CITY OF PRESCOTT
Everybody's Hometown

PLANNING & ZONING COMMISSION
PUBLIC HEARING MEETING
NOVEMBER 10, 2016
PRESCOTT, ARIZONA

MINUTES of the PRESCOTT PLANNING & ZONING COMMISSION PUBLIC HEARING MEETING held on NOVEMBER 10, 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 - Absent	Frank Hall, Community Planner
Terry Marshall	Darla Eastman, Administrative Specialist
Len Scamardo	Matt Podracky, Deputy City Attorney
George Sheats	**COUNCIL PRESENT**
Phil Goode	Mayor Pro Tem Lamerson

III. REGULAR ACTION ITEMS

1. Approval of the October 27, 2016 Meeting Minutes

Mr. Sheats, MOTION to approve the October 27, 2016 meeting minutes. Mr. Mabarak, 2nd. VOTE 6-0; passed.

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)

Matt Podracky reviewed the guidelines for Special Use Permit (SUP) applications and discussed the five limitations of 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 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 understanding your role under the Land Development Code, apply that concept and make a determination.

George Worley gave a brief history of the project and stated that this is a request for a Special Use Permit 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. He said the SUP public hearing notices were sent out for the October 13, 2016 meeting and renoticed for November 10, 2016 meeting.

Mr. Worley continued by stating that 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. He said that 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 proposed 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 said we provided the Commissioners with two supplements of people who shared their concerns and comments for and against the cell tower since the last Planning and Zoning Commission meeting.

Reg Destree, Verizon Wireless Contractor, answered a few questions that were brought up at the last meeting regarding height and setback requirements. There are homes to the east of Timber Ridge Road that will have coverage. The setback from the tree to the water tank which is measured from the center of the structure to the center of the pole is about 60 feet. There are many tank sites in Prescott where the poles are within the 1 to 1 setback from the existing water tanks. Mr. Destree addressed the noise issue and said that there is an emergency backup generator at the site that runs once a week for a half hour, Monday through Friday. He proposed to put in a Type 1 sound enclosure to keep the noise down while it's running and limit the run time a few times a month to keep the seals on the equipment from drying out. He also proposed a block wall and landscaping. Mr. Destree stated that this is the best location for the need with the least amount of impact. He then introduced Nickel Japa, Verizon Engineer.

Nickel Japa displayed a map showing the coverage of the area currently without cell service and discussed capacity and adding resources to increase the quality of data such as speed of service, streaming videos, etc. Mr. Japa described the bars and capacity of a cell phone. He said the problem could occur in the future where there could be a complete loss of cell service and the inability to make a connection with your cell phone due to bandwidth issues. Mr. Japa discussed the science behind the signal and how it propagates throughout the Timber Ridge area. Verizon always follows Federal Communication Commission (FCC) guidelines.

The Commissioners discussed the potential of a pole falling over and if they can withstand 150 mph wind speed. The Commissioners also discussed a purchase agreement between the City of Prescott and Balentine Properties and if there was anything in the purchase agreement that would not allow for additional construction after the water tank. Some felt that the Legal Department would need to look into the contract language before they could vote on the cell tower issue.

Brian Murphy, 2550 W Copper Basin Road, stated that he wrote the paper on the line of site for the homes. He said Mr. Balantine sent him a copy of the letter stating that it was his understanding that the two acre parcel was for City access to the water tank and that would be the only thing there. He wanted to maintain the quality of life for everyone around him and later he wants to develop the land. Mr. Murphy said that Mr. Balentine is a lawyer that he understands he can bring up the issue of the FCC if there is a safety issue. He described the line of site document he

provided to the Commissioners. Mr. Murphy said he wants to see the engineering of the house that is 85 feet from the tower. He said it is weird area because of the height of the homes and the Commission needs to look at it. Everybody around the area of the cell tower doesn't want it in their back yard. He is not against cell towers but this is not the place to put for many reasons including the 57 petitioners who do not want it.

Lesley Shueler, Rancho Vista, stated that there are many homes that look right into the water tank and now the 85 foot monopole. We live in Prescott and she would like to know how the people feel in the Timber Ridge area. Ms. Shueler talked about the danger of fire. She also discussed the topography of the area and living in a data gap and trusting the decision of Verizon of where they put a cell tower.

Carolyn McCord, Prospect Point, also discussed the topography of the area and alternative ways and new technology to get cell reception without an actual tower. The Commission responded that this request is here before us today and this we need to act on. Ms. McCord asked if the Commission could look into this before we have outdated equipment constructed in our backyard. Nickel Japa responded stating that they are called "small cells" that is in major cities and that required existing fiber optic network that would take a lot of resources.

Sandy Swan, 1173 W Timber Ridge Road, commented that if you had a big tree in front of the water tank it would look a lot better.

Jim Delozier, 1355 Wickwood Lane, requested that the Commission take the information presented today, including all the public statements and petitions, and deny Verizon's request. It is not an appropriate application for the City of Prescott. He said he doesn't feel the Commission cares what his feelings or desires are. The Commission promptly responded that they have been diligently listening and are truly interested in the public's concerns. Mr. Delozier said that he felt from the feedback he has heard that the Commissioners are leaning to approve the cell tower. The Commissioners promptly responded that what he feels is not the case and they have not yet made a decision.

Kenny Beinlich, 2140 W Bonner Lane, he said he has concerns with the proposed cell tower and he owns two properties that run parallel to the tower. He discussed the market analysis he had done a few years ago before he opposed the water tank and the properties were worth $78,000. Today, after the water tank was put in it is now worth $37,000. If the cell tower goes in, the properties are basically worthless. He said our property values will keep dwindling if we keep adding these eyesores in our community. He said he would like the Commissioners to think about how they would feel if someone forced them to allow a cell tower to go into their back yard.

Janet Conrad, Prescott, said that she owns two properties in the view shed. She said the Land Development Code under Telecommunications states that the regulations are intended for the development of a wide range land use at the same time protecting residential areas from potential adverse hazards.

Doug McCord, Prescott, stated that the comment was made that there is no infrastructure for small cell sites in Prescott. Mr. McCord said that there was no infrastructure in the City of Paradise before either. He said it is a bogus argument. He also made comments regarding sound and that he can hear his neighbor's air conditioner. Also, he said that old aerials are being used to view the area when there are more houses than what is showing on the maps.

The Commissioners discussed cell coverage for homes within the cell tower area verses the homes in the Timber Ridge area, and they came to the conclusion that the Timber Ridge area would get the better cell coverage than the homes near the tower. They also thanked Verizon for time, effort and expense to mitigate the need for cell coverage. However, many said that they are concerned with the issues the public has brought to their attention and are struggling with the fact that they are stalled by federal regulations to make decisions that affect our environment based on substantial evidence. Some of the Commissioners felt that this was one of the most disruptive meetings they have been to and said that there needs to be more respect when discussing these issues. Some of the Commissioners were against the site and felt that it is a bad site for a cell tower.

Mr. Sheats, MOTION to approve 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). Mr. Marshall, 2nd. VOTE 2-4; motion failed.

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 brief history and stated that this is a request for a Special Use Permit for the installation of cell tower at the northeast region of Prescott Lakes, 348 feet from the previous SUP request. Mr. Worley stated that currently the Courier Newspaper is located near the site. He said the cell tower was proposed near here 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. He said we received many comments by email and letter for and against and we have forwarded those to the Commissioners.

Reg Destree stated that we have a need for cell service in this location and this proposal takes care of the setback issue we had before. He said the pole will be a rusted steel pole just like the APS power pole. He said just like the Copper Basin cell tower, we would make some provisions to address the noise issue and run the emergency backup generator once a week for a half hour, Monday through Friday, and proposed a Type 1 sound enclosure, and it includes a block wall.

Tom Collins stated that they put out a petition for the cell tower where there are 135 houses and we received 60 plus signatures.

Dick Roy, stated that the entire neighborhood does not have cell service and if you drive around the community you'll see everyone in the garages facing north searching for cell service. He feels it is a safety factor.

Wendy Matson, 2188 N Hwy 89, stated that she is representing the children of Basis School and the developing brains of the children. She said that she is very disappointed that she has to be here to voice her concerns again with the potential hazard for children. Why is the Commission considering the location of cell tower next to the school? She said she feels we are putting the value of children after the convienence of a cell phone.

Elyse Rose, St. Andrews Way, discussed the Deputy City Attorney's comment on the ruling for the Supreme Court on the FCC. She also commented on a concern that came up at the October 27th meeting regarding placing a cell tower at Twin Lakes where AT&T has a cell tower at the market and the where the equipment is placed. Ms. Rose continued to discuss issues with the FCC.

The Commissioners thanked Mr. Destree for relocating the site within the required setbacks and his tenacity. They discussed the district height of the pole which is 70 feet. The Commission also noted that they are extremely sensitive to Prescott Basis School and are familiar with the scientific studies; however, they are restricted from using concerns about radio frequency in their decision. On the other hand, the Prescott Basis School is now more than 400 meters away from the new cell tower location.

Mr. Sheats, MOTION to approve 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 and the generator will only be cycled between 9:00am and 5:00pm, Monday through Friday. Mr. Marshall, 2nd. VOTE 6-0; motion passed.

IV. UPDATES

V. ADJOURNMENT

Tom Menser, Chairman adjourned the meeting at 11:15 a.m.

Darla Eastman,
Administrative Specialist

Tom Menser, Chairman