



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**March 3, 2021**

CASE No.: <b>BOA20-00806</b>	CASE NAME: <b>New Cell Tower – BLM McLellan</b>
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Owner's Name:	Bureau of Land Management
Applicant's Name:	Michael Campbell, Campbell A&Z, LLC
Location of Request:	8028 E. McLellan Road
Parcel Nos:	N/A
Nature of Request:	Requesting a Special Use Permit (SUP) to allow a new wireless communication facility to exceed the maximum height allowed in the RS-35 zoning district.
Zone District:	Single Residence (RS-35)
Council District:	5
Site size:	.05 ± acres
Proposed use:	Wireless Communication Facility
Existing use:	Vacant
Hearing date(s):	<b>March 3, 2021 / 5:30 p.m.</b>
Staff Planner:	Kellie Rorex
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **November 19, 1986**, the City Council annexed approximately 1,569 ± acres, including the subject site, into the City of Mesa (Ordinance No. 2133).

On **December 18, 1986**, the City Council approved comparable zoning for the recently annexed area, with the subject site being zoned to Single Residence (RS-35) (Case No. Z86-123, Ordinance No. 2160).

## PROJECT DESCRIPTION

### **Background:**

The applicant is requesting a Special Use Permit (SUP) to exceed the height limit in the RS-35 zoning district to allow for the placement of an 80-foot Wireless Communication Facility (WCF). The proposed WCF would be located east of State Route 202, south of McKellips Road, just north of the future McLellan Road alignment. The subject site is owned by the Bureau of Land Management but is leased by the City through the BLM Recreational and Public Purposes program. The parcel is intended for the future expansion of Red Mountain Park; the lease of the proposed WCF was approved by the Parks and Recreation Board on November 18<sup>th</sup>, 2020.

The proposed WCF will provide continued coverage for nearby residences, businesses, and emergency services and will replace an existing facility located at 7750 E. Brown Road.

### **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 Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community, as well as provide opportunities for people to gain a sense of place and feel connected to the larger community. Non-residential areas within Neighborhood character areas should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live.

The location of the WCF is also within the Desert Uplands Sub-area which is a special sub-area within Mesa created to help preserve and maintain the natural character and aesthetic of the Sonoran Desert. Development within this sub-area is governed by the Desert Uplands Design Guidelines as well as the Desert Uplands Development Standards within the subdivision regulations approved by Mesa's City Council.

The proposed WCF complies with the Mesa 2040 General Plan. The cell tower will be filling in a coverage gap created by the removal of a nearby cell tower. This replacement will help maintain coverage in the area for adjacent property owners to the site. The proposed stealth design of the cell tower will also blend with the native plants in the Desert Upland Sub-area.

### **Site Characteristics:**

The proposed WCF is within an undeveloped area owned by the Bureau of Land Management. The total lease area for the Monoelm, equipment enclosure, and access road will be 0.05± acres of the 117± acre site. Per the proposed Red Mountain Park expansion master plan, the WCF will be located near a multi-use trail and an existing dirt road that will be used to service the WCF (*see exhibit 5- Red Mountain Park expansion master plan*).

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

Northwest	North	Northeast
RS-35	RS-35/RS-35 PAD	RS-35/RS-15 PAD
Vacant BLM Land	Vacant BLM Land/Residential	Vacant BLM Land/Residential

<b>West</b> RS-35 Vacant BLM Land (Across State Route 202) PS Water Treatment Plant	<b>Subject Property</b> RS-35 Vacant BLM Land	<b>East</b> RS-35/RS-15 PAD Vacant BLM Land/Residential
<b>Southwest</b> (Across State Route 202) PS Water Treatment Plant	<b>South</b> RS-35 Vacant	<b>Southeast</b> RS-35 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) 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 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. It was determined by the applicant that such locations were either not available in the area or such locations would not allow equal or greater coverage in the area.

#### *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 monoelm 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 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. Furthermore, there are not any nearby buildings or structures that also meet separation requirements for cell towers from residential districts.

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

The proposed WCF meets all of the “location of facilities” standards specified in Section 11-35-5(C). The proposed monoelm will not be sited on a ridge line, is located more than 1,000 feet from another freestanding facility, and meets all setback requirements for residentially zoned properties.

#### *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 RS-35 zoning district.

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

The monoelm 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 monoelm plus one (1) foot. The proposed monoelm will be 80 feet tall and will be over 1,006 feet from the adjacent residential to the east and 1,171 feet from adjacent residential to the north. Additionally, the site will be placed 81 feet away from the future McLellan Road 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 Desert Uplands Sub-area contains a list of permissible plant material that is native to the Sonoran Desert. The applicants could not provide a camouflaged WCF product from the Desert Upland planting list. Instead, the applicant worked with Planning and Parks staff in selecting a design that would best blend in with the surroundings. The applicants are proposing leaf color choice one (1) from the attached exhibit 7 (page 3), and two-toned bark color (page 4). These colors were chosen to match existing vegetation in the area and to help camouflage the site more. The site will also be screened by an eight-foot (8') CMU wall and all elm branches will extend past the antenna arrays by a minimum of 12 inches (condition 5). Overall, the proposed WCF will be designed to the extent possible to blend with the surroundings (see exhibit 6).

*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) (condition 8).

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

The WCF is being sited in a future park expansion which shows that the area around the facility will be natural desert vegetation.

*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) (condition 9).

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

Per Section 11-70-5 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on Special Use Permits 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; and

**Approval of the proposed WCF will advance the goals of the General Plan by maintaining current coverage in the area while not disrupting the fabric or function of the area in which it will be located.**

***The request complies with this criterion.***

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; and

**While the proposed monoelm does not comply with the Desert Upland Planting Guidelines, it is a stealth design which is required for all cell towers within the sub-area. Additionally, the location of the pole meets all separation requirements per MZO Section 11-35-5 and the addition of the WCF will help to maintain cell coverage in the area.**

***The request complies with this criterion.***

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 distance requirements from residential development and will be a stealth design which will not be injurious or detrimental to adjacent properties in the area.**

***The request complies with this criterion.***

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

**No additional facilities or services will be required for the proposed use. The WCF will be accessed by an existing dirt road.**

***The request complies with this criterion.***

Findings:

- A. The proposed wireless communication facility would be located in the Desert Uplands Sub-area at a site zoned RS-35.
- B. The land is owned by the Bureau of Land Management and leased to the City for Red Mountain Park.
- C. The proposed tower design is a monoelm, which is considered a stealth design.
- D. The proposed wireless communication facility will replace an existing facility nearby once the existing facilities lease has terminated.
- E. The proposed wireless communication facility will be screened by an eight-foot (8') CMU wall.
- F. The proposed facility will be over 1,000 feet from the nearest residential use and 81 feet from the future McClellan Road right-of-way line, meeting the separation and setback requirements per MZO Section 11-35-5(E).
- G. The monoelm design does not meet the planting guidelines within the Desert Uplands Sub-area, however, the applicant has worked with staff on the monoelm design to best blend in with the site and context.

- H. 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.
- I. The location, size, design and operating characteristics of the proposed project are consistent with the purposes of the RS-35 district and conform with the General Plan.
- J. 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.
- K. 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 this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

### **Staff Recommendation:**

Based upon the application received and preceding analysis, Staff finds that the request for a SUP to allow a cell tower to exceed the maximum height in the RS-35 zoning district, meets the approval criteria of Section 11-70-5(E) of the MZO; and therefore, recommends approval of the request 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 monoelm design with a maximum height of eighty feet (80') to the top of the monoelm.
3. The monoelm leaves shall be painted color shade one (1) from the manufacturers brochure.
4. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux elm leaves.
5. Faux elm branch density shall not be reduced in proximity to antenna arrays and branches shall extend past antennas a minimum of twelve inches (12").
6. The pole of the monoelm 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 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.
8. 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.
9. Maintenance of the facility shall conform to the requirements of Mesa Zoning Ordinance Section 11-35-5(I).
10. 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.
11. 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.

12. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
13. Future co-location of additional carriers shall require individual zoning approval.
14. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the monoelm or facility as approved in case BOA20-00806 and the Mesa Zoning Ordinance as amended.
15. Any roadway improvements to McLellan Road or gate modifications off of 86<sup>th</sup> Street will require review and approval by the City of Mesa Transportation Department.

**Exhibits:**

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative/Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Master Site Plan for Park Expansion
- Exhibit 6 – Rendering of Monoelm
- Exhibit 7 – Monoelm Manufacture's Brochure
- Exhibit 8 – Parks and Recreation Board Minutes
- Exhibit 9 – Coverage Maps