

**MINUTES OF THE MEETING
OF THE TOWN OF PINETOP-LAKESIDE BOARD OF ADJUSTMENT,
HELD ON THURSDAY, JULY 2, 2020
TOWN COUNCIL CHAMBERS
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

A. Call to Order

Chairman Irwin called the meeting to order at 6:16 p.m.

➤ **Roll Call:**

The following Board Members were present:

Stephanie Irwin	Chairman
Jerry Smith	Vice Chairman
Carla Bowen	Member
Kathy Dahnk	Member
Lynn Krigbaum	Member
Mazie Hastings	Member
James Snitzer	Member

Also Present:

Keith Johnson	Town Manager
Jill Akins	Town Clerk
Cody Blake	Community Development Director
Dan Barnes	Chief of Police
Tony Alba	Community Services Manager

B. Call to the Public

Chairman Irwin called for public comments. No comments were offered.

C. Approval of Minutes

C.1 Consider Approval of the Minutes of the Board of Adjustment Meeting held on July 19, 2018

Vice Chairman Smith moved to approve the minutes of the Board of Adjustment meeting held on July 29, 2018. Member Snitzer seconded the motion by a show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Chairman Irwin		
Vice Chairman Smith		
Member Dahnk		
Member Bowen		
Member Snitzer		
Member Hastings		
	Member Krigbaum	

Mayor Irwin then declared the minutes approved with Member Krigbaum abstaining.

D. Business Before the Board:

D.1 Public Hearing
Consideration of Variance (V-134), to erect a 180-foot telecommunications tower located at Mountain Meadow Park, 1101 S. Woodland Rd., Lakeside in the SE ¼ Section 36, Township 9 North, Range 22 East, Navajo County, APN 212-39-002.

Community Development Director Blake explained that the applicant, Cellular One, is requesting to place a cellphone/ EMS tower on Town property located at 1101 Woodland Road inside Mountain Meadow Recreation Complex. The Tower will be located at the back of the parking lot, next to an existing garbage enclosure. Per the Town code, chapter 17.106 Wireless Communication Facilities, the property is considered a preferred location and allows for a cell tower of up to 100 feet. This action will be to consider a variance application to allow for an additional 80' in height on the tower.

Director Blake stated that at the June 25, 2020 meeting the Planning and Zoning Commission recommended to the Board of Adjustment to approve the Variance with 6 yes votes and one Commissioner being absent.

Director Blake said that staff recommends approval of the Variance with the following recommendations:

1. A split faced cement block wall fence must be built around the facility.
2. Trees must be planted no more than 10 feet apart outside the fenced area to provide additional screening within 6 months of the completion of construction.
3. Cellular One will be responsible to move an existing Frisbee golf basket to a new location as directed by the Town's Park staff.

The Town will enter into a lease agreement Cellular One that must be approved by the Town Council. The lease agreement currently is estimated at \$800.00 per month.

Director Blake stated it was agreed at the Planning and Zoning meeting to look at alternate sites for the location of the tower at Mountain Meadow Park. He pointed out to the Council an alternate site that was decided upon. He said it will be located next to commercial property owned by Dave Renner. He explained that the Town Manager and the Public Works Director agreed that this would be an acceptable alternative location. He said that this location is next to commercial property and away from residential property. He explained that the tower is a lattice tower and is not a mono-pole and said that since it is a lattice pole it will not be made to look like a pine tree. Compared to the Wise tower which is 150 feet tall this tower would be another thirty feet taller. He said that staff recommends the base of the tower be surrounded by a split face block wall as well as additional landscaping to go around the base of the block wall. He said that the Planning and Zoning Commission made these to recommendations as part of their approval for the Conditional Use Permit.

In response to Member Hastings, Director Blake said that the block wall would be the same height as a chain link fence and he said that the main concern is keeping people and kids from gaining access to the inside of the tower, climbing the tower or being hurt. He said the block fence will be 7 to 8 foot and might have barbed wire around the top to prevent anyone from climbing the wall. He explained that there will not be any lighting on the tower.

Member Krigbaum wondered if there was a possibility of considering putting a tower in Woodland Lake Park near the dam, so it would be in trees and you gain a little elevation from Mountain Meadow Park.

Director Blake explained that part of the location is to cover certain areas; trying to cover Richardson Lane, Hart Lake and Top of the Woods areas. He explained that the Wise tower is a little too far away and will not cover this particular area.

Mr. Dennis Baker, Cellular One, said that this tower will be replacing existing towers and said that the tower in front of Yo Sippity's and Genesis Realty will be removed. The height of this tower will cover more area and the areas affected by poor service. He said this tower will allow AT&T Firstnet, which is EMS, emergency services. He stated that a tower at Woodland would not allow for the coverage needed, the areas across and near Mountain Meadow Park. He said that the height of the trees and the elevation are what makes it tough for coverage.

In response to Chairman Irwin, Director Blake said the lights at Mountain Meadow Park are approximately eighty to ninety feet tall. He explained the reason for the 180 feet is from Highway 260 to Mountain Meadow Park there is a drop of one hundred feet, and the trees on Highway 260 are about 80 feet tall, and he explained that is the reason the tower is 180 feet, to get above those trees and to get the line of site of the other towers along Highway 260. He said that another item that needs to be considered in the location of the tower is the access to utilities.

Member Bowen stated that there is no way anyone can answer what it will be like or needed in ten to twenty years, who would have ever thought we would not have to pay for long distance phone calls. She explained that she called 911 one night and was dropped three times and said in Woodland Hills, Hart Lake, Richardson Lane and across from Mountain Meadows does not have good coverage and calls are dropped. The only way to have good coverage is to have a tower.

In response to Vice Chairman Smith, Director Blake said that the new location is approximately 580 feet from the nearest residential property line.

In response to Vice Chairman Smith, Director Blake said no, this location does not affect where the balloons launch and does not pose any risk for the hot air balloons.

Vice Chairman Smith said he appreciates having the Cellular One representative in attendance at the meetings to answers questions.

Chairman Irwin called for public hearing to allow comments on this matter.

Mr. Paul Serrano had completed a card to offer comments, but he said that he had no further comments since the tower has been relocated.

Mr. Paul Adams, 1209 W. Zuni Lane, Lakeside, addressed the board: *“I am a homeowner on Zuni Lane and my concern was how close it was to private property with the original location near the dumpsters and close to private property. It was almost fifty feet from the Serrano’s property line and where would that leave their property value. I walked the property this morning and that is the exact spot where the new location is where I thought that would be a prime location for this tower and it is near the industrial. I was just originally concerned that it was too close to private property and I am ok now that I have seen that it will be moved.”*

Susan and Randy Moffit, 1250 Barbara Lane, Lakeside, addressed the Board *“I live in the neighborhood as well, and I’m part of the community talking about the cell phone tower that was talked about around three years ago. That cell phone tower was supposed to be by code sixty feet, they were looking at adding forty feet and you listened to the Town people and denied it for multiple reasons, oh health issues, property values and wildlife. That was turned down, now we have this happening, I also want to mention that two years ago we started to build a house and we needed four more feet to build the house that I designed, and so we approached the Town zoning and told them what we needed and we were denied. They said you could keep the existing house but you could not build four more feet into what was our easement. So, we were denied the extra four feet. We didn’t have anybody going against it, it was just this is the Town of Pinetop-Lakeside and we have rules and we went by our rules. We were very blessed that we did not have to tear down the existing house to follow the code, but we did not get to add four feet because of the code. So we were denied that, no problem, I redesigned my house and I love it, I actually love it, it all worked out. But my point is, we went for a zone variance that was denied, this tower if it is ok to have at 100 feet, they are looking at a variance for another eighty feet, so it is going to go 180 feet up. So it is going to look like this, that is the same phone but with the tower. That tree line is about a 70 foot tree line, to get the tower up 180 feet it is going to go that high. People walk in that area, that is where the trail system is, there is a whole lot of houses that have that view as the same view that I have, that I have worked years to get that view from living up here. Now it was closed down three years ago because multiple reasons, I’m still looking at the same reasons only the thing that really, really stands out is you are looking at a variance from 100 feet to 180 feet, almost double the size that is allowed by Town. Almost double. My*

variance was denied, I didn't have a problem with that, that is not the problem, I worked around it, the reason they said was there any other way and there was another way. I am saying the same thing, if there is any other way they're should be. It should not be allowed because there is another way. We had horrible cell service for three years after this Verizon tower was denied, we had horrible service, like the day after it was declined, the cell service went down, almost like it was the signal turned down. So, just recently, about two months ago, we talked to Verizon and bot a booster. We are now at five bars and we do not have a single problem. We are always on the internet and we don't have a single problem. Because of one little booster at my house. Yet for three years we suffered with bad cell service. So, again I say, there is another way. If the Town has the policy of 100 feet, then the tower should remain at 100 feet. That is all I can say."

In response to Chairman Irwin, Ms. Moffitt said they will see the tower at either site that was proposed.

Mr. Robert Ingels, addressed the Board: *"The variance is a concern too, for myself, because of the excessive amount of height. I've lived in the same home since 1991, the Wise communications tower came up and I see that clearly and distinctly and it is definitely a distraction in the view corridor. I what I just heard I went through too. I happen to be a long time Verizon user and really don't want to change, and the value I saw in the new ordinance was the emphasis on co-location, and just like when the Wise tower was erected, there was going to be every attempt made, I thought, to create location, that location to be the receiver of our communication needs for our community. I appreciate the engineering thoughts and I understand the concerns expressed to your folks tonight and yet I went through the same thing, hours and hours on the phone with Verizon and they ultimately gave me an extender and that worked great in my home but we have other properties, including a business, that I have to get real close to the highway to get reception. I would love to have great reception, I do not like looking at cell towers in the view in our community. And part of this new ordinance, I don't know how it would be enforced, but it seems like granting a variance to a private company for a very tall tower there should be some strings attached that make co-location kind of understandably as a business deal by granting them that the expectation of co-location would be available at a good price so that we as a community benefit from granting of a variance at that height. I talked to Cody the other day and I did not hear anything about how that would work, but knowing there are competitors in the cell field, cell phone service, but whatever we can do as a community to make that location available would be impressive to me as a citizen."*

There being no further comments, Chairman Irwin declared the public hearing closed.

In response to Chairman Irwin, Mr. Baker said location for multiple carriers are in mind and said that AT&T Firstnet is going on that tower and the towers are built to allow four carriers and is built for co-locations. He said they will be reaching out to Verizon.

In response to Chairman Irwin, Mr. Baker said it would look similar to the Wise tower.

Member Bowen said the one thing that has not been mentioned is the fact that we are not just trying to have coverage for the community and said that she has clients that have AT&T or Sprint, or other carriers, and they absolutely do not get coverage. She said this is also a general thing, not just for the community, but for people that visit and spend time her and spend their money, I believe we need to understand it is just not for our phones.

In response to Member Hastings, Mr. Baker said that any lighting on the tower would be only at the direction of the FAA. He said that under 200 feet it does not have to be lit, but he will have to follow the direction of the FAA.

In response to Chairman Irwin, Director Blake said he notified all properties within 300 feet of the entire park.

Vice Chairman Smith moved to approve Variance (V-134) to erect a 180-foot telecommunication tower at Mountain Meadow Recreation Park located at 1101 S. Woodland Road, Lakeside, AZ 85929 with the following recommendations:

1. A split faced cement block wall fence must be built around the facility.
2. Trees must be planted no more than 10 feet apart outside the fenced area to provide additional screening within 6 months of the completion of construction.

Member Dahnk seconded the motion and by show of hands the following vote was recorded:

AYES

Chairman Irwin

Vice Chairman Smith

Member Dahnk

ABSTAIN

NAYS

Member Bowen
Member Snitzer
Member Hastings
Member Krigbaum

Chairman Irwin then declared that Variance (V-134) was approved with a 7-0 vote.

E. Adjournment

There being no further business at this time, the meeting was adjourned at approximately 6:59 p.m.

Stephanie Irwin

Stephanie Irwin
Chairman

ATTEST:

Jill Akins

Jill Akins, CMC
Town Clerk



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special meeting of the Town of Pinetop-Lakeside Board of Adjustment held on the 2nd day of July 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 2nd day of July 2020.

Jill Akins

Jill Akins, CMC
Town Clerk

