

**CITY OF ELOY  
REQUEST FOR PLANNING & ZONING COMMISSION ACTION**

Agenda item:     V. B & C      
Date:     05/16/2017    

<b>Date submitted:</b> <b>04/19/2018</b>	<b>Action:</b> ____ Resolution ____ Ordinance <u>  X  </u> Formal ____ Other
<b>Date requested:</b> <b>04/19/2018</b>	

**Subject:** Request for a Conditional Use Permit application, Case No.: CUP18-010 submitted by Smartlink LLC c/o Marck Sawyer, the applicant, to replace an existing twenty-one (21'-0") foot high light pole with a thirty (30'-0") high light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole and a low profile ground set cabinet to be enclosed with a six (6) foot high wrought iron fence within the Santa Cruz Valley Union High School located at 900 N. Main Street (APN: 405-02-102) in a portion of the NE ¼ of Sec 06, T8S, R8E of the G&SRB&M, Pinal County, Arizona.

**TO:** Planning and Zoning Commission Members

**FROM:** Jon Vlaming  
Community Development Director

**RECOMMENDATION:** The Planning and Zoning Commission recommends that the Mayor and City Council approve (with conditions) a Conditional Use Permit for Smartlink LLC c/o Marck Sawyer, the applicant, to replace an existing twenty-one (21'-0") foot light pole with a thirty (30'-0") foot light pole and to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole and a low profile ground set cabinet to be enclosed with a six (6) foot wrought iron fence within the Santa Cruz Valley Union High School located at 900 N. Main Street (APN 405-02-102).



**DISCUSSION:** The City has received an application from Smartlink LLC to replace the existing twenty-one (21'-0") foot light pole with a thirty (30'-0") foot light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole and a low profile ground set cabinet to be enclosed with a six (6) foot wrought iron fence.

**STAFF FINDINGS:** The subject property is designated as Public/Institutional on the Eloy General Plan Land Use Plan and is zoned R1-6 (Medium Density Residential) within the Community Core (CC) Overlay District. If approved, this request would be in conformance with the Eloy General Plan and the Eloy Zoning Ordinance.

As required by ARS § 9-462.04, a "Public Hearing" was held on May 16, 2018. Notice of the public hearing was given at least fifteen (15) days before the hearing by publication of the notice in the *Eloy Enterprise* and posting of the notice at the official City posting locations.

The proposed site for the light pole and supportive ground equipment is located at 900 N. Main Street between the football field and the cafeteria with limited view from the street (public view). The principal use of the property is primarily educating High School Students as well as providing the public library. The property to the north consists of residential (Santa Cruz Village subdivision), the property to the west is the Curiel Annex School, the property to the south is Saint Anthony's Catholic Church, and the property to the east consists of commercial businesses (Circle K, Nico's Mexican Restaurant, and the Pinal County Court-JP3).

**RECOMMENDATIONS:**

The Community Development Department recommends that this request for a Conditional Use Permit be **approved** subject to the following conditions:

1. That a preapplication meeting be conducted if needed, prior to the submittal of building plans to obtain a building permit.
2. That a map of the service area for this facility be submitted with building plans.
3. That development of the conditional use shall be in substantial conformance with the Site Plan/Construction Plan dated 11/09/2017 and refined to include a scaled site plan indicating the location, type and height of the proposed facility, mounting style and number of antennas on each facility, setbacks from property lines, and elevation drawings of the proposed facilities.
4. That the design of the equipment cabinet and related structures, if any, shall use materials, colors, textures, screening and landscaping that will blend into the existing exterior building color and existing landscape setting;
5. That the above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence;

6. That all equipment shall be unmanned and that the equipment cabinets shall comply with all applicable building codes;
7. That any exterior lighting shall be fully shielded and within the walled or fenced area and shall be mounted on poles or on the equipment cabinets below the height of the wall or screening fence;
8. That no signs shall be allowed on the antennas, tower or any portion of the lease area except for the identification of a permanently installed plaque or marker, no larger than 4" x 6", clearly identifying the provider's name, address, and emergency phone number;
9. That the wireless provider (Verizon) shall allow for co-location by other wireless communication providers. Applicant or owner of the facility must certify that the pole is available for use by other wireless telecommunications provider(s) on a reasonable and non-discriminatory basis prior to issuance of a building permit;
10. That the Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the date of Council approval (a Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid);
11. That the use shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with authority to regulate towers and antennas; and
12. Amendments to the Conditional Use Permit shall be processed in the same manner as the original permit, except that the Zoning Administrator may authorize minor amendments.

**FISCAL IMPACT:** There is not a direct fiscal impact to the City if this request is approved.