



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

STAFF REPORT

PLANNING & ZONING

HEARING DATE: May 21, 2015
CASE#: 15-07
ACTION: Special Use Permit
PROJECT NAME: Cellular One Cell Tower

PARCEL INFORMATION:

Owner/Applicant: F Bar Cattle Company / Cellular One
Location: 963 Ichiban Drive, Winslow AZ
APN: 108-23-997
Legal Desc: A portion of Section 9, Township 18N, Range 16E of the Gila and Salt River Meridian.
District: II
Parcel Size: 10 acres

REQUEST: F Bar Cattle Company is requesting a Special Use Permit on behalf of Cellular One. The requested permit is to allow for installation of a second self-support 180' tower next to the existing 280' Cellular Tower. This will allow them to move the heavier microwave equipment from the older tower onto the new state-of-the-art tower. They plan to keep the RF antennas on the 280' tower for greater coverage. The new cell tower will use the existing operations equipment shelter on the property.

GENERAL CHARACTER OF NEIGHBORHOOD: This parcel and the surrounding area is primarily used for agricultural purposes.

ZONING DISTRICTS:

Current: A-General

Article 3

Section 301 - Purpose.

The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. **Other uses may be permitted as Special Uses under Article 20.**

ZONING ORDINANCE:

Article: 20 – Special Uses and Planned Unit Development

Section: 2001 – Special Uses

2001.33 - Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies.

FINDINGS OF FACT:

1. The legal notice for this item has been printed in the Holbrook Tribune and placards were posted in the neighborhood, in compliance with Arizona Revised Statutes and Article 29.
2. The applicant has submitted the plans and supporting statement required by Section 2002(1).
3. The proposed use is one for which a Special Use Permit may properly be granted pursuant to Section 2001(31): "Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies".
4. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Special Use Permit. Staff finds that the submitted documentation conforms to the requirements of the Ordinance and the promotion of the health, safety and welfare of the public.

PUBLIC COMMENTS & CONCERNS:

As of the date of preparation of this staff report, 0 comments in favor and 1 opposed have been expressed by the public.

DEPARTMENT COMMENTS:

COUNTY ATTORNEY'S OFFICE: There are no legal issues at the present time with this Special Use Permit as long as all local, County, State and Federal laws and regulations are adhered to.

ENGINEERING COMMENTS: No objections to the proposed land use as long as all

conditions listed below are met.

Initial: B.B.

FLOOD CONTROL COMMENTS: No objections to the proposed land use as long as all condition listed below are met.

Initial: B.B.

PLANNING & ZONING DEPARTMENT: The owners of this property have leased a portion of the site to AT&T to install a cellular tower contingent on the approval of this Special Use Permit. The project manager for AT&T contacted the owners of other towers located in the area to try and reach an agreement for colocation however it was determined this was not technically feasible. Staff has reviewed all the applicants' materials and found they are in order and ready for action by the Commission.

Initial: P.S.

PUBLIC WORKS RECOMMENDATION: Should the Commission approve this Special Use Permit, staff recommends the following conditions be applied:

1. The Special Use Permit shall permit 1 wireless communication tower, not to exceed 140 feet in height, and accessory structures necessary for the operation of the tower on the subject property.
2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan.
3. The Special Use Permit shall run with the land.
4. The applicant shall obtain a Building Permit from Navajo County for such tower prior to commencing construction.
5. Security fencing may be used to protect the equipment and will be at the discretion of the owner.
6. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. The tower design is less than 200 feet in height and therefore does not require lighting per FAA guidelines.
7. If the permitted Special Use is not utilized within a twelve (12) month period from the date of approval by the Board of Supervisors, this permit shall become null and void.
8. If the tower is no longer being utilized the property owner shall cause, at his expense, the removal of all components of this tower within a 90-day period.
9. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall consider such co-location upon commercially reasonable terms, unless such co-location is not technically feasible.



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Carter Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

www.navajocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: Winslow #AZNA0002A

LOCATION (include nearest town/community): South of AZ Highway 99 near Ichiban Drive approximately 4.5 miles SE of Winslow

GENERAL DIRECTIONS TO PARCEL: From I-40 in Winslow turn south onto AZ Highway 87 to the intersection with AZ Highway 99. Turn left onto Hwy 99, travel approximately 3.5 miles to Ichiban Drive, turn right.

ADDRESS (if known): 963 Ichiban Dr. Winslow, AZ

LEGAL DESCRIPTION: Township _18 North, Range _16 East, Section(s) 9

ASSESSOR PARCEL NO.: 108-23-997 _____ acres; _10

SUBDIVISION NAME: _N/A _____ LOT #:

DATE OF OWNERSHIP: No Date _____

PRESENT USE OF PROPERTY: Agricultural – One telecommunications tower

PROPOSED USE OF PROPERTY: Agricultural – Add one telecommunications tower _____

CURRENT ZONING: RU-1

PROPOSED ZONING: No Change

OWNER & CONTACT INFORMATION:

OWNER'S NAME: F Bar Cattle Company _____

CONTACT PHONE NO.: _____ FAX #: _____

OWNER EMAIL ADDRESS: _____

OWNER MAILING ADDRESS: 590 W, Flake Ave. _____

CITY: Snowflake _____ STATE: AZ _____ ZIP CODE: 85937 _____

CONTACT NAME: Kent Flake _____

CONTACT PHONE NO.: 480-331-7354 _____ FAX #: 480.287.9770 _____

CONTACT EMAIL ADDRESS: kent@reliantaz.com _____

CONTACT MAILING ADDRESS: 7227 E. Baseline Rd. Ste. 114 _____

CITY: Mesa _____ STATE: AZ _____ ZIP CODE: 85209 _____

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1500S. White Mountain Rd.
Suite 103
Show Low, AZ 85901

March 18, 2014

Mr. Ron Flake
F Bar Cattle Company
HC 63, Box 7420
Snowflake, AZ 85937

Re: Winslow Ground Lease Agreement; Letter of Intent to Renew; 3rd Extension

Dear Mr. Flake:

This letter is to inform you of CellularOne's intention to renew the Winslow tower lease agreement. The second option of the Extended Term of the Lease Agreement dated April 1, 1999 will expire on March 31, 2014.

Please consider this letter CellularOne's intent to exercise its third option to extend the Winslow lease pursuant to paragraph 3, section (b) of the primary lease agreement. The new five year extended term will run from April 1, 2014 – March 31, 2019.

Thank you for your time, and if you have any questions, please contact me.

Sincerely,



Renée Chappell Higginbotham
Engineering and Technical Operations Department
928-537-0690 Ext. 2322 Mobile: 928-205-1333

Cc: Tim Shaffery
Guy Turley
Dennis Baker
Michelle Austin

F Bar Cattle Co, LLC
c/o Kent Flake
7542 E Navarro Ave
Mesa, AZ 85209

13 January 2015

Cellular One

Re: New Cell Tower

To Whom it May Concern,

In talking with Renee Chappell recently, Cellular One is wanting to build an additional tower on our property next to the current tower near Winslow, AZ. I have talked this over with Steve Flake and we are fine with an additional tower being built next to the existing one. We are with this letter, giving permission to Cellular One to build an additional tower on the property that they have leased the right to build and operate cellular towers. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kent Flake", with a long horizontal flourish extending to the right.

Kent Flake
Manager

CELLULARONE®

1500 S. White Mtn. Rd.

Suite 103

Show Low, AZ 85901

PROJECT NARRATIVE

In 1999, the F Bar Cattle Company and Smith Bagley, Inc. dba CellularOne entered into a Ground Lease Agreement for CellularOne to build a 280' guyed tower on their property located at 963 Ichiban Dr. near Winslow.

Through the years with updates to technologies and equipment and with the collocation of AT&T on the tower, the structural analyses studies show that the tower has reached it's capacity and that it is not a candidate for structural modification.

Therefore, CellularOne wishes to build a new state-of-the-art self-support tower so that we can move all of our heavy microwave equipment to the new tower as well as to offer AT&T the opportunity to transfer their equipment. Since the original tower has significant height advantages, CellularOne intends to keep the RF antennas there for the greatest coverage.

RESOLUTION NO. 15-04P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING &
ZONING COMMISSION RECOMMENDING APPROVAL OF A
SPECIAL USE PERMIT FOR A CELLULAR TOWER**

WHEREAS, an application for a Special Use Permit was duly filed by F Bar Cattle Company on behalf of Cellular One to construct a 180 foot self-support Cellular Tower; and

WHEREAS the application concerns the following real property in Navajo County: APN: 108-23-997, a.k.a. a portion of Section 9, Township 18 North, Range 16 East of G&SRM in the Winslow area; and

WHEREAS, the applicant has the legal right to use the above described property according to the owner's affidavit, and a Ground Lease Agreement dated March 18, 2014 effective from April 1, 2015 – March 31, 2019; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit will be consistent with the public health, safety and general welfare and should be approved.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends **APPROVAL** of the Special Use Permit subject to the following conditions:

1. The Special Use Permit shall permit a second wireless communication tower, not to exceed 180 feet in height, which will use the existing accessory structure necessary for the operation of the towers on the subject property.
2. The permitted Special Use shall be allowed to occur only in the location shown on the approved site plan.
3. The Special Use Permit shall run with the land.

4. The applicant shall obtain a Building Permit from Navajo County for such tower prior to commencing construction.
5. Security fencing may be used to protect the equipment and will be at the discretion of the owner.
6. The applicant must meet all State and Federal requirements concerning communication towers prior to any building permits being issued. The tower design is less than 200 feet in height and therefore does not require lighting per FAA guidelines.
7. If the permitted Special Use is not utilized within a twelve (12) month period from the date of approval by the Board of Supervisors, this permit shall become null and void.
8. If the tower is no longer being utilized the property owner shall cause, at his expense, the removal of all components of this tower within a 90-day period.
9. The Owner shall provide all reasonable cooperation to other public and private users who may be interested in co-location on this tower and shall consider such co-location upon commercially reasonable terms, unless such co-location is not technically feasible.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2015.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission

RESOLUTION NO. 15-10P

**A RESOLUTION OF THE NAVAJO COUNTY PLANNING &
ZONING COMMISSION RECOMMENDING DENIAL OF A
SPECIAL USE PERMIT FOR A CELLULAR TOWER**

WHEREAS, an application for a Special Use Permit was duly filed by F Bar Cattle Company on behalf of Cellular One to construct a 180 foot self-support Cellular Tower; and

WHEREAS the application concerns the following real property in Navajo County: APN: 108-23-997, a.k.a. a portion of Section 9, Township 18 North, Range 16 East of G&SRM in the Winslow area; and

WHEREAS, the applicant has the legal right to use the above described property according to the owner's affidavit, and a Ground Lease Agreement dated March 18, 2014 effective from April 1, 2015 – March 31, 2019; and

WHEREAS, the Planning & Zoning Commission, after considering the testimony and other evidence presented at the hearing as well as the recommendations of staff, finds that the Special Use Permit will not be consistent with the public health, safety and general welfare and should be denied.

NOW, THEREFORE, BE IT RESOLVED that the Planning & Zoning Commission hereby recommends **DENIAL** of the Special Use Permit.

BE IT FURTHER RESOLVED that the Secretary shall transmit this Resolution to the Navajo County Board of Supervisors as the recommendation of the Planning & Zoning Commission.

PASSED AND ADOPTED by the Planning & Zoning Commission by a vote of _____ yeas and _____ nays on May 21, 2015.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Secretary, Navajo County
Planning & Zoning Commission