally and without much thought to the surrounding environment. It probably would be surprising to most users' how easily and far sound carries, particularly the bass. There was no wind on this particular occasion.

We are not people who take pride or look forward to complaining. We appreciate your attention to his matter and hope common ground can be found.

Gary and Trisha Tibbits

2099 Golf Links Drive
Prescott, AZ 86301
tjtibbits@yahoo.com

CC: Pastor Lee Wiggins

Carol Eiserman, Administrative Assistant
The Heights Church
2121 Larry Caldwell Dr
Prescott, AZ 86301

September 28, 2010

Dear Carol:

This note is to confirm our conversation of Friday, September 17, 2010:

If you will recall at approximately 2:00pm I attempted to reach someone at the Heights Church to no avail using the phone number 771-2486 in the Prescott Community Telephone Directory for 2010-2011 published by Prescott Newspapers, Inc (www.TheCDbook.com or 928-775-0315). Our concern again, was the deep bass sounds emanating from the music system at the Church. It did not help my wife was not feeling well at the time. In any event, after several attempts to contact someone at the Church I reluctantly called the Prescott Police Department and reported the problem. A few minutes later I decided to re-check the Church telephone number with some stationery I had from the Church. I called the correct number and was able to talk with you. I explained what had transpired and told you I would call to remove my complaint. I promptly called the Prescott Police Department and advised them I had talked to you and voiced my concerns. I appreciated their time and response.

You informed me a concert was scheduled for 6:30pm and they were probably practicing. I indicated I was aware of the concert, trying to be tolerant, but had reported the problem on previous occasions. The deep bass is most noticeable when there are only one or two cars in the parking lot. It seems in the interest of being a "good neighbor" the bass could be adjusted. We do not hear music most of the time, but rather the pounding/thumping bass even with doors/windows closed. In fact, many times you cannot only hear it but feel it. You were courteous, friendly, seemed concerned and after our conversation we did not hear the bass. We assumed somehow you dealt with our concern.

Again, your patience, friendliness, courtesy and cooperation in listening to our complaint were most appreciated. I hope you will share this information with the appropriate parties. We invite anyone from the Church to our house to sample the deep base sounds which concern us.

Gary and Trisha Tibbits

2099 Golf Links Drive
Prescott, AZ 86301
titibbits@yahoo.com

cc: Ty Myers, Director of Operations

PS. In a positive light, the appearance of the buildings, landscaping and lighting around The Heights Church are most attractive. Your maintenance and grounds personnel are to be applauded for their efforts.

March 22, 2011

Ty Myers
Director of Operations
Heights Church
2121 Larry Caldwell Drive
Prescott, Az 86301

Dear Mr. Myers,

This letter is to again, call your attention to a problem we have with the Heights Church:

On Friday, March 18 we were awoken at approximately 1:00am by the deep base sound and feel emanating from the Church music system. We could hear some laughing/yelling and observed golf carts being driven back and forth. It appeared to be another "sleep over" activity in progress. Our mother who is 86 years old and almost totally deaf was awoken by the feeling in her chest. In any event, we stayed in bed hoping the deep base sound would dissipate and it did not. We called the Prescott Police Department and advised them of our concerns at approximately 2:15am. The Police Department arrived at approximately 2:30am. They left shortly thereafter and it was quiet for several minutes. However, it was not long before the power of the deep base subwoofer was back to what seemed to be its original volume.

Again, we ask for your careful and considered attention to our concern. We are not the type of people who enjoy complaining to the Police Department. In your letter of June 30, 2010 you indicated the Church was "taking the necessary steps to reduce any inconvenience". We are unaware of any actions the church is taking to remedy the situation. It might help to know what steps you have taken or what progress you are making.

Gary and Trisha

Gary and Trisha Tibbits

2099 Golf Links Dr
Prescott, AZ 86301
(928) 710-0718

Cc: Pastor Lee Wiggins

PS. On a positive note, we had occasion to visit over the Christmas Holiday Season and were impressed with the beautiful holiday lighting around the Church. The cross lighting is especially a "sight to behold".

October 11, 2011

Ty Myers
Director of Operations
The Heights Church
2121 Larry Caldwell Dr
Prescott, AZ 86301

Dear Mr. Myers,

This morning at approximately 1:30am we were awoken again by the deep base sound apparently coming from the music system at the Church. We observed a golf cart leaving the Church and going to various locations around the property. An attempt to contact someone within the Church by calling 445-1421 was made but it was an answering machine. A message was left on the machine. The police were notified of the nuisance at approximately 2:15am. Their intervention remedied the situation.

Again, your assistance with our concern regarding the deep base sound, especially during early morning hours would be appreciated. We assume by the lack of response/acknowledgment from our last letter of September 28, 2010 that we should simply report obtrusive sounds to the authorities. However, we would much rather work with the Church in resolving the issues.

Sincerely,

Gary Tibbits
Trisha Tibbits

Gary and Trisha Tibbits

2099 Golf Links Drive
Prescott, AZ 86301
tjtibbits@yahoo.com

cc: Carol Eiserman, Administrative Assistant