



**12030 Clubhouse Square, Youngtown, AZ 85363**

## **TOWN OF YOUNGTOWN CITIZEN REVIEW & PUBLIC HEARING MINUTES**

The Town Clerk of the Town of Youngtown, Arizona, will hold a Citizen Review and Public Hearing open to the public on, March 3, 2015 at the Town Clubhouse, 12033 Clubhouse Square, Youngtown, to begin at the hour of 2:00 p.m.

**Call to Order- Hearing Officer Ray Jacobs called the citizen and public hearing to order at 2:01 p.m.**

**Zoning Case #15-01**, A request to approve a Special Use Permit by Verizon Wireless to install a monopole cell site 30' high with a microwave dish atop and an equipment box approximately 2'X3'X3' tall on the Town R.O.W., location to be at 111th Avenue and Louisiana Avenue, in the residential (R3) Zoning District.

(a.) Staff Report.

Gregory Arrington, Community Development Coordinator

- A special use application has been submitted by Candace Sutherland-Mott with Shaw and Associates, PLC, 1222 W. Cavedale Drive, Phoenix, Az. 85085 for Verizon Wireless. The application involves a request to allow a Wireless Communication Facility to be located in the right-of-way of North Louisiana Avenue on 111<sup>th</sup> Avenue.
- The proposed project provides for the installation of two antennas, one temporary microwave dish and an equipment cabinet. The proposed pole and antenna will match in color to the existing streetlight; the equipment cabinet will be enclosed with decorative masonry to match the surrounding neighborhood.
- The proposed site is a part of the Town's right-of-way parcel land-base and has existed in its current state for over forty years.
- The proposed WCF conforms to the requirements of Town Code Chapter 17.57. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating its proximity to other structures using antenna designs which minimize horizontal projections and constructing it with colors and materials that de-emphasize its visibility.
- The proposed site is located within the Town's right-of-way parcel system, therefore parking is not an issue. Any future work performed on the antenna or cabinet will have to be performed from the right-of-way.
- Staff does not expect any significant conflict with the proposed facility; the facility will not interfere with any other services in the right-of-way, traffic flow or storm water drainage.

(b.) Open Public Hearing - Hearing Officer Ray Jacobs opened public hearing.

Hearing Officer Ray Jacobs

- I would like to ask the applicant, why this location and/or did Verizon provide a circumference? Why not locate on the east side of 111<sup>th</sup> Avenue in Sun City?

Applicant, Candace Sutherland-Mott

- We contacted Arizona Public Service (APS), owner of the streetlights and found that if an agreement with a location came about for installation on their street poles, it creates a dual lease. Verizon is also on a strict budget, one lease verse two is much better.
- The location in question creates only one lease with the Town of Youngtown. The lease with Youngtown will generate revenue for the Town.
- We did pinpoint what we know to be a better location, on the west side of 111<sup>th</sup> Avenue. This location will gather the data frequency that is needed.

Hearing Officer Ray Jacobs

- Can you tell me about the microwave dish?

Applicant, Candace Sutherland-Mott

- It is a 24 inch dish. It will probably take six to twelve months for the fiber-optics to come through, once this happens, the dish will be removed.

Hearing Officer Ray Jacobs

- How far away from the pavement will the monopole be and are the street light poles the same distance?

Gregory Arrington, Community Development Coordinator

- It will be six (6) feet from the edge of the pavement, the same as the APS street light poles.

Hearing Officer Ray Jacobs

- How about the two antennas? How will they be designed?

Applicant, Candace Sutherland-Mott

- The two antennas will be facing north and south. They are designed to blend in with the pole.

Hearing Officer Ray Jacobs

- What about the equipment cabinet?

Applicant, Candace Sutherland-Mott

- It is a three-sided equipment masonry block. The back side of it will be open.

Hearing Officer Ray Jacobs

- Are there any provisions regarding repair, removal and/or upgrades to the equipment?

Applicant Candace Sutherland-Mott

- No there has been no discussion with the Town as of yet.
- The block wall will house an equipment cabinet. The only way an engineer can open the equipment cabinet is through a cell phone. It has no gate; it is open on the back side.
- Nothing aesthetically will be changed on the monopole once installed.
- The microwave dish will be removed once the fiber-optics is in.

Hearing Officer Ray Jacobs

- Will the monopole be the height of a street light pole?
- What is the timeframe for the construction of this monopole?

Applicant Candace Sutherland-Mott

- If the process is approved by the Town Council, Verizon is looking at about the end of summer to begin the construction. It will only take 3 to 4 days to complete.

Hearing Officer Ray Jacobs

- Construction will then begin about six months from now?

Gregory Arrington, Community Development Coordinator

- Will there ever be a need for additional antennas on the pole?

Applicant Candace Sutherland-Mott

- No, once the fiber-optics is in place, the dish will be removed and only the two antennas will remain. We are currently working on the logistics of the fiber-optics; and will be soliciting for bids.

(c.) Citizen Comments.

Ronald Overholt

- There are many children in Youngtown; will Verizon consider placing a gate for a complete enclosure on the equipment cabinet?
- Will this monopole have any effect and/or interfere with my Wi-Fi at home?
- There is Memorial Park on the corner of 111<sup>th</sup> and Peoria Avenue, why wasn't the monopole considered to be placed there?

Applicant Candace Sutherland-Mott

- No it will not interfere with your wireless connection. The monopole only carries data, no voice calls. Anything with texting, social media, and twitter is what the monopole will be utilized for. When an individual is not utilizing the free Wi-Fi or connected to Wi-Fi, then data is being pulled which is then billed to the consumer.
- We pinpointed the location due to engineering.

Councilmember Margaret Chittenden

- There are several large monopoles already here in Youngtown, why is there a need for this one?

Applicant Candace Sutherland-Mott

- The current data usage is large. This particular monopole will help reduce the amount of data from the large monopoles.

Hearing Officer Ray Jacobs

- So there is a capacity issue?

Councilmember Margaret Chittenden

- Has there ever been any consideration to attaching to an APS street pole?

Applicant Candace Sutherland-Mott

- There would then be a need for a Wireless Master License Agreement which is a route that Verizon prefers not to enter into.

Councilmember Margaret Chittenden

- Once construction begins, how will the traffic be handled?
- What will the height of the enclosure for the equipment cabinet? Will it be as high as the street signage?
- What is the revenue impact for the Town?

- Have the residents been notified?

Applicant Candace Sutherland-Mott

- There will be a traffic control plan. The construction will be completed during the evening hours. About three to four days to complete.
- The block masonry enclosure will be five (5) feet tall.
- The lease agreement is currently in negotiations.

Gregory Arrington, Community Development Coordinator

- The alleyway can be utilized as a staging area.

Town Clerk Diane Cordova

- Yes, we are required to notify residents/property owners, and they have been notified.

Hearing Officer Ray Jacobs

- So Verizon will be adding a gate? Will there be any other enhancements?

Applicant Candace Sutherland-Mott

- Yes, I agree that a gate is necessary.
- No other enhancements will be made. The monopole will look like a street light pole with two antennas and a microwave dish.

(d.) Close Public Hearing.

With no further comments and/or concerns from Citizens, Hearing Officer

Ray Jacobs closed the public hearing.

(e.) Zoning Hearing Officer Recommendations.

Hearing Officer Ray Jacobs

- My recommendations are for approval under the following findings and stipulations:
  - I find that the Special Use Application meets the Town requirements with no negative effects or impact upon the public health, safety and morals and general welfare of the Town.
  - I see that there are no adverse effects to the Town's right-of way property, nor any impact to the general integrity and character of the district involved.
  - The equipment shelter is to include a gate for a complete enclosure.
  - The microwave dish is to be removed in about one (1) year.

**Zoning Case #15-02**, Amendment to the Town of Youngtown Town Code, Title 17 Zoning, Chapter 17.40 C-2 Commercial District, by amending Section 17.40.020 Use Regulations; and amending Chapter 17.56 Special Uses and Temporary Buildings, by amending Section 17.56.010 Special Uses Enumerated and Section 17.56.030 Application Fees, related to adopting Special Use Permit Requirements for Stand-Alone Smoking Lounges, Tattoo and/or Body Piercing Establishments, and Sexually Oriented Businesses. The effect of the amendment will be to require businesses to obtain a special use permit authorizing these uses prior to opening a location within the Town.

(a.) Staff Report.

Gregory Arrington, Community Development Coordinator

- On November 20, 2014 staff was directed by the Town Council to review the current permitting regulations governing the following businesses; Stand-alone Smoking Lounges, Sexually Oriented Businesses, Massage establishments, Tattoo and/or Body Piercing Establishments.

- This is a text amendment to the current ordinance requiring non-traditional businesses to obtain a special use permit. These non-traditional businesses would have to go through a hearing process which gives the residents/citizens and the Town Council an opportunity to look into the operations of these particular businesses.
  - The Town is initiating this requirement therefore, the fee is waived.
- (b.) Open Public Hearing - Hearing Officer Ray Jacobs opened the public hearing.

Hearing Officer Ray Jacobs

- Is there a separation standard requirement as well for all of these non-traditional businesses in Town Code? I see one for sexually oriented business locations which starts at Chapter 17.40.100
- I see there are two parts to the text amendment; will the sexually oriented businesses be added to the list?
- For clarification, sexually oriented businesses not allowable other than in a C-2 district?
- This text amendment is not changing district allocations, just adding the special use application requirement correct?

Gregory Arrington, Community Development Coordinator

- Yes there is separation and applicable sexually oriented businesses will need to be added to the list of businesses that would require a special use permit.
- C-2 is allowable districts for these businesses.
- We are adding a requirement of a special use application to these non-traditional businesses.

(c.) Citizen Comments

Councilmember June Miller

- Correct me if I misunderstood you Gregory, a fee is not required?

Gregory Arrington, Community Development Coordinator

- Currently there is no fee for these non-traditional businesses. Making a special use application a requirement allows for Council to review the business.
- There will still be the requirement of a business license fee.

Town Clerk Diane Cordova

- What we are doing is adding an additional step to the process for these non-traditional businesses. This gives Council an opportunity to examine the business trying to locate within the Town.

Hearing Officer Ray Jacobs

- Most municipalities have this requirement in place.
- The current fee is \$300.00 according to Town Code for a special use permit. I would recommend that the fee be increased on a special use application.

Town Clerk Diane Cordova

- The fee is \$300 for a special use permit application. Town Code Chapter 14.57 regulates wireless communications facilities requiring that a wireless facility special use permit fee is \$1,200.

(d.) Close Public Hearing - Hearing Officer Ray Jacobs closed the Public Hearing.

(e.) Zoning Hearing Officer Recommendations.

Hearing Officer Ray Jacobs approves the recommend text amendments as follows:

- Sexually oriented businesses are added to the list requiring a special use permit.
- Finds that the requested text amendment is in alignment with the Town's General Plan; allowing for geographic boundaries and avoiding the clustering of these types of businesses.

**Adjournment of Citizen Review and Public Hearing by Hearing Officer Ray Jacobs at 3:02 p.m.**

**Announcement:** Town Council Planning & Zoning Hearing, March 5, 2015 at 7:00 p.m.  
Youngtown Clubhouse, 12033 Clubhouse Square, Youngtown, AZ 85363.

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**Diane Cordova, Town Clerk**