

PLANNING & ZONING COMMISSION A G E N D A

**PLANNING & ZONING COMMISSION
REGULAR MEETING
THURSDAY, NOVEMBER 10, 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, NOVEMBER 10, 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 October 27, 2016 Meeting Minutes

IV. PUBLIC HEARING ITEMS

1. 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)
2. 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)

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

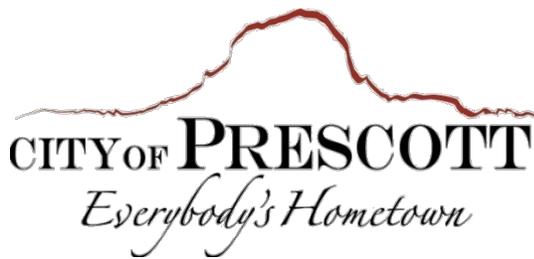
THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE 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 November 4, 2016 at 12:00 p.m. in accordance with the statement filed with the City Clerk's Office.



Darla Eastman, Administrative Specialist
Community Development Department



**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 McCready, 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. 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 $58 \text{ units} / 7500 = 9 \text{ units}$. Option 2 is to have $35 \text{ units} / 7500 = 6 \text{ units}$. 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 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.

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

PLANNING & ZONING COMMISSION MEMO

MEETING DATE: 11/10/16

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	<i>TG 11.7.16</i>
Planning Manager:	George Worley	<i>11/3/16</i>

Update

Attached are additional public comments received via mail or email.

RECEIVED

OCT 31 2016

Community Development Department

To: Planning and Zoning Commission
City Hall 201 S. Cortez St

October 27, 2016

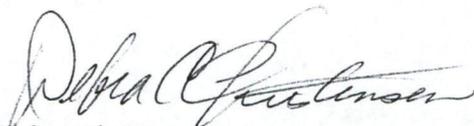
Subject: Cell tower at 2551 Copper Basin Rd (APN 108-21-230E) by Verizon
Special use permit SUP16-001

I just wanted to drop you a note to let you know I want the commission to vote **YES** on the cell tower installation. This tower will help the entire community and specifically those of us on the west side of town. We have poor reception to date and notice over the course of a few years it has become less reliable. I am very concerned about the ability for all folks to be able to communicate as well as the benefit it would bring to our emergency responders (fire, police, ambulance etc)

I understand a very small fraction of the population is opposed to this tower. It is unfortunate that this item could not be decided by everyone in the community via a vote. I am sure you would find at least 85% of the people would support the installation. It is for the overall good of the community and can not get voted down due to a few individuals that have only their self interests involved.

Thank you for allowing me to provide feedback on this very important issue.

Sincerely



Debra Christensen
1665 S. High Valley Ranch Rd
Prescott, AZ 86303
928-237-4019

RECEIVED

OCT 31 2016

Community Development Department

To: Planning and Zoning Commission

October 27 2016

Subject: Special Use Permit (SUP-16-001)
Cell tower at 2551 Copper Basin Rd by Verizon

I did attend the hearing today (Oct 27 2016) on this topic.

I do want to register that I am **100% for the cell tower installation.**

There are several thousand people who will benefit from this tower. It is fair to say that 95% of the folks who appear at your meeting would be opposed to this installation and represent 90% of the folks who would have signed the NO petition. Your constituents who are for it just assume you will do the right thing for the community and allow for the tower installation. It's a simple public safety requirement.

The rights of the majority in our community matter. Please vote YES on the tower installation.



Judy Merante
1665 S. High Valley Ranch Rd
Prescott AZ 86303

Worley, George

From: sabrina morganelli [prescottrealtor@yahoo.com]
Sent: Wednesday, November 02, 2016 9:39 AM
To: Worley, George; Hall, Frank
Cc: Dan Morganelli
Subject: Re: Special Use Permit Request (SUP16-001)

Sabrina & Dan Morganelli
2125 Bonner Ln.
Prescott, AZ 86303

Dear Mr. Worley and Mr. Hall,

Dan and I have grave concerns about the proposed Verizon tower to be located at the Pony Soldier location.

The last Planning and Zoning meeting I attended on Thursday, October 27, 2016, left me with more questions than answers.

When Ken Mabarak, the Vice-Chairman, asked the Verizon representative how far away from the water tank will the tower be, the representative did not know. I feel that it is imperative for safety that it be located far enough away that should it fall due to lightning, wind, fire or some other act of God, that it be nowhere near able to breach that water tank. I trust the Verizon representatives will say that the tower is not likely to fall and perhaps it is unprecedented. But no one could have thought we would have lost 19 firefighters before it happened either.

Wouldn't it be possible for Verizon to upgrade the Mnt. Francis tower instead of putting this in our back yard? Even if it cost more to Verizon for public safety reasons I think it should seriously be considered. Heaven knows Verizon has gotten plenty of my money to go towards the cost.

Thank you for your consideration in this matter.

Sincerely,

Sabrina Morganelli
Century 21 Arizona West
928-713-7961 Cell
928-445-9750 Office
866-445-9750 Toll Free
prescottrealestateforsale.com

Worley,George

From: Sandra Swan [sandraingramswan@icloud.com]
Sent: Tuesday, November 01, 2016 4:16 PM
To: Worley,George
Subject: Proposed Verizon cell tower of Copper Basin Road

Dear Commissioner Worley and other members of the Board,

I recently attended the discussion meeting concerning this proposed tower and spoke in favor of it. I would like to follow up on my comments of that day.

The community of Timber Ridge where I live was notified of that meeting by our Home Owners Association so we were all very much aware of it. You did not receive any objections from us because we are all very much in favor of it. In fact, I walked over to my next door neighbor's house today and he showed me the \$100 booster he had bought to try to improve his reception (which doesn't work)! You may not have heard anything from us, but we will be happy to have the tower built.

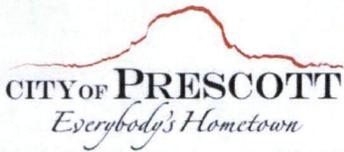
I find it difficult to understand how all those people who spoke against the tower can complain about having to look at it when it will have fake tree branches, making it fit in with the forest. Besides, they already have to contend with a huge City Water Tank. If there is any concern about depreciation of their properties, it has already occurred.

Please do give the tower your blessing and let it be constructed soon!

Sincerely,

Sandy Swan

Sent from my iPad



PLANNING & ZONING COMMISSION MEMO

MEETING DATE: 11/10/16

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.

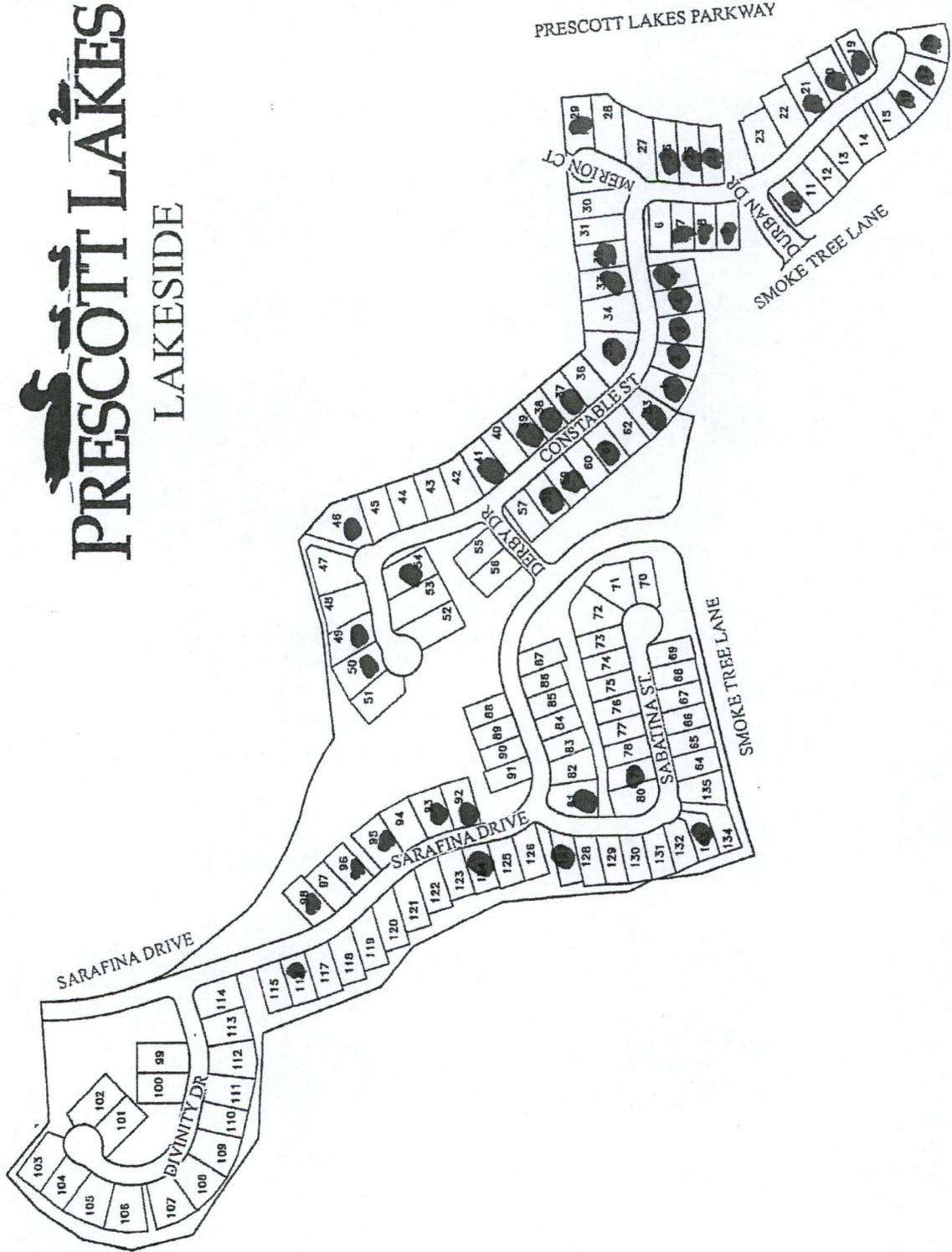
Approved By:

Director:	Tom Guice	<i>[Signature]</i> 11.7.16
Planning Manager:	George Worley	11/3/16

Update

Attached are additional public comments received via mail or email.

PRESCOTT LAKES LAKESIDE



Oct .31, 2016

Attn; Prescott City planing and Zoning Commission

Subj; Prescott Lakes Verizon cell tower.

Members of the commission, this is petition from households in the Lakeside sub division for Prescott Lakes that are in favor of the new location in the parking lot adjacent to the Currier new paper for the Verizon 70 ft high cell tower.

Most of the houses on Constable St, Sarifina and Smoke tree have very poor (1 bar or less) cell reception and feel this tower is needed for 911 safety reasons and cell phone based alarm systems.

Thank you.

Name	Address
• <u>Mural Jeffrey</u>	<u>1681 Constable st</u>
• <u>Donald J. Couture</u>	<u>1695 CONSTABLE ST.</u>
• <u>Norothy Bengtson</u>	<u>1693 Constable St.</u>
• <u>Brian McLean</u>	<u>1699 Constable St.</u>
• <u>Laura Kee</u>	<u>2509 Merion Court</u>
• <u>Chin & Couture</u>	<u>1695 Constable ST</u>
• <u>Judy Kemp</u>	<u>1694 Constable St</u>
• <u>Thomas F. Coe</u>	<u>1697 Constable ST</u>
• <u>Mr. Ke</u>	<u>2509 Merion Ct.</u>
• <u>Thomas Swedden</u>	<u>1684 Constable ST</u>
• <u>Carel R. Lake</u>	<u>1697 Constable St.</u>
• <u>Kan Man</u>	<u>1682 CONSTABLE ST</u>
• <u>Gilonda J. J.</u>	<u>1682 CONSTABLE ST.</u>

Petition Signature Cont.

Name	Address
• Gil Pezer	1670 CONSTABLE ST,
• James P. Brestel	1671 CONSTABLE ST
• Jane A. Bristol	1671 CONSTABLE ST.
• Em Y. Y.	1667 CONSTABLE ST
• Carl S. Carlson	1663 Constable St
• James J. Foley III	1669 CONSTABLE ST.
• Anita Johnson	1669 Constable St
• Carolyn S. Syler	1662 Constable St.
• Kelly Tone	1661 Constable St
• Marly Brown-Hain	1656 Constable St
• H. T. T. HATSON	1657 CONSTABLE
• Jacqueline Jilcott	1657 Constable St.
• Margaret & Everett Sanborn	1658 Constable St.
• Rosemarie Cunningham	1654 Constable St. (WENT 2 LOOK AT OUTTREE)
• SAM BARONE	1650 CONSTABLE ST
• ROGER BREWING	1651 CONSTABLE ST.
• Ann A. Pezer	1653 Constable St. Prescott 86301
• Sherif Durnell	1653 Constable St Prescott
• Virginia K. Fortenberry	1665 Constable St.
• Rosemary Carlson	1663 Constable St

Petition Signature Cont.

Name	Address
• Carol Mullen	1683 Constable St, Prescott, AZ
• Michelle Campbell	1637 Constable St. Prescott, AZ
• Stefania & Jerry Bojawan	1640. Constable St Prescott, AZ,
• Alphonse Kennedy	1034 Constable St Prescott, AZ
• Raquel Bredes	1032 Constable St. Prescott AZ
• Chuck Basso	1241 SARAFINA DR. "
• Pat Basso	1241 Sarafina Dr. "
• Jerry Bruce	1239 Sarafina Dr. "
• Troy Peterson	1680 Constable St. "
• Aaron Campbell	1637 Constable St. "
• Tom + Keechie Collins	1321 SARAFINA ST. "
• Vicki Stranke	1333 Sabatine St,
• Robert H. Berlin	1232 Sarafina Dr,
• Wilton Bonney	1240 Sarafina Dr
• DOUGLAS W. GRAYES	1256 SARAFINA DR.
• Lynn Graves	1256 SARAFINA DR.
• Philip Cole	1251 Sarafina Dr. "
• S. Mauldin	1247 SARAFINA DR.
• ANTONIO ALBO	1245 SARAFINA DR.
• Luke Jarrett	1672 Constable St

Oct .31, 2016

Attn; Prescott City planing and Zoning Commission

Subj; Prescott Lakes Verizon cell tower.

Members of the commission, this is petition from households in the Lakeside sub division for Prescott Lakes that are in favor of the new location in the parking lot adjacent to the Currier new paper for the Verizon 70 ft high cell tower.

Most of the houses on Constable St, Sarifina and Smoke tree have very poor (1 bar or less) cell reception and feel this tower is needed for 911 safety reasons and cell phone based alarm systems.

Thank you.

Name

Address

- Pale Henderson 1677 Constable Street
- Alison A. Ott 1679 Constable St.
- Lamy W. Cornell 1696 Constable St.
- Sara K Cornwell 1696 Constable
- Aimee M & Mike 1338 SABATINA
- JJ Goshone 1338 SABATINA ST
- Kathleen Collins 1321 Sabalina St
- _____
- _____
- _____
- _____
- _____
- _____

PLS

All carl, search your mailbox

Search Mail

Search Web

Home

carl

Compose

Archive Move Delete More

People

Cell Tower

carl carlson <toybizz2@yahoo.com>

Today at 9:04 AM

To Frank.Hall@prescott-az.gov

Mr. Hall

My name is Carl L. Carlson and my wife and I have lived in Prescott Lakes for over 11 years and we cant get a decent signal for our cell phones, Verizon was kind enough to give us a booster for the phones ,however it interfered with our T.V. so the only way we can send or receive calls is with a new tower

Verizon came out to our home with test equipment to see if there was something else they could do and there is not, only a tower will cure the problem
We are in our 80s and we need our phones

Thank You

Carl L Carlson

1663 Constable st
Prescott az.86301

Guice, Tom

From: Elyse Rose [erose4u@yahoo.com]
Sent: Tuesday, November 01, 2016 8:46 PM
To: Guice, Tom; DeLong, Dana
Subject: City attorneys comments on the Supreme Court Ruling and the 1996 Telecommunications ACT

November 1, 2016

Dear Planning and Zoning Commission,

Re :Verizon's Request for a Special Use Permit
for the installation of a cell tower at 1958 Commerce Center Circle.

1)The City Attorneys comments about the Supreme Court ruling are misleading and do not give the whole picture:

"The reason for the Supreme Courts decision was not the format or of reasoning behind the City Councils rejection, but the amount of time it took to publish its response to the mobile carrier."

See full explanation below published in Forbes:

"The Court had to determine whether the Council's actions fulfilled the Act's requirements. "In short," Sotomayor wrote, "the statutory text and structure, and the concepts that Congress imported into the statutory framework, all point clearly toward the conclusion that localities must provide reasons when they deny cell phone tower siting applications." Roswell's City Council met this standard even though it published the content of its hearings rather than filing a direct written response to T-Mobile's request. "Thus, we hold that the Act requires localities to provide reasons when they deny cell phone tower siting applications, but that the Act does not require localities to provide those reasons in written denial letters or notices themselves," the Court ruled.

The problem for the Roswell City Council was not the format **of, or reasoning behind its rejection but the amount of time it took to publish its response to the mobile carrier.** The statute, according to the majority opinion, required municipalities to submit their written reasons "contemporaneously." In finding that Roswell's (GA) 26-day delay violated the Act's timing requirements."

2) I wonder why the City Attorney only states the points of the 1996 Telecommunications act that favor Verizon when the act also states "There is Nothing in this section shall affect the ability of a State to, "to impose ... requirements necessary to ... protect the public safety and welfare **"and safeguard the rights of consumers."**

I also wonder why at the 11th hour Mr. Worley advised 70 feet had been met when the information that the fall zone was 67 feet had been stated **since April.** Mr. Destry surely would have had that corrected long before and certainly by the time the SUP request was issued....

This is all very troubling and seems to show bias in favor of Verizon.

I will also present evidence on November 10 that shows that it appears to be a foregone conclusion that the P and Z will vote to approve this application.

Sincerely,

Elyse Rose
St. Andrews Way
Prescott , AZ 86301