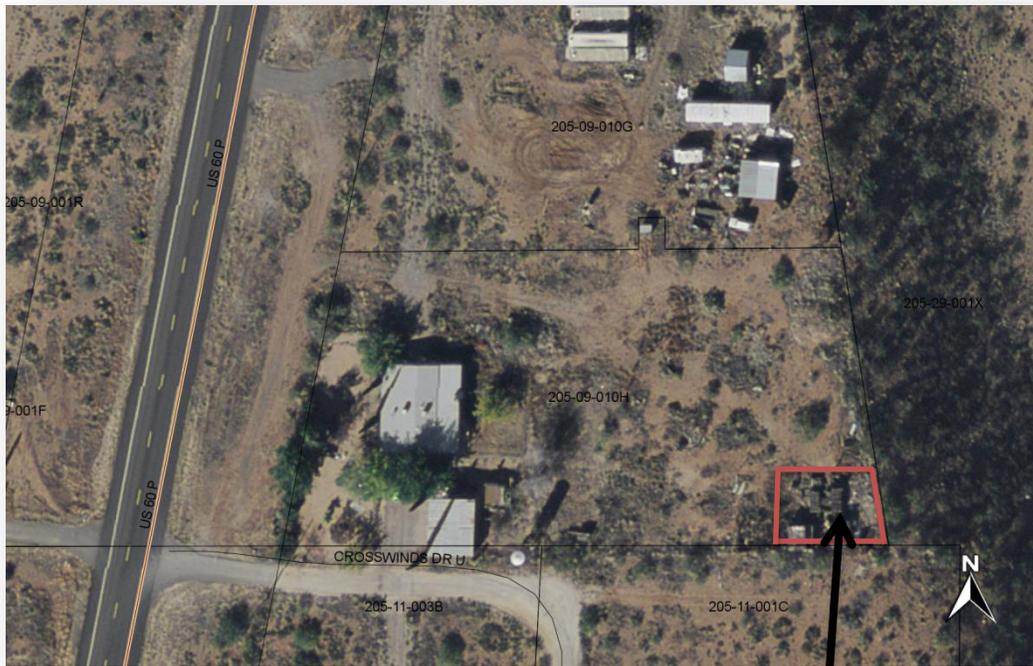




**Staff Report
To the
Board of Supervisors**



Proposed Tower Site Location

Conditional Use Permit Application
CUP-13-05

I APPLICATION

Applicant Name	Leanne Stolte (Verizon Wireless)
Applicant Address	1426 North Marvin St., Suite 101, Gilbert, AZ 85233
Site Address	4045 South Crosswind, Globe, AZ
APN Number	205-09-010H
Current Zoning	<u>R1-D10 Intent and Purpose:</u> To promote the development of areas primarily of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to either complement, or at least be of a minimum disruption to such single family uses. Any use not in accordance with the Intent and Purpose, District Stipulations and Provisions, and Permitted Uses as set forth in this section shall be deemed a nuisance.
Current Comprehensive Plan Designation	Residential 2.0-3.5 du/acre: The Residential 2.0-3.5 category denotes the areas of the county where low-density detached residential suburban development is preferred. The Residential 2.0-3.5 land use designation includes private lands where adequate community facilities, access and emergency response services are available to allow the division of land into smaller individual lots or parcels. Additional uses permitted within the Residential 2.0-3.5 category shall include farming, ranching and those uses otherwise permitted by state statute. Other non-residential land uses may be permitted if allowed in the zoning district designated for the parcel, if located on a cumulative total of less than two acres and if separated and buffered from adjacent existing residential uses and adjacent residentially-designated (on the Land Use Plan) uses.
Application Number	CUP-13-05

II Purpose & Description

The purpose of this application is to establish a 100 foot tall monopole cell tower for Verizon Wireless on a 1 ¼ acre parcel located along Highway 60 just east of Globe. The Tower will be placed in the southeast corner of the parcel along with an equipment shelter and a backup generator. The cell tower area will be completely fenced to form a compound. A twelve foot wide ingress and egress easement will also be established that goes from the west side of the parcel up the north property boundary and across the east property boundary to the tower site. The total distance of this easement is estimated at 460 feet.

III Zoning Regulations

The zoning for this parcel is R1-D10. For any prime or accessory structure this zoning requires a 7 foot side setback and a 20 foot rear setback. There are additional setback requirements for a cell tower.

The following regulations are taken directly from our Zoning Ordinance:

A. COMMUNICATION TOWERS

1. COMMUNICATION TOWERS ARE PERMITTED IN ALL ZONING DISTRICTS WITH A CONDITIONAL USE PERMIT UNLESS THE USE IS CURRENTLY ALLOWED IN THAT PARTICULAR ZONING DISTRICT.
2. IN ALL ZONING DISTRICTS, COMMUNICATIONS TOWERS SHALL BE SUBJECT TO THE FOLLOWING STIPULATIONS:
 - a. ALL COMMUNICATIONS TOWERS MUST BE STRUCTURALLY ENGINEERED.
 - b. NO CELLULAR TOWER SHALL BE LOCATED CLOSER THAN ITS HEIGHT TO ANY ADJACENT PROPERTY, PUBLIC RIGHT OF WAY OR ANY UNRELATED STRUCTURE UNLESS ACCOMPANIED BY STRUCTURALLY ENGINEERED PLANS THAT ELIMINATE THE NEED FOR A FALL ZONE.

The applicant will be required to demonstrate an alternative fall zone due to the distance from the monopole tower to the side and rear property lines through engineering. In no case will the side and rear setbacks be less than is currently required in our zoning ordinance.

The tower is proposed to be located 15 feet from the rear property line, and 13 feet from the side property line. The shelter structure is approximately 5 feet from the side property line and approximately 20 feet from the rear property line.

All structures are well over 200 feet from the monopole tower. The tower will be more than 400 feet from U.S. Highway 60.

IV Primary issue or issues to consider

1. The equipment structure is only 5 feet from the side property line.
2. The tower is less than 20 feet from the rear property line.
3. The tower is closer to the rear and side property lines than the proposed height of the structure.
4. The tower is closer to the rear property line than is allowed for this zoning district.
5. The easement is long and difficult to utilize in wet weather as well as bringing about dust in dry weather.

V Analysis

This is the home on the adjoining lot to the north of the cell tower site. It is over 200 feet from the tower.



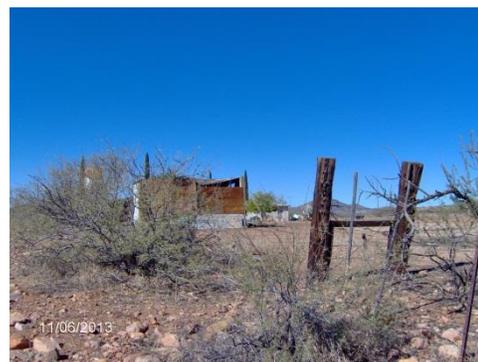
This picture shows the existing house on the parcel and the water tank and carport. They are all over 200 feet from this tower.



This is the major drainage wash that runs parallel to the east property line. The closest housing is about a ¼ mile from the cell tower site.



This is the cell tower site, located between the two fence posts and the metal structure in the distance.



Staff find that the location of this proposed tower will not, if proper precautions are exercised, be a disruptive nuisance in this residential area. There is very little housing in the area and none should experience view shed issues because of the significant distance between them and this tower. We currently outright permit amateur radio towers in single family residential areas that are up to 75 feet in height, and don't require any kind of zoning permit. This tower is 100 feet in height and a monopole tower.

The access poses two issues that the developer should address. The first is the clay in the soil will make access difficult in wet weather. The second issue is that in dry weather there can be significant dust clouds created by the current easement surface. This may be especially severe if larger vehicles use the ingress and egress easement.

This is a very quiet area. There is some traffic noise from the State Highway, but not to the point of being a nuisance. The noise from a generator will carry a long ways, especially at night. It is suggested that a sound attenuated structure be used to enclose the generator.

VII Summary

In summary staff would request that the Commission grant approval of Application CUP-13-05 with the conditions listed.

VIII Recommendation

Staff would recommend that the Planning and Zoning Commission recommend approval of this application for a conditional use permit to the Board of Supervisors with the following conditions:

1. That the ingress/egress easement be approved with a surface that will control road dust and eliminate the difficult travel in wet weather attributable to the clay in the soils.
2. That the current locations on the site plan are not acceptable and the applicant will resubmit a site plan showing compliance of all structures with side setbacks of 7 feet and a rear setback of 20 feet.
3. That the applicant will obtain a building permit for this project
4. That the fence enclosing this compound shall not exceed a height of 6 feet.
5. That the applicant will provide for the ability to collocate other antennas on this tower.
6. That this conditional use permit will run with land, but there will an inspection every two years to ensure compliance with all conditions and regulations. Should the applicant be in violation of any condition listed above the conditional use permit may be revoked.

IX Planning & Zoning Commission Hearing – November 21, 2013

The Planning and Zoning Commission held a public hearing on application CUP 13-05 to consider the development of a 100 foot tall Monopole Cell Tower. An adjoining property owner expressed two concerns

1. A concern that the proposed facility was being built on his property. He was assured we would not allow the tower to be built on his property
2. What the impact of EMF waves would do to the use of his property. He was informed that Local governments were exempted from considering EMF waves in their regulations of cell towers.

The Commission voted unanimously to recommend approval of this application to the Board of Supervisors with the conditions as listed in Section VIII of this report.