CITY OF PRESCOTT
Everybody's Hometown

BOARD OF ADJUSTMENT AGENDA

BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, JULY 17, 2014
9:00 AM

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

The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on July 17, 2014, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

Members

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

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of June 19, 2014 meeting minutes.

2. CUP14-002, 901 E ROSSER ST APN: 10503005P and totaling ± 5.7 acre. Zoning is NOB. LDC Sections 2.3 and 9.3. Requesting a conditional use permit for an increase to the allowable square footage from 12,000 sf. to 16,558 sf. The owner is The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. Applicant/agent is Loren V Sadler Architect Inc.

3. V14-006, 901 E Rosser St, APN: 10503005P. Zoning is NOB. LDC Sections 4.6 and 9.3. Requesting a Variance to increase allowable height from 35' to 67' for a steeple. The owner is The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints. Applicant/agent is Loren V Sadler Architect, Inc.

IV. REVIEW ITEMS

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

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

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 July 11, 2014 at 2:00 PM 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

BOARD OF ADJUSTMENT AGENDA

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PUBLIC HEARING
THURSDAY, JUNE 19, 2014
9:00 AM

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

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on June 19, 2014 in Council Chambers, City Hall, located at 201 S. Cortez Street, Prescott, Arizona 86303.

I. CALL TO ORDER

Vice-Chairman Wiant called the meeting to order at 9:00 a.m.

II. ATTENDANCE

Members

MEMBERS	*STAFF PRESENT*
George Wiant	George Worley, Planning Manager
Johnnie Forquer	Suzanne Derryberry, Administrative Specialist
Phil King	
James Di Rienzo	*COUNCIL PRESENT*
Mike First	Greg Lazzell
Richard Rosa (Absent)	
Michael Klein, Chairman (Absent)	

III. REGULAR AGENDA / PUBLIC HEARING ITEMS

1. Approval of the May 15, 2014 meeting minutes.

   Mr. Di Rienzo, MOTION to approve the May 15, 2014 meeting minutes. Mr. King, 2nd. VOTE 5-0; passed.

2. V14-005, Request to reduce rear yard setback from 25 feet to 4 feet 11 inches at 7 Perkins Drive to permit attachment of an existing free standing garage to the existing home. APN is 102-07-073A. Zoning is Single-Family, SF-9. Owner/Applicant is Michael Willinger. Project Planner is George Worley

   Mr. Worley reviewed the staff report and indicated that the request was for a variance to reduce the rear yard setback of the parcel from 25 feet to 4 feet, 11 inches, in order to allow the attachment of an existing detached building to the house. He continued by

displaying photos on the overhead projector and discussed setback zoning requirements for accessory structures and the principal building.

Mr. Worley continued by discussing rain water runoff and the impacts that it had on the property in conjunction with the variance request. It was noted that the variance would have little to no impact on nearby neighbors.

Vice-Chairman Wiant called for any comments or questions; there were none.

Mr. Di Rienzo, MOTION to approve V14-005, request to reduce the rear yard setback from 25 feet to 4 feet, 11 inches, to permit the attachment of the existing utility building to the existing home. Mr. King, 2nd. Vote 5-0; approved.

IV. REVIEW ITEMS

Mr. Worley informed the board that there was a possibility of a previous applicant filing an appeal regarding the board's denials.

Discussions between staff and commissioners were related to site visits and concerns regarding communication between commissioners and applicants prior to the public hearings.

III. SUMMARY OF CURRENT OR RECENT EVENTS

None

IV. ADJOURNMENT

Vice-Chairman Wiant adjourned the meeting at 9:16 a.m.

George Wiant, Vice-Chairman

Suzanne Derryberry

Suzanne Derryberry, Administrative Specialist
Community Development

VAR # V14-006 VARIANCE

67 foot height for Church Steeple
901 E. Rosser St.

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR **July 17, 2014**

STAFF REPORT

TO: Board of Adjustment

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

Date: July 17, 2014

Location: 901 E. Rosser Street

Parcel No: 105-03-005P

Zoning: NOB

Owner: LDS Church
302 South Catalina Street
Gilbert, AZ 85233

REQUEST:
This is a request for a variance to the maximum building height of 35 feet to permit the construction of a steeple up to 67 feet high. The variance is associated with the proposed construction of a church and which also involves a Conditional Use Permit to allow a larger building area.

COMPLIANCE WITH ZONING CODE AND ARS 9-462.06: Yes

ZONING CODE REQUIREMENT: LDC Section 4.6

PAST BOARD OF ADJUSTMENT ACTIONS: None

BACKGROUND:
The applicant is the Church of Jesus Christ of Latter-day Saints (The Church). The Church desires to construct a church Meetinghouse on the subject parcel. They propose to incorporate a 67 foot tall steeple into their design. The property is zoned Neighborhood Oriented Business (NOB) which has a maximum building height allowance of 35 feet.

The NOB district is intended to provide an opportunity for mixed residential and lower intensity commercial development to occur in close proximity to single-family neighborhoods. Places of worship are generally permitted or permitted by Conditional Use Permits (CUP) in all zoning districts. The Church is permitted by right in the NOB district. The 35 foot height limit is the same as in all of the surrounding residential zoning districts.

STAFF ANALYSIS AND RECOMMENDATION:
The staff analysis and recommendation is based on a review of the request's consistency with the 2003 General Plan, and consistency with neighborhood characteristics, as well as the variance requirements of LDC Section 9.13.4.

COMPATIBILITY WITH THE NEIGHBORHOOD:
The area is almost exclusively a Residential neighborhood. The proposed church will be slightly smaller than the nearby Adult Center, but would be larger than other nearby structures, which are single-family homes. The Adult Center is approximately 25 feet tall. The church use was anticipated by both the Willow Lake South Area Plan (WLSAP covers the area south of Willow Lake Road to the Reservation) and the LDC. Neither WLSAP nor the LDC addressed the potential for structures taller than the zoning district permitted height.

VARIANCE REQUIREMENTS:
Variances may be granted only if, because of special and unusual circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning code will deprive such property of privileges enjoyed by other property in the district. Such variance shall not constitute a grant of special privileges inconsistent with other properties in the vicinity or will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

VARIANCE CRITERIA:

1. **Extraordinary Conditions.** There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land.

   The applicants note that this site has 84 feet of fall from the southwest corner to the northeast corner. The building would have a finished floor elevation 53 feet below the highest point of the site. They note that the proposed steeple would extend less than 20 feet above the highest existing elevation of the site.

2. **Substantial Detriment.** It will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

   There are no apparent detriments to the public health or safety resulting from this request. There may be impacts to the views currently enjoyed by nearby property owners. ***(It should be noted that there are neighborhood concerns for potential traffic congestion at Cloudstone Drive and Rosser Street. That matter is more appropriately addressed by the Board in the discussion of the associated Conditional Use Permit.***

The applicant notes that due to the unique sloped nature of the site, the necessary grading will result in a building and steeple that will have minimal visual impact on surrounding properties.

3. **Special Privileges.** The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

   The applicant notes that granting the variance will allow only the tapered spire to exceed the height limitation. They note that such allowance is not uncommon in other jurisdictions. They note that this is an unusual circumstance due to the unique architectural character of the design.

4. **Self-induced Hardship.** The hardship is not the result of the applicant's own actions.

   The applicants note that the LDC allows churches by right in this zoning district, but has no provisions for the height of a steeple. The district height limit was known to the applicant. It would be appropriate for the Board to consider the applicant's design of a building exceeding that known height limit to be a self-induced hardship.

5. **General Plan.** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

   The site is designated Mixed Use and Low-Medium density Residential on the General Plan Land Use Map. The proposed church use is permitted in both of these designations. The property would remain in conformance with the General Plan.

6. **Utilization.** Because of special circumstances applicable to the property, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

   The applicant responds that the main, habitable portion of the structure is less than 35 feet in height. They note that the LDC does not have a separate allowance for non-habitable portions of buildings such as the steeple.

NEIGHBORHOOD COMMENTS:

Staff has received numerous comments from the public regarding this variance request. The majority of those comments oppose the granting of a height variance. In addition, a neighborhood meeting was held Wednesday July 9, 2014 with approximately 45 nearby residents in attendance. Much of the concern expressed by the residents related to the possible traffic congestion, but there were many concerns also expressed about the proposed steeple height. All written correspondence received up to the date of this report are attached.

SUGGESTED MOTION:

Move to deny Variance #V14-006, a request to construct a steeple with a height of up to 67 feet above finished grade at 901 E. Rosser Street because the Board finds that the hardship is self-imposed.

PLANNING DIVISION
201 S. Cortez, Prescott, AZ 86301 (928) 777-1207

VARIANCE APPLICATION

V# 14-0006

Property Address: 901 E. Rosser St.

Assessor's Parcel Number (s)(APN): 105-03-005P

Township 14N **Section** 2W **Range** 22 **Current Zoning:** NOB

Subdivision Name:

Owner Name & Address:
The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints Contact: Tom Howell, Arizona Project Management
302 South Catalina St.
Gilbert, AZ 85233

Phone: (480) 844-7793
Fax: (480) 834-4087
Email: thh@ldschurch.org

Applicant/Agent Name & Address
(If different than property owner, **Agent letter must accompany submittal):**
Loren V. Sadler Architect, Inc. Contact: Courtney Barton
221 W. Hillview St.
Winslow, AZ 86047

Phone: (928) 289-4282
Fax: (928) 289-0250
Email: loren@lvsarc.com or courtney@lvsarc.com

For Staff Use Only

Date Received: 6/10/14

Taken In By:

Assigned To:

Date Application Complete:

Fees & Charges:

Receipt #/Date:

PAC Date:

BOA Date:

Description of Request: To increase the allowable height from 35' to 67' for a steeple.

Courtney Barton, LEED AP — **Name**

Courtney Barton — **Signature**

6.10.14 — **Date**

VARIANCE QUESTIONAIRE

All questions must be answered prior to acceptance of the application.

1. Describe the special or unique conditions and circumstances which are peculiar to the land (e.g. large trees, rocks, outcrops, washes, steep topography, etc), structure or building, which are not applicable to other lands, structures or buildings in the same zoning district in other locations.

This site has approximately 84' of fall from the south west corner of the site to the north east. The building finished floor has been proposed at an elevation 53' below the highest grade of the site. The proposed steeple is a total of 67' above the finished floor elevation, the steeple would only protrude above the highest point of the site by 20'. The church and steeple will nestle into the site nicely and would not be any taller than the residences that are already constructed to the south of the property on the hill.

2. Indicate how the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance. If citing other properties, their addresses must be given.

The usual literal interpretation of the height limitation is for habitable structures. No provision in the current code allows for uninhabitable spires. The ridge of the proposed structure is under the 35' height limitation.

3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the Zoning Ordinance include more than personal inconvenience and financial hardship, which do not result from the actions of the applicant(s).

The NOB district allows churches to be constructed within the district; however there is not a provision within the code to allow a portion of the building to penetrate the height limitation for a uninhabitable space such as a steeple.

4. Indicate why granting the requested variance will not confer upon the applicant any special privilege that is denied by the Land Development Code to other owning lands, structures or buildings in the same district.

Granted variance would permit a tapered uninhabited spire to penetrate the height limitation. This is not uncommon in other municipalities for churches and could be limited as a case by case approval for this use due to the unique architectural character.

5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same district.

Due to the unique sloped nature of the site the area will be graded such that the building and steeple will have a minimal visual impact on the surrounding properties. We have provided a site section showing the relationship of the adjacent residential properties to the building and steeple heights, see attached drawing package.

CUP14-002

Conditional Use Permit

Construction of Church building exceeding the zoning district maximum

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION

BOARD OF ADJUSTMENT MEETING for July 17, 2014

STAFF REPORT

TO: City of Prescott Board of Adjustment

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

DATE: July 17, 2014

ZONING: Neighborhood Oriented Business (NOB)

LOCATION: 901 E. Rosser Street

APN: 105-03-005P

AREA: ±5.7 acres

OWNER: Church of Jesus Christ LDS
302 South Catalina Street
Gilbert, AZ 85233

AGENT: Loren Sadler
Loren V. Sadler Architect, Inc.
221 West Hillview Street
Winslow, AZ 86047

REQUEST: The Church of Jesus Christ of Latter-day Saints (LDS) requests a Conditional Use Permit (CUP) to allow for a larger building size than is permitted by the zoning district. The proposed church building is 16,560 square feet, but is located in the Neighborhood Oriented Business district, which has a maximum building size of 12,000 square feet. The NOB district allows for enlarging the building size through a Conditional Use Permit. There is an associated variance request to allow a 67 foot high steeple.

PROJECT BACKGROUND: The LDS church proposes to construct a meetinghouse facility at 901 E. Rosser Street. The proposed building is a standard design incorporating 16,558 square feet. The location is within the NOB zoning district, which has a maximum building size of 12,000 square feet with the intent to limit the scale of buildings to a size more compatible with nearby residential neighborhoods. The district provides for a CUP process to allow for larger

buildings so that the Board of Adjustment may consider placing conditions on the development that mitigate any adverse impacts caused by a larger building.

In this instance, the overall site is 5.7 acres, with street frontages on Rosser Street, Cloudstone Drive and on South Blooming Hills Drive. Because Rosser was designed for limited direct access, the site must take access off of Cloudstone and South Blooming Hills. The proposed building is slightly offset to the east of the center of the site with the larger parking field on the west side of the building. The building is proposed to exceed the district maximum size by approximately 4500 square feet, representing about a 40% larger building than is permitted by right. The Church anticipates two Sunday services with approximately 150-180 attendees at each service.

The City hosted a neighborhood meeting attended by about 45 residents of the nearby neighborhoods. Most of the residents had objections to the associated steeple variance, but expressed more concern for the possible impact of the additional traffic on Cloudstone at Rosser Street. Additional concerns about the site lighting and the time of night that the building would close were also presented.

The traffic concerns and site lighting are associated to the design and use of the site. While at first glance it may appear that there is a direct correlation between the size of the building and the anticipated traffic generated by the site. In this case that may not be the case due to the design of the building floor plan. The congregation meeting area occupies less than half of the total floor area of the proposed building. The meeting area is the primary generator of traffic for church uses. Reducing the area of the building to the 12,000 square foot size permitted in the NOB district by removing peripheral spaces such as offices, Sunday school class rooms and small group meeting rooms will not reduce the traffic generated by the building. Given the probability that the additional area requested in the CUP is actually occupied by these peripheral uses, the traffic concerns of the neighbors would be better addressed as a separate matter from the physical size of the building. Planning staff has invited the City's Traffic Engineer and Fire Marshal to assist the Board in their discussion of the traffic congestion concerns.

CONDITIONAL USE REVIEW CRITERIA: Conditional uses are uses that are generally compatible or can be made compatible with other uses in the underlying zoning district. The Board of Adjustment may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents or other owners of surrounding property or upon the public. The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

1) **Effect on the environment:** The site will be graded and balanced for construction. Management of storm water drainage will be required as a part of the building permit plan submittal.

2) **Compatible with surrounding area:** The physical characteristics of the proposed use could have impacts on surrounding properties through site lighting and noise. LDC dark sky requirements would significantly mitigate impacts on nearby properties.
3) **External impacts minimized:** The operational characteristics of this use will increase vehicular traffic in the area above its current level. The Traffic Engineer for the City of Prescott will speak to the question of whether the added traffic will be an inconvenience to neighboring properties or will pose a significant safety concern.
4) **Infrastructure impacts minimized:** Infrastructure impacts include storm water, water and sewer, and traffic. Storm water impacts will be addressed in the site design. Water and Sewer utilities have adequate capacity to handle the proposed church use. Traffic infrastructure is mostly in place to handle the development. South Blooming Hills Drive must be extended southward by the church to permit the access point at the southeast corner of their site.
5) **Consistent with General Plan and Code:** A mix of uses and services near residential uses are encouraged in the General Plan and in the Willow Lake South Area Plan. This site is designated Mixed Use and Residential. The Mixed Use allows for commercial, residential and civic uses. The NOB zoning district was developed specifically for mixed use land uses.
6) **Parcel size:** the site is considerably larger than the 10,000 square foot minimum site area required by the NOB district. At 5.7 acres, the parcel is sufficiently sized to accommodate the proposed development.
7) **Site Plan:** See attached site plan. Of note on the site plan is that development of this site requires vehicular access be taken off of the east and west street frontages. Direct access from Rosser Street is not an option. This requirement contributes to the neighbors concern that additional congestion will adversely affect them.

PUBLIC COMMENTS: numerous letters and phone calls have been received as of the writing of this report. The majority of the contacts have expressed objection to the potential traffic issues. Most of the contacts also objected to the associated variance for the height of the steeple.

STAFF RECOMMENDATION: Staff recommends approval of the Conditional Use Permit with a condition to reduce the lighting level at a certain time.

SUGGESTED MOTION:
Move to Approve CUP14-002 with the following condition:
1. Site lighting shall be reduced to 25% at 10:00 PM or one hour after the end of any meetings or events.

LOREN V. SADLER

ARCHITECT, INC.

PROJECT DESCRIPTION:

The intended use for the subject property is to construct a meetinghouse (church) for the Church of Jesus Christ of Latter-day Saints, which will include parking.

The property is currently zoned NOB limiting the size of building to 12,000sf. The proposed building for this property is a standard 16,558sf. With a 5.7acre parcel, the proposed building would be less than 7% of the lot. We feel that this would be in keeping with the intent of the district and ask that the allowable area be increased by Conditional Use Permit.

A fire access lane will be provided along the southern property line. This will insure a secondary emergency access to adjacent properties as required by the city.

The property would be accessed off of both Cloudstone Drive and South Blooming Hills Drive.

Parking will be provided in excess of the city's required 156 spaces. This has been calculated from the proposed building's assembly spaces (4055sf/50 = 82) and fixed assembly seating (295seat/4 = 74). The current site plan shows 189 spaces of off-site parking.

The building will house meetings on Sunday for 1-3 wards (congregations) that are typically from the surrounding communities and other meetings throughout the week for smaller groups of members.

The site will be nicely landscaped to accentuate the building. Small areas of grass will be located around entries for aesthetics.

REGISTERED ARCHITECT
CERTIFICATE NO.
28987
LOREN V.
SADLER
6-10-14
DATE SIGNED
ARIZONA U.S.A.

Expires 03-31-2016

221 west hillview street winslow, az 86047 928.289.4282 fax 928.289.0250

Meetinghouse
Two Congregations

(Use when two congregations will share the building at the outset, even if it is possible that a third might be added at some time in the future)

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
QUICK FACTS

This statement supplements the accompanying application for a chapel of The Church of Jesus Christ of Latter-day Saints. It answers questions about how the chapel will be used and its impact on the neighborhood. It also briefly explains the chapel's religious importance to The Church of Jesus Christ of Latter-day Saints (sometimes called the Mormon Church) and its local members.

What will the chapel look like?

While the basic elements of the chapel will be dictated by worship needs, the Church solicits the input of neighbors as to aspects of the design that do not impact religious needs. Key features will include a traditional steeple, a sanctuary that can seat those who typically attend the Sunday worship services of one congregation, classrooms for religious instruction, clergy offices where the Church's lay clergy can confidentially counsel members and coordinate ministries, and a multipurpose room for instruction and the religious activities of ministries. The Church will propose the smallest plan that will reasonably accommodate the Church's religious needs.

How will the chapel be used?

The chapel will be used on Sundays and, on a limited basis, two or three weekday evenings. There is no day school, day care, soup kitchen, bingo or any other commercial or political use. There is no daytime administrative staff apart from occasional maintenance personnel.

Sunday Worship: Sunday services last three hours, consisting of a congregational meeting in the sanctuary (about an hour) followed by two sessions of classroom instruction. Classroom instruction is age and sometimes gender-specific so that children, youth and adults receive the gospel in specialized classes according to their own interests and levels of understanding.

Key to Mormon Terminology

Ward or ***Branch*** – a local congregation of members living in a geographically defined area
Stake – a diocese-like grouping of 8-10 congregations
Bishop – the lay minister of a congregation
Stake President – the lay leader of a stake
Meetinghouse – another word for the chapel
Cultural Hall – a multipurpose room used for classroom space, overflow seating, and weekday youth and women's activities
Relief Society – the women's ministry
Primary – the children's ministry
Young Men's and ***Young Women's*** – the two halves of the congregation's youth ministry
Priesthood – all males ages 12 and over participate in the Church's lay priesthood; priesthood status does not signify clergy.
Calling – all congregation members serve in "callings" to staff the congregation (*e.g.*, teaching Sunday School, leading the music, coordinating youth activities); there is no professional clergy or staff.

For a description of worship services and a schedule of nearby Sunday meetings, visit http://mormon.org/worship/. Visitors are always welcome.

Two small congregations can share the chapel with minimal impact on the neighborhood. The first congregation meets in the morning, while the second meets in the afternoon. This sharing prevents having to build other chapels in the area, but *does not increase the size of the chapel.* Exactly the same features are needed regardless of whether the chapel is used by one or two congregations.

Limited use on Weekdays: Besides Sunday services, each congregation may use the proposed chapel on one weekday evening – Tuesday, Wednesday or Thursday – for its youth ministry, scouting, or women's meetings. Evening activities are usually small and seldom last past 9:00 p.m. There may also be a one-hour, early morning gospel study class for teenagers on school days. Friday night or Saturday activities are seldom, and are limited to religious or family-themed gatherings. When food is involved it is prepared at home and brought to the gathering. All activities have a central purpose to knit together the religious community, provide Christian service, and strengthen faith.

How will the chapel impact neighbors?

- **Traffic:** With virtually no daytime use during the week, the chapel will be quiet and will bring almost no traffic during commute times for six days of the week. Congregations meet separately, thereby reducing the potential for congestion on Sundays. The parking lot meets all code criteria and will be sufficient to accommodate time-honored parking needs.

- **Local Use Only:** The chapel will not become a "megachurch." Unique religious beliefs of The Church of Jesus Christ of Latter-day Saints ensure limited use:

    - In the LDS Church, members attend services where they live. All congregations have geographic boundaries. This means the proposed chapel will be regularly used only by people who live within those defined boundaries.

    - Also, the LDS Church caps the size of its congregations for religious reasons. There is no paid ministry. Local members run the Church by participating in volunteer "callings." Church doctrine teaches that all members need the opportunity to actively participate, and that can only happen if congregations remain small.

    - Congregations subdivide when average attendance exceeds a certain limit. If congregations sharing a chapel grow too large, another chapel is built elsewhere so the congregations have space to subdivide.

- **Aesthetics:** The chapel is designed to be a respectful, though understated, tribute to God. It is the smallest possible design that will accommodate worship needs. The steeple, in particular, figuratively expresses a message of faith and devotion to God (literally lifting the eye heavenward) and is an age-old symbol identifying the building as a house of worship. There are no lights or bells in the steeple. Well-maintained landscaping physically separates the chapel from other structures and promotes an atmosphere of quiet contemplation.

We are a part of this community.

Members of The Church of Jesus Christ of Latter-day Saints care deeply about this community. We live and work here, actively volunteer in schools and other community endeavors, and are committed to preserving the local character. The proposed chapel will not only provide an attractive home for local worship, but enable us to further contribute to the community at large.

Why is the chapel so important?

As one court stated, "the LDS church has as an integral part of its faith the need to gather under one roof to express its strength in unity and to gain strength to express its individual faith." *Church of Jesus Christ of Latter-day Saints v. Jefferson County*, 741 F. Supp. 1522, 1524 (N.D. Ala. 1990).

The Church and its local members critically need the proposed chapel. Currently, the Church's local congregations travel elsewhere and existing facilities are inadequate. Limited seating, commotion and other symptoms of overcrowding all combine to substantially impair both the ability to worship and the quality of services in existing facilities. Overcrowding is disruptive, prevents growth, reduces individual participation in worship, forces the elimination of religious courses, and restricts the youth ministries. Moreover, as explained, the local congregations cannot subdivide as required by the faith because there is nowhere for a new congregation to go.

Is RLUIPA implicated?

The Church's critical need for the chapel is such that a denial of this application or other unreasonable limitation on the scope or ability to construct the chapel would trigger the protections of the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"). *See* 42 U.S.C. § 2000cc. Congress passed RLUIPA unanimously and the courts have upheld its constitutionality. RLUIPA does two things: First, whenever a land use decision substantially burdens the exercise of religion, including the construction of a house of worship, RLUIPA obligates the government to demonstrate that the regulation is "the least restrictive means" of furthering a "compelling" government interest. This is the strictest possible judicial standard. *Id.* § 2000cc(a).

Second, RLUIPA separately prohibits (1) treating religious assemblies on less than "equal terms" with nonreligious assemblies, (2) discriminating on the basis of religion, or (3) imposing land use regulations that exclude or unreasonably limit religious assemblies from a jurisdiction. *Id.* § 2000cc(b).

Both these provisions codify established constitutional rules; so, any violation of RLUIPA also constitutes a violation of federal and state constitutions.

Substantial Burden: Courts applying RLUIPA interpret the term "substantial burden" to mean conduct that "pressures" or "influences" the free exercise of religion. *See, e.g., Guru Nanak Sikh Soc. v. County of Sutter*, 456 F.3d 978 (9th Cir. 2006); *Midrash Sephardi v. Town of Surfside*, 366 F.3d 121 (11th Cir. 2004); *Adkins v. Kaspar*, 393 F.3d 559 (5th Cir. 2004).

"That the burden would not be insuperable would not make it insubstantial." *Sts. Constantine & Helen Greek Orthodox Church, Inc. v. City of New Berlin*, 396 F.3d 895 (7th Cir 2005). Preventing or making it unreasonably difficult to build a worship site, restricting the size of a congregation, or otherwise limiting religious observance have all been held to be "substantial burdens."

Of course, RLUIPA and constitutional mandates need not come into play. As Congress noted, the best way to "avoid the preemptive force" of RLUIPA is to grant a variance, construe discretionary land use criteria in favor of the chapel, or impose reasonable conditions of approval that do not substantially burden religious exercise. *Id.* § 2000cc-3(e). Here, the Church's application meets all relevant criteria and should be approved. Moreover, the Church affirms a willingness to accept reasonable conditions of approval, if needed.

June 26, 2014

RECEIVED
JUN 26 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

Mr. George Worley and

City of Prescott Board of Adjustment Members

201 S. Cortez Street

Prescott, AZ 86302

RE: CUP14-002 – 901 E ROSSER/CHURCH OF JESUS CHRIST OF LDS

Dear Mr. Worley and Board Members:

Recently, a small group of residents from Cloudstone Patio Homes (CPH) received your correspondence dated 6/18/2014. This correspondence addressed the request from the Church of Jesus Christ of the Latter Day Saints for a conditional use permit to increase allowable square footage to 16,558 sf for their proposed church and also a variance to increase allowable height of their steeple from 35' to 67'. A copy of the proposed layout for the church buildings, parking lot, entrance and egress was also included with your letter.

Fortunately, some of the residents who received your letter were kind enough to inform those of us neighbors who were not included in your mailing. I understand from my 6/23/14 telephone conversation with Mr. Worley that only those homeowners who live within 300 feet of the church property received your letter. **The fact is that virtually <u>every</u> homeowner of CPH is <u>directly</u> affected by the church as it is currently proposed!**

What concerns us most is the proposed entry/exit for a 187 vehicle parking lot off of Cloudstone Drive, **<u>the only way in and out of the CPH sub-division</u>**. The LDS driveway is situated just below Dreamweaver Drive, the first road within the sub-division. **This places all of the residents of CPH at the complete mercy of traffic entering and exiting the church during their services and other times of heavy use.** Also of concern is that Cloudstone Drive goes up the hill, with the proposed church driveway at the lower end. In the event of heavy snow, traffic issues will become even more problematic. There is a second and apparently smaller entrance/exit on the opposite side of the church onto Blooming Hills extension. Currently, there is only one model home at that location.

In my conversation with Mr. Worley, I understood him to say that when the Rosser Street extension was completed, new restrictions for driveways off of Rosser were put in place. However, given the large size of the proposed church, it would make far more sense to direct church traffic in and out from Rosser Street rather than from the small neighborhood residential streets. This is how traffic is managed from the Prescott Adult Community Center directly across from the proposed church

With regards to steeple height, not all residents in CPH are equally affected. All of the homeowners on the east side of Cloudstone Drive and Dancing Star paid extra for their exceptional view lots. They are understandably concerned, and rightly so, about the steeple height. The steeple height will not only directly affect their views, but their property values, as well. We have driven past other LDS buildings in the area to get some sense of their steeple heights and they appear to be less than 67 feet. It would be very unfair and arbitrary to grant the extra height in this instance if it was not previously granted for other LDS structures in Prescott.

We are not certain how the increased square footage will impact the neighborhood and wait to hear additional information about that before forming an opinion.

As we all know, wildfires are a great concern in this region. Recently I spoke with David Mecca of the Prescott Fire Department regarding the limited one-sided street parking throughout CPH. This requirement is in place so that fire trucks will have access in the event of a fire. There is also a fire access road off of Cloudstone Drive directly above the proposed LDS site. In the event of a wildfire, the church driveway(s), as currently proposed, would serve to make access more difficult for the fire trucks, not to mention that the homeowners would not be able to get out. This truly would present a hazard.

From what we have observed of the other LDS sites, we would expect that the Rosser church would be attractive and well-cared for and they would be a good neighbor. We trust that they do not want to negatively impact home values in the area, yet this is precisely what will happen if their proposed driveways and steeple heights are approved. **If <u>any</u> variances in any amount are granted to LDS for steeple height and increased square footage, please give equal consideration to the local residents, as well. Please require that the church driveways be moved to Rosser Street.**

Sincerely yours,

Barry R. Clum

Barry R. Clum

Carol J. Clum

Carol J. Clum

344 Dreamweaver Drive

Prescott, AZ 86301

928-237-5803

Cc: Mr. David Mecca

RECEIVED
JUN 26 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

June 24, 2014

Richard Worley
City Of Prescott
Community Development Dept.
201 S. Cortez
Prescott, AZ 86302

Dear Mr. Worley,

In regards to the letter I received on June 21, 2014 I am responding in regards to the Church of Jesus Christ.

My concerns regarding the building of the church on Rosser and Cloudstone are the parking arrangements that will allow the cars from the church to exit on Cloudstone. There are over 100 homes and some homes have as many as three cars which means adding the traffic from the church will cause a serious problem. There is only one way in and out for the residents so in case of a fire this would be a serious.

The next problem is the variance to extend from 12,000 feet to 16,558 and to put a steeple height of 67ft. I brought my property with a view as many other's have done and paid top dollar for there homes so I strongly am against the church being given the right to do the above. I am not against a church going in the area.

We will be getting many of the homeowner's to get involve as this effect's all of us in Cloudstone Patio Homes.

Sincerely,

Joan Bercher

Joan Bercher
1619 Dancing Star Way
Prescott, AZ 86301

COPY: GEORGE WORLEY ✓

JUNE 26, 2014

City of Prescott
Community Development Dept.
201 S. Cortez St.
Prescott, AZ 86303

RECEIVED
JUN 30 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

RE: V14-006
901 E. Rosser St.
APN: 1050 3005P
Proposed Church Building
& Variance

As residents of Cloudstone Patio Homes, my husband and myself STRONGLY OBJECT to this proposed Building (Church of Jesus Christ of Latter Day Saints) referenced above.

Here are the reasons for our objections:

1) The variance, requesting a height increase, would ruin the views and aesthetics of the neighborhood. Our neighborhood is comprised of a high percentage of retired folks, ages 60's, 70's, 80's who chose this area because of the low profile buildings which enhanced the views, the EASY access to Rosser, not to mention the safe feeling of our community, including our street traffic flow.

2) The Building plans, as depicted, do not fit in to the area because of A) color of building; B) the requested variance height;

3) Our STRONGEST objection, however, is the traffic that will be created (150 + parking spaces) + the entrance & exit plans using

3) CONT'D ...

CLOUDSTONE AS ONE OF THE CHURCH'S ENTRANCE & EXIT POINTS, KEEPING MIND THIS IS OUR NEIGHBORHOOD'S ONLY ROAD IN & OUT OF OUR COMMUNITY.

THIS PARTICULAR CHURCH GROUP CONDUCT SERVICES & ACTIVITIES ALMOST EVERY DAY OF THE WEEK, IMAGINE, IF YOU WOULD, THE CONGESTION CAUSED BY 100 + CARS EXITING ONTO CLOUD STONE AFTER A SERVICE, ALL AT THE SAME TIME. IT WILL CAUSE SERIOUS SAFETY ISSUES NOT TO MENTION MUCH INCONVENIENCE. THE ADULT CENTER ON ROSSER EXITS ONTO ROSSER. HOWEVER, THE ADULT CENTER HAS STAGGERED HOURS & ACTIVITIES; CONSEQUENTLY CARS EXIT IN DRIPS & DRABS. THIS WILL NOT BE THE CASE AFTER CHURCH SERVICES ARE OVER. WHAT HAVOC I THINK ALSO OF THE ROAD BLOCK THIS WILL CAUSE AT THE BOTTOM OF ROSSER (LIGHT ENTERING 89A, NEITHER CLOUDSTONE OR ROSSER AT 89A WERE DESIGNED TO HANDLE THIS TYPE OF TRAFFIC FLOW — THIS IS A RESIDENTIAL AREA.

4) WHEN WE PURCHASED OUR HOME 3yrs AGO, WE WERE TOLD THAT CONDOS WERE PLANNED FOR THE PARTICULAR PIECE OF PROPERTY IN QUESTION. CONDOS HAVE THE POSSIBILITY OF HOUSING MANY PEOPLE BUT LIKE THE ADULT CENTER, CARS WOULD ENTER & EXIT THE AREA AT DIFFERENT TIMES OF THE DAY - NOT IN LARGE AMOUNTS CAUSED BY PEOPLE LEAVING AT THE SAME TIME.

WE DESERVE AS PRESCOTT CITIZENS & TAXPAYERS, TO BE ABLE TO ENTER & EXIT OUR HOMES & NEIGHBORHOOD IN A SAFE & TIMELY MANNER.

SO, WE WANT NO EXIT/ENTRANCE FROM THIS CHURCH ONTO CLOUD STONE.

WE WANT NO HEIGHT VARIANCE AS ALL OUR BUILDINGS ARE LOW PROFILE & MANY IN OUR COMMUNITY PAID EXTRA FOR VIEW LOTS.

LASTLY, THE BUILDING DESIGN & COLOR DO NOT BLEND OR FIT IN TO THE PRESENT LANDSCAPES

AND WOULD, IF BUILT, LOWER OUR PROPERTY VALUES, WE BELIEVE BY 5% to 10% – THIS IS NOT RIGHT!

THEREFORE, WE RESPECTFULLY ASK THAT YOU DECLINED THE PROPOSED CHURCH BUILDING PERMIT

AS TAXPAYERS, WE DESERVE to HAVE A DEFINITIVE SAY IN THE FUTURE QUALITY OF LIFE + SAFETY IN OUR NEIGHBORHOOD.

Sincerely,

Jon + Connie Arnett
328 DREAMWEAVER DR.
PRESCOTT 86301
(928) 227-1182

RECEIVED
JUL 01 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

June 29, 2014

Mr. George Worley and
City of Prescott Board of Adjustments Members
201 S. Cortez Street
Prescott, AZ 86302

RE: CUP14-002 - 901 E ROSSER/CHURCH OF JESUS CHRIST OF LDS

Dear Mr. Worley and Board Members:

We moved into our beautiful new home at 1601 Cloudstone Dr. in the residential community of Cloudstone Patio Homes in September of 2012. We believe we have one of the best views in our neighborhood and we paid a premium price for it. Part of our view is the entire corner of Cloudstone and Rosser, the area of the proposed new LDS church.

One of our concerns is the blockage of and the diminishing of the beauty of our view. Added to that is the effect of the massive lighting that most assuredly will be on into some time into the evening, every evening. Noise levels from daily events will also be unavoidable, which we have none of now.

Another huge and troubling concern is the traffic that will be inflicted on an area that is already burdened more than the city planners ever thought of, wether traveling east to 89 or west towards Willow Creek Rd. It is difficult enough now to get on to Rosser at some times during the day as it is getting onto 89. And tough luck for you if you happen to live on one of the connecting residential streets between the proposed location and 89 or Willow Creek. The worst part of this for us in particular is a proposed multi vehicle exit directly on to our street, Cloudstone. This is the only entrance/exit to our development. This will create a nuisance as well as a safety hazard during bad weather as well as the heavy traffic entering and exiting from church services and other times of use. All of these items add up to a big mess not only for us but the entire surrounding communities in the area.

This is first and foremost a quiet, clean residential community and not an inexpensive one I might add. All of these things will change if you allow the proposed project. Undoubtedly, there are many other well suited locations for a new LDS church. I am sure that the cost of building here would be a drop in the bucket for the LDS church. But for us it would do nothing but reduce the size of our bucket by reduced property values and standard of living.

Please do not let this decision move forward. But if the City of Prescott is allowing the proposed building to take place we are strongly objecting to the 67' steeple, the increase in the allowable square footage and the exit/entrance onto Cloudstone Dr.
Please consider our grievances in your decision.

Sincerely,

Danny & Janet Manchester

Danny and Janet Manchester

June 30,2014

RECEIVED
JUL 03 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

Mr. George Worley, Community Planning Manager
City of Prescott Board of Adjustment
201 S. Cortez Street
Prescott, AZ 86302

Re: CUP14-002 - 901 E. Rosser/Church of Jesus Christ of LDS

Dear Mr. Worley,

Thank you for notifying me and others living in my development about the proposed building on the lot directly behind my property located on Dancing Star Way. The proposed building comes as a surprise to us since we were led to believe condominums would be built on that piece of land. As you know, this proposal has caused quite a stir in our Cloudstone development for the following reasons:

1. A large white building would not fit well aesthetically in this neighborhood.
2. A 67' steeple would definitely interfere with the wonderful view many of our homes now enjoy--including mine.
3. Concern for the value of our homes decreasing.
4. The major concern is the proposed entry/exit onto Cloudstone Drive. While I would rather not have the traffic in my backyard, I'm even more concerned about the neighbors' and the church membership's ability to exit in case of an emergency, i.e. fire. Cloudstone is the only way in and out of our development.

Thank you for taking the time to read my letter and to consider the concerns from the neighbors living in the Cloudstone Patio Homes development. I appreciate your efforts, and the efforts of the committe members, to endeavor to meet the needs of everyone living in our beautiful city. Not an easy task.

Sincerely,

Twyla J. Lunn
1623 Dancing Star Way
928-227-3315

RECEIVED
JUL 03 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

July 1, 2014

City of Prescott
201 S. Cortez
Prescott, AZ 86302

Gerorge Worley
Community Planning Manager

Mr. Worley,

This is regarding: CUP14-22 - 901 Rosser St/Church of Jesus Christ, I am a resident of Cloudstone & I am deeply concerned about a church being built in this area, not only the size and height of this church but also the great amount of traffic in our area & on the street of Cloudstone & also on the already busy street of Rosser. I am totally against this being built in this area.

Kathy Kosch
1607 Cool Breezes Lane
Prescott, Az 86301

Worley,George

From: Edward Omachel [comachel@live.com]
Sent: Sunday, July 06, 2014 5:35 PM
To: Worley,George
Subject: re: CUP14-002 and V14-006 (APN: 10503005P) 901 E Rosser Street/LDS Church

Mr. Worley,

I reside at 1610 Cloudstone Drive. I received the notifications containing the conditional use permit requests for the construction of the LDS church at the corner of Cloudstone Drive and Rosser Street. After reviewing the requests I have the following three comments which I request be formally presented to the Council for their consideration before making the decision on the LDS request:

1. CUP14-002: "increase to the allowable square footage from 12,000 to 16,558"

Response to 1.:

I do not have an issue with this request.

2. V14-006: "increase allowable height from 35' to 67' for a steeple"

Response to 2.:

I do have an issue with this request and wish it not to be affirmed by the council. 35' is approximately 3 stories which is the highest level of any structure within the immediate viewing area. The 67' height would exceed the height of any current structures within the area and would be detrimental to the aesthetics of the area.

3. Concern not presented in the received notification: I request that the church not be permitted to install spotlights around the church or in the parking areas which would create a daylight or twilight atmosphere after evening sunset.

Sincerely,
C. Edward Omachel
928.379.6797

Worley,George

From: Tom Hoffnagle [tmh85254@aol.com]
Sent: Monday, July 07, 2014 11:54 AM
To: Worley,George
Cc: Chuck Cobos
Subject: 901 E Rosser St/Church of Jesus Christ
Attachments: Phoenix Meetinghouse.pdf; ATT00001.htm

Gentlemen:

My wife and I are homeowners in the Cloudstone development.

We were recently apprised of the fact the Church of Jesus Christ of Latter-day Saints (LDS) had acquired the property located on the SE corner of Rosser St and Cloudstone Dr for the purpose of building a church. Our first reaction was very positive. Of the many possibilities allowed by the existing NOB zoning it appeared fairly benign. Potentially a good neighbor.

Even more recently though we discovered that the proposed church has the potential to be inconsistent with the surrounding neighborhood per Sec. 4.6.1 of the Prescott City Code (referenced following). The size variance requested appears reasonable to us but the height variance appears unnecessary and out of character with the neighborhood. We already have the Prescott Community Center across the street that to us sets the standard for large structure NOB use in our neighborhood. We wonder about the questionable benefit to the City of Prescott of a 67 foot steeple built for a select few, weighed against the substantial social and economic cost to the many of us who bought or built homes in Cloudstone, Prescott Lakes, Eagle Ridge, and Cliff Rose. We all moved to the area on the assurance that existing zoning restrictions would be rigorously enforced by the City of Prescott. Our request to the Board is to just say "No" to the steeple variance!

Also, the proposed access to the facility appears to be inconsistent with Sec. 4.6.1 of the Code in that it includes an entry/exit on Cloudstone Dr which is a small feeder street that is presently the sole ingress/egress for all of the homes in the Cloudstone development. Any significant increase in the use of the intersection of Cloudstone Dr and Rosser St would present a significant and unnecessary burden on the Cloudstone homeowners. It seems much more reasonable that access to the facility be implemented directly to the arterial street, Rosser, as was done for the Community Center.

We welcome the LDS to the extent that they are willing to be good neighbors and scale back their structure to something that reasonably fits into the existing proportions and color palette of the neighborhood. An example of what would be acceptable to us, assuming it meets existing zoning height restrictions, is shown in the attached photo of the LDS Meeting House at 5104 W Pinnacle Peak Rd in Phoenix.

Sincerely,

Tom and Barbara Hoffnagle
1603 Cloudstone Dr

RECEIVED
JUL 08 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

City of Prescott
Council Chambers
201 S. Cortez St.
Prescott, AZ 86302

RE: CUP 14-002 -901 E. Rosser St./Church of Jesus Christ

Dear Council Members:

The purpose of this letter is to voice my concerns regarding the above mentioned CUP. Initially, the sign read condominiums, then mixed retail and residential. Now suddenly the LDS church has purchased this plot of land without input from the surrounding neighbors. Obviously, LDS is neither a condominium, nor a retail outlet or residential site so how did this slip by? At the Cloudstone HOA meeting held May 18, 2014, it was stated the property was zoned for 70 condos which were still in the planning stage. The notice of the proposed CUP from the city was dated June 18. Difficult to believe all those change in planning took place over a period of one month.

Secondly, ingress/egress onto Cloudstone is a potential problem. It is **the only** entrance and exit for the Cloudstone subdivision. During snow season, 4-wheel drive or snow tires are required to make entrance. More than one car has been left stranded on the corner of Rosser and Cloudstone. Was this addressed with the purchasers? The potential number(s) of vehicles from the LDS would overwhelm this particular thoroughfare. There is only one entrance and exit from the church and this is onto Cloudstone!

The fire lane from Cloudstone subdivision was placed when it was noted that the developer; (Virgil Doerfler) had deleted the construction of a fire lane during the building phase. City code requires a fire lane for a certain number of homes and is to be wide enough to accommodate fire trucks and also a specified number of feet between fire exits. It had been posted at its end diagonally to Rosser at the area of the model home. The posting disappeared when they began pushing around the dirt. This cannot be challenged.

The asethics of the situation is very important to Cloudstone homeowners. Most of us are retired and our home is what we have worked and saved for our entire lives. Those with a view paid extra for that view which does not include a steeple of any height. One with one exception, all homes are painted to blend in with the environment and not white. We all agreed to this. Also, the City of Prescott prohibits street lights. Why does the LDS church get outdoor lighting? This will surely adversely affect our subdivision negatively.

In conclusion, I fail to see any reason for the granting of the CUP as it is written

Judy Cobos

Judy Cobos

June 28, 2014

RECEIVED
JUL 08 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

City of Prescott
City Council Chambers
201 So. Cortez Street
Prescott, AZ 86303

Dear Council Members:

My wife and I are both retired professionals. We have lived in Prescott these past seven years purchasing a home In the Cloudstone Patio Homes. The neighborhood and community are quiet and peaceful and we hope that this atmosphere remain the same in the future.

I would like to take this opportunity to apprise you of my concerns regarding CUP-14-002 – V14-006, 901 Rosser Street, the proposed construction of a place of worship on the above-named address:

- We had been informed at previous meetings that this property would be used for building condominiums. Since there was a change in re-zoning of this property, it was with our understanding that small businesses could be built. We oppose the building of this place of worship/church since all places of worship are tax exempt in this country. Our city of Prescott needs to explore other alternatives for this property that would generate added taxes and related funds for the benefit of all citizens in our city. We feel as homeowners and taxpayers that building another tax-exempt place of worship cause a great hardship for all who dutifully pay their property taxes every year. Taxes will most likely rise in the future and will cause an even greater hardship on its population coupled with the real estate market that is slowly coming out of a housing slump. Many of our homes are still "underwater" with many losing equity in their homes.
- If this church is to be built, I am concerned with the added number of cars entering and exiting the church onto Cloudstone Street. As it is now, traffic on Cloudstone Street has been a critical problem especially during heavy snow fall and monsoon rains. In the past, during a heavy snow fall, the streets within our neighborhood and surrounding others are not snow-

plowed for several days or until such time the main roads are cleared for traffic to and from work. In the interim, we may have to wait several days to exit our neighborhood as we had experienced in the past. The attached plan depicts only one exit and one entrance to and from the church on Cloudstone Street.

- I recently reviewed current demographic records and the data shows that there has not been a marked increase in population that would warrant another tax exempt church in our neighborhood.
- We live in the Southwest and the "white church and steeple" stand in sharp contrast to the surrounding area whereby earth tones and natural colors of the surrounding homes are apparent.
- I strongly reject "a conditional use permit for an increase to the allowable square footage from 12,000 sf to 16,558 sf. and the "variance to increase allowable height from 35' to 67' for a steeple."

In closing, both requests must be denied.

Respectfully submitted,

Charles Cobos
322 Dreamweaver Drive
Prescott, AZ 86301
928-771-2140

C: George Worley
Community Planning Manager
City of Prescott

Norman and Barbara Caouette
1609 Cloudstone Drive
Prescott, AZ 86301

RECEIVED
JUL 10 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

July 9, 2014

Mr. George Worley, Community Planning Manager
City of Prescott
201 S. Cortez
Prescott, AZ 86302

RE: CUP 14-002, 901 East Rosser Street/Church of Jesus Christ

Dear Mr. Worley and Members of the Board of Adjustment:

When we purchased our home on Cloudstone Drive we were aware that the property in question is zoned for neighborhood commercial. This remains a concern to us since the site is immediately below our home and development there will directly impact us. When we decided to purchase it was influenced by the language within the Neighborhood Oriented Business code indicating that development should be of generally low intensity and would have height, lighting, use, and traffic limits to maintain consistency with the residential nature of the area.

We became quite concerned when we received notice regarding the proposed use and the request for a variance. We do not object specifically to the construction of a church, but question the scale of use and associated traffic and noise that may be generated. We are specifically concerned about the traffic impacts to Cloudstone Drive, which is one of the proposed access points to the church. Cloudstone Drive is currently the only point of ingress and egress for the entire neighborhood consisting of approximately 95 single-family residences. There is no alternative to travel to or from our homes during periods of heavy use at the church, which we understand would be occurring more frequently than just during Sunday services. Further, Cloudstone Drive intersects with East Rosser Street and creates what is already a dangerous intersection due to location at the top of a rise and poor visibility. Large volumes of traffic to and from the proposed church will exacerbate this problem.

We are very much opposed to the requested variance to the height limitations to allow for addition of a steeple. The added height would clearly not be consistent with the spirit of the zoning code, which limits height to maintain consistency with the residential area. Our home would be almost directly behind the proposed church and the steeple would clearly intrude on our currently excellent view, for which we paid a premium. In addition to being a visual nuisance, we expect the obstruction would clearly detract from the value of our home.

However, if the facility were built, we would not object to the relatively minor requested variance to the size of the building that has been requested as well.

Thank you and the Board of Adjustment for considering our concerns.

Sincerely,

Norman Caouette

RECEIVED
JUL 10 2014
CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

July 10, 2014

Board of Adjustments:

Sirs:

Yesterday, I attended the informational meeting 7/9/14 concerning the Meeting House project planned for the commercial zoned lot on east Rosser Street. I learned that the grading of the pad upon which the building is to be built will have a final elevation approximately 12-15 feet above Rosser Street at the east end. Essentially, the architect plans to level the lot matching the elevation of Cloudstone Drive at its west end. The architect claimed that the pad's final elevation was the result of trying to minimize cutting down the hill at the south end of the lot. Even with this minimum cutting, a retaining wall approximately 9 or 10 feet high will be required to the south of the graded pad.

Since the owner is seeking a variance to raise the height of the steeple to 66', I propose that the architect consider lowering the pad by 10-12 feet essentially matching the elevation of the east end of the lot. This would entail more deeply cutting into the hill with two or possibly three retaining walls terracing the south side of the property.

The benefit from this approach would be to lower the height of the whole building with its steeple (whatever height is finally approved) above Rosser Street.

Robert J. Reek

Robert J. Reek
1276 Annolen Place
Prescott, AZ 86301
(Cliff Rose lot 399)

Worley,George

From: jo dee king [jodeeking85@sbcglobal.net]
Sent: Thursday, July 10, 2014 5:53 PM
To: Worley,George
Subject: RE: CUP14-002 - 901 E ROSSER ST/CHURCH OF JESUS CHRIST

7-10-14

Dear Mr. Worley

As I begin this, please be advised to forward a copy or present this copy to the board of adjustments at this next week's meeting regarding the above mentioned subject. The majority of this letter was to be given at the meeting regarding the above mentioned matter at the meeting we attended last night at the senior/community building. However, it was to be given in a speech format and after last night I will just send it to you by email today.

We were born and raised in Texas and moved to Southern California in 1982. My husband, Bill, and I are now new residents of Prescott by about 3 weeks. We may be the last homeowners who have moved into Cloudstone Villa neighborhood. We are senior citizens and bought our home here in Prescott for retirement. I do know that we had not been here but maybe a week when someone in the neighborhood was good enough to drop off a notice regarding the matter of the Church of Latter Day Saints of Jesus Christ and where it was set to be built. My husband and I went into shock immediately. We were so shocked we couldn't speak. I immediately became sick to my stomach and really and truly have been sick ever since.

Our new home is located right above on the "cliff" on Cloudstone literally right behind where this church is to be built! We bought at top dollar for this home B/C OF THE VIEW! We look straight out over the cliff down to Rosser. Homes in the same neighborhood built at the same time by the same builder that DO NOT HAVE THE SAME VIEW from the cliff above down to Rosser paid less B/C THEY DON'T HAVE THE VIEW!!! The builder of our home had the approval of the City of Prescott to build our home EXACTLY where it is, the City of Prescott allowed the builder to build our home with this exact view, the builder knew he would get top dollar for our home on the cliff where he built them B/C OF THE VIEW!!!!

We, as Prescott residents trusted that the value of our view, therefore, the property value of our home certainly would not decrease automatically B/C OF A VIEW OBSTRUCTION of any sort. Can you even try to imagine IF YOU had no knowledge of a 67 foot church steeple being built right in the middle of the open land behind you obstructing your view. What about the property value drop IMMEDIATELY on a home you just paid top dollar for from the builder who got it ok to build your home with these views and make money from these views by selling the homes with these views by a city who ok'd the builder to build homes with these views only to have it snatched right out from under you for a 67foot church Steeple!!!

We have nothing against churches. We have nothing against steeples. We have been to look heavily at the church on Sandretto. At the meeting last night the Mormon rep said how nice it was, how clean it was--why not drive by and have a look. We already did and nowhere around the nice beautiful clean church with its steeple did we see other people's house view being encroached upon. There were no cliffs or hills or mountain sides with houses looking down on the top or around the steeple of that church. We are not against a city growing, improving, and building BUT WE ARE

VEHEMENTLY AGAINST a church being built that is going to have a 67 foot STEEPLE on top of it!!! A STEEPLE being allowed to be built so high above city code and that when built will automatically decrease the property value of our brand new home- one of the ones on the cliff and at same time will also lower the property value of all the homes in Cloudstone and surrounding areas. 101 REAL ESTATE!!!! When are the real estate people around here obligated to let new prospective homeowners KNOW a huge church is encroaching in on this beautiful mountainside with a 67 foot steeple and the steeple here at 67 foot high will be here for all to view.

Why set any city code?. City codes are set for the benefit of everyone of its city's residents to abide by. We feel none of what we as residents say to help protect our homes and area really matters. This colossal project has been in the works for months if not years! We were bamfoozled into believing our view was going to be protected. Where as ordinary citizens of the city stand a chance to really be taken seriously by big business (Church of Latter Day Saints and the representative city group) trying to get a 67 foot church steeple approved. It's all about BIG BUSINESS and MONEY

City code and the City representatives, the Board of Adjustments, etc should work to protect the property values of each and every single thing that is built within this City regardless if its homes,dept stores, dog shelters, police stations, churches--whatever in particularly the homes and businesses of what they the City representatives approved for those already here. Yeah, we may be brand spankin new residents of Prescott but we came,just like all those behind us trusting in th the city has approved and allowed and area for you to move in to, spend good money on, pay taxes on and have a beautiful unobstructed view, you sure don't get it snatched away b/c a church wants to plant a 67foot steeple in the middle of what you paid for. Where are our rights, our property being protected? Approving a church steeple that is desired by the owners of that steeple should not be a question or issue or variance to even be considered by the city. What purpose, what benefit to the City of Prescott does a 67 foot steeple that is above the city code help anyone in this city? It doesn't; it only hurts. The church wants their 67 foot steeple b/c its their way of building their church. It's just their standard way of building their churches. What about the residents of all these new surrounding areas and those home neighborhoods that the city has already approved to be built--what about all our standards? Our home values, our money, our taxes, etc? Seems very hypocritical to us!

Too, because we are the new kids on the block and we are having to find our way in traffic around our home, we now have been abruptly thrown into this chaos of the unsafe traffic conditions that the impact of the increased cars from the church will cause on Cloudstone. It only took us about one day to realize how dangerous that corner of Cloudstone and Rosser is looking and not seeing to the left on the hill or the people on Rosser c oming up the hill blindsighted as well. Plus as we are becoming more aware of our neighborhood and all the many residents who already live here and are much more aware of the safety hazards they see of getting people out of here in an emergency and now with the church and all with how the city has the churches members coming out on Cloudstone and Blooming Hill. Are the people nearby us aware of all that is going on? I am not aware yet of what the names of all the neighborhoods are but the Carrington Homes Homebuyers and future homebuyers, Cliff Rose, Blooming Hills? Again a 67 foot steeple for show?

Sincerely,

Jo Dee King Holloway
Bill Holloway

Worley,George

From: Tom Hoffnagle [tmh85254@aol.com]
Sent: Thursday, July 10, 2014 11:33 AM
To: Worley,George
Cc: Chuck Cobos
Subject: The LDS's request for a Conditional Use Permit to increase the allowable square footage from 12,000 sf to 16,558 sf.

Gentlemen:

After last night's area meeting on the subject I wanted to put in writing one of the observations made during the course of that meeting.

The highlighted areas of the code shown below indicate that the Conditional Use Review Criteria in the City of Prescott Zoning Code is written to favor existing residents of an area rather than the applicant.

In light of that fact, in the event the city traffic engineer insists that the western driveway must be located on Cloudstone Dr rather than Rosser St, and in consideration of the significant negative impact on the residents of the existing Cloudstone development if the driveway is located on Cloudstone Dr (the sole ingress/egress for the 85 plus homes currently in Cloudstone plus the 10 additional homes that will be occupied when the development is built out), it is incumbent on the City of Prescott Board of Adjustment to deny the applicant's request for the Conditional Use Permit.

Sincerely,

Tom and Barbara Hoffnagle
1603 Cloudstone Dr

9.3.5 / Conditional Use Review Criteria

The Board of Adjustment may approve an application for a conditional use where it reasonably determines that there will be **no significant negative impact upon residents or other owners of surrounding property** or upon the public. The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

A. Effect on Environment
The location, size, design, and operation characteristics of the proposed use shall not be detrimental to the health, welfare, and safety of the surrounding neighborhood or its occupants, nor be substantially or permanently injurious to neighboring property.

B. Compatible with Surrounding Area
The proposed site plan, circulation plan, and schematic architectural designs shall be harmonious with the character of the surrounding area with respect to landscaping, scale, lot coverage, and the like.

C. External Impacts Minimized
The proposed use shall not have negative impacts on existing uses in the area and in the City through the creation of noise, glare, fumes, dust, smoke, vibration, fire hazard, or other injurious or noxious impact. The applicant shall provide adequate mitigation responses to these impacts.

D. Infrastructure Impacts Minimized
The proposed use shall not have negative impacts on existing uses in the area and in the City through impacts on public infrastructure such as roads, parking facilities and water and sewer systems, and on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to provide services adequately.

July 10, 2014

City of Prescott Board of Adjustment
201 S. Cortez
Prescott, AZ 86302

RE: 901 E ROSSER ST/CHURCH OF JESUS CHRIST

Board of Adjustment:

We reside in the Cloudstone subdivision that surrounds the proposed Church building. We strongly oppose the granting of either variance that the Church of Jesus Christ of Latter-day Saints is requesting.

The City of Prescott set the zoning standards for this property at 35' height and 12,000 sf for a reason. I doubt that these were numbers that they just randomly picked. The larger square footage and the 67' height will negatively impact the Cloudstone subdivision. The 16,558 sf church building will handle many more people, more cars and more traffic problems for residents of our Cloudstone community. We have one road that we can enter and exit our subdivision. The higher steeple allowance would negatively impact the view that many residents paid a much higher price to secure when they purchased their home in Cloudstone.

The gentleman representing the Church stated at the meeting on Wednesday, July 9, that there would only be two services on Sunday with a possible total of 300 people and then a Boy Scout meeting on Wednesday evenings. BUT, as the meeting progressed he added additional events on additional days and evenings that would take place at the Church.

We have no problem with the Church being built on this site, but strongly feel they should follow the zoning laws that the developers of the various neighboring subdivisions had to follow.

We respectfully ask that you deny the Church of Jesus Christ of Latter-day Saints their request for these two variances.

Sincerely,

Gary D. Eiskamp
Kathy A. Eiskamp
337 Dreamweaver Dr
Prescott, AZ 86301