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STAFF REPORT

PROJECT INFORMATION

Applicant:

In Command Communications
Attn: Kevin Dugan
4294 E. Del Rio St.
Gilbert, AZ 85295

Tower Owner:

Verizon Wireless
126 W. Gemini Dr.
Tempe, AZ 85283

Property Owner:

G2 Partners, LLC
P.O. BOX 13351
Chandler, AZ

Project Location: 44870 W. Hathaway Rd., APN # 510-19-200D

Current Zoning: General Business (CB-2)

General Plan:

Commercial - The Commercial land use category provides for commercial nodes on individual parcels. The intent is to provide neighborhood and community scale shopping, offices, medical facilities, and subordinate multi-family residential uses which incorporate pedestrian and neighborhood needs through site planning, architecture, access, lighting and parking design.

Surrounding land uses and Zoning Info:

North: Future Sonoran Creek	CB-2	-	General Business
East: Future Fast and Friendly Carwash	CB-2	-	General Business
South: Residential	GR	-	General Rural
West: Post Office	CB-2	-	General Business

Site Location:



CUP13-01 Verizon Microwave antenna addition

Applicant Request:

The applicant's request is to add a 6' diameter microwave antenna to an existing cell tower that was approved in 1996 under Pinal County's jurisdiction. The existing tower structure is 104' 6" high. The tower currently carries two (2) cell carriers, Verizon (top of the tower) and Sprint (below Verizon). This microwave antenna will be placed below the Sprint antenna at 60 foot high (see Exhibit C for site plan and elevation). The applicant has provided the following response of why this antenna is needed at this location. The full narrative can be found in Exhibit D.

"The intent of the microwave antenna is to improve the quality of Verizon's wireless services to customers living and driving through the City and the County, by providing high speed and data service to an adjoining site south of Maricopa. The general public, local businesses, governmental agencies, as well as emergency services rely and are users of wireless technology that allows for the transmission of reliable voice and data."

- Applicant's narrative

Staff Analysis:

The existing tower received building permit approval on March 3, 1994 by Pinal County. In July 2007, the site received city administrative approval to replace a chain link enclosure fence with a brick wall enclosure and the addition of a 60kw emergency backup generator. Since then the tower has not changed its physical dimensions. This cell tower is considered a non-conforming per Article 36 Sec. I2, as it currently does not conform to height and setback standards.

"PRE-EXISTING TOWERS. Pre-existing towers or antennas shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers or antennas. New construction other than routine maintenance on a pre-existing tower or antenna shall comply with the requirements of this Article."

The request for the microwave antenna does not conform to the permitted use section of Article 36 Section E; therefore, a Conditional Use Permit is required per Article 36, Section F 1b.

“If the tower or antenna does not meet the requirements of Section E above 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.”

In addition to any standards for consideration of conditional use permit applications pursuant to Article 36, the City Council shall consider the following factors in determining whether to issue a conditional use permit, although the City Council may waive or reduce the burden on the applicant of one or more of these criteria stated below, and if the City Council concludes that the goals of Article 36 are better served thereby:

1. Height of the proposed antenna
 - **Microwave Antenna is situated 60 feet high on the existing 104’6” tower.**
2. Proximity of the antenna to any residential structures and uses
 - **There are two residential homes that range a distance of 285-308 feet away from the tower (see Exhibit G). It shall also be known that the adopted General Plan land use map designates the adjacent residential properties as Commercial use. Recently, the city has received inquiries of converting these properties into commercial.**
3. Nature of uses on adjacent and nearby properties
 - **The adjacent uses to the west, north and east is entitled commercial projects that have not been developed yet. Immediately to the south is residential property with a single dwelling unit.**
4. Surrounding topography
 - **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.
 - **The antenna proposed is a circular antenna that will be painted to match the color scheme of the existing cell tower. The applicant has submitted photo simulation for consideration (see Exhibit E).**

Community Outreach:

The applicant has fulfilled all necessary requirements for processing a Citizen Participation Plan (CPP). This included the following (see Exhibit F for full CPP Report):

- Sending a notification letter, 15 days prior to the neighborhood meeting to all properties within 300 feet of the subject property. Notification letter included project information and meeting dates for all public meetings.

- Publishing a legal notice in the Maricopa Monitor 15 days prior to the neighborhood meeting.
- Posting a meeting sign on the property 15 days prior to the neighborhood meeting.

Public Comments:

- This case was advertised in accordance to Ordinance 07-01 and at the time of writing this report, staff has not received any form of opposition.