

AGENDA ITEM #: _____

DATE: May 8, 2017

COAC #: 17-6066

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

SUBJECT: Special Use Permit to allow the installation of a Wireless Communication Facility Self-Supporting Tower on SR238 in Mobile.

STAFF PRESENTER: Alex Lestinsky,
Planner II

CASE NUMBER: 17-350-00003

OTHER PRESENTER: Daniel Dean, B+T
Group

PROPOSED ACTION:

1. Conduct a public hearing to consider a Special Use Permit to allow the WCF.
 1. Open public hearing
 2. Staff Presentations
 3. Receive public comment
 4. Close public hearing
2. Approve a Special Use Permit to allow the installation of a proposed Wireless Communication Facility (WCF) to include a 195-foot tall self-supporting tower and support equipment on SR238, subject to the following stipulations:
 1. The development and use of the site for the WCF shall be in substantial conformance with the project narrative and preliminary development plans submitted with the Special Use Permit applications, except as modified by these stipulations;
 2. The maximum height of the self-supporting tower shall be 195-feet;
 3. The special use permit approval is granted for a period of 30 years from the date of City Council approval. A new special use permit must be obtained before the expiration or the tower must be removed. The purpose of this expiration is to re-evaluate the design and height of the tower in relation to surrounding development;
 4. If the operational use of the tower ceases for a period of six months or longer, the special use permit approval will be considered expired and the tower must be removed;
 5. Silt fence is shown within the ADOT right-of-way on the Erosion and Sediment Control Master Plan sheet. Work within the ADOT right-of-way may require a permit from ADOT, please coordinate with ADOT.
 6. The development and operation of the wireless communication facility shall be in conformance with all applicable health, nuisance, fire and safety codes. If upon inspection, the city determines that the facility fails to comply with such applicable codes, then the facility operator and/or owner shall have 30 days to bring the facility into compliance. Failure to bring the facility into compliance

within 30 days shall constitute grounds for the removal of the facility at the operator and/or owners expense.

BACKGROUND AND PREVIOUS ACTIONS:

This item has not been previously presented to the council.

STAFF ANALYSIS:

Current Policy:

Section 1-3-4 (Special Use Permits) of the Zoning Ordinance provides that Special Use Permits may be approved only upon a finding that the proposed development and/or use reflected in the application submittal for the Special Use Permit conform to the regulations in section 1-3-4. An analysis of those regulations is included in the Staff Analysis section of this staff report.

Special Use Permits related to wireless communications facilities are further reviewed for conformance to section 4-2-4. The design criteria in 4-2-4-C ensure that the design and separation requirements are being satisfied.

Surrounding Properties:

Existing and proposed land uses surrounding the site include the following:

- North – AU-Agricultural Urban, Amaranth Preliminary PAD
- South – Amaranth Preliminary PAD
- East – Existing ADOT and Union Pacific Rail Road ROW
- West – Existing ADOT and Union Pacific Rail Road ROW

Details of the Request:

The proposed facility is located on Union Pacific Rail Road right-of-way and adjacent to ADOT's State Route 238 right-of-way. The anchor tenant of the tower will be AT&T and the tower will be able to accommodate the co-location of two additional service providers. The facility is needed to better serve the Mobile/Sonoran Valley area.

The requested facility differs from the typical camouflaged towers the City has recently approved and requests the following deviations from the Zoning Ordinance:

- *4-2-4-C – Design Criteria – #1: To the extent possible the materials, colors, textures and landscaping of all wireless communications facilities shall be designed to blend in with the surrounding setting. All facilities shall be finished or painted so as to minimize visual obtrusiveness and shall not be illuminated unless otherwise required by state or federal regulations. Panel antennae and their associated cables and hardware mounted on or against an existing structure shall be painted to match the existing facade or be otherwise camouflaged to reduce their visual impact.*
 - In developed areas of Goodyear, cell towers are required to be “stealth” such as a monopalm or hidden in a bell tower in order to meet this criteria. Sonoran Valley is a largely undeveloped area of the City. An existing 65-foot pole is located 2247 feet to the north east of the subject property, next to Mobile Elementary School.

Furthermore, because of the undeveloped nature of the area, the cell tower is required to be 195-feet tall. Typical monopalms are 50-70 feet in height. The use of a self-supporting tower rather than a monopalm or monopole is recommended in order to safely support the 195-foot height needed.

- Stipulation #3 expires the special use permit in 30 years in order to reevaluate the design criteria and height of the tower to adjust according to the status of development in Sonoran Valley. If no development has occurred in the immediate area it may be appropriate to reapprove the existing tower. If development has occurred, the height, design, and deviations to the required setbacks may need to be changed.
- *4-2-4-C – Design Criteria – #2: Equipment shelters for a wireless communications facility shall be designed in accordance with the City of Goodyear Design Guidelines for commercial buildings or the prevailing design standards for the property.*
 - The City of Goodyear Design Guidelines and Zoning Ordinance do not typically allow the use of chain link fencing. Staff has determined that due to the nature of this site and that it is located in the Union Pacific Railroad ROW, a masonry wall would not be appropriate and the use of chain link fence for this project will not significantly impact the site.
- *4-2-4-C – Design Criteria – #4: A wireless communications facility tower must be set back from all non-residential lot lines a minimum distance equal to the height of the tower and from all residential lot lines a minimum distance equal to twice the height of the tower, unless otherwise approved by City Council at time of Special Use approval.*
 - Since the height of the tower is 195-feet, the base of the tower is required to be 195-feet unless otherwise approved by Council.
 - The applicant proposes the following setbacks:
 - Proposed setback to the north: 124-feet to private property; 24-feet to ADOT ROW
 - Proposed setback to the south: 159-feet to private property
 - The purpose of the setback requirements is primarily to protect adjacent properties from potential risk from falling towers. Aesthetic impact is also a purpose of the setback requirements.
 - These setback deviations have been addressed by the applicant in the narrative, by explaining that the structure design will be engineered to fall within the right-of-way should the tower suffer a catastrophic failure.
 - The area within the 195-foot radius is currently undeveloped or within ADOT or railroad ROW.
 - Staff has recommended deviations from this requirement in the past due when a cell tower needs to be located in proximity to an interstate and is designed to fall within the setbacks provided.
 - Notice was sent to impacted property owners. Staff has not received any feedback regarding this notification.

FISCAL ANALYSIS:

A fiscal impact analysis was not conducted for this item.

RECOMMENDATION:

Given the need for far-reaching services in Mobile, the adjacent zoning and current use of the site, staff recommends approval of the facility subject to the stipulations included. The Planning and Zoning Commission considered this Special Use Permit during its April 19, 2017 meeting. During the meeting, the applicant asked that the term of permit, as set forth in stipulation 3 be extended from 20 years to 30 years. The Commission recommended approval of the item with the 30 year term by a vote of 6-0. Staff supports the change in the term of the permit.

ATTACHMENTS:

1. Aerial Photo
2. Narrative
3. Photo Simulation
4. Site Plan

Internal Review

☒ Legal Review CompleteDate: 5/1/2017Reviewed By: Sarah Chilton, Assistant City Attorney☒ Finance Review CompleteDate: 4/28/2017Reviewed By: Tamara Blonar, Budget and Research Analyst