



STAFF REPORT

Case # CUP24-02

To: Planning and Zoning Commission

Through: Rick Williams, Planning and Zoning Manager

From: Alexander Bosworth, Planner

Meeting Date: April 22, 2024

REQUESTS

PUBLIC HEARING: CUP24-02 Verizon Wireless at Cobblestone Farms – A Conditional Use Permit renewal request by ATC Sequoia, LLC on behalf of Verizon Wireless for an existing 59-foot tall stealth wireless facility. **Discussion and Action.**

APPLICANT/PROPERTY OWNER

Applicant: ATC Sequoia, LLC
 Contact: John Merritt
jtmemc@protonmail.com

Owner: ATC Sequoia, LLC
 630 Quintana Rd., STE 321
 Morro Bay, CA 93442

COUNCIL PRIORITIES CONSIDERED

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

PROJECT DATA

Site Gross Acres	8.81 acres
Existing Tower Height	53 feet (top of steel); 59 feet (top of branches)
Parcel #	512-03-013C
Existing Site Use	Wireless Facility/Agriculture
Existing General Plan Land Use	Research and Development (R&D)
Existing Zoning	General Rural (GR)
Existing Overlays	N/A

SURROUNDING ZONING/LAND USE

Direction	General Plan Land Use	Existing Zoning	Existing Use
North	Gila River Indian Community	Gila River Indian Community	Vacant
East	Medium Density Residential (MDR)	CR-3 Single Family	Residential
South	Research and Development (R&D)	CR-3 Single Family	Agriculture
West	Research and Development (R&D)	CR-3 Single Family	Agriculture

ANALYSIS

The applicant is requesting an extension to a Conditional Use Permit on an existing 59' cell tower, which features a stealth palm tree design. The original Conditional Use Permit, case # CUP11-01, was approved by the City Council on October 9, 2011 for a duration of ten (10) years. The permit expired in 2021, and as Verizon Wireless proposes future routine modification to the site, it is necessary to extend the Conditional Use Permit for another ten (10) years for the facility's ongoing operation.

The current location of the tower is a 23'-3" x 42' CMU enclosure, northwest of the Cobblestone Farms subdivision and adjacent to the Gila River Indian Community (GRIC). Access to the site is via an existing 12' access/utility easement running north-south, which guarantees access to the site for routine maintenance and other associated work.

The project has caused no discernible impacts to pedestrian or vehicular transit around the proposed location, or to the adjacent residents to the east. The initial installation of the tower included two authentic palm trees to help the stealth design blend in with the surroundings, therefore the site now acts as a seamless addition to the natural and built environment. Over the ten (10) year period of the original Conditional Use Permit, City staff has received no major complaints related to the existing stealth tower. Subsequent to further public notification due to this renewal request, staff has received no comment in opposition to the facility.

Verizon Wireless is currently the sole tenant on the tower, and provides mobile voice, data, and internet service to the surrounding area. The facility currently remains available for future co-locations of additional carriers in the future.

CITIZEN PARTICIPATION:

Prior to staff recommending approval of the Conditional Use Permit renewal, the applicant submitted a public participation plan to demonstrate the materials used to inform surrounding property owners of the proposed Conditional Use Permit as required per the city's Zoning Code. The Public Participation Plan included a neighborhood meeting, notification letters to all property owners within **600 feet** of the subject area, public notice signs within the subject area, and legal notices in the local newspaper circulator. A copy of the Citizen Participation Report is available to be reviewed upon request.

- Legal Notices mailed out on 03/08/2024
- Sign Posting on 03/13/2024
- Newspaper Notice in the Casa Grande Dispatch on 03/26/2024
- 2nd Round of Legal Notices mailed out on 03/25/2024
- Neighborhood Meeting was held on 04/03/2024
- Public Hearing scheduled for 04/22/2024

PUBLIC COMMENT:

No comment has been received as of the time of this writing.

CRITERIA FOR APPROVAL

As required by Sec. 18.150.060 of the Zoning Code, the Planning & Zoning Commission shall make the following findings:

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this code and the Maricopa City Code.

Staff Analysis: The proposed use is allowed within this zoning district and complies with all other applicable provisions of the Code.

2. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the general plan and any other applicable plan and/or policies that the city has adopted.

Staff Analysis: The approval of this proposed project will advance the goals and objectives of and is consistent with the policies of the general plan and any other applicable plan and/or policies that the city has adopted.

3. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the zoning district where it is located and conform in all significant respects with the general plan and with any other applicable plan or policies adopted by the city council.

Staff Analysis: All of the above criteria of the proposed project are consistent with the purposes of this zoning district and with the policies of the general plan and all other applicable plans and policies adopted by the city council. The applicant has demonstrated great effort in providing an exterior design during the original approval of the tower that is compatible with the surrounding residential subdivision.

4. The proposed project will not be injurious or detrimental to the property or improvements in the neighborhood or to the general welfare of the city.

Staff Analysis: The proposed project will not be injurious or detrimental to the property or improvements in the neighborhood or to the general welfare of the city.

CONCLUSION:

Staff recommends **approval** of **case CUP24-02**, subject to the conditions of approval stated in this staff report, and as amended by the Planning and Zoning Commission.

1. The ongoing operation of this wireless telecommunications facility shall be in conformance to the exhibits submitted with this Conditional Use Permit (CUP24-02), and as amended by the Planning and Zoning Commission.
2. The Conditional Use Permit shall be extended for a term of ten (10) years. At the end of this specified term, the permit shall automatically expire unless a written request for renewal is submitted by the applicant, prior to expiration, to the zoning administrator. The city shall notify the applicant in writing at least 90 days prior to the expiration date of the permit for the facility.
3. If a request for renewal of the Conditional Use Permit is received, the permit shall remain in effect until a decision on the renewal is made. The new renewal request shall be reviewed in a similar manner as the previous renewal.

4. The tower shall provide the option for future co-locations of other wireless communication providers on a reasonable and non-discriminatory basis.
5. Any existing or proposed additional pole-mounted equipment shall be painted to match the monoelm branches, or modified as to reduce their visual impact on the facility's stealth design.
6. The cellular tower and all currently proposed antennas must meet or exceed current standards and regulation of the FM, the FCC, and any other agency of the state of federal government with the authority to regulate towers and antennas.
7. The cellular tower shall not be artificially lit, unless required by the FM 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 equipment storage enclosure shall comply with all applicable building codes.
10. The applicant shall submit and secure all required applications, plans supporting documents submittals, approvals and permits from the applicable federal, state, county and any other agencies as applicable prior to conducting further construction work on the subject site.
11. 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.
12. Per International Fire Code, emergency signage must be posted and fire apparatus gate must always be kept clear. This includes any knock lock(s) that is required by the City of Maricopa Fire Department. Applicant shall install all necessary knock lock(s) per the Fire Department.
13. The applicant shall have met and complied with all applicable fire codes under the 2018 IFC.
14. No signs shall be allowed on the property without a formal sign permit application with the City of Maricopa.
15. Future changes/ amendment of uses to the Conditional Use Permit not approved with this case, and or, addressed during this review shall require separate review and approval from staff and, if required the Planning and Zoning Commission.

ATTACHMENTS:

Exhibit A: Narrative

Exhibit B: Original Staff Report

Exhibit C: Construction Drawings

Exhibit D: Citizen Participation Report

-- End of staff report --