



PLANNING & ZONING COMMISSION
 PUBLIC HEARING MEETING
 OCTOBER 27, 2016
 PRESCOTT, ARIZONA

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION PUBLIC HEARING MEETING held on OCTOBER 27, 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 Chairwoman Orr 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	Matt Padracky, Assistant City Attorney
George Sheats	COUNCIL PRESENT
Phil Goode	Chairwoman Billie Orr

III. REGULAR ACTION ITEMS

1. Approval of the September 29, 2016 Meeting Minutes

Mr. Marshall, MOTION to approve the September 29, 2016 meeting minutes. Mr. Sheats, 2nd. VOTE 6-1; motion passed. Mr. Goode voted against.

2. 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)

George Worley gave a presentation and reviewed the staff report and stated that this is a request for a Special Use Permit (SUP) for the installation of a stealth Cell Tower at Copper Basin Road and displayed a rendering on the overhead projector. Mr. Worley discussed the requirements and public process of the SUP for a cell tower and stated that it is a recommendation from the Planning and Zoning Commission to the City Council for approval or denial. The SUP public hearing notices were sent out for the October 13, 2016 meeting and renoticed for November 10, 2016 meeting.

He said the proposed installation will include a 75 foot monopole with the pine tree disguise that will extend to 85 feet and south of it is an existing water tank that is approximately 35 feet tall. There are two issues with this request, the height and the setbacks both are typical with a cell tower SUP request. The Council has the ability to waive the height exemption request. The setback requirement in the Land Development Code equals to the fall distance of the monopole. He said it is not common for a cell tower to fall but that is our setback just in case. In this case the setback is 40 feet from the property line. The City Council can also waive the setback requirements. Mr.

Worley also displayed the site plan and discussed the flag shaped lot, topography, and access to the site. He also commented on the number of people who shared their concerns and comments for and against the cell tower. He said that Matt Podracky is available if there are question about the Federal Communication Commission (FCC) and your ability to make recommendations based on their regulations.

Matt Podracky reviewed the law for SUPs applications and mentioned the Telecommunications Act of 1996. He said it places limitations under the Federal law on what the Planning and Zoning Commission and the City Council can do when an application is submitted. He stated that the City cannot discriminate discriminate one company over another. The City cannot prohibit the provision of personal wireless services. The City must act in a reasonable period of time for a cell tower application; the City cannot deny a cell tower on the basis of environmental effects and radio frequency emissions, if the City denies an application it must do so in writing. The Act does allow local planning and zoning to play a part as to what the Land Development Code allows. The Planning and Zoning Commission must listen to testimony, review the documentary evidence, and understand your role under the Land Development Code, apply that concept and make a determination.

The Commissioners asked to hear more about the environmental effects in terms of broadcasting signals and asked Reg Destree, Verizon Representative, to address that in more detail. They discussed how FCC determines the health issues. They noted that they are here to make land development decisions based on the Land Development Code rules on Special Use Permits for cell towers.

Reg Destree displayed a site plan of the area that provides additional coverage to off load other cell tower sites in the area. He also introduced the Verizon Radio Frequency Engineer, Scott Sanchez. The main cell tower site is off of Mt. Francis that provides cell coverage to a large portion of Prescott because of its location. The Mt. Francis site is being overloaded and the data is at full capacity and coverage. Mr. Destree discussed how the Engineer came to identifying the new cell tower site that will work in conjunction with the Mt. Francis site. Mr. Destree continued to go over the various designations that will provide the best coverage and discussed the neighborhood meeting. Scott Sanchez provided more detail to the need and why this site is a good site.

The Commissioners asked about Mr. Destree the trees blocking cell coverage and discussed that there is 300 feet from the nearest house and access to cell tower site. Mr. Destree said that he will provide more details of the Commissioners questions at the next meeting.

Mr. Marshall had to leave the meeting at approximately 10:00am to attend another appointment.

Yvonne Dorman, 1335 Mullen Street, stated that if we wait a few more years that cell towers will be obsolete and she asked what will happen to the towers. She mentioned the ugly cell tower across the street. She said that her property was annexed in 2003 into the City which was not to be subdividing and then in 2006, subdivided and the City put in the water tank. She quoted from an agreement from the annexation that described specific zoning requirements that identified open space and scenic views.

Sandy Swan, 1173 W.Timberridge Road, said she is in favor of the cell tower. She discussed why she changed from one service to another and poor cell service.

Jim Delozier, 1355 Wickwood Lane, stated that Wickwood is not a road, it is an easement and he cannot have a sign that reads Wickwood Lane. He said he frowns on all the traffic to see the cell tower. He said he opposed to the cell tower and will use every resource to stop it. He said he

moved to the forest to be away from traffic noise. The cell tower shatters his dream of living in his dream home and the value of his home will decrease significantly and discussed reports and evidence for the economic impacts and health impacts. He said his wife is RF sensitive and will be catastrophically impacted by this.

Catherine Russing, 1904 Young Place, thanked those who worked on the regulations for the Group Homes. She said she built her home in 1989 and the cell tower will be in her view shed. She said she appall by the person bringing up the FCC. She said times have changed and is a "Downwinder" and was involved in the nuclear fallout that took place in the 1960s. She discussed the Downwinder Trust Fund in more detail. She said she talked to the Forest Service and gave details about that discussion such as fire, beacons, zoning for SUPs and zoning heyracy. She asked Planning Staff to redefine the residential zoning in the Land Development Code. She asked to discuss the Lease. The Commission reiterated to Ms. Russing on the purpose the Planning and Zoning Commission is reviewing the Special Use Permit and the site plan and that she will have an opportunity at City Council to address her concerns.

Lesley Schuler, 2313 W. Mount Laurel Road, stated that the City Code states that it protects the areas from potential adverse impacts of towers. The proposed tower has panels that are in our view shed. She discussed the options of cell phones and radio frequency, property value, and aesthetics.

Sabrina Morganelli, 2125 Bonner Lane, commented that she sees the water tower from her house. She asked to consider two things: wind and the catastrophe of the tower falling and can Verizon improve the cell tower on Mt. Francis.

Janet Conrad, 2535 W. Copper Basin Road, she discussed living in Prescott and the lifestyle and retirement. She said she would like to see her kids to move to Prescott. She said her lots are in premium area. We will have a huge financial loss if the cell tower goes in. She sees the water tank from her back yard and it doesn't look that bad.

Brian Murphy, 2550 W Copper Basin Road, stated that he views the water tank from his home. He said he submitted a petition with 54 total people against the cell tower.

3. 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)

George Worley gave a presentation and reviewed the staff report and stated that this is a request for a Special Use Permit (SUP) for the installation of cell tower at the northeast region of Prescott Lakes, 348 feet from the previous SUP request. He said that most of us are very familiar with the site because it was processed before but the location was denied due to potential adverse affects with the property located next to the site and setbacks. This proposal includes a modification of required tower building and height limitation as well. Mr. Worley stated that currently the Courier Newspaper is located at the site.

He continued to discuss the site design stating that the proposed in stallion will include a 70 foot monopole with antenna, a 20 x 22 foot walled compound containing a prefabricated equipment building and a 12 foot wide access easement from Commerce Center Circe to the leased site. 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. At this point Mr. Destree noted that the pole will meet the setback. The location meets all other setbacks and the monopole will be a rusty brown color to reduce reflectivity and blend into the color scheme.

Mr. Worley stated that like the other Special Use Permit there have been a lot of comments from the public and they are included in the Commissions' packets.

Reg Destree stated that we have been here before and last time we were denied by the City Council. This proposal takes care of the setback issue we had before. The pole will be a rusted steel pole just like the APS power pole which is becoming more popular. The need was demonstrated at the last proposal request, especially along Smoketree Lane. He said no additional height if a co-carrier was included on the pole.

Ron Young, 1667 Constible Lane, he asked Matt Podracky what happens if someone calls 911 and didn't get through and the City was sued? He said Constable needs the cell service.

Don Couture, 1695 Constable Street, jokingly stated that he doesn't care if anybody has service as long as he has service. He said he didn't think he was moving to an Amish community. We have to move forward with technology. The man that was concerned about his wife and RF sensitivity had a cell phone on his belt. It is a safety issue and we need it for 911 service.

Dana McCreedy, 1691 St. Andrews Way, stated she is here again to voice her opposition. She said that she is glad that Verizon has complied with the setbacks. She said she is concerned with the safety of the monopole falling. She discussed the fall zone and asked that the Commission look into that regarding the ingress/egress.

Michael Heffley, 1681 Constable Street, discussed the problems with cell service in his area.

Elyse Rose, 1690 St. Andrews Way, stated that she is concerned with the cell tower catching fire by lightning strikes and high winds. She reiterated cell towers reduce the value of homes by 15-25%. She discussed the areas that may be more appropriate for cell towers.

Robert Callahan, 1440 Kwana Street, said that he is concerned for the safety issue of not having cell service. He discussed alternate locations for cell towers as well.

Rachelle Dowlin, 1681 Constable Street, discussed the lack of cell service in her area and the safety issues.

Jeannie Anderson, 1387 St. George Circle, stated that she doesn't care about aesthetics and build within our City Codes or don't build at all. She discussed the length of time for constructing the cell tower. She quoted from the Land Development Code for Special Use Permits and their requirements.

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 (DTB)

Frank Hall presented the staff report and provided overhead maps on the projector. The purpose of this application is to rezone multiple parcels totaling approximately 4.80 acres to Downtown Business District from Business General. He discussed the effort for the rezoning beginning with an applicant wanting to move her existing restaurant from its current location into the Liquor Barn that recently closed. At a Pre-Application Conference, staff advised the applicant that a restaurant requires one off-street parking space per 100 square-feet of floor area. The existing location only has seventeen parking spaces of which some of the spaces are used by two retail business located in the same building as the proposed restaurant. A total of fifty-nine spaces are required for the 5,900 square-foot restaurant space which cannot be provided on site.

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.

Mr. Hall stated that there are other property owners in the subject area that are opposed to the rezoning and some that are still considering their options. He said the current level of participation from property owners willing to either join the rezoning effort, those that are opposed to the rezoning. He said we could recommend that the owners who are in favor be recommended rezoning to the City Council.

Elizabeth Fifi, 13502 Whitter Blvd, Whittier, CA, said that she represents the owner. She said Liquor Barn moved out and we have an opportunity to have a nice business and would appreciate your support. The issue is the parking and the rezoning will alleviate the problem.

The Commissioners discussed the project and the density issue in the Downtown Business District as a whole and the parking issue. Some felt it should be discussed as an overall issue and not just a case-by-case. However, some felt that the process allows for the request and we should move forward. Also, to look at the historical factors where the Commission looks at one side of the street while the other side is seeing diminished values.

Catherine Russing, 1904 Young Place, stated that she supports the expansion of the Downtown Business District. She gave some history of the Russing Square. She said changing the zoning would benefit the community as a whole, it would bring in historical and pedestrian characteristics, and she felt that not everyone will be driving a vehicle with UBER coming around.

John Aiden, 450 W Goodwin Street, said he is in support of the rezoning. He said he understands that the Commission should look at the Downtown Business District as a whole.

Mr. Sheats, MOTION to approve RZ16-003 for a proposed rezoning of multiple properties generally located south of West Goodwin Street and contiguous to a portion of Bridge Street, amending the zoning from Business General (BG) to Downtown Business (DTB). This is for those businesses approving the rezoning and not the others opposed or neutral. Mr. Goode, 2nd. VOTE 5-1; Mr. Mabarak opposed due to the limited scope of the request. Motion passed.

2. 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 dimensional standards of the Downtown Business District, LDC16-001.

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.

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/7500 = 9 units. Option 2 is to have 35 units/7500 = 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. He said to have the same commercial and residential building setbacks would not 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.

Mr. Scamardo, MOTION to approve 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 dimensional standards of the Downtown Business District, LDC16-001. Mr. Sheats, 2nd. VOTE 6-0; motion passed.

3. Public Hearing for a proposed change of land use for property at 903 Green Lane from Single Family-18 (SF-18) to Residential Office (RO) including an amendment to the 2015 General Plan and the Willow Creek Road Corridor Study and Land Use Plan to permit the construction of four (4) residential units. Property owner: Catherine Miller Hahn Living Trust. Applicant/Agent: Michael Taylor, Architect. Site APN is 116-06-060B. Lot area is 0.54 acres.

This is a request to rezone a half acre (0.54) parcel on the corner of Green Lane and Willow Creek Road containing a single family residence from Single Family – 18 (SF-18) to Residential Office (RO) to permit the construction of three (3) new residential units.

The existing residence will be converted into a duplex and a new two story duplex will be constructed. The RO zoning district permits duplex dwellings at a density of 1 unit per 4,500 square feet. Therefore, the four (4) units require a minimum lot area of 18,000 square feet if the rezoning is approved. The subject parcel is 23,552 square feet in size.

The applicant is requesting RO zoning to be consistent with the recommended zoning change described in the Willow Creek Corridor Study and Land use Plan and other commercial zoning in the vicinity of the subject parcel. The property on the northwest corner of Willow Creek Road and Green Lane is zoned Business General (BG). The southeast corner of Willow Creek Road is zoned Residential Office (RO). All properties immediately contiguous to the subject parcel to the west are zoned SF-18 and parcels to the south are zoned SF-9. The proposed site design includes the remodeling of the existing residence into a duplex unit and the construction of a new two-story duplex building. Access to the property is from Green Lane. Ten (10) off-street parking spaces are provided in compliance with Article 6, Section 6.2 of the Land Development Code (LDC). The main driveway is 20 feet wide with a 24 foot wide maneuvering area behind the parking spaces.

The site design must comply with the General Development Standards of the Land Development Code including, but not limited to the Residential Protection Standards described in Article 6, Section 6.13. The residential protection standards must be applied to southern and western portion of the site that adjoins single-family zoned property.

Mr. Hall said that a main consideration of any rezoning request is the potential adverse impacts on adjacent or nearby property owners. The nearby contiguous uses are primarily single family residential neighborhoods with the exception of the northwest and southeast corners which are zoned BG and RO, respectively.

The Commission noted that they would like to encourage the residents to bring up their concerns at the next City Council meeting.

Mr. Marabak, MOTION to amend the 2015 General Land Use Plan from "Low to Medium Residential Density" to "Commercial." Mr. Sheats, 2nd. VOTE 5-1; Mr. Goode opposed. Motion passed. Mr. Marabak, MOTION to approve RZ16-004 rezone parcel 116-06-060B located at 903 Green Lane from Single Family-18 (SF-18) to Residential Office (RO). Mr. Sheats, 2nd.

VOTE 5-1; Mr. Goode opposed. Motion passed.

V. UPDATES

Frank Hall stated that Quantum Condominiums passed on the City Council's consent agenda on Tuesday, October 25, 2016.

VI. ADJOURNMENT

Tom Menser, Chairman adjourned the meeting at 12:45 p.m.



Darla Eastman,
Administrative Specialist



Tom Menser, Chairman

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PLANNING & ZONING
COMMISSION
ATTENDANCE SHEET
October 27, 2016



NAME	ADDRESS	ZIP	PHONE
Robert Callaghan	1440 KWANA CT	86301	443-0776
WANDA McCALL	2229 W. VISTA RIDGE RD	86303	541-0638
GERALD BENGTSON	1692 CONSTABLE ST	86301	778-6343
Judy Merante	1665 S. High Valley Ranch Rd	86303	2374019
SANDY SWAN	1173 W. TIMBER RIDGE RD	86303	445-6568
Brian Murphy	2550 W. Copper Basin	86303 ⁴⁸⁰	612-1751
Lydia Dawson	1687 Constable St	86301	916-832-4221
John Valentine	1231 E Sobrelomas Tucson	85718	520 909 2046
MARY JO KIRK	1112 Old Hassayampa Ln.	86303	928-710-4045
Christy Foote	6195 Michele Ln	86305	928-899-3550
DAVID KAPFER	2043 Meadow Ridge Rd	86305	928-448-0206
THOMAS M Campbell	910 GARLAND DR	86305	480-495-3333
JOE VAN BOURBON DRU	2157 - SANTA FE Shrubs	86305	928-445-5776
Jeanne Anderson	1387 St George Circle	86301	776 0906
HENRY Bui	2043 Willow Creek	86301	928 849 2424
TOM COLLINS	1321 SABATINA	"	445-7828
JIM DeLOZIER	1355 Wickwood Ln	86303	714-270-0146
LISA DeLozier	"	"	"
Elizabeth Fitz	13502 Whittier Blvd #1381 90045		
David Iorio	917 Green Lane	86305	928-713-5815
Millie Iorio	917 Green Lane	86305	928 713 6687
Bill Swallen	2283 Mtn Laurel	86303	
Lesley Schuler	2313 W. Mtn Laurel Rd	86303	928 499-4496
Carolyn Murphy	2550 W. Copper Basin	86303	928-642-0460
Ron & KENIS YOUNG	4667 CONSTABLE ST	86301	928 291-3243
Staine COURTNE	1695 CONSTABLE ST	86301	928.237.4001
Kevin Backway	252 S McCormick	86303	928 4451486
Cathey Rusiny	1904 Young PL	86303	928-713-7678

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COMMISSION
ATTENDANCE SHEET



NAME	ADDRESS	ZIP	PHONE
Yvonne Doerman	1335 Mullen	86303	—
Rachelle Dowden	1681 Constable St	86301	
MICHAEL McPhay	1681 Constable		412-720-0416
Sharon Mortensen	2234 whitetail Ln	86301	
Janet Conrad	2535 Copper Basin / 350 Wickwood		928 533 7672
Reg Dostree	9625 700 E. Camelback Ste 307	85251	602 749-6988
Scott Sanchez	Tempe AZ		623-341-3760
JOHN PHILLIPS	5005 HASSTAMP	86303	273-2575
Bob Hincham	913 Arcan Lane	86305	899-5336
Susan Robd	1001 White Spar	86302	710-6491
Betsy Ratliff	3984 N. Wakefield Dr.	86314	(480) 263-0474
Rob Meindl	1858 Amber Ct	86301	(520) 313-0274
NIKHIL JADHAV	126 W GEMINI DR TEMPE AZ	85283	480 777 4397
Jonathan R. Aten	450 W. Goodwin St	301	402-319-4806
El Rose	11690 ST ANDREW ST	86309	928-777-9122
Earl Rygg	1670 CONSTABLE	86301	909 630 9075
Dana McCreedy	1691 St Andrews Way P	86301	928-925-7159
MIKE BLACKIE	1065 DOVERSWAN	86303	
Barb Buzkis	1065 DOVERSWAN	86303	899-5701
Sabrina Manganello	2125 Bonnerha	86303	713 7961
Debra J. ...	1491 Quikway Cir	86301	227-7477
Joy Hafer	950 Garland Dr.	86305	443-0187
Curtis Hafer	"	"	"
Frank Hahn	1343 Grey Eagle	"	420-4677

