

PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
REGULAR MEETING
THURSDAY, OCTOBER 13, 2016
9:00 AM**

**CITY 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** to be held on **THURSDAY, OCTOBER 13, 2016, at 9:00 AM** in the **City 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	George Sheats
Ken Mabarak, Vice-Chairman	Terry Marshall
Joe Gardner	Phil Goode
Len Scamardo	

III. REGULAR ACTION ITEMS

1. Approval of the September 29, 2016 Meeting Minutes

IV. PUBLIC HEARING ITEMS

1. RZ16-003 for a proposed rezoning of multiple properties generally located south of West Goodwin Street and contiguous to a portion of Bridge Street, Spring Street, and South McCormick Street amending the zoning from Business General (BG) to Downtown Business District (DTB)
2. Land Development Code amendment for the definition of single family residential to provide for short term (less than 30 days) rentals in the single and multi-family zone districts
3. Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN 108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is Rural Estate 2 Acre (RE-2)

4. Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle (APN 106-18-345) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the Soldwedel Ltd. Partnership. Zoning is Industrial Transition (IT)
5. Proposed amendment to Article 4, Sections 4.9.3.A, 4.9.3.B.5, and 4.9.3.F of the Land Development Code to amend the overall maximum density, increase multi-family residential density, and adjust the minimum residential setbacks in the Downtown Business District (DTB) **(Continued Public Hearing Item from the September 29, 2016 Meeting & Public Hearing Item for the October 27, 2016 meeting)**

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 October 6, 2016 at 3:00 p.m. in accordance with the statement filed with the City Clerk's Office.



Darla Eastman, Administrative Specialist
Community Development Department

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION PUBLIC HEARING MEETING held on SEPTEMBER 29, 2016 at 9:00 AM in COUNCIL CHAMBERS ROOM, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER

Chairman Menser called the meeting to order at 9:00 a.m. He thanked Mayor Pro Tem Lamerson for attending.

II. ATTENDANCE

BOARD MEMBERS	STAFF MEMBERS
Tom Menser, Chairman	Tom Guice, Director
Ken Mabarak, Vice Chairman	George Worley, Planning Manger
Joe Gardner	Frank Hall, Community Planner
Terry Marshall	Darla Eastman, Administrative Specialist
Len Scamardo	Jon Palidini, City Attorney
George Sheats	COUNCIL PRESENT
Phil Goode	Mayor Pro Tem Lamerson

III. REGULAR ACTION ITEMS

1. Approval of the September 8, 2016 Meeting Minutes

Mr. Marshall, MOTION to approve the September 8, 2016 meeting minutes. Mr. Goode, 2nd. VOTE 6-0; passed.

1. Community Residences Presentation by the Legal Department

Jon Paladini, City Attorney, gave An update on Community Residences in Prescott. He said the proposed ordinance will change the definition of Community Residence in the Land Development Code. The primary purpose is to discuss the “meals” issue where some of the Community Residences do not provide a food service and instead are taking their clients to a local non-profit, charitable food service provider. It creates a significant impact on the demand on the food service provider by overloading them with customers without providing compensation for the extra meals. Therefore, we are revising the definition that qualifies the Community Residence to be a group home where they must have a process where meals are provided or give the residents access to food. Mr. Paladini said that this is consistent with the Fair Housing Act (FHA). To qualify for FHA benefits the residences have to emulate a biological family or the legal standard and we feel updating the definition would resolve that. The definitions of the proposed ordinance were updated to keep consistency between the Land Development Code and the City Code, Section 4-11.

The new State law is an enabling statute that allows the cities to create an Ordinance for Community Residences to operate. We will be the first City in the State to adopt the Ordinance for Community Residences and we are setting a standard. We are probably the first city in the Country to operate with the types of standards we are proposing. Mr.

Paladini reviewed the requirements for the issuance of a license, safety issues, fees, basis for denial or revocation, and background checks. He said most operators in Prescott were operating legally, safely, and supported the proposed ordinance. He said the issue was the questionable operators. He said this would help determine whether the house would be at fault.

He reviewed time frames for application submittals and options for reasonable accommodations. The new process is effective January 1, 2017, and the timeline for Community Residences to comply is 3-4 months after initiation. There are two separate operations, business and land use. He said the new ordinance could not be applied retroactively and the ordinance effective date would coincide with implementation of the business license program.

Mr. Paladini said there were two types of Community Residences, transitional, where the length of time is measured in months, usually 3-9 months (sober living), and the other is traditional, which is more permanent, indefinite period of time for group home for mentally disabled. Mr. Paladini said someone might ask for exceptions based upon financial feasibility, number of residents in group homes, and/or distance allowed between a group home and residential homes. He stated the definition of a community group home is 5 to 12 non-related persons with a disability. The intent is to integrate group homes into the community to simulate as a regular single-family residence and to have a normal living environment. The original Ordinance language was written to reduce the "cluster" of group homes that creates a social service zone or institutional zone.

He said the intent is to protect the residents of structured Community Residence homes from operators who engage in abuse, neglect, mistreatment, fraud, and/or inadequate supervision of the vulnerable population, and secondary, to protect the neighboring community.

Phil Goode stated that he is co-chair of the Mayor's Ad Hoc Committee for Sober Living Homes and has looked closely into the issue of Community Resident Management. He saw the same issues progress over a 15-year timeframe in another communities of California where the area is now called, (in jest) "Rehab Riviera." He said he has also witnessed states, such as Georgia, Florida, and Minnesota that use aggressive zoning attempts where tried and failed and cost communities millions in settlement fees. He said he is comfortable that Mr. Paladini and the City has taken a methodical and thorough analysis of putting together the Ordinance where the potential for legal challenges are minimal as possible and most likely be upheld, and there is no way to know until it is implemented.

Mr. Paladini concluded that the Vacation Rental Ordinance will be on the Council's Study session agenda on October 11, 2016. The Land Development Code will be modified to reflect a performance-type regulatory scheme requirement, as well as the City Code.

2. PP16-003, Preliminary Plat for Quantum Condominiums, a seven (7) unit multi-family condominium subdivision (APN 113-15-035A). Property Owner is Millennium Holdings, LLC. Zoning is Downtown Business District (DTB)

Frank Hall presented the staff report and provided overhead maps on the projector. He stated that this is a preliminary plat project for Quantum Condominiums because it is a proposal for condominiums and not apartments. If the proposal was for apartments where the units were not being sold individually, the review would be for a Site Plan Application. The proposed project is a seven unit multi-family development located on

North Granite Street, or the Chase Bank building, and is a permitted use in the Downtown Business District (DTB).

Mr. Hall provided details and the requirements of the proposed project stating that the residential units will be 3-stories high but will look like 2-story units with the parking underneath the building. The six residential units will be constructed and the existing unit will be the seventh, and seventeen off-street parking spaces on the ground level including one handicapped space. All new lighting must meet the "Dark Sky" requirements, landscaping, and all other requirements. Also, the Water Resources Subcommittee recommended a water allocation to the project. He then introduced the applicants. Phil Goode commented that he supports and encourages projects with higher density development that meets the standards in the 2015 General Plan.

Michael Haywood, 115 E Goodwin Street, stated that he is taking a thrust in the development of high density uses in the Downtown Business District and taking vehicles off the streets where people can walk to restaurants and bars. He said he will comply with all the building requirements of the City.

The Commissioners agreed that they liked the project and thanked Mr. Haywood.

Mr. Mabarak, MOTION to approve PP16-003, Preliminary Plat for Quantum Condominiums, a seven (7) unit multi-family condominium subdivision (APN 113-15-035A). Property Owner is Millennium Holdings, LLC. Zoning is Downtown Business District (DTB) Mr. Sheats, 2nd.

Dava Hoffman, 310 E. Union Street, stated that she encourages all the residential uses we can bring into the Downtown Business District area and has been an advocate for a long time. We need to support our businesses downtown and we need more places to live where we can walk to activities and conveniences. We don't seem to have the where-with-all to create transit systems. We need to think about the future with our baby-boomers and the millennial need to encourage those people to move into the community who like to walk to everything. We need to keep in mind that they have to be good projects and have affordability. The Commission should have a discussion on commercial building and their costs.

VOTE 7-0; passed.

IV. PUBLIC HEARING ITEMS

Proposed amendment to Article 4, Sections 4.9.3.A, 4.9.3.B.5, and 4.9.3.F of the Land Development Code to amend the overall maximum density, increase multi-family residential density, and adjust the minimum residential setbacks in the Downtown Business District (DTB)

Frank Hall presented the staff report and provided overhead maps on the projector. He said the discussion is about residential density in the Downtown Business District (DTB) and is a continuation of the April 14, 2016 Planning and Zoning Commission meeting. The amendment proposes to maintain the existing maximum residential density for the DTB district which has a maximum residential density of 58 units to the acre. For multi-family residential development there needs to be a 7,500 foot lot. Currently, the Land Development Code (LDC) permits a maximum of three multi-family residential units on a 7,500 square foot lot.

During a Pre-Application Conference (PAC), an applicant proposed a new multi-family residential building that included six apartments on a 7,500 square foot lot in the DTB. As a result, the request was denied. Mr. Hall then displayed an exhibit that described the requirements to increase the density in the DTB which has not been used to date. DTB is the only zoning district that has a way to increase density with provisions for amenities to increase the density in the DTB. All other district has a straight residential density.

Mr. Hall stated that the Unified Development Committee, at their March 30, 2016 meeting, voted unanimously to forward a proposed amendment to the Planning and Zoning Commission. On June 30, 2016, the Community Development Department hosted a community meeting to discuss the proposed amendment with the public. Notices of the community meeting were sent to all property owners within the DTB. The general consensus was supportive of the proposed amendment.

The Commissioners discussed the impacts of the proposed 58 units in a multi-family residential within the historical district and the importance of public awareness with changes in the provisions to get to an increase in density, as well as setbacks. The larger issue is that the DTB has been stagnating for years and parking. Mr. Hall stated that there are only a few properties that could meet the requirements of provisions. He then provided some options to demonstrate the amount of units that could be used: Option 1 is to have 58 units/7500ac = 9 units. Option 2 is to have 35 units/7500ac = 6 units. Option 3 is to do nothing. He also mentioned that maximum density is seldom achieved due to parking, landscaping, and setbacks. The setbacks proposed are the same as commercial setbacks and that is zero. However, there are building and fire code required setbacks that must be met.

To have the same commercial and residential building setbacks would not be compatible in the DTB. We want traditional downtown look and feel which we have unlike many other cities in Arizona and that is to build to the sidewalk to focus on the streetscape and not the building itself, as well as parking in the alleyway or in the back of the building. The Shared Parking Agreement and Fee-in-lieu-of was discussed as options to the off-site parking requirement.

Dava Hoffman, 310 E. Union Street, stated that she feels the discussion is going in a good direction but there are people who still need to review the proposed amendment. Many of our businesses lease space from the property owners and do not always receive notice. That is why the Prescott Downtown Partnership group was formed, and Kendall Jaspers is the Director. She invited a staff member to her Board Meeting that afternoon. She said she hopes that the Commissioners put this item off until October when more business owners are able to review the amendment.

Jim Griset, 136 S. Montezuma stated he was the original applicant. He discussed the parking issue and the option to buy or lease spaces in the structure on Granite Street. He stated he has a parking lot behind his building and wants to create an access in the alleyway. He also discussed the stairways and said he could possibly pay for the stairways to access his property. He also discussed the option to purchase hotels which does not require parking; however, an apartment complex does. He said he appreciates the Commission for reviewing the amendment.

Catherine Knight-Brusing, 1904 Yampa Place, said she wants to express her support for the downtown density thanked the Commission for reviewing the proposed amendment and to Frank Hall for his hard work coordinating the Community Meeting. She said she would like to encourage higher density downtown. She said there are many people

interested in the project. She gave an example of back in the 80's when Tucson's downtown was crime-ridden and dilapidated, and now they have a light-rail system, it's vibrant, and has more activities. She hopes that the Commission will continue to help support the downtown and keep it alive and well.

Mayor Pro Tem Lamerson stated as a member of the Council and a Prescott resident he appreciates the Commission for looking into the downtown density amendment and appreciates the Commission keeping in mind the 2015 General Plan. He also said he appreciates that they are looking out for elder residents moving into the City. He described a personal situation where his daughter could rent a place in the downtown area where she and her husband could work and play and not have to worry about owning a 3500 square foot house and the issues that goes into that. He said none of us want to see the historical character leave the district area; however, people are part of the infrastructure. The more we limit the people from living here the less of an opportunity to be the real Prescott. For example, let's let Prescott choose what it wants to be in the year 2020, and let's look at the opportunity in the future where people want to live, work, and play in Prescott.

The Commissioners decided to continue the discussion to amend the overall maximum density, increase multi-family residential density to the next Planning and Zoning Commission meeting.

V. UPDATES

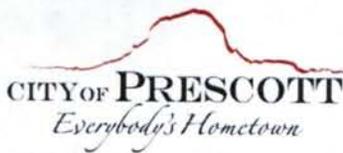
VI. ADJOURNMENT

Tom Menser, Chairman adjourned the meeting at 11:00 a.m.



Darla Eastman,
Administrative Specialist

Tom Menser, Chairman



PLANNING & ZONING COMMISSION MEMO

MEETING DATE: 10/13/16

DEPARTMENT: Community Development

AGENDA ITEM: RZ16-003, Discussion Session for a proposed change of Land Use for multiple properties generally located south of West Goodwin Street and contiguous to a portion of Bridge Street, Spring Street, and South McCormick Street amending the zoning from Business General to Downtown Business District.

Approved By:

Date:

Director:	Tom Guice		10.6.16
Planning Manger:	George Worley		10/6/16
Community Planner:	Frank V. Hall		10/6/16

Item Summary

The purpose of this application is to rezone multiple parcels totaling approximately 4.80 acres to Downtown Business District (DTB) from Business General (BG). The subject area is located south of West Goodwin Street and contiguous to a portion of Bridge Street, Spring Street and South McCormick Street. An aerial location map is shown on Attachment 1.

Background

The effort for the rezoning began with an applicant wanting to move her existing restaurant from its current location into the "Liquor Barn" retail location on Goodwin Street that recently closed. At a Pre-Application Conference (PAC), staff advised the applicant that a restaurant requires one (1) off-street parking space per 100 square-feet of floor area per Article 6, Section 6.2 of the Land Development Code (LDC). The existing location only has seventeen (17) parking spaces of which some of the spaces are used by two (2) retail business located in the same building as the proposed restaurant. A total of fifty-nine (59) spaces are required for the 5,900 square-foot restaurant space which cannot be provided on site.

As a result of the PAC meeting, the applicant applied to rezone only the restaurant building at 405 West Goodwin Street from Business General (BG) to Downtown Business (DTB) since the off-street parking standards in the DTB are exempt for certain uses such as restaurants per Article 4, Section 4.9.4.C.2 and by reference Article 11, Section 11.1.5E.3.a and 11.1.5E.3.c of the LDC. (See Below)

AGENDA ITEM: RZ16-003, Discussion Session for a proposed change of Land Use for multiple properties generally located south of West Goodwin Street and contiguous to a portion of Bridge Street, Spring Street, and South McCormick Street amending the zoning from Business General to Downtown Business District.

Article 4, Section 4.9.4.C.2 – Downtown Business

Notwithstanding the off-street parking requirements of Sec. 6.2, Off-street Parking, off-street parking within the DTB shall not be required for permitted uses within buildings constructed prior to 1968. For uses in buildings constructed from 1968 to the present, retail stores, restaurants and other hospitality-related uses in the Retail, Service and Business Categories as defined by Sec. 11.1.5E.3.a. and Sec. 11.1.5E.3.c shall not be required to provide off-street parking. It shall be the applicant's responsibility to provide sufficient documentation as to the construction date of the building.

Planning Department staff recommended that the applicant reach out to other property owners in the immediate BG vicinity because rezoning a contiguous block of BG to DTB may have a greater likelihood of success instead of simply rezoning a single property.

As a result of the applicant's outreach, many property owners in the BG zoned area shown in Exhibit 2 submitted participation letters requesting to join in the rezoning effort.

However, it is import to note that there are other property owners in the subject area that are opposed to the rezoning and some that are still considering their options. The map attached as Exhibit 4 shows the current level of participation from property owners willing to either join the rezoning effort, those that are opposed to the rezoning, and those that are considered "uncommitted" to the effort because they did not submit a participation letter or they have not responded to repeated outreach attempts by the original applicant.

2015 General Plan

The 2015 General Plan (Plan) Land Use Plan maps both the Business General and Downtown Business zoning district as a "Commercial" designation so an amendment to the Plan is not required for this application.

Impacts on Adjacent Properties

A consideration of any rezoning request is the potential adverse impacts on adjacent or nearby property owners. For this particular rezoning, the impact on adjacent properties should not change from existing conditions since both the Business General and Downtown Business Districts permit similar commercial and residential uses with few exceptions.

In fact, the potential impact on adjacent properties may be lessened by the proposed rezoning since the BG zoning district permits more intense business uses that would not be permitted in the DTB. For example, service stations, animal shelters/kennels, campgrounds, RV parks, and drive-thru fast food restaurants are permitted in BG, but prohibited in DTB. A land use comparison table is shown in Attachment 6 and the full list of potential land uses is shown in the Permitted Use Table of Article 2, Table 2.3 of the LDC (Attachment 7).

AGENDA ITEM: RZ16-003, Discussion Session for a proposed change of Land Use for multiple properties generally located south of West Goodwin Street and contiguous to a portion of Bridge Street, Spring Street, and South McCormick Street amending the zoning from Business General to Downtown Business District.

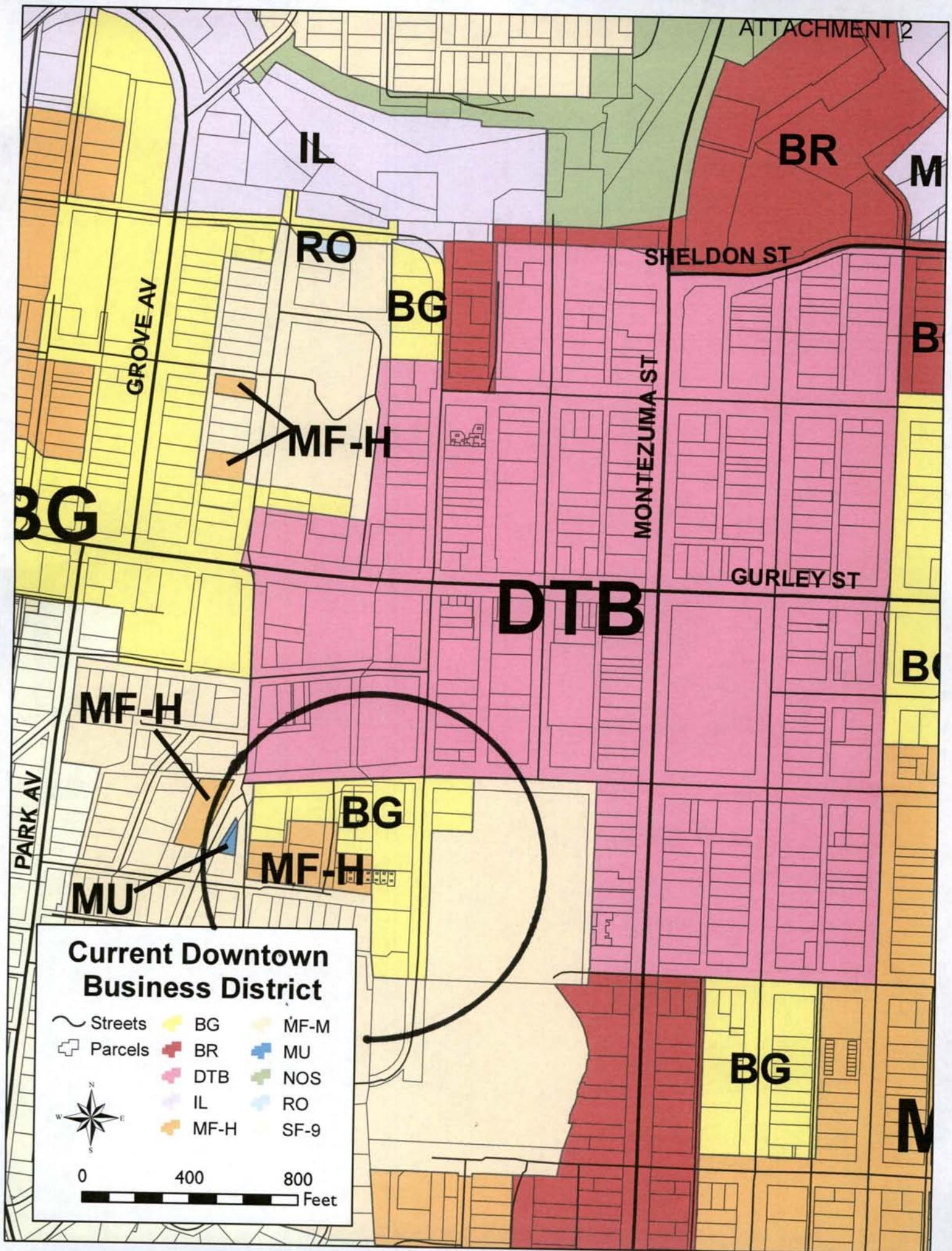
Attachments

1. Aerial Location Map
2. Zoning Location Map - Current
3. Zoning Location Map – Proposed
4. Participating Property Owners Map
5. 2015 General Plan Map
6. Land Use Comparisons Table
7. Permitted Use Table – Article 2, Table 2.3 Land Development Code

Recommended Action: None at this time.

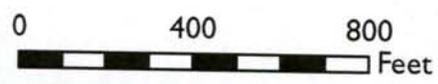
AERIAL LOCATION MAP
(Attachment 1)

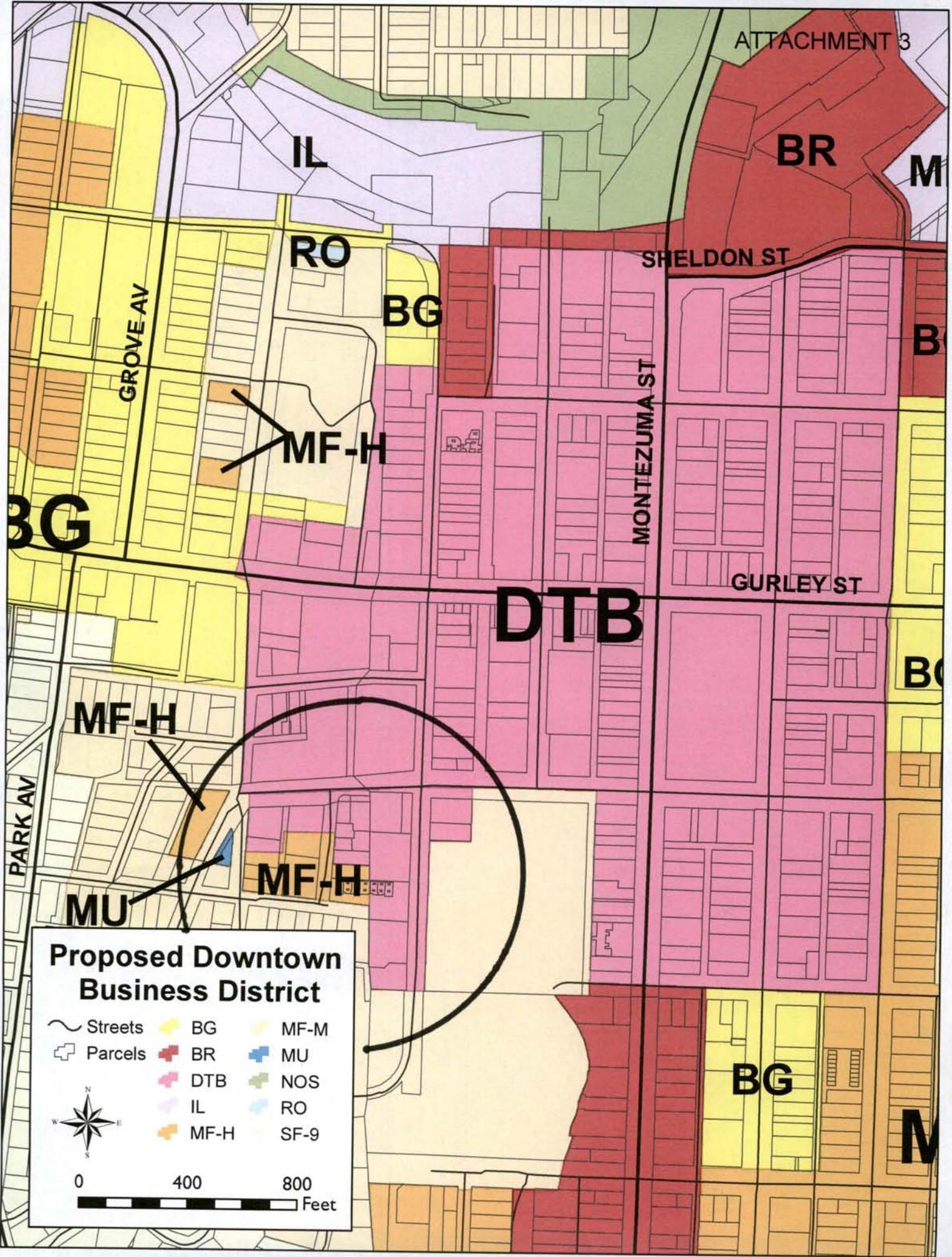




Current Downtown Business District

- Streets
 - Parcels
 - N
 - S
 - W
 - E
- | | |
|------|------|
| BG | MF-M |
| BR | MU |
| DTB | NOS |
| IL | RO |
| MF-H | SF-9 |





Proposed Downtown Business District

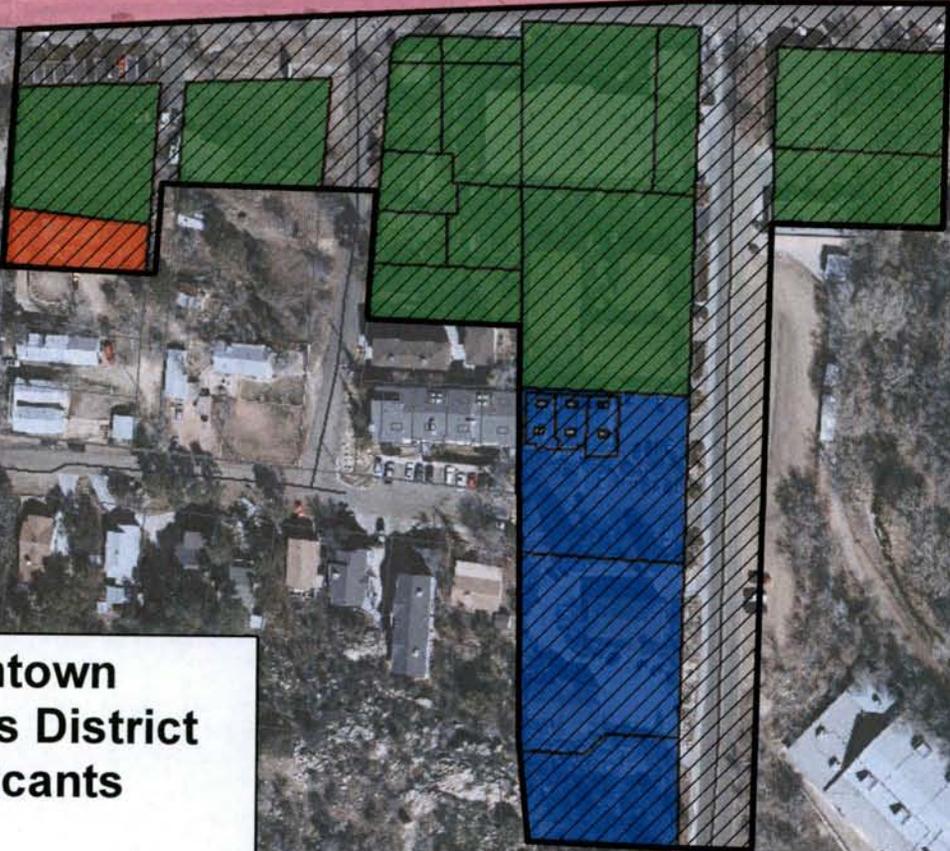
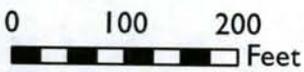
~ Streets	BG	MF-M
⊕ Parcels	BR	MU
	DTB	NOS
	IL	RO
	MF-H	SF-9

0 400 800
 Feet

DTB

Downtown Business District Applicants

- Property Owners  DTB
-  Participating  Parcels
-  Uncommitted
-  Opposed



ATTACHMENT 6

LAND USE COMPARISONS

BUSINESS GENERAL (BG) AND DOWNTOWN BUSINESS DISTRICT (DTB)

SPECIFIC USE	COMPARISON
Manufactured Home Park, Campgrounds, Car Washes, Kennels & Animal Shelters, Outdoor Patio Equipment & Statuary, RV Parks, Service Stations, Tattoo Parlor, Veterinary Clinic, Self/Mini Storage,	Allowed by Conditional Use Permit (CUP) in BG. Not permitted in DTB.
Cemeteries & Mausoleums, Hospitals & Trauma Centers, Play Grounds, Lumber Sales, Pet Grooming, Fast Food w/Drive-Thru, Garages, Greenhouses, Bulk Containers Temporary Sales,	Permitted in BG. Not permitted in DTB.
Auctions, Indoor; Auditoriums, Auto Repair, Bus Terminals, Film Production Studios, Light Machine Shops, Research Development & Testing,	Not Permitted in BG. Special Use Permit (SUP) in DTB.
Car Detailing, Limo & Shuttle Services, Parking Garages, Skating Rinks & Swimming Pools, Light Assembly Indoors,	Permitted in BG. Special Use Permit (SUP) in DTB
Family Game Centers	Conditional Use Permit (CUP) in BG. Permitted in DTB
Rental Car, Ambulance Service,	Conditional Use Permit (CUP) in BG. Special Use Permit (SUP) in DTB
Palm Reading & Tarot Cards, Publishing & Printing, Farmers Market, Caretakers Quarters,	Not permitted in BG. Permitted in DTB.
Mobile Food Vendors (Accessory Use)	Permitted in BG. Conditional Use Permit (CUP) in DTB

BUSINESS GENERAL (BG) - YELLOW
DOWNTOWN BUSINESS (DTB) - PURPLE

Table 2.3

ATTACHMENT 7

PERMITTED USE TABLE																							
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS							NONRESIDENTIAL BASE ZONING DISTRICTS						Use Standards									
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC ¹	NOS	R5	MU		RO	NOB	BG	BR	DTB	IT	IL	IG	
Residential Use Categories (Sec. 11.1.3)																							
Assisted Living (Sec. 11.1.3(A))																							
Assisted Living	C						P	P	P				P	P	P	P	P	P					2.4.7
Nursing Home													P	P	P	P	P	P					2.4.7
Accommodations (Sec. 11.1.3(B))																							
Bed and Breakfasts	P						C	P	P				P	P	P	P	P	P	P				2.4.12
Casitas, Cabins, or Cottages	C												C	P	P	P	P	P					2.4.14
Motels or Hotels													C	P	P	P	P	P	P	P	P		--
Congregate Living (Sec. 11.1.3(C))																							
Boarding Houses							C	P	P				P	P	P	P	P	P					--
Family Community Residence ⁷	P	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P				2.4.17
Transitional Community Residence ⁷	C	C	C	C	C	C	C	P	P	C			P	P	P	P	P	P	P				2.4.17
Dormitories / Fraternities / Sororities							C	C	C				C	C	P	P	P	P					
Household Living (Sec. 11.1.3(D))																							
Single-Family Dwellings / Modular Homes ²	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P					2.4.47
Duplex Dwellings							P	P	P				P	P	P	P	P						2.4.20
Multi-Family Dwellings (Apartments & MF Condos)							P	P	P				P	P	P	P	P	P					2.4.32
Patio Homes ³							P	P	P				P										2.4.35
Townhouses ⁴							P	P	P				P										2.4.50
Manufactured Housing ⁵																							2.4.29
Manufactured Home Parks							C	C	P							C	C						2.4.30

¹ See Section 3.11.5 / Allowed Uses.

² Modular homes must meet the Uniform Building Code (UBC) or International Building Code (IBC) standards.

³ Patio homes may also be allowed on individual lots in the RO, NOB, BG and BR districts and in the RE and SF districts in accordance with the planned area development (PAD) procedures of Section 9.5.9(I).

⁴ Townhouses may also be allowed on individual lots in the RO, NOB, BG and BR districts and in the RE and SF districts in accordance with the planned area development (PAD) procedures of Section. 9.5.9(I).

⁵ Manufactured housing may be permitted only in approved manufactured home parks and in zoning districts with the "-MH" floating zone designation (see Section 3.12, Manufactured Home Floating District (-MH)).

⁶ "Stand-alone professional practices" (practices not having a residential component) are possible subject to the processing of a conditional use permit.

⁷ A community residence is allowed as of right if it (1) is at least 800 linear feet from the closest existing community residence as measured from the nearest property line of the proposed community residence to the nearest property line of the existing community residence along legal pedestrian rights-of-way, and (2) the operator or applicant is licensed or certified by the State of Arizona to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence, except as required by state law. Except as provided by state law, a conditional use permit must be obtained in accord with the use standards specified in Section 2.4.17 for any community residence that does not meet both criteria (1) and (2).

Table 2.3 (Continued)

PERMITTED USE TABLE																							
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS									NONRESIDENTIAL BASE ZONING DISTRICTS						Use Standards							
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC ¹	NOS	RS	MU	RO	NOB		BG	BR	DTB	IT	IL	IG	
Public, Civic and Institutional Use Categories (Sec. 11.1.4)																							
Cemeteries, Mausoleums	C	C	C	C	C	C	C	C	C							P	P		P	P	P	P	2.4.15
Colleges or Universities							C	C	C			C	C	P	P	P	P	P	P	P	P	P	--
Convents, Monasteries	C						C	C	C			P	P	P	P	P	P	P	P	P	P	P	2.4.18
Crematoriums																	C			P	P		--
Day Care, Center (>8 persons)							C	C	C			P	P	P	P	P	P	P	P	P	P	P	2.4.19
Day Care, Home-based (5-8 persons)	C						C	C	C			P	P	P	P	P	P	P	P	P	P	P	2.4.20
Electrical Generation Plants																				S	S		2.4.22
Emergency Medical Clinics									C						C	P	P	P	P	P	P		--
Golf Courses	S	S	S	S	S	S	S	S	S		S												2.4.23
Golf Driving Ranges	C																P		P	P	P	P	2.4.24
Hospitals & Trauma Centers																P	P		P				--
Libraries							S	S	S			S	S	P	P	P	P	P	S				--
Medical Clinics & Offices									C			P	P	P	P	P	P	P	P				--
Museums	S	S	S	S	S	S	C	C	C			C	P	P	P	P	P	P	P				--
Park or Nature Preserves	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
Places of Worship, Churches	C	C	C	C	C	C	C	C	P			P	P	P	P	P	P	P	P	P			--
Playgrounds	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	--
Private Clubs or Lodges	C						C	C	C			C	P	P	P	P	P	P	P	P	P	P	2.4.38
Schools, public or private, 9-12							C	C	C			C	C	C	P	P	P	P	P	P			--
Schools, public or private, K-8	C	C	C	C	C	C	C	C	C			C	C	C	P	P	P	P	P	P			--
Tele-communication Facilities	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	2.4.51
Utilities, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	2.4.53
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	2.4.53
Utility Installation & Services	P	P	P	P	P	P	P	P	P	P	S	P	P	P	P	P	P	P	P	P	P	P	2.4.53

¹ See Section 3.11.5 / Allowed Uses.

Table 2.3 (Continued)

PERMITTED USE TABLE																								
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS							NONRESIDENTIAL BASE ZONING DISTRICTS							Use Standards									
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC'	NOS	RS	AU	RO		NOB	BG	BR	DTB	IT	IL	IG		
	Retail, Service and Business Use Categories (See Sec. 11.1.5)																							
Adult Bookstores and Entertainment																					P	P	2.4.1	
Amphitheatres and Arenas											C							C			P	P	2.4.5	
Amusement Parks																		C				C	C	2.4.6
Antique Shops															P	P	P	P	P	P	P	P	P	--
Appliance Sales and Service																	P	P	P	P	P	P	P	--
Art Gallery													P	P	P	P	P	P	P	P	P	P	P	--
Artisan or Photographic Studio													P	P	P	P	P	P	P	P	P	P	P	--
Auctions, Indoor																		P	S	P	P			--
Auditoriums								C	C									P	S	P	P			--
Auto or Vehicle Body Shops and Repair																		P	S	P	P	P	P	2.4.9
Auto or Vehicle Sales and Leasing																	S	P	S	P	P			2.4.10
Bakeries															P	P	P	P	P	P	P	P	P	--
Banks															P	P	P	P	P	P	P	P	P	--
Barber and Beauty Shops, Tanning, Masseuse								C						P	P	P	P	P	P	P	P	P	P	--
Book Stores														C	C	P	P	P	P	P	P	P	P	--
Campgrounds (more limited than RV Parks)	C										C						C	C			P	P		--
Candy and Ice Cream Stores															P	P	P	P	P	P	P	P	P	--
Car Detailing															C	P	P	S	P	P	P	P	P	--
Car Washes																	C	C			P	P	P	--
Carpet, Flooring Sales															P	P	P	P	P	P	P	P	P	--
Catering Associated w/Restaurant															P	P	P	P	P	P	P	P	P	--
Catering, Mobile																	P				P	P	P	--
Cigar and Tobacco Shops															P	P	P	P	P	P	P	P	P	--
Convenience Stores													C	C	P	P	P	P	P	P	P	P	P	2.4.47
Craft, Fabric Stores															P	P	P	P	P	P	P	P	P	--
Delicatessens															P	P	P	P	P	P	P	P	P	--
Department Stores															P	P	P	P	P	P	P	P	P	--
Dressmaker or Tailor															P	P	P	P	P	P	P	P	P	--
Drug Stores															P	P	P	P	P	P	P	P	P	--
Electronic Equipment Sales															P	P	P	P	P	P	P	P	P	--
Entertainment, Indoors															C	P	P	P	P	P	P	P	P	--
Entertainment, Outdoors																					C	C	C	--
Fairgrounds																					P	P		--
Family Game Centers															C	C	C	P	P	P	P	P	P	--
Feed Stores																	P	P	P	P	P	P	P	--

Table 2.3 (Continued)

PERMITTED USE TABLE																							
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS								NONRESIDENTIAL BASE ZONING DISTRICTS						Use Standards								
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC ¹	NOS	R5	MU	RO		NOB	BG	BR	DTB	IT	IL	IG	
Retail, Service and Business Use Categories (Continued) (Sec. 11.1.5)																							
Firearms Dealers, Arms Only																	P	P	P	P	P	P	--
Florist Shops												P	P	P	P	P	P	P	P	P	P	P	--
Funeral Homes									C			P	P	P	P	P	P	P	P	P	P	P	--
Furniture Stores																P	P	P	P	P	P	P	--
Greenhouses/Nursery Centers	C	C														P	P	P	P	P	P	P	2.4.25
Grocery Stores																P	P	P	P	P	P	P	--
Hardware, Electrical Supply Stores																P	P	P	P	P	P	P	--
Health Clubs/Spas											S					P	P	P	P	P	P	P	--
Indoor Racquetball, Swimming, Sports Clubs, Shooting Galleries											P					P	P	P	P	P	P	P	--
Kennels, Animal Shelters																C	C	P	P	P	P	P	2.4.28
Laundromats or Dry Cleaners																P	P	P	P	P	P	P	--
Limo & Shuttle Services																P	P	S	P	P	P	P	--
Liquor Stores																P	P	P	P	P	P	P	--
Lumber/Building Material Sales (w/o Outdoor Storage)																P	P	P	P	P	P	P	--
Micro-Breweries, No Distribution																P	P	P	P	P	P	P	--
Nightclubs, Bars (Stand Alone)																P	P	P	P	P	P	P	--
Offices									C			P	P	P	P	P	P	P	P	P	P	P	--
Outdoor Statuary, Small Sheds, Patio Equipment																C	C	P	P	P	P	P	--
Pack and Ship Shops												C	P	P	P	P	P	P	P	P	P	P	--
Parking Garages																P	P	S	C	C	C	C	--
Parking Lots, Stand Alone									P			P	P	P	P	P	P	P	P	P	P	P	--
Pawn Shops																C	C	C	P	P	P	P	--
Personal Services												P	P	P	P	P	P	P	P	P	P	P	--
Pet Grooming												P	P	P	P	P	P	P	P	P	P	P	--
Pool, Billiard Rooms																P	P	P	P	P	P	P	--
Print Shops																P	P	P	P	P	P	P	--
Racetracks, Animal											S								S	S	S	S	2.4.39
Racetracks, Motor Vehicle											S									S	S	S	2.4.40
Radio or Television Broadcast Studios																P	P	P	P	P	P	P	2.4.41
Recreational Vehicle (RV) Parks	S										C					C	C	C	C	C	C	C	2.4.42
Recreational Vehicle (RV) Storage Yard	C	C	C	C	C	C	C	C	C							C	C	C	C	C	C	C	2.4.44
Rental Car Agencies																C	C	S	P	P	P	P	--
Repair Shops, Minor (small appliance, shoes, etc.)												C	P	P	P	C	P	P	P	P	P	P	--

Table 2.3 (Continued)

PERMITTED USE TABLE																								
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS							NONRESIDENTIAL BASE ZONING DISTRICTS						Use Standards										
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC'	NOS	RS	MU		RO	NOB	BG	BR	DTB	IT	IL	IG		
	Retail, Service and Business Use Categories (Continued) (Sec. 11.1.5)																							
Resale/Consignment Shops													C			P	P	P	P	P	P			--
Restaurants, Fast-Food w/Drive-thru																	P	P	P	P	P	P		--
Restaurants, Outdoor Dining																P	P	P	P	P	P		--	
Restaurants, Standard																P	P	P	P	P	P		--	
Service Stations (Gas)																C	C			P	P	P	2.4.47	
Shooting/Archery Ranges, Outdoor												C								C	C	C	2.4.48	
Skating Rinks, Swimming Pools												P				P	P	S	P	P	P	--		
Studios, Dance or Music													P	P	P	P	P	P	P	P	P		--	
Tarot/Palm Reader/Psychics																	P	P	P	P			--	
Tattoo Parlor																C	C			P	P		--	
Theaters																	P	P	P	P	P		--	
Tire Sales and Mounting																		P		P	P	P	--	
Trade Schools																		C		P	P	P	--	
Veterinary Clinic															C	C	P			P	P		2.4.28	
Video Rentals and Sales												C			P	P	P	P	P	P			--	

Table 2.3 (Continued)

PERMITTED USE TABLE																							
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS							NONRESIDENTIAL BASE ZONING DISTRICTS						Use Standards									
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC'	NOS	RS	MU		RO	NOB	BG	BR	DTB	IT	IL	IG	
Industrial Use Categories (Sec. 11.1.6)																							
Aeronautical Activities within Airport Boundaries																				P	P	P	2.4.4
Airports, Heliports, Landing of Aircraft																				S	S	S	2.4.4
Ambulance Services																				C	C	S	--
Auctions, Indoor (other than Livestock)																				P		P	--
Auctions, Livestock																						P	--
Boat Building, Repair																						C	2.4.8
Batch Plants, Asphalt and Concrete																						P	--
Bus Terminals																						S	2.4.11
Cabinet Making																				C	S	P	--
Chemical-based Manufacturing																				C		P	--
Clothing Manufacturing																						C	--
Contractor Storage Yard																				P		P	--
Dry Cleaning Plants																						P	2.4.35
Fabrication of Materials																						P	--
Film Production Studios																						C	--
Hazardous Waste Facilities																				P	S	P	--
Heavy Equipment Sales/Service																						S	2.4.26
Ice Manufacture																						P	--
Incinerators																						P	--
Junkyards																						S	--
Landfills																						S	2.4.27
Landscape Contactor Yards																						S	--
Light Assembly, Indoor																						P	2.4.29
Light Machine Shops, Spot Welding, Indoors																				P	P	S	--
Lumber Mills																						C	--
Machine Shops, Heavy Equipment, Mass Production																						P	--
Meat Packing																						C	--
Metal Casting/Fabrication/Foundries																						C	--
Mining and Extractive Uses																						C	--
Outdoor Display/Sale of Bulk Containers (large sheds, hot tubs, cargo cars, etc.)																						S	2.4.32
Outdoor Production or Storage																						P	--
Petroleum/Chemical Production																						P	2.4.35
Publishing and Printing																						P	2.4.37
Recycling Collection Facilities																						P	--
Research/Development/Testing																						P	2.4.43
Self-Storage or Mini-Storage																						S	--
Storage, Commercial																						C	2.4.45
Taxidermy Facilities																						P	2.4.16
Warehousing and Distribution																						C	--
Wholesale Facilities																						C	--

Table 2.3 (Continued)

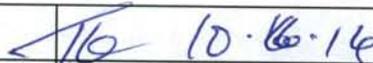
PERMITTED USE TABLE														Use Standards											
SPECIFIC USE	RESIDENTIAL BASE ZONING DISTRICTS							NONRESIDENTIAL BASE ZONING DISTRICTS																	
	RE-2	SF-35	SF-18	SF-12	SF-9	SF-6	RT	MF-M	MF-H	SPC'	NOS	RS	MU		RO	NOB	BG	BR	DTB	IT	IL	IG			
Agricultural Use Category (Sec. 11.1.7)																									
Agricultural Production	C																							2.4.2	
Agricultural Service																									2.4.3
Auctions, Livestock																									2.4.8
Commercial Stables	C											C													--
Farmers Market																		P	P	P	P	P			--
Nurseries, wholesale	C	C																							2.4.34
Accessory Uses (See Sec. 2.5)																									
Babysitting or (up to 4 persons)	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.5.3
Caretaker Quarters												P													--
Employer Day Care Centers/Playgrounds													P	P	P	P	P	P	P	P	P	P	P	P	--
Flagpoles	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	2.5.4
Garages	P	P	P	P	P	P	P	P	P				P	P	P	P	P								--
Garage/Yard Sales	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.5.5
Gazebos	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--
Greenhouses	P	P	P	P	P	P	P	P	P				P	P	P	P	P								--
Guest Quarters	P	P	P	P	P	P	P	P	P				P	P	P	P	P								2.5.6
Home Occupations	P	P	P	P	P	P	P	P	P				P	P	P	P	P								2.5.7
Mobile Food Vendors													C	C	C	P	P	C	P	P	P	P			2.5.13
Professional Practice	P	P	P	P	P	P	P	P ⁶	P ⁶				P	P	P	P	P	P							2.5.8
Recreational Vehicle (RV), Motorhomes and Similar Storage	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P						2.5.9
Satellite Receivers, Ham Radio Towers, Antennas	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.5.10
Solar Collectors, Roof-Mounted	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.5.11
Stables, Barns & Corrals, Private	P	P	P	P	P	P																C	P	P	2.5.12
Swimming Pools	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	2.4.50
Temporary Uses (See Sec. 2.6)																									
Bulk Containers, Storage or Sales From, temporary																	P	P		P	P	P			2.6.4, 2.4.13
Carnivals, Circuses or Special Events, temporary	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	2.6.5
Construction/Storage Offices, temporary	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.6.6
Land (Real Estate) Sales and/or Leasing Offices, temporary	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	2.6.8
Open Air Sales, temporary													P	P	P	P	P	P	P	P	P	P	P	P	2.6.7
Shelters, temporary	C	C	C	C	C	C	C	C	C				C	C	C	C	C								2.6.9

PLANNING & ZONING COMMISSION MEMO

MEETING DATE: 10/13/16

AGENDA ITEM: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

Approved By:

Director:	Tom Guice	
Planning Manager:	George Worley	10/6/16

Item Summary

This is a request for a Special Use Permit (SUP) for the installation of a stealth Cell Tower at a City owned water tank facility. The Land Development Code (LDC) establishes the SUP process for all Cellular communications towers, except those owned and operated by a governmental entity. While the proposed site is City owned, the tower and its operation are under private control. LDC Section 2.4.49 establishes the design and approval process.

Background

Verizon Wireless is seeking to install a Cell Tower to improve their service in the southwest region of Prescott along Copper Basin Road. The proposed location is within a residential area zoned RE-2 acre and adjacent to areas zoned SF-35. The location is at the north side of the City water tank on the site. The tower is proposed to be a stealth installation in the form of a pine tree 85 feet in height.

Site Design

The site has frontage on Copper Basin Road; however the functional access is from Wickwood Lane via an easement. The monopole and equipment compound is just to the north and roughly in line with the existing water tank. The pole is to be 50 feet north of the tank to maintain adequate access and maneuver space for City water distribution personnel to maintain the tank.

The tower design is for a stealth monopole with three antenna arrays at the top. The design will allow collocation of additional antennas, but none are proposed at this time. The proposed installation will include a 75 foot monopole, with the stealth tree disguise extending to 85 feet. The existing water tank is approximately 35 feet tall.

Agenda Item: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

Land Development Code Review Criteria

The purpose of the city's regulation of telecommunications facilities is listed in **Section 2.4.49.A.**

A. Purpose

These regulations are intended to provide for the development of wireless communication services to the community while:

1. Protecting residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encouraging the location of wireless facilities in nonresidential areas;
3. Minimizing the total number of wireless communication sites throughout the community;
4. Encouraging the joint use of new and existing tower sites as a primary option rather than the construction of single-use towers;
5. Encouraging the users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact upon the community is minimal;
6. Encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design and siting, landscape screening, and innovative camouflaging techniques;
7. Enhancing the ability of the service providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Considering the public health and safety associated with wireless communication facilities; and
9. Minimizing potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures. In the furtherance of these goals the City shall give due consideration to the General Plan, the Zoning Code, and the Wireless Communication Plan for Central Yavapai County.

Section 2.4.49.J provides weighted review criteria to be considered by Council in the review of a request for a SUP.

J. Performance Criteria

The following characteristics are deemed consistent with the purposes of this section and will be afforded favorable weight in considering the application:

Agenda Item: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

1. Existing structures will be preferred over new structures;
2. New structures which appear to be structures commonly found within that zone are preferred over apparent wireless structures;
3. Wireless communication facilities, which cannot be readily observed from adjacent streets, are preferred;
4. Heights that do not exceed height limitations for the underlying zoning district. Heights in excess of permitted heights in the zone may be approved by Special Use Permit pursuant to Sec. 9.9;
5. Collocation of multiple uses on a single wireless communication facility will have significant favorable weight in evaluating the application;
6. Network development plans which achieve the fewest number of wireless communication facilities of all users reasonably necessary for commercial coverage;
7. Location in the least restrictive zone;
8. Suitability of the location for collocation of governmental public service wireless communication facilities.

Special Use Permit Required

In addition to the specific criteria for Telecommunications facilities, the use requires approval by the City Council through a Special Use Permit. LDC Section 9.9 sets out the application and review procedures for a SUP. Section 9.9.5 provides a list of criteria for Council to consider in review of a SUP.

9.9.5 / Special Use Review Criteria

The City Council may approve an application for a special use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The City Council shall consider the following criteria in its review:

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

Agenda Item: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

scale, height, landscaping and screening, lot coverage, and density.

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.

E. Consistent with General Plan and Code

The proposed use will be consistent with the purposes of this LDC, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

G. Site Plan

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

Modification of Standard Requirements

The SUP process allows for Council approval of tower heights in excess of the district allowance. In this instance the RE-2 acre district has a height limit of 35 feet. The requested 75 foot monopole would require specific Council approval as a part of the SUP approval. Similarly, the typical setback for a tower is equal to the height of the tower. The proposed location is approximately 40 feet from the east property line of the site, 45 feet short of the fall distance setback requirement. LDC Section 2.4.49.L authorizes the Council to reduce the height and/or setback requirements if the intent of the Section would be better served by doing so.

Neighborhood Area Meeting

A neighborhood meeting was held September 22nd. Many comments were received at the meeting and are summarized as follows:

Agenda Item: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

1. *The use of public utility property for private enterprise is wrong and it makes it look like the city is only considering the money from the lease more than the people impacted by the tower.*
2. *Radiation health effects because some of the nearby residents are medically RF sensitive.*
3. *Visual impacts in a forested area.*
4. *Impacts to wildlife.*
5. *Although the tower will be designed to appear like a pine tree, the attendees are concerned that the mature old trees won't be alive much longer which will eventually expose the tower. Also that collocation antennas will be below the Verizon antennas and the tree line so the concern is that trees will be removed for collocation applicants.*
6. *Noise from the generator test cycle which occurs for 30 minutes once a week including noise from fans that run constantly for the equipment. Verizon mentioned something called "Type One" sound insulation to help reduce the sound of the fans and generator. The attendees want this type of sound insulation.*
7. *Economic impact on property values. Several people had this concern and one person cited evidence that property values can drop at least 25% when a cell tower is nearby.*
8. *Lighting on the tower is a concern because they live in a dark rural wildlife area. While it is unlikely the tower will be lighted, Verizon could not confirm that it would not require lighting by the FAA.*
9. *One resident believes that they were told that the easement access would be only for a water tank and that the city promised there would not be a cell tower. She adamantly believes that only a water tank was to be constructed. They are upset that the legal department decided the easement access could be used by Verizon for a new cell tower.*
10. *If the tower is approved, all attendees want future collocation applications to submit for a Special Use Permit (SUP) not only a building permit. They want this to be a condition of approval by the City Council.*
11. *They do not like that that the tower is asking for a height exception and a setback exception. The tower should meet at least the setback requirements of the LDC.*
12. *A major point was that all the residents near the tower have excellent cell phone and data service. Therefore, they are concerned that they must deal with the impacts of the cell tower when it isn't for them and it's only to help gaps in coverage over a mile away.*

Neighborhood Comments

Agenda Item: Special Use Permit (SUP16-001) for the installation of a Cell Tower at 2551 Copper Basin Road (APN108-21-230E) by Verizon Wireless; approval of modification of required tower setback and height limitation. Property owner is the City of Prescott. Zoning is RE-2 acre.

Neighborhood Written Comments

A number of nearby property owners have provided written comments. In synopsis, those comments focus on the potential for reduction in property values, noise issues related to the back-up generator, the height of the stealth pine tree element, the reduced setback and the proposed use of the existing access easement by Verizon.

The comment letters and emails are attached.

Attachments

1. Vicinity and Zoning Map
2. Aerial vicinity map
3. Site plan
4. Comment letters/emails

Recommended Action: None at this time.

ZONING VICINITY MAP

SUBJECT PARCEL

RE-2 ACRE

SF-35

W PROSPECT POINT

PROSPECT POINT

COPPER BASIN RD

WICKWOOD LN

MULLEN WAY

CHICKADEE CREEK

SHERIFFS ROSSE TRL

STAD DR

COMOTE CIR

MOUNTAIN LAUREL RD

GLEAR

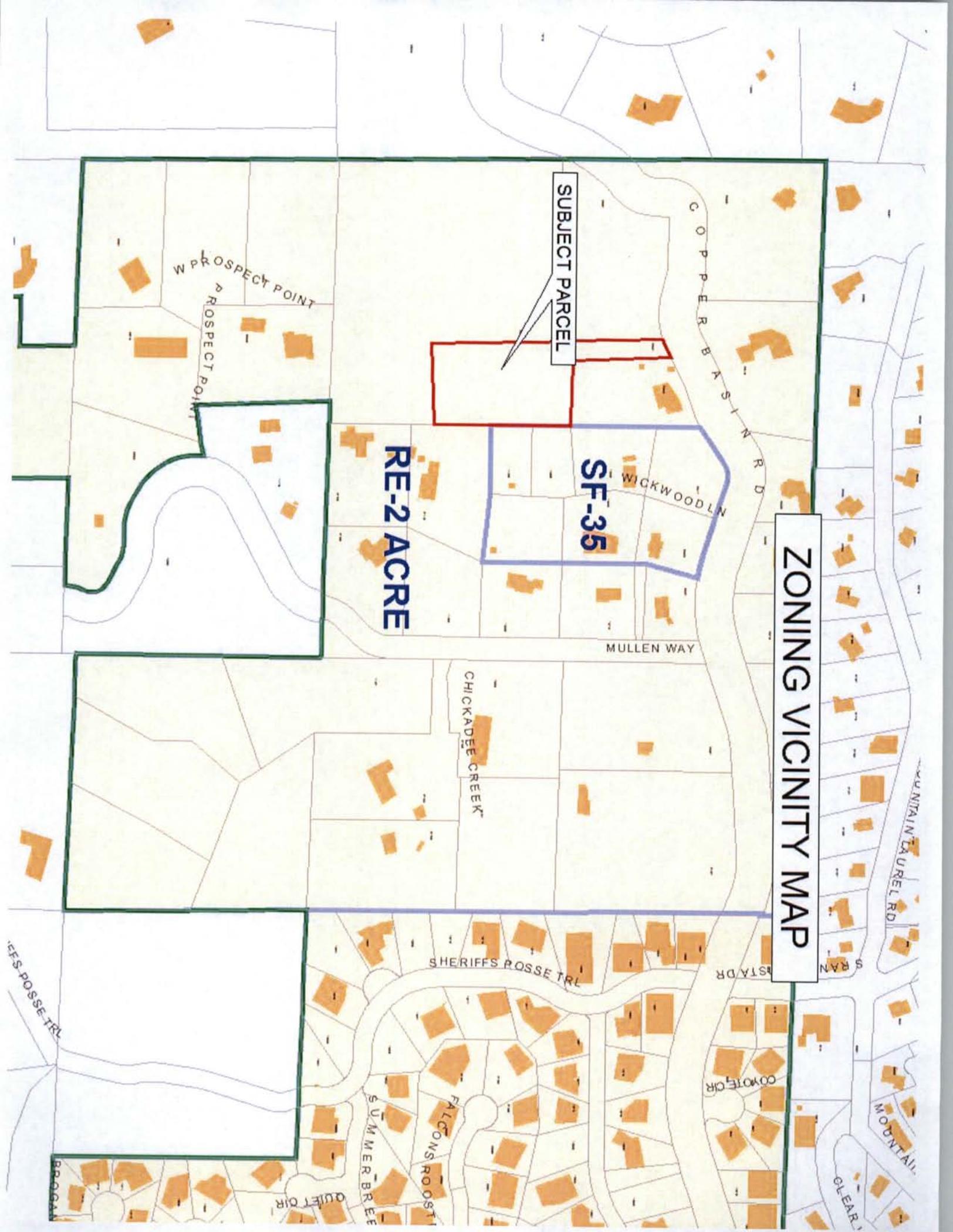
FALCONS ROOST

SUMMERBREE

QUILET CIR

POSE TRL

PROCA





Proposed Site

9/15/2016

•••

Benjamin and Andrea Wojciak
967 Coyote Cir.
Prescott, Arizona 86303

Mr. George Worley
Planning Manager
City of Prescott
201 S. Cortez St.
Prescott, AZ 86303

RECEIVED

SEP 20 2016

Community Development Department

Dear Mr. Worley,

Thank you for providing notification of a proposed 85' monopole wireless communication facility at 2551 Copper Basin Road, APN 108-21-230E. I am writing this letter as a response to your notification, and would like to express my opposition to the proposed tower. I have a number of concerns with the proposal. First and foremost, I am opposed to the tower because of its proximity to my current home as well as the home which I am in the process of building at 2175 Mountain Laurel Rd.

The Prescott Land Development Code, Article 2, §2.4.51 requires a Special Use Permit in accordance with 9 standards – the second of which is to encourage the location of wireless facilities in nonresidential areas. The zoning for the parcel upon which the WCF is proposed is RE-2 ACRE, and borders SF-35 zoning, clearly, this proposed tower does not meet the standard set forth in the LDC. The LDC would be better satisfied by asking Verizon Wireless to collocate on an existing tower, thereby meeting standards 3 and 4 in §2.4.51(A), and following the Performance Criteria as set forth in LDC §2.4.51 (J) & (K) *et. seq.* Furthermore, though described as “disguised” as a pine tree, your letter did not include a photosim that would exhibit the proposed design, and makes it difficult to evaluate the design merits of the proposal. If Verizon Wireless cannot prove that this facility is absolutely necessary to ensure coverage (which, as a Verizon Wireless customer, I assure you, it is not); the Special Use Permit should be designed by the City Council.

As you may recall, as Planning Manager, our neighborhood flatly opposed a similar request put forth a few years ago. The WCF was proposed at 945 S. Ranch Vista Dr., which is in the County, but just outside of the City's municipal limits. The opposition was overwhelming, and a petition circulated the neighborhood. The current proposal will be met with similar derision, I can assure you.

• • •

Chief among my concerns is the safety of my family. As a physician, I am aware of the effects of RF emissions on health. Though I understand that all proposed towers operate within the FCC-imposed limitations, it is a combination of the RF emissions from multiple sources that concerns me. Though it is not within the purview of City staff to consider, I would like to express this concern, because of its gravity to me.

In conclusion, the proposed WCF fails to meet several standards set forth within the City's LDC, and the information given in your letter was not adequate to determine the necessity for a Verizon tower at the proposed location. Furthermore, the fact that the proposed WCF will be located on a City-owned site give rise to the idea that the City may be violating its own adopted ordinances for monetary gain. This is an unsavory proposal, and I am opposed to the proposal for a Special Use Permit for this WCF.

Sincerely,

A handwritten signature in blue ink, appearing to read "Benjamin and Andrea Wojciak". The signature is fluid and cursive, with a large initial "B" and "A" that are connected to the rest of the names.

Benjamin and Andrea Wojciak

Dan & Janet Conrad
2535 Copper Basin Road –AND- 1350 Wickwood Lane
Prescott, AZ 86303
928-533-7672

Prescott Planning & Zoning Commission
201 S. Cortez
Prescott, AZ 86303
October 5, 2016

To The Planning & Zoning Commission:

This letter is in regard to the proposal of a special use permit for the installation of a Verizon cell tower at 2551 Copper Basin Rd. We own two properties (2535 Copper Basin Rd. and 1350 Wickwood) that both touch the boundaries of the proposed cell tower site and are in clear view and hearing distance of this site. We are very certain that the passing of this request will not only financially impact us on a large scale, but provide unnecessary noise and traffic flow to this area.

On the financial side, our research of realtor analysis sites, as well as speaking to many realtors in the area, indicates that it is no secret that when a power line or cell phone tower is installed after a home already exists, there is a negative return on investment, from a 15-25% loss. This week we asked a realtor from Lindquist Realtors in Prescott to put some comps together for both of our properties.

This realtor confirmed that our main residence on Copper Basin Rd., with a little over an acre in a private, sought-after Ponderosa pined area in the City of Prescott with water services could be listed in the \$750,000 range. If we had to take a loss even of 20% because of the cell tower, we could lose \$150,000. The property on Wickwood Ln. is also surrounded by Ponderosa Pines in a premium area and resides on almost an acre. This unique property, located in the city limits as well with water services, could be listed now for \$130,000+. Here again, a 20% loss would come in at \$26,000. With the installation of the tower, we could immediately lose \$176,000. In addition to the loss on the sale of these properties, the Wickwood residence is currently being used as an investment property, so calculating loss of income would also be a factor if the cell tower was approved.

The second issue is noise pollution. Part of the loss in property value is the noise. Reg Destree, Verizon's consultant who attended the neighborhood meeting on September 22nd, confirmed that the cell tower will have a backup generator that runs once a day, but that there are also fans that run continually. I asked if they made noise and he confirmed that they are not silent, but do not exceed the noise level regulated by a city government. In any sort of congested area, you most likely wouldn't notice this sound, however, in a forested area like where we live, sounds echo much like living on a lake where every

sound is magnified. In addition, service trucks and staff will frequent this area, which not only pass through both of our property's easements, but are completely visible. This of course would also add to diminished property values.

Lastly, we are also concerned with how the city has approved Verizon, a private company, to have legal rights to the easements accessing the proposed tower site. We (Janet) has spoken to George Worley and Tom Guise from the City of Prescott about this matter and the explanation given was that the City Attorney made that call. We do challenge that assessment, however, as the agreement we signed when the water tank was installed stated: "...for public ingress and egress, public utility purposes..." Public utilities are those provided by the state government for the community, not for a private, profit-making company. Essentially, Verizon wants to make money using our properties at the expense of our own property loss and loss of our unique, peaceful residence.

So, we ask you to consider the effects of this approval and ask that you deny this request. There are other options for Verizon Wireless. In fact, Reg Destree also explained that Verizon is adding coverage to their tower off Highlands Dr. /Country Club Dr., and also has good coverage coming from Mt. Francis. Both of these towers are in the same targeted range as the new proposed tower. We also ask: Who will be responsible for our financial loss in the event this is approved? If the city approves the request, will it be the city's responsibility?

Sincerely,



Dan & Janet Conrad
Prescott, AZ Residents since 2004

Douglas and Carolyn McCord
2893 W Prospect Pt
Prescott, AZ 86303

October 5, 2016

George Worley
Planning Manager
City of Prescott
201 S Cortez St
Prescott, AZ 86303

Re: Special Use Permit Request (SUP16-001)

Dear Mr. Worley,

We are writing to express our opposition to the 85' tall monopole proposed by Verizon for installation within our neighborhood. Our primary concern relates to the inevitable decrease in property values.

The National Association of Realtors, in their official trade magazine, published an article citing a survey conducted in June 2014 by the National Institute for Science, Law and Public Policy (NISLAPP) which shows that 94% of home buyers and renters are less interested in properties located near cell towers and antennas. "Of the 1,000 survey respondents, 79% said under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas...." (*emphasis added. See attached copy of article.*)

Specifically for this proposed location, we feel that due to the terrain the potential for sight pollution, even with a stealth monopole, is greater than realized by those unfamiliar with our neighborhood. The tower would be placed in somewhat of a bowl with many existing residences surrounding it at higher elevation; thereby positioning the portion of the tower that juts above the forest canopy at eye level. The Verizon rep at the last public meeting mentioned only one tree in the vicinity being the tallest at 70'. This puts the monopole 15' higher, yet we are wondering what the height of the majority of the trees are. The largest Ponderosas on our property are more in the range of 40-50' tall. If this is the case surrounding the monopole, it would rise above the forest canopy a whopping 35' higher!

Also, we have had in the near past a huge Ponderosa die-off in our area which leads to a concern for how this tower could have the potential for greater sight pollution for many years if much of the surrounding forest were destroyed by beetle kill or forest fire.

We feel this application does not meet some of the fundamental Review Criteria for the City's Special Use Permit. **Section 9.9.5A Effect on the Environment** states that "the location, size, design, and operation characteristics of the proposed use shall not be... substantially or permanently injurious to neighboring property." Decrease in value of existing residential properties directly caused by the location of this facility is a negative effect and therefore harm to property.

Section 9.9.5B Compatible with Surrounding Area requires that it "shall be harmonious with the character of the surrounding area with respect to scale, height...." A condition which is not met by the proposed 85' height given the perceived overall height of surrounding forest canopy.

Section 9.9.5C External Impacts Minimized states that "the proposed use shall not have negative impacts on existing uses in the area... through the creation of noise, glare, vibration...." Our neighborhood is exceedingly quiet, and this is a highly valued aspect amongst the residents. Perhaps due to the topography, lack of background noise, and thermal currents, sound carries further than it seems to most other places. Many days, we can hear 60 decibel level sounds such as human voices and decorative fountains over 700 feet away. We are very concerned that this special character would be marred by the introduction of the constant cooling fans and the backup generator (even with Type 1 sound reduction enclosure).

Many municipalities have adopted ordinances to directly deal with the ever increasing numbers of Wireless Communication Facilities (WCFs). The City of Prescott probably could benefit by following suit with so many other cities and standardizing this specific type of use as a means to have a more formulaic, detailed template to the application process which might serve to filter out or modify less desirable submittals before involving the general public. For example, upon reviewing Mesa, Arizona's WCF ordinance, the installation proposed by SUP16-001 falls into their least preferred sighting location, and their 2nd to least preferred design (least being a standard tower, not stealth). Mesa also sets height for the facilities at whatever the height limitations are for buildings and structures in the applicable zoning district.

Lastly, although we understand the federal government has preempted states and municipalities from declining a special use permit for a cell tower due to associated health risks to those living nearby, we would like to go on record as stating that we feel this is a short sighted federal policy founded on collusion and willful ignorance. That decision was made over 20 years ago when lifetime near vicinity exposure levels were nothing like they potentially are today. Many European Union countries and Australia have begun to institute greater distance requirements for cell tower locations from residential areas, wisely preferring to take a conservative approach to protect their citizens while new data is being collected and studied. We only wish our own policy makers lead with such foresight and compassion.

Sincerely,


Douglas McCord


Carolyn McCord

Referenced article from National Association of Realtors

<http://realtormag.realtor.org/daily-news/2014/07/25/cell-towers-antennas-problematic-for-buyers>

Cell Towers, Antennas Problematic for Buyers

DAILY REAL ESTATE NEWS | FRIDAY, JULY 25, 2014

An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.

What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood.

The survey, "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" also found that properties where a cell tower or group of antennas are placed on top of or attached to a building (condominium high-rise, for instance) is problematic for buyers.

"A study of real estate sales prices would be beneficial at this time in the United States to determine what discounts home buyers are currently placing on properties near cell towers and antennas," says Jim Turner, chair of NISLAPP.

The NISLAPP survey echoes the findings of a study by Sandy Bond of the New Zealand Property Institute and past president of the Pacific Rim Real Estate Society (PRRES). "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," which was published in The Appraisal Journal in 2006, found that buyers would pay as much as 20 percent less for a property near a cell tower or antenna.

Source: "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" National Institute for Science, Law & Public Policy (June 2014)



126 W. GEMINI DR., TEMPE, AZ 85283

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE
MICROWAVE SIGNATURE	DATE



3100 N. 940 AVE. SUITE 100
PHOENIX, AZ 85013
PHONE: (480) 224-1012



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PROJECT NUMBER	AD	CHD BY	NO
1427			

REVISIONS	
A	07.28.15 30% CLIENT REVIEW
B	09.11.15 ISSUE FOR SUBMITTAL
C	05.05.16 CITY COMMENTS



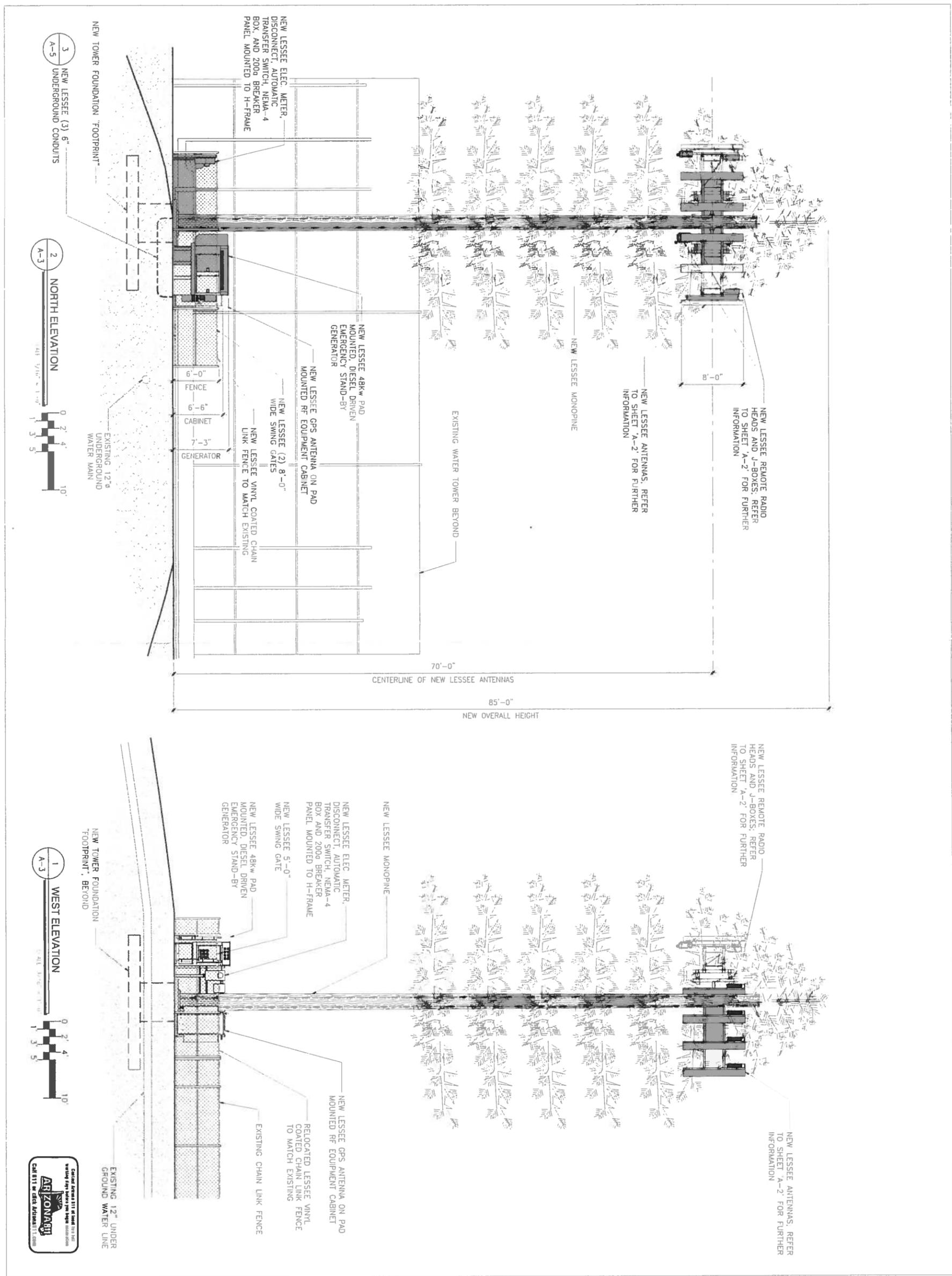
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SITE NAME
AZ22 PONY SOLDIER

SITE ADDRESS
2551 COPPER BASIN RD
PRESCOTT, AZ 86303

SHEET TITLE
PROJECT ELEVATIONS

SHEET NUMBER
A-3



1 WEST ELEVATION

2 NORTH ELEVATION



PLANNING & ZONING COMMISSION MEMO

MEETING DATE: 10/13/16

AGENDA ITEM: Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle. Site zoning is Industrial Transition (IT) PAD. Property owner is Soldwedel Ltd. Partnership. Site APN is 106-18-345.

Approved By:

Director:	Tom Guice	TG 10.6.16
Planning Manager:	George Worley	10/6/16

Item Summary

This is a request for a Special Use Permit (SUP) for the installation of a Cell Tower. The Land Development Code (LDC) establishes the SUP process for all cellular communications towers, except those owned and operated by a governmental entity. LDC Section 2.4.49 establishes the design and approval process. The location is zoned IT, which allows telecommunications facilities with an approved SUP.

Background

Verizon Wireless is seeking to install a Cell Tower to improve their service coverage in the northeast region of Prescott Lakes. The proposed location is within a commercial business park Planned Area Development. The site is near the east boundary of the parcel, near Commerce Center Circle. The site is currently occupied by a commercial building containing the Courier Newspaper.

Site Design

The site is graded and has functional access from Commerce Center Circle. The proposed installation will include a 70 foot monopole, a 20 by 22 foot walled compound containing a prefabricated equipment building and a 12 foot wide access easement from Commerce Center Circle to the leased site.

The tower design is for a monopole with three antenna arrays at the top. The 70 foot pole is 67 feet from the east property line, putting it just short of the required fall distance setback of 70 feet. It should be noted, however, that the distance to the edge of curb of the adjoining street is 78 feet. The location meets all other setback requirements. The design will allow collocation of additional antennas, but none are proposed at this time. The monopole is proposed to be finished in a rusty brown color to reduce reflectivity. A color for the compound wall has not been proposed, but will likely blend with the Courier building's color scheme.

Agenda Item: Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle. Site zoning is Industrial Transition (IT) PAD. Property owner is Soldwedel Ltd. Partnership. Site APN is 106-18-345

Land Development Code Criteria

The purpose of the city's regulation of telecommunications facilities is listed in Section 2.4.49.A.

A. Purpose

These regulations are intended to provide for the development of wireless communication services to the community while:

1. Protecting residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encouraging the location of wireless facilities in nonresidential areas;
3. Minimizing the total number of wireless communication sites throughout the community;
4. Encouraging the joint use of new and existing tower sites as a primary option rather than the construction of single-use towers;
5. Encouraging the users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact upon the community is minimal;
6. Encouraging users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design and siting, landscape screening, and innovative camouflaging techniques;
7. Enhancing the ability of the service providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
8. Considering the public health and safety associated with wireless communication facilities; and
9. Minimizing potential damage to adjacent properties from tower failure through proper engineering and careful siting of tower structures. In the furtherance of these goals the City shall give due consideration to the General Plan, the Zoning Code, and the Wireless Communication Plan for Central Yavapai County.

Section 2.4.49.J provides weighted review criteria to be considered by Council, and the Planning and Zoning Commission, in the review of a request for a SUP.

J. Performance Criteria

The following characteristics are deemed consistent with the purposes of this section and will be afforded favorable weight in considering the application:

Agenda Item: Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle. Site zoning is Industrial Transition (IT) PAD. Property owner is Soldwedel Ltd. Partnership. Site APN is 106-18-345

1. Existing structures will be preferred over new structures;
2. New structures which appear to be structures commonly found within that zone are preferred over apparent wireless structures;
3. Wireless communication facilities, which cannot be readily observed from adjacent streets, are preferred;
4. Heights that do not exceed height limitations for the underlying zoning district. Heights in excess of permitted heights in the zone may be approved by Special Use Permit pursuant to Sec. 9.9;
5. Collocation of multiple uses on a single wireless communication facility will have significant favorable weight in evaluating the application;
6. Network development plans which achieve the fewest number of wireless communication facilities of all users reasonably necessary for commercial coverage;
7. Location in the least restrictive zone;
8. Suitability of the location for collocation of governmental public service wireless communication facilities.

Special Use Permit Required

In addition to the specific criteria for Telecommunications facilities, the use requires approval by the City Council through a Special Use Permit. LDC Section 9.9 sets out the application and review procedures for a SUP. Section 9.9.5 provides a list of criteria for Council to consider in review of a SUP.

9.9.5 / Special Use Review Criteria

The City Council may approve an application for a special use where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the public. The City Council shall consider the following criteria in its review:

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

Agenda Item: Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle. Site zoning is Industrial Transition (IT) PAD. Property owner is Soldwedel Ltd. Partnership. Site APN is 106-18-345

scale, height, landscaping and screening, lot coverage, and density.

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.

E. Consistent with General Plan and Code

The proposed use will be consistent with the purposes of this LDC, the General Plan, Area Plans, and any other statutes, ordinances or policies that may be applicable, and will support rather than interfere with the uses permitted outright in the zone in which it is located.

F. Parcel Size

The proposed use may be required to have additional land area, in excess of the minimum lot area otherwise required by the underlying zoning district, as necessary to ensure adequate mitigation of impacts on surrounding land uses and the zoning district.

G. Site Plan

The proposed use shall comply with the procedures and requirements of Sec. 9.8, Site Plan Review.

Modification of Standard Requirements

The SUP process allows for Council approval of tower heights in excess of the district allowance. In this instance the IT district has a height limit of 40 feet. The requested 70 foot monopole would require specific Council approval as a part of the SUP approval. Similarly, the typical setback for a tower is equal to the height of the tower. LDC Section 2.4.49.L authorizes the Council to reduce the requirement if the intent of the Section would be better served by doing so.

Neighborhood Area Meeting

The Community Development Department hosted a community meeting to discuss the proposed tower September 21st. Notices of the community meeting were sent to all property owners within 1000 feet from the cell tower site. Twenty-three (23) residents attended the community meeting and voiced opinions on various issues including the benefits of improved wireless communication for health and safety, the negative visual impacts on the surrounding views, collocation of other antenna arrays, and the noise

Agenda Item: Special Use Permit (SUP16-002) for the installation of a Cell Tower at 1958 Commerce Center Circle. Site zoning is Industrial Transition (IT) PAD. Property owner is Soldwedel Ltd. Partnership. Site APN is 106-18-345

impact from the cell tower generator. Two specific requests included a recommendation that the City Council require that the collocation of additional antennas require separate Special Use Permits and that the weekly diesel generator test run only occur sometime between Monday-Friday, 9:00am to 5:00pm. The majority of the residents agreed that if a cell tower is to be constructed in Prescott Lakes, the steel monopole should have a rust colored oxidized finish to better blend in with the surroundings.

Neighborhood Comments

A number of nearby property owners have provided written comments. In synopsis, those comments touched upon the impact upon views of the Dells, reduced property values, failure to locate better alternative sites, concern for RF emissions, reduction of setbacks and the pole height.

The letters and emails are attached to this report for your review.

Attachments

1. Vicinity and Zoning Map
2. Aerial vicinity map
3. Site plan
4. Comment letters/emails

ZONING VICINITY MAP

SUBJECT PARCEL

DOMESTIC
OFFICE
CR
IT (PADD)

AD)

BG

ST ANDREWS WAY

ADDINGTON BR

DELL

DAWN DR

MF-H

STACY DR

JOY DR

LOUISE LN

MEADOW LN

WILL





Proposed Site

COMMERCE
CENTER
CR

ST ANDREW WAY

ADOLPHUS DR

DAWN DR

FLLS N

Eastman,Darla

From: Worley,George
Sent: Tuesday, September 20, 2016 4:29 PM
To: Eastman,Darla; Hall,Frank; Guice,Tom
Subject: Fwd: Special Use Permit at 1958 Commerce Center Cir (SUP16-002)

For the packet!

Sent from my iPhone

Begin forwarded message:

From: Phipps <mvphipps@prodigy.net>
Date: September 20, 2016 at 1:39:14 PM MST
To: "Worley,George" <george.worley@prescott-az.gov>
Subject: **Special Use Permit at 1958 Commerce Center Cir (SUP16-002)**

Mr. Worley:

Due to a conflicting meeting I will be unable to attend the community meeting regarding the application for a special use permit for a cell tower at 1958 Commerce Center Circle.

However, I wish to express my support for the project for the installation of the proposed 70' monopole within a walled compound. I would also support the tower array being disguised as a pine tree.

Max Phipps


CITY OF PRESCOTT

Everybody's Hometown

Community Development Department
201 S. Cortez Street
Prescott, Arizona 86303
(928) 777-1207

Community Development Department

RECEIVED

SEP 20 2016

928-925-7378
Sharon Anderson
1934 Sarafina Dr. 86301

COMMUNITY MEETING

September 12, 2016

Subject: Special Use Permit Request for a Cell Tower at 1958 Commerce Center Circle

Dear Property Owner:

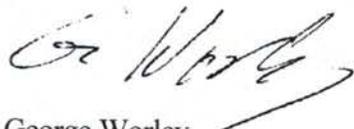
The City of Prescott Community Development Department would like to invite you to attend a Community Meeting on Wednesday, September 21, 2016, at 5:00p.m. in Council Chambers, City Hall, 201 S. Cortez Street, Prescott, Arizona.

The purpose of the public meeting is to discuss the application for a Special Use Permit (SUP16-002) submitted by Verizon Wireless for the installation of a Cell Tower at 1958 Commerce Center Circle (APN 106-18-345).

The proposed project is to place a new 70' monopole within a new wrought iron walled compound in an existing landscaped area. The property is owned by Soldwedel Ltd. Partnership and the zoning is Industrial Transition (IT).

The City's Land Development Code contains provisions for opportunity to express any issues or concerns with the proposed project. If you have questions or unable to attend the meeting, please contact or provide written comments to me at the address above or by phone at (928) 777-1207, or george.worley@prescott-az.gov.

Sincerely,



George Worley
Planning Manager

I don't have a problem with this! I do, however, have a problem with your refusal to install a traffic light on the corner of P/L Parkway & Willow Lake Road!

It really, really needs one!

Worley, George

From: Guice, Tom
Sent: Thursday, October 06, 2016 12:52 PM
To: Worley, George
Subject: FW: Proposed Prescott Lakes Cell Tower

For the file and memo.

Tom Guice

Community Development Director



201 S. Cortez Street | Prescott, AZ 86303
Ph: 928-777-1317 | Fax: 928-777-1258
tom.guice@prescott-az.gov

From: Linda Miller [<mailto:onacctof@mindspring.com>]
Sent: Thursday, October 06, 2016 11:51 AM
To: Crouse, Patti; Guice, Tom
Subject: Proposed Prescott Lakes Cell Tower

To: City Council, City of Prescott

The purpose of this letter is to express my opposition to Verizon's proposed new cell tower, straight in front of my view of the dells.

I attended the community meeting on September 21, 2016 in Council Chambers, City Hall to discuss the application for a Special Use Permit submitted by Verizon Wireless for the installation of a Cell Tower at 1958 Commerce Center Circle (behind the Courier building).

I know you have received letters and phone calls from other residents about this tower, citing violations for our Land Development Code, setback requirements and specifically height limitations. I believe the current law states 40 feet, 70 feet is too much of a variance and what happened to the 65 feet Verizon was proposing last year? They were also proposing landscaping on Prescott Lakes Parkway (that no longer seems to be in the proposed variance request).

This tower will lower the value of my property since it is in direct line with my view of the dells which is why I purchased this property.

I do not believe that Verizon has done an acceptable job of searching for alternate sites that would not impact 'The Cottages', if the variance is granted, those of us who live here are 'stuck' looking at this proposed 'monopole'.

I understand that we do need service in this area however there are several sites that could be utilized without impacting the view of so many residents. Please deny this variance. Is Verizon going to repay us for the money we lose because we no longer have a clear view of the 'dells' and therefore, our property value is down?

I want to be on the record requesting the you deny this Special Use Permit.

STEPHEN SECRIST
1998 Prescott Lakes Pkwy #157
Prescott, AZ 86301
(928) 442-6630
stephenecrist@aol.com

October 6, 2016

CITY OF PRESCOTT—Community Development Department

RE: Proposed Special Use Permit (SUP 16-002) to erect cell tower
near Prescott Lakes Parkway

Dear Community Development Department:

I am writing to express my strong and vigorous opposition to erecting the proposed cell tower referenced above. I live in the Legacy Apartments in an apartment that is contiguous to Prescott Lakes Parkway across the street from and directly facing the proposed cell tower.

The health risks of residing near cell phone towers are well established and documented by scientific evidence. The increased electromagnetic radiation caused by the high frequency radio waves (microwaves) emitted by cell phone towers proposes an unreasonable health risk to those who spend a great deal of time near the towers. For example the Kempton West Study found that people residing within 400 meters of cell phone towers have THREE times the risk of contracting cancer. Besides the increased cancer risks, interference with mental and neurological functions have been directly tied to cell phone tower emissions.

In the US the current legal limit for cell cite radiation emission is 1000 microwatts per square centimeter. Corresponding legal limits in China Italy and Switzerland are 10 microwatts per square centimeter. Obviously our country values cell phone coverage over the physical well being of its citizens.

There are many open spaces in the Prescott Lakes area where a cell phone tower could be erected without impacting a densely populated area. I live with my son, and both of us have cell phones (and no telephone land line). In the three years we have lived here we have not had any problems with our cell phone usage. It is apparent that current cell phone coverage is adequate.

It would be unfair to expose the residents of the Legacy Apartments to the unreasonable health risks associated with erecting a cell phone tower across the street from us. Please vote NO to the special use permit application referenced above. There are far superior locations for the cell phone tower that would not put the citizenry's health at risk.

Sincerely,

Stephen Secrist

To the members of the Zoning and Planning Commission

I appreciate the opportunity to voice my opinion about the proposed cell tower at 1958 Commerce Center Circle. Unfortunately, I will be out of town when you have your meeting on October 13th and I am unable to attend the meeting.

I live across the street from the proposed location of the Verizon Cell Tower. The first thing I would see upon getting up in the morning would be the ugly tower. When I moved here one of the main attractions was the beautiful view of the field and the adjacent hill that I would see each day, and that certainly did not include a tower.

What would happen if the tower should fall on the building - either due to faulty construction or extremely severe weather? If the tower would fall towards BASIS school, what would happen? It was not too many years ago that wind caused the power poles on Willow Lake Road to crash to the ground. Could that happen to the tower?

The tower would certainly be an eyesore to the surrounding area. Why can't it be located elsewhere? Is there, as many people think, a health hazard associated with the location of the tower?

Please consider your response carefully.

Respectfully,

Sara Williman

Sara Williman
1998 Prescott Lakes Parkway
Prescott, AZ 86301

October 6, 2016

Planning & Zoning Commission
City of Prescott
201 S. Cortez St.
Prescott, AZ 86303

Re: Continued Opposition to Proposed Cell Tower at Prescott Lakes

To Planning & Zoning Commission Members:

The purpose of this communication is to voice my continued opposition to the proposed cell tower at Prescott Lakes. I am a homeowner and resident of The Cottages at Prescott Lakes, one of the residential neighborhoods across Prescott Lakes Parkway from the proposed siting of this cell tower.

This agenda item came before the Prescott P&Z Commission on two previous occasions in 2014, at which time many members of the surrounding neighborhood spoke in opposition. Significant neighborhood opposition has endured since that time, and ultimately, the City Council voted against the application in May 2015.

My continuing concern about this project is its inadequate siting and resulting possible threat to public safety. Importantly, the proposed cell tower site is in direct conflict with the City of Prescott Land Development Code (LDC) in numerous areas. As stated in Section 2.4.51 of said LDC, the purpose of the regulations shall protect residential areas and land uses from potential adverse impacts of towers and antennas, as well as consider the public health and safety associated with wireless communications facilities. As residents of Prescott, the neighborhood surrounding the proposed cell tower location is entitled under the Prescott LDC to the "protection of the health, safety and general welfare of existing and future Prescott residents" it mandates. The standards of the Code are minimum requirements.

The initial location proposed by Verizon was a threat to the public safety of surrounding businesses, home and school neighbors and in direct conflict with the Prescott Land Development Code Section 2.4.51. The new location you are considering today is still a threat to the public safety of surrounding businesses, home and school neighbors.

The setback requirement for a tower from any lot line is a distance equal to at least 100 percent of the height of the tower, as a minimum requirement. Verizon is again seeking an exception to this requirement. The fall zone for this proposed tower would include a public street, Commerce Center Circle, also a cul-de-sac and one way ingress/egress for vehicular traffic accessing businesses adjacent to the Courier building at 1958 Commerce Center Circle. Additionally, the fall zone would include the Courier office building, located approximately 60 feet to the west, and the Courier parking lot even closer to the tower.

The maximum building height requirement within the Industrial Transition zoning of the Commerce Center is 40 feet. Verizon is again seeking an exception to this requirement with their 70' tower, almost twice what is allowed.

Cell towers do collapse and they do catch fire, a matter of fact as documented in public records.

The proposed tower location is within a business park with only a one way ingress/ egress, is surrounded by multi-family medium density residential housing, and is accessed via Prescott Lakes Parkway, already a congested thoroughfare with neighboring Basis School daily drop off and pick up traffic for approximately 800 students.

Approval of this application with no prudent enforcement of height or setback requirements necessitated by the Prescott Land Development Code sets a dangerous and worrisome precedent for future cell tower siting applications. The standards of this code are minimum requirements as stated before, and should not be negotiable.

I respectfully request that you deny this application. Based on the Prescott LDC, it is reasonable for a municipality to demand a fall zone equal to the height of the structure and to enforce height limits. The net net is the proposed new site is still inadequate and still a threat to the public safety of Prescott citizens. Thank you for your consideration.

Dana McCreedy
1691 St Andrews Way
Prescott, AZ 86301

Worley, George

From: Guice, Tom
Sent: Monday, October 03, 2016 12:17 PM
To: Wendy Madsen
Cc: Worley, George
Subject: RE: cell tower proposal near BASIS school

Dear Ms. Madsen,

Thank you for your email expressing concerns regarding the Verizon cell tower proposal. I will include your correspondence in the Planning and Zoning Commission October 13, 2016 agenda packet. The meeting starts at 9AM and will be held in the City Council Chambers located at 201 South Cortez. The Commission will be taking public comments at that time.

Please don't hesitate to contact me or Planning Manager, George Worley ([928.777.1287](tel:928.777.1287)) if you have any questions or need more information. Thank you.

Tom Guice

Community Development Director



201 S. Cortez Street | Prescott, AZ 86303
Ph: 928-777-1317 | Fax: 928-777-1258
tom.guice@prescott-az.gov

From: Wendy Madsen [<mailto:Wendy2188@msn.com>]
Sent: Friday, September 30, 2016 8:23 PM
To: Guice, Tom
Subject: cell tower proposal near BASIS school

Dear Sir,

I am very saddened and disappointed to learn that the cell tower issue is back on the agenda. Nothing has really changed. It is unfathomable to even consider placing a cell tower so close to a very busy road, several businesses and residences AND a school. Certainly there is a location appropriate for this cell tower. I adamantly oppose this proposed location.

Sincerely,
Wendy Madsen
BASIS school parent

Worley,George

From: Guice,Tom
Sent: Monday, October 03, 2016 12:18 PM
To: J D; Worley,George
Cc: Lee,Michelle
Subject: RE: Cell tower proposal-vote relocate

Dear Dr. D'Angelo,

Thank you for your email expressing concerns regarding the Verizon cell tower proposal. I will include your correspondence in the Planning and Zoning Commission October 13, 2016 agenda packet. The meeting starts at 9AM and will be held in the City Council Chambers located at 201 South Cortez. The Commission will be taking public comments at that time.

Please don't hesitate to contact me or Planning Manager, George Worley (928.777.1287) if you have any questions or need more information. Thank you.

Tom Guice
Community Development Director

201 S. Cortez Street | Prescott, AZ 86303
Ph: 928-777-1317 | Fax: 928-777-1258 tom.guice@prescott-az.gov

-----Original Message-----

From: J D [<mailto:jldangelo@hotmail.com>]
Sent: Friday, September 30, 2016 5:19 PM
To: Guice,Tom; Worley,George
Cc: Crouse,Patti
Subject: Cell tower proposal-vote relocate

Hello Mr. Guice, Mr. Worley & Ms. Crouse, I am concerned about the Verizon cell tower proposed near the BASIS school on the agenda in October. The one-way thorough-fare of Prescott Lakes Parkway poses a safety issue with limited in and out options for the BASIS school in an emergency/evacuation. There is high density apartments and the cottages across the street from the proposed cell tower making this a highly congested area as well. There is considerable traffic congestion during the student drop off (7-8am) and pick up (2-4pm) each day with 50 plus cars sitting along Prescott Lakes Parkway waiting for children. Has the committee observed traffic activity during these times? Has the Fire Dept. been consulted on this location?

Surely, another location can be found that would be less problematic. I am hopeful the city will consider the safety of its youngest residents when deciding where to place the Verizon cell tower. Thank you for not passing this initiative due to the safety issues of this highly congested area and asking Verizon to source another location.

Dr. Joy D'Angelo
1388 Natures Way
Prescott, AZ 86305

Worley, George

From: Guice, Tom
Sent: Tuesday, October 04, 2016 8:06 AM
To: Andres Claux
Cc: Worley, George
Subject: RE: Neighbor in 1448 Kwana Ct - Verizon Antena

Mr. Andres,

Thank you for your email expressing concerns regarding the Verizon cell tower proposal. I will include your correspondence in the Planning and Zoning Commission October 13, 2016 agenda packet. The meeting starts at 9AM and will be held in the City Council Chambers located at 201 South Cortez. The Commission will be taking public comments at that time.

Please don't hesitate to contact me or Planning Manager, George Worley (928.777.1287) if you have any questions or need more information. Thank you.

Tom Guice

Community Development Director



201 S. Cortez Street | Prescott, AZ 86303
Ph: 928-777-1317 | Fax: 928-777-1258
tom.guice@prescott-az.gov

From: Andres Claux [<mailto:andresclaux@gmail.com>]
Sent: Monday, October 03, 2016 9:58 PM
To: Guice, Tom
Subject: Neighbor in 1448 Kwana Ct - Verizon Antena

Mr. Guice,

I hereby express our opposition to the installation of the Verizon Antena in our neighborhood.

My family and I live in Kwana Ct. (About 300 ft. From the proposed location of the antenna. Our kids attend Basis school (about 100 ft. From the proposed location for the antenna).

The reasons for us opposing the installation of the antenna are:

I) There is some research indicating that cell phone antennas may be harmful to kids.

ii) Aesthetics.

iii) We question the real need for this antenna. My wife and I are both Verizon customers. We've never had issues with dropped calls or identified the need for an antenna in the neighborhood.

We do think that the interests of the neighborhood should be first to the interest of a company, specially considering the possible harmful consequences.

Thank you for considering our opinion.

Feel free to contact me anytime.

Sincerely,

Andres Claux.

Cell: 602-501-9469

10/3/16

To: Prescott Planning and Zoning Commission

Subject: Proposed Verizon cell tower at 1958 Commerce Center Circle

And here we go again! This topic has been ongoing since 2014.

The Verizon representative, Reg Destree, has changed his "story" at every meeting of his which I have attended. This missive will speak only to the last two meetings.

Mr. Destree said that reception could be affected by the construction of the houses on Constable (where people say that they cannot get reception), but the only way to tell is to build the cell tower and see if it helps. (So if it doesn't help, will Verizon take it down?)

Mr. Destree said that Verizon is in the process of making changes to an already existing cell tower but the changes will not be done before the P&Z meeting so Verizon won't know how much, if any, of the problem will be solved. (Why did Verizon wait more than 2 years to do this?)

Mr. Destree said that there was only one SUP – for the height; that there would not be a setback SUP because the tower would all be on private property. Imagine my surprise when reading the legal notice of this meeting and seeing that the SUP included both height and setback.

The setback actually needs to be further than 5 feet because a public street is in the fall zone. This street provides ingress and egress for some of the businesses in this Center. This is a public safety issue.

I am asking this commission to either delay or deny these SUP's for the cell tower at 1958 Commerce Center Circle. Delay until the changes in the existing tower have been made and the results of the change can be assessed; deny because variances should not be routinely approved and for public safety.

Jeannie Anderson

1387 St. George Circle

Worley, George

From: Bruce Wymore [bewymore@hotmail.com]
Sent: Wednesday, October 05, 2016 7:42 AM
To: Worley, George; DeLong, Dana
Subject: the new Special Use Permit application submitted by Verizon Wireless
Attachments: Cell Tower property values impact letter.doc

Dear Members of the Prescott Planning & Zoning Commission:

When the Prescott City Council last year rejected Verizon's original proposal to site a large cell tower within the Prescott Lakes Commerce Center, they did so for a number of reasons which have not changed in the interim. As was noted by the Mayor and different Council Members, such a cell tower siting would be in violation of the Prescott Lakes CC&R's and contrary to the structure height and setback requirements established when the Commerce Center was developed. To have allowed it would have resulted most likely in misrepresentation lawsuits from Commerce Center tenants as well as from members of the public in the local area whose interests were also represented in those requirements and CC&R's.

Of the other reasons for rejecting Verizon's proposal last year, another has not changed, and that is the negative impact to property values. Do any of you live next to or in close proximity to a cell or electrical tower? How would you react to one being erected next to or across the street from your residence? Or what if you were the Principal of a school threatened with having such a tower erected next door and wondering how many of the hundreds of families whose children attend the school would not be doing so thereafter for fear of the negative health and safety implications?

Wireless companies have long touted older studies which suggest there is no impact on property values from near proximity of a cell tower, though these older studies are contradicted by more recent ones (in addition to common sense!) A survey within the last couple of year by the National Institute for Science, Law & Public Policy in Washington, D.C. found that 94 percent of home buyers are "less interested and would pay less" for a property located near a cell tower or antenna. Of the 1,000 people who responded to the survey, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers in their residential neighborhood.

Another group in nearby Maryland working to ban cell towers in near proximity to schools wrote just prior to this survey:

Across the entire United States, both real estate appraisers and real estate brokers have rendered professional opinions that support what common sense dictates. When large cell towers are installed close to residential homes, such homes suffer material losses in value, which typically range anywhere from 5% to 20%. The stigma of a nearby cell tower decreases property value in the vicinity regardless of "proof" of harm. The U.S. Department of Housing and Urban Development (HUD) requires its appraisers to take cell towers into consideration when determining the value of a single family residential property and HUD guidelines categorize cell towers with "hazards and nuisances."

Worley, George

From: Dennis Quigley [quigleyd@cableone.net]
Sent: Wednesday, October 05, 2016 2:53 PM
To: Worley, George
Subject: Fwd: the new Special Use Permit application submitted by Verizon Wireless
Attachments: Cell Tower property values impact letter.doc

For the same reasons expressed in Mr. Wymore's message to you and the Commission, I oppose the application submitted by Verizon regarding the cell tower.

Dennis and Heather Quigley
1668 St Andrews Way
Prescott, AZ

From: "Bruce Wymore" <bewymore@hotmail.com>
To: "George Worley" <george.worley@prescott-az.gov>, "Dana DeLong" <dana.delong@prescott-az.gov>
Sent: Wednesday, October 5, 2016 7:42:05 AM
Subject: the new Special Use Permit application submitted by Verizon Wireless

Dear Members of the Prescott Planning & Zoning Commission:

When the Prescott City Council last year rejected Verizon's original proposal to site a large cell tower within the Prescott Lakes Commerce Center, they did so for a number of reasons which have not changed in the interim. As was noted by the Mayor and different Council Members, such a cell tower siting would be in violation of the Prescott Lakes CC&R's and contrary to the structure height and setback requirements established when the Commerce Center was developed. To have allowed it would have resulted most likely in misrepresentation lawsuits from Commerce Center tenants as well as from members of the public in the local area whose interests were also represented in those requirements and CC&R's.

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Dennis Davis
1401 Prescott Lakes Parkway
Prescott, AZ 86301

11/17/2014

Bruce:

You asked if I had any input regarding the proposed cell tower to be located within Prescott Lakes. Let me first be clear that the following represents my opinions and experience and that I am totally against locating the cell tower anywhere within the Prescott Lakes boundaries because I believe it will make it harder to sell Prescott Lakes real estate and harm values.

I can state with absolute certainty that properties near major electrical towers and transmission lines are adversely impacted both as to value and desirability. This is manifested either in the time it takes to sell the property (house or lot) or in the value of the property - or both. This is also true of those properties that simply have these structures within their sightlines.

While I have no study of any sort that proves this assertion, nor have I ever seen one, what I do have is years of experience. I can state from both personal experience, and from that of agents that I've managed (I was the Sales Manager here at Prescott Lakes from 2001 until 2008 when the original Developer ceased its sales activities; I have been a traditional Realtor here since that time), that these sorts of properties had to have the price adjusted downward, or priced at a lesser value to begin with, than those farther away from towers and lines.

The strategy when the original developer was marketing most of Prescott Lakes was to price the less desirable properties competitively with more desirable lots in order to make the more favorably sited lots look better and then to simply wait for the market to catch up to the over-priced impacted properties.

Another practice in favor of my position is how the SunCor, Del Webb and Dorn developers selected which lots to receive premiums over and above their basic values. One main consideration had to do with proximity to power lines and towers; the nearer the property to these items, the lower the premium, if any at all.

I would challenge any assertion on the part of the cell companies that disputes my opinions; logic simply demands a different conclusion. You should insist on seeing those studies that the cell company says it consulted and the methodology under which the studies were conducted.

Finally, if you were to ask 100 experienced Realtors to opine on what I've stated I'm willing to bet that 95 of them would concur with everything I've said.

Dennis D. Davis



Worley,George

From: Elyse Rose [erose4u@yahoo.com]
Sent: Wednesday, October 05, 2016 11:54 PM
To: Worley,George; Guice,Tom; DeLong,Dana
Subject: Special Use Permit Application for Verizon 70 foot cell tower in Prescott Lakes

Dear Prescott Planning & Zoning Commission:

Sadly , the last time this SUP came before you, evidence that cell towers can and do catch fire , causing collapse and falling, was deferred to Mr. Reg Destry , by one of your members,

The City Council took that proof and evidence seriously, putting safety of the many, including over a 1000 Basis school children above the desires of the Courier owner for a cash cow and Verizon. There is limited access into and out of the Commerce Center. In addition the Prescott Fire Budget has been cut, causing slower response times. Do not forget we have 1000s of lightening strikes in this area.

There is no proof that this 70 foot intrusion will help the small number of people affected on Constable. Signals are good up and down their street , but reception is spotty, inside their homes. Residents living on Mariposa off Willow Lake Road in close proximity to the Electrical Towers, just like the people on Constable have the same issue and must get land lines. They are close to several cell towers in the area. In addition the people affected on Constable , most have homes almost parallel to the electrical lines. Those folks Chose to buy homes next to and with views of the Electrical Towers. **I did not** . When I chose my lot and location 12 years ago , I wanted no views of those and wanted clear views of the Dells. A 70 foot Cell Tower will be smack in the middle of those views. Not to mention it Still would not meet Fall Zone Requirements.

We had strong testimony last time by 2 long time Prescott Realtors, that Cell Towers and views , close to homes , DO have a Negative impact on Property Values.

Mr Destry advised at a September meeting , that Verizon will be redirecting the array/aim of the tower on 89 more towards Smoke Tree. Should not the outcome of that be required before voting?

The existing Cell tower site by Twin Lakes Market been dismissed by Mr. Destry. saying they would have to dig. Well **they would have to dig** at the Commerce Center. He says there is not sufficient room for his 210 gasoline gallon generator/shed. **Has anyone verified this?** To me there looks like enough room.

The California Public Utilities Commission , among others has urged that Cell Towers not be placed near schools or hospitals.

The US FCC Cell Tower Emission Regulations (Not updated since the 1980s) are some of the LEAST PROTECTIVE IN THE WORLD. There seems to be a desire by Telecommunications Companies to erect Towers every mile . OVER SATURATION. This is not like putting a "A CHICKEN IN EVERY POT." The long term consequences of doing so are just beginning to be felt.

Please put principal above profit .

antennas, and almost 90 percent said they were concerned about the increasing number of cell towers in their residential neighborhood.

Another group in nearby Maryland working to ban cell towers in near proximity to schools wrote just prior to this survey:

Across the entire United States, both real estate appraisers and real estate brokers have rendered professional opinions that support what common sense dictates. When large cell towers are installed close to residential homes, such homes suffer material losses in value, which typically range anywhere from 5% to 20%. The stigma of a nearby cell tower decreases property value in the vicinity regardless of "proof" of harm. The U.S. Department of Housing and Urban Development (HUD) requires its appraisers to take cell towers into consideration when determining the value of a single family residential property and HUD guidelines categorize cell towers with "hazards and nuisances."

While there are no statistical studies of the Prescott Lakes area in this regard, there is a wealth of experience to be referenced within the real estate brokers community. One longstanding local realtor whose office is on Prescott Lakes Parkway wrote a letter prior to last year's City Council meeting which I have here attached, setting out what the local sales history has revealed. Another local realtor, who is a fellow parent at the BASIS School, noted from her experience in Prescott the difficulty in soliciting offers and the necessity of dropping ask prices to induce offers for properties located near towers.

In retrospect, it seems clear that the Planning & Zoning Commission members 2 years ago did not have complete information when they voted to approve and send the original Verizon proposal to the City Council. Hopefully with proper consideration this time of the reasons this nearly duplicate proposal was denied last year and of the negative impact to tenants of the Commerce Center and to local area residents and schools and of the potential legal liabilities which could be generated, this will not happen again this year.

Sincerely,

Bruce Wymore

1367 Winfield Circle

Prescott, AZ 86301

While there are no statistical studies of the Prescott Lakes area in this regard, there is a wealth of experience to be referenced within the real estate brokers community. One longstanding local realtor whose office is on Prescott Lakes Parkway wrote a letter prior to last year's City Council meeting which I have here attached, setting out what the local sales history has revealed. Another local realtor, who is a fellow parent at the BASIS School, noted from her experience in Prescott the difficulty in soliciting offers and the necessity of dropping ask prices to induce offers for properties located near towers.

In retrospect, it seems clear that the Planning & Zoning Commission members 2 years ago did not have complete information when they voted to approve and send the original Verizon proposal to the City Council. Hopefully with proper consideration this time of the reasons this nearly duplicate proposal was denied last year and of the negative impact to tenants of the Commerce Center and to local area residents and schools and of the potential legal liabilities which could be generated, this will not happen again this year.

Sincerely,

Bruce Wymore

1367 Winfield Circle

Prescott, AZ 86301

Verizon

SITE NAME:

AZ2 SMOKE TREE



128 W. GEMINI DR., TEMPE, AZ 85283

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE
MICROWAVE SIGNATURE	DATE

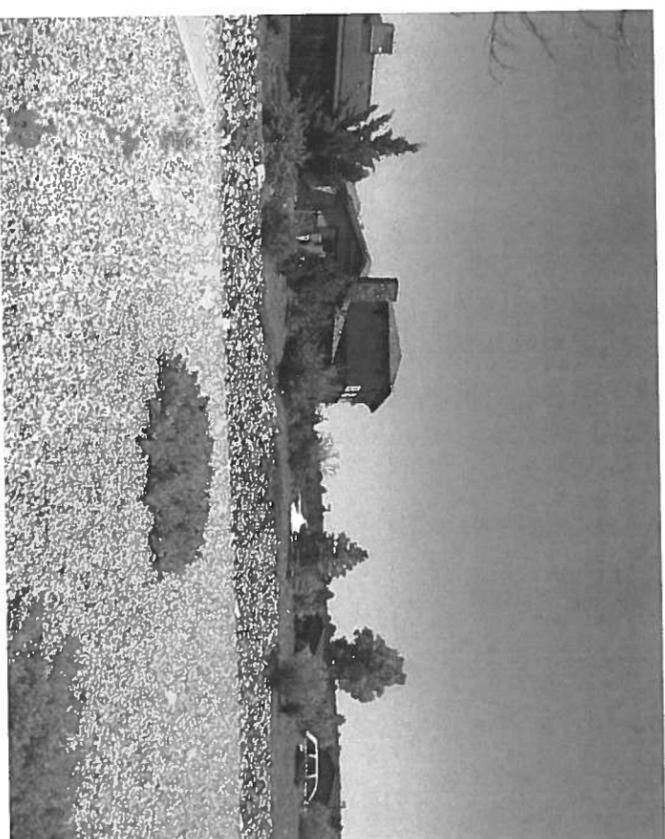


3100 N. 300. AVE. SUITE 100
 PHOENIX, AZ 85013
 PHONE (480) 294-1412

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PROJECT NUMBER	DRAWN BY	CHKD BY
15187	RO	BK

REVISIONS	
06 02 15	ISSUE TO CLIENT
07 13 15	ISSUE FOR SUBMITTAL
08 08 18	CITY COMMENTS



SITE PHOTO

SHEET INDEX	
• T-1	PROJECT INFORMATION AND DATA
• LS-1	SITE SURVEY
• Z-1	SITE PLAN
• Z-2	ENLARGED SITE PLAN & ANTENNA PLAN
• Z-3	SITE ELEVATIONS

CLIENT	
VERIZON WIRELESS 1748 S. ARIZONA AVE TEMPE, AZ 85283 CONTACT MICHAEL HOFFMAN PHONE (602) 510-0061	
PROPERTY OWNER	
WESTERN NEWSPAPERS, INC 1748 S. ARIZONA AVE YUMA, AZ 85304 CONTACT RYAN FIDLER PHONE (928) 499-4720	
SITE ACQUISITION	
RELIANT LAND SERVICES 7201 E. CAMELBACK RD #310 SCOTTSDALE, AZ 85251 CONTACT REG DESIMPLE PHONE (602) 349-0930	
DESIGNER	
BK DESIGN INC 3100 N. 300. AVE. SUITE 100 PHOENIX, AZ 85013 CONTACT ROBERT OJTIWOS PHONE (602) 499-5867	
SURETOR	
RLF CONSULTING, LLC 1214 N. SPADEN DR TEMPE, AZ 85281 CONTACT RYAN FIDLER PHONE (480) 510-3688	

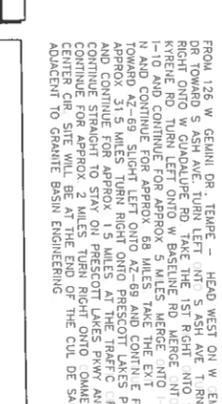
PROJECT DATA	
LESSSEE	VERIZON WIRELESS
ZONING	IT (P40)
APR	106-18-345
JURISDICTION	CITY OF PRESCOTT
BUILDING CODES	2012 IBC WITH AMENDMENTS 2011 IRC WITH AMENDMENTS 2012 NEC WITH AMENDMENTS 2012 IMVIC WITH AMENDMENTS
PROJECT DESCRIPTION	
THIS PROJECT CONSISTS OF THE PLACEMENT OF PROPOSED EQUIPMENT CABINETS, AS WELL AS PROPOSED ANTENNAS MOUNTED TO A PROPOSED MONOPOLE, ALL WITHIN A SECURED COMPOUND	
DEVELOPMENT AND CONSTRUCTION OF THIS PROJECT WILL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES	
THIS PROJECT DOES NOT INCLUDE WATER, R, SEWER	
THIS PROJECT INCLUDES PERMANENT TELEPHONE AND ELECTRICAL CONNECTIONS	
EXISTING PARKING IS NOT AFFECTED BY THIS PROJECT	
PROJECT UTILITIES	
• POWER COMPANY	• TELEPHONE COMPANY
APS	ENTURBY LINK

LEASE AREA	
453 SQ. FT.	

SITE DIRECTIONS

FROM 128 W GEMINI DR. - HEAD WEST ON W. GEMINI DR. TOWARD S. ASH AVE. TURN LEFT (N.T.) S. ASH AVE. TURN RIGHT ONTO W. GUADALUPE RD. TAKE THE 1ST RIGHT HAND TURN ONTO W. GUADALUPE RD. APPROX. 5 MILES. MERGE (NTO) I-17 N AND CONTINUE FOR APPROX. 88 MILES. TAKE THE EXT. APPROX. 42-69 SLIGHT LEFT ONTO AZ-69 AND CONTINUE E. F.R. APPROX. 31.5 MILES. TURN RIGHT ONTO PRESCOTT LAKES PKWY AND CONTINUE FOR TO STAY ON PRESCOTT LAKES PKWY AND CONTINUE FOR APPROX. 2 MILES. TURN RIGHT ONTO COMMERCE CENTER CIR. SITE WILL BE AT THE END OF THE CUL. DE SAC. ADJACENT TO GRANITE BASIN ENGINEERING

SYMBOLS	
	DETAIL MARK
	SECTION MARK
	REVISION
	NORTH ARROW
	LEASE LINE
	PROPERTY LINE
	CHAIN LINK FENCE LINE
	CMU BLOCK WALL
	ELEV. DATUM A.F.F.



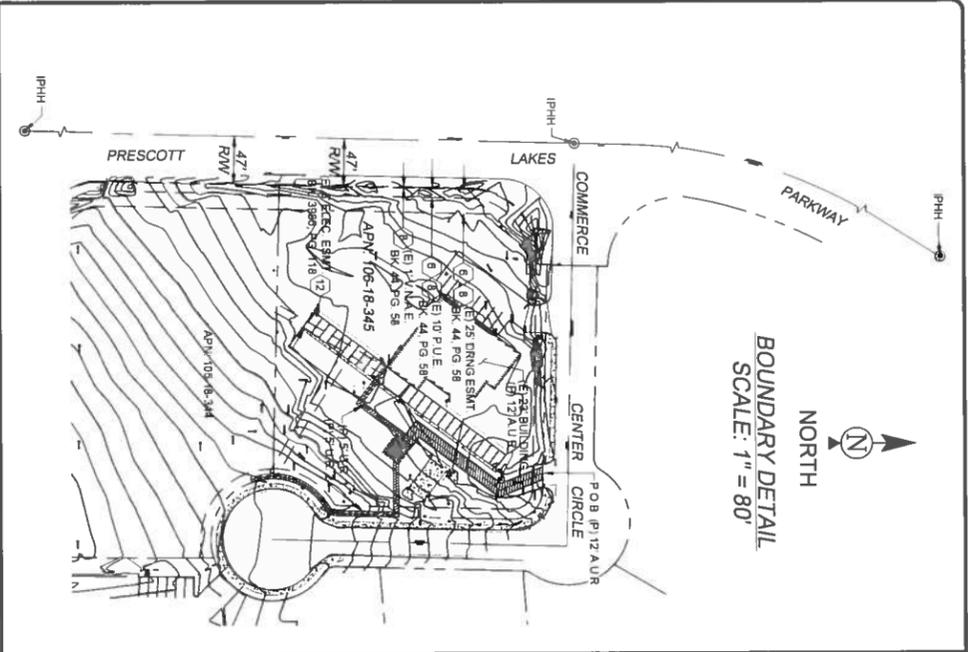
SITE NAME	AZ2 SMOKE TREE
SITE ADDRESS	1998 COMMERCE CENTER CIRCLE PRESCOTT, AZ 86301
SHEET TITLE	PROJECT INFORMATION AND DATA
SHEET NUMBER	T-1

PROJECT INFORMATION AND DATA

SHEET NUMBER

T-1

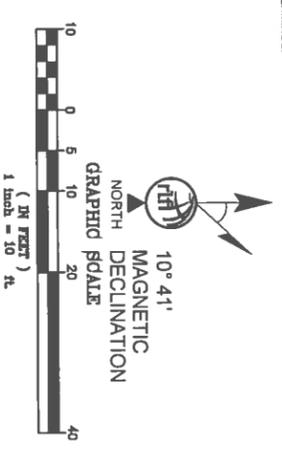
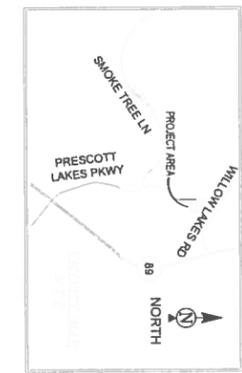
BOUNDARY DETAIL
SCALE: 1" = 80'



LESSEE UTILITY ROUTE 1 LEGAL DESCRIPTION
A 30 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 6, PRESCOTT LAKES COMMERCIAL CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 44 OF MAPS, PAGE 59, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 6 FROM WHICH THE NORTH WEST CORNER OF SAID LOT 6 BEARS NORTH 88° 37' 05" WEST 223' 47" FEET, THENCE NORTH 88° 37' 05" WEST 17' 04" FEET, THENCE SOUTH 21° 40' 05" EAST 45' 37" FEET, THENCE SOUTH 37° 14' 11" WEST 100' 96" FEET, THENCE SOUTH 52° 45' 57" EAST 14' 30" FEET, THENCE SOUTH 52° 45' 57" EAST 22' 67" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET, THENCE SOUTH 37° 18' 37" WEST 17' 04" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET TO THE POINT OF BEGINNING.

LESSEE ACCESS UTILITY ROUTE 1 LEGAL DESCRIPTION
A 30 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 6, PRESCOTT LAKES COMMERCIAL CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 44 OF MAPS, PAGE 59, LYING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 6 FROM WHICH THE NORTH WEST CORNER OF SAID LOT 6 BEARS NORTH 88° 37' 05" WEST 223' 47" FEET, THENCE NORTH 88° 37' 05" WEST 17' 04" FEET, THENCE SOUTH 21° 40' 05" EAST 45' 37" FEET, THENCE SOUTH 37° 14' 11" WEST 100' 96" FEET, THENCE SOUTH 52° 45' 57" EAST 14' 30" FEET, THENCE SOUTH 52° 45' 57" EAST 22' 67" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET, THENCE SOUTH 37° 18' 37" WEST 17' 04" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET TO THE POINT OF BEGINNING.

POSITION OF GEODETIC COORDINATES
LATITUDE 34° 39' 28.762" NORTH (NAD83)
LONGITUDE 112° 25' 52.597" WEST (NAD83)
ELEVATION @ GROUND = 5175.7 (NAD83)

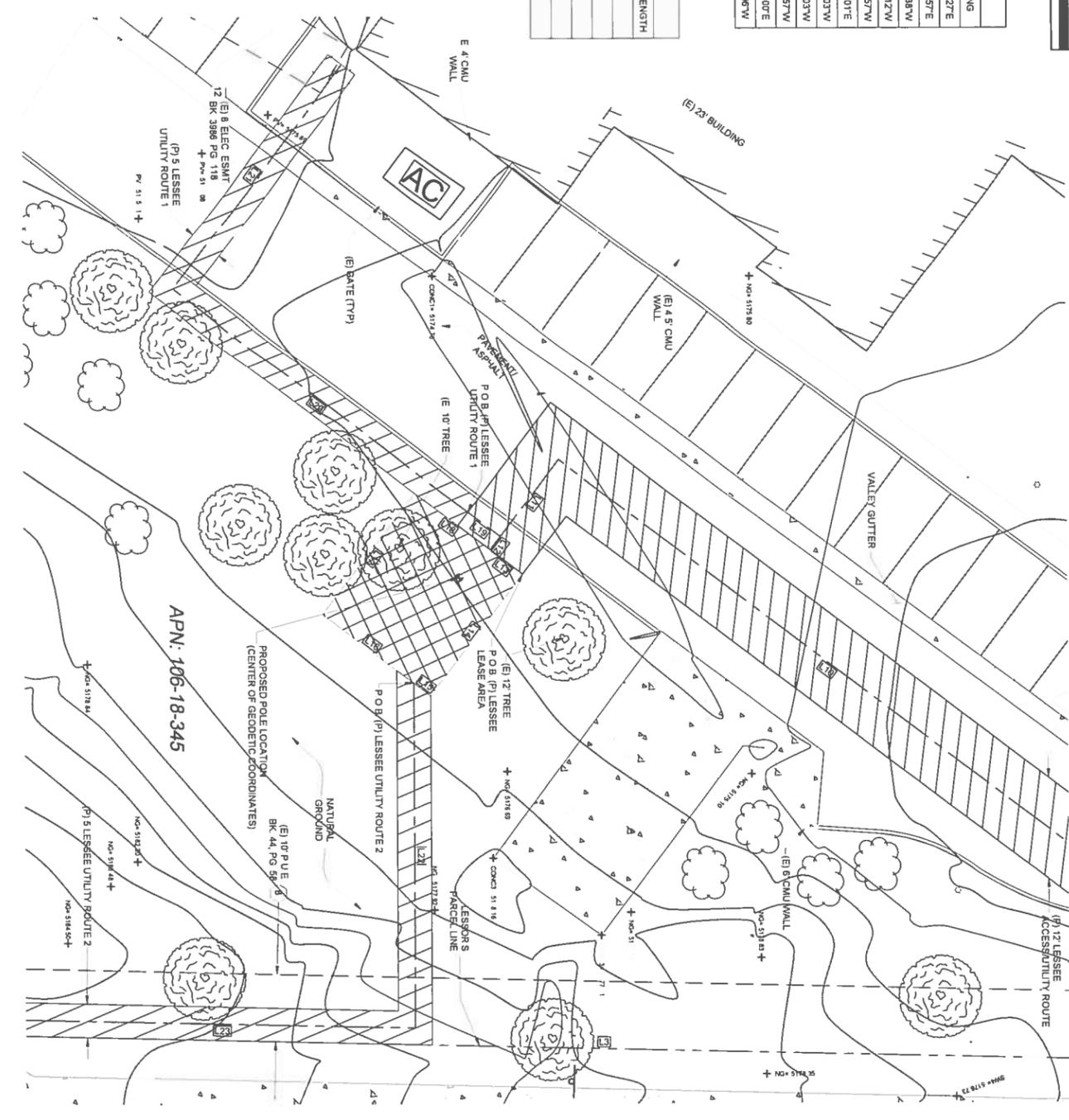


LINE TABLE			LINE TABLE		
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	25.00	S1° 22' 55" W	L13	5.99	N37° 18' 27" E
L2	223.47	S88° 37' 05" E	L14	22.67	S52° 45' 57" E
L3	172.28	N1° 22' 55" E	L15	3.13	S37° 18' 38" W
L4	291.00	S88° 37' 05" E	L16	16.87	S37° 13' 12" W
L5	184.23	S1° 22' 55" W	L17	22.67	N52° 45' 57" W
L6	101.52	S47° 47' 30" W	L18	14.01	N37° 13' 01" E
L7	10.00	S1° 22' 55" W	L19	6.00	S37° 14' 03" W
L8	17.04	N88° 37' 05" W	L20	54.89	S37° 14' 03" W
L9	45.37	S21° 40' 05" E	L21	41.84	N52° 45' 57" W
L10	100.96	S37° 14' 11" W	L22	51.27	N90° 00' 00" E
L11	14.30	S52° 45' 57" E	L23	57.17	S1° 18' 06" W
L12	2.50	S52° 45' 57" E			

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	45.55	29.00	89° 59' 38"
C2	14.22	14.00	58° 11' 46"
C3	61.00	60.00	58° 15' 03"
C4	12.66	11.80	61° 02' 52"
C5	85.56	62.50	78° 25' 18"

LEGEND

- NG NATURAL GRADE
- FC FACE OF CURB
- R/W RIGHT OF WAY
- PV ASPHALT
- D/W ACCESS DRIVEWAY
- SW SIDEWALK
- CMU CONCRETE MASONRY UNIT
- CONC CONCRETE
- SPOT ELEVATION
- WATER METER
- WATER CONTROL VALVE
- WATER METER
- WATER CONTROL VALVE
- FOUND AS NOTED
- ELECTRICAL TRANSFORMER
- ELECTRICAL PULL BOX
- ELECTRICAL METER
- AIR CONDITIONING UNIT
- TELEPHONE PRESTAL
- TELEPHONE WALT
- BREAKLINE
- SAN SEWER MANHOLE
- IRRIGATION CONTROL VALVE
- BOLLARD
- POSITION OF GEODETIC COORDINATES
- PROPERTY LINE (OTHER)
- PROPERTY LINE
- GENERATOR
- UNDERGROUND UTILITY
- WATER LINE



LESSEE LEASE AREA LEGAL DESCRIPTION
A PORTION OF LOT 6, PRESCOTT LAKES COMMERCIAL CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 44 OF MAPS, PAGE 59, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 6 FROM WHICH THE NORTH WEST CORNER OF SAID LOT 6 BEARS NORTH 88° 37' 05" WEST 223' 47" FEET, THENCE NORTH 88° 37' 05" WEST 17' 04" FEET, THENCE SOUTH 21° 40' 05" EAST 45' 37" FEET, THENCE SOUTH 37° 14' 11" WEST 100' 96" FEET, THENCE SOUTH 52° 45' 57" EAST 14' 30" FEET, THENCE SOUTH 52° 45' 57" EAST 22' 67" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET, THENCE SOUTH 37° 18' 37" WEST 17' 04" FEET, THENCE SOUTH 37° 18' 37" WEST 5' 99" FEET TO THE POINT OF BEGINNING.

- PROJECT META DATA**
- ELEVATIONS SHOWN HEREON ARE REPRESENTED IN NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD83) ESTABLISHED FROM GPS DERIVED ELLIPSOID HEIGHTS, AFTER THE GEOD 09 STATE CONDITIONS HAVE BEEN APPLIED TO THE DATA. THE POSITIONING USER SERVICE (PUS) SOLUTION FOR THIS SPECIFIC SITE.
 - BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NA83 COORDINATE SYSTEM ARIZONA STATE PLANE COORDINATE ZONE CENTRAL, DETERMINED BY GPS OBSERVATIONS.
 - FIELD WORK FOR THIS PROJECT WAS PERFORMED ON 05/29/15.
- SURVEYOR NOTES**
- ALL TITLE INFORMATION IS BASED UPON A COMMITMENT FOR TITLE INSURANCE PREPARED BY GREAT AMERICAN TITLE AGENCY, ORDER NO. 2150272 EFFECTIVE DATE 05/12/2015.
 - SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.
 - THE BOUNDARY SHOWN HEREON IS PLOTTED FROM RECORD INFORMATION AND DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE PROPERTY.
 - SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS. IT IS THE RESPONSIBILITY OF THE OWNER AND ALL OTHERS INVOLVED IN THE PROJECT TO OBTAIN RECORDS FROM ALL AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.
- LESSOR'S LEGAL DESCRIPTION**
LOT 6, PRESCOTT LAKES COMMERCIAL CENTER, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF YAVAPAI COUNTY, ARIZONA, RECORDED IN BOOK 44 OF MAPS, PAGE 59.
- SCHEDULE B EXCEPTIONS**
- ALL MATTERS AS SET FORTH IN MAPS OF RECORDATION, PRESCOTT LAKES PARKWAY RECORDED AS BOOK 37 OF MAPS, PAGE 11 OF OFFICIAL RECORDS.
 - EXEMPTIONS, RESTRICTIONS, RESERVATIONS, CONDITIONS AND SET-BACK LINES AS SET FORTH ON THE PLAT RECORDED IN BOOK 44 OF MAPS, PAGE 59, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604(C).
 - ALL MATTERS AS SET FORTH IN PRESCOTT LAKES ATHLETIC CLUB CONSTITUTION, BYLAWS AND REGULATIONS, RECORDED IN BOOK 448 (BLANKET IN NATURE).
 - AN EASEMENT FOR UNDERGROUND ELECTRICAL LINES AND ALL OTHER MATTERS AS SET FORTH THEREIN RECORDED AS BOOK 3868 OF OFFICIAL RECORDS, PAGE 118.

PROJECT No
09001663

SITE NAME
AZ2 SMOKE TREE ALT 3

SITE ADDRESS
1958 COMMERCE CENTER CIR
PRESCOTT, AZ 86301

RLF Consulting, LLC
Land Survey & Mapping Solutions
1216 W. Tempe Ave. Suite 100
Tempe, AZ 85281
P: 480.445.9189 | F: 480.445.9185
www.ulfconsulting.com

FIELD BY
JMM

DRAWN BY
JRU

CHECKED BY
RLF

REVISIONS

3	07/14/15	REVISION-ABM
2	06/25/15	FINAL-ABM
1	06/04/15	PRELIMINARY
NO	DATE	DESCRIPTION

REUSE OF DOCUMENT
THE IDEAS & DESIGN INCORPORATED HEREON AS AN INSTRUMENT OF PROFESSIONAL SERVICE IS THE PROPERTY OF RLF CONSULTING, LLC & IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF RLF CONSULTING, LLC

126 W. GEMINI DR.
TEMPE, AZ 85283

SHEET TITLE
SITE SURVEY

SHEET NO
LS-1

REVISION

LESSEE MONOPOLE SETBACK DIMENSIONS FROM NEAREST PROPERTY LINE:	
NORTH	138'-5"
SOUTH	125'-10"
EAST	70'-0"
WEST	256'-1"

NOTE:
SEE SITE SURVEY FOR PROPERTY LINE INFORMATION

124 W. GEMINI DR., TEMPE, AZ 85283

verizon

INTERNAL REVIEW	DATE
CONSTRUCTION SIGNATURE	DATE
RE SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE
MICROWAVE SIGNATURE	DATE



3100 N. 3RD AVE. SUITE 100
PHOENIX, AZ 85013
PHONE: (480) 204-1412

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PROJECT NUMBER: 15167
DRAWN BY: CHND
BY: BK

REVISIONS	DATE	ISSUE TO CLIENT	CITY COMMENTS
▲	06/22/15	ISSUE TO CLIENT	
▲	07/13/15	ISSUE FOR SUBMITTAL	
▲	09/01/16	CITY COMMENTS	

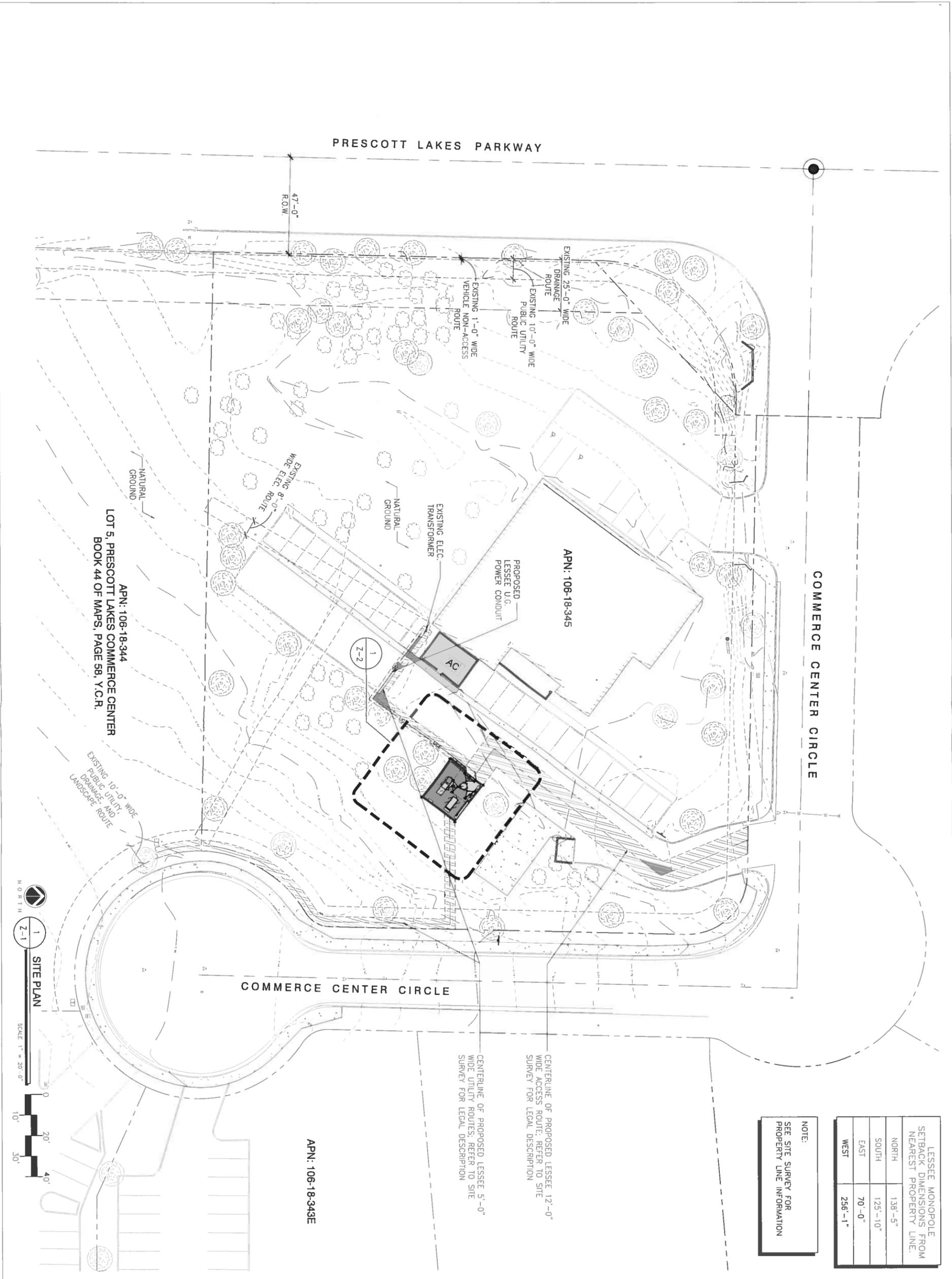
SITE NAME: **AZ2 SMOKE TREE**

SITE ADDRESS: 1958 COMMERCE CENTER CIRCLE, PRESCOTT, AZ 86301

SHEET TITLE: **SITE PLAN**

SHEET NUMBER: **Z-1**

Z-1



1 SITE PLAN
SCALE: 1" = 20'-0"
NORTH



128 W. GEMINI DR., TAMPE, AZ 85283

INTERNAL REVIEW	
CONSTRUCTION SIGNATURE	DATE
RF SIGNATURE	DATE
REAL ESTATE SIGNATURE	DATE
MICROWAVE SIGNATURE	DATE



3100 N. 3RD AVE. SUITE 100
PHOENIX, AZ 85013
PHONE: (480) 204-1412

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PROJECT NUMBER	DRAWN BY	CHECKED BY
15187	RO	BK

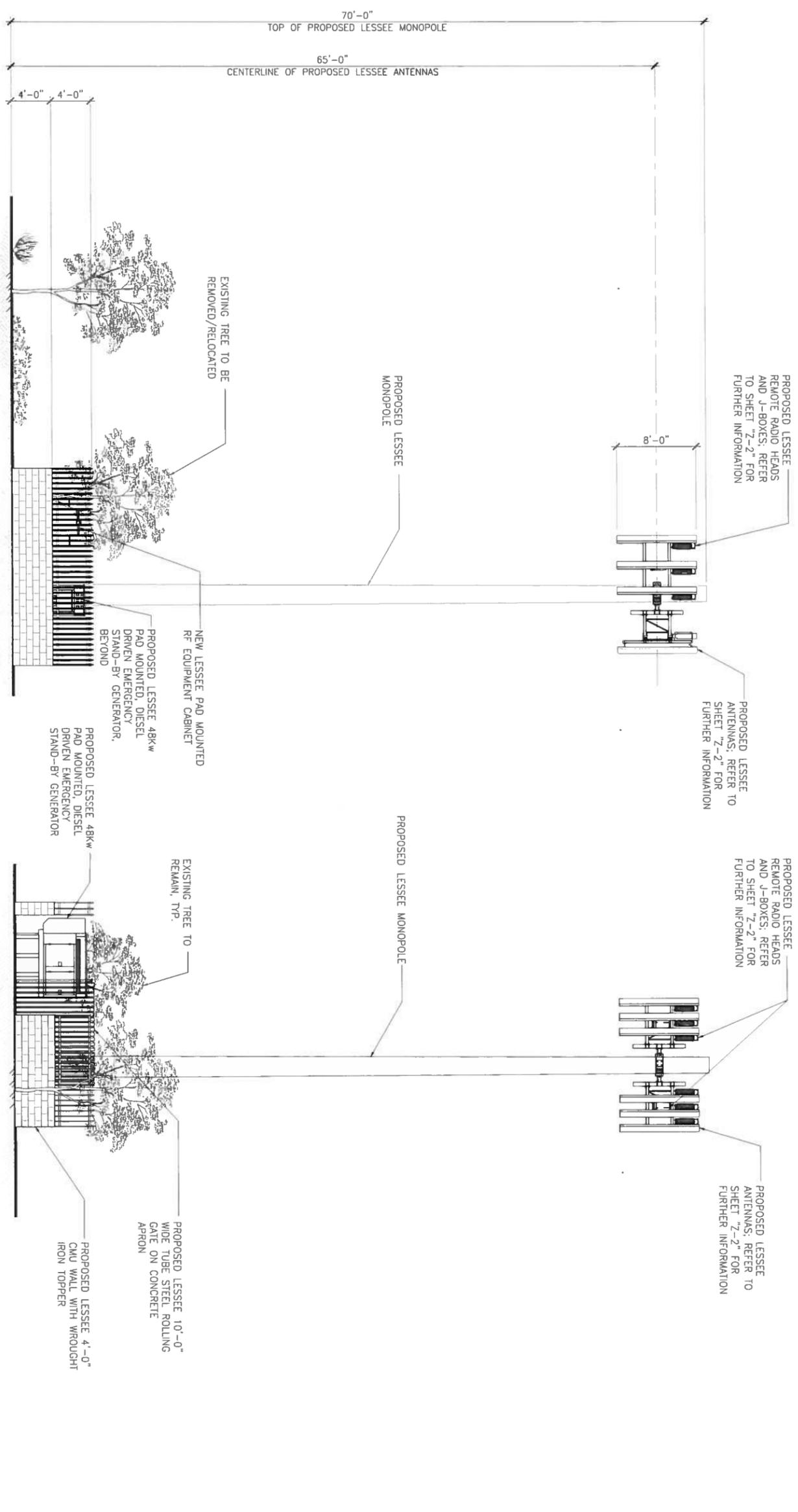
REVISIONS		
△	06.02.15	ISSUE TO CLIENT
△	07.13.15	ISSUE FOR SUBMITTAL
△	08.04.16	CITY COMMENTS

SITE NAME
AZ2 SMOKE TREE

SITE ADDRESS
1958 COMMERCE CENTER CIRCLE
PRESOTT, AZ 85301

SHEET TITLE
PROJECT ELEVATIONS

SHEET NUMBER
Z-3



2 EAST ELEVATION
SCALE 3/16" = 1'-0"
0 2' 4' 10'
1 3 5

1 SOUTH ELEVATION
SCALE 3/16" = 1'-0"
0 2' 4' 10'
1 3 5

MEETING DATE: 10/13/16

AGENDA ITEM: Public Hearing for a proposed amendment to Article 4, Sections, 4.9.3.B.5, and 4.9.3.F of the Land Development Code to amend the multi-family residential density and residential setbacks in the Downtown Business District, LDC16-001.

Approved By:

Date:

Director:	Guice, Tom	<i>TG</i>	<i>10-6-16</i>
Planning Manager:	George Worley	<i>GW</i>	<i>10/6/16</i>
Community Planner:	Frank V. Hall	<i>FVH</i>	<i>10/6/16</i>

Public Hearing Continuation Request

Community Development is requesting a continuation of the public hearing for this item until the Commission's meeting on October 27, 2016 to allow time for input from the Historic Preservation Commission and Prescott Downtown Partnership in addition to the comments previously submitted by the Chamber of Commerce.

Recommended Action: None at this time.