

# City of Prescott

## Board of Adjustment



June 19, 2025 | 9:00 AM  
201 N. Montezuma Street  
Council Chambers, 1st Floor  
Prescott, AZ 86301

### AGENDA

The following Agenda will be considered by the **Board of Adjustment** at their meeting to be held **June 19, 2025**. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **DISCUSSION & ACTION ITEMS**
  - A. Approval of the May 15, 2025 Board of Adjustment Meeting Minutes.  
**Recommended Action: MOVE to approve minutes as presented**
  - B. **CUP24-004:** Review for Revocation of the Conditional Use Permit to Allow the Inclusion of a Helicopter Landing Pad at the North Side of the Hospital Site Adjacent to State Route 69 in a BR (Business Regional) Zoning District. Location: APN 103-15-160A, 4822 E State Route 69 Encompassing 9.2 Acres. Property Owner: EHC Prescott LP.  
**Recommended Action: MOVE to amend or revoke CUP24-004**
  - C. **V25-002:** Variance to Article 3, Section 3.5.3.E (SF-12/Maximum Building/Structure Height) of the City's Land Development Code (LDC) to Allow for an Increase in the Maximum Allowed Height for a New Single-Family Residence to 40'-6" (from 35'). Zoning: SF-12 (Single-Family 12,000 sq ft Minimum Lot Size). Property Owner: McHenry, Jeannie Filar & Brian. Applicant: Distinctive Homes & Architecture. Location: APN 112-02-226, 691 Cloud Crossing Circle.  
**Recommended Action: MOVE to approve, deny or approve with conditions V25-002**
5. **STAFF UPDATES**
6. **ADJOURNMENT**

Upon a public majority vote of a quorum of the Board, the Board may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes:

- (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1));
- (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2));

- (3) Discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03(A)(3));
- (4) Discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid litigation (A.R.S. § 38-431.03(A)(4));
- (5) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5));
- (6) Discussion, consultation or consideration for negotiations by the city or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6));
- (7) Discussion or consultation with designated representatives of the city to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(A)(7)).

### **CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall on 6/11/25 at 1:30 p.m. in accordance with the statement filed by the Prescott City Council with the City Clerk.

*Sarah M. Siep*

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Sarah M. Siep, City Clerk



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 19 Board of Adjustments  
DATE: June 19, 2025  
DEPT: Community Development  
ITEM #: 4.A  
SUBJECT: Approval of the May 15, 2025 Board of Adjustment Meeting Minutes.

## ITEM SUMMARY

This item is for approval of the May 15, 2025 Board of Adjustments meeting minutes. Staff recommends approval of the minutes as presented.

## BACKGROUND

None.

## FINANCIAL IMPACT

There is no fiscal impact associated with this item.

## RECOMMENDED ACTION

MOVE to approve minutes as presented

## ATTACHMENTS

1. May 15, 2025 BOA Minutes



# City of Prescott Board of Adjustment

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May 15, 2025 | 9:00 AM  
201 N. Montezuma Street  
Council Chambers, 1st Floor  
Prescott, AZ 86301

## MINUTES

### 1. CALL TO ORDER

Chair Teeters called the meeting to order at 9:00 a.m.

### 2. ROLL CALL

Tony Teeters, Chair  
Tom Davis, Vice Chair  
Mary Frederickson, Member  
Miriam Haubrich, Member  
Mark Hokeness, Member  
Tom Hutchison, Member (Excused)  
Rick Kimery, Member

### 3. DISCUSSION & ACTION ITEMS

A. Approval of the March 20, 2025 Board of Adjustment Meeting Minutes.

**MOTION BY MEMBER HOKENESS TO APPROVE THE MARCH 20, 2025 MEETING MINUTES AS SUBMITTED; SECONDED BY MEMBER DAVIS: PASSED (6-0)**

B. **V25-005:** A Variance to Article 3, Section 3.6.3.F (SF-9/Minimum Setbacks) & Article 3.9.3.F (MF-M/Minimum Setbacks) of the City's Land Development Code (LDC) to Allow for a Decrease in the Minimum Side Yard Setback from 7 Feet to 5 Feet to Bring Existing Historic Structures into Compliance with Current Zoning Code. SF-9 (Single-Family 9,000 Sq Ft Minimum Lot Size) & MF-M (Multi-Family Medium Density). Property Owner: Neely Living Trust. Applicant: Kelley-Wise Engineering Inc. Location: APNs: 108-01-059C, 108-01-060 & 108-01-095B, 925 & 923 Yavapai Dr. & 816 Coronado Ave.

Tammy DeWitt Community Planner gave a presentation for the variance request and explained that it is to reduce the side yard setback from 7 feet to 5 feet to bring the property into compliance with current zoning codes. She provided imagery maps, a site plan, and photos of the property for reference. Additionally, she stated that this meets all review criteria and there were no public comments from neighboring properties received.

Member Frederickson asked if there is a third residence affected by this request.

Ms. DeWitt clarified that there are 3 parcels and two homes.

Member Davis asked if the lot line to the northeast corner is getting abandoned to create one large 46,600 square foot lot.

Ms. DeWitt said yes.

Member Hokeness requested to hear from the applicant.

Charlie Reyes property owner stated that the proposal is to fix property line issues.

Member Hokeness asked if any structures being demolished are considered historic structures.

Mr. Reyes stated no, they will be removing an old greenhouse that cannot be seen from the road.

**MOTION BY MEMBER HOKENESS TO APPROVE V25-005 AS SUBMITTED;  
SECONDED BY MEMBER HAUBRICH: PASSED (6-0).**

**4. STAFF UPDATES**

No Staff Updates

**5. ADJOURNMENT**

Chair Teeters adjourned the meeting at 9:12 a.m.

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Anthony Teeters, Chair

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Board Secretary



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 19 Board of Adjustments  
DATE: June 19, 2025  
DEPT: Community Development  
ITEM #: 4.B  
SUBJECT: **CUP24-004:** Review for Revocation of the Conditional Use Permit to Allow the Inclusion of a Helicopter Landing Pad at the North Side of the Hospital Site Adjacent to State Route 69 in a BR (Business Regional) Zoning District. Location: APN 103-15-160A, 4822 E State Route 69 Encompassing 9.2 Acres. Property Owner: EHC Prescott LP.

## ITEM SUMMARY

This item is for a request to consider revocation of the approved Conditional Use Permit (CUP) for a helipad at the site of the new Exceptional Hospital due to non-compliance.

## BACKGROUND

On November 21, 2024, the Board of Adjustment approved a Conditional Use Permit to allow a helipad used for air transport of patients, with 3 conditions.

Approved Conditions:

1. Screening 6' masonry wall to be placed on the north and west property line.
2. Additional landscaping, beyond approved landscaping, along frontage (SR 69) adjacent to the helipad and per the rendering provided by applicant at meeting.
3. The above conditions are to be completed prior to the final of the Building Permit for the helipad and initiation of use.

Conditional Use Permits are required for certain uses that may have impacts on other surrounding uses. The CUP allows the Board of Adjustment to apply conditions to mitigate any such impacts. Such impacts are often associated with lighting and noise generation. In the case of hospital associated ambulance services (including air ambulance), the frequency of expected use is an issue to be examined in determining conditions.

The applicant had submitted for the required Building Permit on March 6, 2025, for the Helipad, but it did not include the plans for the required 6' masonry wall and is "Out for Corrections" since April 4, 2025.

A letter of Non-Compliance was sent on May 6, 2025, letting the applicant know we had received complaints regarding the use of the helipad prior to the conditions of the CUP being met.

The applicant has provided alternate wall options for BOA consideration, attached hereto, and will speak with the Board about the possibility of amending the approval.

## PROPOSED USE:

The helipad was proposed for air transport of patients from Exceptional Healthcare to other hospitals and trauma centers. No aircraft will be based on-site. The applicant stated the anticipated frequency of flight, based on other facilities, is one helicopter transfer per day. This could certainly vary as needs arise.

Mitigation required by the Board is most often applied in the form of limited hours of operation or enhanced landscaping. In this case limiting the hours of operation is not viable and given the proposed location of the helipad, enhanced landscaping may not produce any additional mitigation.

### **Section 9.3.7.C. Expiration/Revocation of Approval**

“The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an ongoing condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8.A.”

### **STAFF RECOMMENDATION:**

Staff recommends review of the approved conditions for any amendments as may be proposed by the applicant or revoke CUP24-004.

### **NEIGHBORHOOD COMMENTS:**

Staff has sent notices to all property owners within 1000 feet from the property boundary and posted the property. At the time of this writing, Staff has not received any public comments regarding this Conditional Use Permit request.

## **FINANCIAL IMPACT**

There is no fiscal impact associated with this item.

## **RECOMMENDED ACTION**

MOVE to amend or revoke CUP24-004

## **ATTACHMENTS**

1. ORIGINAL APPLICATION NARRATIVE
2. CUP24-004\_Notice of Noncompliance
3. EHC PRESCOTT\_ARCHITECTURAL EXHIBIT 1A- CMU WALL
4. EHC PRESCOTT\_ARCHITECTURAL EXHIBIT 1B- WOOD FENCE WALL
5. EHC PRESCOTT\_ARCHITECTURAL EXHIBIT 1C- CMU-WOOD WALL
6. Opposition
7. Friday Opposition Letter\_06.11.25
8. Health & Healing Opposition Email\_06.10.25
9. Thalassitis Opposition Email\_06.11.25
10. CUP24-004 Helipad Revocation Presentation



City of Prescott  
Planning and Zoning  
201 N Montezuma Street,  
Prescott, AZ 86301

**RE: Conditional Use Permit Narrative**

Exceptional Healthcare is proposing a hospital heliport, a private use facility that consists of a landing surface with no fueling, defueling, maintenance, repairs, or structures providing storage of a helicopter. Flatwork, markings, lighting, fencing, and wind cone will be provided per FAA Advisory Circular **AC150/5390-2d** Heliport design. Anticipated impact on the surrounding area to be minimal, historic data from Exceptional Healthcare's other facilities provide for one helicopter transfer per day. Due to the nature of a hospital, hours of operation for the heliport will be 24 hours a day, 365 days a year, when the necessity of transport arises. The heliport will be accessible by the hospital staff only, and sited so as to not cause a disruption to any ordinary hospital activities and travel by visitor or emergency vehicle.

Robert Donaldson AIA  
BMH AsBuilt USA



City of Prescott  
Community Development Department  
201 N. Montezuma St  
Prescott AZ 86301

Contact: Chelsea Walton  
Chelsea.walton@prescott-az.gov  
Tele: (928) 777-1405  
www.prescott-az.gov

SENT VIA EMAIL TO: [don.nicolini@ehc24.com](mailto:don.nicolini@ehc24.com) and [dnicolini@ehc.com](mailto:dnicolini@ehc.com)

May 6, 2025

Dear EHC PRESCOTT LP,

The project at 4822 E State Route 69, namely the Exceptional Healthcare Hospital, received a Conditional Use Permit (CUP) approval from the City of Prescott Board of Adjustments on November 21, 2024 for the operation of a helistop/helipad. This approval came with the following 3 conditions:

1. Screening 6' masonry wall to be placed on the north and west property line.
2. Additional landscaping, beyond approved landscaping, along frontage (SR 69) adjacent to the helipad and per the rendering provided by applicant at meeting.
3. The above conditions are to be completed prior to the final of the Building Permit for the helipad and initiation of use.

The Community Development Department has received several complaints regarding the use of the helipad prior to the conditions of the CUP being met. Land Development Code section 9.3.7.C. states the following:

The Board of Adjustment may revoke a Conditional Use Permit in the event of a subsequent failure by the property owner or person in possession to comply with an on-going condition of approval. Such revocation shall not occur without written notice to the property owner, at least 20 calendar days prior, advising of the revocation consideration and an opportunity to appear before the Board. Revocation procedures shall be subject to the Public Notice requirements set forth in Sec 9.1.8A.



This letter is being sent as notice that an item will be added to the Board of Adjustment's June 19, 2025 meeting agenda to consider the revocation of the CUP. We recognize that a permit for the helipad was submitted in March. However, the submittal did not include the wall or landscaping items required. This permit has also been out for corrections and in the applicant's handling since April 4, 2025.

In hopes that this was just an oversight, a month seems sufficient time to resubmit and perhaps even have an approved permit for the conditional items required to maintain use of the helipad.

Sincerely,

A handwritten signature in blue ink that reads "Chelsea Walton".

**Chelsea Walton**

**Director**

Encl. 11/21/24 CUP24-004 Approval Letter



**PROJECT STATUS:**       **APPROVED**                       **APPEALED**

**DATE:**                      **November 21, 2024**

**TO:**                              **EHC Prescott LP**  
**3514 Cedar Springs Rd**  
**Dallas, TX 75219**

**PROJECT #: CUP24-004**

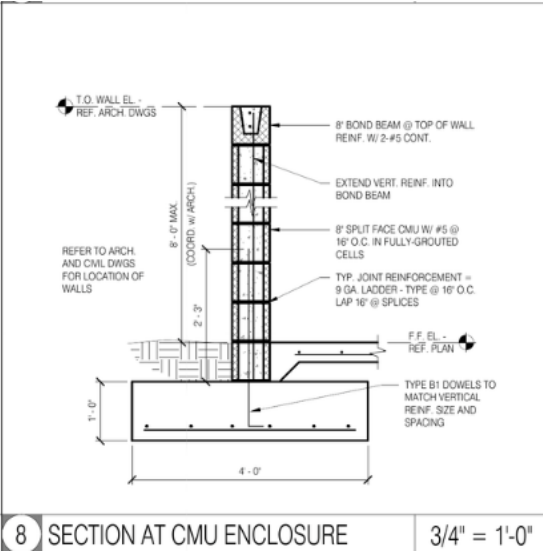
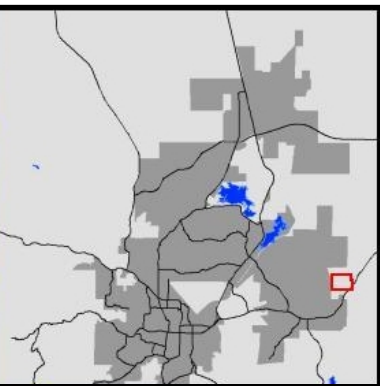
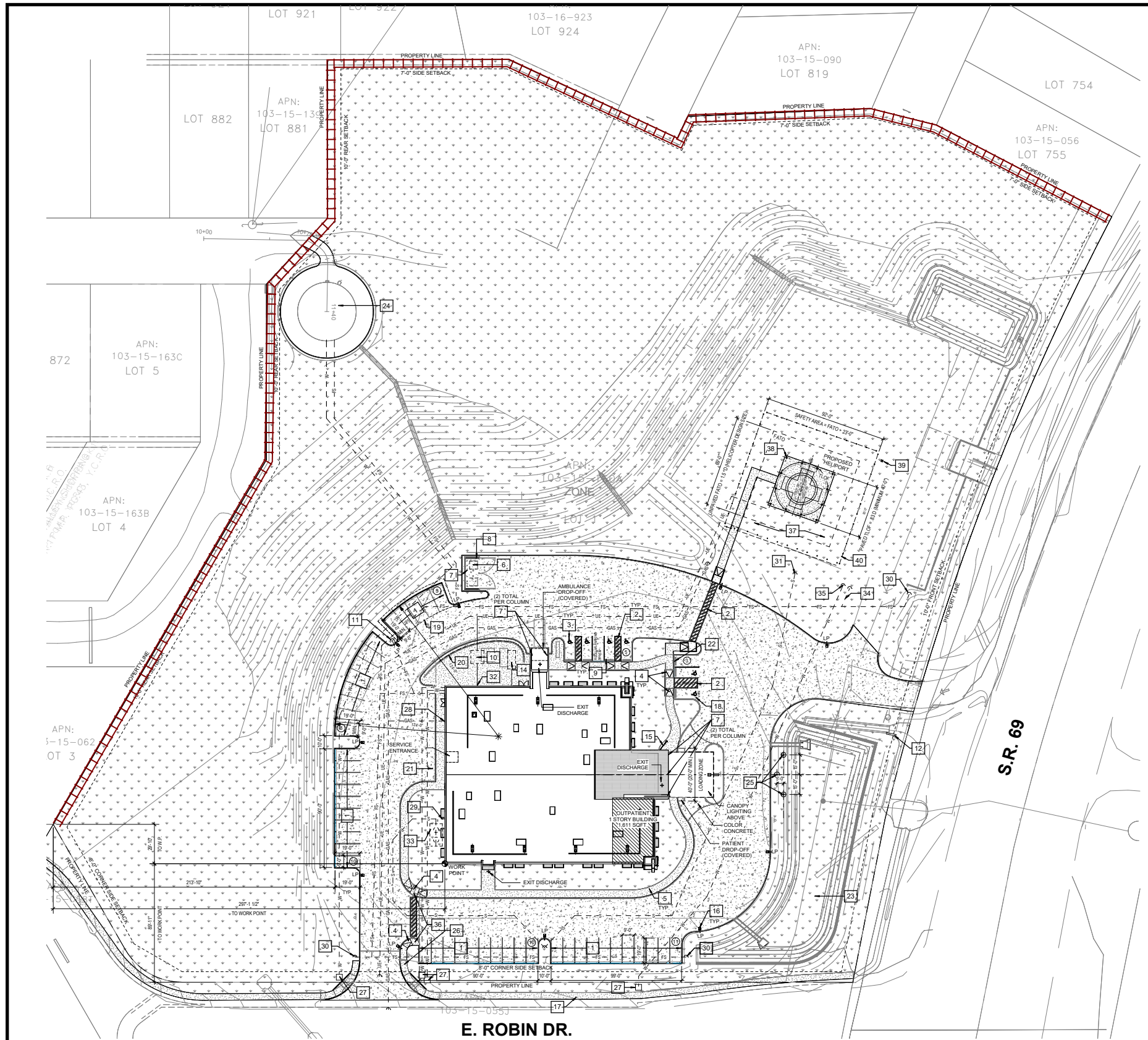
This notice is to inform you that the requested Conditional Use Permit (CUP) to allow a helicopter landing pad for use as a helistop in conjunction with the hospital with 3 conditions:

1. Screening 6' masonry wall to be placed on the north and west property line.
2. Additional landscaping, beyond approved landscaping, along frontage (SR 69) adjacent to the helipad and per the rendering provided by applicant at meeting.
3. The above conditions are to be completed prior to the final of the Building Permit for the helipad and initiation of use.

The City of Prescott's Board of Adjustment (BOA) voted on November 21, 2024, to approve the request for a Conditional Use Permit located at 4822 State Route 69.; APN: 103-15-160A;. An appeal of the BOA's decision (per Section 9.3.8. Appeal) may be filed within the 30 days following the BOA decision.

Per Section 9.3.7. Expiration/Revocation of Approval, construction of the project must be completed within the first 12 months following Board of Adjustment approval, or an extension may be requested to be approved by the Board of Adjustment.

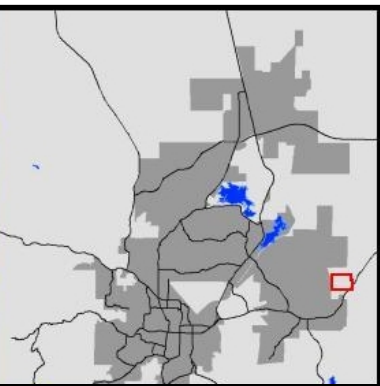
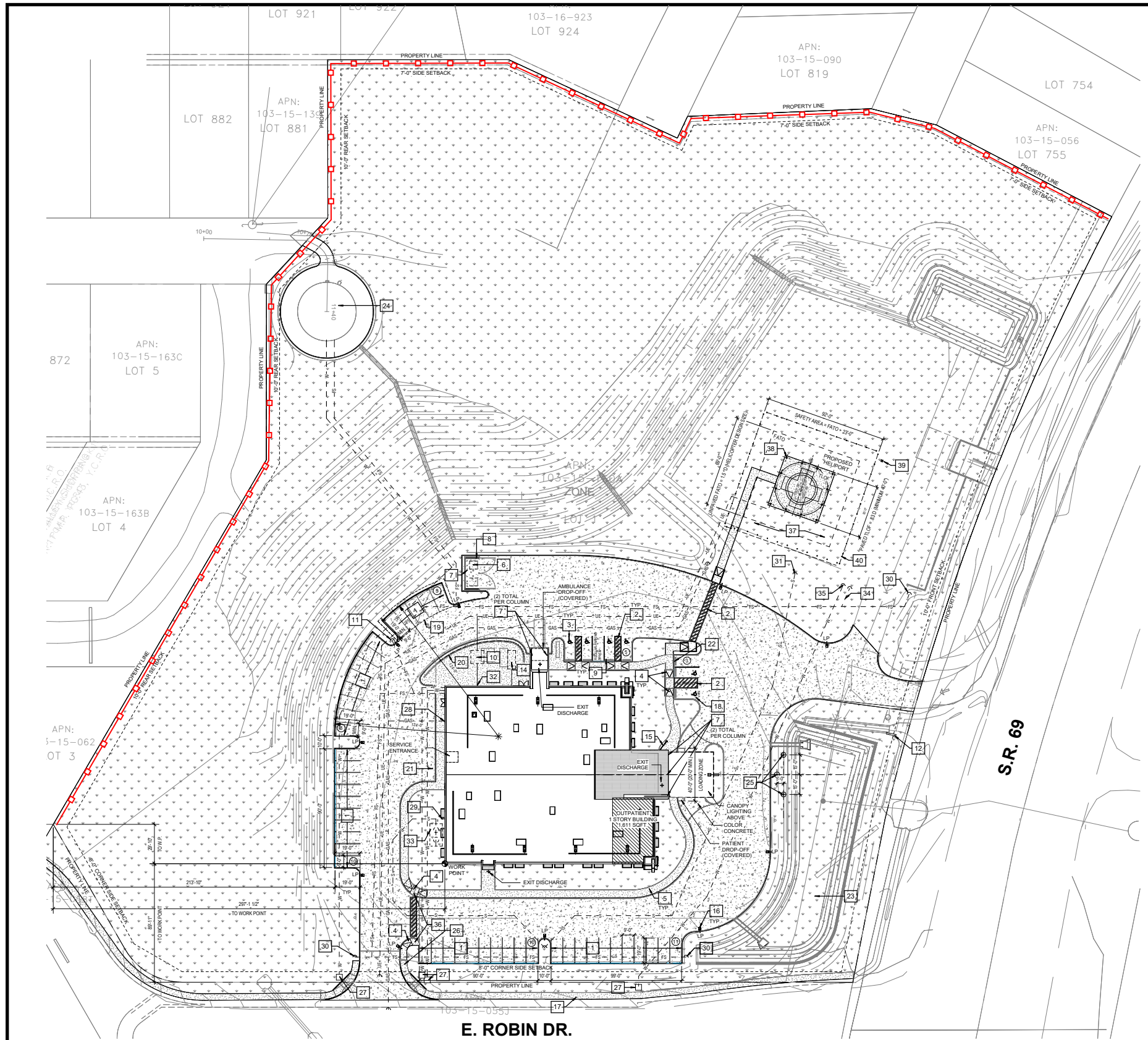
More information about Conditional Use Permits is available in the City's Land Development Code (LDC) Section 9.3 (available on the City of Prescott website: [www.prescott-az.gov/](http://www.prescott-az.gov/)). Please contact us at (928) 777-1405 with any questions you may have.



EXCEPTIONAL HEALTHCARE  
**Hospital - Prescott, Arizona**  
**PROPOSED FENCING PLAN**  
**CONCRETE MASONRY WALL**

 **OPTION -1A 6'-0" CMU WALL - 1250 TOTAL LINEAR FEET**  
**\$165,000.00 FOR MATERIAL AND INSTALLATION**



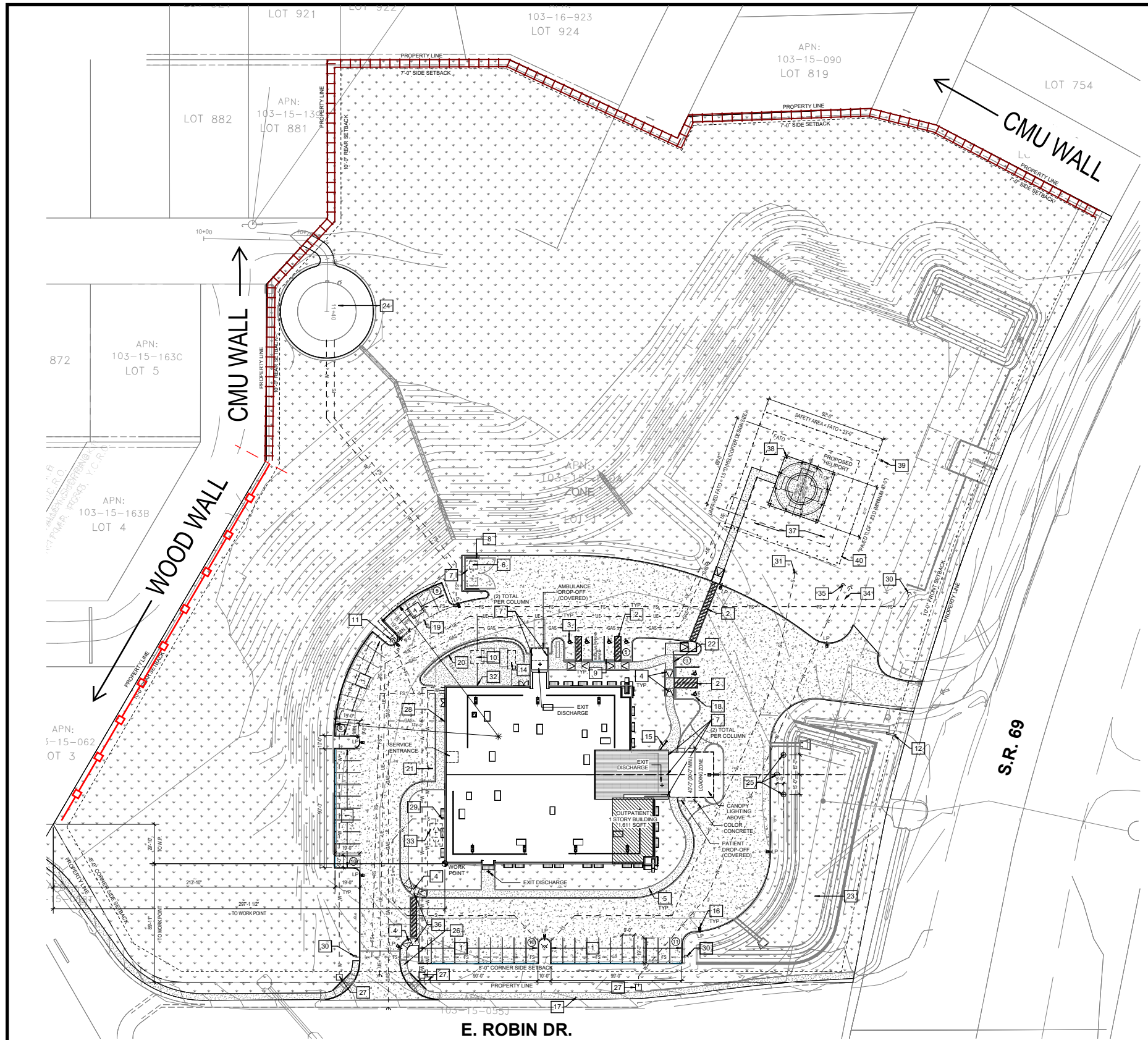


EXCEPTIONAL HEALTHCARE  
**Hospital - Prescott, Arizona**  
**PROPOSED FENCING PLAN**  
**WOOD FENCE WALL**



—○—○—○— **OPTION -1B 6'-0" WOOD FENCE WALL - 1250 TOTAL LINEAR FEET**  
**\$57,600.00 FOR MATERIAL AND INSTALLATION**



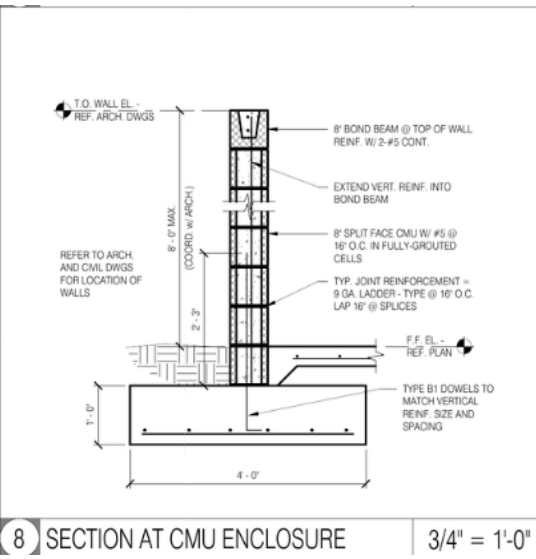


**OPTION 1C**

-  **6'-0" WOOD WALL - 320 TOTAL LINEAR FEET**
-  **6'-0" CMU WALL - 930 TOTAL LINEAR FEET**



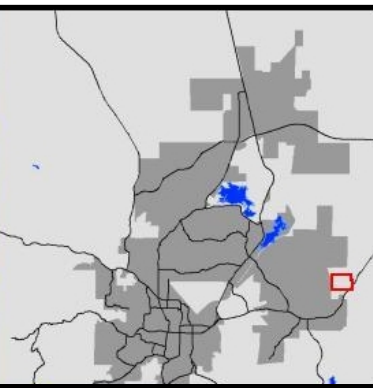
**TYPICAL CMU WALL**



**8 SECTION AT CMU ENCLOSURE** | 3/4" = 1'-0"



**TYPICAL WOOD WALL**



EXCEPTIONAL HEALTHCARE  
**Hospital - Prescott, Arizona**  
**PROPOSED FENCING PLAN**  
**WOOD AND CMU WALL**



**Tammy Dewitt**

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**From:** [REDACTED]  
**Sent:** Monday, June 9, 2025 3:54 AM  
**To:** Planning  
**Subject:** Hospital Property at 69 and Robin

Hi Just got The public notice in the mail about the helicopter pad at the Hospital FYI they have been using it. And they have 2 RV pads that people camp with their travel trailers I'm sure that's not permitted or on the approved plan. And they have a backflow preventer or a PRV part of the water system that is above ground with no box or freeze protection they just have a orange concrete blanket thrown over it. I'm sure all of this is not up to city standards or specifications or on the approved plan. Please forward to any other departments this fall under.

Thank You

CUP 24-004 REVOCATION HEARING JUNE 18, 2025 CITIZEN COMMENT DOCUMENTS ENTERED INTO BOARD OF ADJUSTMENT AGENDA PACKET ON JUNE 11, 2025 HAND DELIVERED:

NARRATIVE OF ANN FRIDAY RESIDENT OF PRESCOTT, AZ – 4 PAGES

NARRATIVE EXHIBITS 1 – 14 ANN FRIDAY RESIDENT OF PRESCOTT, AZ – 14 PAGES

LETTER SUBMITTED BY ASHLEY DEAN AND STEPHANIE BRAGG RESIDENTS OF PRESCOTT, AZ – 2 PAGES

LETTER SUBMITTED BY JAKE & GLENDA VANDERGALIEN RESIDENTS OF UNINC PRESCOTT, AZ – 2 PAGES

LETTER SUBMITTED BY DR. CHERYL HAMILTON BUSINESS OWNER PRESCOTT, AZ – 3 PAGES

EMAIL SUBMITTED BY HR DENNETT RESIDENT OF UNINC PRESCOTT, AZ – 2 PAGES

STATEMENT OF LARRY SPRINGER RESIDENT OF PRESCOTT, AZ - 1 PAGE

STATEMENT EXHIBITS A-D OF LARRY SPRINGER RESIDENT OF PRESCOTT, AZ - 10 PAGES

TOTAL PAGES ENTERED INTO THE BOA AGENDA PACKET – 38 PAGES

PUBLIC COMMENTS ON "CUP 24-004 REVOCATION OF CONDITIONAL USE PERMIT HELICOPTER "LANDING PAD" AKA FAA HELIPORT 38AZ EXCEPTIONAL COMMUNITY HOSPITAL BY Ann Friday Prescott, AZ

This hospital heliport was approved by the Board of Adjustment committee on Nov 21, 2024 based on false information provided to you by the City of Prescott Staff. Several of you rightfully expressed concerns about how this Conditional Use Permit approval had been previously handled by the City of Prescott. The explanation given to you for this abbreviated process by the city's Community Planner Tammy Dewitt was false when she told you that the city did not know about this heliport and had they known they would never have approved it. Instead she said, the applicant was "working with staff and going thru this process to get thru this to allow for it."

As a result of six months of my repeated City of Prescott records requests, I obtained many city documents that prove without a doubt the city knew originally of the hospital/heliport beginning on Oct 14, 2021, three years prior to your Nov 21, 2024 approval hearing. I have attached those city documents to my statement to prove this.

I discovered 7 different site plans with several different project numbers, some with the heliport and heliport notes and some with the heliport and heliport notes removed. The site plans presented in 2022 to Planning and Zoning and to City Council had the plan folded and the heliport and heliport notes removed, while the 2022 Water Services Advisory site plan had the heliport and heliport notes removed with a "Rough Grading Pad" drawn onto the heliport location. The site plan presented to you by Ms. Dewitt on Nov 21, 2024 containing the "Helipad Location" was Issued for Permit on Feb 7, 2022.

This CUP should never have been approved thru the Conditional Use Process. Hospitals with heliports are only allowed in Industrial zones per the city's Land Development Code. Ms. Dewitt stated in the BOA hearing that this parcel is zoned Business Regional with a corresponding land use designation in the General Plan of commercial which allows for a hospital. Ms. Dewitt never told you that a helicopter aircraft is not allowed in a parcel zoned Business Regional and is only permitted in Industrial zoning with a Special Use Permit (SUP). This land use is not permitted in the middle of residential neighborhoods or commercial development

according to the city's Land Development Code. Ms. Dewitt never told you this aircraft operation at this location requires both a rezoning and a Special Use Permit to operate at 4822 E Hwy 69, Prescott, AZ.

The FAA in a letter from Benjamin J. Mello dated Sept 23, 2024 states that "the FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected thru such means as local zoning ordinances ...". In this case, local zoning ordinances were not followed.

I urge you to vote to revoke the CUP allowing this AZ38 Heliport to operate at 4822 E Hwy 69, Prescott, AZ. Public safety is a top priority consideration.

Exhibit 1 – Original PAC application 21-159 dated 101421 signed by the applicant.

Exhibit 2 - 101421 PAC 21-159 with attached Site Plan A-0.1 showing the heliport on the Robin Drive side of the proposed hospital at 4822 E Highway 69, Prescott, AZ.

Exhibit 3 – Architectural Site Plan AS1.1 dated 3 months later titled "Issue for Permit" Feb 7, 2022 with Job number 2022-05 at 4822 E Highway 69 Prescott, AZ showing the proposed hospital heliport having been moved from the Robin Drive location on PAC 21-159 to the current location at the NE side of the hospital.

Exhibit 4 - This AS1.1 is the same site plan dated Feb 7, 2022 and presented to you on Nov 21, 2024 by Ms Dewitt, but folded to hide from you the dates and site plan notes 37, 38, 39 ,40 Hospital Heliport with a new label "Site Plan".

Exhibit 5 – New Site plan generated by the applicant with PAC 21-159 changed to new project number Site 22-008 at 4822 E Hwy 69 Prescott AZ and presented to the Planning and Zoning Commission on July 14, 2022 by Ms. Dewitt with no heliport on the site plan. Planning Zoning unanimously approved this hospital proposal minus the heliport and notes.

Exhibit 6 – New site plan dated April 21, 2022 with new project number WSA 22-009 at 4822 E Hwy 69 generated by Fin Development Inc and presented to Water Advisory Committee on August 2, 2022 with no heliport but with "Rough grading pad" drawn into heliport site. Presented by Public Works Director Gwen Rowitsch. Water committee unanimously approved this.

Exhibit 7 – P&Z 22-008 Site plan at 4822 E Highway 69 becomes City Council Site Plan job number Site 22-008 with both heliport and “Rough grading pad” removed and presented by Ms Dewitt to Mayor and Council members. Site 22-008 and WSA 22-009 are both presented to Mayor and Council. Dewitt states they both have identical site plans which is false since WSA 22-009 contains “Rough grading pad” while Site 22-008 is blank. Neither contain heliport or heliport notes. Unanimously approved.

Exhibit 8 – Permit Inspections notes City of Prescott dated August 13, 2024. City Inspector notes that helipad/drainage is already constructed without a permit. Someone at city, unidentified, gives the OK to proceed rather than issuing a Stop Work Order.

Exhibit 9 – Applicant submits undated letter of request for Conditional Use Permit for heliport to be used 365 days per year, 24/7. In an email to Ann Friday, Ms Dewitt states the Conditional Use Permit request was entered into the city record on Sept 13, 2024.

Exhibit 10 – Email dated Oct 7, 2024 from Dewitt to ADOT telling Richard Perez the city just found out last Friday (Oct 4, 2024) that the proposed helipad is already there. Email dated Oct 8, 2024 from affected resident Barry Golden to Ms Dewitt states that the helipad is already under construction and “Sure looks like a done deal to me”. Ms Dewitt emails Mr. Golden on Oct 9, 2024 stating that the city just found out about the helipad on Friday (Oct 4, 2024) and that the Board of Adjustment will take that into consideration in their decision. This information that the pad was already constructed without a permit issued by the City was not mentioned to the BOA committee in Dewitt’s Nov 21, 2024 presentation. Oct 30, 2024 email from Prescott city manager Dallin Kimble to his Executive Team stating that the applicant prefers to communicate thru David Cook a state senator, that the neighbors are getting upset with the idea of a helicopter pad, and “we’ll have to navigate carefully to get it over the finishing line.”

Exhibit 11 – Ms Dewitt tells the BOA committee on Nov 21, 2024 that the FAA has approved the Heliport.

Exhibit 12 - The official FAA record indicates the Hospital Heliport 38AZ was not activated until Dec 2024. Ms Dewitt describes the heliport as a “helistop” or a “helipad” when the FAA request is for a Heliport.

Exhibit 13 – Nov 21, 2024 BOA Thomas asks why wasn't this part of the application or why wasn't this considered for a zone change so that you have a permitted use of a heliport?" Dewitt responds, "We never knew there was going to be a proposed helipad here when we started the initial discussions with them."

Exhibit 14 – Email dated Nov 25, 2024 from Council member Cathey Rusing to Ann Friday. "Hi. To set the record straight, the original plans as submitted to City Council for approval had a helipad site....Community Development Staff should not have overlooked the helipad on the plans during their presentation, nor the Council, nor the applicants. Proximity to homes should have been addressed. As a result there was no public input or discussion at the time. Councilmember Rusing"

END – 14 Exhibit pages

4 Narrative pages

# EXHIBIT 1



CITY OF PRESCOTT  
COMMUNITY DEVELOPMENT DEPARTMENT  
201 SOUTH CORTEZ PRESCOTT, AZ 86303  
Ph: 928-777-1207 / F: 928-777-1258 / (TDD) 928-778-1100

## PRE-APPLICATION CONFERENCE APPLICATION

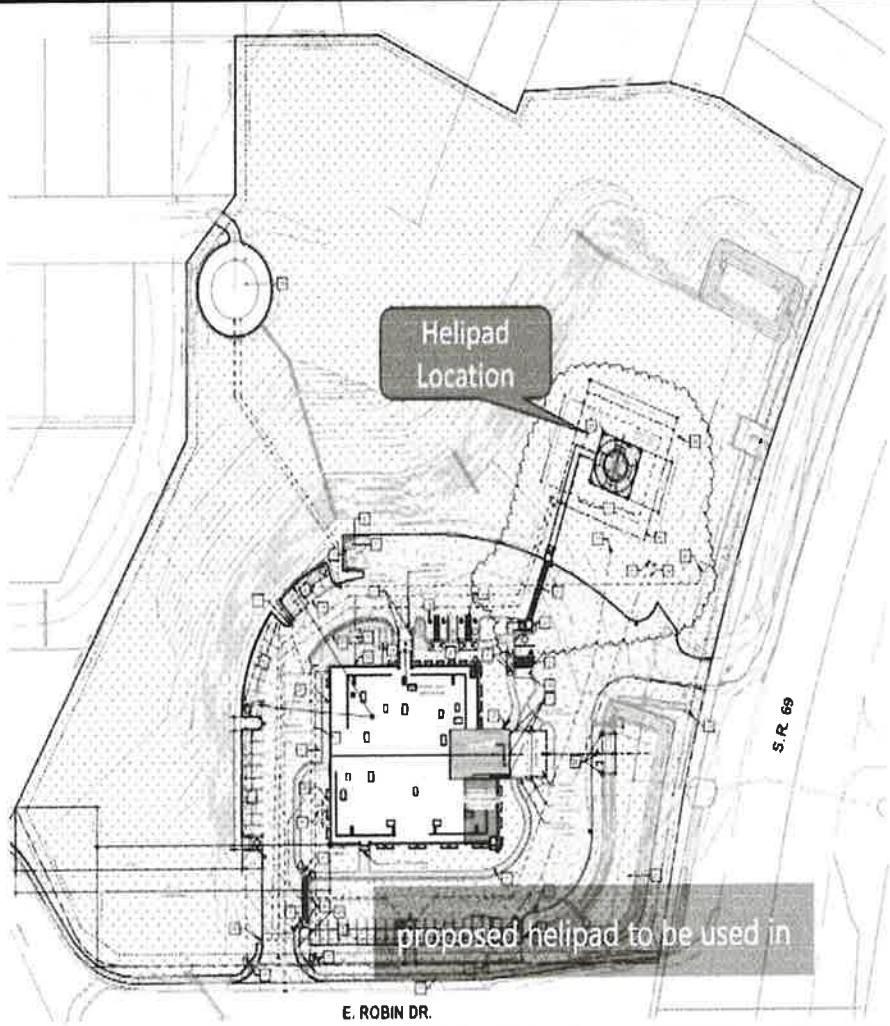
PAC No:	Mtg. Date/Time:
*Project Name: <b>EXCEPTIONAL HEALTHCARE</b>	
*Project Address: <b>E. ROBIN DR &amp; STATE ROUTE 69</b>	
*Assessor's Parcel #: <b>103 15 160A</b>	*Zoning: <b>RLL-12; BR(PAD)</b>
*Project Description: <b>SPECIALITY HOSPITAL</b>	
*Applicant/New Owner: <b>EMC PRESCOTT, L.P.</b>	Contact/Agent: <b>DON NICOLINI</b>
*Applicant Address: [REDACTED]	*(ZIP) [REDACTED]
*Phone: [REDACTED]	Cell: [REDACTED] Email: [REDACTED]
*Current Property Owner: <b>SAME AS ABOVE</b>	Contact/Agent: _____
*Owner's Address: _____	*(ZIP) _____
*Phone: _____	Cell: _____ Email: _____
Design Profession: <b>ROBERT DONALDSON</b>	Contact/Agent: [REDACTED]
Applicant Address: [REDACTED]	
Phone: [REDACTED]	Cell: [REDACTED] Email: [REDACTED]

I, the undersigned, certify that all of the facts set forth in this application are true to the best of my knowledge and that I am either the owner of the property, or that I have been authorized in writing by the owner to file this application.

**DON NICOLINI**      *Don Nicolini*      **10.14.21**  
Print Name of Applicant/Agent      Signature      Date







Site Plan

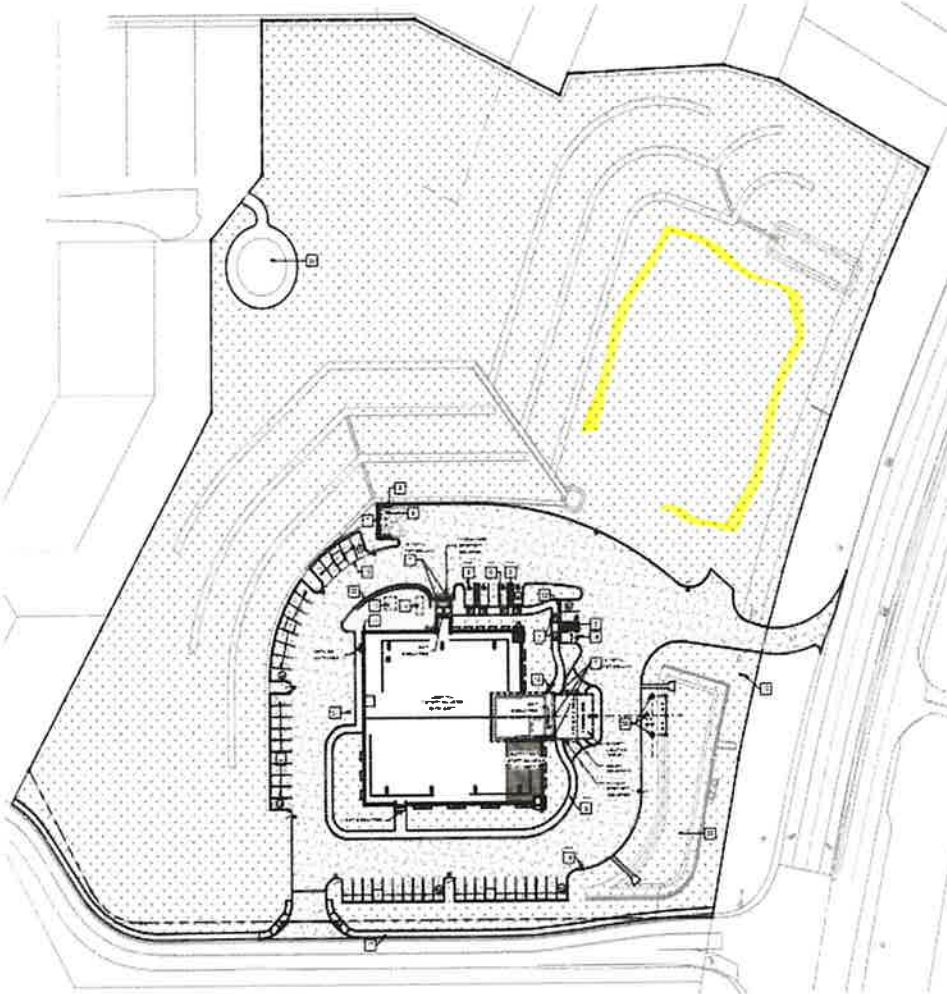
E. ROBIN DR.

S. R. 69

proposed helipad to be used in



# EXHIBIT 5 - NEW SITE PLAN 22-008 PLANNING & ZONING 071422



**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PRESCOTT PLANNING & ZONING ORDINANCES.
2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF PRESCOTT AND THE ARIZONA DEPARTMENT OF HEALTH SERVICES.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL PROVIDE ADEQUATE PAVEMENT AND DRAINAGE FOR ALL DRIVEWAYS AND PARKING AREAS.
5. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHTING FOR ALL EXTERIOR AREAS.
6. THE DEVELOPER SHALL PROVIDE ADEQUATE SECURITY MEASURES FOR ALL EXTERIOR AREAS.
7. THE DEVELOPER SHALL PROVIDE ADEQUATE FENCING FOR ALL EXTERIOR AREAS.
8. THE DEVELOPER SHALL PROVIDE ADEQUATE SIGNAGE FOR ALL EXTERIOR AREAS.
9. THE DEVELOPER SHALL PROVIDE ADEQUATE LANDSCAPING FOR ALL EXTERIOR AREAS.
10. THE DEVELOPER SHALL PROVIDE ADEQUATE UTILITY SERVICES FOR ALL EXTERIOR AREAS.
11. THE DEVELOPER SHALL PROVIDE ADEQUATE EROSION CONTROL MEASURES FOR ALL EXTERIOR AREAS.
12. THE DEVELOPER SHALL PROVIDE ADEQUATE WEED CONTROL MEASURES FOR ALL EXTERIOR AREAS.
13. THE DEVELOPER SHALL PROVIDE ADEQUATE PEST CONTROL MEASURES FOR ALL EXTERIOR AREAS.
14. THE DEVELOPER SHALL PROVIDE ADEQUATE FIRE PROTECTION MEASURES FOR ALL EXTERIOR AREAS.
15. THE DEVELOPER SHALL PROVIDE ADEQUATE SAFETY MEASURES FOR ALL EXTERIOR AREAS.
16. THE DEVELOPER SHALL PROVIDE ADEQUATE ACCESSIBILITY MEASURES FOR ALL EXTERIOR AREAS.
17. THE DEVELOPER SHALL PROVIDE ADEQUATE ENERGY EFFICIENCY MEASURES FOR ALL EXTERIOR AREAS.
18. THE DEVELOPER SHALL PROVIDE ADEQUATE WATER CONSERVATION MEASURES FOR ALL EXTERIOR AREAS.
19. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR QUALITY MEASURES FOR ALL EXTERIOR AREAS.
20. THE DEVELOPER SHALL PROVIDE ADEQUATE SOIL CONSERVATION MEASURES FOR ALL EXTERIOR AREAS.
21. THE DEVELOPER SHALL PROVIDE ADEQUATE NOISE ABATEMENT MEASURES FOR ALL EXTERIOR AREAS.
22. THE DEVELOPER SHALL PROVIDE ADEQUATE VIBRATION CONTROL MEASURES FOR ALL EXTERIOR AREAS.
23. THE DEVELOPER SHALL PROVIDE ADEQUATE CLIMATE CONTROL MEASURES FOR ALL EXTERIOR AREAS.
24. THE DEVELOPER SHALL PROVIDE ADEQUATE SOUND CONTROL MEASURES FOR ALL EXTERIOR AREAS.
25. THE DEVELOPER SHALL PROVIDE ADEQUATE LIGHT CONTROL MEASURES FOR ALL EXTERIOR AREAS.
26. THE DEVELOPER SHALL PROVIDE ADEQUATE HEAT CONTROL MEASURES FOR ALL EXTERIOR AREAS.
27. THE DEVELOPER SHALL PROVIDE ADEQUATE COOLING MEASURES FOR ALL EXTERIOR AREAS.
28. THE DEVELOPER SHALL PROVIDE ADEQUATE WARMING MEASURES FOR ALL EXTERIOR AREAS.
29. THE DEVELOPER SHALL PROVIDE ADEQUATE HUMIDITY CONTROL MEASURES FOR ALL EXTERIOR AREAS.
30. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR FLOW MEASURES FOR ALL EXTERIOR AREAS.
31. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR FILTRATION MEASURES FOR ALL EXTERIOR AREAS.
32. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR PURIFICATION MEASURES FOR ALL EXTERIOR AREAS.
33. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR DEODORIZATION MEASURES FOR ALL EXTERIOR AREAS.
34. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HUMIDIFICATION MEASURES FOR ALL EXTERIOR AREAS.
35. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR DRYING MEASURES FOR ALL EXTERIOR AREAS.
36. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR COOLING MEASURES FOR ALL EXTERIOR AREAS.
37. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR WARMING MEASURES FOR ALL EXTERIOR AREAS.
38. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HEATING MEASURES FOR ALL EXTERIOR AREAS.
39. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR COOLING MEASURES FOR ALL EXTERIOR AREAS.
40. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR WARMING MEASURES FOR ALL EXTERIOR AREAS.
41. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HEATING MEASURES FOR ALL EXTERIOR AREAS.
42. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR COOLING MEASURES FOR ALL EXTERIOR AREAS.
43. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR WARMING MEASURES FOR ALL EXTERIOR AREAS.
44. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HEATING MEASURES FOR ALL EXTERIOR AREAS.
45. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR COOLING MEASURES FOR ALL EXTERIOR AREAS.
46. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR WARMING MEASURES FOR ALL EXTERIOR AREAS.
47. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HEATING MEASURES FOR ALL EXTERIOR AREAS.
48. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR COOLING MEASURES FOR ALL EXTERIOR AREAS.
49. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR WARMING MEASURES FOR ALL EXTERIOR AREAS.
50. THE DEVELOPER SHALL PROVIDE ADEQUATE AIR HEATING MEASURES FOR ALL EXTERIOR AREAS.

**LEGEND**

SYMBOL	DESCRIPTION
(Symbol)	EXISTING BUILDING
(Symbol)	NEW BUILDING
(Symbol)	EXISTING DRIVEWAY
(Symbol)	NEW DRIVEWAY
(Symbol)	EXISTING PARKING
(Symbol)	NEW PARKING
(Symbol)	EXISTING FENCING
(Symbol)	NEW FENCING
(Symbol)	EXISTING SIGNAGE
(Symbol)	NEW SIGNAGE
(Symbol)	EXISTING LANDSCAPING
(Symbol)	NEW LANDSCAPING
(Symbol)	EXISTING UTILITY SERVICES
(Symbol)	NEW UTILITY SERVICES
(Symbol)	EXISTING EROSION CONTROL
(Symbol)	NEW EROSION CONTROL
(Symbol)	EXISTING WEED CONTROL
(Symbol)	NEW WEED CONTROL
(Symbol)	EXISTING PEST CONTROL
(Symbol)	NEW PEST CONTROL
(Symbol)	EXISTING FIRE PROTECTION
(Symbol)	NEW FIRE PROTECTION
(Symbol)	EXISTING SAFETY MEASURES
(Symbol)	NEW SAFETY MEASURES
(Symbol)	EXISTING ACCESSIBILITY
(Symbol)	NEW ACCESSIBILITY
(Symbol)	EXISTING ENERGY EFFICIENCY
(Symbol)	NEW ENERGY EFFICIENCY
(Symbol)	EXISTING WATER CONSERVATION
(Symbol)	NEW WATER CONSERVATION
(Symbol)	EXISTING AIR QUALITY
(Symbol)	NEW AIR QUALITY
(Symbol)	EXISTING SOIL CONSERVATION
(Symbol)	NEW SOIL CONSERVATION
(Symbol)	EXISTING NOISE ABATEMENT
(Symbol)	NEW NOISE ABATEMENT
(Symbol)	EXISTING VIBRATION CONTROL
(Symbol)	NEW VIBRATION CONTROL
(Symbol)	EXISTING CLIMATE CONTROL
(Symbol)	NEW CLIMATE CONTROL
(Symbol)	EXISTING SOUND CONTROL
(Symbol)	NEW SOUND CONTROL
(Symbol)	EXISTING LIGHT CONTROL
(Symbol)	NEW LIGHT CONTROL
(Symbol)	EXISTING HEAT CONTROL
(Symbol)	NEW HEAT CONTROL
(Symbol)	EXISTING COOLING
(Symbol)	NEW COOLING
(Symbol)	EXISTING WARMING
(Symbol)	NEW WARMING
(Symbol)	EXISTING HEATING
(Symbol)	NEW HEATING
(Symbol)	EXISTING HUMIDITY CONTROL
(Symbol)	NEW HUMIDITY CONTROL
(Symbol)	EXISTING AIR FLOW
(Symbol)	NEW AIR FLOW
(Symbol)	EXISTING AIR FILTRATION
(Symbol)	NEW AIR FILTRATION
(Symbol)	EXISTING AIR PURIFICATION
(Symbol)	NEW AIR PURIFICATION
(Symbol)	EXISTING AIR DEODORIZATION
(Symbol)	NEW AIR DEODORIZATION
(Symbol)	EXISTING AIR HUMIDIFICATION
(Symbol)	NEW AIR HUMIDIFICATION
(Symbol)	EXISTING AIR DRYING
(Symbol)	NEW AIR DRYING
(Symbol)	EXISTING AIR COOLING
(Symbol)	NEW AIR COOLING
(Symbol)	EXISTING AIR WARMING
(Symbol)	NEW AIR WARMING
(Symbol)	EXISTING AIR HEATING
(Symbol)	NEW AIR HEATING

**HELIPORT AND HELIPORT NOTES 37-40  
REMOVED FROM SITE PLAN**

PROJECT # 22-008

**SAEED MAHMOUDI ARCHITECTURE**  
1001 W. WASHINGTON AVENUE  
PHOENIX, ARIZONA 85001

EXCEPTIONAL HEALTHCARE  
**Hospital - Prescott, Arizona**

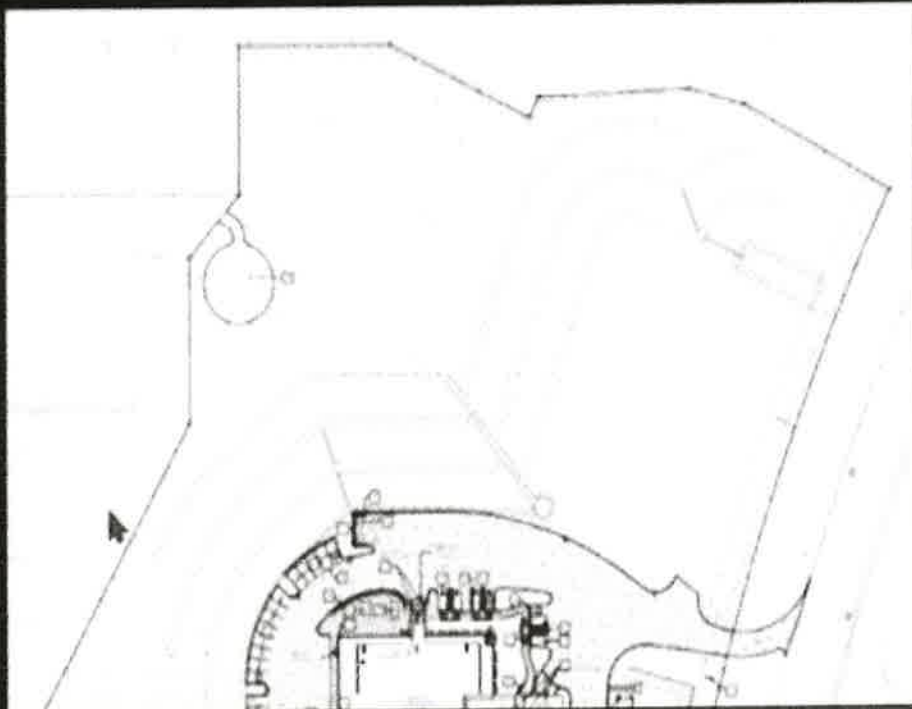
400 E. STATE STREET, 8TH FLOOR  
PRESCOTT, AZ 86302

DATE: 02/20/24

PROJECT: 22-008



# EXHIBIT 7 CITY COUNCIL SITE PLAN




here's a site plan that was provided with the water service application

▶ ▶ 🔊 56:48 / 2:14:22 ⏸ CC ⚙️ 🗑️ 🗑️

COMBINED WITH WSA 22-009 WHICH CONTAINS "ROUGH GRADING PAD". NOT THE SAME SITE PLANS AS STATED BY DEWITT.

# EXHIBIT 8

 <b>Permit Inspections</b> <b>City of Prescott</b>					
7/24/2024	7/24/2024	PW - GRADING	Dillon Schiffilea	PROCEED	
Notes: Contractor continued to haul of material from excavation.					
8/13/2024	8/13/2024	PW - GRADING	Dillon Schiffilea	PROCEED	Heli pad/ drainage
Notes: Met with contractor regarding concerns involving changes to the plans without being submitted to COP for approval upon being constructed. Contractor is aware of the concerns and choses to proceed.					
8/22/2024	8/22/2024	PW - EROSION AND SEDIMENT CONTROL	Dillon Schiffilea	PROCEED	

**Two years later, August 13, 2024 suddenly the Heliport is discovered by the City Inspector and already built:**

City of Prescott Permit Inspections Report, from 8/25/22 through November 12, 2024. Specifically, on August 13, 2024, under the heading "helipad/drainage," inspector Dillon Schiffilea noted that "Met with contractor regarding concerns involving changes to the plans without being submitted to COP for approval upon being constructed. Contractor is aware of the concerns and choses to proceed."

**Notice that the City of Prescott in that month Aug 13, 2024 allowed the unapproved non permitted Helipad construction to PROCEED.**

**Who OK'd this at the city? City Manager Dallin Kimble told me on Feb 28, 2025 he does not know who allowed it to proceed. He says they were told to stop and to go thru Board of Adjustment, but no paper Stop Work Order was ever produced.**

# EXHIBIT 9 - UNDATED CUP REQUEST



City of Prescott  
Planning and Zoning  
201 N Montezuma Street,  
Prescott, AZ 86301

## RE: Conditional Use Permit Narrative

Exceptional Healthcare is proposing a hospital heliport, a private use facility that consists of a landing surface with no fueling, defueling, maintenance, repairs, or structures providing storage of a helicopter. Flatwork, markings, lighting, fencing, and wind cone will be provided per FAA Advisory Circular **AC150/5390-2d** Heliport design. Anticipated impact on the surrounding area to be minimal, historic data from Exceptional Healthcare's other facilities provide for one helicopter transfer per day. Due to the nature of a hospital, hours of operation for the heliport will be 24 hours a day, 365 days a year, when the necessity of transport arises. The heliport will be accessible by the hospital staff only, and sited so as to not cause a disruption to any ordinary hospital activities and travel by visitor or emergency vehicle.

Robert Donaldson AIA  
BMH AsBuilt USA

**Post BOA Hearing, Dewitt reports the UNDATED Cup request was "received in the project record on September 13, 2024."**

Hi Tammy, Hope your Thanksgiving went well. Would you please provide the date of this undated CUP request letter which is in the Agenda packet Page 6 of 32.

Thanks, Ann Friday

----- Forwarded Message -----

**Subject:**RE: CUP 24-004 App 22-008 Site Plan Review

**Date:**Mon, 2 Dec 2024 15:46:17 +0000

**From:**Tammy Dewitt <[REDACTED]>

**To:**Ann Friday <[REDACTED]>

Hi Ann, We received the Narrative in the project record on September 13, 2024.

Cheers, Tammy **Tammy Dewitt** Community Planner Community Development

# EXHIBIT 10

On Mon, Oct 7, 2024 at 2:59 PM Tammy Dewitt <[REDACTED]> wrote:

Hi Richard,

I was checking to see if ADOT has concerns with the proposed helipad, that is already there. We found out last Friday that it is already constructed.

This application is going to be reviewed by the Board of Adjustment on November 21<sup>st</sup>. Please provide any comments before that so we can include them in the packet.

Please let me know if you have any questions!

Cheers,  
Tammy

*Tammy DeWitt*  
Community Planner  
Community Development

From: "Barry Golden"

To: "Tammy Dewitt" <[REDACTED]>

Date: 10/9/2024 11:15:08 AM

Subject: Re: Helicopter landing pad

Tammy,

Thank you for the reply regarding the landing pad construction. My trust in Prescott City Government has been restored.

Barry

On Oct 9, 2024, at 8:15 AM, Tammy Dewitt <tammy.dewitt@prescott-az.gov> wrote:

Good Morning,

We just found out about the helipad being there on Friday. They did not get a permit or approval from the City before constructing it. The Board of Adjustment will take that into consideration when making their decision whether to allow the helipad to continue to be there and get permitted. Any decision made by the Board of Adjustment is appealable to Superior Court.

Please feel free to contact me with any other questions.

Cheers,

Tammy

Tammy DeWitt Community Planner Community Development

From: Barry Golden

Sent: Tuesday, October 8, 2024 5:53 PM

To: Tammy Dewitt <[REDACTED]>

Subject: Re: Helicopter landing pad

Hi Tammy,

I live about 100 yards west of the hospital, on Robin Drive, and I can see workers preparing the helicopter pad for concrete. Sure looks like a done deal to me.

Barry Golden

OCTOBER 30, 2024....CITY MANAGER KIMBLE WRITES: ). "The leadership for Exceptional Hospital is based in Texas and seems to prefer communicating through David Cook, who is a state senator for an odd-shaped district stretching from Coconino to Pinal (i.e. not here). Of course, the neighbors are getting upset with the idea of a helicopter pad and commenting on errors they think they've found in the construction. There's more to this, but all just to say there seems to be a bit of politics and chaos surrounding this one and we'll have to navigate carefully to get it over the finishing line.

My best,

Dallin Dallin Kimble

City Manager"

From: "Dallin Kimble" <[REDACTED]>

To: "Executive Team"

# EXHIBIT 11

1:35:06 Logan Westmoreland – “I don’t understand, if it’s such an important thing to their operation I think somebody should have picked the location that had this pad. It was already approved. Not afterwards if it means that much to them. Another thing, it sounded like even if it is not approved, they’re going to do it anyway. They’re going to fly in there anyway. So I’m not sure why we’re having this.” Thank you.

1:35: Jake and Glenda Vandergalien – the flight will be coming in along 69 which is about 80 ft from our home and it will echo and we own an AirBNB also. We’re desperate, we’re on social security....

1:39 BOA members discuss the wall and screening there.

1:39 Chair Lamerson – I heard them say they are going to land there anyway. So they don’t need this pad.

**1:40 BOA Hutchison shoes and socks pizza and beer they live together (ER hospital and pad)**

**1:42:30 BOA Thomas Davis – “I’m a little frustrated by this, by the process here. Like you said the shoes and socks comment laughs is uh this should have been contemplated and went thru the original process when the original development regarding to the planning, zoning, and city council. It should have been included at that time and uh I you know as I pointed out hospitals are permitted in this zone, heliports, helipads are not in this zone. So we have, you know a we have a conditional use I guess, precedent setting already on these applications. So I just, I just frustrated by the process, but that the process is too bad. And and so that I agree with my fellow commissioners that regarding the fence is not, I think there should be a wall so I would eliminate the word fence or in the recommended action. Little frustrated by the fact that we are uh basically having to put a band aid on a landing spot for a helicopter. Um and um it’s unfortunate we’ve got to this point. Hopefully the process and the definition of hospital will include helipads altogether in the future.” That’s my feeling and “I agree with the Chairman the helicopter will land there anyway.”**

1:44 BOA Hokeness describes conditions. Talk ensues about wood chips v gravel

1:46:12 Prescott City Manager Dallin Kimble - I’m going to hop in as the attorney for the Board and just say the FAA rules and regulations are going to have to be complied with anyway. So I don’t think it needs to necessarily be a condition. It’s an advisory circular um so its its recommended.” INTERRUPTED BY DEWITT

1:46:29 Dewitt “We can’t enforce that. A staff, a staff that will be overseeing? You know to make sure the conditions, we we cannot that’s not something as a city staff that we can enforce, **um that’s a federal regulation that they have to comply with as part of their licensing....they have gone thru the FAA and got FAA approvals. We have that information and so that’s been sent to our airport so that they understand that there’s a potential landing pad here. So they’re filing all the FAA regulations that they are supposed to adhere to.”**

**1:47:20 Chair Lamerson “Now with that you’re saying we already got the FAA approved, approvals? Was that conditional with a landing pad?”**

**1:47:25 Dewitt “Yes that was a request for this for this site.”**

**1:47:28 Chair Lamerson “Thank you, thank you that makes a whole lot of difference.”**

1:47:50 BOA Hutchison I made a stab at reading the 156 page circular and I visited the site and talked to the foreman and he showed me the rip rap the heavy rip rap going to be used.

Motion made to approve CUP with no conditions, second by Hutchison, fails 4 :2 argument ensues over what the motion was actually. Motion made to approve with conditions identified on Recommended Action sheet. Discussion over removing the fence. Davis wants to see the wall built as the fence doesn’t do the job. The **landscaping must be completed before the use is initiated of the helipad.** Discussion on additional landscaping, masonry wall along north and west side, so we’ve amended the motion and I will support that.

1:53:58 **Public Jake Vandergalien- “We are being completely disregarded....When the helicopter comes along 69 they are coming right in front of our house. And when they are idling all that audio is going to be bounced off those walls over into our house. Remember there is a whole cliff there on the side, it’s going to ricochet the audio right over into our properties and our neighbors’ properties, which they all work. They weren’t able to be here today.”**

Glenda Vandergalien - **“And we’re less, we’re less than a hundred feet away.”** (From Hwy 69 flight path)

Jake Vandergalien - “We’re right next to Hwy 69 and that’s where the flight path is gonna be, it’s gonna come across Hwy 69 and right

# EXHIBIT 12

38AZ

## Exceptional Community Hospital Heliport

Official FAA Data Effective 2025-05-15 0901Z



Location Information for 38AZ

Coordinates: N34°33.52' / W112°22.85'

Located 05 miles E of Prescott, Arizona. View all [Airports in Arizona](#).

Estimated Elevation is 5335 feet MSL.

Operations Data

Heliport Use: Private Use

Activation: December 2024

Date:

Status: Operational

Control No

Tower:

Seg-Circle: No

Beacon: None

A.R.T.C.C.: ALBUQUERQUE

F.S.S.: PRESCOTT

Sectional Chart:

Airspace Analysis: CONDITIONAL

Attendance:

Airport Communications

ASOS at PRC (6.1 N): 127.2 928-541-3850

ATIS at PRC (6.1 N): 127.2

AWOS-3 at P52 (19.9 NE): 119.925 928-634-0916

Nearby Navigation Aids

ID	Name	Freq	Radial / Range	ID	Name	Freq	Bearing / Range
DRK	DRAKE	114.10	136° 9.9				
FLG	FLAGSTAFF	113.85	210° 49.6				
PAN	PAYSON	116.35	280° 55.0				
INW	WINSLOW	112.60	235° 83.9				

Runway P1

TLOF 40X40 FT; FATO 68X68 FT; SA 88X88FT; INGRESS/EGRESS 360/360 - 090/090.

Dimensions: 40 x 40 feet / 12 x 12 meters

Surface: Concrete

Edge Lighting: Perimeter

Coordinates: N34°33.52' / W112°22.85'

N0°0.00' / E0°0.00'

Elevation: 5335.0

Ownership Information

Ownership: Privately Owned

Owner: EXCEPTIONAL HEALTHCARE DON NICOLINI

3514 CEDAR SPRINGS ROAD

DALLAS, TX 75219

469-341-7800

Manager: DON NICOLINI

3514 CEDAR SPRINGS ROAD

DALLAS, TX 75219

469-341-7800

Nearby Airports with Instrument Procedures

ID	Name	Heading / Distance
KPRC	Prescott Regional/Ernest A Love Field Airport	341° 6.1
P52	Cottonwood Airport	058° 20.0
KSEZ	Sedona Airport	059° 34.1
KCMR	H A Clark Memorial Field Airport	011° 45.7
KFLG	Flagstaff Pulliam Airport	045° 49.5
KDVT	Phoenix Deer Valley Airport	164° 54.2
KPAN	Payson Airport	108° 54.8
KSDL	Scottsdale Airport	157° 60.8
KLUF	Luke AFB Airport	180° 61.3
KGEU	Glendale Regional Airport	176° 61.9
40G	Valle Airport	009° 66.4
KGYR	Phoenix Goodyear Airport	179° 68.0

# EXHIBIT 13

50:50 Hutchison So a patient comes in during the golden hour. Are you at a disadvantage not having a helicopter pad Gilbert says I think it could delay care, it could be a disadvantage, yeah. So if its available, I think not having it would be at a disadvantage in serving the community....we have no MRI just a cat scan.

52:51 Thomas "The property's zoned business regional, hospitals are allowed, I think its wonderful, that we have more medical facilities available to us in the community. UM Why wasn't this part of the application or why wasn't this considered for a zone change so that you have a permitted use of a heliport?"

53:13 Gilbert "That's something for them to answer when they I'll I'll let whoever submitted the application. Your team can maybe answer that."

53:35 Niccolini "Robert Donaldson, who is the director of our architecture is here and he would be the one to answer that question."

53:43 Dewitt " "Uh Chairman, I can probably help to answer that too.

53:48 Lamerson "Anything you can do to move it along would be helpful.

53:51 Dewitt "Regarding applying for a zoning change, it was never discussed. First off, we we we never knew or discussed. We never knew there was going to be a proposed helipad here when when we started the initial discussions with them. Business Regional does allow, that's in compliance with our General Plan. This is a commercial corridor in Industrial and is not a supported use within the General Plan. So we never would have suggested that. So the business regional allowed for the proposed use. Um the Helipad because it is a health stop um we do allow those with a conditional use permit in the business regional zoning district. So there was no need for a rezoning. This is the process for them to go thru for this. If we would have known about this at the very beginning, we would have had them go thru this process when we did our site plan review and such. So but, since we have found out about it they have been working with staff and going thru this process to get thru this to allow for it."

55:35 Native Air speakers and local operations – Provides map to show noise abatement procedures.

56:25 Keely Lamberson Native Air (Not to be confused with BOA Chair Jim Lamerson) "We are a Part 1 135 operator for Air Methods". "We are the largest air medical company in the US. We have 450 air bases across the nation. So for this location we are not based at this location. We are based in Prescott and Prescott Valley. We have two bases here. We will be coming from either direction depending on the call and who is available."

57:09 Hokeness "So let me try to fill in the blanks.. " You say Prescott and Prescott Valley, Are you talking about Prescott Valley hospitals and Prescott hospital? Are you talking about Prescott Airport?"

57:18 Lamberson - "Prescott Valley hospitals."

57:20 Hokeness – "so those are the two approved FAA landing sites?"

57:21 Lamberson – "Correct" ...So the noise abatement procedure you have in front of you, we will be coming along 69 to get into the hospital depending on weather. We would come in and out, east and west. And we would stay over the highway until we are about 500 ft and then we would turn in whichever direction we need , either we are going to Flagstaff or to Phoenix. We can get to Phoenix in 35 or 45 minutes depending on which side of Phx we go to.

58:00 Hokeness "Are these noise abatement procedures proposed, approved? Lamberson "These are approved for our company Air Methods." Hokeness "Which FAA approved them?"

58:20 Lamberson "No FAA. These are our approved Air Method procedures that we're going to follow the policy in and out of this hospital. We don't have to have any FAA noise abatement procedures.....only VFR approved.....day or night? Both. And under NVG at night....that is night vision goggles at night.

59:12 Hutchison.....will the landscaping grow tall and create an obstruction. Lamberson – the landing pad has to be 100 X 100 in which we can land. And so the landscaping will not encroach on that hundred by hundred. And fence.

59:58 Fredrickson ....lot of conversation about the helicopter associated with the facility, .....the focus of what we are looking for.....beyond just a straight up yes or no would be if it is yes what the conditional uses that we might put on it ....discusses fence and landscaping that might have any immediate impact upon the neighbors that are adjacent .....or any meaningful impact on the disturbance of the (69) traffic going by. ...."I know there's already been discussion about the landing pad over at the very busy

From: "Chelsea Walton" <[REDACTED]>  
 To: "Dallin Kimble" <[REDACTED]>  
 Date: 11/25/2024 2:04:38 PM  
 Subject: RE: Helicopter pad approved for Exceptional Healthcare Hospital along Highway 69  
 Attachments: [8.23.22 Council Voting Session Packet - Excerpt for Exceptional Healthcare Site Plan Approval.pdf](#)

Interesting. Also, attached is the information staff had on the project and what Council reviewed. No heliport /helistop/helipad mentioned

**Chelsea Walton**  
 Director  
 Community Development

[REDACTED]

From: Dallin Kimble <[REDACTED]>  
 Sent: Monday, November 25, 2024 1:33 PM  
 To: Chelsea Walton <[REDACTED]>  
 Subject: FW: Helicopter pad approved for Exceptional Healthcare Hospital along Highway 69

FYSA

**Dallin Kimble**  
 City Manager



[REDACTED]

From: Cathey Rusing <[REDACTED]>  
 Sent: Monday, November 25, 2024 1:25 PM  
 To: Virginia Ingram [REDACTED]  
 Cc: Ann Friday [REDACTED]; Phil Goode <[REDACTED]>; Dallin Kimble <[REDACTED]>; Cathey Rusing <[REDACTED]>  
 Subject: Helicopter pad approved for Exceptional Healthcare Hospital along Highway 69

Hi! To set the record straight, the original plans as submitted to City Council for approval had a helipad site. Community Development staff never included the helipad in their discussion, nor did anyone on council bring it up, including me. Also, the representatives for the facility never brought it up. As a long time rural AZ resident, Medivac choppers are critical to rural areas for transport to level one trauma centers, or for neonatal transfers to ICU's, or for anyone who needs critical care not provided by the local hospitals. YRMC has a medivac chopper flying out of the middle of town at a busy intersection. I remember when we didn't have one stationed there. It had to fly up from Phoenix to pick up a patient, then fly back. The Exceptional Care facility is a glorified urgent care facility with Medicare approved overnight stays. It is designed as a "lucrative investment" (terminology from their website). Time will tell how often the Chopper will be used. Due to a shortage of Doctors and medical care in the area, we need to balance the pros and the cons of a new facility such as this.

Community Development Staff should not have overlooked the helipad on the plans during their presentation, nor the Council, nor the applicants. Proximity to homes should have been addressed. As a result, there was no public input or discussion at the time. Councilmember Rusing

From: Virginia Ingram <[REDACTED]>  
 Sent: Monday, November 25, 2024 9:48 AM  
 Cc: Cathey Rusing <[REDACTED]>; Eric Moore <[REDACTED]>; Lois Fruhwirth <[REDACTED]>; Ted Gambogi <[REDACTED]>; Dallin Kimble <[REDACTED]>; Mary Mallory <[REDACTED]>

11/25/2024

Tammy DeWitt  
City of Prescott  
Community Development Planner



June 10, 2025

RE CUP 24-004

Please be advised that I am writing this letter under duress as I learned today that the PUBLIC NOTICE I received on Saturday, June 7 that a PUBLIC HEARING, regarding the Review for Revocation of the Conditional Use Permit of the helicopter landing pad, now has a deadline of June 11, 2025, to submit any questions or comments for the June 19 hearing! It smacks of a deterrent to allow adequate time for public input.

My husband and I live in Yavapai Hills within a close proximity of the Exceptional Healthcare Facility property listed with the helicopter landing pad. We have lived in our home for over 48 years in this beforehand quiet bedroom community. We attended the Public Meeting prior to the opening of the hospital to express our explicit concerns regarding the helicopter landing pad at that time. In fact, at the end of that meeting, someone from the Hospital group representatives asked the committee to add another point which was granted. He then advised the Board that the FAA had given permission for the helicopter landing application. He did not present a record of that that agreement, nor did anyone from the committee ask for proof or a copy of the FAA permit. One board member looked at the other members and said “ well, that’s a game changer” and asked are we ready to take a vote. They made a motion to vote and all except one member voted in the affirmative.

Our objections to the landing pad were and are as follows:

1. The noise factor of a low flying helicopter landing and taking off at all times of a 24 hour period. There were no recommendations or limitations given at the meeting.
2. Our home is within a 1,000 yard perimeter of the hospital. In between our house and the hospital property are multiple electric poles and electric lines which are an extreme danger to a helicopter hitting them under certain weather conditions and even black outs or any number of pilot error. These electrical poles, also located in the Diamond Valley area homes behind us and extend down to HWY 69.
3. The Exceptional Care Community Hospital is surrounded by hundreds of residential homes located in Diamond Valley and Yavapai Hills. No consideration was given for any of our safety or noise pollution of the helicopters flying at low altitude over our homes. Our home is directly used as a flight landing path. The noise is deafening and even rattles our windows with the vibration!
4. The FAA lists this landing pad as a Heliport! According to my google search of the meaning of a HELIPORT in Arizona, it says quote...

“ In Arizona, heliports can be used by various parties, including emergency medical service, police departments, and other organizations with specific needs.” It goes on to state they can be used by other public services or private use by individuals or companies with private helicopters for personal or business travel. Isn't that just grand? So, are there any limitations listed by the FAA in this regard?

5. We are very offended that the City of Prescott has not given proper time to alert our neighbors to the time limit to appeal with our concerns. I am most aggravated that in fact only a few of the homes within a radius of the hospital had received this limited notification and had no knowledge whatsoever that there was a Review of the Revocation of the Conditional Use Permit at all! Even our neighbors across the street from us did not get notified! What are you all trying to hide, except to ramrod this through without the citizens of Prescott having the opportunity to express their views and in particular, the hundreds of homeowners in Yavapai Hills and Diamond Valley.

Both my husband and myself are emphatically against the City of Prescott authorizing the Use Permit for the Property located at 4822 E. State Route 69 (Property owner: EHC Prescott LP. APN : 103-15-160A

Most Sincerely,  
Ashley Dean and Stephanie Bragg



**Subject:** Helipad public hearing

**From:** Jake Vandergalien <[REDACTED]>

**Date:** 6/11/2025, 9:09 AM

**To:** Ann Friday <[REDACTED]>

**Subject: Helicopter Activity—Ongoing Disruptions and Concerns**

Since the last hearing, our lives have continued to be disrupted by frequent helicopter flights directly over our property—often startling us awake. One member's suggestion that this would amount to a “nothing burger” has proven painfully inaccurate.

On multiple occasions, I've seen these helicopters flying over congested traffic. It's unsettling to consider how easily a serious accident could occur. Whether it's one car or ten, even a single incident would be tragic.

These aircraft regularly pass within 300 feet of our home and even closer to the Airbnb we operate. Guests have already commented on the noise. If just one of them leaves a critical review, it could cost us future bookings. And when that happens, it won't be the hospital or the city bearing the consequences—it will be my wife and me alone.

I also understand there was discussion about building a block wall to mitigate the impact for nearby residents. Yet despite being the closest to the flight path, our property wasn't included—likely because we fall just beyond Prescott city limits in Yavapai County. There has been no activity on the ordered walls either.

The flights continue, even multiple times a day. We're not just dealing with noise—we're being asked to shoulder the risk and the consequences on our own.

Thank you,  
Jake & Glenda VanderGalien

8:56



Julie Ikezoe

Unit 19 · 1w · 🌐



Heads up on the exceptional hospital on hwy 69. My husband went in with A fib we were there 4 hours and they had to transfer him to Dignity. Only test was X-ray and lab work, we got a bill for \$36,000. He was in Dignity for three days our bill was \$16,000. Exceptional hospital has yet to show us an itemized bill. Also make sure your insurance will cover this hospital because so far we've heard it's not in network!!! Also heard from a medical person they are very shady in their billing. !

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June 10, 2025

RE: Revocation Review of CUP 24-004

Greetings City of Prescott Board of Adjustment Members,

I implore you to revoke the Conditional Use permit for the helicopter pad at located at 4822 E Highway 69, Prescott, AZ 86301

My concerns are expressed in the interest of

1. The permit violated the zoning of the address (BR - Business Regional). Please see table 2.3 of the Permitted Use Permit. Why do we have zoning if we are not going to conform to the regulations set forth by them?
2. The health of patients attending my practice
3. The health of those of us living in the area
4. Safety of those driving in the area
5. Decline in residential property value

All are affected by increased noise. At the hearing for the conditional use permit, Exceptional Health showed the decibel levels of the Eurocopter AS 350 B2, a helicopter designed specifically for flying in populated areas and stated this craft would most likely to be used by an air transport company. It was also stated the noise was no more than a hair dryer at 89 dBs. A hair dryer does not vibrate my picture windows, make the neighborhood dogs bark and come on during sleeping hours. A hair dryer does not hover around my residence for 15 minutes waiting for wind conditions to allow descent.

According to Harvard Medicine Magazine, "...noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease; type 2 diabetes; sleep disturbances; stress; mental health and cognition problems, including memory impairment and attention deficits; childhood learning delays; and low birth weight. Scientists are investigating other possible links, including to dementia."

Please note the property is bordered on all sides by residential properties. We were not informed, nor were we allowed to comment on the approval of a hospital in this predominantly residential area in regard to the increase in delivery,

[REDACTED]

[REDACTED]



## Health & Healing Center

patron and employee traffic and siren noise from the emergency vehicles. Many hope it will increase their property value and it may. Helicopter noise, however, definitely does not!

As you may be aware, the decibel scale is logarithmic. This means that loudness is not directly proportional to sound intensity. Instead, the intensity of a sound grows very fast. A sound at 20 dB is 10 times more intense than a sound at 10 dB, and would be perceived as twice as loud.

People who work around helicopters wear ear protection for a reason. An article by [AV Foil News](#) admits excessive noise has been one of the most pressing issues in the helicopter industry.

According to the [Hearing Health Foundation](#), sounds above 70 dB can damage hearing over time, so what does 89 dB do to our hearing? Although it is difficult to find studies on noise from helicopters, [this study](#) of a UH-60 Black Hawk helicopter noted 105 dB, which is well above the level of damage. Purdue University posted [this comparison](#) of sound sources citing the Bell J-2A helicopter at 100 dB at 100 feet. In this article, titled, "[Why Are Helicopters So Loud? A Pilot Explains](#)" one can learn how the decibels of the helicopter change with the weight carried as well as how the different disturbances of air affect the interpretation of sound with ascent vs decent.

I would also like to point out the rather obvious issue of the distraction of the helicopter to drivers on Highway 69. The road already has a concrete block center to try to lower the number of accidents!

Advertisements for the Exceptional Community Hospitals include critical care transportation [24 hours a day, every day](#). This means that everyone in the area has been subject to a helicopter taking off and landing at all hours of the day and night. This includes increased risk to their property and their lives since helicopter crashes are common, which is supported with a quick read of [USA Today's article](#), "With 6 dead in New York, a look at notable fatal helicopter crashes in recent US history".



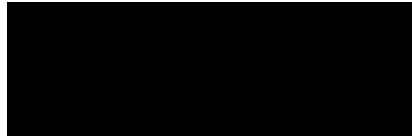
# Health & Healing Center

June 10, 2025

Please take the time to educate yourself about noise pollution and revoke the conditional use permit.

Thank you for your time and careful consideration.

Cheryl Hamilton, NMD  
Health and Healing Center



**Subject:** Re: URGENT NOTICE - HELIPORT REVOCATION HEARING - DOCUMENT DEADLINE JUNE 11, 2025 8 AM

**From:** Hur Dennett <[REDACTED]>

**Date:** 6/10/2025, 6:33 PM

**To:** Ann Friday <[REDACTED]>

Exceptional Hospital Helicopter glide path:

Dear Mrs Friday ,

Current landings have been by traveling West/Southl on Highway 69 coming in right at Ramada Dr .  
The very tall power poles close to the intersection there , are in that pathway .  
Maybe there should only be daytime flights/landings .

Best Regards ,  
H. R. Dennett



On Tue, Jun 10, 2025, 1:49 PM Ann Friday <[REDACTED]> wrote:

i just got a phone call from the city of Prescott, Jacob Lund, regarding the June 19th 2025 Revocation Review of CUP 24-004 located at 4822 E Highway 69, Prescott, AZ 86301 of a helicopter "landing pad" (it is officially a Heliport per FAA records) telling me that **the City will give us until tomorrow June 11th** to provide our comments/documents/letters for inclusion into the Board of Adjustment hearing Agenda packet. **This is the only way that our records and our opposition to the heliport will be included in the permanent record.**

I told him we only learned of this hearing this past weekend and that was too short a time frame to allow us to provide our documents. It is my opinion the city is doing this short time cut off deadline to prevent any citizen opposition to the heliport being included into the permanent revocation hearing record.

**BOTTOM LINE:**

Now is the time to get your comments or letters of opposition or your description of how the heliport operation has or may negatively affect you **into the permanent city file.**

If you will email them to me by 8 am tomorrow morning, I will print them out and take them with my own documents down to city hall to have the city time stamp the receipt of our documents so they must include them into the permanent city record.

I cannot do it alone so I need to hear from you with your emailed documents by 8am tomorrow June 11th if you have objections to its continued 24/7 365 days operation.

We will also have a 3 minute comment period to speak at the June 19,2025 hearing at 9am at Prescott City Hall.

This is most likely our one and only opportunity to do what we can to revoke this Conditional Use Permit 24-004 which should never have been approved.

Please let me hear from you ASAP. [REDACTED]

Ann Friday Prescott

**City of Prescott  
Conditional Use Permit  
Application  
CUP24-004  
4822 E State Route 69  
June 19, 2025  
Board of Adjustment  
PUBLIC HEARING**

PUBLIC NOTICE is hereby given that a public hearing will be held before the City of Prescott Board of Adjustment on Thursday, June 19, 2025 at 9:00 a.m. to consider the following request:

CUP24-004, Review for Revocation of the Conditional Use Permit to allow the inclusion of a helicopter landing pad at the north side of the hospital site adjacent to State Route 69 in a BR (Business Regional) zoning district. Property location is 4822 E State Route 69 (Property owner: EHC Prescott LP, APN: 103-15-160A, encompassing 9.2 acres).

Interested parties are encouraged to email [planning@prescott-az.gov](mailto:planning@prescott-az.gov) in order to obtain information about attending and/or submitting questions and commentary about this project.

Should you need further information, please contact Community Development Community Planner, Tammy DeWitt at (928) 777-1405 ext. 4965.

STATEMENT OF LARRY SPRINGER, RESIDENT OF PRESCOTT, AZ REGARDING DEFICIENCIES AND SAFETY ISSUES RELATED TO THE 38AZ EXCEPTIONAL COMMUNITY HOSPITAL HELIPORT:

After obtaining and reviewing relevant documents and permits, it is clear that the 38AZ Hwy 69 Heliport has serious compliance/safety deficiencies.

Exhibit A – Letter dated Sept 23, 2024 from the Federal Aviation Administration to the Exceptional Healthcare Applicant regarding “Notice of Heliport Airspace Analysis Determination” contains conditions to be met for a “No objection” opinion for the FAA to approve the construction and operation of a heliport to serve the Exceptional Community Hospital in Prescott, AZ. As of June 8, 2025, several of these conditions have not been met.

1. Specifically, a non-obstructive wind indicator (e.g. “a wind sock”) is to be maintained adjacent to the takeoff/landing area located outside the safety area and not penetrate the approach/departure surfaces. No wind indicator is currently present.
2. A Heliport identification beacon is optional, but recommended for night operations. Such a beacon is not currently present.
3. The landing area is limited to private use day/VFR unless a wind indicator is properly lighted. A wind indicator is currently not present.
4. The takeoff/landing area is to be appropriately marked to include the standard “H” marking, TPDC, and gross weight/overall length markings. These markings are to be properly aligned with the preferred approach routing. None of these markings are present – See photo taken June 8, 2025 Exhibit A.

Exhibit B – Project Reviews City of Prescott CUP 24-004 Helipad dated 10/24/2024 – Mitigation of noise and lights impact on adjacent residential properties for the Board of Adjustment consideration.

The Board of Adjustment ruled on Nov 21, 2024 that the 38AZ heliport must have additional landscaping for screening from the Hwy 69 traffic to reduce the distraction of motorists transiting the highway during helicopter operations. No such screening has been installed. See photo taken June 8, 2025 in Exhibit B.

Note – A prior traffic fatality has occurred at his exact location on Hwy 69 emphasizing the importance of minimizing driver distractions. This is a high priority public safety issue. The Board was not informed of this prior traffic fatality at the Nov 21, 2024 hearing.

Exhibit C – Summarizes the high number of aircraft crashes resulting in personal injury and/or property damage during a 42 day period from Jan 18, 2025 thru March 1, 2025 resulting in 84+ fatalities. The residents living in close proximity to 38AZ Heliport live in a state of anxiety fearing such an aviation accident happening in their neighborhood. Exhibit C clearly shows that a heliport has no place within a residential neighborhood which is why the BR zoning does not allow one.

Exhibit D – News article dated Dec 13, 2024 sourced by Air Methods “Native Air receives First Responder” status. This designation allows the pilot to identify a safe place to land a helicopter and enables the medical crew to begin patient care immediately upon arriving. Prior to receiving this designation, the helicopter had to remain in the air until first responders on the ground secured a landing zone. As a result of this change, the emergency hospital no longer requires a formal heliport. The Board was not informed by the city that Native Air was in the process of securing the First Responder status which was granted within days of the hearing.

END OF EXHIBITS – 10 PAGES



September 23, 2024

TO:  
Exceptional Healthcare  
Attn: Don Nicolini



**NOTICE OF HELIPORT AIRSPACE ANALYSIS DETERMINATION  
ESTABLISH PRIVATE USE HELIPORT  
\*\*CONDITIONAL NO OBJECTION\*\***

The Federal Aviation Administration (FAA) has conducted an aeronautical study under the provisions of Title 14 of the Code of Federal Regulations, Part 157, concerning:

RE: *(See attached Table 1 for referenced case(s))*

Table 1 - Letter Referenced Case(s)

ASN	Prior ASN	Heliport Name	Description	Location	Latitude (NAD83)	Longitude (NAD83)	Heliport Elevation (feet)
2024-AWP-6751-NRA		EXCEPTIONAL COMMUNITY HOSPITAL	LAP ASN # 2024-WSA-189-LAP- New privately owned and operated hospital heliport.	Prescott, AZ	34-33-31.46N	112-22-50.88W	5335

Our aeronautical study has determined that the private use heliport will not adversely affect the safe and efficient use of airspace by aircraft provided the following conditions are met and maintained. Reference FAA Advisory Circular (AC) 150/5390-2, Heliport Design (Current version).

The heliport meets and maintain the standards of FAA Advisory Circular 150/5390-2D Heliport Design, including (but not limited to) the Touchdown and Liftoff Area (TLOF), Final Approach and Takeoff Area (FATO), Safety Area (SA), Approach/Departure (A/D) Surface Areas and establish an acceptable level of safety for helicopter operations.

The landing area is limited to private use, DAY/VFR, unless the takeoff/landing area and wind indicator are properly lighted for night operations.

Heliport identification beacon is optional but recommended for night operations.

A non-obstructing wind indicator(s) is maintained adjacent to the takeoff/landing area, located outside the Safety Area, and not penetrate the approach/departure surface.

The takeoff/landing area is appropriately marked to include the standard "H" marking, TDPC, and gross weight/overall length markings (PPR optional). These markings be properly aligned with the preferred approach routing.

The heliport should be constructed with the following minimum dimensions: 40 feet for the Touchdown and Liftoff Area (TLOF), 69 feet for the Final Approach and Takeoff Area (FATO), and 92 feet for the Safety Area. The dimensions stated here are for the design helicopter (AS-350) which the proponent indicated would be the most demanding helicopter operating at the heliport. (ref: Table 2-1) PER Fig 2-11 Add 290 feet to FATO, 2.8.5: FATO Additional Length for Higher Elevations. At elevations above 1000 feet (305 m) MSL, a longer FATO provides an increased safety margin and greater operational flexibility. For ground-level heliports, provide the additional FATO length required, as shown in Figure 2-11. Design the minimum distance between the TLOF perimeter and the FATO perimeter to be no less than 0.34 D of the design helicopter to provide an increased safety margin and greater operational flexibility. For elevated heliports above 1000 feet (305 m) MSL, performance characteristics of helicopters using the facility may be considered in lieu of, or in conjunction with, an additional FATO length, in particular related to Hover-Out-of-Ground Effect (HOGE)

VFR Approach/Departure Lateral Extension is applied to this heliport for obstacle clearance (ref: FAA AC 150/5390-2D para. 2.12

Confirm that the 8:1 slope (7.125°) is satisfactory from the forward edge of the FATO to 4000 feet. All headings should be magnetic headings from the landing area using the center of the TLOF as the reference point unless otherwise described in the notes/comments. All Helicopter approach/departure route operations are conducted with a confirmation that the 8:1 slope is clear of obstructions.

All approach/departure route(s) to be confirmed/adjusted during construction on-site evaluation.

Any heliport on-site aircraft refueling operations should be conducted in accordance with FAA regulations, National Fire Protection Pamphlet (NFPA) 407/418 series, State, and local Fire Marshall Requirements.

Fire protection is provided in accordance with NFPA 10/407/418 series, State, and local fire codes and AC 150/5390-2D.

Unauthorized persons are restrained from access to the takeoff/landing area during helicopter flight operations by use of a non-obstructing safety barrier. This barrier is to be located outside the Safety Area and not penetrate the FAA AC 150/5390-2D approach/departure surface area. If fence type barrier is installed, recommend/option marking upper horizontal support bar with reflective markings to support night flight operations/pilot situation awareness. If a non-obstructing safety barrier is not feasible, recommend personnel be present to limit pedestrian access during operations.

"CAUTION HELICOPTER OPERATIONS" type signage be affixed near entrance(s) and perimeter of heliport. Refer to FAA AC 150/5390-2D para 7.3.1 for examples.

Due to the close proximity of Prescott Reginal Ernest Love Field (PRC)t apply standard ATC (i.e., VFR/UNICOM) communications for flight operations coordination.

The heliport proponent should establish a maintenance program to ensure the heliport landing surface is maintained in a satisfactory condition. The proponent should also reexamine obstacles in the vicinity of the approach/departure paths on an annual basis in accordance with AC 150/5390-2 (as amended). Any new

obstacles noted will be forwarded to the Airport District Office Benjamin.j.mello@faa.gov and FAA Flight Standards via email 9-AVS-AFS420W@faa.gov

A post construction heliport evaluation may be completed within 45 days of heliport construction completion. Contact FAA Flight Standards via email to schedule the evaluation when nearing completion. To expedite your request, include the assigned Landing Area Proposal number 2024-AWP-6751-NRA.

In order to avoid placing any unfair restrictions on users of the navigable airspace, this determination is valid until 9/23/2025. Should the heliport not be established by 6/12/2025, an extension of our determination should be requested in writing by 5/13/2025. Should you not elect to establish the heliport, please notify the FAA in writing by 4/13/2025.

This determination does not mean FAA approval or disapproval of the physical development involved in the proposal. It is a determination with respect to the safe and efficient use of the navigable airspace by aircraft and with respect to the safety of persons and property on the ground. In making the determination, the FAA has considered matters such as the effect the proposal would have on existing or planned traffic patterns of neighboring airports, the effects it would have on the existing airspace structure and projected programs of the FAA, the effects it would have on the safety of persons and property on the ground, and the effects that existing or proposed manmade objects (on file with the FAA) and known natural objects within the affected area would have on the heliport proposal.

The FAA cannot prevent the construction of structures near a heliport. The heliport environment can only be protected through such means as local zoning ordinances or acquisitions of property in fee title or aviation easements, letters of agreement, or other means. This determination in no way preempts or waives any ordinances, laws, or regulations of any government body or agency.

Be advised, in accordance with 14 CFR Part 157, any construction, alteration to, or abandonment of the subject heliport requires notice to the FAA for aeronautical review. Notice for these actions can be given using FAA Form 7480-1, "Notice for Construction, Alteration, and Deactivation of Airports", and returned to my attention.

If you have any questions concerning this determination or completion of the Airport Master Record form, please contact me at [REDACTED] or at [REDACTED]

Sincerely,

Benjamin J. Mello

Specialist

**Signature Control No: 631126338-633954155**

SITE - PROVIDE SLEEVE ONLY (RE:CIVIL)

- 36. PROVIDE TRUNCATED DOMES AT ALL VEHICULAR TRAFFIC CROSSINGS
- 37. HOSPITAL HELIPORT- PRIVATE USE CONSISTS OF LANDING SURFACE WITH NO FUELING, DEFUELING, MAINTENANCE, REPAIRS, OR STRUCTURES PROVIDING STORAGE OF HELICOPTER - **PROVIDE FLATWORK, MARKINGS, LIGHTING, AND WIND CONE PER CIVIL DRAWINGS AND FAA ADVISORY CIRCULAR AC150/5390-2D HELIPORT DESIGN. RE: 12/AS1.2**
- 38. PROVIDE INGROUND LIGHT FIXTURE RE: 13/AS1.2
- 39. **PROVIDE WINDCONE ASSEMBLY INTERNALLY LIT 10' ON CONCRETE RE: 11/AS1.2**
- 40. **PROVIDE 5'-0" HIGH CHAIN METAL SECURITY FENCE. PROVIDE GATE**

15. IN THE EVENT THE BUILDING CONTRACTOR IS DIFFERENT THAN THE SITE CONTRACTOR, THE BUILDING CONTRACTOR SHALL VERIFY THAT BUILDING PAD CONSTRUCTION IS COMPLETE, AND OBTAIN A COPY OF THE PAD CERTIFICATE PRIOR TO START OF BUILDING CONSTRUCTION. FORWARD COPY OF THE BUILDING PAD CERTIFICATE TO THE OWNER AND ARCHITECT.

**SITE TABULATION**

SITE AREA:	8.93 AC
BUILDING AREA:	20.724 SF

**Hospita**

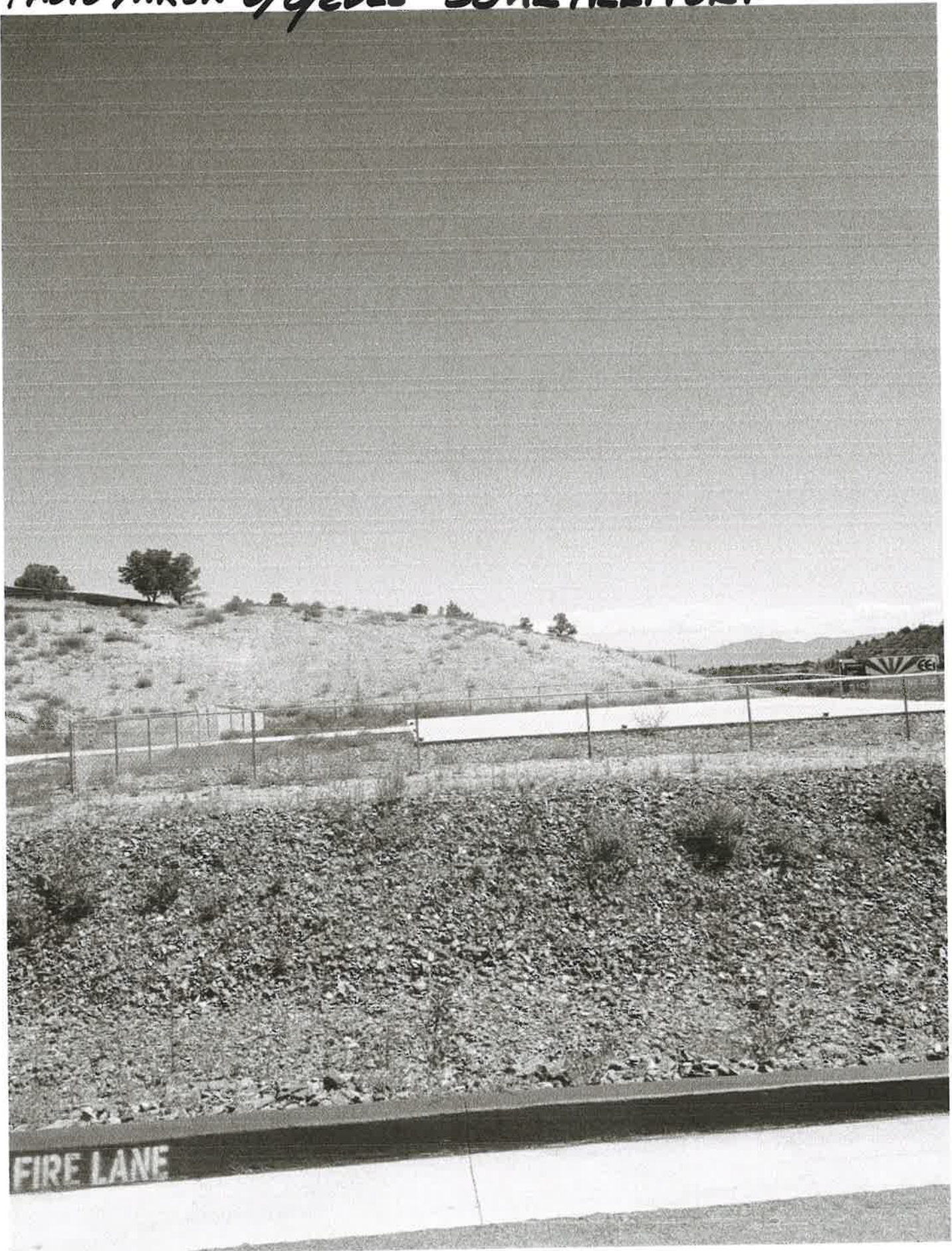
4822 E. STATE ROUTE 69

**DRAWING ISSUES:**

ISSUE FOR PERMIT 02/07/2022

**SITE PLAN HELIPORT NOTES DATED 02/07/22**

PHOTO TAKEN 6/8/2025 381Z HELI PORT



**Project Number: CUP24-004**

Description: **HELIPAD**

Applied: **9/10/2024**

Approved:

Site Address: **4822 E STATE ROUTE 69**

Closed:

Expired:

City, State Zip Code: **PRESCOTT, AZ 86303**

Status: **OUT FOR CORRECTIONS**

Applicant: **BMH As-Built USA**

Parent Project:

Owner: **EHC PRESCOTT LP**

Contractor: **BMH As-Built USA**

Details:

LIST OF REVIEWS						
SENT DATE	RETURNED DATE	DUE DATE	TYPE	CONTACT	STATUS	REMARKS
Review Group: ALL						
10/17/2024	10/23/2024	10/25/2024	AP - AIRPORT REVIEW	John Kuebrich	CORRECTIONS REQUIRED	Added Late
Notes:						
Please Verify and Provide documentation for the following items.						
1. Written sign off for clearance from ADOT confirming the proximity of the Helipad to SR69.						
2. Provide Site Study and Adherence for Touchdown and Liffoff area (TLOF), Final Approach and Take Off (FATO), Visual Flight Rules (VFR) Approach/Departure Paths and Transitional Surfaces. This is to provide sufficient airspace clear of hazards to allow safe approaches to and departures. Please refer to FAA Advisory Circular 150/5390-2C						
3. Provide Review and Adherence for Electromagnetic effects. Nearby electromagnetic devices, such as a magnetic resonance imaging machine (MRI), large ventilator motor, elevator motor, or other large electrical consumer may cause temporary aberrations in the helicopter magnetic compass and interfere with other onboard navigational equipment. Be alert to the location of any MRI with respect to the heliport location. A warning sign alerting pilots to the presence of an MRI is recommended. Take steps to inform pilots of the locations of MRIs and other similar equipment. For additional information, see FAA Technical Report FAA/RD-92/15, Potential Hazards of Magnetic Resonance Imagers to Emergency Medical Service Helicopter Services.						
Review Group: CONDITIONAL USE PERMIT						
9/13/2024	10/24/2024	9/27/2024	CD - PLANNING AND ZONING REVIEW	Tammy DeWitt	CORRECTIONS REQUIRED	ROUND 1 REVIEW
Notes:						
An email was sent on October 17th with questions from ADOT that need to be addressed. Staff is also requesting information on how you will mitigate any impacts from noise or lights from the adjacent residential properties for the Board of Adjustment to take into consideration.						
9/13/2024	9/18/2024	9/27/2024	F - FIRE PLAN REVIEW	Keith Eaton	APPROVED	ROUND 1 REVIEW
Notes:						
See attached response on next page.						
9/13/2024	9/30/2024	9/27/2024	PW - PUBLIC WORKS REVIEW	Chris Blackmore	APPROVED	ROUND 1 REVIEW
Notes:						
Please reference ADOT response and FAA review.						

**FROM THE NOV 21, 2024 BOA HEARING – ADDITIONAL LANDSCAPING REQUIRED:**

1:47:50 BOA Hutchison I made a stab at reading the 156 page circular and I visited the site and talked to the foreman and he showed me the rip rap the heavy rip rap going to be used.

Motion made to approve CUP with no conditions, second by Hutchison, fails 4 -2 argument ensues over what the motion was actually. Motion made to approve with conditions identified on Recommended Action sheet. Discussion over removing the fence. Davis wants to see the wall built as the fence doesn't do the job. The **landscaping must be completed before the use is initiated of the helipad**. Discussion on additional landscaping, masonry wall along north and west side, so we've amended the motion and I will support that.

Motion passes 5 -1. Chair Lamerson only NO.

**PHOTO TAKEN 6/8/25 LANDSCAPE TRAFFIC BUFFERING**



# EXHIBIT C

14 aircraft accidents in 42 days Jan - March 1, 2025 84+ dead

There have also been extremely high numbers of aircraft crash incidents: 84+ persons have lost their lives in 14 aircraft incidents in a 42 day period. Jan 18, 2025 a small plane crash on Perkins Road shoulder in Prescott. On Jan 28, 2025 an 81 million dollar F35 fighter jet crashed during a training mission at Eielson Air Force Base in Alaska, on Jan 29, 2025 a helicopter/plane crash in DC, on Jan 30, 2025 the Medevac transport crash in Philadelphia setting multiple residential homes ablaze and bystanders on fire from the jet fuel explosion, on Feb 6, 2025 a plane contracted by the U.S. military crashed in the Philippines, killing a U.S. service member and three military contractors, on Feb 7, 2025 a Bering Air plane out of Nome AK crashed, killing 10, on Feb 9, 2025 a small plane crashed into another plane at the Scottsdale airport killing one and injuring several, and on Feb 12, 2025 a military jet crashed into San Diego bay with two pilots requiring a water rescue, Feb 18, 2025 small plane crash Covington, Georgia 2 dead, Feb 17, 2025 Delta airlines flipped at Toronto Canada Pearson Airport, Feb 19, 2025 in Marana, Ariz. a midair collision involving two small planes in southern Arizona killed at least two people, 02/24/2025 AirLink Medical Helicopter Crash North Carolina with tail number N930NH, Feb 26, 2025 a flight that took off from a Baltimore County airport crash-landed on a mountain in Vermont Wednesday. March 1, 2025 **FedEx Flight 3609** was on **fire** after take-off from Newark Airport in Newark, N.J., requiring emergency landing.

The residents living in close proximity to AZ38 live in anxiety to such an aviation accident happening to them. AZ38 does not belong in the middle of residential neighborhoods.

# EXHIBIT D



## Native Air Receives First Responder Status

13-Dec-2024

Source: Air Methods

Patients in central Arizona can now receive emergency air medical care faster thanks to Native Air 4 and 14 in Prescott and Prescott Valley recently obtaining first responder status. This designation allows the pilot to identify a safe place to land the helicopter and enables the medical crew to begin patient care immediately upon arriving. Before receiving this designation, the air medical crew had to remain in the air until first responders on the ground secured a landing zone.

“Seconds can make all the difference in saving a life,” said Flight Paramedic Dani LeMond, who grew up in the area and understands firsthand the importance of such critical resources. “We’re excited to have this important and needed capability to better serve our community.”

This achievement aligns the Native Air crews in Prescott and Prescott Valley with their sister air medical bases in Payson, Cottonwood, and Williams, which achieved their first responder status earlier this year. To obtain first responder status, the Native Air bases had to demonstrate a need, develop a plan to reduce any risk associated with landing a helicopter in an unsecured area, train its pilots and flight crews on how to identify a suitable landing zone, and educate ground crews in the service area on how to approach a scene when an aircraft is already on site.

With many rural areas throughout Arizona, ground first responders often face large service areas that require them to travel long distances. Native Air’s first responder designation helps bridge that gap in emergency care.

“Native Air’s capability to land at the scene before our arrival is an invaluable resource for the community,” said Mayer Fire Department Captain and PIO Rudy Armenta. “This service significantly enhances patient care by providing timely medical attention during critical moments, reducing delays in treatment, and potentially saving lives. Whether it’s a volunteer agency, a fire department, or another first responder agency, partnerships like these are essential for ensuring rapid and effective emergency care in rural settings.”

The Native Air crews will still rely on ground responders to secure landing zones when they are unable to locate a safe place to land or when potential hazards need to be cleared. Additionally, the helicopter must still be dispatched through 911 or agency request, and other emergency responders must be en route to the scene. No air medical team is permitted to self-dispatch in any situation.

On every transport, the Native Air team carries blood and can administer it on scene or in flight, if needed, positively increasing patient outcomes. Accredited by the Commission on Accreditation of Medical Transport Systems (CAMTS), Native Air adheres to the industry’s highest standards in safety and clinical excellence and provides lifesaving services without requiring a membership to avoid a costly bill. Air Methods, the parent company of Native Air, is committed to providing air medical services to all members of the communities they serve and is in-network with most major health insurance providers

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June 10, 2025

RE: Revocation Review of CUP 24-004

Greetings City of Prescott Board of Adjustment Members,

I implore you to revoke the Conditional Use permit for the helicopter pad at located at 4822 E Highway 69, Prescott, AZ 86301

My concerns are expressed in the interest of

1. The permit violated the zoning of the address (BR - Business Regional).  
Please see [table 2.3](#) of the Permitted Use Permit. Why do we have zoning if we are not going to conform to the regulations set forth by them?
2. The health of patients attending my practice
3. The health of those of us living in the area
4. Safety of those driving in the area
5. Decline in residential property value

All are affected by increased noise. At the hearing for the conditional use permit, Exceptional Health showed the decibel levels of the Eurocopter AS 350 B2, a helicopter designed specifically for flying in populated areas and stated this craft would most likely to be used by an air transport company. It was also stated the noise was no more than a hair dryer at 89 dBs. A hair dryer does not vibrate my picture windows, make the neighborhood dogs bark and come on during sleeping hours. A hair dryer does not hover around my residence for 15 minutes waiting for wind conditions to allow descent.

According to [Harvard Medicine Magazine](#), "...noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease; type 2 diabetes; sleep disturbances; stress; mental health and cognition problems, including memory impairment and attention deficits; childhood learning delays; and low birth weight. Scientists are investigating other possible links, including to dementia."

Please note the property is bordered on all sides by residential properties. We were not informed, nor were we allowed to comment on the approval of a hospital in this predominantly residential area in regard to the increase in delivery,

Phone: [REDACTED] | 1



patron and employee traffic and siren noise from the emergency vehicles. Many hope it will increase their property value and it may. Helicopter noise, however, definitely does not!

As you may be aware, the decibel scale is logarithmic. This means that loudness is not directly proportional to sound intensity. Instead, the intensity of a sound grows very fast. A sound at 20 dB is 10 times more intense than a sound at 10 dB, and would be perceived as twice as loud.

People who work around helicopters wear ear protection for a reason. An article by [AV Foil News](#) admits excessive noise has been one of the most pressing issues in the helicopter industry.

According to the [Hearing Health Foundation](#), sounds above 70 dB can damage hearing over time, so what does 89 dB do to our hearing? Although it is difficult to find studies on noise from helicopters, [this study](#) of a UH-60 Black Hawk helicopter noted 105 dB, which is well above the level of damage. Purdue University posted [this comparison](#) of sound sources citing the Bell J-2A helicopter at 100 dB at 100 feet. In this article, titled, "[Why Are Helicopters So Loud? A Pilot Explains](#)" one can learn how the decibels of the helicopter change with the weight carried as well as how the different disturbances of air affect the interpretation of sound with ascent vs descent.

I would also like to point out the rather obvious issue of the distraction of the helicopter to drivers on Highway 69. The road already has a concrete block center to try to lower the number of accidents!

Advertisements for the Exceptional Community Hospitals include critical care transportation [24 hours a day, every day](#). This means that everyone in the area has been subject to a helicopter taking off and landing at all hours of the day and night. This includes increased risk to their property and their lives since helicopter crashes are common, which is supported with a quick read of [USA Today's article](#), "With 6 dead in New York, a look at notable fatal helicopter crashes in recent US history".

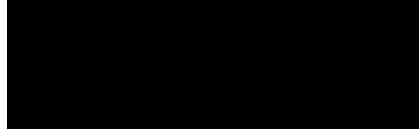


June 10, 2025

Please take the time to educate yourself about noise pollution and revoke the conditional use permit.

Thank you for your time and careful consideration.

Cheryl Hamilton, NMD  
Health and Healing Center



## Jacob Lund

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**From:** DThalasitis <[REDACTED]>  
**Sent:** Wednesday, June 11, 2025 9:36 AM  
**To:** Jacob Lund  
**Subject:** Public Comment - 7/19/25 - Board of Adjustment Meeting Consideration to Revoke Helipad Permit for Exceptional Healthcare

Please include the following in the Board of Adjustment Packet for the July 19m 2025 meeting.

I am writing to support the revocation of the heliport permit for Exceptional Hospital on the grounds that it violates the city's Land Development Code. Additionally, the Board of Adjustment was "misled" by information provided by city staff, preventing you from making a decision based on facts. This primarily includes the knowledge staff had about Exceptional's intention for a helipad as far back as October 2021.

Exceptional Healthcare looked to expand into Prescott as far back as 2020, during Greg Mengarelli's last term as Mayor. (All Exceptional Healthcare facilities use "air ambulances" (helicopters) to transport patients as part of their business model). City records show at least two parcels along Highway 69 were evaluated by the Texas-based company, with the Robin Drive and Highway 69 parcel ultimately purchased in September, 2021. Given the parcel's topography, both the owner and city staff noted in subsequent public meetings that this property was a "tough build." However, the most notable (and never mentioned) problem of this "tough build" is the property's zoning and General Plan Land Use Map designation did not (and still does not) permit the operation of a helicopter. Without any public discussion or council vote on the legally required rezoning and General Plan Land Use Map amendment, construction nonetheless proceeded under city staff authority.

Exceptional Healthcare was quoted in at least two Prescott *Daily Courier* articles dating back to July 18, 2022, stating the hospital would operate an air ambulance service:

"The facility proposes to have a helicopter pad so every patient with severe trauma or who needs intensive surgical care can be immediately flown to the nearest facility." This particular quote by Exceptional Healthcare's owner, Saeed Mahboubi, appeared a mere four days AFTER the Planning and Zoning Commission (P & Z) approved Exceptional Healthcare's site plan on July 14, 2022, but before the City Council approved the same site plan on August 23, 2022. However—and this is important to note—NO helicopter pad was discussed or noted in either site plan presented by city staff to P & Z or the City Council.

Initial paperwork filings a year prior, however, tell a different story. City records show Exceptional Healthcare's required Preliminary Application Conference (PAC) paperwork submitted to the city on October 14, 2021, DID include a helicopter landing pad. However, not one of nine city staff reviewing this application, including the project's lead planner Tammy DeWitt, made any mention of the helicopter pad in the staff notes. Then somewhere along the line, the helicopter pad simply disappeared from future site plans. Most significantly—the mere existence of a helicopter pad—along with the necessary rezoning or General Plan Land Use Map amendment was NEVER even mentioned by city staff, Exceptional Healthcare, the P & Z Commission or the City Council during three public

meetings in 2022. In fact, city staffer DeWitt consistently and regularly stated the opposite was true: that Exceptional Healthcare met all the city's requirements for development.

Fast-forward to August 13, 2024 when a city engineering inspector discovered an unapproved and unpermitted helicopter pad at Exceptional Healthcare's facility during a routine construction inspection. As stated above, not only is the helicopter pad not allowed by Prescott's zoning and Land Use Map designations, it was not on any city-approved site plan or construction permit. Rather than require the contractor to stop work, city records show Dewitt notified the Arizona Department of Transportation about the helicopter pad and scheduled a Board of Adjustment meeting to consider approval of a Conditional Use Permit, legitimizing an exception for the zoning violation.

At the November 21, 2024, Board of Adjustment public meeting, Dewitt repeatedly asserted, [city] staff were "unaware" of the helicopter pad before it was constructed. DeWitt then elaborated, if staff had known of plans for the pad, Exceptional Health would have needed P & Z Commission and City Council approvals for a rezoning of the property, which could not happen under the current General Plan Land Use Map designation. DeWitt also failed to mention that, even if these changes had happened, city regulations would then only permit a helicopter pad by a Special Use Permit. All of these approvals would have required multiple public hearings, with the City Council making the final decision after weighing public debate.

City staff and Exceptional Healthcare merely had to convince seven members of the Board of Adjustment to issue a Conditional Use Permit to sanction the newly created zoning violation.

One of the justifications for permitting the helicopter is that emergency transportation to Phoenix may be needed. This is nothing more than a scare tactic. First, if a patient is in serious enough condition to go to the valley, first responders will arrange for an immediate flight at the scene of the health event. Secondly, first responders automatically transport serious cases to YRMC, a Level 4 Trauma Center because it is fully equipped for evaluation and emergency surgery. YRMC can also make the call to transport to Phoenix. If an individual is ambulatory and goes into Exceptional Health on their own and are deemed to require emergency service above what Exceptional can provide, they are transported by ground ambulance to YRMC. This is not a criticism of Exceptional Health Care's medical service. It is reality. Unlike many of their other locations, Prescott does have a Level 4 Trauma Center, and then need for an hospital a few miles away with a helicopter is unnecessary. On balance, the safety issues with a helicopter at the Exceptional Care site, completely outweighs any benefit, which is quite small.

Thank you for your consideration. Please revoke this permit.

Deb Thalasis

  
Prescott Resident

# CUP 24-004 Helipad Review

TAMMY DEWITT

June 19<sup>th</sup> Board of  
Adjustment



# Request

Review for Revocation of the Conditional Use Permit to allow the inclusion of a helicopter landing pad at the north side of the hospital site adjacent to State Route 69 in a BR zoning district.



# Background

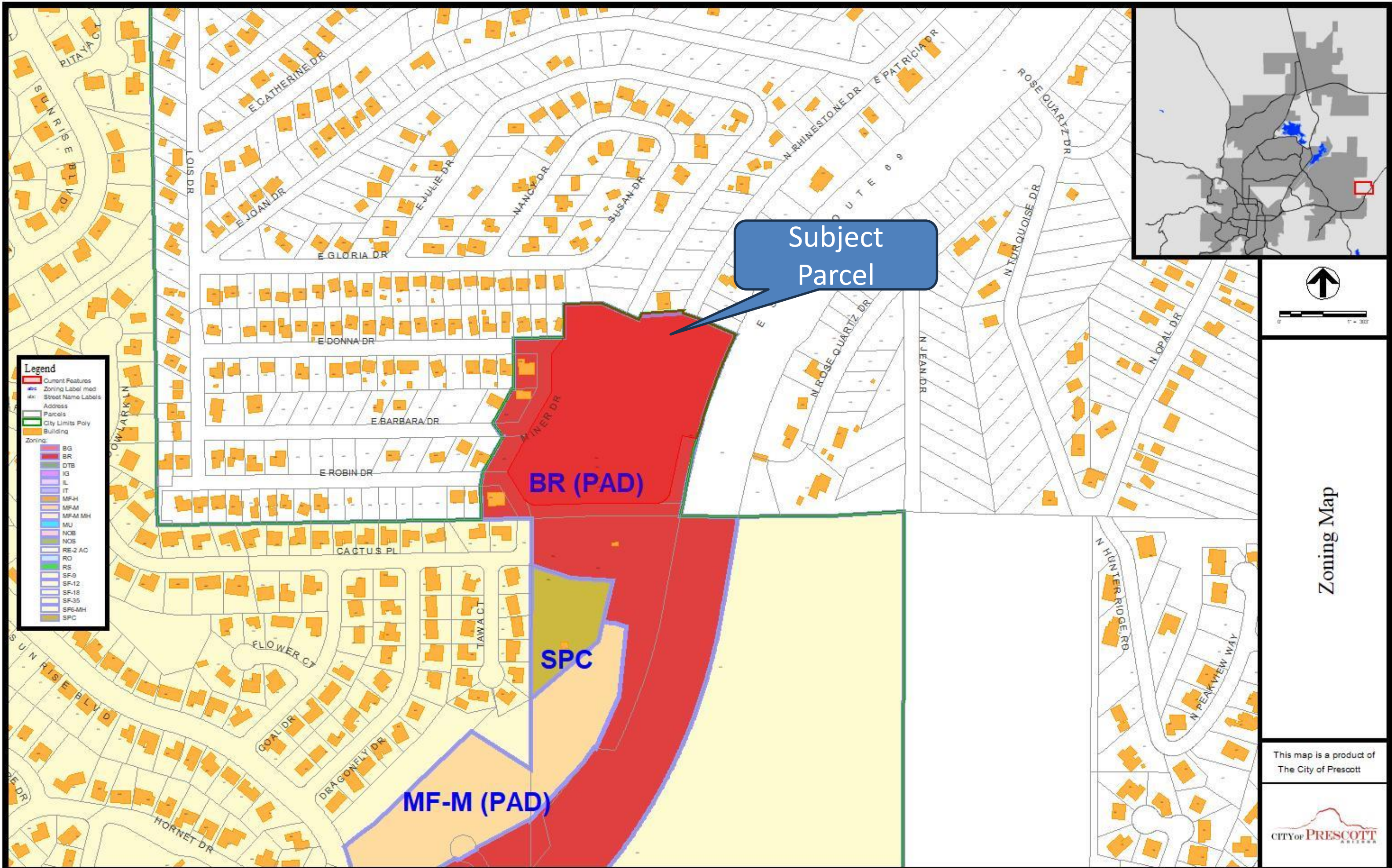
On November 21, 2024, a CUP was approved to allow a helicopter landing pad for use as a helistop with 3 conditions.

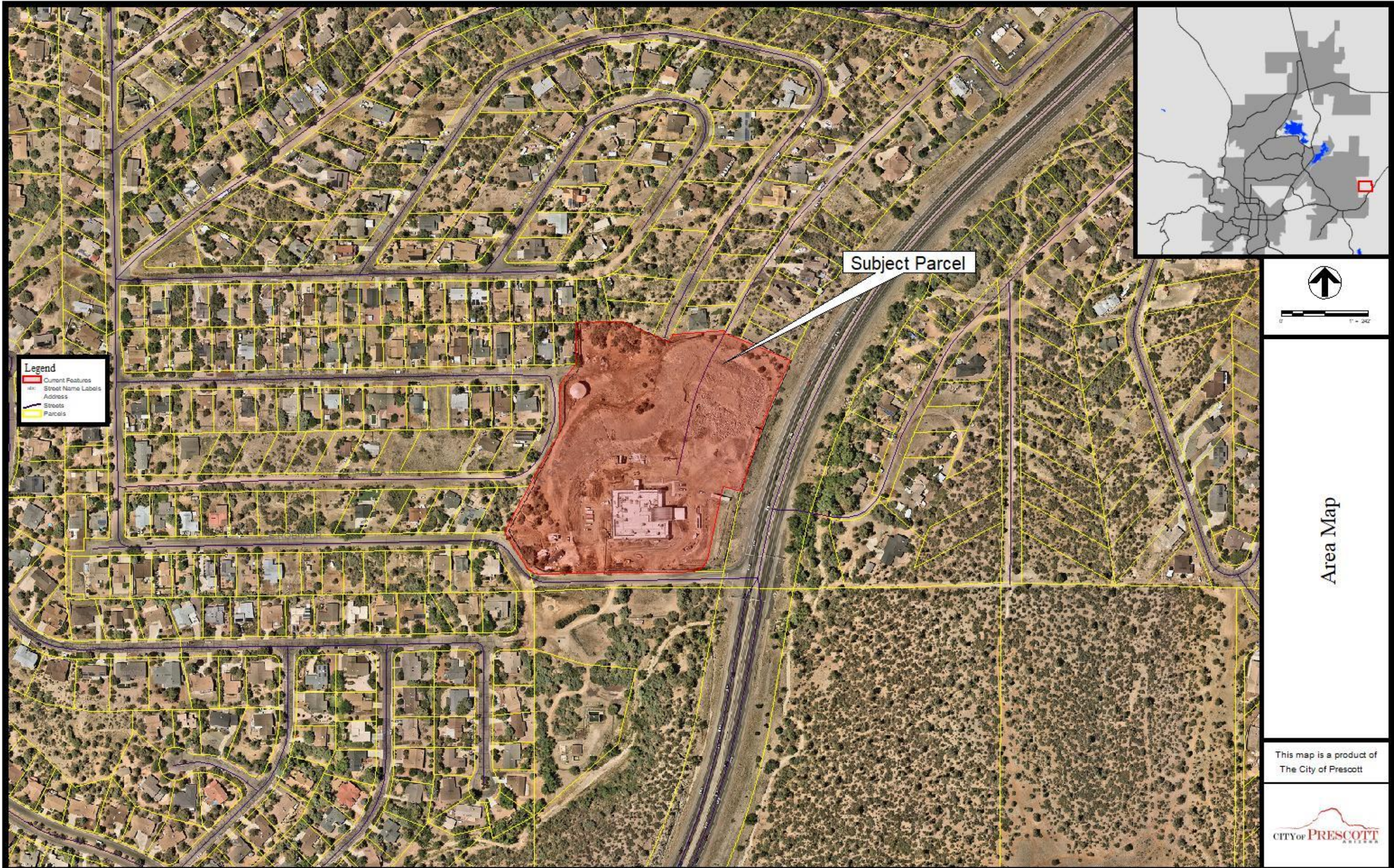


# Approved Conditions

1. Screening 6' masonry wall to be placed on the north and west property line.
2. Additional landscaping, beyond approved landscaping, along frontage (SR 69) adjacent to the helipad and per the rendering provided by applicant at meeting.
3. The above conditions are to be completed prior to the final of the Building Permit for the helipad and initiation of use.







**Legend**

- Current Features
- Street Name Labels
- Address
- Streets
- Parcels

Subject Parcel



Area Map

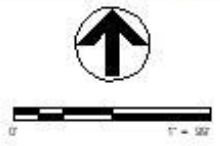
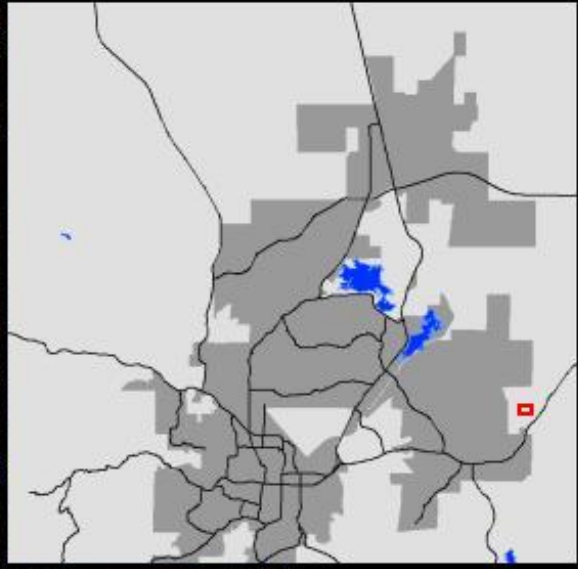
This map is a product of  
The City of Prescott





**Legend**

- Current Features
- Street Name Labels
- Address
- Streets
- Parcels



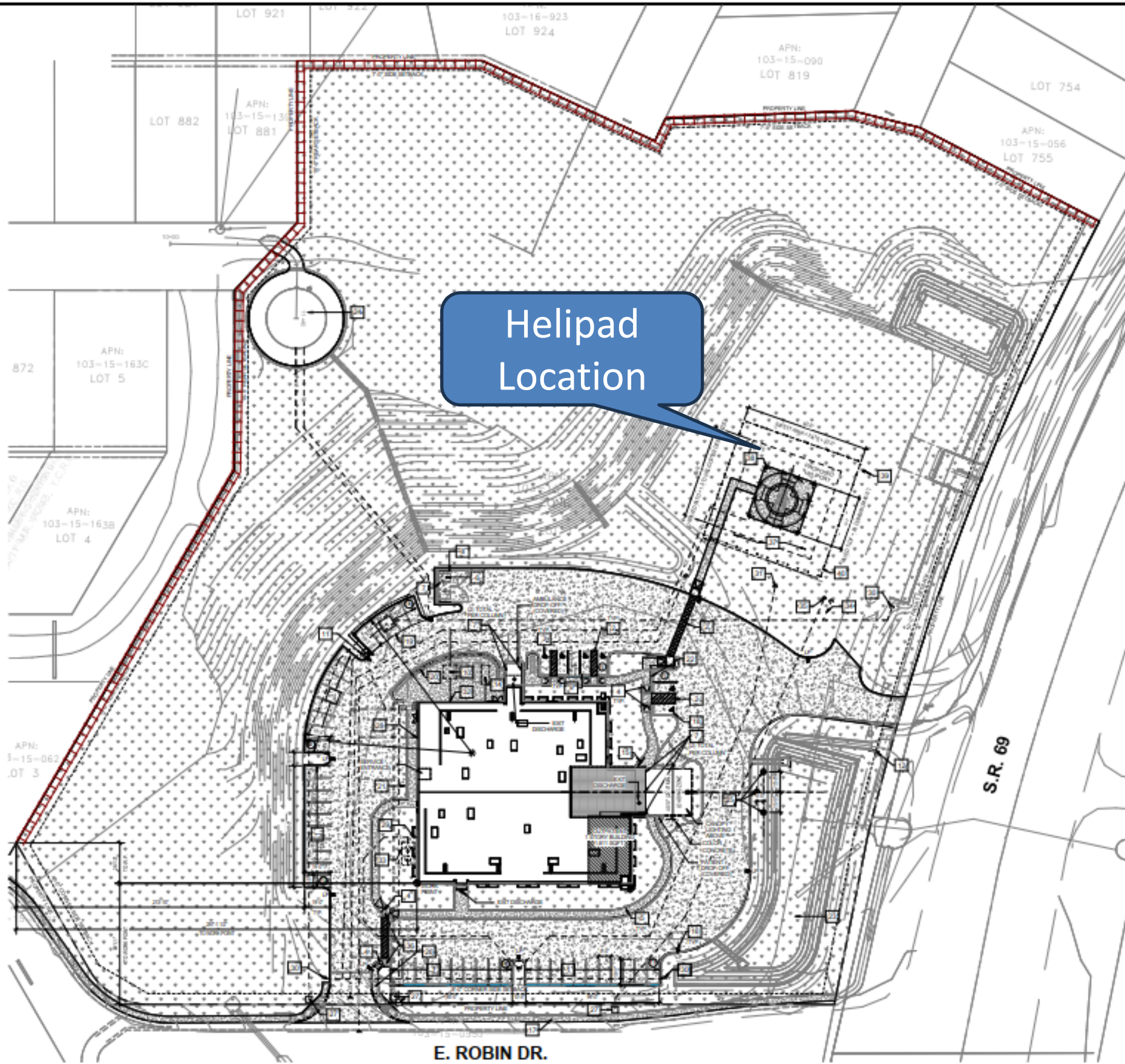
Property Imagery

This map is a product of  
The City of Prescott



This document is a graphic representation only of best available sources. The City of Prescott assumes no responsibility for any errors.

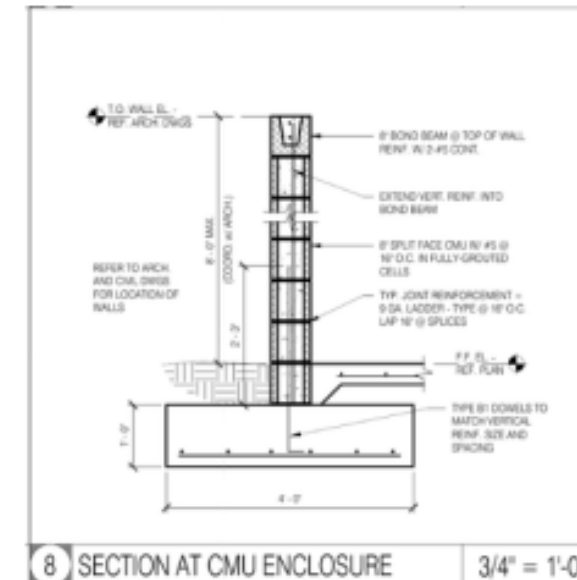





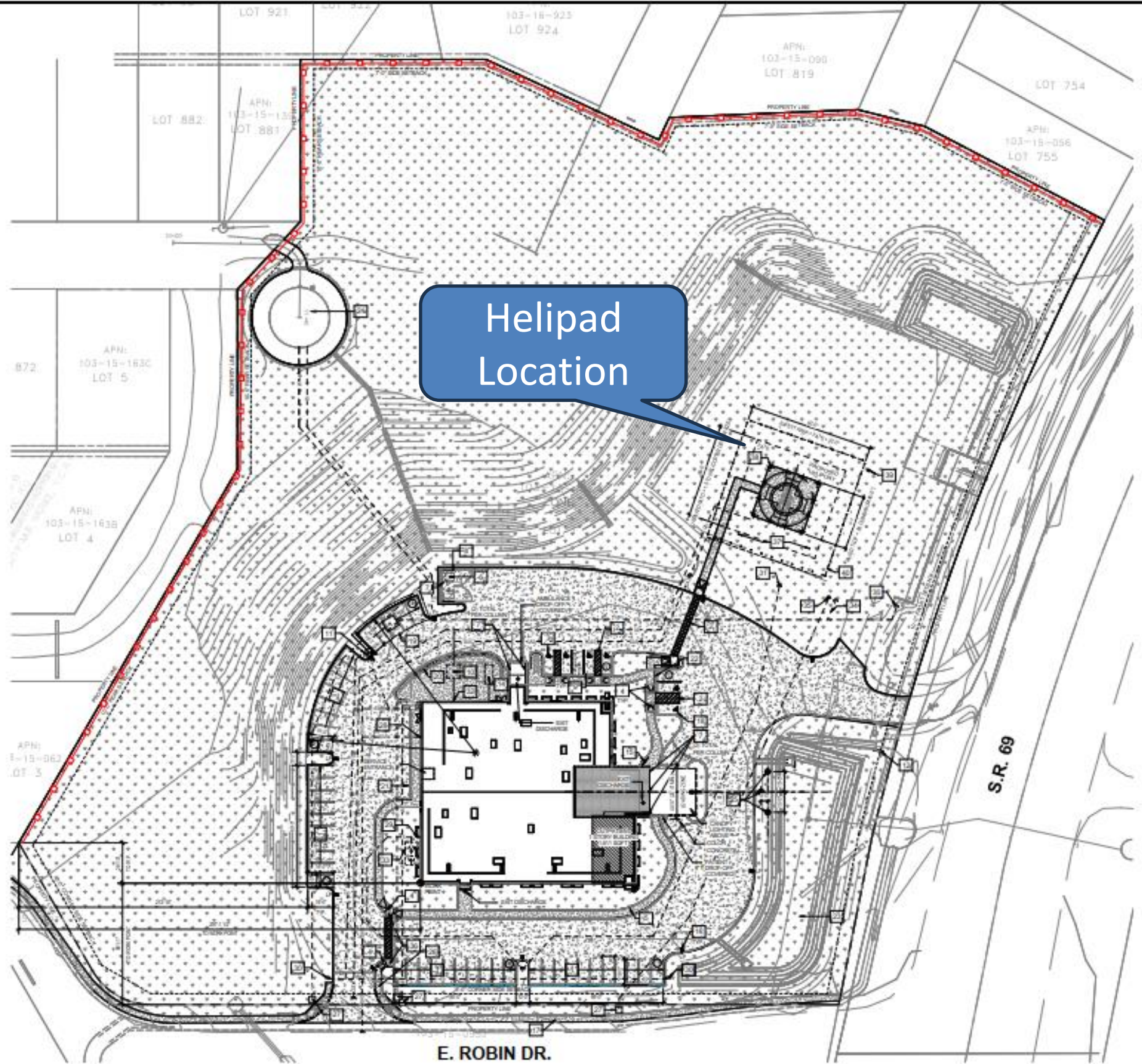
Helipad Location



New Site Plan submitted by applicant for CMU Wall



 **OPTION -1A 6'-0" CMU WALL - 1250 TOTAL LINEAR FEET  
\$165,000.00 FOR MATERIAL AND INSTALLATION**

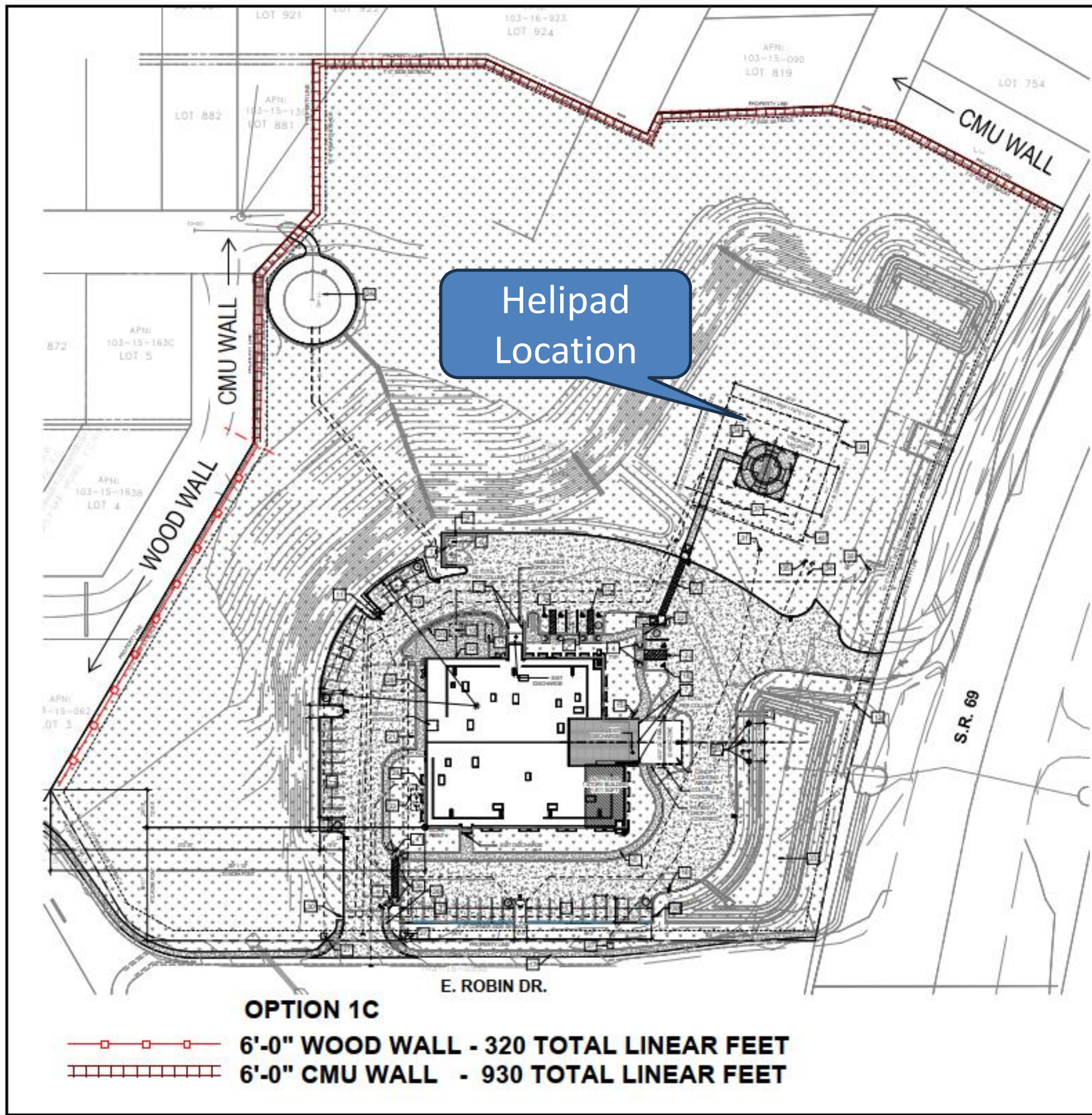


Helipad Location

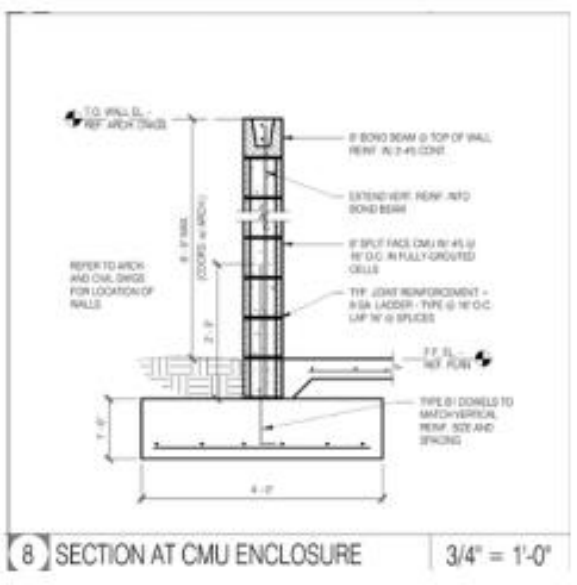
New Site Plan submitted by applicant for 6' Wood Fence



OPTION -1B 6'-0" WOOD FENCE WALL - 1250 TOTAL LINEAR FEET \$57,600.00 FOR MATERIAL AND INSTALLATION



TYPICAL CMU WALL



TYPICAL WOOD WALL

New Site Plan submitted by applicant for 6' Wood Fence and 6' CMU Wall



Access off of Robin Dr and view of west side of property.

View from Robin Dr. of the West/Rear of property where 6' block wall is required to be constructed per CUP approved Conditions



View of Helipad from parking area

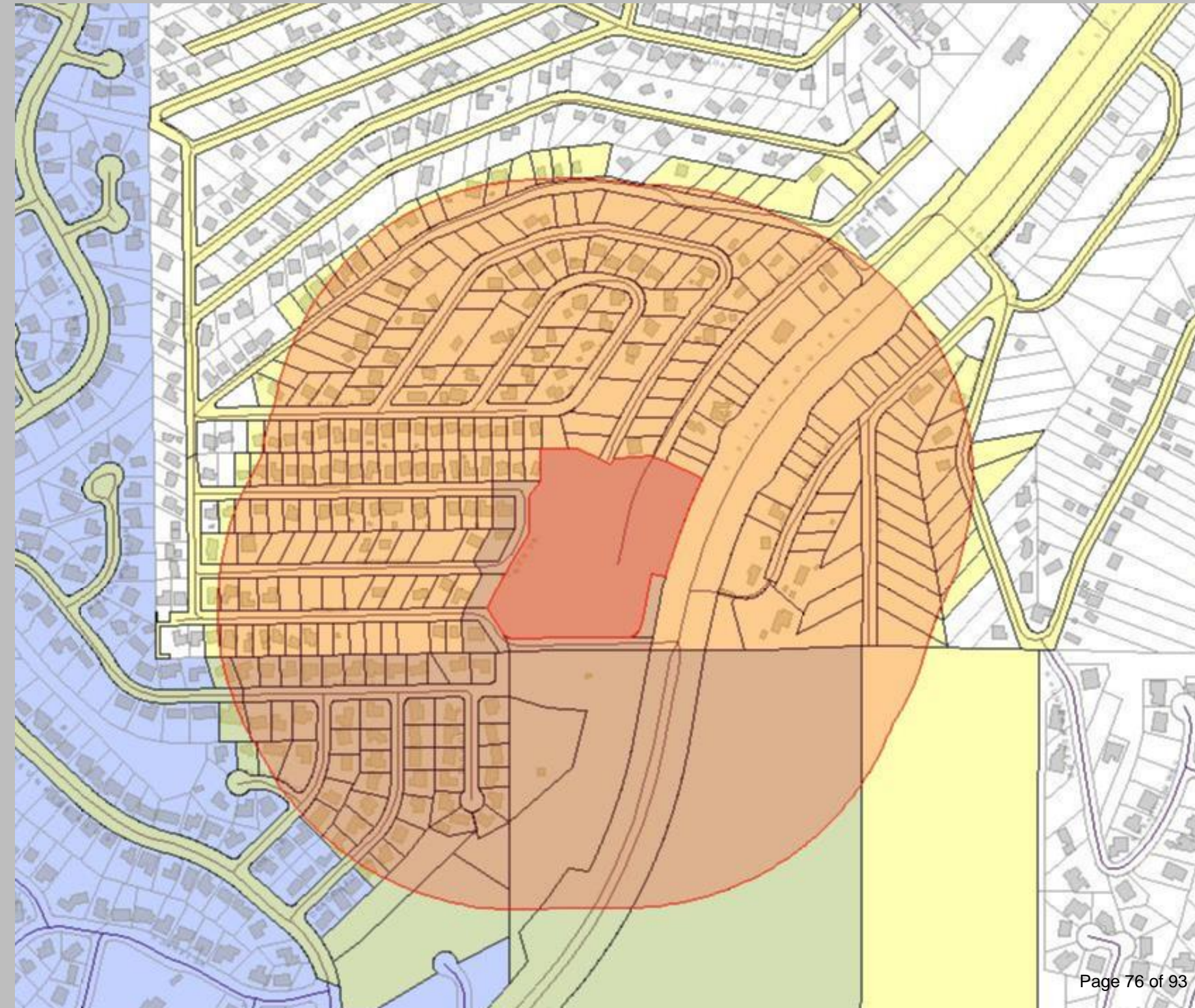
View of west side of property from parking area and location of required 6' block wall per CUP approved conditions.



View of frontage and west side of property where additional landscaping and masonry wall is required per approved CUP conditions.

# Neighborhood Outreach

Staff has sent mailings to the owners of record within 1000' of the property, posted the property, and published notices in the local paper.



## ***Recommended Action***

MOVE to amend or revoke CUP24-004 Previously

Approved Conditions:

1. Screening 6' masonry wall to be placed on the north and west property line.
2. Additional landscaping, beyond approved landscaping, along frontage (SR 69) adjacent to the helipad and per the rendering provided by applicant at meeting.
3. The above conditions are to be completed prior to the final of the Building Permit for the helipad and initiation of use.



TO: MAYOR AND CITY COUNCIL  
AGENDA: June 19 Board of Adjustments  
DATE: June 19, 2025  
DEPT: Community Development  
ITEM #: 4.C  
SUBJECT: **V25-002:** Variance to Article 3, Section 3.5.3.E (SF-12/Maximum Building/Structure Height) of the City’s Land Development Code (LDC) to Allow for an Increase in the Maximum Allowed Height for a New Single-Family Residence to 40’-6” (from 35’). Zoning: SF-12 (Single-Family 12,000 sq ft Minimum Lot Size). Property Owner: McHenry, Jeannie Filar & Brian. Applicant: Distinctive Homes & Architecture. Location: APN 112-02-226, 691 Cloud Crossing Circle.

## ITEM SUMMARY

This item is for an application requesting a Variance to allow for an increase in the maximum allowed height of a single-family residence per the City’s Density and Dimensional Standards (Land Development Code (LDC) Section 2.7.3.E). The applicant is proposing an increase of the maximum height of the structure from 35’ to 40’-6” (measured from natural grade to the highest point in a vertical plumb line). The applicant cites the exceptionally steep topography as the primary basis for the Variance request as well as referencing other, recent single family residential (SFR) projects that have exceeded the 35’ height limit. The applicant states that granting the Variance “will not interfere with others on the street or zoning district” and “will allow a way possible for these steeply platted, sloped lots to be developed as intended with homes.”

## BACKGROUND

The subject property is within the Ranch at Prescott subdivision, which has a significant amount of hillside lots. The subject lot is in the far southwest corner of The Ranch, which lays at the foothills of the Bradshaw Mountains. Using the same formula staff uses to determine qualification for topographical exceptions, the average slope of the lot was found to be 30%. This is a significant slope that does create several design challenges, including limiting maximum height [from natural grade].

## STAFF ANALYSIS AND RECOMMENDATION:

The staff analysis and recommendation is based on a review of the request’s consistency with the 2015 General Plan, and consistency with neighborhood characteristics, as well as the Variance requirements of LDC Section 9.13.4.

## COMPATIBILITY WITH THE NEIGHBORHOOD:

Staff researched the City’s GIS for other Variances granted within the vicinity of the subject property. There was one residential Variance granted in 2021, approximately ¾ mile away, which granted an 8’ reduction in the front setback and a 7’-8” increase in maximum height. A site visit was performed, the subject lot is noticeably steeper than neighboring lot, however, most homes in the vicinity span outwards rather than dramatically upwards. The subdivision plat pre-dates the City’s Hillside Development Standards.

**VARIANCE REQUIREMENTS:**

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

**COMPLIANCE WITH REQUIRED VARIANCE CRITERIA:**

1. **Extraordinary Conditions (LDC Section 9.13.4.A.1).** There are extraordinary conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of the reasonable use of his land. For example, a Variance may be justified because of topography, or size, shape, intrusive off-site impacts, or other special conditions unique to the property and development involved.

**Staff Comments:** The average slope of the subject property is 30%, which does constitute a topographical challenge.

2. **Substantial Detriment (LDC Section 9.13.4.A.2).** Granting the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code.

**Staff Comments:** The proposed height is greater than surrounding properties and will be noticeable to immediately adjacent properties. Plans will be verified to meet building safety code as well as require any applicable engineering at time of permitting.

3. **Special Privileges (LDC Section 9.13.4.A.3).** Granting of a Variance shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

**Staff Comments:** There have been a limited number of Variance requests in the vicinity of the subject parcel, however, there will likely be more in the future due to the fact that flatter lots have been built out first.

4. **Self-induced Hardship (LDC Section 9.13.4.A.4).** The hardship is not the result of the applicant's own actions.

**Staff Comments:** The subject property is not modified and is naturally steep in many places.

However, the applicant's desired design does add height that necessitates this Variance.

5. **General Plan (LDC Section 9.13.4.A.5).** It will be in substantial compliance with the General Plan or other relevant area plans or neighborhood plans.

**Staff Comments:** The 2015 General Plan designates the area of the project site as Low-Medium Density Residential, for which the project proposed is compliant.

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

**Staff Comments:** Denying a height variance would be depriving the property owners a certain degree of privilege as their lot is exceptionally steep, however, they have been granted an Administrative Adjustment to go to 47'-6", which would have a lower impact on neighboring properties.

**NEIGHBORHOOD COMMENTS:**

Staff has not received any comments from the public as of the submittal of this Staff Report on 06/05/25. Any comments received after this point will be delivered to the Board Members via email.

**FINANCIAL IMPACT**

There is no fiscal impact associated with this item.

**RECOMMENDED ACTION**

**MOVE** to approve, deny or approve with conditions V25-002

**ATTACHMENTS**

1. V25-002 BOA Presentation



# Variance V25-002 691 Cloud Crossing Cir.

June 19<sup>th</sup>, 2025  
Board of  
Adjustment

**KAYLEE NUNEZ,  
COMMUNITY PLANNER**

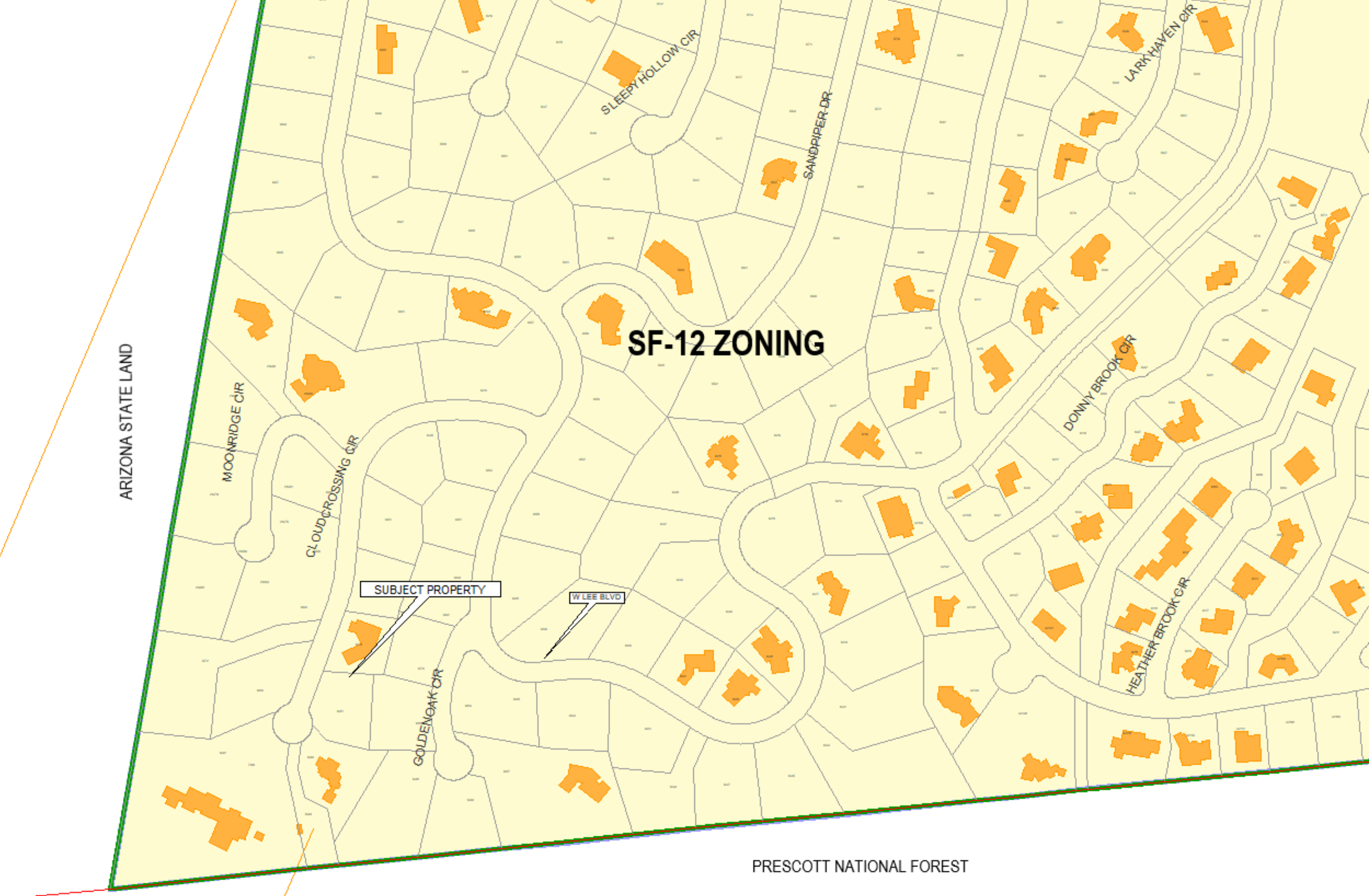


## REQUEST

Variance to Article 3, Section 3.5.3.E (SF-12/Maximum Building/Structure Height) of the City's Land Development Code (LDC) to allow for an increase in the allowed height for a new single-family residence to 40'-6" (from 35'). [Zoning: SF-12 (Single-Family 12,000 sq ft minimum lot size); Property Owner: McHenry, Jeannie Filar & Brian; Applicant: Distinctive Homes & Architecture; APN 112-02-226; Location: 691 Cloud Crossing Circle].



# ZONING MAP



# AERIAL MAP



# AERIAL MAP WITH CONTOURS



# PICTURES OF SITE



Looking NW from entrance to property



Looking SE from entrance to property

# PICTURES OF SITE CONT..

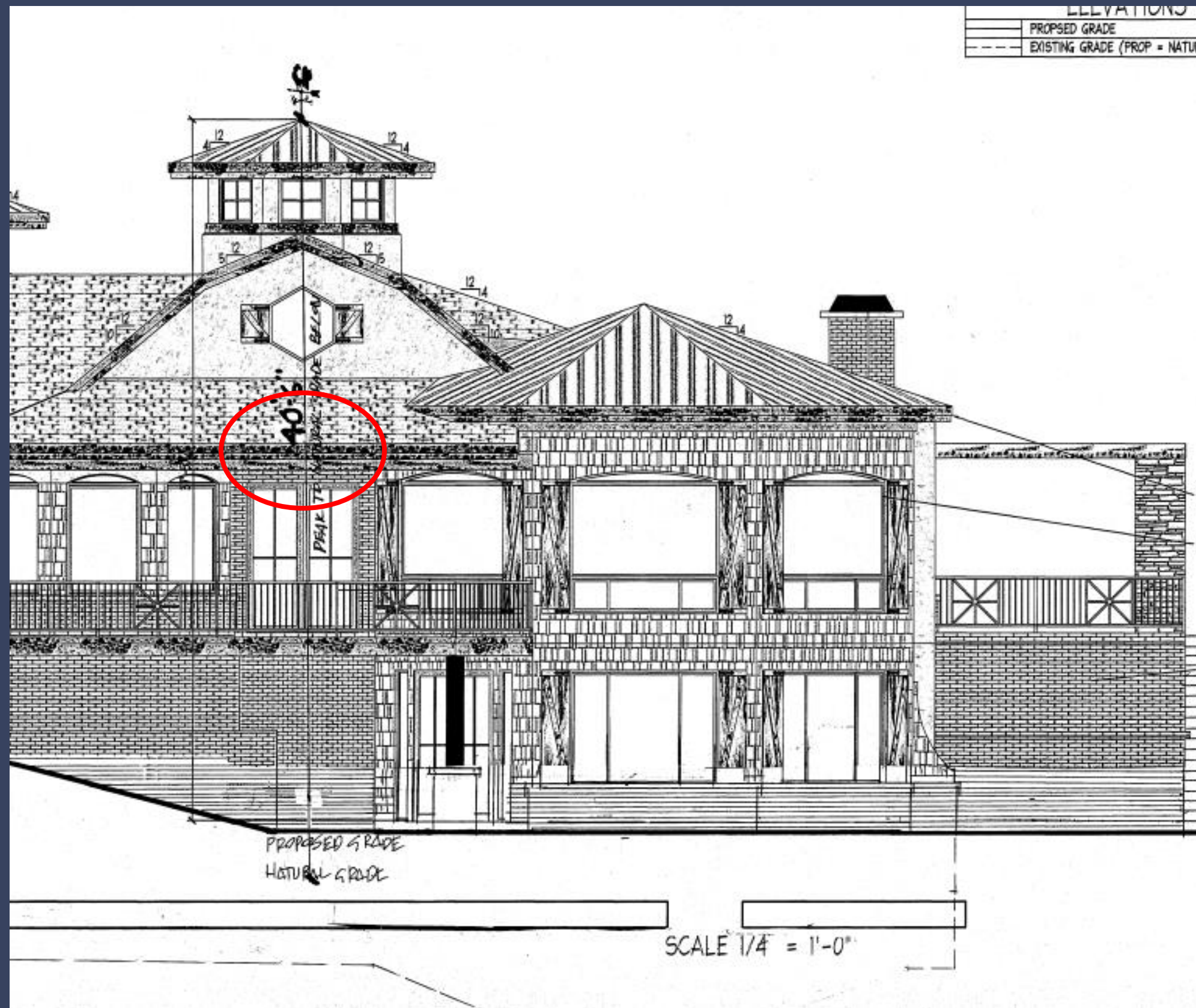


Looking up at property (from Golden Oak Circle)



Looking down on property to NE

## SUMMARY & BACKGROUND



Snip from Rear Elevation

- Request for 5'-6" addition to height maximum
- Property on steep hillside (Average slope = 30%)
- Found one Variance granted to another residence 3/4 mile away. Approved to reduce front setback and increase height by 7'.
- Project previously heard at 03/20/25 BOA meeting, request was for 46', modified design to lower height

# PROJECT SITE PLAN & ARTISTIC RENDERING



# **Variance Review Criteria**

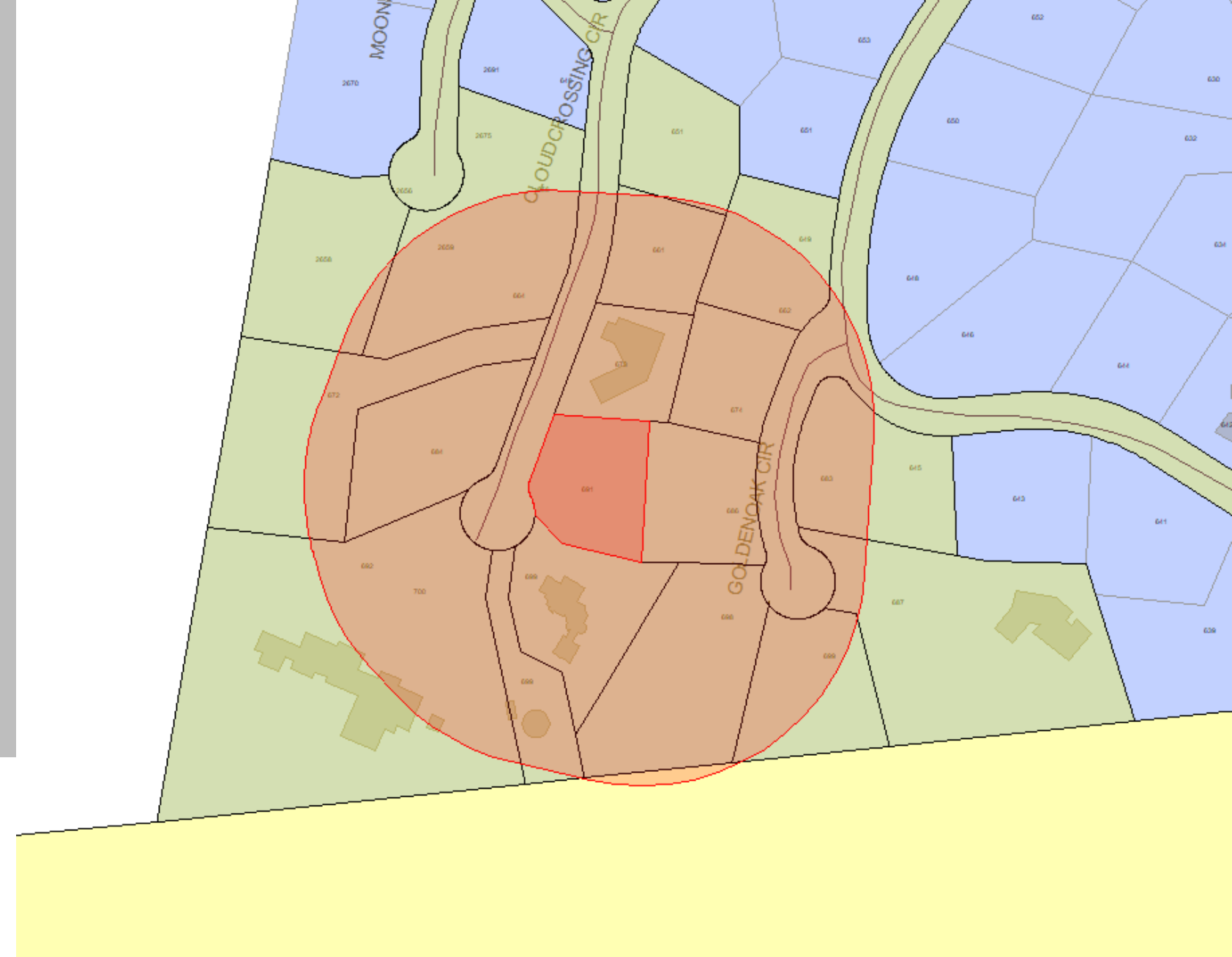
- Extraordinary Conditions
- Substantial Detriment
- Special Privileges
- Self-Induced hardship
- General Plan  
Conformance
- Utilization

# ANALYSIS PER LDC 9.13

- Extraordinary Conditions: Slope of 30% does constitute a topographical challenge.
- Substantial Detriment: Height greater than other homes in neighborhood, will be noticeable to adjacent properties
- Special Privileges: Only found one other [recent] Variance approved in subdivision, however, there are likely going to be more Variance requests in the future as number of flatter lots available decreases.
- General Plan: In conformance with low-med density residential designation of 2015 General Plan LUG map.
- Utilization: Property owners are challenged by topography of lot, however, design preferences led to excess height.



# Neighborhood Outreach



Staff sent mailings to the owners of record within 300' of the property, posted the property, and published notices in the local paper (on 6/4).





## ***Recommended Action***

MOVE to Approve, Deny or Approve with Conditions V25-002, Variance to Article 3, Section 3.5.3.E of the City's Land Development Code (LDC) to allow for an increase in the maximum allowed height for a new single-family residence to 40'-6" (from 35').

