

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Special Use Permit to allow a
Wireless Communication Facility on Water
Campus No. 12**

STAFF PRESENTER: Joe Schmitz, Long
Range Planner

CASE NUMBER: 18-350-00001

OTHER PRESENTER: Barbara Chappell,
Public Works Department, Environmental
Services Manager

PROPOSED ACTION:

1. Conduct a public hearing to consider a request for a Special Use Permit for a Wireless Communication Facility (WCF) submitted by the city of Goodyear (COG) Public Works Department on a portion of the 5.75-acre site of Water Campus No. 12 located 400 feet south of the southwest corner of Lower Buckeye Road and S. 173rd Avenue in the AG Agricultural District to allow installation of a 60-foot tall communications tower:
 - a. Open public hearing
 - b. Staff presentation
 - c. Receive public comment
 - d. Close public hearing

2. Approve a Special Use Permit for a Wireless Communication Facility (WCF) submitted by the city of Goodyear (COG) Public Works Department on a portion of the 5.75-acre site of Water Campus No. 12 located 400 feet south of the southwest corner of Lower Buckeye Road and S. 173rd Avenue in the AG Agricultural District to allow installation of a 60-foot tall communications tower, subject to the following stipulations:
 1. The development and use of the site for a WCF shall be in substantial conformance with the project narrative and preliminary development plans submitted with the Special Use Permit application, except as modified by these stipulations;
 2. The COG communications tower shall consist of a monopole design with a maximum height of 60 feet;
 3. Additional antennae related to operation of the City's utilities or for public safety purposes will be permitted without modification of this Special Use Permit provided any new antennae utilize a design that is the minimum necessary to accomplish its intended purpose and make the antennae as minimally intrusive as possible, as determined by the Development Services Director or designee; and,
 4. 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:

The entire 5.75 acres were zoned AG Agricultural District to match their zoning in the County (Rural-43) when it was annexed in 1986 under Ord. No. 86-185. The current zoning of the property is AG Agricultural District on the north 3.26 acres and Final PAD Multi-Use Land Use Category under the El Cidro PAD on the south 2.49 acres, as most recently amended by Ord. No. 17-1352 in June 2017. The northern portion of this property has been the site of the City of Goodyear Water Campus No. 12 since 1991 when the City acquired the north 3.26 acres. An additional 2.49 acres recently was acquired in September 2017 so that a new 2.0 MG water storage tank and additional water treatment equipment could be constructed. This property is also the subject of a rezone application (Case No. 18-200-00005) to change the zoning to Public Facilities District (PFD) to allow the improvement and expansion of the water campus. The location of the proposed WCF is on the northern 3.26 acres in the AG district.

STAFF ANALYSIS:

Current Policy:

Special Uses are land use activities that may be allowed in the City, but because of their unique nature, potential for creating impacts on other uses, or pre-existing legal status may require particular consideration as to their proper location and/or maintenance in relation to adjacent established or intended uses, or to the planned development of the City.

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 with the design criteria in Section 4-2-4-C ensure that the design and separation requirements are being satisfied.

Details of the Request:

The City of Goodyear Public Works Department is requesting a Special Use Permit for a Wireless Communication Facility on a portion of the 5.75 acres where Water Campus No. 12 is located. In addition to the improvements planned at Water Campus No. 12, which include a new 2.0 MG water storage tank and additional reverse osmosis (R.O.) treatment equipment, the City also plans to erect a 60-foot tall monopole on the site to enable communications between this site and the City's water system's controls. The proposed 60-foot height is the minimum needed to establish communication between Water Campus No. 12 and the other water system treatment and production locations, such as the water campus at Sarival Avenue and I-10, the Bullard

Water Campus near Yuma and Bullard Roads and the Public Works facilities at 157th Avenue and Romley Road.

The communications tower will have a single, 30-inch long Yagi-type antenna that will be hung perpendicular to the pole. The monopole will be about 120 feet from the west property line of the overall site and 97 feet from the east property line adjacent to S. 173rd Avenue. There is an additional 60 feet of right-of-way and a landscape tract and setbacks between the proposed site of the monopole and any residential structures planned on the east side of 173rd Avenue in El Cidro.

Evaluation Criteria:

Per the City of Goodyear Zoning Ordinance, the City’s review and recommendation on a zoning amendment is to be guided by the following criteria:

1. *The proposed use will be desirable or necessary to the public convenience or welfare.*
The proposed communications tower is critical so that this site can communicate with the rest of the City’s water system. Alternative sites were not considered because of the fact that cable would have to be run to and from any other site, while the proposed tower will have direct access to the equipment on the site.

2. *The proposed use will be harmonious and compatible with the other uses adjacent to, and in the vicinity of, the selected site or sites.*
The portion of the proposed communications tower that will extend above the height of the perimeter screening wall will be visible to some extent. However, the monopole and antenna were designed to be minimally intrusive and are much less so than the high voltage electric transmission towers located immediately south of the site in the WAPA easement. While concealment of the antennae and pole is often required to appear like a palm tree, the monopole proposed is shorter than the typical pole installed by wireless communication providers (commonly 65 feet or taller), and its single antenna is substantially less visible than the antenna array used by wireless communication providers (commonly a three-sided array with three antennae per side that are 1.5’ by 8 feet, plus additional transmitters and receivers) in this case thereby negating the need for concealment.

The land uses and zoning of the surrounding properties include the following:

- North: Vacant land across Lower Buckeye Road to the northwest that will be developed with single-family homes 50’ x 120’ lots (6,000 sq.ft.) in the La Jolla Vista PAD, and the Sin Lomas single-family residential development on similarly sized lots.
- East: Vacant land that is being developed for single-family homes on 45’ x 110’ lots (4,950 sq.ft.) in El Cidro Parcel 3 that is in the Multi-Use land use category of the El Cidro PAD and will use the LDR4 residential land use category development standards.
- South: Vacant land that is being developed for single-family homes on 45’ x 110’ lots (4,950 sq.ft.) in El Cidro Parcel 2 which is in the LDR4 land use category of the El Cidro PAD.
- West: Vacant land zoned R1-6 Single Family Residential District in 2005 for Cotton Commons that had planned 124 single-family homes on 60’ x 120’ lots (7,200 sq.ft.).

3. *The proposed use is in conformance with the adopted General Plan and any adopted Area Plans.*

The General Plan designates this area as Neighborhood. Commercial uses are appropriate in this category at appropriate intensities and locations. The General Plan also promotes coordination with utility providers to promote compatible land uses through the enhancement of their facilities. The Water Campus No. 12 expansion project is needed to improve and maintain adequate water service, without which the surrounding area would not be able to develop. The proposed communications tower is at an intensity and location designed to minimize its impact on the surrounding area.

4. *The proposed use will not be detrimental to surrounding properties or persons in the area due to:*

- a. *Impact on the circulation system of the adjacent neighborhood;*

The proposed communications tower will not generate a significant amount of additional traffic to and from the water campus.

- b. *Excessive noise or light generated from the site;*

The proposed communications tower will not generate any noise and will not be lighted.

- c. *Excessive scale or height in relation to surrounding properties;*

The proposed communications tower has been designed to only be as tall as needed to establish reliable communications with the rest of the City's water system. It will be less intrusive than the high voltage electric transmission towers located immediately south of the site in the WAPA easement.

- d. *Hours of operation;*

The proposed communications tower will operate continuously, but will not cause any adverse impacts. Maintenance of the tower will occur during normal working hours.

- e. *Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;*

The site of the proposed communications tower is within the 5.75-acre water campus property and there is more than adequate room to accommodate the tower and its associated ground equipment. The setbacks provided exceed the standard recommended in the Special Use Permit section of the Zoning Ordinance for WCFs which recommends that the tower be set back a minimum of twice its height when located adjacent to residential properties. The closest residence is likely to be more than 100 feet from the proposed 60 foot tower.

- f. *Inconsistency with the development character or architecture of the adjacent properties.*

This project is adjacent to undeveloped property zoned for development with single family homes. The design of the facility will use materials and colors that are compatible and consistent with the surrounding area to blend in as much as possible.

All of the ground equipment on the site will be below the height of the wall. The pole and antenna have been designed to be minimally intrusive and will have less of an impact than the high voltage electric transmission towers located immediately south of the site in the WAPA easement.

With respect to the design criteria in Section 4-2-4-C of the Zoning Ordinance, the proposed wireless communication facility has been placed in a location which will minimize the visual impact on the surrounding area. There is no other pre-existing facility under control of the applicant that could accommodate the proposed pole and antenna. The WCF must be placed on the site where the equipment to be controlled is located and no other site in a non-residential area is available or suitable to perform the tower and antenna's essential functions. Although no other equipment is planned to be located on this tower, it is designed to accommodate the applicant's potential future needs. The tower and antenna have been designed to be minimally intrusive and all equipment and cables will be enclosed within the pole, other than the single antenna. All of the ground equipment on the site will be below the height of the perimeter wall. No commercial signage will be displayed on the tower, and the tower will be set back at least 120 feet from the residential property line to the west and at least 160 feet from the closest residential property line to the east. Lastly, there are no other wireless communication facilities located within 1,320 feet of the proposed location that could be used for co-location of this antenna.

Public Participation:

In accordance with the City's Citizen Review Process, a neighborhood meeting was held on May 23, 2018. Notice for the meeting was sent by regular mail to all property owners and HOA's within 500 feet of the site. No one attended the neighborhood meeting other than City staff.

Notices for the public hearings before the Planning and Zoning Commission and City Council were sent to the owners of property and the HOAs closest to the subject property on May 29, 2018; a legal notice was published in the Arizona Republic on May 25, 2018; and a notice of public hearings sign was posted on the property on May 29, 2018. This item was postponed at the June 13, 2018 Commission meeting to the June 27 meeting. On June 8, new notices were sent to adjoining property owners by mail; a legal ad appeared in the Arizona Republic; and the hearing dates on the signs were changed. To date, staff has not received any objections or comments related to this request.

Planning and Zoning Commission Action:

A public hearing was held before the Planning and Zoning Commission on June 27, 2018. No one from the public attended or spoke on this the request. Commissioner Kish made a motion, seconded by Commissioner Keys, that the Commission recommend to the City Council approval of a request for a Special Use Permit for a Wireless Communication Facility (WCF), as submitted by the City of Goodyear (COG) Public Works Department, on a portion of the 5.75-acre site of Water Campus No. 12 located 400 feet south of the southwest corner of Lower Buckeye Road and S. 173rd Avenue in the AG Agricultural District to allow installation of a 60-foot tall communications tower, subject to the stipulations recommended by staff. There was no discussion on the motion. The motion passed by a vote of 5 to 0. Commissioner Walters and Vice-Chairman Barnes were absent.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

RECOMMENDATION:

Staff finds that the proposed Special Use Permit for a Wireless Communication Facility to allow construction of a 60-foot tall communications tower on a portion of Water Campus No. 12 will not be detrimental to the surrounding area and is consistent with the Goodyear 2025 General Plan. It is recommended that City Council approve the proposed Special Use Permit, subject to the stipulations specified in the Proposed Action section of this Council Action Report.

ATTACHMENTS:

1. Aerial Photo
2. Project Narrative
3. Conceptual Site Plan
4. Conceptual Landscape Plan
5. Elevation
6. Renderings