



# Board of Adjustment STAFF REPORT

AGENDA

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**TO:** CASA GRANDE BOARD OF ADJUSTMENT

**FROM:** Laura Blakeman, City Planner

**MEETING DATE:** October 14, 2014

## REQUEST

Request by Reliant Land Services for the following land use request for a 70 foot tall wireless communication tower located at 517 N. Colorado Street; APN 505-30-003C:

1. DSA-14-00166: Variance request from Section 17.68.120B.7a, to allow a 70 foot tall Wireless Telecommunications Tower to be 67.6 feet from the west property line where 70 feet is required, and 47.6 feet from the south property line where 70 feet is required.

## APPLICANT/OWNER

David Ullrich  
Reliant Land Services  
7201 E. Camelback Road  
Scottsdale, AZ 85251  
P: 480-266-8753  
Email: david.ullrich@rlsusa.com

Houghton Acquisition Co. LLC  
14241 Dallas Parkway #350  
Dallas, TX 75254  
P: 520-350-9483

## HISTORY

April 21, 1968: DSA-10-00136: The site was annexed into the city limits by Ordinance #340.

November 16, 1987: The site received official zoning of R-3 (Multi-family Residential) with the adoption of the Zoning Ordinance and map.

November 20, 1995: The site received a zone change from R-3 (Multi-family Residential) to B-2 (General Business) with Ordinance 1178.59.1.

July 15, 1996: CGPZ-19/20/21-96/Ordinance 1178.76: The site received a Zone Change from B-2 (General Business) to B-4 (Community Service), Conditional Use Permit and a Major Site Plan for a mini-warehouse

facility.

**Surrounding Area Land Use and Zoning**

<b>Direction</b>	<b>General Plan Designation</b>	<b>Existing Zoning</b>	<b>Current Uses</b>
<b>North</b>	Community Center	B-2 (General Business)	Manana Grande Commercial Center
<b>South</b>	Neighborhoods	UR (Urban Ranch)	Vacant land, Residential home
<b>East</b>	Community Center	B-2 (General Business)	Tri-Valley Plaza
<b>West</b>	Community Center	B-2 (General Business), UR (Urban Ranch)	Vacant Land

**Aerial of the site:**



## Overview

T-Mobile is requesting to construct a new Wireless Telecommunication Facility located at 517 N. Colorado Street. The site is located with the Securlock mini-storage facility. The tower is proposed to be located at the southwest corner of the storage facility. The request consists of the development of a new 70 foot tall stealth Palm Tree tower within a 10' x 30' lease area. The majority of the equipment will be located in the adjacent storage unit (See Exhibit B).

The variance request is to allow the proposed 70 foot tall Wireless Telecommunications Tower to be 67.6 feet from the west property line where 70 feet is required, and 47.6 feet from the south property line where 70 feet is required.

According to City Code Section 17.68.120.B.7.a:

The setback requirements shall be thirty-five feet from any property line, plus an additional one foot for every foot of height above thirty-five feet.

The variance is being requested because the applicant cannot place a wireless telecommunications tower on the lot and meet the City's setback requirements in regards to the west and south property lines (see Exhibit A).

According to City Code 17.54.010, the Board of Adjustment may allow a departure from the terms of these zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this title would deprive the owner of the reasonable use of the land and/or building involved.

If the variance is granted, the applicant will need to apply for a Conditional Use Permit and Major Site Plan to address the review criteria for wireless telecommunications facilities.

<b>CONFORMANCE WITH THE VARIANCE CRITERIA:</b>
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The Board, in reviewing a Variance request, shall find that the request satisfies the considerations listed below.

The applicant provided a Justification Statement (Exhibit A) that presents how they believe their request meets the criteria. Staff's analysis is as follows:

- A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;**

- The site is zoned B-4 (Community Services) Zoning District and there are no other properties in close proximity that have B-4 zoning. This zoning district allows land intensive retail and service establishments. These types of services have good accessibility to the public but are buffered from other uses and visibly buffered from arterial streets. The B-4 zoning district provides a good transitional land use from the adjacent residential property to the south to the commercial/retail land uses to the north. Because of the types of land uses allowed in the B-4 zoning district (more intense than commercial but not quite industrial), the proposal to locate a wireless telecommunication facility in this district seems appropriate. The other commercial zoning districts (CO, B-1, B-2, B-3) are not conducive to these types of facilities as they generally have land use compatibility issues. However, even though wireless telecommunications facilities provide a service to the community, these towers over 35' feet in height involve a conditional use permit review process to address any potential negative effects on the adjacent residents.

**B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights**

- The applicant is seeking to construct a 70 foot tall wireless communications tower in an area that would provide the radio frequency for T-mobile's focus area. This is an area that T-Mobile is trying to service and without the tower their service area is limited.
- The enforcement of the City Code requirements would deprive the owner of the reasonable use of his land.
- Currently, there is an existing wireless communications tower located to the west of this site, approximately 160 feet from the proposed tower. However, co-location on this facility is not a viable option since it will not give T-Mobile the radio frequency required for the focus area.

**C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.**

- The proposed tower would be located in a commercial site that is within the Community Center land use category of the General Plan. Based on the urban form and density of the Community Center land use, this location is appropriate siting for telecommunications.
- The west setback variance (2.5 ft.) has minimal impact on the adjacent residential property. However, the south variance (22.5 ft.) has a greater impact

on the property to the south, which is vacant, but is zoned for future residential. City Staff does not find justification for this variance request as it will have a negative impact on the adjacent residential property to the south in regards to the bulk and scale of the proposed tower and a direct visual impact. Staff would suggest the applicant move the tower further north within the site to meet the south setback.

### **Public Notification**

Public hearing notification efforts for this request exceed the requirements set out by City Code:

- A neighborhood meeting was held on September 29, 2014.
- A notice was published in the Casa Grande Dispatch on September 26, 2014.
- A notice was sent to all property owners within 500 ft. of the subject site on September 29, 2014.
- A public hearing sign was posted by the applicant on the subject site on September 25, 2014.

### **Inquiries/Comments**

Staff held a neighborhood meeting to hear concerns from neighboring residents. There were no residents that attended the meeting.

Staff did receive a call from Steve Larson, Larson Baker, who manages a portion of the Tri-Valley Plaza, and he had general inquiries regarding the request.

<b>STAFF RECOMMENDATION</b>
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Staff recommends the Board approve DSA-14-00166, the Variance request from Section 17.68.120B.7a, to allow a 70 foot tall Wireless Telecommunications Tower to be 67.6 feet from the west property line where 70 feet is required.

Staff recommends the Board deny a portion of DSA-14-00166, the Variance request from Section 17.68.120B.7a, to be 47.6 feet from the south property line where 70 feet is required with the following condition:

1. The applicant work with City Staff on the relocation of the Wireless Telecommunications Tower to meet the south setback.

### **Exhibits:**

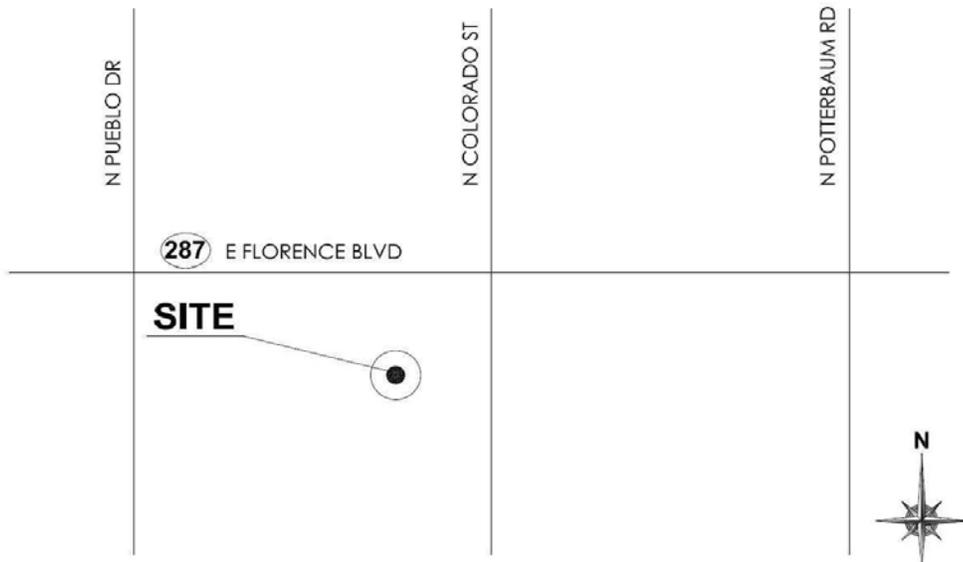
Exhibit A – Project Narrative/Applicant's Justification Statement

Exhibit B – Proposed Site Plan

# PROJECT NARRATIVE

**T-Mobile Wireless Communications Site – PH11202**

**Securlock Storage - 517 N. Colorado St., Casa Grande, AZ 85122**



Applicant:

Reliant Land Services, Inc., representing T-Mobile

7201 E. Camelback Rd. #310,

Scottsdale, AZ 85251

## **PURPOSE OF REQUEST**

T-Mobile Wireless Communications is proposing to construct a 70' tall Wireless Communications Facility within the Securlock mini-storage property. The property address is 517 N. Colorado St., Casa Grande, AZ 85122. The purpose of this application is to request a Zoning Variance for the purpose of obtaining zoning approval of the new communications tower.

## **DESCRIPTION OF PROPOSAL**

T-Mobile respectfully requests approval to install the 70' tall Wireless Communications Facility. As depicted on the Site Plan and Elevations, the proposed monopalm tower will be in the southwestern portion of the mini storage grounds. The ground equipment will be located within two existing storage units totaling approximately 10' x 20', and the monopalm within the existing building cutout. We propose to add two additional bollards to protect the pole from vehicles turning the corner. The perimeter of the property currently has a 6' block wall. The equipment compound is interior to the site and within the existing storage building and won't be seen from the exterior. As semi-public access exists throughout the site, an 8' chain link fence will be used for tower security. The property is owned by Houghton Acquisition Company in Dallas, TX.

## **RELATIONSHIP TO SURROUNDING PROPERTIES**

The land use and zoning Classifications surrounding the parcel are as follows:

North: B-2, Manana Grande business center      South: Vacant UR

East: PAD, Tri Valley Plaza      West: Vacant B-2 and UR, existing Cell tower

The subject mini storage facility has vacant residential sites immediately to the west and south, with some homes to the southeast and southwest, a commercial center to the east anchored by Fry's, and to the north is a strip of vacant commercial property immediately to the north with the Manana Grande business center facing Florence Blvd.

## **LOCATION AND ACCESSIBILITY**

The 4.63 acre site is located at the 517 N. Colorado Street. The proposed WCF is located in the rear of the existing mini storage facility. Parcel Number 505-30-003C is approximately 201,683 sf in size. Direct access to the site is on fully developed and paved Colorado St. The site has a 6' masonry wall along three perimeters, with Wrought Iron fencing and gated entry located along Colorado Street.

## **VARIANCE JUSTIFICATION**

Several sites were explored prior to deciding to proceed with this candidate for a new tower. One site was behind the Ashley Furniture store, but unfortunately, that site was outside of the "Radio Frequency Ring" necessary to serve the intended geographic area. Another site was on the school ballfields at

Evergreen Elementary School. The site was toward the outside of the ring, the equipment building and tower would be very visible, and proximity to residential was very close.

On the subject property, we have located the tower in the southwest corner of the site in general as there is a building cutout that can be used for the pole location, along with a pair of storage units to be used for the equipment compound. In order to meet the code of a 1:1 setback for height above 35', removal of part of a building would be necessary, and the landlord would not permit that scenario, in addition to being cost prohibitive. The west side variance is to allow a 67'6" setback, only a 2.5' request, and the request to the south is to allow a 47'6" dimension, a 22.5' request.

There is approximately 105' distance from the nearest residential property line, with about 125' to the actual residence from the proposed tower. The proposed monopalm would also be over 600' from Florence Avenue, thereby alleviating the sense of a tower looming over the major arterial of the City.

17.68.120B.7.a requires that we have a 1:1 setback for the amount of height above 35' in height. During our Pre-application meeting, staff requested discussion regarding collocating on the existing tower just to the west of the subject site. The existing and recently constructed facility was designed and built as a Monopalm. Two issues arise from that subject. Number one: in order to collocate on the existing monopalm, a second carrier's antenna array would have to be placed a number of feet below (usually a minimum of 10') their already installed array. This would now look similar to photo enclosed below, and the "Stealth" idea of the palm would no longer exist. The second issue: Most times the towers designed as a monopalm are not structurally designed to accommodate a second set of antennas. And Third: The Radio Frequency required for our focus area would not function properly at the lower height.



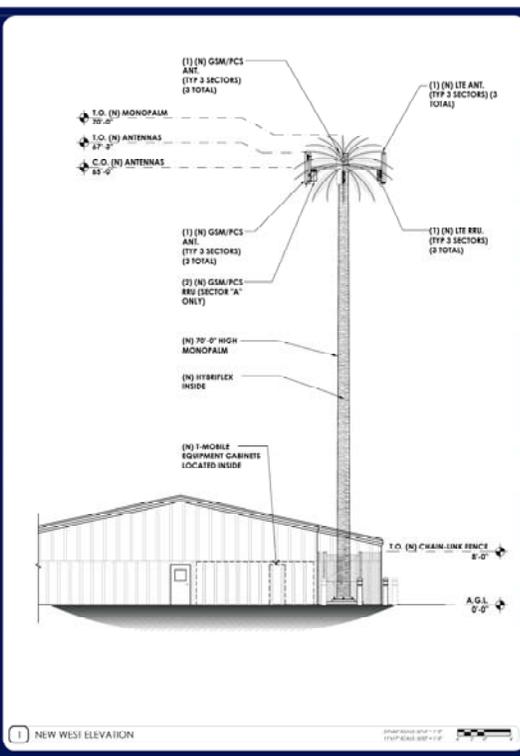
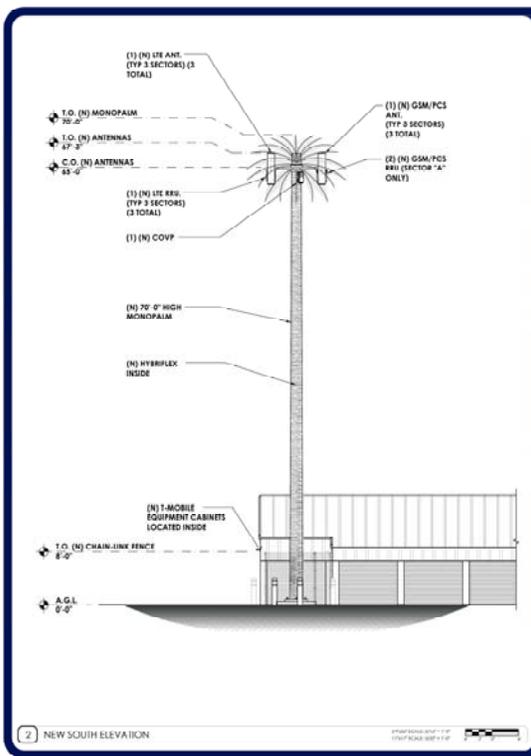
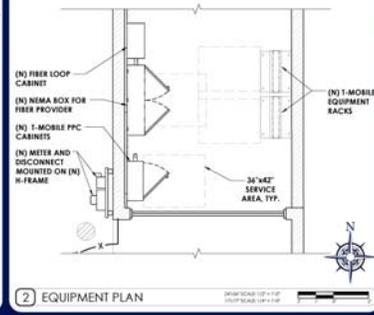
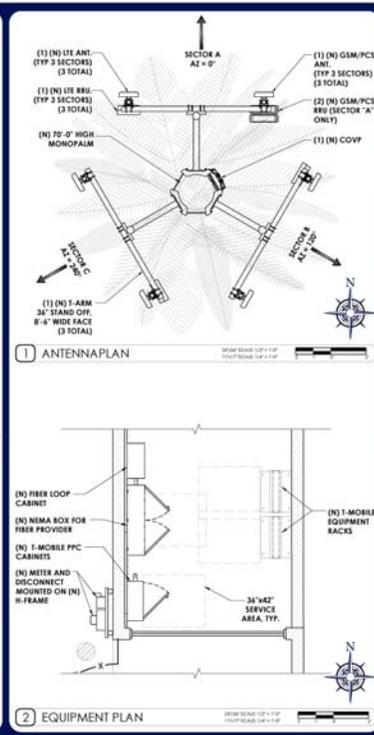
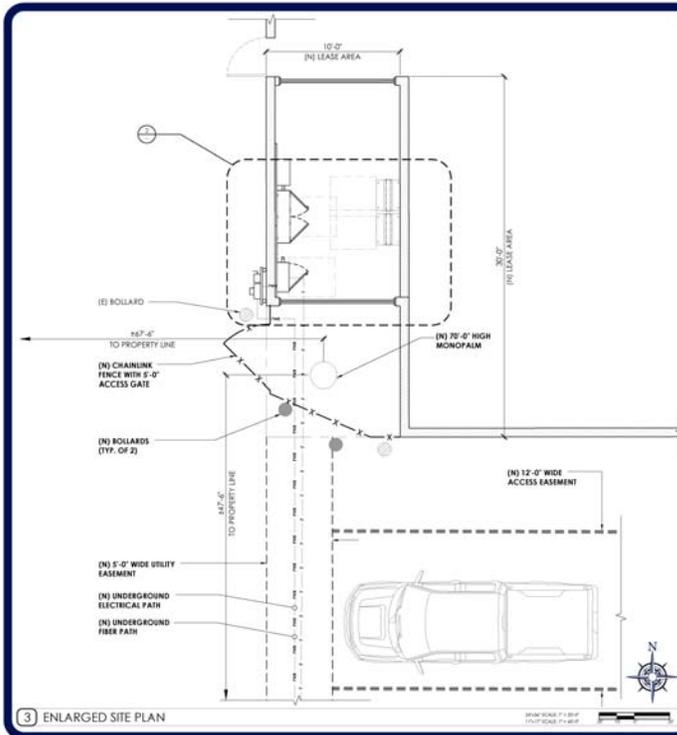
**SUMMARY**

The construction of this facility will help all types of wireless communication in the region, filling a gap in service. We have exhausted other locations in the immediate area, and have no other viable options on the subject property. We respectfully request approval of the site plan for T-Mobile.

**Submitted by:**

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**T-Mobile**

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**RLS**  
RELIANT LAND SERVICES  
1000 ALA. HIGHWAY 90, SUITE 1000, HOUSTON, TEXAS 77058

DATE: 08/11/2009  
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REVISIONS: [blank]

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**A-2**

**T-Mobile**

3425 S. PULASKI DR., 4400 TAMPA, FL 33622  
PHONE: (800)852-5000 FAX: (800)852-5000

**RLS**  
RELIANT LAND SERVICES  
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