



**Planning and Zoning  
Commission  
STAFF REPORT**

AGENDA

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**TO:** CASA GRANDE PLANNING AND ZONING COMMISSION  
**FROM:** Joe Horn, 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 1040 E McCartney Road:

- 1. DSA-15-00137: 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 St Suite 101 Gilbert, AZ 85233 P: 480-204-8619 Email: leanne.stolte@pinnacleco.net	Arizona Public Service 4612 E Bell Road Phoenix, AZ 85032
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**HISTORY**

*July 2, 2003:* The site was incorporated into the City of Casa Grande per Ordinance No. 2208 and consequently zoned UR (Urban Ranch).

*August 8, 2007* Building permit was issued to Cricket Wireless to place ground cabinets and install antennae on top of APS pole (CDP-07-02713).

*December 2, 2010:* Conditional Use Permit (DSA-10-00197) to allow for a Special Purpose Fence for the APS Vista Substation.

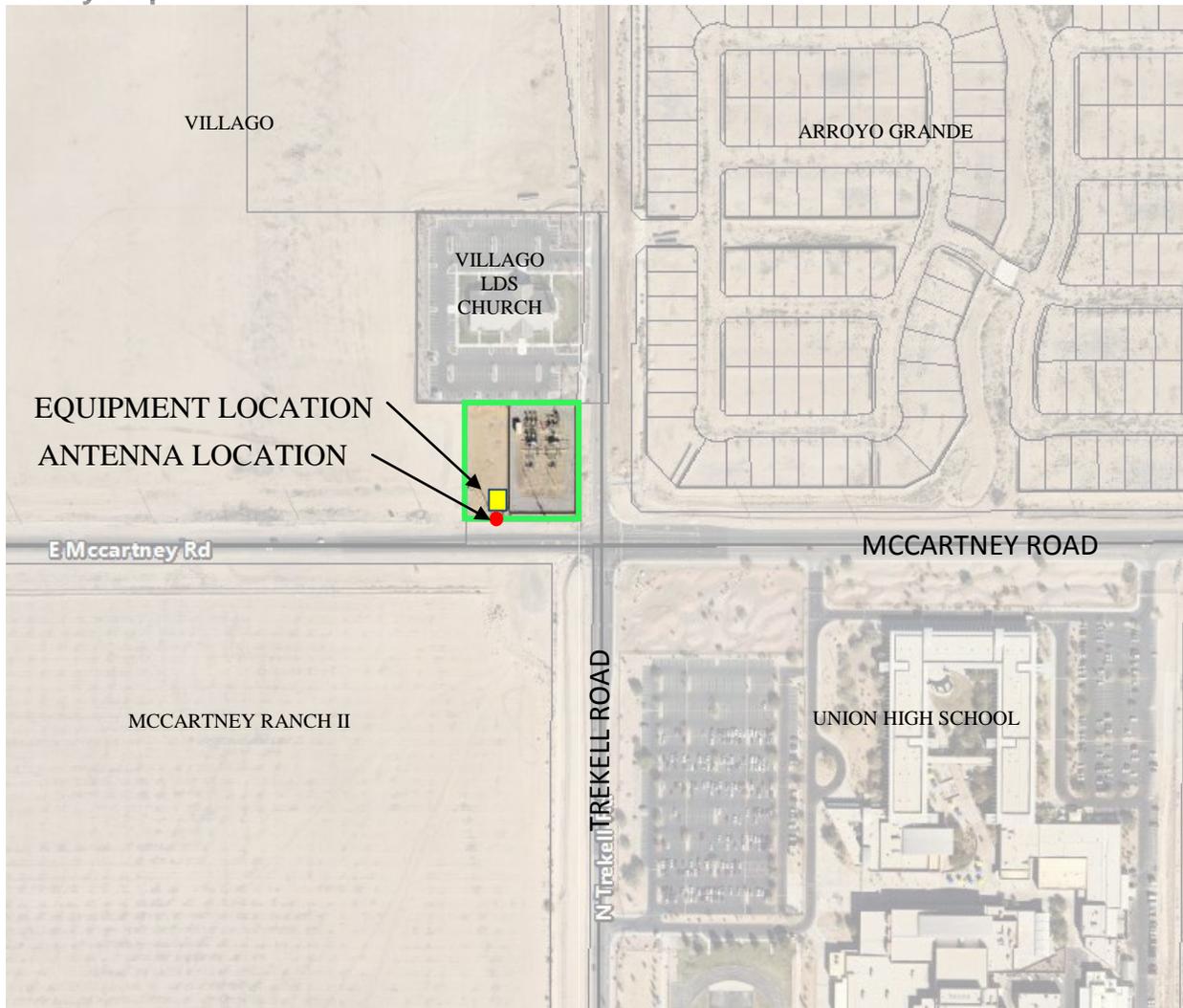
**PROJECT DESCRIPTION**

<b>Site Area</b>	Tower located on existing APS pole located on the property line/ROW. Equipment located in a +/- 348 sf lease area on a 1.59 acre parcel
<b>Zoning</b>	UR (Urban Ranch)
<b>General Plan Designation</b>	Neighborhoods

**Surrounding Land Use and Zoning**

Direction	General Plan Designation	Existing Zoning	Current Uses
North	Neighborhoods	PAD - Villago	Church
South	Neighborhoods	PAD – McCartney Center	undeveloped
East	Neighborhoods	PAD – Arroyo Grande	undeveloped
West	Neighborhoods	PAD - Villago	undeveloped

**Vicinity Map**



**Overview**

The site currently houses a wireless antenna that is straddling 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 that is currently unscreened. The proposed use had never received a Conditional Use Permit but was issued a building permit in 2007. 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 at the intersection of McCartney Road and Trekell Road in northern 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 62’ level. The two (2) existing ground cabinets will be removed and replaced with new cabinets and a new H-frame. The current compound will be expanded from its current 10’-6” x 15’-5” (appx 162 sq. ft.) to 22’-6” x 15’-5” (appx 347 sq. ft.). A new fiber run is required from the new ground equipment to the utility pole to provided fiber connectivity. All ground equipment will be surrounded by a new chain link fence.

<b>CONFORMANCE WITH CONDITIONAL USE PERMIT CRITERIA</b>
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*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. Access to all equipment is provided from McCartney 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 72’ (height of the antenna) to adjoining properties to the north, west, and east are being met, however the south setback of the site is not being utilized due to the fact that the antenna is co-locating on an existing APS pole that is located on the south property line. South of the parcel is ROW with a current distance of 96’. No other adverse effect on surrounding properties is anticipated.

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

General Plan 2020 designates this area as *Neighborhoods* which its primary land use is residential. The cell tower will assist in enhancing communication for the existing residences and anticipated development in this 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 C).

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**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.**

- As discussed previously, setbacks of 72' (height of the antenna) to adjoining properties to the north, west, and east are being met, however the south setback of the site is not being utilized due to the fact that the antenna is co-locating on an existing APS pole that is located on the south property line. South of the parcel is ROW with a current distance of 96'.

**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.**

- As a condition of approval the City is requesting that all ground based equipment be screened with an opaque fence or wall.



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

- As a condition of approval the City is requesting that all ground based equipment be screened with an opaque fence or 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 and complies with all required setbacks, 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 August 6, 2015, Planning and Zoning Commission public hearing
- Notice was mailed by the applicant on January 19, 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 in 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-15-00137 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) The lease area is to be screened by an 8 ft. high C.M.U. wall or opaque fence.
- 3) 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).
- 4) A Right of Way Encroachment Permit allowing the antennae to encroach into the air space above the City's McCartney Road right of way will be required to be obtained prior to installation of said equipment.
- 5) 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). (contact city manager's office for assistance)

**Exhibits:**

- A. Narrative
- B. Site Plan
- C. Section 6409 Rules Substantial change exhibit
- D. Conditional Use Permit Resolution DSA-15-00137

Exhibit A – Narrative

**AZPHU4302 APS Vista Substation  
1040 E. McCartney Road, Casa Grande, AZ 85122  
AT&T Wireless Communications Facility Request for  
Conditional Use Permit Approval**

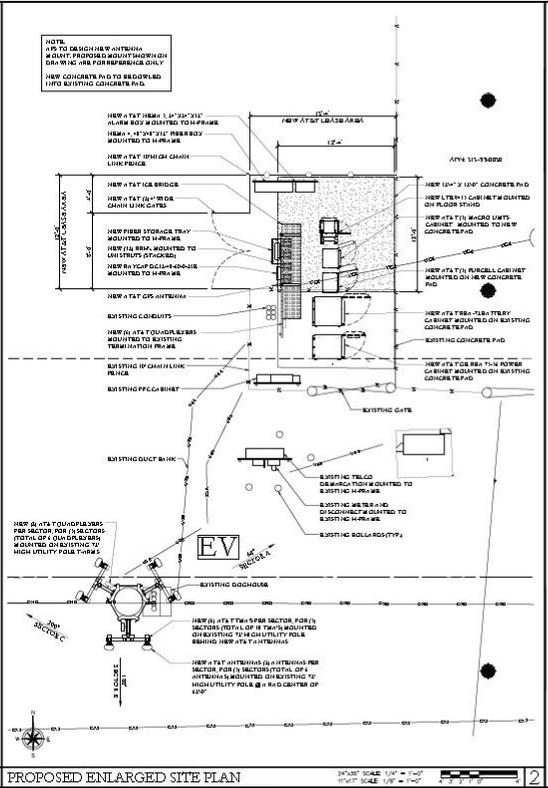
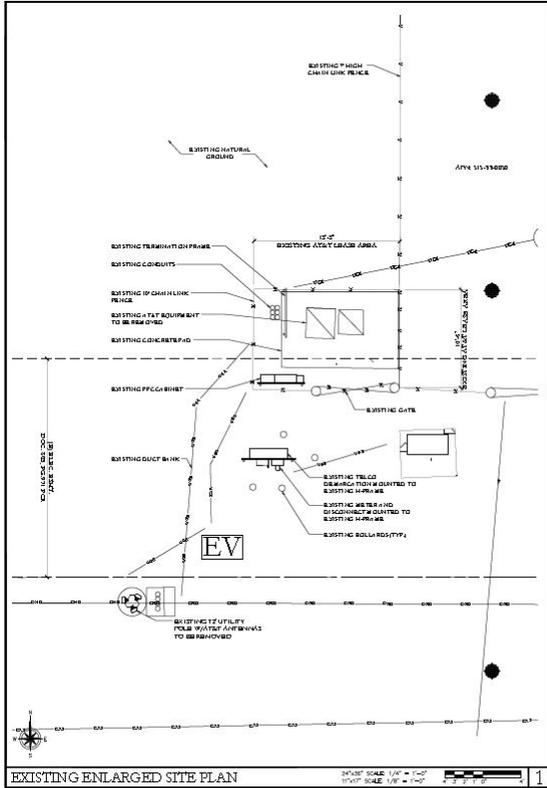
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**Access:** Access will not change from the existing project, and will remain direct access from McCartney Road. Approximately 1-3 trips monthly are anticipated to the site for routine maintenance, except in the case of emergency, thus the project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

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





PROJECT NO: 1516-000-001

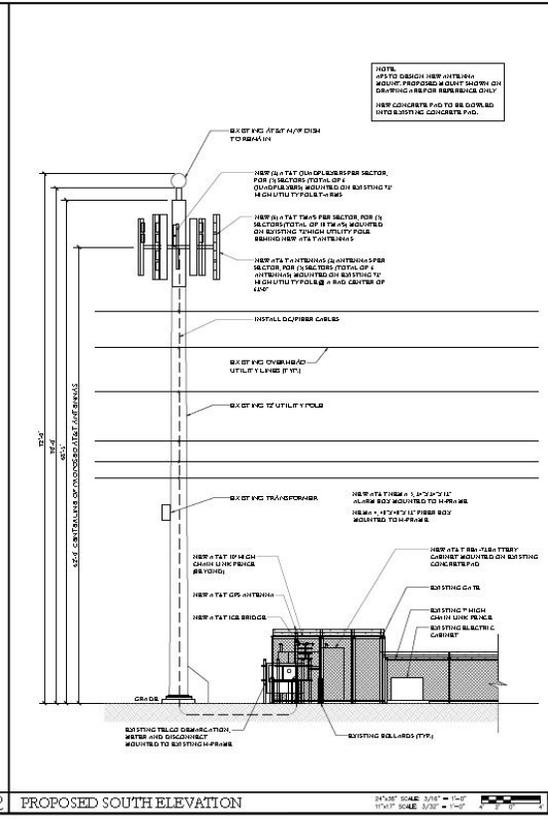
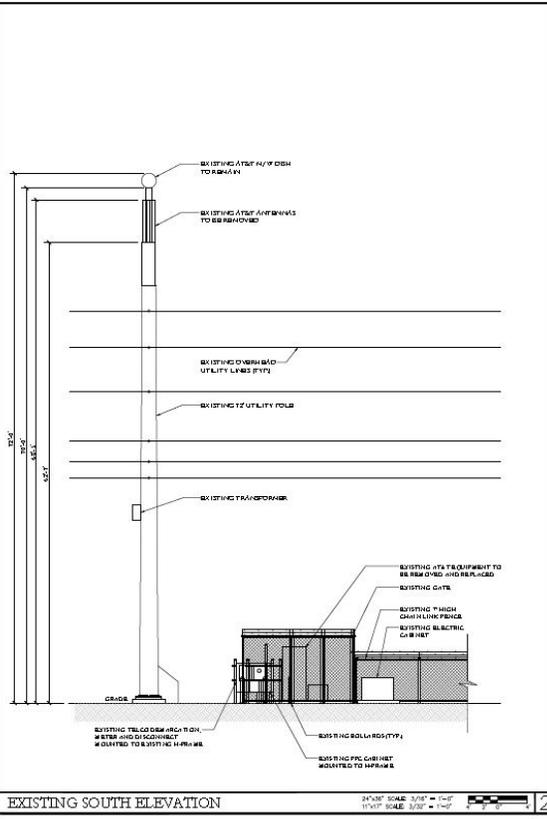
DATE: 08/11/2011

PROJECT NAME: CRK APS VISTA SUBSTATION

PROJECT LOCATION: 1516 W. UNIVERSITY BLVD., SUITE 100, DENVER, CO 80202

PROJECT TYPE: ENLARGED SITE PLAN

PROJECT NUMBER: A-2



PROJECT NO: 1516-000-001

DATE: 08/11/2011

PROJECT NAME: CRK APS VISTA SUBSTATION

PROJECT LOCATION: 1516 W. UNIVERSITY BLVD., SUITE 100, DENVER, CO 80202

PROJECT TYPE: ENLARGED SITE PLAN

PROJECT NUMBER: A-3

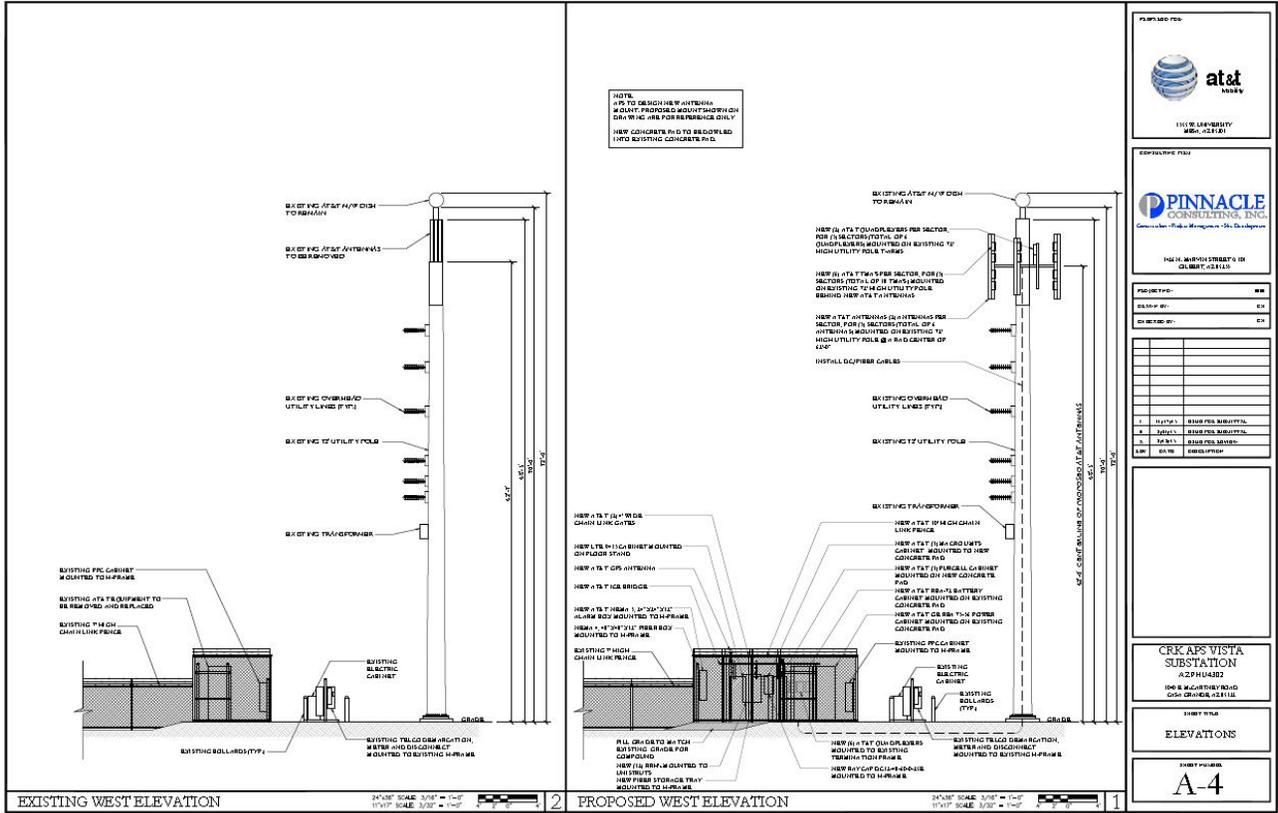


Exhibit C – Section 6409 Rules

**SUBSTANTIAL CHANGE  
UNDER SECTION 6409**

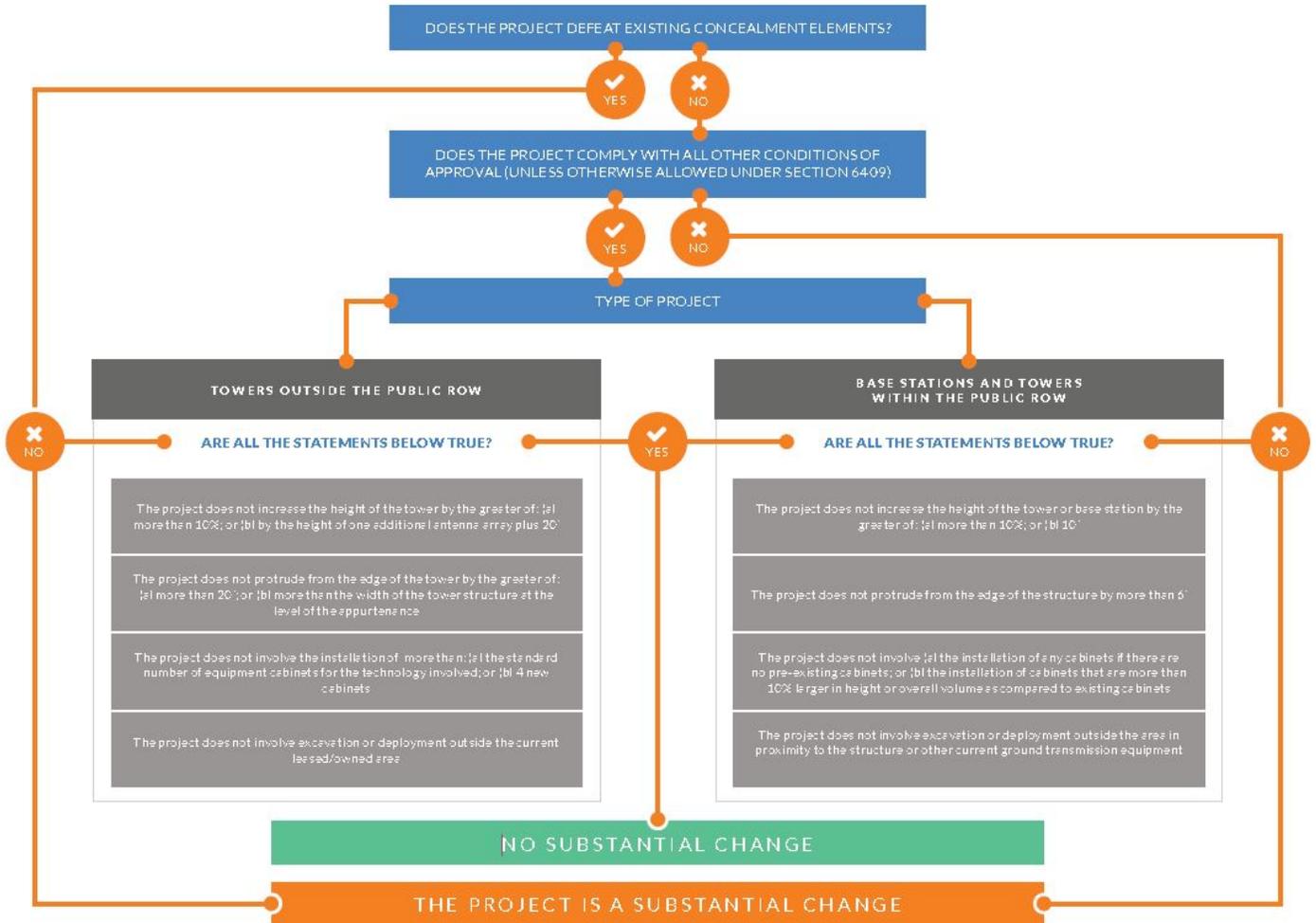


Exhibit D – Resolution

RESOLUTION NO. DSA-15-00137

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 300 SQ. FT. AREA LOCATED AT 1040 E MCCARTNEY, A.K.A. APN 515-33-0050.

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 1.59 acre parcel, located within an approximately 300 sq. ft. area located at 1040 E McCartney 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 72 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. The lease area is to be screened by an 8 ft. high C.M.U. wall or opaque fence.
- c. 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 1040 E McCartney Rd.

\_\_\_\_\_  
Applicant Signature,  
Pinnacle Consulting

\_\_\_\_\_  
Property Owner Signature  
APS – Arizona Public Service