



## Legislation Text

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

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

**DATE:** May 28, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**SUP-20-03. Discussion of Crown Castle Intermediate Special Use Permit Amendment.**

**REQUEST:**

The applicant requests an Intermediate Special Use Permit (SUP) Amendment to relocate and replace the faux rock screens with equipment cages at three streetlight pole locations.

**BACKGROUND:**

Planning Commission Discussion

The Planning Commission reviewed this application at the April 7, 2020 work study session and the May 5, 2020 public hearing. During the public hearing, by a vote of 6 to 0, the Commission forwarded the Intermediate Amendment to the Town Council with a recommendation of approval and subject to the stipulations outlined in Ordinance 2020-06. Please reference to Attachment D for the complete Ordinance.

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 require larger insulated cabinets to dampen the noise generated from the fans). The screens may 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). The solid portion of the cage will face Tatum Blvd. and the equipment cage will have a "bare metal" or "unprotected" initial finish that will allow it to rust over time. A stipulation was added to identify that any changes to the finish and/or color of the equipment cages will require Town Manager or Designee approval.

*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 Invergordon Rd. 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.

The solid portion of the cage will face Invergordon Road and the equipment cage will have a "bare metal" or "unprotected" initial finish that will allow it to rust over time. Stipulations were added to identify:

- That any changes to the finish and/or color of the equipment cages will require Town Manager or Designee approval, and
- That the new landscaping shall be maintained by a landscaper for one year to help ensure that the Creosote bushes take root and survive. If the landscaping dies, it shall be replaced with plants in accordance with the approved plans and any changes to the landscaping shall require Town Manager or Designee approval.

*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.

The solid portion of the cage will face Invergordon Road and the equipment cage will have a "bare metal" or "unprotected" initial finish that will allow it to rust over time. Stipulations were added to identify:

- That any changes to the finish and/or color of the equipment cages will require Town Manager or Designee approval, and
- That the new landscaping shall be maintained by a landscaper for one year to help ensure that the Creosote bushes take root and survive. If the landscaping dies, it shall be replaced with plants in accordance with the approved plans and any changes to the landscaping shall require Town Manager or Designee approval.

## **DISCUSSION:**

### Statement of Direction (SOD)

On March 26, 2020, the Town Council issued a SOD on the updated equipment screens by a vote of 7 to 0. The SOD is summarized as follows:

1. Equipment Cages/Screens. The equipment modification will improve service and will not change the use of the SUP. However, the new cages/screens will change the aesthetics. The Planning Commission shall evaluate the color and/or type of material (such as rusted metal) of the equipment screens/cages.
2. Orientation, Location, and Mitigation. The Planning Commission shall: 1) evaluate the location and the orientation of the equipment screens/cages and 2) identify how the equipment cages can be visually mitigated. This includes identifying the location of underground utilities and potential conflicts, identifying the best location that will conceal the screen/cage, and identifying the appropriate orientation at each site (such as having the solid portions of the screen face the street and/or locating the equipment to a less visible area).

However, the costs associated with the different mitigation factors must be considered. The Commission shall provide effective and cost-efficient options that will visually mitigate the new equipment cages and minimize project costs. This includes the use of vegetation around the equipment cages/screens, evaluate if vegetation is needed at all 3 locations, and identify the type, quantity, and location of all applicable plants.

3. The Planning Commission must complete their review by May 5, 2020.

Please reference Attachment E for the complete SOD.

### 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. Since this is an Intermediate SUP Amendment, the Planning Commission will forward a recommendation to the Town Council.

### **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.

### Public Comment

Public notification was performed in accordance with the public hearing and Intermediate SUP Amendment process. Staff received four inquiries regarding the application. One resident inquired if this would improve his coverage and was supportive of the request. Two residents inquired if the improvements were to accommodate 5G. One resident was opposed to 5G. However, staff clarified that the applicant currently does not have plans for 5G at these three sites and that the new cages will prevent the equipment from overheating. The last resident inquired if there will be any traffic restrictions for the proposed improvements. Staff checked with the applicant and notified the resident that construction activity at each site will take 2 or 3 days and that 1 traffic lane will be impacted for the same duration at each location.

In accordance with code, the applicant also held a Citizen Review meeting on April 20, 2020. The applicant received two inquiries asking if the improvements will accommodate 5G. The applicant clarified that the amendment is not for 5G and their customer has not identified a 5G deployment date in the Town of Paradise Valley. A copy of the Citizen Review meeting minutes is enclosed for reference.

### Next Steps

The proposed stipulations are outlined in Ordinance 2020-06 (see Attachment D). The Council will take action on Ordinance 2020-06 at the business portion of tonight's meeting.

### **ATTACHMENT(S):**

- A - Application
- B - Vicinity Map & Aerial Photo
- C - Narrative & Plans
- D - Ordinance 2020-06
- E - Statement of Direction (SUP-20-03)
- F - Ordinance 625 (Original Crown Castle DAS Special Use Permit)
- G - Photo Samples of Equipment Cage

H - Notification Materials (Citizen Review Meeting Minutes and Public Hearing Notice)  
I - PowerPoint Presentation