



Legislation Details (With Text)

**File #:** 20-106      **Version:** 1      **Name:**  
**Type:** Study Session Item      **Status:** Agenda Ready  
**File created:** 2/28/2020      **In control:** Town Council  
**On agenda:** 3/12/2020      **Final action:** 3/12/2020  
**Title:** Statement of Direction for Crown Castle Intermediate Special Use Permit Amendment  
30 Minutes

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Application, 2. B - Vicinity Map & Aerial Photo, 3. C - Narrative & Plans, 4. E - Ordinance 625 (Crown Castle DAS Special Use Permit), 5. D - Draft Statement of Direction, 6. F - Power Point Presentation

Date	Ver.	Action By	Action	Result
3/12/2020	1	Town Council	Received and Filed	

**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Jeremy Knapp, Community Development Director  
George Burton, Senior Planner

**DATE:** March 12, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**  
**SUP-20-03. Statement of Direction for Crown Castle Intermediate Special Use Permit Amendment**

**REQUEST:**  
The applicant requests an Intermediate Special Use Permit (SUP) Amendment to replace the faux rock screens with equipment cages at 3 streetlight pole locations.

**BACKGROUND:**  
History  
In July of 2010, Crown Castle (formally NewPath Networks) received SUP approval from the Town Council for a Distributed Antenna System in the Town’s right-of-way (via Ordinance 625). The Distributed Antenna System (DAS) consists of a fiber-optic backbone that connects a series of antenna nodes that wireless carriers may use to improve system capacity, coverage, voice quality, high speed data, and internet access.

The DAS system in Paradise Valley consists of 42 signal antenna nodes located above ground on vertical structures including two traffic signal nodes, three streetlight pole nodes, and thirty-seven

faux cactus nodes. Each node has ground equipment such as a fiber vault, an electrical meter with disconnect, and a faux rock battery backup.

#### Scope of Request

Crown Castle is upgrading the equipment at 3 streetlight pole locations. These light poles and equipment are located in the right-of-way at:

- H219 - 7300 N. Tatum Blvd.
- H228 - 6401 E. McDonald Dr.
- H232 - 5395 N. Invergordon Rd.

To accommodate the upgraded equipment and to dissipate heat from the new equipment at these 3 sites, the applicant is proposing to relocate the equipment and replace the faux rock screen with a concrete pad on grade and a 3' x 3' x 3' equipment cage. The new equipment cage consists of one solid panel and three mesh panels. The mesh panels will vent the heat generated by the equipment and eliminate the need for fan-cooled equipment (which may have required larger insulated cabinets to dampen the noise generated from the fans). The screens can be orientated in any direction and painted any color the Town prefers. Creosote bushes will be placed around the H228 and H232 sites to provide additional screening. The new landscaping will be maintained by a landscaper for one year to help ensure the Creosote bushes take root and survive. Landscaping will not be placed around the H219 equipment cage since it will be placed behind and partially screened by the existing utility cabinets. New landscaping at this location may also obstruct or impede access to the existing utility cabinets.

In summary, the applicant is proposing the following changes:

*H219 - 7300 N. Tatum Boulevard.* The applicant is proposing to replace the faux rock and relocate the equipment from the corner of Tatum Blvd and Clearwater Pkwy several feet northwest of the streetlight. The new equipment and cage will be located approximately 14' away from the existing faux rock location (placed between the existing fence wall and existing utility cabinets). The new equipment cage is 3'x3'x3' in size (with 1 solid and 3 mesh panels). However, staff recommends the use of a decorative screen instead of a cage since the decorative screen is more aesthetically pleasing and will enhance the streetscape.

*H228 - 6401 E. McDonald Drive.* The applicant is proposing to replace the faux rock and relocate the equipment from the corner of Invergordon Rd and McDonald Dr further south on McDonald Dr. The new equipment and cage will be located approximately 60' further south from the existing faux rock location. The new equipment cage is 3'x3'x3' in size (with 1 solid and 3 mesh panels) and will be screened with 3 creosote bushes. However, staff recommends the use of a decorative screen instead of cage since a decorative screen will enhance the streetscape and maintain a better level of aesthetics if the surrounding vegetation dies.

*H232 - 5395 N. Invergordon Road.* The applicant is proposing to replace the faux rock and relocate the equipment from the corner of Invergordon Rd and Jackrabbit Rd further south on Invergordon Rd. The new equipment and cage will be located approximately 50' further south from the existing faux rock location. The new equipment cage is 3'x3'x3' in size (with 1 solid and 3 mesh panels) and will be screened with 3 creosote bushes. However, staff recommends the use of a decorative screen instead of cage since a decorative screen will enhance the streetscape and maintain a better level of aesthetics if the surrounding vegetation dies.

## **DISCUSSION:**

### Statement of Direction (SOD)

Per Section 2-5-1.C of the Town Code, Town Council shall issue a Statement of Direction for Intermediate SUP Amendments. Additionally, Stipulation No. 2 on the Crown Castle SUP states that, "...Aesthetic changes to the approved antenna equipment or the addition of new antenna nodes shall require an Intermediate Amendment to the Special Use Permit." A Statement of Direction is intended to provide general guidelines or project parameters as the application progresses through the Planning Commission and Town Council review. A Statement of Direction is not a final decision and shall create no vested rights to the approval of a Special Use Permit. Nor shall the applicant rely on the matters addressed in the Statement of Direction as those that may become part of an approved Special Use Permit. Per Section 1102.3.B.4 of the Zoning Ordinance, a SOD may address, but is not limited to the following items:

- Uses;
- Lot coverage/density;
- Massing/Scale;
- Perimeter setbacks;
- Maximum heights;
- View Corridors;
- Circulation; and
- Known issues, if any (for intermediate amendments this may include issues outside of the geographic area)

Based upon the submittal, staff recommends that the following items be included in the SOD:

1. Equipment Cages/Screens. Staff recommends the use of decorative equipment screens to conceal and secure the new equipment at all three locations. A decorative screen will enhance the streetscape and maintain an aesthetic appeal if the surrounding vegetation dies. The SOD should direct the Planning Commission to evaluate the use of decorative screens vs. the proposed equipment cages. This includes the color, type of material (such as Corten Steel or rusted metal) and/or potential designs (such as a screen with a desert or mountain motif/theme) of the equipment screen/cage.
2. Orientation and Location. The SOD should direct the Planning Commission to evaluate location and orientation of the equipment cages/screens (such as locating the equipment and screen to a less visible area and/or having the solid portion of the screen/cage face the street).

### Zoning Ordinance Compliance:

The proposed improvements are consistent with the DAS Special Use Permit, which require screening of the equipment. Due the aesthetic change, an Intermediate SUP Amendment is required.

### Timing

Section 1102.3.C.3.c of the Zoning Ordinance requires the Town Council to issue a SOD within 45 days from the date of the staff presentation. This SOD is scheduled for March 12<sup>th</sup> work session and March 26<sup>th</sup> work session/action. Based upon this work session date, the Council must issue a SOD by April 26, 2020 per the Town Zoning Ordinance.

Also, Section 2.5.2.D of the Town Code provides time limits for the Planning Commission to hear, approve or disapprove, or forward the SUP amendment to the Council within a time period specified by the Council in its SOD, in a time period of less than 90 days from the approval of the SOD, or 150 days from the filing of the application for the Special Use Permit. If the Council takes action on the SOD at the March 26<sup>th</sup> meeting, then the 90-day Planning Commission review/time period ends on June 25, 2020. As such, the Planning Commission hearing must occur on or before the June 25<sup>th</sup> date. However, since this request is not a complex amendment, staff recommends the Planning Commission complete their review by May 5, 2020 in order to give the Town Council time to consider the application for final action prior to the summer recess.

**INTERMEDIATE AMENDMENT CRITERIA:**

An Intermediate Amendment to a Special Use Permit shall include any proposal which does not:

1. Change or add any uses; or
2. Increase the floor area of the project by more than 40% upon the existing or, if still under construction, approved floor area square footage of the affected SUP property, with any such increase to be measured cumulatively over a sixty-month period; or
3. Have any significant material effect on the adjoining property owners that is visible, audible, or otherwise perceptible from adjacent properties that cannot be sufficiently mitigated.

Stipulation No. 2 on the Crown Castle SUP states that, "...Aesthetic changes to the approved antenna equipment or the addition of new antenna nodes shall require an Intermediate Amendment to the Special Use Permit." The proposed improvements do not change the use of the SUP, do not affect floor area, and should be mitigated with the type of screen and landscaping.

Next Steps

Attached is a copy of the draft Statement of Direction (SOD) for Town Council review. Staff will incorporate any changes from this meeting and present the updated SOD for Council review and action at the March 26<sup>th</sup> meeting.

**ATTACHMENT(S):**

- A - Application
- B - Vicinity Map & Aerial Photo
- C - Narrative & Plans
- D - Draft Statement of Direction
- E - Ordinance 625 (Crown Castle DAS Special Use Permit)
- F - Power Point Presentation