

**SPECIAL USE PERMIT**  
**MESA BOARD OF ADJUSTMENTS BOA21-00686**  
July 13, 2021 revised 9-3-21

**1. Proposal Summary Information**

Crown Castle Site: Red Mountain Golf BU# 831564

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Property Owner: Divot Partners, LLC  
6425 E Teton Circle  
Mesa AZ 85215  
APN: 141-70-982

Request: Special Use Permit Wireless Communication Facility  
Board of Adjustments

Site Location: Red Mountain Golf, Power Rd south of Redmont Drive.

Legal Description: A portion of the Section 25, Township 2 North, Range 6 East of  
the G&SRBM, Pima County, AZ

APN#: 141-70-982

Zoning: RS-9

## 2. Introduction

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Crown Castle, a wireless communications infrastructure company operating in the City of Mesa, AZ, owns and operates the Wireless Communications Facility located at 3611 N Power Rd., on the CAP canal bank, ("Existing Site"). The Existing Site accommodates T-Mobile Wireless. The carrier has provided wireless communications coverage in the area for the last 12 years. The site was approved by the City and built in 2009.

Crown Castle is one of the largest providers of shared communications infrastructure in the United States, with approximately 40,000 cell towers comprising approximately 91,000 installations. Crown Castle's extensive infrastructure serves as the backbone of the nation's communication network. The Existing Site is a critical component of that network, will provide Network continuity for the public interest, continuing 911-call service and long-term stability for T-Mobile current service levels in the City.

## 3. Project Goals

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The goal of this application is to maintain continued coverage of this area by the proposed wireless facility. The existing lease with the Central Arizona Project will soon expire and the Applicant is requested to relocate the Existing Site to the Proposed Site ("Red Mountain Golf") located near Power Rd south of Redmont Dr. This relocation will allow the existing carrier, T-Mobile to provide continued wireless services to the community for emergency services, business, and personal use.

*Existing Site*



This proposal describes the scope of the proposed project by providing specific information regarding the project location, zoning, specifications, in relation to the City of Mesa code requirements pertaining to Wireless Communications Facilities (WCF).

It is Crown’s desire to work with the City to ensure that the project is consistent with the City’s development guidelines and its surroundings while maintaining the existing wireless communications coverage that is critical for emergency, business, and personal use.

#### 4. Request

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This application submittal anticipates that the following formal request be made to the City of Mesa

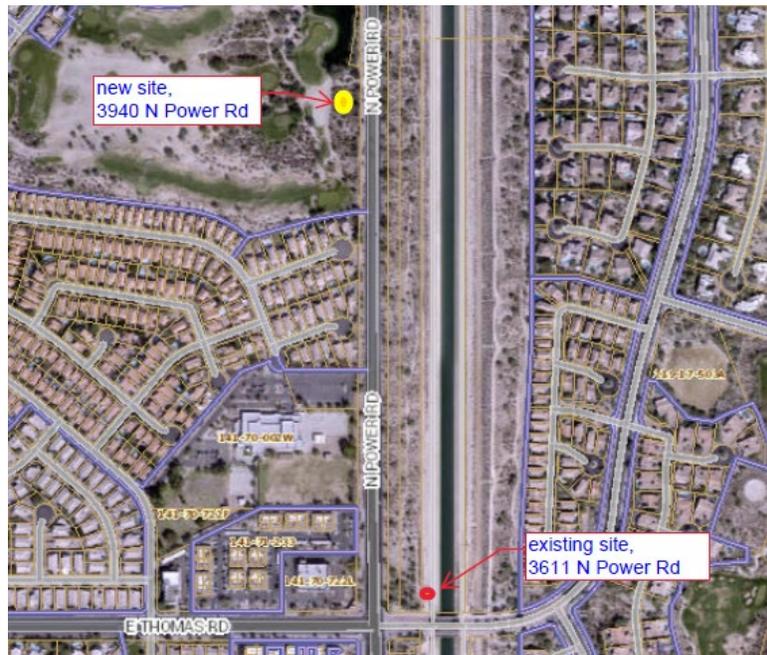
- Special Use Permit, Board of Adjustments

#### 5. Project/Site Description

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The Proposed Relocation Site will be relocating from the Existing Site at 3611 N. Rd. The lease for the current WCF is expiring soon and a new permanent site is needed to ensure T-Mobile can continue to deliver their high speed wireless broadband services to their customers in this area. Crown Castle is proposing to relocate the current site approx 2,200’ to the northwest of the Existing Site.

The location of the Proposed Site is near the existing WCF location as there is minimal flexibility when relocating existing communication sites because they are “tied” to their neighboring communication sites as part of a network. The proposed location will allow for the carrier to closely mimic their current network coverages without major impact to service levels and quality and avoiding the creation of new coverage gaps.



Proposed Site Location with Existing Site Location

The Proposed Relocation Site is south of the golf course lake that parallels Power Rd. Crown Castle desires to construct a new 80' monoecalyptus, at planning staff's recommendation, with T-Mobile as the tenant to provide continued service to the community and to provide co-location opportunity to other carriers at this north east Mesa location.

Crown proposes to construct a new 80' monoecalyptus tree within the new 1,800sq. ft. secured equipment compound. The proposed monoelm can accommodate up to three carriers to provide wireless services to the area for emergency, business, and personal use.

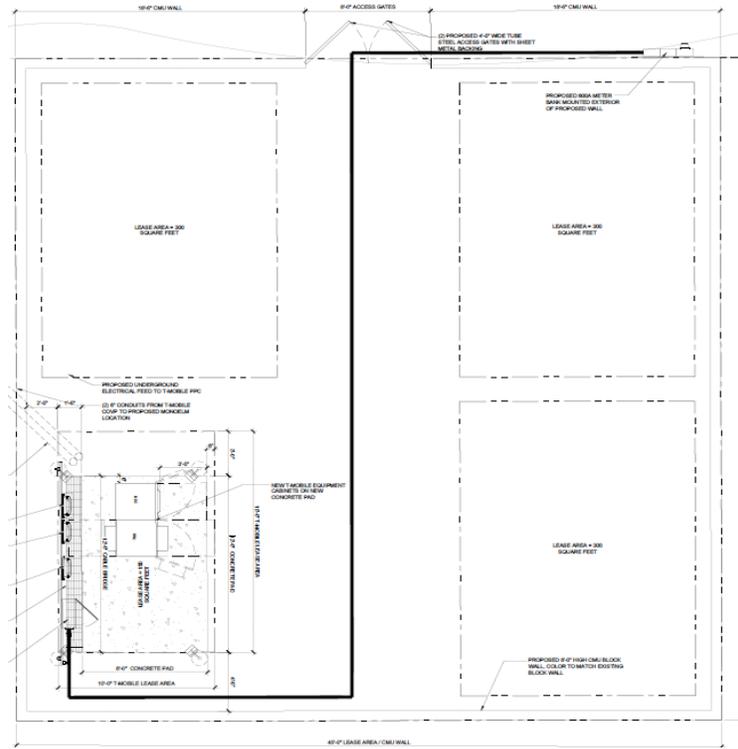
Proposed Site w/ the mono-eucalyptus



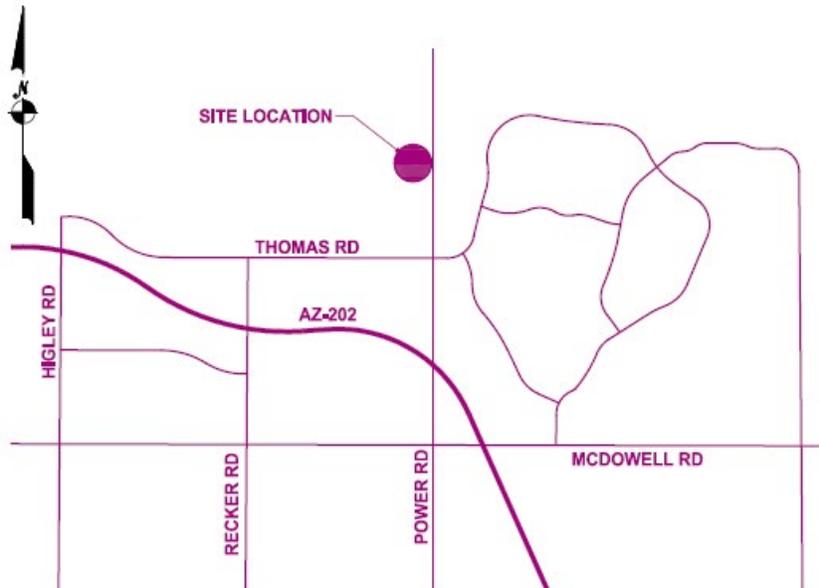
View from the south

In addition to the proposed monoecalyptus tree, the applicant is proposing to build a wireless equipment compound at this site to house the carrier equipment and secure it from public access. The walled compound will be designed to match the color and design of the nearby golf course pump station. Typically, each carrier/customer has its own cabinet/shelter as well as their own electric meter and fiber source in the compound. Below is the proposed layout showing the ability to located up to 4 carriers at this location, making it co-locatable and reducing the tower proliferation within the city and the Desert Uplands area.

### Proposed Equipment Compound



### Proposed WCF Location



The proposed structure will follow all City building codes and design standards as directed by the Building Safety Department.

*Project Data Table*

<b>Site Development Regulations</b>	<b>Existing</b>	<b>Proposed</b>
<b>Current Height</b>	69'	80'
<b>Setbacks</b>	N/A	Meet or exceed
<b>Setback non-residential</b>	N/A	E: (Power Rd)135'
<b>Setback from residential</b>	N/A	N: 746', S: 556', W: 1,588'
<b>Landscape</b>	N/A	Requesting a waiver*

**6. Site Justification**

**1. MZO Section 11-70-5E SPECIAL USE PERMIT**

1. 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.
2. 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.
3. 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.
4. 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
5. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

The Applicant understands and agrees with MZO Section 11-70-5(E), Special Use Permit.

**2. MZO Section 11-35-6(E):**

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 the Chapter and any specific requirements applicable to the proposed facility.
3. The proposed antenna or related facility, operating alone and in conjunction with other telecommunication 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 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 least intrusive 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 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 on 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 antennas.

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.

The Applicant will be in compliance of the standards as set forth in Section 11-35-(6) as noted above.

**Other:**

1. **Owner Letter of Authorization**, City of Mesa form, attached hereto.

2. **Aerial overlay on the Site Plan**, included in the updated Site Plan.

3. **Landscape Plan** requirement, 4' buffer around the site.

The existing natural desert vegetation includes creosote bush, desert marigold, desert globe mallow. There are no saguaro cactus, prickly pear or ocotillos in the area of the planned site. Photos provided on following pages show the density of the existing vegetation.

The existing natural vegetation in the area known as the "rough" of the golf course is significant. Crown Castle is proposing to remove the only the existing natural vegetation within the compound area.

Crown would agree to replace any damaged natural vegetation in the 4' buffer area, with vegetation from the Mesa Desert Uplands guidelines.

**Crown is respectfully requests a landscape wavier** for this project due to the location of the tower and the natural vegetation that will remain around the compound to camouflage the wall and equipment. Crown is proposing to leave the balance of the natural vegetation around the proposed compound to create the required City of Mesa 4' landscape buffer. Crown would agree to replace any damaged natural vegetation in the 4' buffer area, with vegetation from the Mesa Desert Uplands guidelines.

**Proposed site location existing vegetation.**



Looking west at the proposed site location



Looking east at the proposed site location

**Least Intrusive Means to Fill a Significant Gap in Coverage.**

Section 332(c)(7)(B)(i)(II) of the Federal Telecom Act bars local governmental decisions from precluding the provision of wireless services:

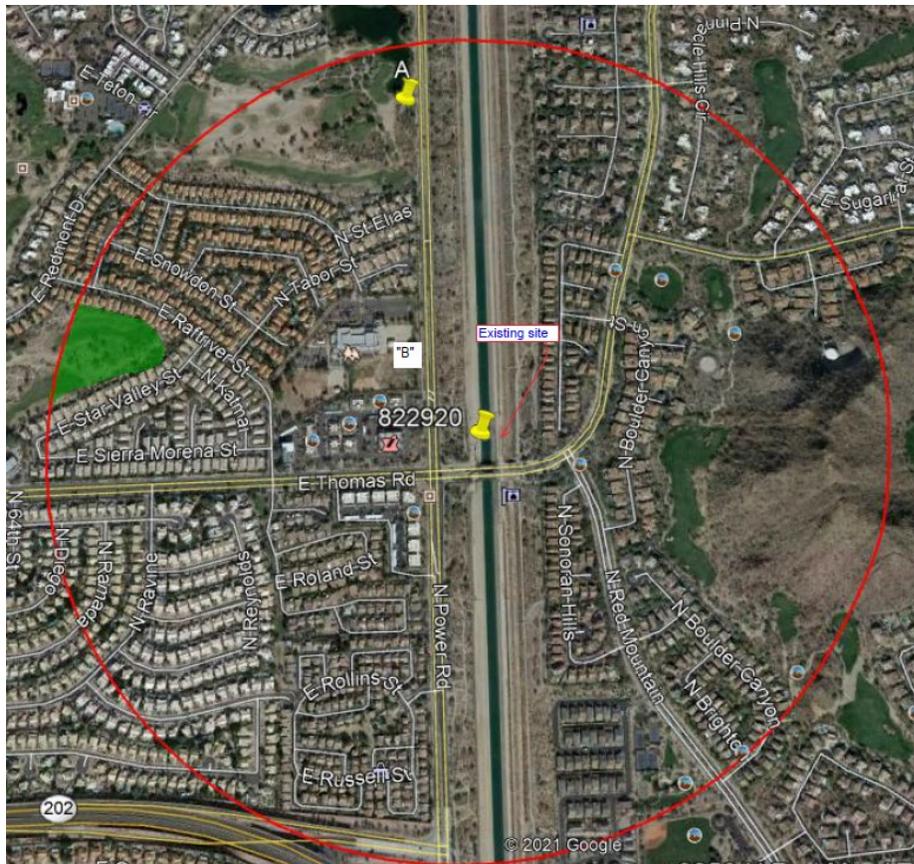
The regulation of the placement, construction, and modification of personal wireless service facilities by any State or Local government or instrumentality thereof—

(II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

The search area in which a site can be relocated is limited because each site is a link in a chain of sites and cannot move very far in any direction once the network has been established. Moving too far one way or another would cause interference or create a gap in coverage. Below is a map generated to guide the search for the least intrusive candidate in an acceptable range for a replacement tower to match the coverage of the old tower.

Within this search area, properties were either improperly zoned for the proposed use, lacked available physical space or landlords were not interested in entering into an agreement with Crown Castle at this time. Below, two acceptable candidate sites were identified in the area search ring. Crown Castle chose Candidate "A" as the carrier's RF Engineers determined the location to provide the networks coverage that was equal to or better than the existing facility. Candidate B was deemed as not a viable co-location opportunity due to lack of available ground space.

1. Candidate A-6425 E Teton Circle
2. Candidate B-3654 N Power Rd, clock tower WCF.

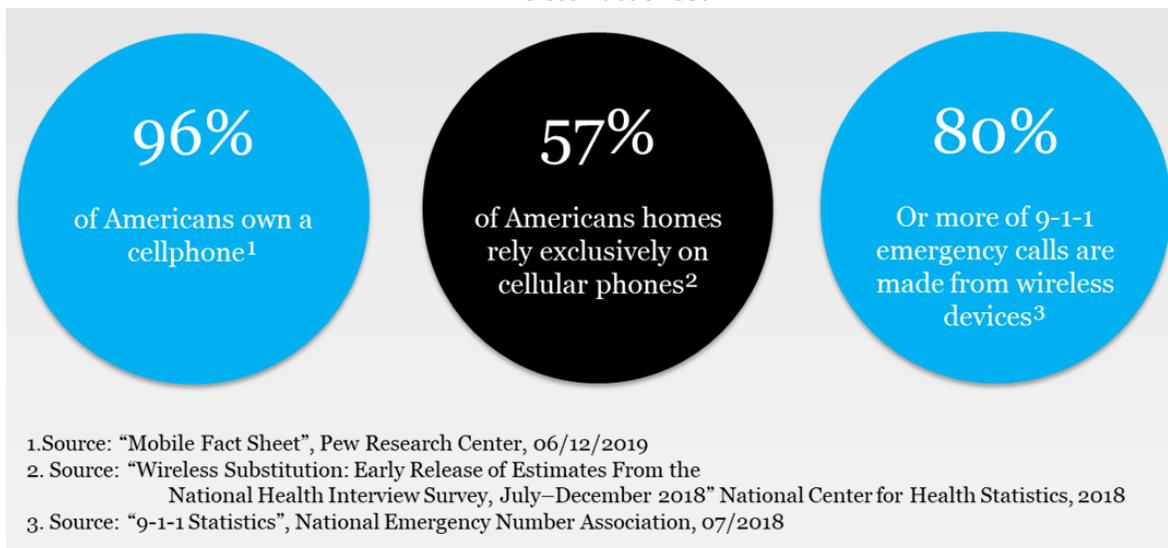


Search Ring

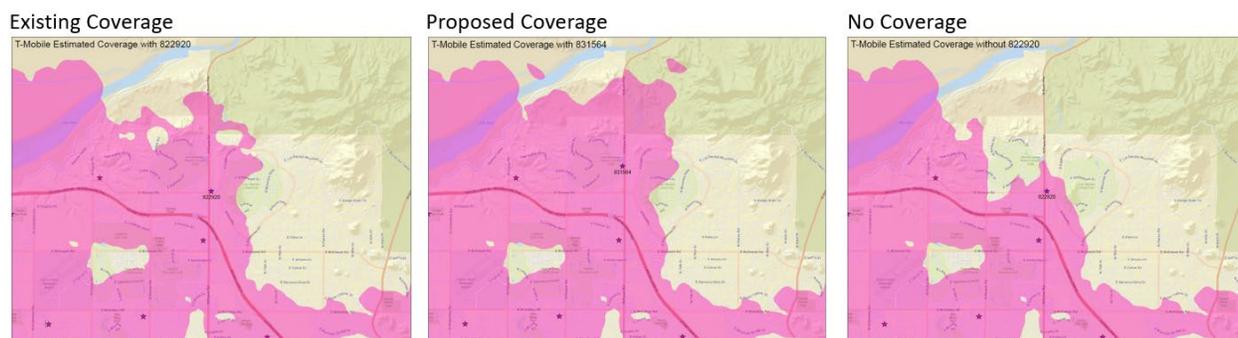
The search ring map above shows that a large majority of the area is either residential with commercial at the west side of the intersection of Power & Thomas Rd. The commercial lots are considered shallow lots as they back up to residential development therefore precluding the placement of a WCF on the parcels and still meet the required setbacks. Candidate "A" was selected by RF as a viable location to match the existing coverage and allowed for a full antenna array. Candidate "B" fell out due to lack of available ground space for carrier equipment.

Wireless telecommunications are the primary mode of communication for Americans in the twenty-first century. That fact is amply demonstrated by the latest surveys in the industry, which reveal that over 50 percent of American homes rely solely on wireless devices. Over 90% of households have at least one mobile phone. In a recent report, the "National 911 Program," which is an office housed within the National Highway Traffic Safety Administration, found that "80 percent of consumers are using cellular phones to make 911 calls." Wireless communications are a critical part of a community's health, safety and welfare. Below is a depiction of the statistics of wireless devices usage.

### Wireless Fact Sheet



### Existing Coverage – Map



The above comparison map shows the Existing and Proposed Sites, along with the coverage. The coverage is relatively the same and would improve coverage in the service area. North of the site is outdoor recreational areas and trails which would be better served by the proposed location.

## 7. Zoning

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The Proposed Relocation Site is zoned RS-9 within the City of Mesa. The adjacent parcels to the subject site are zoned RS-6, RS-9 and RS-90. The City of Mesa Zoning ordinance allows for telecommunications facilities within in these zones with a 2:1 set-back standard. The use of the existing site is open space, golf course. Below is a matrix table showing the distance from residential uses in the near vicinity. The

proposal complies with the Mesa 2040 General Plan by expanding technology use by creating access to information and creating a safe, clean and healthy living environment.

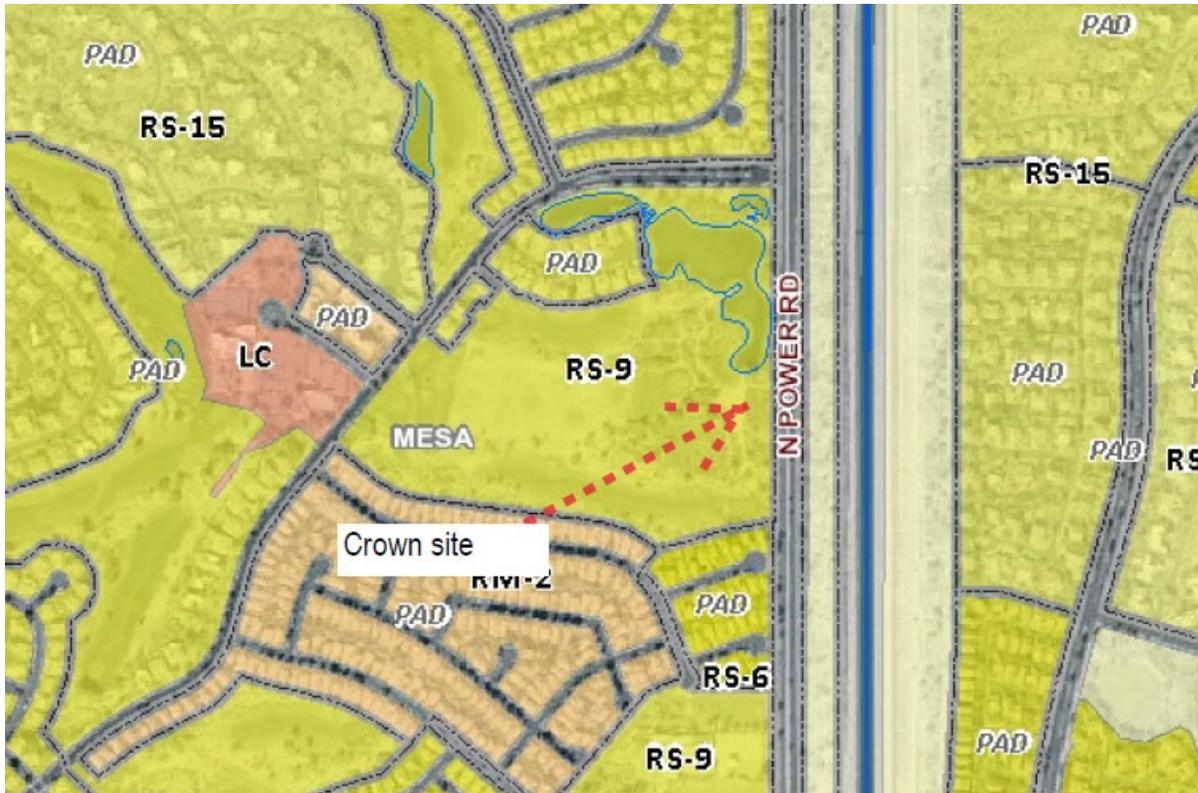
*Zoning Project Data Table*

Direction	Existing Zoning	Existing Use
Site	RS-9	Golf course rough
North	RS-9 & RS-6	Golf course, then residential
East	RS-90	Common area & Power Road
South	RS-9 & RS-6	Golf course, then residential
West	RS-9	Golf course, then residential

*Distance from surrounding Residential*

Direction	Distance	Existing Use
North	746'	RS-6
East	135'	RS-90
South	556'	R1-6
West	1,558'	RS-90

Mesa Zoning Map



## 8. Analysis of Federal Law

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### 1. Federal Telecommunications Act of 1996

In addition to local and state law, this application is governed by the federal Communications Act, 47 U.S.C. § 332(c)(7)(B). In the Telecommunications Act of 1996, Pub. L. No 104-104, 110 Stat. 56 (“Telecom Act”) Congress added Section 332(c)(7)(B), which provides rights to wireless service providers and establishes limitations upon state and local zoning authorities with respect to applications for permits to construct wireless service facilities. The express purpose of the Act is “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers.” Pub. L. No. 104-104, 110 Stat. 56, 56 (1996); see also *City of Rancho Palos Verdes v. Abrams*, 544 U.S. 113, 115 (2005). It also is intended to “encourage the rapid deployment of new telecommunications technologies.” *Id.*; see also H.R. Conf. Rep. No. 104-458, at 113 (1996) (purpose of the 1996 Act is “to provide for a pro-competitive, deregulatory national policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services . . . by opening all telecommunications markets to competition”).

Recognizing that wireless service can bring enormous benefits to communities and can boost jobs and economic productivity, this important law and subsequent regulations applicable to wireless facilities, were enacted to remove impediments to and promote the rapid deployment of wireless technology on a national basis.

The applicable limitations and directives include the following:

- (a) State and local governments may not unreasonably discriminate among providers of functionally equivalent services (§332(c)(7)(B)(i)(I)).
- (b) State and local governments may not regulate the placement, construction or modification of wireless service facilities in a manner that prohibits, or has the effect of prohibiting, the provision of personal wireless services (better known as the “effective prohibition clause”) (§332(c)(7)(B)(i)(II)).
- (c) State and local governments must act on requests for authorization to construct or modify wireless service facilities within a reasonable period of time (§332(c)(7)(B)(ii)).
- (d) Any decision by a state or local government to deny a request for construction or modification of personal wireless service facilities must be in writing and supported by substantial evidence contained in a written record (§332(c)(7)(B)(iii)).
- (e) Finally, no state or local government or instrumentality thereof may regulate the placement, construction or modification of personal wireless service facilities on the basis of the perceived environmental effects of radio frequency emissions to the extent that such facilities comply with federal communications commission’s regulations concerning such emissions (§332(c)(7)(B)(iv)). See Proof of FCC Compliance attached as Exhibit 1.

Rapid deployment of wireless facilities is an important national issue, especially given the trend of Americans eliminating traditional landline service in favor of wireless communications. The Center for Disease Control and Prevention (“CDC”) tracks “wireless substitution” rates as part of its National Health

Interview Survey and publishes the findings every six months in its Wireless Substitution reports. The most recent report, issued in December of 2019, estimates that more than one-half (57%) of American homes have only wireless phones.

Reliable and robust wireless communication is essential, especially considering over half of Americans and Coloradans do not have a landline and rely on wireless service to conduct personal and business communications, to access the internet or to reach emergency responders. Ensuring access in the event of an emergency is critical be it communications between emergency service personnel or for people calling for help.

## 9. **Conclusion**

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Crown Castle is seeking approval for the Special Use Permit WCF within the Red Mountain Golf Course property. By approving this application for the Proposed Site within City Mesa jurisdiction. Crown has designed the monoelm to be consistent with development code and the uses.

- The Proposed Site will not cause an adverse impact on adjacent property or properties in the area.
- The Proposed Site will not cause a significant increase in vehicular or pedestrian traffic in the adjacent areas.
- The Proposed Site will not cause the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions.
- The Proposed Site will not contribute in a measurable way to the deterioration in the neighborhood or area or contribution to the lowering of property values.

## 10. **Attachments**

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- Site map
- Zoning Drawings
- Property Owner's Authorization Signature Form
- Photo-sims

On behalf of Crown Castle, I respectfully submit this package for your review and consideration. Upon completion of your review, please contact me if you have any questions and or need additional information.

Sincerely,

*Michael J Campbell*

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