

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

Agenda item:     V. D & E      
 Date:     05/16/2017    

<b>Date submitted:</b> 05/03/2018  <b>Date requested:</b> 05/07/2018	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other
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**Subject:** Request for a Conditional Use Permit application Case No.: CUP18-011 submitted by Smartlink LLC c/o Marck Sawyer, the applicant, to replace an existing wood pole with a 27'-4" high light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole, a four by two (4' x 2') ground set charles equipment cabinet to be enclosed with a 4'-6" painted screening wall within the First United Methodist Church of Eloy located at 900 N. Main Street (APN: 405-02-102) in a portion of the NW ¼ of Sec 24, T7S, R7E 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 wood pole with a 27'-4" high light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole, a four by two (4' x 2') ground set charles equipment cabinet to be enclosed with a 4'-6" painted screening wall within the First United Methodist Church of Eloy with an R1-6 (Medium Density Residential) Zoning District designation. The subject property is located at 604 N. Santa Cruz Avenue (APN 411-05-038).



**DISCUSSION:** The City has received an application from Smartlink LLC to replace an existing wood pole with a 27'-4" high light pole to install/anchor a small cell facility with two (2) 5' antennas

painted to match the pole, a four by two (4' X 2') ground set Charles equipment cabinet to be enclosed with a 4'-6" painted screening wall within the First United Methodist Church of Eloy.

**STAFF FINDINGS:** The subject property is designated as Medium Density Residential on the Eloy General Plan Land Use Plan and is zoned R1-6 (Medium Density Residential) within the Community Core Overlay (CC) 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 604 N. Santa Cruz Avenue in the back side of the existing First United Methodist Church close by a Community Garden currently being use by a group of residents on the same parcel owned by the church. Properties to the west, south and east consists of residential and private owners that are part of a subdivision known as Eloy. Property to the north consists of the Eloy Junior High.

**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 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 another wireless telecommunications provider 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.