



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: October 14, 2025

CASE NUMBER: P-25-49-CUP

OWNERS: VS Capital Group LLC

APPLICANT: Christine Tucker with Terra Consulting

REQUEST: Christine Tucker with Terra Consulting, representing Cityswitch and Verizon Wireless, propose a Conditional Use Permit ("CUP") for the southeast portion of parcel number 102-21-042A, approximately 3,600 square feet, of a sixty-five-foot (65') tall faux mono-Elm tree wireless communication tower

LOCATION: The property is generally located near the southeast corner of 29th Avenue and Idaho Road

**GENERAL PLAN/
ZONING DESIGNATION:** Commercial/
General Commercial by Planned Development ("B-1/PD")

SURROUNDING USES: North: Countryside RV Resort, Recreational Vehicle Park ("RVP")

East: Vacant, General Commercial by Planned Development ("B-1/PD")

South: Superstition Freeway (US Highway 60)

West: Vacant, General Commercial by Planned Development ("B-1/PD")

BACKGROUND

In March of 1996, the Apache Junction City Council approved Ordinance No. 946, a rezoning of the east five (5) acres of the original ten (10) acre property through Case PZ-7-95 from General Rural ("GR") to General Commercial by Planned Development ("C-3/PD"), to allow for the development of a motel (now Motel 6) and to facilitate the creation of a commercial subdivision.



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In June of 1996, the Apache Junction City Council approved the final plat for the Idaho and Superstition Commercial Subdivision, pursuant to Resolution No. 96-14 which approved the preliminary plat, creating a six (6) lot commercial subdivision on the east 8.23 acres of the original ten (10) acre property.

The motel was constructed in 1996, and the property has had several other zoning cases since including a comprehensive sign package with an amendment to the sign package and two (2) planned development amendments (PZ-11-00, PZ-9-03 and PZ-6-07), none of which affect this particular case.

On February 12, 2025, Christine Tucker with Terra Consulting, representing Cityswitch and Verizon Wireless, applied for a Pre-Application Review (P-25-16-PDR) for a proposed Conditional Use Permit ("CUP") to construct a sixty-five-foot (65') tall monopole mast (also known as a cell tower), on the southeast portion of parcel number 102-21-042A.

On June 3, 2025, Christine Tucker with Terra Consulting, representing Cityswitch and Verizon Wireless, formally applied for a CUP (Exhibit #1).

PROPOSAL

P-25-49-CUP is a proposed CUP of parcel number 102-21-042A (Exhibit #2), located near the southeast corner of 29th Avenue and Idaho Road. Cityswitch proposes to develop the communication infrastructure, including the sixty-five-foot (65') tall faux mono-Elm tree communications tower, and allow carriers such as Verizon Wireless, to lease space on the infrastructure to house their equipment to offer wireless services to their own end-users; This service is known as "collocation". Verizon Wireless has already made such an agreement with Cityswitch, as a result, they are co-applicants represented by Terra Consulting in this CUP request.

Per Apache Junction City Code, Volume II, Land Development Code, Chapter 8: Communications, Section 8-1-5 General Site Development Regulations (A)(2), the applicant requests the approval of a total of sixty-five (65) feet.

PLANNING STAFF ANALYSIS

Federal Law Preemption:

Under the 'Telecommunications Act of 1996' Section 253. *Removal of Barriers to Entry* (Exhibit #3), The Federal Communications Commission ("FCC") preempts local governments from having a say on where a cell tower may be located, outside of public rights-of-way and public



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property. The extent of control a municipality has over a cell tower is mainly how the tower will look and how tall the tower can be.

- Local jurisdictions may not materially limit or inhibit the ability of any competitor or potential competitor to compete in a fair and balanced legal and regulatory environment. An applicant need not prove there is a significant gap in coverage, but it may demonstrate the need in terms of adding capacity, updating to new technologies, and/or maintaining high quality service.
- Local jurisdictions may not consider the environmental effects of RF emissions (including health effects) if the site will operate in compliance with Federal regulations.
- Local jurisdictions may not discriminate against providers of functionally equivalent services and must be able to provide plausible reasons for disparate treatment of different providers' applications for similarly situated facilities.

Chapter 8: Communications:

The proposed communications facility meets the following regulations:

- Location:
 - The communications facility is being proposed on a commercial property (Section 8-1-4 Site Locations (B)(1)).
 - The communications facility is proposed at the rear of the property and not closer than six (6) feet to any property boundary (Section 8-1-5 General Site Development Regulations (C)(3)).
 - The communications facility is not located closer than fifty (50) feet, or a distance of one-foot (1') for every one-foot (1') of structure height, whichever is greater, to single-family residential zoned parcels (Section 8-1-6 Specific Site Development Regulations (B)(2)).
- Masts: Does not exceed two (2) masts (Section 8-1-5 General Site Development Regulations (C)(1)).
- Collocation: The communication facility proposes collocation (Section 8-1-5 General Site Development Regulations (C)(4)).
- Height: The communications facility does not exceed the maximum height of sixty-five (65') feet (Section 8-1-5 General Site Development Regulations (B)(1)).



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- Conditional Use Permit: Aerials proposed on properties zoned for commercial properties shall be required to go through the CUP process (Section 8-1-4 Site Locations (B)(3)).

Site Improvements:

The developer proposes the following improvements to the site:

- An eight-foot (8') split-faced concrete masonry unit ("CMU") block wall, painted to match the existing development, with a twelve-foot (12') wide gate.
- A non-exclusive twenty-foot (20') wide access corridor to the communications facility from the city right-of-way (29th Avenue) made of non-specific compact gravel.
- A ten-foot (10') wide utility easement, for power and fiber, from the city right-of-way to the site.

Zoning and Site Context:

The parcel is a privately owned commercial property zoned General Commercial by Planned Development ("B-1/PD"). The adjacent properties to this parcel are Countryside RV Resort, located three-hundred (300) feet to the north, zoned Recreational Vehicle Park ("RVP"); a vacant parcel to the east, zoned General Commercial by Planned Development ("B-1/PD") with a current pre-application review ("PDR") for a roofing company; the Superstition Freeway (US Highway 60) to the south; and a vacant parcel to the west, zoned General Commercial by Planned Development ("B-1/PD") with no current plans associated with the parcel.

2020 General Plan Analysis:

The city seeks to work with various entities on development projects to extend infrastructure, such as cell service providers, with the intention of providing existing underserved communities with services, as well as new developments (Apache Junction 2020 General Plan pg. 39).

Staff has noticed a significant decrease in coverage of cellular service in certain areas around town and agrees that adding additional communication facilities would help mitigate the loss in coverage and also assist in the city's General Plan goal of providing existing underserved communities with cellular infrastructure.

Public Input:

Neighborhood meeting notification letters were sent to property owners within a three-hundred-foot (300') radius. On August 16, 2025, the



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applicant facilitated a neighborhood meeting in-person at the Apache Junction Multi-Generational Center, to which no neighbors attended (Exhibit #4). Staff and the applicant has received no communications, calls, or visits regarding this case.

FINDINGS OF FACT:

As required by the Apache Junction zoning ordinance, a CUP request may be approved by the planning and zoning commission after consideration has been given to seven different factors outlined below:

1. Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use.

Applicant Response: The proposed telecommunications facility will not have an impact on the adjacent roadway after the initial construction period of approximately six (6) weeks. This will be an unmanned facility, only visited two (2) to three (3) times per year for periodic maintenance. There is ample parking spaces available in the motel parking lot for one (1) technician vehicle. There will be no parking in the public rights-of-way ("ROW"). The wireless facility will require power and fiber, both of which are in the immediate area. There will be power coordination with the Salt River Project (SRP) designer to determine where they will provide power from. There will be similar coordination with the fiber provider.

2. Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare.

Applicant Response: There will be no odor, gas, vibration, smoke, heat or glare emissions from the telecommunications facility. Any dust would only be found during digging the foundation and construction related activities; installing power or fiber conduit, but it will be minimal as they will both be cored in rather than trenched. The only light proposed would be to provide light for the technician for emergency purposes should the site go off air at nighttime. Additionally, any lighting will be dark sky compliant per Section 1-10-1 Intent (B) and fixtures will be downlit and shielded. A light would typically be located close to the ground and will not negatively impact the residential neighborhood as it is located approximately three hundred (300) feet south of the nearest home. There may be a generator installed, or a temporary generator brought to the site to be used in the event that power is lost; This would be an as needed basis. The generator would be located within the facility compound and would not create any additional noise beyond what is already created by the US Highway 60 traffic, located four hundred and fifty (450) feet south of the site.



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3. Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values.

Applicant Response: the telecommunications facility will not contribute to the deterioration of the neighborhood. The owners of Motel 6 have made great improvements to the motel as well as the site over the last two (2) years. The neighboring parcel is also in the process of being developed. This telecommunications facility will provide much-needed service in this area, both for the hotel guests as well as nearby businesses and persons residing in the mobile home park to the north (Countryside RV Resort). This location was selected in part because it abuts US Highway 60 to the south, it is located at the rear of the motel site, and it is allowed on a commercially zoned parcel. Additionally, the site will be camouflaged as a faux Elm tree to help blend the facility with the surrounding area. Wireless services drive the economy, keep people connected to business and personal matters and promote public safety by improving access to emergency services.

4. Compatibility with surrounding uses and structures.

Applicant Response: The proposed telecommunications facility, located within the Idaho and Superstition Commercial subdivision, will be compatible with the surrounding uses, including the Chevron Station at the northeast corner of Idaho Road and 29th Avenue (parcel number 102-21-021B), the Waffle House (parcel number 102-21-039B), the vacant lot (parcel number 102-21-040B) and the vacant lot to the east proposed to be developed into a commercial roofing business (parcel number 102-21-0440). East of the commercial subdivision on 29th Avenue is Dollar Self Storage (parcel number 102-21-018B), which is an industrial use. Staff suggested a faux tree at this location to help the site blend in with the surrounding structures including the gas station, restaurant, motel, storage units and mobile homes.

5. Conformance with the general plan and city policies.

Applicant Response: The proposed telecommunications facility complies with the General Plan by developing infrastructure. The City of Apache Junction is experiencing continued growth in population, as a result, improved wireless services are required to keep up with that growth. Public Safety and Fire and Medical Services use wireless services as their primary source of communication, which requires uninterrupted service. The proposed facility complies with city policies by adhering to setbacks, design standards, siting, neighborhood meeting requirements, Conditional Use Permit (CUP") application submittal requirements and a future building permit process.



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6. Screening and buffering of uses.

Applicant Response: During the Pre-Application Review ("PDR"), staff determined that a faux Elm tree or faux Pine tree would be the preferred screening method for this telecommunications facility. Cityswitch and Verizon Wireless proposes a faux Elm tree, as it provides better screening; There is also a similar tree nearby, but no Pine trees. The ground equipment will be screened from view by an eight-foot (8') split-faced concrete masonry unit ("CMU") block wall, painted to match the existing site walls.

7. Unique nature of the property, use and/or development's physical characteristics.

Applicant Response: The site abuts US Highway 60, which makes it a prime location for a telecommunications facility.

PLANNING DIVISION RECOMMENDATION

Due to rapid technological advancements and their increasing demand for wireless connectivity, Staff is supportive of the proposed CUP request. The proposed communication facility is a much needed infrastructure improvement that will provide benefits to citizens, business and emergency services. The faux mono-Elm design will help shield the appearance of the metal cell mast, which is a more suitable tree model for the area than the pine tree model.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission (APPROVE/DENY) case P-25-49-CUP, a request by Cityswitch (Developer) and Verizon Wireless (Lessee), represented by Christine Tucker with Terra Consulting (Applicant), for approval of a Conditional Use Permit ("CUP") for a 65-foot-tall faux mono-Elm tree wireless communication tower and its appurtenant structures at the southeast portion of parcel number 102-21-042A located at 251 East 29th Avenue, zoned B-1/PD (General Commercial by Planned Development) subject to the following conditions of approval:

- 1) The applicant shall construct a faux mono-Elm tree tower.
- 2) Other cell phone providers may collocate on the tower provided all antennas and associated facilities are camouflaged per city design standards.
- 3) The site shall be dust-proofed in accordance with Apache Junction City Code, Volume I, Chapter 9: Health and Sanitation, Article 9-



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1: Property Maintenance Standards, Section 9-1-3 Public Nuisances Prohibited.

- 4) An eight-foot (8') split-faced concrete masonry unit (CMU) block wall shall be constructed and painted to match the existing development.
- 5) All proper permits shall be obtained prior to any construction, including encroachment permits into the right-of-way (ROW).
- 6) Any landscaping that is removed shall be relocated on the property.
- 7) The telecommunications facility shall be developed in accordance with the plans associated with planning and zoning case file P-25-49-CUP, follow all applicable regulations in accordance with Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, and other applicable city codes within 12 months of the granting of the CUP, or the CUP shall become void.

Erika Hernandez

Prepared by Erika Hernandez
Planner

Attachments:

- Exhibit #1: P-25-49-CUP Application Materials
- Exhibit #2: P-25-49-CUP Vicinity Map
- Exhibit #3: P-25-49-CUP Telecommunications Act of 1996 pg. 16-17
- Exhibit #4: P-25-49-CUP Final Public Participation Report
- Exhibit #5: P-25-49-CUP Draft Resolution 25-28