Board of Adjustment

Staff Report

CASE NUMBER:	**BOA17-00148**
LOCATION/ADDRESS:	**948 S. Horne**
COUNCIL DISTRICT:	**District 4**
STAFF PLANNER:	**Kim Steadman**
OWNER:	**School Dist. 4**
APPLICANT:	**Wingspan Wireless – Nancy Smith**

REQUEST: *Requesting a Special Use Permit (SUP) to allow for a wireless communications facility (WCF) in an RS-6 district, and a SUP to allow the facility to exceed the allowed height in an RS-6 District.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Special Use Permit (SUP) to allow a wireless communications facility (WCF) monopalm in the RS-6 District, and a SUP to allow the WFC to exceed the allowed height in an RS-6 District. The applicant is proposing the construction of a monopalm (which is a stealth WCF) that is 70-feet tall, measured to the top of the palm fronds. The WCF is proposed for an existing school property, located on the west side of Horne, north of Southern Avenue. The monopalm will be constructed on the east side of the site, east of the cafeteria.

STAFF RECOMMENDATION

*Staff recommends **approval with the following conditions** of case BOA17-00148:*

1. *Compliance with the plans dated July 06, 2017, except as modified by the following conditions:*
2. *The wireless communication facility shall utilize a monopalm design with a maximum height of seventy feet (70') to the top of the fronds and sixty-five feet (65') to the top of the steel tower.*
3. *In order to maintain concealment, the wireless communication facility shall use a Faux Date Palm design with a minimum of 65 palm fronds. Of the 65 palm fronds used, 20% of the fronds must be 96", 40% of the fronds must be 108", and 40% of the fronds must be 120".*
4. *The antenna array stand-off shall not exceed 2'-6" maximum from the pole.*
5. *The antenna array for each sector shall not exceed an overall length of 4'.*
6. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
7. *Antenna socks shall be added to the antennas to assist in screening.*
8. *A palm-frond skirt, and antenna socks shall be used to fully conceal proposed future carrier antennas.*
9. *The lease area containing the equipment shelter and generator shall be screened by a minimum 8' tall masonry wall, or a wall the height of the equipment being screened, and shall be stuccoed and painted to match the adjacent school buildings, with a solid metal gate painted to be compatible with the building on site.*
10. *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.*
11. *Provide and maintain three natural living palm trees, minimum 35' tall, as shown on the site plan to help camouflage the proposed wireless communication facility.*
12. *Provide and maintain a 4'-wide landscape area around the masonry wall enclosure of the facility, with decomposed granite, and shrubs planted at 6' on center.*
13. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.*
14. *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.*

15. *No later than 90 days from the date the use is discontinued or from 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.*
16. *Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the monopalm or base station as approved in case BOA17-00148 and the Mesa Zoning Ordinance as amended.*
17. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*

SITE CONTEXT

CASE SITE:	Existing school (Holmes Elementary) – zoned RS-6
NORTH:	(Across 9th Ave.) Existing residential – zoned RS-6 and RM-3
EAST:	(Across Horne) Vacant – zoned RS-6
SOUTH:	(Across 10th Ave.) Existing residential – zoned RS-6 and RM-4
WEST:	Existing residential – zoned RS-6

STAFF ANALYSIS

A Special Use Permit (SUP) approval is requested to allow the placement of a monopalm at the east side of the cafeteria on the Holmes Elementary School site. A monopalm design is considered a camouflage or concealed type of WCF. The school is located in a residential area, and has frontage on three streets. Across Horne, to the east is vacant land that is zoned for residential use.

According to the narrative provided by the applicant, the wireless communication facility is proposed to address "a drop in coverage and data capabilities in this area due to demand." This facility will "service the surrounding areas and fill in the current gaps in coverage." The applicant has provided coverage maps depicting coverage before and after placement. The maps indicate that the location of the proposed WCF is needed to meet the coverage objectives for the surrounding area.

The Mesa Zoning Ordinance (MZO) 11-35-6.D. requires approval of a SUP by the Board of Adjustment for any new, freestanding communications facility in any residential district. Also, MZO Table 11-30-3: "Allowed Projections Above Height Limits" states antennas are subject to provisions of MZO Chapter 35, Antennas and Wireless Communication Facilities and that a SUP is required for commercial communication towers that exceed the maximum permitted height of the district in which they are located. The proposed WCF monopalm exceeds the 30-ft. maximum height permitted in the RS-6 District. The proposed WCF monopalm is 70 feet tall. In addition, MZO 11-35-5 and 11-35-6 include location, design, and operation requirements for all non-exempt WCFs and require additional findings for a WCF that is proposed to be placed in a residential zoning district. The analysis below addresses the applicable requirements of MZO 11-35-5 and 11-35-6.

MZO SECTION 11-35-5: LOCATION, DESIGN AND OPERATION REQUIREMENTS

Location Preferences: MZO Section 11-35-5.A 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, and finally, stealth locations in residential districts.

The proposed location is within a residential district utilizing the stealth monopalm design. Staff has completed an informal review of verticality, and has determined that existing structures cannot be used to address the specific coverage gap. As the higher ranked options are not available in this neighborhood, the placement of the monopalm complies with the location preferences.

MZO Section 11-35-5.B Design Preferences: The MZO provides a ranked listing of preferred design approaches for new WCFs. Top preference is given architecturally integrated building mounted antennas, such as steeples, chimneys, and cupolas. 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. In addition, MZO 11-35-5.F requires antennas, antenna support structures, and related equipment to be located, designed, and screened to blend with the existing natural or built surroundings.

The applicant proposes a freestanding monopalm measuring 70 feet to top of the palm fronds. The structure's pole will be built of steel and painted to simulate the palm tree, and will include palm fronds, as well as a palm-frond skirt to conceal future colocations. A monopalm design was chosen by the applicant as the best method to blend into the surrounding environment. The monopalm is proposed to have a stand-off distance of 30" with a 4' array. Staff proposes conditions of approval that will increase the proposed number of fronds to 65, with varying sizes to screen the antennas that are 8 feet long.

MZO Section 11-35-5.C.2 Location of Facilities: No new freestanding antenna structure, including towers, lattice towers, and monopoles proposed within Residential and Mixed-Use Districts, 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."

The coverage maps demonstrate the proposed location is well beyond the 1000' separation requirement. Also, as this is a stealth design it could be located within 1,000 feet of another facility, if needed.

MZO Section 11-35-5.D Height of Facilities: The height of the monopalm is limited to the maximum height allowed in the RS-6 district (30') unless the SUP is approved to allow the proposed 70' height. The applicant has indicated that the additional height is required to fill the gap in coverage and capacity. The applicant has proposed an 8' CMU screen wall with a solid gate for the equipment on the site. The wall will be finished with stucco, and painted to match the existing school buildings. The height of the ground equipment is not identified in the plans. A condition of approval requires the 8' wall, as shown on the plans, or a wall equal to the height of the equipment being screened

MZO 11-35-5.E.1 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. Also, all WCF and related equipment must comply with the required building setbacks for the zoning district in which the facility is located and in no instance, shall the WCF be located closer than 5 ft. to any property line.

The proposed 70'-tall monopalm meets these requirements. It is setback 160± feet from the nearest residential property on the east side of Horne. It is setback 93'-11" from Horne, which is the nearest Right-of-Way

MZO 11-35-5.H Required Landscaping: MZO 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 width of 4 feet around the perimeter of the installation.

The applicant is proposing three live palm trees along Horne, with "appropriate shrubbery to be coordinated with school." The addition of these three live palms will assist in the camouflage of the monopalm structure. Additionally, a condition of approval requires a 4-foot wide landscape buffer with shrubs planted surrounding the equipment enclosure.

MZO SECTION 11-35-6: REVIEW AND APPROVAL PROCEDURES

MZO 11-35-6.E: Additional findings are required, to approve a SUP request for a WCF. This includes MZO 11-35-6.E.8, which requires evidence that the proposed location of a WCF in a residential district is necessary "for the provision of personal wireless services to Mesa residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City based on substantial evidence that siting the facility outside of a Residential district is infeasible and without the proposed facility, the operator will be unable to provide personal wireless services to its customers in the proposed coverage area, or unable to provide the capacity necessary to meet call volumes."

The documentation provided by the applicant demonstrates compliance with this subsection. Specifically, the applicant's maps of coverage and available facilities indicate that the proposed location, in a residential district, is necessary for the provision of personal wireless services to Mesa residents and businesses, as required under MZO 11-35-6.E.8.

MZO 11-70-5.E Special Use Permit

To approve a SUP, it must be found that the proposed use is: 1) in conformance with the intent of the Zoning Ordinance; 2) in conformance with the General Plan and other specified plans or Council Policies; and, 3) compatible with and not detrimental to adjacent properties or the neighborhood in general.

This request to allow the placement of a 70-foot tall WCF monopalm at an elementary school in the RS-6 District, meets MZO 11-35-5 "Location, Design, and Operation Requirements" and MZO 11-35-6 "Review and Approval Procedures" for the location of a WFC in a residential district. Specifically, compliance with the standards regarding placement and design of WCFs in residential districts assures the proposed facility complies with the General Plan, which designates this area as Neighborhood Suburban.

RECOMMENDED FINDINGS

1. The proposed location is a residentially zoned site that is within the Holmes Elementary School property.
2. The proposed WCF monopalm design is considered a stealth design.
3. The proposed WCF is designed principally to address a significant gap in coverage, and a capacity shortfall.
4. The 65 palm fronds at varying lengths (as conditioned) and the proposed planting of three palm trees adjacent to the monopalm will ensure it will blend with the existing surroundings.
5. The proposed WCF will include a minimum 8' CMU enclosure and (as conditioned) additional landscaping for screening of equipment.
6. The stealth design monopalm is proposed to be setback more than the proposed height, 70' plus one foot from all residential uses and from the Horne Right-of-Way.
7. The proposed monopalm is located 160± feet from the nearest residential properties on the east side of Horne.
8. The proposed WCF monopalm meets the applicable requirements of MZO 11-35-5 and MZO11-35-6.

9. The proposed WCF monopalm is an appropriate use in the RS-6 District and is compatible with the Neighborhood Suburban character type of the General Plan.
10. The improvements will be compatible and not detrimental to the surrounding neighborhood.
11. The residential district location is necessary for the provision of personal wireless services to residents.

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 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 11-35-6 – Review and Approval Procedures

A. The following wireless communication facilities are permitted by right with a Zoning Certificate issued under the provisions of Chapter 68, Zoning Clearance, if they comply with all applicable requirements of Section 11-35-5. All other facilities that are not exempt from regulation require approval of a Special Use Permit by the Zoning Administrator or Board of Adjustment, pursuant to Chapter 70, Conditional Use Permits and this Section:
    1. The following facilities when located on a property in non-residential use in any Commercial or Industrial District:
        a. Any microcell facility.
        b. Any antenna that is mounted on any existing building or other structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed the maximum height of zoning district in which it is located, or when attached to existing street light, or utility poles.
        c. Any camouflaged facility designed and built to appear as an architectural element of an existing building, or as an architectural structure designed to be consistent with the approved design theme for the development site, provided:
            i. All materials and design elements used in the camouflaged design are compatible with the approved materials, colors and design of the buildings and structures used for the development site;
            ii. The overall height of the camouflaged facility is no higher than twice the maximum height permitted for the zoning district;
            iii. The facility is a minimum distance of twice the proposed height of the facility from a Residential Zoning District.
    2. The following facilities when located on a property in non-residential use in any Industrial District:

a. Any free standing antenna structure and its supporting tower, pole, or mast that complies with all applicable setback ordinances, provided:
   i. The overall height of the antenna and its supporting structure does not exceed a height of 70-feet; and
   ii. The location of the facility is a minimum of 300-feet from a residence.
b. Freestanding Stealth facilities provided the overall height of the facility (not including stealth related masking features for antennas and antenna mounts) and its supporting structure does not exceed and height of 70-feet.

3. The following facilities when located on a property in any zoning district:
   a. Any building mounted facility, including roof mounts and wall mounts, provided any additional height required for the facility is less than 15-feet above the height of the existing building.
   b. Any co-located facilities mounted on existing freestanding poles or towers, provided:
      i. Any additional height required for the facility is less than 15-feet above the initial approved height of the pole or tower;
      ii. The existing number of communication providers with facilities on the pole does not exceed 3. Co-location of a fourth provider shall require approval of a Special Use Permit.
4. Undergrounding Required. All wires and/or cables necessary for operation of an antenna shall be placed underground or attached flush with the surface of the building or the structure of the antenna.

B. All requests for Special Use Permit, height exceptions, or Zoning Clearance review shall follow the procedures set forth in Article 7, Administration, and the following requirements:
   1. Any application that proposes construction of a new antenna structure or alternative tower structure or placement of a new antenna on an existing structure of any type shall require a pre-application meeting with Planning Division staff. This meeting is intended to provide significant preliminary information on the project, discuss development alternatives, and determine the appropriate review procedure.
   2. Any application that proposes construction of a new antenna structure or alternative tower structure or involves the placement of any type of communications equipment on or within an architectural form that requires an exception to a height limit shall require review by the Planning & Zoning Board.

C. The Zoning Administrator may approve the following modifications to existing structures provided the modification is consistent with the requirements of this Chapter and any applicable conditions of approval of a Special Use Permit.
   1. The use of a single tower by multiple carriers unless conditions of the Special Use Permit specify otherwise.
   2. An increase in the height of an existing antenna support structures that does not exceed 10 feet, provided, the increase in height is used to facilitate the co-location of another communications provider on the same structure and does not exceed the maximum height set forth in other applicable City requirements for a tower on that site.
   3. An application for building-mounted equipment provided the request is consistent with the requirements of this Chapter and other applicable City requirements and will not increase the height of an existing structure by more than 15 feet.

D. Approval of a Special Use Permit by the Zoning Administrator acting as a Hearing Officer or Board of Adjustment is required for the following:
   1. Any proposal for a new, freestanding communications facility or to increase the height of an existing antenna support structure greater than 15-feet in any agricultural or residential district;
   2. Any application for a building or roof-mounted structure that would exceed the height of the existing structure by more than 15 feet, except applications as listed in Paragraph A, above; and
   3. Any application that proposes an exception to any applicable requirement in Section 11-35-5.

E. In addition to any other findings that this Ordinance requires, in order to approve any Special Use Permit for a facility subject to regulation by this Chapter, the decision-making authority must find, based on substantial information in the record including, where required, technical analysis by an approved radio frequency engineers, calculations by a State-licensed structural engineer, or other evidence that:

1. The proposed telecommunication facility will comply with all applicable state and federal standards and requirements;
2. The proposed project is consistent with the general requirements of this Chapter and any specific requirements applicable to the proposed facility;
3. The proposed antenna or related facility, operating alone and in conjunction with other telecommunications facilities, will comply with all applicable state and federal standards and requirements; and either:
   a. Will not be readily visible; or
   b. Will be readily visible, but it is not feasible to incorporate additional measures that would make the facility not readily visible.
4. The facility, if it is not a microcell or co-located, is necessary to prevent or fill a significant gap in coverage or capacity shortfall in the applicant's service area, and is the least intrusive feasible means of doing so;
5. If the proposed facility is a satellite dish or parabolic antenna exceeding 39 inches in diameter, that a smaller or less intrusive antenna cannot feasibly accomplish the provider's technical objectives and that the facility will not be readily visible;
6. If a new antenna support structure is proposed or the applicant proposes to extend the height of an existing tower, that the applicant has made good faith and reasonable efforts to locate a telecommunication facility on a support structure other than a new monopole or lattice tower or to accomplish co-location and that no existing tower or structure in the vicinity can accommodate the applicant's proposed antenna;
7. If a modification of height, separation, setback, landscaping or other requirements of Section 11-35-5 is proposed, that the proposed modification is consistent with the purposes of this Chapter and will be the least intrusive feasible means of meeting the service provider's objectives;
8. If the proposed location is in a Residential district that the location is necessary for the provision of personal wireless services to Mesa residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City based on substantial evidence that siting the facility outside of a Residential district is infeasible and without the proposed facility, the operator will be unable to provide personal wireless services to its customers in the proposed coverage area, or unable to provide the capacity necessary to meet call volumes
9. If the proposed location is readily visible from the habitable area of a dwelling unit within 300 feet or from a public right-of-way, public park, or other public recreation or cultural facility, that:
   a. It is not feasible to provide the service at another location or to incorporate additional measures such as a decrease in height, increase in the number of number of facilities, increase in setback, change in design, relocation relative to other structures or natural features, that would further reduce its visibility; and
   b. The proposed telecommunication facility provides an important link in applicant's service area build-out and is necessary to meet its service needs to City residents.

F. The Zoning Administrator Hearing Officer or Board of Adjustment may waive or modify requirements of this Chapter upon advice of the City Attorney that denial of the application would have the effect of prohibiting the provision of telecommunications services, unreasonably discriminating among service providers, or constituting any other violation of State or Federal Law. The applicant shall have the burden of proving that the denial or requirement for compliance would violate applicable Federal or State Law.

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. It if 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.