



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

May 3, 2023

CASE No.: **BOA23-00197**

CASE NAME: **CBRS Cell Tower Pioneer Park**

Owner's Name:	City of Mesa
Applicant's Name:	City of Mesa
Location of Request:	Within the 500 block of east Main Street, the 0 to 200 blocks on North Lesueur, the 500 block of East 2nd Street and the 0 to 200 blocks of North Hobson. Located east of North Mesa Drive and North of East Main Street.
Parcel Nos:	138-26-015
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height in the Downtown Residential 2 District (DR-2).
Zone District:	Downtown Residential-2 (DR-2)
Council District:	4
Site size:	16.86± acres
Proposed use:	Accessory Wireless Communication Facility to a Park
Existing use:	Park
Hearing date(s):	May 3, 2023/5:30 p.m.
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 10, 1930**, the City Council annexed approximately 550.86± acres, including the subject site, into the City of Mesa (Ordinance No. 157).

On **September 8, 1987**, the City Council created new zoning districts with new development regulations, a new zoning map, and new design guidelines for all properties within Mesa's Town Center (836.81± acres) including the subject site (Case No. Z87-040; Ordinance No. 2254).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to exceed the height limit in the Downtown Residential 2 zoning district (DR-2) to allow for the placement of a 70-foot-tall wireless communication facility (WCF) as part of a larger project for the City of Mesa to provide public-accessible internet for students in underserved communities in Mesa. The proposed WCF will be a camouflaged, monopalm design, located in Pioneer Park on the north side of Main Street and east of Mesa Drive. The proposed WCF will provide Wi-Fi coverage to help address the digital divide and make sure more Mesa school students have internet access.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the overall goal of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The proposed WCF will help expand internet services to those who live in the area by complying with the intent of the character area by providing service to nearby populations. Additionally, the property is located within a Park character area which is used for passive or active recreation for community facilities. This project complies with the intent of this character area.

This project is also located within two of the Transit Districts, Transit Corridor and Station Area. The Transit Districts character type includes the light rail corridor, bus rapid transit corridors, and areas designated for a consistent high level of transit options. The focus in this character type is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops. This character type overlays the other character area types and is used to transition the area into a more transit and pedestrian oriented development form. The proposed project does meet the intent of the Transit Districts.

This property is located within the Transit Adjacent – Village area within the Central Main Street Area Plan. The intent of this area is to provide mid-rise, mixed-use development related to Main Street and light rail and low- to mid-rise residential development that frames and helps activate Pioneer Park. Adding a WCF to expand internet services complies with this goal.

Site Characteristics:

The proposed WCF would be erected within Pioneer Park, which is located east of Mesa Drive on the north side of Main Street. The tower site is located south of many of the main amenities including the playground within a grouping of nearby palm trees to assist with the stealth element of the design. Further, the monopalm will have no ground equipment around the pole and will not be screened to help blend the WCF with its surroundings. The park is over 16.5 acres and is surrounded by various residential developments, commercial uses, and places of worship.

Surrounding Zoning Designations and Existing Use Activity:

Northwest	North	Northeast
-----------	-------	-----------

(Across Lesueur and 2 nd Street) DR-3 Place of Worship	(Across 2 nd Street) DR-3/RM-4 Multiple Residence	(Across Hobson) RM-2/RS-6 Single and Multiple Residence
West (Across Lesueur) DC/DR-2/DR-3 Park and Ride/Multiple Residence	Subject Property DR-2/RM-2/GC Park	East (Across Hobson) LC/RM-2/RS-6 Single Residence, Multiple Residence and Commercial
Southwest (Across Main Street) T5MSF Multiple Residence	South (Across Main Street) DR-2/RM-2/GC Place of Worship	Southeast (Across Main Street) LC/RM-2 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 6 providing a stand-alone, camouflaged, stealth tower in a Downtown Residential district. More preferable locations include being placed on existing non-residential structures located more than 300 feet from a residential zone, on existing power poles located more than 300 feet from a residential zone, or within an industrial zone and more than 300 feet from a residential zone.

Per the applicant's narrative, there are no existing non-residential structures such as buildings, communication towers, or utility facilities in the area where the service need exists to accommodate the City's equipment. There is an existing cell tower approximately 475' to the southwest; however, it is a monopalm facility that would not be able to camouflage the City's equipment nor mount it at the needed height. The proposed WCF will be approximately 162 feet away from the nearest residential property.

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 monopalm design which is a design preference six out of seven. Other design preferences include a building mounted antenna or a camouflaged freestanding structure such as a steeple or clock tower. The applicant was unable to use one of the more preferred design preferences because there are no available nearby structures tall enough to provide the desired coverage.

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

The proposed WCF will be a monopalm and located in a DR-2 zoning district 162 feet away from the nearest residential. There is an existing WCF within 1,000 feet, but co-location is not feasible as it is a monopalm design. The WCF meets all setback requirements and is setback from the N

Lesueur right-of-way and the pavement edge per requirements. The monopalm is located within close proximity to several other tall palm trees on the site and has been designed to not detract from the appearance of City.

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

The applicant is requesting approval of this Special Use Permit to exceed the maximum height (30 feet) in the DR-2 zoning district. The proposed 70-foot monopalm would allow City to provide internet service to the area for non-commercial and personal use. Support equipment will be located in a nearby existing park building, as such no screen wall will be required.

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

The monopalm 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 monopalm plus one (1) foot. The proposed monopalm will be 70 feet tall and will be over 162 feet from the nearest residence. Additionally, the site will be located over 130 feet away from the right-of-way and 71.44 feet away from the sidewalk.

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 monopalm site that will be surrounded by other tall palm trees in the area. Additionally, the facility has been designed to locate the support equipment in a building nearby so no screening will be required other than the monopalm itself. All equipment on the proposed palm will not extend beyond the faux fronds and will be a non-glossy color and/or exterior finish so as to minimize visual impacts. 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 facility that will comply with MZO Section 11-35-5(G).

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

Per Section 11-35-5(H) of the MZO, 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. In addition, Section 11-35-5.H.2 of the MZO encourages existing mature trees to be preserved and on large sites, the existing vegetation may serve as a sufficient buffer. The proposed WCF is situated near several mature palm trees, which will serve to buffer the base of the structure from residential property and right-of-way. Other than the pole itself, there is no ground equipment proposed with this WCF. As there is no ground equipment proposed, additional screening is not needed for this site.

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 would serve as an accessory use to Pioneer Park, serving the purpose of expanding internet service in the area. The monopalm complies with the required setbacks of the DR-2 District as well as 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.

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 meets all setback requirements for the DR-2 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 Downtown Residential 2 zoning district.
- B. The proposed tower design is a monopalm, which is considered a stealth design.
- C. The proposed facility will be over 162 feet from the nearest residential use and over 130 feet from the right-of-way and over 71 feet from the sidewalk, 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 monopalm 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 DR-2 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. At the time of writing this report, neither staff nor the applicant have been contacted about the project. Staff will provide an update to the Board at the hearing on May 3rd, 2023.

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 DR-2 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 monopalm design with a maximum height of seventy feet (70') to the top of the monopalm.
- 3. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.
- 4. The pole of the monopalm shall be painted to the color of bark.
- 5. The ground-mounted equipment shall be located in a facility building nearby and not around the pole itself.
- 6. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the building 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.
- 7. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance

Section 11-35-5(l).

8. 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.
9. 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.
10. Prior to building permit submittal, provide a complete set of elevations of the final facility design for review and approval of the Planning Director.
11. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
12. 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 facility as approved in case BOA23-00197 and the Mesa Zoning Ordinance as amended.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Before and After Photos

Exhibit 6 – Coverage Map