

Board of Adjustment

Staff Report

CASE NUMBER: BA16-017 (PLN2016-00203)
STAFF PLANNER: Mike Gildenstern
LOCATION/ADDRESS: 2837 E. McKellips Road
OWNER: McKellips Red Brick, LLC
APPLICANT: Michael Campbell, Campbell A & Z, L.L.C.

REQUEST: *Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height permitted in the LC zoning district. (PLN2016-00203).*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Special Use Permit (SUP) to allow a wireless communication facility (WCF) to exceed the maximum height allowed in the LC zoning district. The applicant is proposing the construction of a 60-foot tall monopalm measured to the top of the palm fronds. The WCF is proposed on an existing commercial parcel located east of Lindsay Road, on the south side of McKellips Road. The monopalm will be constructed on the western property line, towards the northwest corner of the property.

STAFF RECOMMENDATION

*Staff recommends **approval with the following conditions** of case BA16-017:*

- 1. Compliance with the site plans dated March 9, 2016, except as modified by the following conditions:*
- 2. The wireless communication facility shall utilize a monopalm design with a maximum height of sixty-feet (60') to the top of the fronds and fifty one feet (51') to the top of the antenna array.*
- 3. The lease area containing the equipment shelter and generator shall be screened by an 8' tall masonry wall, or to the height of the equipment being screened, with a solid metal gate painted to be compatible with the building on site.*
- 4. The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Palm fronds shall be a minimum of 11-feet in length with 10% of fronds at a length of 12-feet blended to screen antennas.*
- 5. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
- 6. The antenna array stand-off shall not exceed 2'-6" maximum from the pole.*
- 7. The antenna array for each sector shall not exceed an overall length of 10'-6"*
- 8. The antennas shall not exceed 19" wide x 10'-6" tall x 10" deep.*
- 9. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
- 10. Provide and maintain one natural living palm tree (minimum 35' high) within the landscape planter surrounding the equipment enclosure (within 20' of the enclosure) to help camouflage the proposed wireless communication facility.*
- 11. Apply a liquid copolymer to provide erosion control and dust suppression throughout the gravel yard.*
- 12. Provide a concrete tongue and throat driveway improvement to a dimension of at least twenty-two feet into the parcel, measured from the property line, for ingress and egress where the site accesses McKellips Road. The purpose of this improvement is to mitigate the impact of vehicles tracking gravel and other debris when exiting a gravel parking yard onto a public street.*
- 13. Provide a drawing of a hypothetical circulation/parking program designed to accommodate parking demands for a commercial shell building (1 space per 375 square feet) to exhibit how the wireless communication facility will integrate with the site if/when the parcel develops into a more intensive*

commercial use.

- 14. 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.*
- 15. Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.*
- 16. 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.*
- 17. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

SITE CONTEXT

CASE SITE:	Existing commercial site – zoned LC
NORTH:	(across McKellips Road) Existing commercial site – zoned LC
EAST:	Existing commercial site – LC
SOUTH:	Existing school – zoned NC
WEST:	Existing commercial site – zoned LC

STAFF ANALYSIS

The requested Special Use Permit (SUP) would allow the placement of 60-foot high monopalm along the western property line, towards the northwest corner of the existing commercial site. The proposed monopalm is located 270± feet away from the property line adjacent to the residential homes (across McKellips Road) to the north and 500± feet away from the property line adjacent to the residential homes to the south. The proposed equipment enclosure that will house the equipment cabinets and generator will be approximately 24' by 12', with an 8'-0" screen wall.

The wireless communication facility has been proposed to address “both capacity deficiencies and a gap in coverage”. The applicant has provided coverage maps depicting coverage before and after placement. Staff cannot identify if there is a coverage gap at the exact location of the placement due to the cell tower label covering the portion of the map. The map depicting coverage after the installation shows small coverage gaps filled.

Wireless communication facilities that exceed the maximum height permitted are an allowed use in the LC Zoning District subject to granting of a Special Use Permit. 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 proposed location is within the LC zoning district utilizing the stealth monopalm design. The equipment enclosure will occur within the existing walled commercial property. 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. Staff has completed an informal review of verticality, and concurs with the applicant's assessment.

Design Preferences/ Design Standards: The Zoning Ordinance provides a ranked listing of preferred design approaches for new wireless communication facilities. Top preference is given 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 Zoning Ordinance also provides several standards to help ensure antennas, antenna support structures, and related equipment are located, designed, and screened to blend with the existing natural or built surroundings.

The applicant has requested the use of a freestanding monopalm with a height of 51' feet to the center of the antennas (60-feet to top of palm fronds). A monopalm design was chosen by the applicant as the best method to blend into the surrounding environment, as there is already an existing 26' fan palm in close proximity to the proposed monopalm site. The monopalm is proposed to have a stand-off distance of approximately 2'-6" with a 10'-6" array.

Location of Facilities: The Zoning Ordinance requires that within commercial districts, new freestanding antenna structures may be located within 1,000 feet of another freestanding facility, provided a stealth camouflaged design is used.

The proposed design is of stealth design so it can be located within 1,000 feet of another facility.

Height of Facilities:

The applicant has proposed an 8-foot CMU screen wall with a screen gate. Section 11-30-9 requires screening material to exceed the ground mounted equipment by 12-inches. Upon reviewing the applicant-submitted elevation, it has been determined that the proposed CMU wall will sufficiently screen the equipment.

Required Separation and Setbacks: Alternative antenna structures, such as a monopalm, 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 monopalm is located 185± feet away from the property line adjacent to the residential homes (across McKellips Road) to the north and 500± feet away from the property line adjacent to the residential homes to the south.

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 proposal is deficient in the code requirement for landscaping around the base of the equipment enclosure. A landscape buffer does not need to be provided as the site cannot be easily viewed from McKellips Road as the perimeter of the site is screened by a masonry wall. In lieu of the landscaping being provided around the enclosure, staff has conditions the required landscaping be provided along the McKellips Road frontage. The exact landscaping material is one 35 foot tall live palm and ten lantana.

Required Site Improvements: Staff has requested that the applicant seal the gravel parking area on site with a liquid copolymer to provide erosion control and dust suppression when the site is accessed by maintenance vehicles. Staff has also requested that the applicant construct a concrete tongue and throat improvement for ingress and egress where the site accesses McKellips Road to mitigate the impact of vehicles tracking debris when exiting a gravel yard onto a public street. In addition, the applicant has been requested to provide a drawing of a hypothetical circulation/parking program designed to accommodate parking demands for a commercial shell building (1 space per 375 square feet) to exhibit how the wireless communication facility will integrate with the site if/when the parcel develops into a more intensive commercial use.

RECOMMENDED FINDINGS

1. The proposed location is a commercially zoned site that features a residential structure that has served as an office.
2. The proposed WCF is designed principally to address issues related to signal capacity, and provides increased signal coverage.
3. The proposed WCF and equipment enclosure will only be partially visible from McKellips Road, so the code requirement for a 4' landscape buffer around the lease area enclosure is not necessary.
4. The improvements will be compatible and not detrimental to the surrounding neighborhood.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Section 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:

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.
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.
 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.
 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.
 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 as 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.
 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:

- 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 provided prior to the public hearing, and all of the noticing and hearing requirements of Chapter 67 shall apply.