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**STAFF REPORT**

**CASE NUMBER: CUP21-01**

To: Planning and Zoning Commission  
Through: Rodolfo Lopez, Development Services, Acting Director  
From: Alexander Bosworth, Development Services, Planning Intern  
Meeting Date: October 25, 2021

**REQUEST**

**PUBLIC HEARING: (CUP) 21-01 AT&T Pacana Park:** Bechtel Infrastructure and Power Corporation, on behalf of AT&T, is requesting the review and approval of a co-location to an existing ball field light located in Pacana Park, generally located on the SW corner of N Porter Rd. and N Alan Stephens Pkwy., at property address 19000 N. Porter Rd. **Discussion and Action.**

**APPLICANT**

**PROPERTY OWNER**

Bechtel Infrastructure and Power Corporation  
4030 E. Quenton Dr., Suite 101-E  
Mesa, AZ 85215  
  
Phone: 520-743-6087  
Contact: Steven Olson  
Email: stolson@bechtel.com

City of Maricopa  
19000 N. Porter Rd.  
Maricopa, AZ 85138  
  
Phone: 520-568-9098  
Contact: Development Services  
Department

**COUNCIL PRIORITIES CONSIDERED**

- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

**PROJECT DATA**

- Site Acreage: 10 acres
- Parcel #: 510-24-001J
- Site Address: 19000 N. Porter Rd.
- Zoning: CR-3
- Antenna Details
  - Height Level: 75' 0" (top of antennas)
  - # of antennas: Six
  - Mounting: Attached to existing ball field light pole
  - Color: Match ballfield light
  - Ground Equipment: Enclosed

**Property Zoning:** CR-3 PAD

**Existing Land Use:** Parks and Open Space

**General Plan Future Land Use:** Master Planned Community

Surrounding Zoning/Use:

Direction	Existing Zoning	Existing Use
North	CR-3 Zoning	Single Family PAD
East	CR-3 Zoning	Single Family PAD
South	CR-3 Zoning	Single Family PAD
West	CR-3 Zoning	Single Family PAD

**PROPOSED SITE**



Exhibit A

## HISTORY SUMMARY

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- **2003:** County Board of Supervisors approves PAD rezoning from General Rural (GR) to Single Residence (CR-3) Zone PAD, case # PZ-017-03 and PZ-PD-017-03
- **2004-2006:** Pacana Park is built
- **2008-2009:** Pacana Park expands to an additional 10 acres encompassing a total of 28 acres.

## ANALYSIS

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AT&T proposes to construct a co-located wireless communication facility at Pacana Park on a replacement ballfield light pole. The existing light pole is 70 feet tall. The replacement light pole will be 75 feet tall to the top of the antennas. The equipment cabinet and backup generator will be enclosed by an 8-foot tall block wall. The color and texture of the enclosure will match existing materials used by Verizon and T-Mobile for their facilities on the west side of the park. The enclosure will have a bar grate security cover installed inside the enclosure, flush with the top of the wall so it will not be visible, to prevent unauthorized access inside the enclosure. AT&T will install a new electric meter and bring fiber service to the site. The applicant has provided the following response to why this antenna is necessary at this location:

*“The facility is needed to fill a significant gap in AT&T coverage in the surrounding area. In addition to providing standard AT&T wireless services to the general public, the proposed facility is part of the FirstNet project, which is a contract awarded to AT&T by the federal government. In 2012, Congress created the FirstNet Authority (<https://firstnet.gov/>) which is responsible for building a nationwide public safety broadband wireless network for first responders. The FirstNet Authority awarded a competitive contract to AT&T to build the network for public safety (<https://www.firstnet.com/>).” –Applicant’s Narrative*

The Telecommunications Act of 1996 allows local jurisdictions to regulate location, design and height, which is reflected in Article 36 Wireless Communication Facilities of the City’s Zoning Code (Ordinance 12-11). However, per the Telecommunications Act of 1996, local jurisdictions cannot deny communications antennas based on perceived health or environmental impacts since the project must conform to Federal Communications Commission (FCC) regulations.

The request for the co-location antenna does not conform to the permitted use section of Chapter 18 Section 130.030; therefore, a Conditional Use Permit is required per the adopted Zoning Code Section 18.130.050 (A) (2).

***“If the tower or antenna does not meet the requirements of MCC [18.130.040](#) or does not meet the requisite dimensional requirements, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.”***

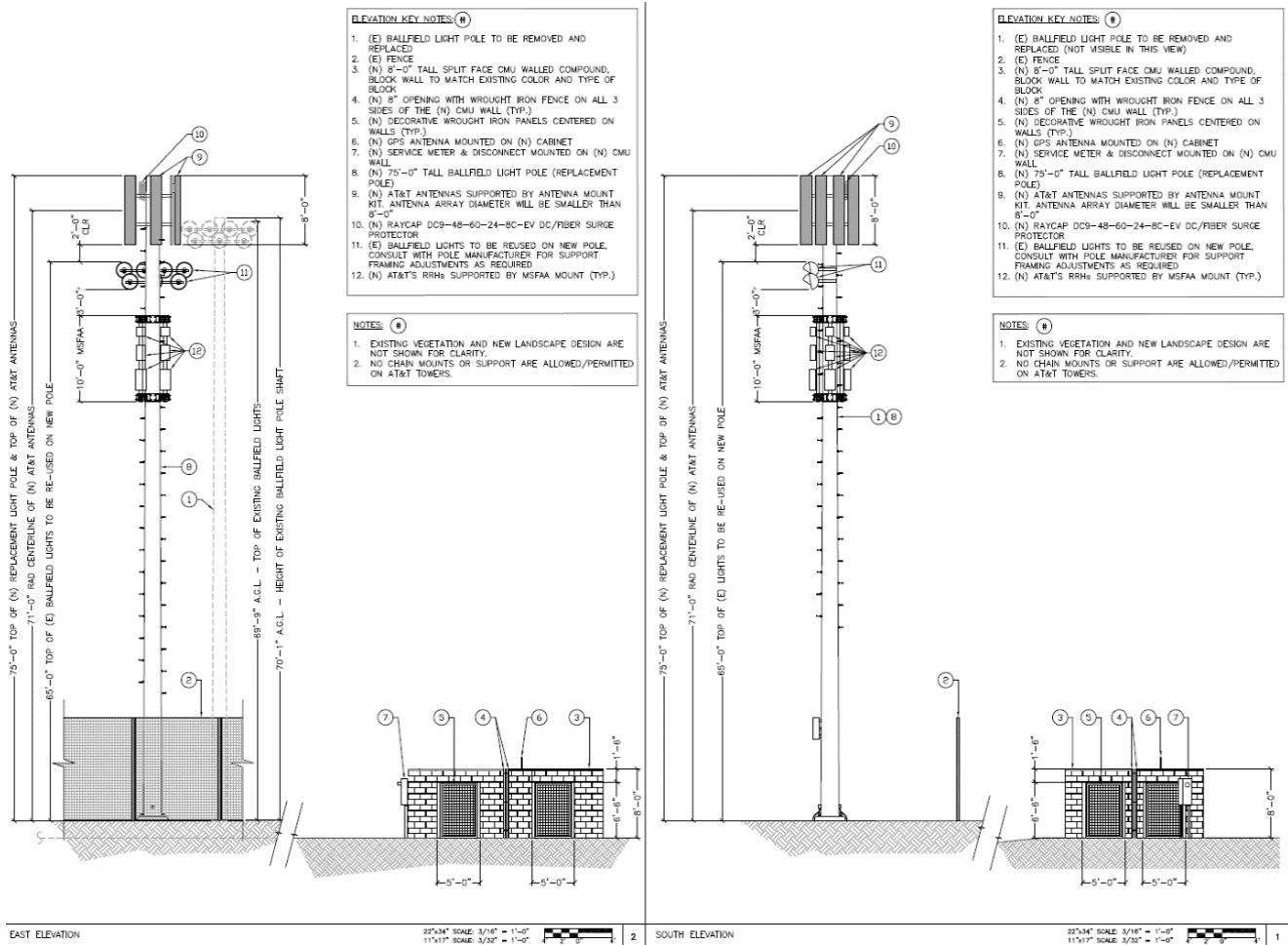


Exhibit B

### CITIZEN PARTICIPATION

The applicant has fulfilled all necessary requirements as set forth in City Code 18.140.050. This included the following:

- Sending a notification letters 15 days prior to the neighborhood meeting to all properties within 600 feet of the subject property (see Exhibit C). Notification letter included project information and meeting dates for all public meetings.
- Publishing a legal notice in the Maricopa Monitor and Casa Grande Dispatch 15 days prior to the neighborhood meeting.
- Posting a meeting sign on the property 15 days prior to the neighborhood meeting.

### Schedule:

- Newspaper Notice Published on 09/18/2021
- Notification Sign Posted 09/22/2021
- Notification Letter Mailed 09/23/2021
- Neighborhood Meeting Held on 10/07/2021

- Public Participation Report Submitted 10/12/2021
- Planning and Zoning Commission Meeting 10/25/2021

**PUBLIC COMMENT:**

Staff has not received any public comments at the time of writing this report.

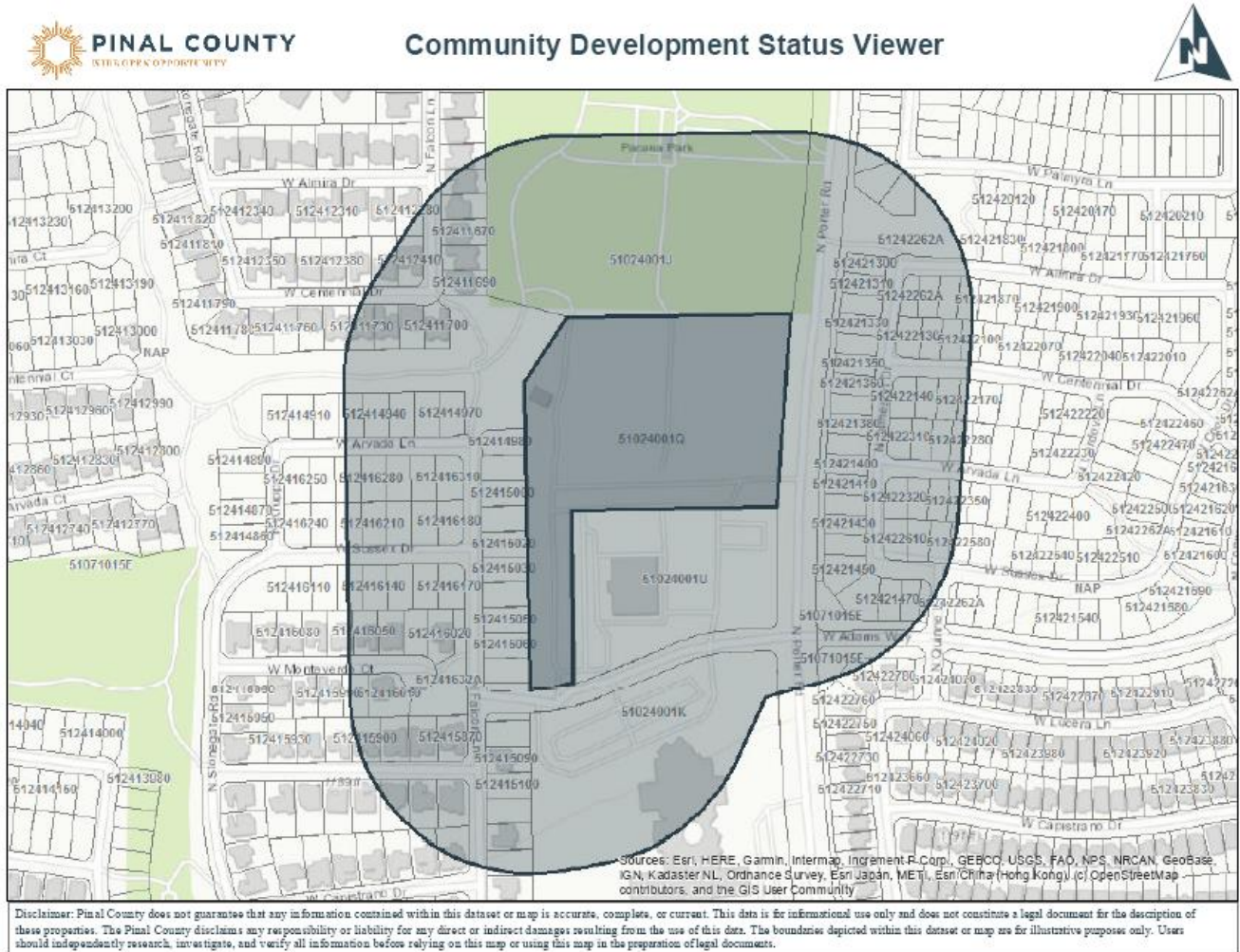


Exhibit C

**REQUIRED FINDINGS**

Any standards for consideration for Conditional Use Permit applications the Planning and Zoning Commission shall consider the following factors in determining whether to issue a Conditional Use Permit, although the Planning and Zoning Commission may waive or reduce the burden on the applicant of one or more of these criteria if it is determined that the goals of Article 412 are better served thereby:

**1. Height of proposed antennas**

Staff Analysis: Antenna height will be placed at 75' 0" to the top.

**2. Proximity of the antennas to any residential structures and uses**

Staff Analysis: The nearest residential home from the antenna is approximately 171 feet away directly across Porter Rd.

**3. Nature of uses on adjacent and nearby properties**

Staff Analysis: The tower is situated within Pacana Park, co-located with ballfield lights that light the northeast end of the east most soccer field. Nearby properties are developed and occupied immediately east from the site.

**4. Surrounding topography**

Staff Analysis: The area is within a considerable flat area with no natural features (hills, mountains, washes, etc.)

**5. Design of the antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.**

Staff Analysis: The applicant has submitted architectural elevations to illustrate the tower and associated equipment to scale (see Exhibit B). The City Code strongly encourages co-location facilities over the construction of additional single-use towers (Section 18.130.030), as co-location on existing infrastructure such as ballfield lights helps reduce visual obtrusiveness.

**CONCLUSION**

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Staff recommends Approval of the Conditional Use Permit case # CUP21-01, subject to the following conditions of approval and as amended by the Planning and Zoning Commission:

**CONDITIONS OF APPROVAL:**

1. Construction of the project shall be in conformance to the exhibits submitted with this Conditional Use Permit (CUP21-01).
2. The Conditional Use Permit (CUP) will remain valid for ten (10) years from the date of the Planning and Zoning Commission approval, If renewal of the permit is pursued the applicant shall contact the Zoning Administrator 90 days prior to expiration.
  - a. Renewal of the CUP can be processed administratively after minimum notification including mailings and site posting are conducted. If there is, no opposition for the request the Zoning Administrator can renew the application for an additional 10 years.
3. In the event a building permit is not received within two (2) years or as otherwise stipulated, or reasonable effort is not made to receive a building permit as determined by the Zoning Administrator, the Conditional Use Permit shall expire.
4. A copy of the utility access easement shall be provided to the city for review and approval and recorded with the County prior to permitting and construction.
5. Proposed access utility road shall require approval from Fire Department for adequate improvements.
6. No signs shall be allowed on the property without a formal sign permit application with the City of Maricopa.
7. The antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding neighbors.

8. If outdoor lighting is proposed in the future, applicant is to submit a photometric plan, cut-sheet, and specs for all outdoor lighting fixtures for review and approval by staff. All outdoor illumination shall be directed downward and away from public street and residential uses.
9. The applicant/landowner shall adhere to all Federal, State, County, and Local regulation, and shall submit all required development plans and secure all applicable and required approvals, permits and inspection from applicable Federal, State, County, and Local regulatory agencies.
10. The antennas must meet or exceed current standards and regulation of the FAA, the FCC, and any other agency of the state of federal government with the authority to regulate towers and antennas.
11. Before issuance of building permit, the applicant shall submit and secure all required application, plans supporting documents submittals, approvals and permits from the applicable federal, state, county and any other agencies as applicable.
12. The development and operation of the proposed Facility shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ), if applicable and other regulatory agencies rules and regulations.
13. The facility shall comply with all applicable adopted fire codes (International Fire Codes) as well as any related NFPA guidelines to the satisfaction of the City of Maricopa Fire Department.

## **EXHIBIT ATTACHMENTS**

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Exhibit A: Aerial Proposed Site View

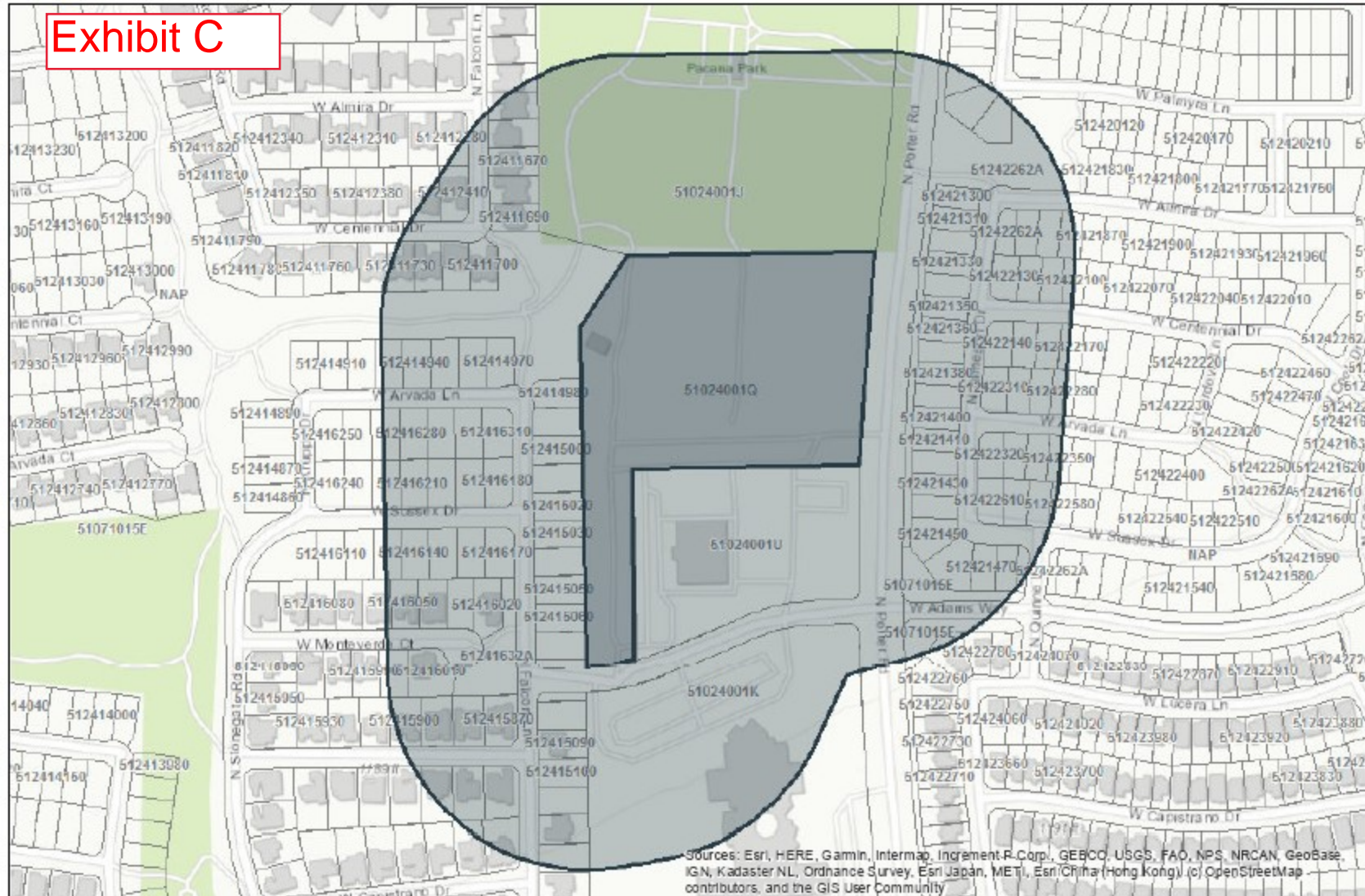
Exhibit B: Elevations

Exhibit C: Notification Letter Radius Map

-- End of staff report --



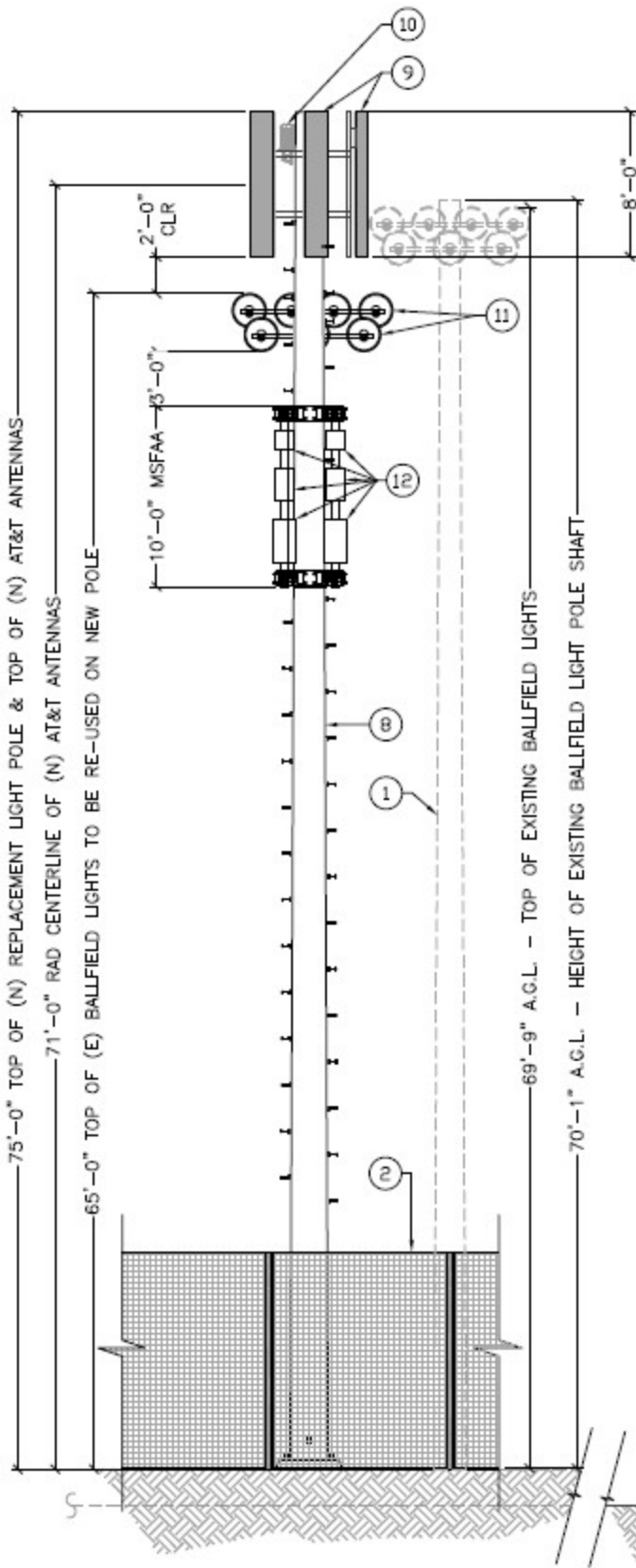
**Exhibit C**



Sources: Esri, HERE, Garmin, Intermap, Ingrement R-Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

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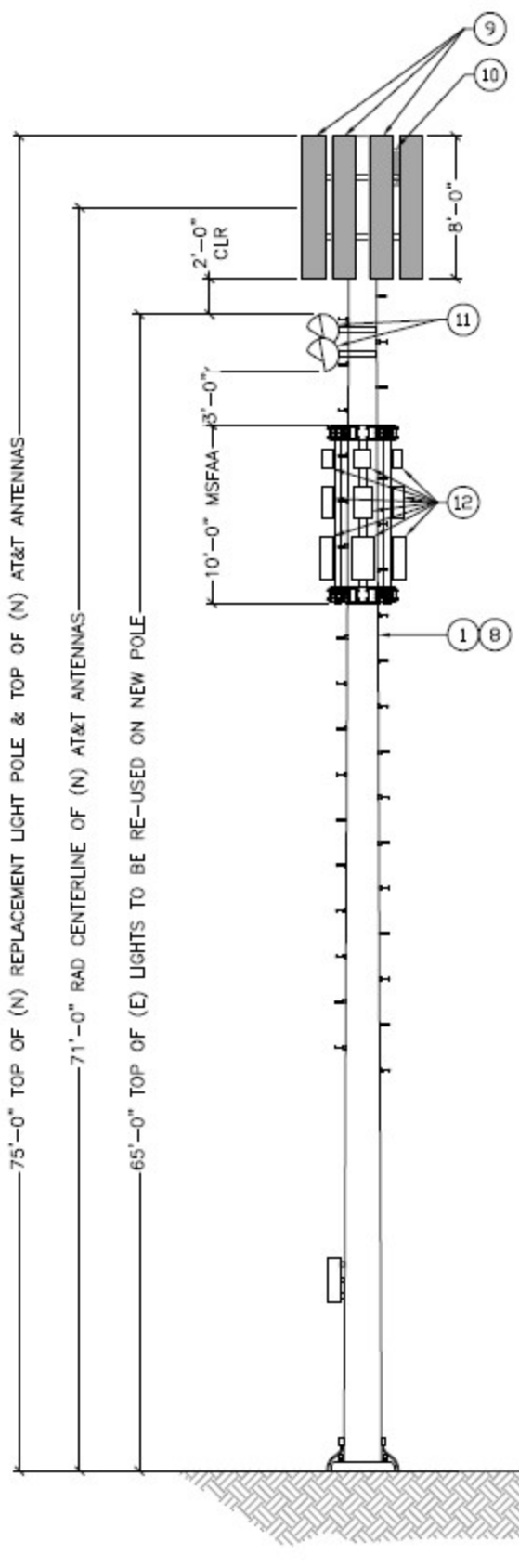
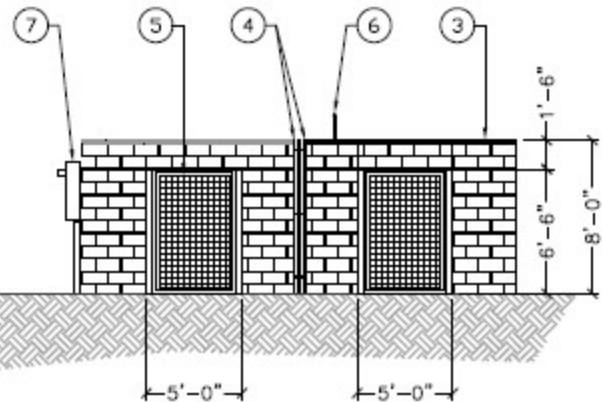


ELEVATION KEY NOTES: (#)

1. (E) BALLFIELD LIGHT POLE TO BE REMOVED AND REPLACED
2. (E) FENCE
3. (N) 8'-0" TALL SPLIT FACE CMU WALLED COMPOUND, BLOCK WALL TO MATCH EXISTING COLOR AND TYPE OF BLOCK
4. (N) 8" OPENING WITH WROUGHT IRON FENCE ON ALL 3 SIDES OF THE (N) CMU WALL (TYP.)
5. (N) DECORATIVE WROUGHT IRON PANELS CENTERED ON WALLS (TYP.)
6. (N) GPS ANTENNA MOUNTED ON (N) CABINET
7. (N) SERVICE METER & DISCONNECT MOUNTED ON (N) CMU WALL
8. (N) 75'-0" TALL BALLFIELD LIGHT POLE (REPLACEMENT POLE)
9. (N) AT&T ANTENNAS SUPPORTED BY ANTENNA MOUNT KIT. ANTENNA ARRAY DIAMETER WILL BE SMALLER THAN 8'-0"
10. (N) RAYCAP DC9-48-60-24-8C-EV DC/FIBER SURGE PROTECTOR
11. (E) BALLFIELD LIGHTS TO BE REUSED ON NEW POLE, CONSULT WITH POLE MANUFACTURER FOR SUPPORT FRAMING ADJUSTMENTS AS REQUIRED
12. (N) AT&T'S RRHs SUPPORTED BY MSFAA MOUNT (TYP.)

NOTES: (#)

1. EXISTING VEGETATION AND NEW LANDSCAPE DESIGN ARE NOT SHOWN FOR CLARITY.
2. NO CHAIN MOUNTS OR SUPPORT ARE ALLOWED/PERMITTED ON AT&T TOWERS.



ELEVATION KEY NOTES: (#)

1. (E) BALLFIELD LIGHT POLE TO BE REMOVED AND REPLACED (NOT VISIBLE IN THIS VIEW)
2. (E) FENCE
3. (N) 8'-0" TALL SPLIT FACE CMU WALLED COMPOUND, BLOCK WALL TO MATCH EXISTING COLOR AND TYPE OF BLOCK
4. (N) 8" OPENING WITH WROUGHT IRON FENCE ON ALL 3 SIDES OF THE (N) CMU WALL (TYP.)
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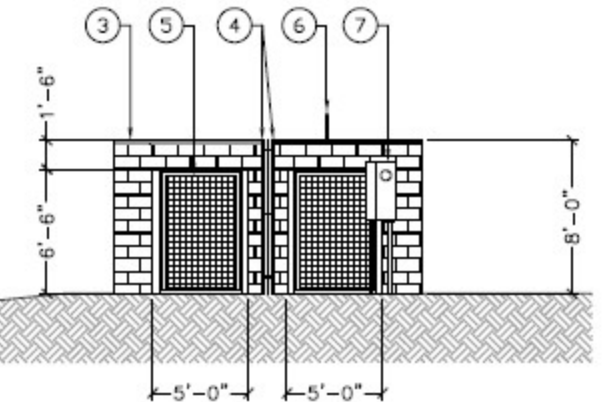


Exhibit A



**PROPOSED POLE  
LOCATION**