



**PLANNING DIVISION**  
**STAFF REPORT**

**Board of Adjustment**

**May 3, 2023**

CASE No.: **BOA23-00200**

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

Owner's Name:	City of Mesa
Applicant's Name:	City of Mesa
Location of Request:	Within the 1600 block of East Main Street and the 0 block of South Williams. Located west of South Gilbert Road and south of East Main Street.
Parcel Nos:	138-12-181
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height in the General Commercial zoning district (GC) and a SUP to encroach into the required setback in a GC zoning district.
Zone District:	General Commercial (GC)
Council District:	4
Site size:	1.03± acres
Proposed use:	Accessory Wireless Communication Facility to a Park
Existing use:	Park
Hearing date(s):	<b>May 3, 2023/5:30 p.m.</b>
Staff Planner:	Chloe Durfee Daniel
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **October 27, 1952**, the City Council annexed approximately 24.18± acres, including the subject site, into the City of Mesa (Ordinance No. 268).

**PROJECT DESCRIPTION**

**Background:**

The applicant is requesting a Special Use Permit (SUP) to exceed the height limit in the General Commercial Zoning District (GC) 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 (the "City") to

provide public-accessible internet for students in underserved communities in Mesa. The proposed WCF will be a camouflaged, monopalm design, located in Acacia Park on the south side of East Main Street and west of South Gilbert Road. 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.

This project is also located within the Transit District Transit Corridor. 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 Corridor.

Additionally, this property is located within the Transit Adjacent – Residential area within the Central Main Street Area Plan. The intent of these areas is to create low- to mid-rise residential, and to a lesser extent, mixed-use developments that support the more intense adjacent development, creation of a walkable urban environment, and light rail. The WCF supports the goals of the general plan by helping expand internet access to nearby populations.

**Site Characteristics:**

The proposed WCF would be erected within Acacia Park, which is located south side of East Main Street and west of South Gilbert Road. The tower site is located along the southwestern side of the site, five feet from the property line to the west. There will be no ground equipment and therefore no 6-foot screen wall to assist with the stealth element of the design, but there will be a pole-mounted cabinet at the base. The park is 1.03 acres and is surrounded by various commercial and multiple residential uses.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> (Across Main Steet) GC Commercial	<b>North</b> (Across Main Steet) GC Commercial	<b>Northeast</b> (Across Main Steet) GC Commercial
<b>West</b> GC Motel	<b>Subject Property</b> GC Park	<b>East</b> (Across Williams) GC Commercial
<b>Southwest</b> LC	<b>South</b> GC	<b>Southeast</b> (Across Williams)

Motel	RM-3 Multiple Residential	LC Commercial
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**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 General Commercial 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 City’s equipment. There is an existing cell tower approximately 1,036’ to the northeast; however, it is a monopalm facility that would not be able to camouflage City’s equipment nor mount it at the needed height. The proposed WCF will be 140 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 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 applicant was unable to use one of the more preferred design preferences because there are no available nearby structures tall enough to provide for the desired coverage.

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

The proposed WCF will be a monopalm and located in the GC zoning district 140 feet away from the nearest residential zone. There is no existing WCF within 1,000 feet. The monopalm encroaches into the allowed setbacks for the zoning district but is at least 5 feet away from the property line as allowed with a SUP per section 11-35-5(E)4 and is setback 150+ feet from the right-of-way exceeding 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 GC zoning district. The proposed 70-foot monopalm would allow for City to provide internet service to the area non-commercial and personal use. Support equipment will be located in a nearby existing park building so 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 140 feet from the nearest residence. Additionally, the site will be located 150+ feet away from the right-of-way. There is no existing WCF within 1,000 feet. The monopalm encroaches into the allowed setbacks for the zoning district but is at least 5 feet away from the property line as allowed with a SUP per section 11-35-5(E)4 and complies with all other requirements of Chapter 35 of the MZO for antennas and wireless telecommunications facilities.

*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 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 gate of 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 in a way to blend in with existing trees and shrubs as much as possible in the natural landscaped areas around the facility, 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 Acacia Park, serving the purpose of expanding internet service in the area. The monopalm encroaches into the allowed setbacks for the zoning district but is at least 5 feet away from the property line as allowed with a SUP per section 11-35-5(E)4 and complies with 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 encroaches into the allowed setbacks for the zoning district but is at least 5 feet away from the property line as allowed with a SUP per section 11-35-5(E)4, 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 General Commercial.
- B. The proposed tower design is a monopalm, which is considered a stealth design.
- C. The proposed facility will be 140 feet from the nearest residential use and 150+ feet from the right-of-way, meeting the separation requirements per MZO Section 11-35-5(E).
- D. The proposed facility encroaches into the allowed setbacks for the zoning district but is at least 5 feet away from the property line as allowed with a SUP per section 11-35-5(E)4.
- 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 GC 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 3<sup>rd</sup>, 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 GC 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.
- 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 BOA23-00200 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