

Board of Adjustment

Staff Report

CASE NUMBER: BA15-052 (PLN2015-00436)
STAFF PLANNER: Mike Gildenstern
LOCATION/ADDRESS: 11041 E. Medina Avenue
COUNCIL DISTRICT: Council District 6
OWNER: Springs Golf Company LLP
APPLICANT: Shaw & Associates– Jason Sanks

REQUEST: *Requesting a Special Use Permit to allow the construction of a wireless communications facility in the RS-6 PAD zoning district.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Special Use Permit (SUP) to allow a wireless communication facility in the RS-6 PAD zoning district. The applicant is proposing the construction of a 70-foot tall Mono-elm (measured to the top of the branches) located within an accessory maintenance yard/overflow parking lot, which in turn is adjacent to the primary parking lot of the Sunland Springs Village Golf Course Pro Shop, located on the south side of 11041 E. Medina Avenue.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA15-052 with the following conditions:

1. *Compliance with the site plans and elevations submitted September 28, 2015 and dated August 26, 2015, except as modified by the following conditions:*
2. *The wireless communication facility shall utilize a Mono-elm design with a maximum height of seventy feet (70') to the top of the branch/leaf canopy and 56' fifty-six feet to the RAD center of the antenna array.*
3. *The stealth design of the wireless communication facility shall conform to these standards:*
 - (a) *Provide (3) branches per linear foot of tree height.*
 - (b) *Provide curved antenna branches to better conceal antenna panels.*
 - (c) *Paint all mounting hardware and other equipment to blend with the leaves / branches.*
 - (d) *Provide bark color and texture along the entire length of the pole(s) to match the bark of a natural elm tree. This shall include multiple colors to better simulate bark of a tree.*
 - (e) *Antenna socks with leaves and branches to match the broadleaf tree foliage.*
 - (f) *The faux elm branches shall start at 15' from the ground level. (This height may be adjusted depending on the overall tree height to ensure it is proportional.)*
 - (g) *The faux elm branch density shall not be reduced near the antenna arrays.*
 - (h) *The faux branches shall extend past the antennas a minimum of 12". The form of the tree canopy shall be widened to a more natural form as evidenced in the photos of Appendix "B".*
4. *The antenna array shall conform to the dimensions and configuration established in details 2/Z-2 and 4/Z-2*
5. *Provide screening for the ground-mounted equipment as follows:*
 - (a) *Construct a masonry wall to enclose the 22' X 22' lease area to a height equal to the height of the equipment being screened, with a solid metal gate. Masonry wall and gate are to be painted to blend with adjacent walls and architecture.*
 - (b) *Construct a building to enclose the equipment. The building shall meet City of Mesa Design Guidelines and shall be compatible with the surrounding development.*

6. *Provide and maintain two natural living trees, both of which are to be of a broad leaf variety (minimum 36" box) - within the landscape area of the site surrounding the equipment enclosure to help camouflage the proposed wireless communication facility.*
7. *The operator of the Mono-elm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
8. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
9. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.*
10. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
11. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

SITE CONTEXT

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| CASE SITE: | Maintenance yard/overflow parking lot for an existing golf course pro shop – zoned RS-6 PAD |
| NORTH: | Golf Course – zoned RS-6 PAD |
| EAST: | Sunland Springs Village Golf Course Pro Shop – zoned LC PAD |
| SOUTH: | Golf Course – zoned RS-6 PAD |
| WEST: | Existing Sunland Springs Village single-residential subdivision – zoned RS-6 PAD |

STAFF ANALYSIS AND RECOMMENDED FINDINGS:

The requested Special Use Permit (SUP) would allow the placement of 70-foot high Mono-elm along the east property line of a maintenance yard/parking lot in the RS-6 PAD Zoning District. Staff is recommending the tower and attendant ground-mounted equipment be enclosed by a CMU wall. The proposed conditions of approval also address the quality of the stealth elements that make this tower look like an elm tree.

The proposed wireless communication facility (WCF) is being proposed to provide additional "4G LTE 700 MHz" coverage in the area. As demonstrated on the coverage maps it fills a blank area between three existing WCFs. This WCF is proposed at 70 feet tall.

Wireless communication facilities are an allowed use in the RS-6 PAD Zoning District subject to granting of a Special Use Permit. Approval of a SUP for this WCF requires finding that it is compatible with and not detrimental to surrounding properties and is consistent with the General Plan and other recognized plans and policies approved by the City Council. In addition, the Zoning Ordinance includes location, design, and operation requirements.

Location Preferences: The Zoning Ordinance provides a ranked listing of preferred locations for new wireless

communication facilities. Top preference is given to placement on existing non-residential structures, such as buildings or utility facilities located more than 300 feet from residential zones; followed by co-location on existing wireless communication facilities. When such locations are not available, locations within industrial zones are preferred, followed by stealth applications in commercial zones, then stealth applications in residential zones.

The applicant evaluated existing verticality within the search radius, and has determined that there are no structures that can be used to address the specific coverage gap, as the existing MonoPalm located roughly 300' southwest of the proposed WCF site, does not allow co-location. Staff has reviewed the applicant's material, and concurs with this assessment.

Design Preferences: The Zoning Ordinance provides a ranked listing of preferred design approaches for new wireless communication facilities. Top preference is given to architecturally integrated building mounted antennas, such as steeples, chimneys, and cupolas, followed by building mounted antennas concealed by faux-structures, then antennas directly mounted to building and visible, but artistically integrated into the structure. When building mounted locations are not available, freestanding structure designs such as sculptures and clock towers are preferred, followed by freestanding stealth trees, then freestanding monopoles.

The proposed method of camouflaging the tower is a freestanding Mono-elm with a height of 56' feet to the RAD center of the antennas (70-feet to top of branches/leaves). A Mono-elm is being proposed as a better solution than a Mono-palm, as the immediate area features a variety of mature trees located on both the adjacent golf course and residential areas. The proposed Mono-elm will also provide opportunities for future co-locations.

Location of Facilities: within Residential Districts the Zoning Ordinance allows new freestanding antenna structures within 1,000 feet of another freestanding facility, provided a stealth camouflaged design is used. Staff is supportive of the Mono-elm design as an effective camouflage solution to minimize the visual impact of the facility.

Required Separation and Setbacks: alternative antenna structures, such as this Mono-elm, must be setback from residential uses a distance equal to the height of the structure plus one foot and setback from streets a distance equal to the height of the structure plus one foot.

The proposed 70'-tall WCF is located roughly 130' from the nearest residential property, to the west.

Design Standards: The Zoning Ordinance provides standards to ensure antennas, antenna support structures, and related equipment are located, designed, and screened to blend with the existing natural or built surroundings. Specific to the use of a Mono-elm design, these standards help ensure that faux-trees actually camouflage the wireless facility by requiring that antennas and antenna support structures not extend beyond the outside edge of the faux-leaves or branches.

Staff has concerns based on the illustrations of the faux tree and the photo simulation. Staff has added conditions of approval specifying a more convincing tree.

Required Landscaping: The Zoning Ordinance requires wireless communication sites to include a landscape buffer of plant materials that effectively screens views of the base of support structures and equipment facilities from adjacent residential properties, public right-of-way, path, or trail. The standard buffer requirement is a continuous landscape strip with a minimum radius of 4 feet around the perimeter of the installation. The Ordinance also allows for planting “trees similar in appearance to the stealth design of the telecommunications facility...to mitigate the visual impact of the facility.”

The site plan provides a continuous landscape planter on 4 sides of the equipment enclosure with existing plant material. Staff has added conditions of approval requiring the planting of other elm trees (commonly referred to as “friends”) to mitigate the impact of a sole 70’-tall elm in that location.

FINDINGS:

1. Evaluation of existing facilities has determined that there are no structures that can be used to enhance the strength of this carrier’s wireless signal in this vicinity.
2. The faux tree design of this WCF meets Ordinance §11-35-5 design preference #6 for stealth design.
3. The WCF is 70 feet tall. The required separation from residential uses is height + one foot. The actual separation is 130 feet.
4. This new facility will advance the goals and objectives of the City of Mesa.
5. The location, size, design, and operating characteristics of this WCF are consistent with the purposes of the RS-6 PAD district.
6. The proposed WCF will not be injurious or detrimental to the adjacent or surrounding properties.
7. Adequate public services, facilities and infrastructure are available to serve this project.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Section 11-35-5 – Location, Design, and Operation Requirements

11-35-5: Location, Design, and Operation Requirements

The following requirements apply to all wireless communications facilities that are not exempt from regulation under this Chapter unless the decision-making authority approves a Special Use Permit pursuant to Chapter 70, Conditional Use Permits.

A. **Location Preferences.** The preferred locations for wireless communication facilities are in the following order: MESA ZONING ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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1. On existing non-residential structures such as buildings, communication towers, or utility facilities located more than 300 feet from a residential zone, without modification to the structures.
2. On existing signal, power, light or similar kinds of permanent poles located more than 300 feet from a residential zone.
3. Co-located with existing wireless telecommunication facilities that conform to the requirements of this Ordinance.
4. Limited, General and Heavy Industrial Districts sites more than 300-feet from a residential zone.
5. Camouflaged, stealth, or building-mounted facilities in Limited and General Commercial Districts or in Planned Employment Park Districts.
6. Camouflaged, stealth or building-mounted facilities on non-residential structures, including monopoles, in any Agricultural or Residential District.

B. Design Preferences. The preferred design approaches for new wireless communication facilities are in the following order:

1. Building or structure mounted antennas designed and sited to be completely concealed from view or not readily visible because of integration into design of non-residential buildings or structures erected and approved for use other than as wireless telecommunications support. Examples of antennas completely integrated into the structure include existing parapet replacements, bell towers, steeples, clock towers and cupolas.
2. Building or structure mounted antennas set back from roof edge, concealed and not visible from the public right-of way or from surrounding residential properties or minor faux-structural alterations. Examples include faux penthouses and parapet additions.
3. Building or structure mounted antennas below roof-line (façade mount, pole mount) visible from public right-of-way but artistically integrated into the existing structure and painted to match existing structure.
4. Freestanding camouflaged structures visible from public right-of-way and from surrounding residential properties. Examples include steeples, sculptures and clock towers.
5. Building or structure mounted antennas above the roof-line visible from public right-of-way or from surrounding residential properties behind frequency-transparent panels.
6. Freestanding stealth tree, such as monopalm. MESA ZONING ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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7. Freestanding monopoles or other antenna towers.

C. Location of Facilities. Wireless telecommunication facilities shall be located where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening and in compliance with the following requirements.

1. No new facility shall be sited on or above a ridgeline.
2. Within Residential and Mixed Use Districts, no new freestanding antenna structure, including towers, lattice towers, and monopoles, shall be located within 1,000 feet of another freestanding facility unless mounting on a building or co-location on an existing pole or tower is not feasible and techniques have been used to camouflage, screen, or otherwise minimize the visual impact of the facility to the extent feasible.
3. Within Commercial and Employment Districts, new freestanding antenna structures, including towers, lattice towers, and monopoles, may be located within 1,000 feet of another freestanding facility, provided a stealth or camouflaged design is used.
4. Ground-mounted wireless telecommunication facilities shall be located in close proximity to existing above-ground utilities, such as permanent electrical towers, light poles, trees of comparable heights, and in areas where they will not detract from the appearance of the City.
5. Facilities may only be located on a property zoned for a residential or agriculture use if the antennas, antenna structures, and all related equipment can be sited to comply with the setback and separation requirements of this Chapter. Exceptions of up to 30% of the setback and up to 75% of the separation requirements may be considered as part of a Special Use Permit request when the application includes stealth or camouflaged facilities.

D. Height of Facilities. The height limitations for each zoning district applicable to buildings and structures shall apply to all towers and antennas that are not exempt from regulation except as provided in this Chapter. The height of building-mounted antennas shall include the height of that portion of the building on which the antenna is mounted. In determining the height of portable “crank-up” or similar towers whose height is adjustable, the height of the tower shall be the maximum height to which it is capable of being raised.

1. Roof-mounted or facade-mounted antennas proposed on an existing building, or on a tower, pole or other structure shall not extend or project more than 15 feet above the existing height of the building or structure.

MESA ZONING ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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2. Antenna support equipment for stand-alone facilities (not attached to a building) shall be screened by a minimum 6-foot high masonry wall unless placed within a fully enclosed building. When placed in a building, the building design shall be no taller than one (1) story or 15 feet in height with elevations designed and constructed in a manner compatible with building designs typically found in the area.
3. Antenna support equipment that is roof mounted shall meet the screening requirements specified in Section 11-30-9 of this Ordinance.

E. Required Separation and Setbacks. Antenna structures and antennas that are not exempt from regulation under this Chapter shall be setback from property lines and separated from other antenna structures in compliance with the following requirements.

1. Antenna structures other than alternative antenna structures must be set back from any property in residential use a distance equal to the twice the height of the structure. Alternative antenna structures shall be setback from residential uses a distance equal to the height of the structure plus one (1)-foot.
2. Antenna structures, including alternative antenna structures, must be set back from public right-of-way a distance equal to the height of the structure plus one foot.
3. In Non-Residential Districts, all free-standing antenna structures, except for alternative tower structures, must be at least 1,000 foot feet from another free-standing antenna structure, unless appropriate camouflage or stealth techniques have been used to minimize the visual impact of the facility to the extent feasible and mounting on a building or co-location on an existing facility is not feasible.
4. All wireless communications facilities and related equipment shall comply with the required building setbacks for the zoning district in which the facility is located. However, in no instance shall the facility (including antennae and equipment) be located closer than 5 feet to any property line. Exception: Antenna support equipment that is not placed within enclosed buildings provided the surrounding security wall complies with the maximum fence height requirements as found in Section 11-30-4, Fences and Freestanding Walls.

F. Design Standards. Antennas, antenna support structures, and related equipment shall be located, designed and screened to blend with the existing natural or built surroundings and existing supporting structures.

1. Facilities that are not camouflage or stealth shall close mount all panel antennas. MESA ZONING

ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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2. Stealth or camouflaged facilities shall not have antenna mounts that extend beyond the outside edge of the materials used to provide the stealth or camouflage design.
3. When freestanding, non-stealth tower elements are used, antennas and support structures, where utilized, shall be monopole type.
4. Monopole support structures shall not exceed 4 feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.
5. Wireless telecommunications facility support structures and antennas shall be a non-glossy color and/or exterior finish so as to minimize visual impacts from surrounding properties. Example: galvanized steel for freestanding, non-stealth facilities; fiberglass artificial bark cladding for stealth tree-like facilities.
6. All facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within 100 feet shall incorporate appropriate techniques to disguise the facility and/or blend into the surrounding environment, to the extent feasible. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting.
7. No telecommunications antenna or ancillary support equipment shall be located within a front or corner side setback except for facilities that are completely placed within sub-grade vaults no higher than the maximum height of a fence within a street or front setback, pursuant to Section 11-30-4, Fences and Freestanding Walls.
8. Support structures and site areas for wireless telecommunications antenna shall be designed and of adequate size to allow at least one additional wireless service provider to co-locate on the structure. Stealth facilities are exempted from this requirement.
9. Towers shall not be artificially lighted unless required by the FAA or other applicable government authority. All objects affecting navigable airspace must comply with Federal Aviation Regulation Section 77 and must be in conformance with the current restrictions for land within one mile of a runway.
10. All proposed fencing shall be constructed of masonry, and provide decorative texture, color and design in a manner compatible with the adjacent buildings and properties within the surrounding area and shall be designed to limit graffiti. MESA ZONING ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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11. Within the Desert Uplands area, as defined on page 33 in Section 9-6-5(A) of the Mesa City Code, Desert Uplands design standards shall apply, including compatibility of stealth and camouflage facilities with the list of approved landscape plant materials.

G. Required Signs. A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence surrounding the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.

H. Required Landscaping. Sites with antennas, antenna support structures, and related equipment shall be landscaped with a buffer of plant materials that effectively screens views of the base of support structures and equipment facilities from adjacent residential property or from any public right-of-way, path or trail.

1. The standard buffer shall consist of a continuous landscaped strip with a minimum radius of 4 feet around the perimeter of the installation.

2. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, towers sited on large lots, natural vegetation around the property perimeter may serve as a sufficient buffer.

3. Street trees and other landscaping may be required for telecommunications facilities proposed on lots lacking street frontage landscaping.

4. As determined by the context of the site and design preference proposed, additional landscaping, such secondary plantings of trees similar in appearance to the stealth design of the telecommunications facility, may be conditioned as part of the approval to mitigate the visual impact of the facility.

I. Operation and Maintenance Standards. All wireless communications facilities shall at all times comply with the following operation and maintenance standards.

1. Wireless telecommunications facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter, graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than 48 hours from the time of notification by the City. MESA ZONING ORDINANCE *Chapter 35: Antennas and Wireless Communications Facilities*

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2. The owner or operator of a facility shall be responsible for maintaining landscaping in accordance with the approved landscape plan and for replacing any damaged or dead trees, foliage, or other landscaping elements shown on the approved plan. Amendments or modifications to the landscape plan shall be submitted to the Zoning Administrator for approval.
3. Each facility shall be operated in a manner that will minimize noise impacts to surrounding residents and persons using nearby parks, trails, and similar recreation areas.
 - a. Except for emergency repairs, testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of 7:00 a.m. and 7:00 p.m. on Monday through Friday, excluding holidays.
 - b. All air conditioning units and any other equipment that may emit noise that would be audible from beyond the property line shall be enclosed or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations in Title 6, Chapter 12 of the Mesa City Code.
 - c. Backup generators shall only be operated during periods of power outages or for testing. Any testing of the backup generators should occur during daylight hours.
 - d. For the protection of emergency response personnel, each telecommunications facility shall have an on-site emergency “kill switch” to de-energize all RF-related circuitry and components at the site. For collocation facilities, a single “kill switch” shall be installed that will de-energize all carriers at the facility in the event of an emergency.

Zoning Ordinance, Section 11-70-5 – Special Use Permit:

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11-70-5: Special Use Permit

A. Special Use Permit (SUP). A SUP is a discretionary permit issued by the Zoning Administrator or Board of Adjustment.

B. Uses Subject to Special Use Permits. Uses requiring a SUP are established in the use tables in Chapters 4 through 11.

C. Permit Requirements. Permit requirements for some uses requiring a SUP are provided in Chapter 31, Standards for Specific Uses and Activities.

D. Permit Application and Procedures. The procedures for review and consideration of a SUP are as provided in the Chapter 67, Common Procedures, except a citizen participation plan and report is not required.

E. Required Findings. A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
 4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
- F. Revocation of Special Use Permits.** A Special Use Permit granted pursuant to this Chapter may be suspended, revoked, or modified by the Zoning Administrator, after holding a public hearing to determine whether any condition, stipulation, or term of the approval of the Use Permit has been violated. At least 30-days notice shall be public hearing, and all of the noticing and hearing requirements of Chapter 67 shall apply.