

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00042
LOCATION/ADDRESS: 223 E. Brown Road
COUNCIL DISTRICT: District 1
STAFF PLANNER: Kim Steadman
OWNER: Fitch Nesbitt Family Limited Partnership
APPLICANT: Centerline Solutions – Joseph R. Engbrocks

REQUEST: *Requesting a Special Use Permit (SUP) to allow a wireless communications facility to exceed the allowed height in the LC District.*

SUMMARY OF APPLICANT'S REQUEST

The applicant proposes a wireless communications facility (WCF) that exceeds the 30' allowed height in the LC District. The proposed WCF is a stealth mono-pine which is 70'-tall, measured to the top of the branches. It is proposed within the parking lot behind an existing restaurant located on the south side of Brown Road, west of Mesa Drive. The mono-pine will be constructed south of the restaurant, $\pm 113'$ from an existing multi-residential property.

STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00042 **with the following conditions:**

1. Compliance with; the drawings dated 2-12-18, Justification Statement, and Photo Simulations, except as modified by the following conditions:
2. The wireless communication facility shall utilize a mono-pine design with a maximum height of seventy feet (70') to the top of the branch/needle canopy and sixty-five feet (65') to the top of the steel tower.
3. The faux pine branches shall start at eleven feet (11') from ground level and will be installed at a branch density of three-and-one-half (3.5) branches per foot.
4. Faux pine branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12").
5. The mono-pine shall be designed with faux pine branches that simulate a naturally tapering tree profile, i.e., wider at the base and narrower at the top. Such final design shall be approved by Planning Division staff before building permit review.
6. The pole of the mono-pine shall be covered in an artificial two-toned bark from six feet (6') above ground to a height of twenty-five feet (25') and painted to match the artificial two-toned bark above twenty-five feet (25').
7. The antenna arrays' stand-off shall not exceed twenty inches (20") from the pole.
8. The antenna array for each sector shall not exceed an overall width of eight feet (8').
9. The mono-pine faux pine needles shall be colored to match the pine needles of live pine trees.
10. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux pine needles and wrapped with faux pine needle socks.
11. Antenna socks with pine needles shall be placed on each antenna.
12. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot (8') tall split-face CMU wall finished and painted to match the existing restaurant building, with a solid metal gate painted to be compatible with the building.
13. 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.
14. 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.

15. *Provide and maintain two (2) natural living pine trees, minimum 36" box, and eighteen feet (18') tall to help camouflage the proposed wireless communication facility.*
16. *Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5.I.*
17. *The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility (including its mono-pine components) within 30-days of receiving written notice of the problem.*
18. *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 the owner's agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
19. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*
20. *Future co-location of additional carriers shall require individual zoning approval.*
21. *Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the mono-pine or base station as approved in case BOA18-00042 and the Mesa Zoning Ordinance as amended.*

SITE CONTEXT

CASE SITE:	Existing restaurant – zoned LC
NORTH:	(Across Brown Road) Existing multi-residential – zoned RM-4
EAST:	Existing commercial center – zoned LC
SOUTH:	Existing multi-residential – zoned RM-3-PAD
WEST:	Vacant – zoned RS-9

STAFF ANALYSIS

Mesa Zoning Ordinance (MZO) 11-35-5.A.5 allows “Camouflaged, stealth, or building-mounted facilities in Limited and General Commercial Districts...” The height of the facility can extend above the height limit of the district (30' in LC) only with a SUP. The requested SUP would allow placement of a 70-foot tall mono-pine in the parking lot south of an existing restaurant. The proposed mono-pine will be located ±113 feet from the property line of adjacent residences to the south. It will also be 70 feet from residentially-zoned vacant property to the west.

According to the narrative provided by the applicant, the wireless communication facility is proposed to address “a significant gap in coverage in the area near Mesa Drive and Brown Road.” 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.

MZO 11-35-5 and 11-35-6 specify location, design, and operation requirements for all non-exempt WCFs and require additional findings for a WCF that is proposed in a location visible from adjacent residences or rights-of-way. 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 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

districts are preferred, followed by stealth applications in commercial districts, and finally, stealth locations in residential districts.

The proposed location is within a commercial district utilizing the stealth mono-pine 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 mono-pine 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 mono-pine measuring 70 feet to top of the pine canopy. The structure's pole will be built of steel painted/finished to simulate a pine tree, and will include branches and pine needles designed to conceal future co-locations. Staff recommends a condition of approval to provide antenna socks with faux pine needles to enhance the stealth design. A mono-pine design was chosen by the applicant as the best method to blend into the surrounding environment, and proposes two living pine trees to help the new installation to blend in. The mono-pine is proposed to have a stand-off distance of 20' with an 8'-wide array.

MZO Section 11-35-5.C.2 Location of Facilities: New freestanding WCFs can be located within 1,000 feet of another freestanding facility "provided a stealth or camouflaged design is used."

An existing mono-palm at 318 E. Brown Road is within the 1000' radius, but is not co-locatable. The proposed stealth design allows the proposed WCF to be located within 1,000 feet of this facility.

MZO Section 11-35-5.D Height of Facilities: The height of the mono-pine is limited to the maximum height allowed in the LC 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 to provide for future co-locations. The applicant has proposed a 6' CMU screen wall with a slatted gate for the equipment on the site. The height of the ground equipment is not dimensioned in the plans but appears to be 8' tall. A condition of approval requires an 8' wall to screen equipment, split-face CMU to match the existing building, and a solid gate.

MZO 11-35-5.E.1 Required Separation and Setbacks: Alternative antenna structures, such as a mono-pine, must be setback from "any property in residential use" a distance equal to the height of the structure plus one foot (in this case 71'), and setback from streets a distance equal to the height of the structure plus one foot. Also, all WCFs 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 feet to any property line.

The proposed 70'-tall mono-pine meets these requirements. It is setback ± 113 feet from the nearest residential property to the south. It is setback $\pm 232'$ from Brown Road, and an estimated 188' from the Pasadena right-of-way, to the west. It is $\pm 70'$ from the vacant residential property to the west. This property is not "in residential use" so the proposed separation complies. The WCF and ground-mounted

equipment comply with the setbacks of the LC district.

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, paths, or trails. The standard buffer requirement is a continuous landscape strip with a minimum width of 4 feet around the perimeter of the installation. A condition of approval requires compliance with this standard. This is important because the installation will be visible from the living spaces of adjacent residences, and this area of the site sees regular use by pedestrians from the adjacent neighborhood.

The applicant is proposing two live pine trees on site. The addition of these trees to other existing pines on site will assist in the camouflage effect of the mono-pine.

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

MZO 11-35-6.E: Additional findings are required, to approve the SUP. This includes MZO 11-35-6.E.9, which requires evidence that a proposed WCF which is within 300' of a dwelling or public right-of-way is necessary, and that it is not feasible to locate it elsewhere, or at a lower height, and that the proposed facility "provides an important link in applicant's service area build-out and is necessary to meet its service needs to City residents."

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, $\pm 113'$ from a residential district, is necessary for the provision of personal wireless services to Mesa residents.

MZO 11-70-5.E Special Use Permit

MZO 11-70-5 provides SUP criteria. To approve the request, the Board must find the proposal: 1) complies with the goals and objectives of the General Plan; 2) complies with the purposes of the district where it is located; 3) will not be injurious or detrimental to the surrounding properties or neighborhood; and 4) has access to adequate public services and infrastructure.

This request to allow the placement of a 70-foot tall WCF mono-pine in the LC district, $\pm 113'$ from a residential use meets MZO 11-35-5 "Location, Design, and Operation Requirements" and MZO 11-35-6 "Review and Approval Procedures" for the location of a WCF in the LC district. Specifically, compliance with the standards regarding placement and design of WCFs adjacent to residential districts assures the proposed facility complies with the General Plan, which designates this commercial area as Mixed Use Activity District.

RECOMMENDED FINDINGS

1. The proposed location is a commercially-zoned site in an existing commercial center.
2. The proposed WCF mono-pine design is considered a stealth design.
3. The proposed WCF is designed principally to address a significant gap in coverage.
4. The mono-pine design (as conditioned) and the proposed planting of two pine trees adjacent to the mono-pine will assist in the stealth effect of the WCF and help it blend with the existing surroundings.
5. The proposed WCF installation will include a minimum 8'-tall split-face CMU enclosure and solid metal gates (as conditioned) and additional landscaping (as conditioned) for screening of equipment.
6. The stealth mono-pine is proposed to be setback more than the minimum (proposed height, plus one foot) from all residential uses and from the Brown Road, and Pasadena rights-of-way.
7. The proposed mono-palm is located ± 113 feet from the nearest properties in residential use, south of the proposed WCF.

8. The proposed WCF mono-pine meets the applicable requirements of MZO 11-35-5 and MZO 11-35-6.
9. The proposed WCF mono-pine is an appropriate use in the LC District and is compatible with the Mixed Use Activity District character type of the General Plan.
10. The improvements will be compatible with and not detrimental to the surrounding neighborhood.
11. The location which is visible from residences 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. 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.