



**Planning and Zoning
Commission
STAFF REPORT**

AGENDA

TO: CASA GRANDE PLANNING AND ZONING COMMISSION
FROM: Laura Blakeman, Planner
MEETING DATE: February 4, 2016

REQUEST

Request by LeAnne Stolte of Pinnacle Consulting, Inc. on behalf of AT&T Mobility, for the following land use request at 995 N. Arizola Road:

- 1. DSA-15-00142: Conditional Use Permit** to allow an upgrade to wireless antennas on an existing APS utility pole within the UR (Urban Ranch) zone district.

APPLICANT/OWNER

LeAnne Stolte – Pinnacle Consulting Inc. 1426 N. Marvin Street, Suite 101 Gilbert, AZ 85233 P: 480-204-8619 Email: leanne.stolte@pinnacleco.net	Arizona Public Service 4612 E. Bell Road Phoenix, AZ 85032
---	--

HISTORY

- January 3, 1983: The site was incorporated into the City of Casa Grande per Ordinance No. 874.
- January 9, 1986: The site received Conditional Use Permit approval for an APS electrical substation.
- February 10, 2009: Building permit was issued to APS to attach Cricket antennas to the top of an existing APS utility substation pole and associated ground radio cabinets to be placed at the base of pole (CDP-09-00040).

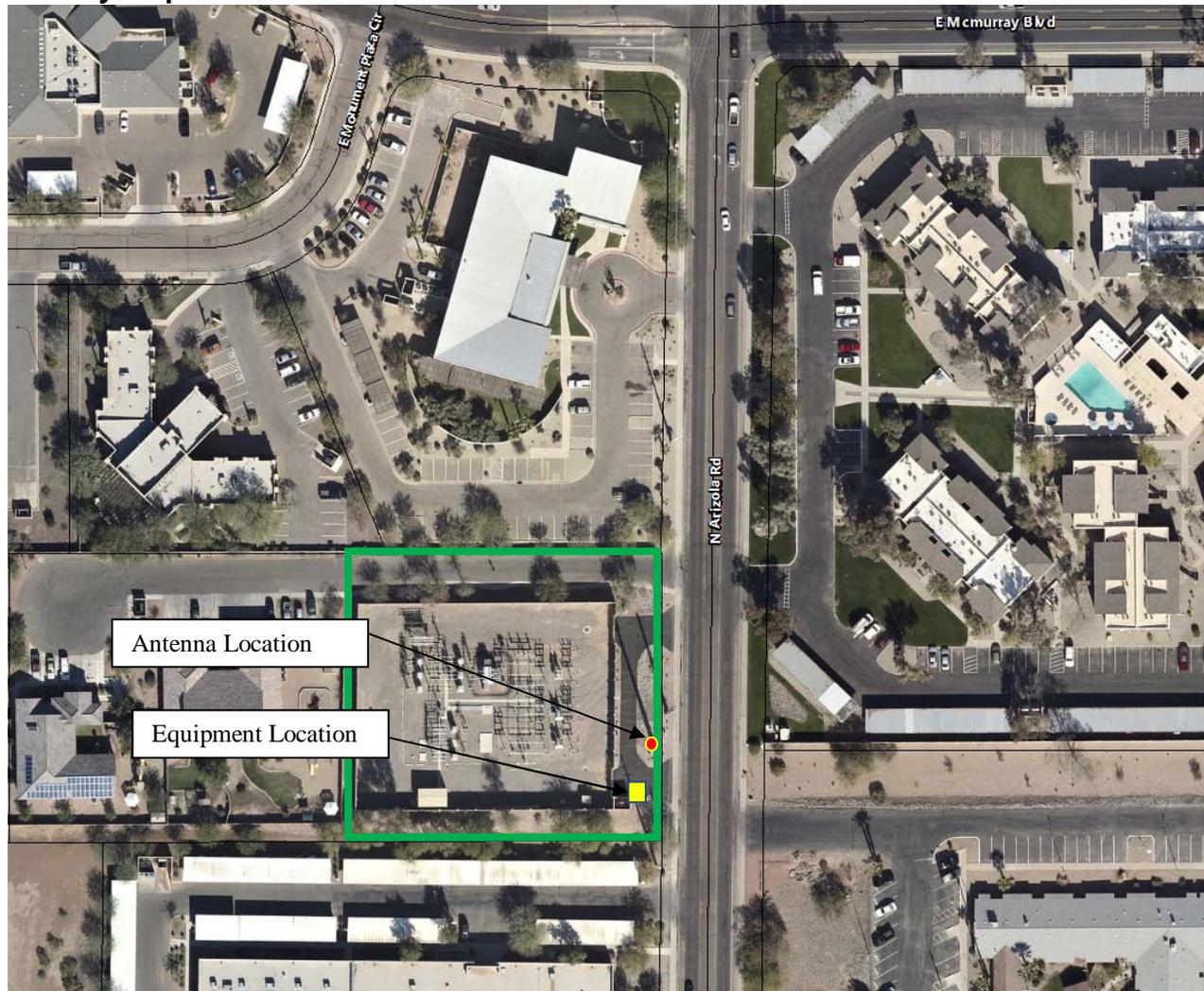
PROJECT DESCRIPTION

Site Area	Tower located on existing APS pole with associated base equipment located on the property line/ROW. Equipment located in a +/- 218 sf lease area on a 1.06 acre parcel
Zoning	UR (Urban Ranch)
General Plan Designation	Community Center

Surrounding Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
North	Neighborhoods	PAD – Monument Village	Medical facilities
South	Community Center	PAD – Casa Grande Retirement Community	Sun Life Family Health Center
East	Neighborhoods/Community Center	R-3 (Multi-Family Residential) PAD	Las Brisas Apartments, The Pavilion Skilled Nursing Facility
West	Community Center	R-3 (Multi-Family Residential)	Against Abuse

Vicinity Map



Overview

The site currently houses a wireless antenna, utility boxes that straddle the property line/ROW line, and the associated equipment located on the APS substation lot. The antenna is co-located on an existing APS power pole. The associated equipment is contained within a fenced in ground leased area. The proposed use had never received a

Conditional Use Permit but was issued a building permit in 2009. The proposal is to upgrade and expand the antenna and the associated equipment.

Purpose of Request: This existing Cricket site was part of the Asset Purchase Agreement between AT&T Mobility and Cricket Communications. This application is intended to improve wireless and data services for AT&T customers, as well as former Cricket subscribers, in the south Casa Grande area. This site improvement is designed to satisfy the demand for AT&T wireless service in this area as required by their Federal Communications Commission License. The purpose of this request is to accommodate upgraded antennas on an existing Arizona Public Service (“APS”) utility pole to bring the existing technology up to AT&T standards.

Project Description: The existing property is an APS substation located north of the intersection of Arizola Road and Florence Boulevard. AT&T acquired the existing Cricket equipment and proposes to upgrade it by replacing the existing antennas with six (6) new antennas on new sector pipe mounts at the 70’5” level. The existing ground cabinets will be removed and replaced with new cabinets and a new H-frame in an expanded compound surrounded by a block wall to match the existing. The current compound will be expanded from its current 12’-9” x 9’-6” (appx 120 sq. ft.) to 23’ x 9’-6” (appx 218 sq. ft.). A new fiber run is required from the new ground equipment to the utility pole to provided fiber connectivity.

CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA

In accordance with Section 17.68.120 of the Zoning Code the Planning and Zoning Commission shall consider the following in review of a Conditional Use Permit:

That the site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping are adequate to properly relate the use with the land and uses in the vicinity;

Due to the fact that the site is currently housing a wireless antenna and the associated equipment, and the proposed changes are not a significant departure from the current layout, staff finds that the use is adequate in size to accommodate the proposed use.

That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

The proposed use is not anticipated to generate any significant traffic, only one to three trips per month for routine maintenance. Access to all equipment is provided from Arizola Road.

That the proposed use will have no adverse effect upon the abutting property;

The proposed use is an upgrade and expansion on the currently used APS monopole. Setbacks of 75' (height of the new antenna equipment) to adjoining properties to the north and west are being met, however the south and east setbacks are not applicable due to the fact that the antenna is co-locating on an existing APS pole that is partially located within the public right of way. No other adverse effects on surrounding properties are anticipated.

That the proposed use shall be in conformance with the General Plan;

General Plan 2020 designates this area as *Community Center* which supports commercial and light manufacturing land uses. The cell tower will assist in enhancing communication for the existing businesses and residences and future development in the area.

That the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare;

Staff proposes that the conditions stated within the Conditional Use Permit resolution are necessary for these protections (Exhibit D).

Per city code section 17.68.120 B (7), the commission shall, in addition to any other conditions, impose the following conditions upon every conditional use permit granted for wireless telecommunication facilities:

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 setback requirement is really not applicable to this request as the structure being used for the antennae is an existing APS electric pole that is partially located within the public right of way. However, setbacks of 75' (height of the new antenna equipment) to adjoining properties to the north and west are being met, however the south and east setbacks are less than 75 feet.

B. The structure is to be designed, constructed and/or colored in order to correspond with the aesthetic, view-shed and other characteristics of the area in which they are to be placed.

- This criterion has been accomplished on the site by utilizing the existing APS monopole.



C. Appropriate landscaping and other screening shall be required along any street frontage.

- This condition has been met with the existing screen wall surrounding the property.

D. Appropriate measures shall be used to screen any exposed mechanical equipment such as, but not limited to, cables, etc.

- This condition is being met. The lease area is enclosed with an 11 foot high block wall and a shroud will be installed above the equipment mounted on the east wall.

E. Placement of the facility shall be in conformance with any applicable requirements of the city planning, building, fire, and engineering departments.

- This criterion has been accomplished by a detailed review of all City Codes and standards by all department representatives. Upon review of the codes it has been ascertained that the proposed location is appropriate in regards to all required height standards, adjacent compatibility requirements, and access.

F. Placement of the facility shall be in conformance with any applicable requirements of the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).

- Per the applicant's narrative (Exhibit A), "this site improvement is designed to satisfy the demand for AT&T wireless service in this area as required by their Federal Communications Commission License."
- Additionally, staff analyzed the 2012 FCC Section 6409 rule.
"Section 6409(a) of the Tax Act provides that a state or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base

station.”

After a review of the site, it was determined that the proposed changes to the base station and the cabinet area were substantial in nature and thus requiring this application to undergo a Conditional Use review is appropriate.

G. Where possible, service providers will be encouraged to co-locate (share) their facilities on existing towers.

- In essence the site is already co-locating, as the cell antenna is located on an existing APS power pole.
- The ability to further co-locate the equipment of additional wireless carriers on this facility is dependent on the current lease agreement with the parcel owner (APS).

PUBLIC NOTIFICATION/COMMENTS

Notification

Public hearing notification efforts for this request meet and/or exceed those requirements set out by City Code. They include:

- A notice was published in the Casa Grande Dispatch on January 20, 2016 for the February 4, 2015, Planning and Zoning Commission public hearing
- Notice was mailed by City Staff on January 8, 2016 as an “Application in Review” for early notification to surrounding property owners. The official notice was mailed on January 13, 2016 at least fifteen days before the day of the hearing to each owner of property situated within 200 ft. of the subject property. An affidavit confirming this mailing is on file.
- A sign was posted by the applicant on January 12, 2016 on the subject site. An affidavit confirming this posting was supplied by the applicant.

Inquiries/Comments

None have been received at this time.

STAFF RECOMMENDATION

Planning Staff recommends that Planning Commission approve the Conditional Use Permit DSA-15-00142 and its associated resolution with the following conditions:

- 1) Any expansion of the existing facilities greater than allowed by F.C.C. Section 6409 Rules (see exhibit) will require a new conditional use permit review.
- 2) Prior to installation of the wireless facilities AT&T shall obtain City Council approval of a Master Lease Agreement (MLA) and administrative approval of a Site Lease Agreement (SLA).

- 3) A Right of Way Encroachment Permit allowing the antennae to encroach into the air space above the Arizola Road right of way will be required to be obtained prior to installation of said equipment.
- 4) Placement and operation of the facility shall be in conformance with any applicable requirements of the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).

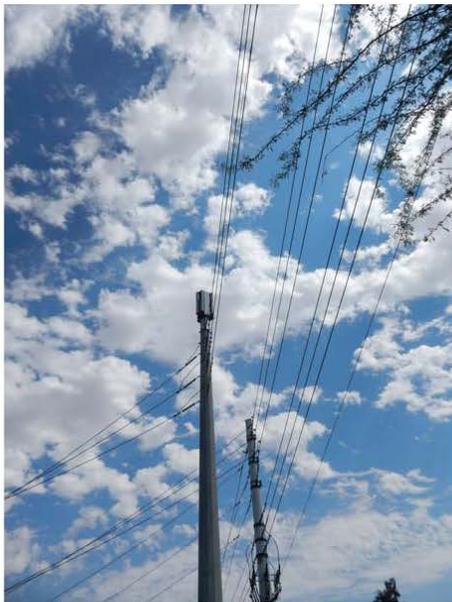
Exhibits:

- A. Narrative
- B. Site Plan
- C. Section 6409 Rules Substantial change exhibit
- D. Conditional Use Permit Resolution DSA-15-00142

Exhibit A – Narrative



**AZPHU4324 APS Eastgate Substation
995 N. Arizola Road, Casa Grande, AZ 85122
AT&T Wireless Communications Facility Request for
Conditional Use Permit Approval**



LeAnne Stolte, Pinnacle Consulting, Inc.
On behalf of AT&T
1426 N. Marvin Street, #101
Gilbert, AZ 85233
(480) 204-8619
Leanne.Stolte@pinnacleco.net

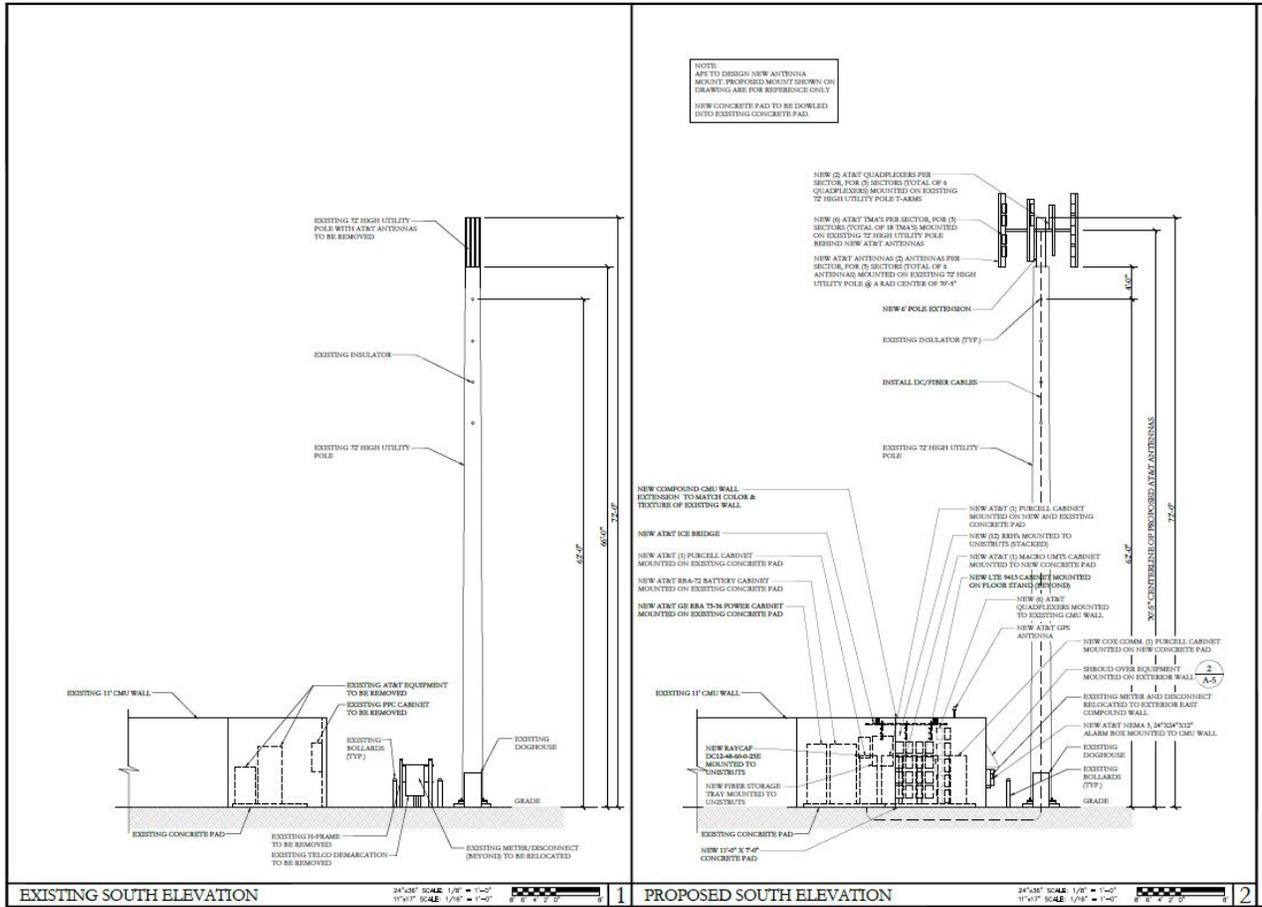
Purpose of Request: This existing Cricket site was part of the Asset Purchase Agreement between AT&T Mobility and Cricket Communications. This application is intended to improve wireless and data services for AT&T customers, as well as former Cricket subscribers, in the central Casa Grande area. This site improvement is designed to satisfy the demand for AT&T wireless service in this area as required by their Federal Communications Commission License. The purpose of this request is to accommodate upgraded antennas on an existing Arizona Public Service ("APS") utility pole to bring the existing technology up to AT&T standards.

Project Description: The existing property is an APS substation located north of the intersection of Arizola Road and Florence Boulevard in central Casa Grande. AT&T acquired the existing Cricket equipment and proposes to upgrade it by replacing the existing antennas with six (6) new antennas on new sector pipe mounts at the 70"5" level. The existing ground cabinets will be removed and replaced with new cabinets and a new H-frame in an expanded compound surrounded by a block wall to match the existing. The current compound will be expanded from its current 12'-9" x 9'-5" (appx 120 sq. ft.) to 20'-0" x 9'-5" (appx 188 sq. ft.). A new fiber run is required from the new ground equipment to the utility pole to provided fiber connectivity.

Access: Access will not change from the existing project, and will remain direct access from Arizola Road. Approximately 1-3 trips monthly are anticipated to the site for routine maintenance, except in the case of emergency, thus the project is not anticipated to increase traffic in the area.

Development Schedule- Applicant intends to construct the improvements as soon as all approvals are provided.

Community Facilities and Services- Facility will support wireless communications in the community.



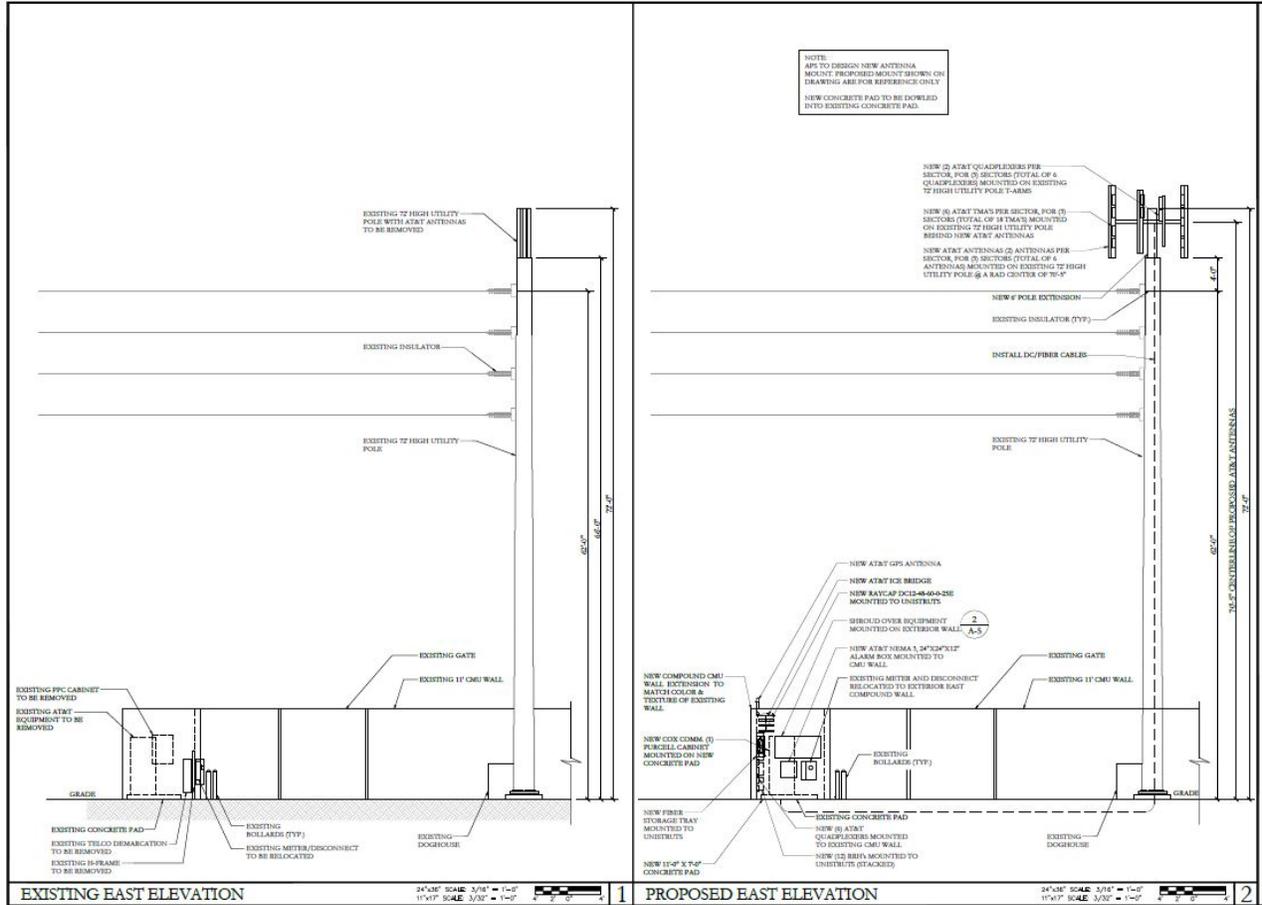


Exhibit C – Section 6409 Rules

SUBSTANTIAL CHANGE UNDER SECTION 6409

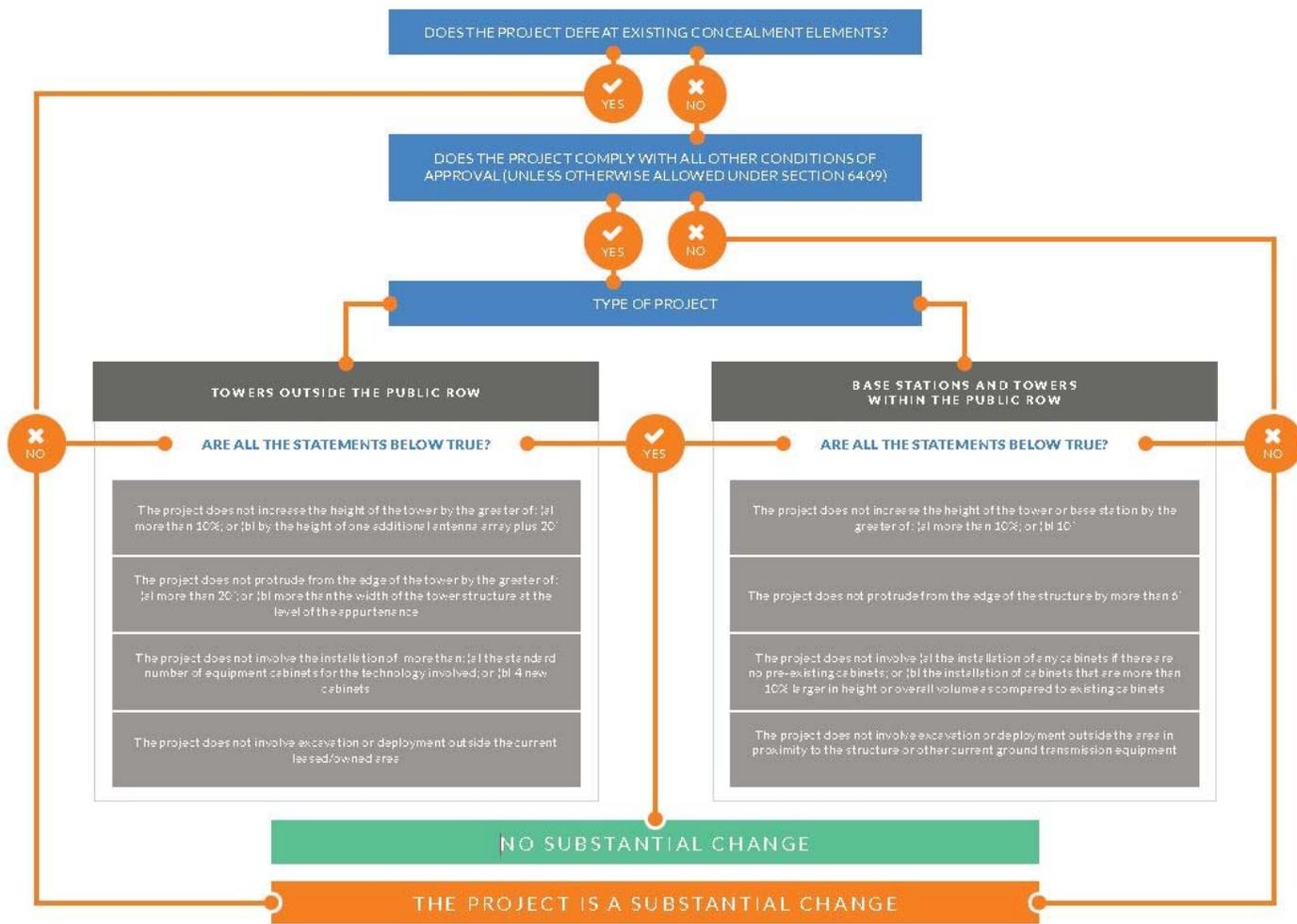


Exhibit D – Resolution

RESOLUTION NO. DSA-15-00142

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF CASA GRANDE, GRANTING A CONDITIONAL USE PERMIT FOR A WIRELESS TELECOMMUNICATION FACILITY WITHIN AN APPROXIMATELY 218 SQ. FT. AREA LOCATED AT 995 N. ARIZOLA ROAD, A.K.A. APN 505-22-008B.

WHEREAS, applicant, LeAnne Stolte of Pinnacle Consulting, has requested a conditional use permit; and

WHEREAS, the conditional use permit is requested for a wireless telecommunication facility over 28 ft. in height on a portion of a 1.06 acre parcel, located within an approximately 218 sq. ft. area located at 995 N. Arizola Road, as shown on Exhibit A, Casa Grande, AZ; and

WHEREAS, the property is currently zoned Urban Ranch (UR); and

WHEREAS, a wireless telecommunication facility over 28 ft. is a conditionally permitted use within the City's UR zoning classification; and

WHEREAS, the wireless telecommunication facility is a height of 75 ft.; and

WHEREAS, a conditional use permit is therefore required; and

WHEREAS, on the 4th day of February, 2016, the Planning and Zoning Commission of the City of Casa Grande held a public hearing regarding the request for the conditional use permit; and

WHEREAS, the Planning and Zoning Commission of the City of Casa Grande considered all public comments made at said hearing; and

WHEREAS, the Planning and Zoning Commission of the City of Casa Grande has determined that the proposed use would be appropriate for the proposed location, subject to the conditions set forth in this Resolution;

NOW THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Casa Grande, Arizona, as follows:

1. The Planning and Zoning Commission of the City of Casa Grande makes the following findings:

a. The site for the proposed use is adequate in size and topography to accommodate the use, and all yards, spaces, walls and fences, parking, loading and landscaping is adequate to properly relate the use with the land and the uses in the vicinity;

b. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

c. The proposed use will have no adverse effect upon the abutting property;

d. The proposed use is in conformance with the General Plan; and

e. The conditions stated in this approval are necessary to protect the health, safety and general welfare.

2. The Planning and Zoning Commission of the City of Casa Grande approves the conditional use permit request by the Applicant subject to the following special conditions which are deemed necessary by the Commission to protect the public health, safety and general welfare:

a. Any expansion of the existing facilities greater than allowed by F.C.C. Section 6409 Rules (see exhibit) will require a new conditional use permit review.

b. Prior to installation of the wireless facilities AT&T shall obtain City Council approval of a Master Lease Agreement (MLA) and administrative approval of a Site Lease Agreement (SLA).

c. A Right of Way Encroachment Permit allowing the antennae to encroach into the air space above the Arizola Road right of way will be required to be obtained prior to installation of said equipment.

d. Placement and operation of the facility shall be in conformance with any applicable requirements of the Federal Communications Commission (FCC) and/or the Federal Aviation Administration (FAA).

3. The Planning and Zoning Commission of the City of Casa Grande approves the conditional use permit request by the Applicant subject to the following general conditions:

a. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the conditional use permit procedure;

b. That all of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors and assigns;

c. That all conditions specifically stated under any conditional use listed in this chapter shall apply and be adhered to by the owner of the land, his successors or assigns.

PASSED AND ADOPTED by the Planning and Zoning Commission of the City of Casa Grande, Arizona, this _____ day of February, 2016.

Planning & Zoning Commission Chairman

Planning Director

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney

CONSENT TO THE SPECIAL CONDITIONS

Applicant, LeAnne Stolte, Pinnacle Consulting, and the current property owner APS – Arizona Public Service, hereby consent to the special conditions as enumerated above in Section 2 as they relate to this request for a conditional use permit for a wireless telecommunication facility located at 995 N. Arizola Road.

Applicant Signature,
Pinnacle Consulting

Property Owner Signature
APS – Arizona Public Service