



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 7, 2022

CASE No.: **BOA22-00501**

CASE NAME: **PH68202C – TowerCom QC Elevate**

Owner's Name:	ETP Fundings LLC
Applicant's Name:	Declan Murphy, Coal Creek Consulting for TowerCom/T-Mobile
Location of Request:	8946 E Germann Road
Parcel Nos:	304-62-953
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the height limit in the Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP).
Zone District:	Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP)
Council District:	6
Site size:	0.02±
Proposed use:	Accessory Wireless Communication Facility
Existing use:	Multi-tenant Retail
Hearing date(s):	September 7, 2022/5:30 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 18, 1990**, the City Council annexed approximately 3,345± acres, including the subject site, into the City of Mesa (Ordinance No. 2473).

On **March 5, 1990**, the City Council established comparable zoning district on recently annexed property, including the subject site (Case No. Z90-007; Ordinance No. 2496).

On **May 6, 2002**, the City Council adopted an area land use plan for the area south of Williams Gateway Airport, approximately 1,282± acres, including the subject site (Case No. Z01-029; Ordinance No. 7838).

On **June 21, 2004**, the City Council rezoned approximately 315± acres, including the subject site, from Single Residence 43 (RS-43) to M-1, now known as LI (Case No. Z04-001; Ordinance No. 4208).

On **July 2, 2018**, the City Council approved a site plan and Council Use Permit for the development of an indoor recreation facility, including the subject site (Case No. ZON18-00065; Ordinance No. 5452).

On **November 13, 2019**, the Planning and Zoning Board approved a site plan for the development of a multi-tenant retail building, including the subject site (Case No. ZON19-00621).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to exceed the height limit in the Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP) to allow for the placement of a 65-foot-tall wireless communication facility (WCF). The proposed WCF will be a stealth Broadleaf Tree, located on the northeastern corner of the property, north of Germann Road and west of Ellsworth Road. The proposed WCF will provide continued coverage for nearby residences, businesses, and emergency services.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Employment. Per Chapter 7 of the General Plan, the overall goal of the Employment character area is to provide for a wide range of employment opportunities in high-quality settings. The proposed WCF will help expand coverage to those who live and work in the area by complying with the intent of the character area by providing service to nearby populations.

Site Characteristics:

The subject site is located west of Ellsworth Road on the north side of Germann Road. The proposed WCF would be erected in the northeast corner of a larger commercial retail site within the landscape area north of Germann Road.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Winston Ave.) LI-PAD Vacant	North LI-PAD Vacant	Northeast LI Vacant
West LI-PAD Office/Industrial	Subject Property LI-CUP Commercial Retail	East LI Vacant
Southwest (Across Germann Road) Queen Creek Single Residence	South (Across Germann Road) Queen Creek Agriculture/Vacant	Southeast (Across Germann Road) Queen Creek Agriculture/Vacant

Mesa Zoning Ordinance Requirements and Regulations:

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

Location Preferences – Section 11-35-5(A)

Section 11-35-5 (A) of the Mesa Zoning Ordinance (MZO) provides the location requirements for WCFs. Requirements can be met in a variety of ways with preferences ranked in order from the most preferred (1) to the least preferred (6). The applicants are proposing to use location preference 4 providing a stand-alone, camouflaged, stealth tower in a Light Industrial district more than 300 feet from residential. Preferable locations include being placed on existing non-residential structures located more than 300 feet from a residential zone, or on existing power poles located more than 300 feet from a residential zone.

Per the applicant's narrative, the placement of the WCF is limited because each site is a link of a chain of sites; therefore, any one link cannot be moved very far in any one direction once a network has been established. It was determined by the applicant that there were no other viable sites within the network "range" that had appropriate zoning, physical space, or landlord interest. Located on the northeastern corner of the subject site, the stealth tower provides ample ground space for equipment and provide equal or greater coverage in the area, thus making it the preferred site.

Design Preferences – Section 11-35-5(B)

Similarly, design options for WCFs are ranked in order from the most preferred (1) to the least preferred (7). The applicants are proposing a stealth Broadleaf Tree design which would qualify as preference 6 out of 7. Other design preferences included a building mounted antenna or a camouflaged freestanding structure such as a steeple or clock tower. The applicants were unable to use one of the more preferred design preferences because there are no nearby structures tall enough to provide for the desired coverage nor would they be far enough away from any residential areas.

Location of Facilities – Section 11-35-5(C)

The proposed WCF meets all applicable location of facilities standards specified in Section 11-35-5(C) of the MZO. The proposed WCF will not be sited on a ridge line. The proposed facility is a camouflaged design and is located more than 1,000 feet from another freestanding facility. All ground mounted equipment is located in close proximity to the tower. Finally, the facility meets all setback requirements of the zoning district.

Height of Facilities – Section 11-35-5(D)

The applicant is requesting approval of this Special Use Permit to exceed the maximum height (40 feet) in the LI-CUP zoning district. The proposed 65-foot stealth Broadleaf Tree would allow for carriers to provide wireless service to the area for emergency, business, and personal use.

Required Separation and Setbacks – Section 11-35-5(E)

The Stealth Broadleaf Tree design is considered an alternative antenna structure and is required per MZO Section 11-35-5(E) to be setback from any adjacent residential use by a distance equal to the height of the stealth Broadleaf Tree plus one (1) foot. The proposed stealth Broadleaf Tree

will be 65 feet tall and will be over 300 feet from the nearest residence. Additionally, the site will be placed over 400 feet away from the public right-of-way.

Design Standards – Section 11-35-5(F)

Per MZO Section 11-35-5(F), antennas, antenna support structures, and related equipment must be located, designed, and screened to blend with the existing natural or built surroundings. The applicants are proposing a stealth Broadleaf Tree design that will be painted to match and have an antenna sock to give the illusion that the antennas are covered with leaves. Additionally, the facility has been designed to accommodate additional carriers, thus minimizing the total number of towers needed in the area. Overall, the proposed WCF will be designed to the extent possible to blend with the surroundings.

Required Signs – Section 11-35-5(G)

A sign will be required to be placed on the gate of the facility that will comply with MZO Section 11-35-5(G).

Required Landscaping – Section 11-35-5(H)

The WCF is located in a way to preserve as many existing trees and shrubs as possible in the natural landscaped areas around the facility.

Operation and Maintenance Standards – Section 11-35-5(I)

The site will be required to comply with operation and maintenance standards per MZO Section 11-35-5(I).

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

Per Section 11-70-5 of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SUP that:

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;

The proposal complies with the Mesa 2040 General Plan by expanding communications coverage and creating access to information, while maintaining a safe, clean, and healthy living environment.

The proposal complies with this criteria.

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 any other applicable City plan or policies;

The proposed WCF is necessary to address a gap in service, and will be a 65' foot tall stealth structure, which is a standard height WCF throughout the City of Mesa. The proposed WCF will be located in an LI Zone, 300 feet away from the nearest residential uses, as well as meeting all other requirements of Chapter 35 of the MZO

for antennas and wireless telecommunications facilities. The increased height will provide greater coverage to the area and will allow for the colocation of other carriers on the WCF.

The proposal complies with this criteria.

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

The proposed WCF meet all setback requirements for the LI-CUP District, meets the separation requirements from residential development, and will be a stealth “camouflaged” design. Based on the proposed location of the WCF, staff does not anticipate that the WCF will pose any safety concerns and should not be injurious or detrimental to adjacent properties in the area.

The proposal complies with this criteria.

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

The addition of the WCF does not add any additional burden to the existing public services, public facilities, nor public infrastructure. The public infrastructure is already on-site and will adequately serve the site and proposed use.

The request complies with this criterion.

Findings:

- A. The proposed wireless communication facility would be located in the Light Industrial Zoning District with a Council Use Permit Overlay (LI-CUP).
- B. The proposed tower design is a stealth Broadleaf Tree, which is considered a stealth design.
- C. The proposed facility will be over 300 feet from the nearest residential use and over 400 feet from the public right-of-way line, meeting the separation requirements per MZO Section 11-35-5(E).
- D. The proposed facility meets the allowed setbacks for the zoning district.
- E. The applicant has worked with staff on the stealth broadleaf tree design to best blend in with the site and context.
- F. The proposed wireless communication facility meets all other applicable requirements of MZO 11-35-5, Location, Design and Operation Requirements; and 11-35-6, Review and Approval Procedures.
- G. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the LI-CUP district and conform with the General Plan.

- H. 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.
- I. There are adequate public services, public facilities and public infrastructure available to serve the proposed project.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 feet of the site. As of the writing of this staff report, neither staff nor the applicant have been contacted by any of the public. Staff will update the Board at the Public Hearing if staff receives any correspondence.

Staff Recommendation:

Based upon the application received and preceding analysis, Staff finds that the request for a SUP to allow a wireless telecommunications facility to exceed the maximum height in the LI-CUP zoning district, meets the requirements of Chapter 35 and the approval criteria of Section 11-70-5(E) of the MZO; and therefore, recommends approval with the following conditions.

Conditions of Approval:

1. Compliance with all final documents submitted with this application.
2. The wireless communication facility shall utilize a stealth Broadleaf Tree design with a maximum height of sixty five feet (65') to the top of the Broadleaf Tree.
3. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux broadleaf leaves.
4. The lease area containing the ground-mounted equipment shall be screened by a minimum eight-foot-tall (8') CMU wall, painted to be compatible with the natural desert surroundings.
5. 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.
6. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5(I).
7. 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.
8. 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.
9. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
10. Future co-location of additional carriers shall require individual zoning approval.
11. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the Broadleaf Tree or facility as approved in case BOA22-00501 and the Mesa Zoning Ordinance as amended.
12. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix

Mesa Gateway Airport which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map or prior to the issuance of a building permit).

13. Written notice be provided to future property owners, and acknowledgment received that the project is within 2 mile(s) of Phoenix Mesa Gateway Airport.
14. Due to the proximity to Phoenix Mesa Gateway Airport (PMGA), any proposed permanent, or temporary structure, as required by the FAA, is subject to an FAA filing, for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. If required, an FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Rendering of Broadleaf Tree
- Exhibit 6 – Coverage Maps