

**TOWN OF FOUNTAIN HILLS
MINUTES OF THE REGULAR SESSION OF THE
PLANNING & ZONING COMMISSION
April 25, 2019**

Chairman Dempster opened the meeting at 6:00 p.m.

ROLL CALL:

The following Commissioners were present: Chairman Susan Dempster, Vice-Chairman Eric Hansen, Commissioners, Mathew Boik, Peter Gray, and Scott Schlossberg. Commissioner N'Marie Crumbie & Christopher Jones were absent. Also in attendance were Marissa Moore, Senior Planner and Paula Woodward, Executive Assistant.

Chairman Dempster requested participation in the Pledge of Allegiance.

Chairman Dempster introduced and welcomed Interim Development Services Director, John Wesley.

CALL TO THE PUBLIC

No one from the public wished to speak.

AGENDA ITEM # 1 - CONSIDERATION OF APPROVING THE PLANNING AND ZONING COMMISSION MEETING MINUTES DATED FEBRUARY 7, 2019 AND MARCH 28, 2019, MEETINGS.

Vice-Chairman Hansen **MOVED** to **APPROVE** the meeting minutes dated February 7, 2019 and March 28, 2019, meetings as written. Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 5/0.**

AGENDA ITEM # 2 PUBLIC HEARING AND CONSIDERATION OF A PROPOSED SPECIAL USE PERMIT TO ALLOW VERIZON WIRELESS TO INSTALL A 40-FOOT TALL FAUX SAGUARO CACTUS CELLULAR ANTENNA WITH ASSOCIATED POWER METER PEDESTAL TO BE LOCATED WITHIN 300 FEET OF A RESIDENTIAL ZONING DISTRICT, THAT EXCEEDS THE MAXIMUM BUILDING HEIGHT BY 15 FEET, AND TO BE CONSTRUCTED 14 FEET FROM THE PROPERTY LINE LOCATED AT 13300 N EAGLE RIDGE DRIVE. (CASE # SU2019-01)

Chairman Dempster opened the public hearing at 6:04 p.m.

Marissa Moore, Senior Planner reviewed the information in the staff report along with a PowerPoint presentation. She said the Special Use Permit is to install a wireless communications facility (WCF) at 13300 N Eagle Ridge Drive. The proposed wireless communications facility site is located in in the Adero Canyon, Welcome Center. The welcome center is located on a median island owned by Toll Brothers and is located in the Eagle Ridge Drive right-of-way at the entrance into Adero Canyon. To the southeast of the proposed tower is a parking area, which maintenance staff would utilize. The closest residential structure is 400 feet away, and the closest residentially zoned district is across the right of way thirty-five feet away for the proposed site. The wireless cell facility would provide service to the Adero Canyon residents and beyond. Staff has had complaints about the lack of cellular service reception in Adero Canyon. The lack of cellular service has affected home-based businesses.

Ms. Moore said in 2016, a Special Use Permit for a thirty-four foot tall faux water tower was approved for this location. That permit expired and a new proposal is for a faux saguaro. The height of the wireless communications facility will appear to be forty-seven feet above grade adjacent to the facility. There will be no ground equipment except a power meter and no requirement of a wall or fence. The project meets the

required setback except for the one saguaro limb, which staff is recommending it be adjusted to meet the setback requirements.

The applicant requested a “fall down” distance of twelve feet from the right of way because of the parcel shape and the surrounding hilly topography. The forty feet faux cactus height makes it impossible to meet the required forty-foot fall down distance from the right of way. A shorter antenna would not be sufficient to serve the wireless needs of the area. Since the WCF is located in an area buffered on both sides of right away, there is no way it could fall down onto adjacent private property or structure. Staff feels because of its location, the fall distance is not a concern. Ms. Moore said the facility is designed to look like a saguaro cactus and blends in well with the surrounding landscape. The access to the facility is through an access easement over the parking lot.

In conclusion, Ms. Moore said there are no other existing towers to service this area based on an inventory provided by the applicant of existing and proposed towers. The geographic limitations and on-going development of the area create a demand for this facility site. Staff recommends that the commission forward a recommendation to Town Council to approve the Special Use Permit with the following Stipulations:

Prior to the submission of an application for building permit the applicant, submit to the Development Services Director for review and acceptance the following information:

1. The revised placement and orientation of the tower to meet setback requirements;
2. A landscape plan showing how the site will be revegetated to match the surrounding desert landscape; and
3. The final design of the saguaro.

Chairman Dempster asked if there were any speaker cards and Paula Woodward answered, there were nine cards received who were in favor of the proposed project.

Steve Jacobson, a resident at Adero Canyon, spoke in favor of the wireless tower. He explained that he moved into his home around eight months ago and has been without cellular service. During the home building process, there was no cell coverage, which was very frustrating because contractors could not communicate with each other, nor could anyone else. Adero Canyon when built out will be billions of dollars worth of real estate, it's nuts there is no cell phone coverage. The development has been there for a long time. Installation of a cell tower is long overdue.

Mariusz Kostelic, moved to Adero Canyon seven months ago. He said the cell service is terrible. The real issue is the bike path located in Adero Canyon. Should there be an emergency on the bike path there is no cell service to contact emergency services. Mr. Kostelic is in favor of the cell tower.

Scott Peters, a resident of Adero Canyon, said that during the home buying process in October 2017, they were told there would be cellular service and as of today there still is none. Mr. Peters said his biggest concern is the issue of life safety. He installed three wireless boosters throughout the house, and still has cell phones cut out all the time. Installation of a landline was mandatory for conducting business from home, because of the cellular situation.

Ms. Moore stated the applicant is willing to put in a temporary cell tower on wheels called a “C. O. W.” This would require Town Council approval. It would be in the parking lot in the same location for about six to eight months. She suggested to the commission for this to be included in the Special Use Permit request and added to the motion forwarded to Town council.

CJ Peters, a resident of Adero Canyon, asked about the time line.

Applicant Richard Shaw, Shaw and Associates, obo Verizon Wireless, said a couple things need to happen with a temporary site. The temporary tower is similar to a pick-up truck but larger. There would be covered equipment on the back with an extendable mast, thirty to forty feet. An antenna attaches to the mast top

and power is required. SRP would provide permanent power or a generator could be used. The noise from the generator is similar to a washing machine. The availability of fiber or microwave for service are a challenge. Fiber is preferred because the conduits were installed during Adero Canyon construction. It requires Cox to run fiber and would be dependent on Cox's availability. Verizon said that fiber could take a couple of months post Town Council approval. The other option is a microwave attachment to the nearest Verizon Tower, but requires approval of the Tower owner.

Ms. Moore said that any temporary solution would require a building permit if permanent electric service is used.

Mr. Shaw wished to address the setback issue. The base of the saguaro is fourteen feet from the right of way. The arm makes it eight feet, rotating the arm is an issue. The arm needs to face north and south. Moving the arm would create issues such as blocking and shadowing. It would degrade the effectiveness of the antenna. If the commission could grant that waiver we would prefer not to alter the cactus.

Commissioner Boik asked if any additional towers would be needed in the area.

Mr. Shaw said he walked the area with a radio frequency engineer. More towers could be added somewhere in the vicinity north near the water tank, the area near Copperwynd and another one as Adero Canyon expands.

Commissioner Schlossberg asked if the faux saguaro arms have any hardware and serve a purpose.

Mr. Shaw replied the arms are empty but if you rotate the saguaro arm it would shadow the antenna, causing problems.

In response to Vice-Chairman Hansen, Mr. Shaw said the water tower was shorter than the cactus. The cactus is three feet taller. Whether it's a cactus, water tower or palm tree, they are all designed not to fall.

Commissioner Gray asked if there is a safety zone and who is liable for the tower.

The FCC closely regulate safety. Even with the transmission at full power, safety is not an issue. The liability resides with Toll Brothers and Verizon.

Commissioner Gray asked, does the Town consider the amount of cell towers in one particular area or can multiple faux saguaros be constructed.

Ms. Moore stated this issue was researched when the Town adopted the small wireless facility codes. There may be multiple faux saguaros with close proximity based on cell provider needs.

Chairman Dempster asked the Commissioners if there were any further questions and with no further discussion, closed the public hearing at 7:00 p.m.

Vice-Chairman Hansen **MOVED** to forward a recommendation to the Town Council to approve the Special Use Permit to allow forty foot faux saguaro wireless communications facility to be installed as presented and in the location proposed with the following stipulations: Prior to the submission of an application for building permit the applicant submit to the Development Services Director for review and acceptance the following information:

1. An inventory of existing and proposed tower locations within 1 mile of this location;
2. A revised location and placement of the tower to meet setback requirements;
3. A landscape plan showing.
4. The final design of the saguaro.

Commissioner Boik **SECONDED** and the **MOTION CARRIED UNANIMOUSLY 5/0.**

A roll call vote was taken with the following results:

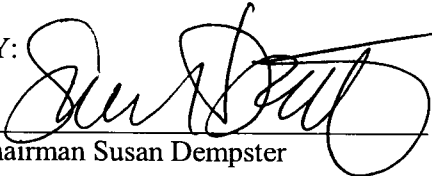
Commissioner Boik	Aye
Commissioner Gray	Aye
Commissioner Schlossberg	Aye
Vice-Chairman Hansen	Aye
Chairman Dempster	Aye

AGENDA ITEM # 3 - ADJOURNMENT.


Chairman Dempster adjourned the meeting at 7:04 p.m.

FOUNTAIN HILLS PLANNING & ZONING COMMISSION

BY:


Chairman Susan Dempster

ATTEST:


Paula Woodward, Executive Assistant

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the meeting of the Fountain Hills Planning and Zoning Commission held on the 25th day of April 2019 in the Town Council Chambers, 16705 E. Avenue of the Fountains, Fountain Hills, AZ 85268. I further certify that the meeting was duly called and that a quorum was present.


Paula Woodward, Executive Assistant