



MEMORANDUM

DATE: July 30, 2014
For August 14, 2014 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: Ernie Duarte, Director
Planning & Development
Services Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
Zoning Examiner Special Exception Procedure
SE-14-22 AT&T – 23rd Street, I-1 Zone (Ward 5)

Issue – This is a request by Scott Quinn of Quinn United Enterprises, LLC, on behalf of AT&T and the property owners, Formula 1 Ltd, to allow a new wireless communication tower (monopole) with associated ground equipment as a special exception land use in the I-1 zone. The special exception site is 0.17 acres and is developed with an auto repair facility. The proposed location of the monopole is approximately 400 feet south of 22nd Street and 400 feet east of 2nd Avenue (see Case Location Map). The preliminary development plan proposes an 80-foot monopole to accommodate twelve antennas (3 sectors with 4 antennas per sector) at a centerline height of 76 feet. The antennas are approximately 8 feet in height, 11 inches in width, and 7 inches in depth. An additional twelve antennas at a centerline height of 65 feet is proposed for collocation in the future and will require a separate special exception procedure at that time.

A communications use of this type is subject to Section 4.9.I.6.b of the *Unified Development Code (UDC)* and requires approval through a Zoning Examiner Special Exception Procedure, in accordance with *UDC* Section 3.4.3. A public hearing before the Zoning Examiner is required because the tower will exceed 50 feet in height. The maximum allowable height under this procedure is 80 feet. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use. The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

Under federal law, the City of Tucson does not have the authority to consider the environmental effects of radio frequency emissions from wireless communications facilities that comply with FCC regulations.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: Auto repair facility

Surrounding Zones and Land Uses:

North: Zoned I-1; Industrial

South: Zoned I-1; Industrial

East: Zoned I-1; Industrial

West: Zoned I-1; Industrial

Previous Cases on the Property: None

Related Cases:

TUCClubAnnex Sprint PCS – 2950 E. Silverlake Road, I-1 Zone – This was a request to allow a self-supporting, 60-foot-tall monopole and associated ground equipment to be located on the south side of Silverlake Road, east of the Barraza-Aviation Highway. On December 3, 1996, the Office of the City Engineer approved the request and issued Floodplain Use Permit No. 740.

SE-08-33 AT&T – Benson Highway, C-2 Zone – This was a request for approval to extend an existing wireless communication tower from 58 feet to 70 feet to co-locate additional antennas and install associated ground equipment, as a special exception land use under the Zoning Examiner Full Notice Procedure. The special exception site is located on the south side of Benson Highway, between Campbell Avenue and Irvington Road. On October 30, 2008, the Zoning Examiner approved the requested special exception, subject to certain conditions.

SE-09-06 Cricket – 6th Avenue, C-2 Zone – This was a request for approval to extend an existing wireless communication tower from 75 feet to 80 feet as a special exception land use under the Zoning Examiner Full Notice Procedure. The additional height was necessary to clear a new building under construction to restore the radio frequency signal to improve communication service. The special exception site is located between 40th and 43rd streets, west of I-10, Exit 261 (see Case Location Map). On July 16, 2009, the Zoning Examiner approved the requested special exception, subject to certain conditions.

SE-10-114 AT&T – Silverlake Road, I-1 Zone – This was a request for approval to extend an existing 67'8" monopole (see related case above: TUCClubAnnex Sprint PCS) to a total height of 80 feet to accommodate an antenna array and install associated ground equipment as a special exception land use in the I-1 zone. The special exception site is located on the south side of Silverlake Road, east of the Barraza-Aviation Highway. The request was withdrawn by the applicant.

Applicant's Request – The applicant requests approval to of the Special Exception Land Use to allow an 80-foot wireless communication tower with associated ground equipment.

Planning Considerations

Land use policy direction for this area is provided by the *Old Pueblo South Neighborhood Plan (OPSNP)* and *Plan Tucson*. The *OPSNP* provides policy direction stating support for a “web” of community facilities, and to provide landscaping buffers. No specific policies address cellular communication facilities. The proposed special exception request to consider a WCF in the I-1 Industrial zone is in general compliance with *Plan* policy.

Plan Tucson policies protect established residential neighborhoods by supporting compatible development, including non-residential uses, where the scale and intensity of use is compatible with adjacent uses. The special exception site is located within a a Mixed-Use Center area as identified by the Future Growth Scenario Map. A Mixed-Use Center supports a variety of retail, services, office, and public gathering places, located close to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. In particular to wireless communication facility, *Plan Tucson* provides direction and support in Chapter 3 – The Built Environment, under Guidelines LT28.1.2, LT28.1.3, stating that telecommunication facilities be installed and maintained to minimize visual impact and preserve views, to improve the appearance of above ground utilities and structures, and extend access to high-tech wireless communication facilities throughout the City.

The special exception site is located south of 23rd Street and east of 2nd Avenue adjacent to the Southern Pacific Railroad tracks, which are located immediately to the east. The site is zoned I-1 and is immediately surrounded by I-1 zoning with commercial and industrial land uses to the north, east, and south. To the west are vacant parcels in I-1 zoning. The nearest residentially zoned properties are currently vacant, undeveloped lots approximately 200 feet to the west and the nearest residences are approximately 440 feet to the west of the proposed wireless communication facility.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) states that no additional vehicle trips per day will be generated by the proposal.

Design Considerations

Land Use Compatibility – The applicant proposes to install a monopole at a height of 80 feet with the top of antenna array also at 80 feet in height. The proposed ground equipment will be within a lease area of approximately 12' X 48' to be located at the southeast corner of the overall complex, between the existing building and the alleyway within an open area enclosed by an existing perimeter wall. The south boundary of the site has an existing masonry wall. An

existing walk-through gate from the alley will be used to allow access onto the wireless communication facility. In addition, a 10-foot wide gate is proposed to provide access to the wireless communication facility from the alley. Within the alley is an existing Tucson Electric Power overhead power line which abuts the proposed wireless communication facility. Staff recommends that vehicle and personnel access be provided on-site and that access be provided from 23rd Street. Since the site contains four parcels and on-site access will be from an adjacent parcel, staff also recommends a cross-access easement be recorded as part of the proposed special exception request.

Mitigation measures supported by staff include painting antennas and other attachments to minimize visual impacts. Staff recommends that any future graffiti visible from the public right-of-way be removed within ten working days of observation. Staff acknowledges that the proposed cell tower will help improve telecom services to the established neighborhoods and businesses in the area.

Road Improvements/Vehicular Access/Circulation – Vehicular access to the special exception site is from 23rd Street, identified as a local street. Road improvements are not planned as part of the proposed special exception request.

Drainage/Grading/Vegetation – The site does not lie within a mapped 100-year floodplain. Detention/retention has been addressed for the site.

Use-Specific Standards – The applicant's proposal requires approval as a Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .6.b. The Zoning Examiner may forward the request to the Design Review Board for design review and recommendation. Use Specific Standards specified in the *Unified Development Code* Section 4.9.I.6.b include the following items (in *italics*). A response follows each Use Specific Standard:

1. *The antennas are mounted on a new tower and the tower and antennas are concealed or disguised, or the antennas are collocated on an existing structure.*

The new wireless communication facility is to be painted a color to blend with its surroundings and minimize visual impacts.

2. *The tower and antennas are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.*

The site is surrounded by industrial zoning and industrial and commercial uses and is located approximately 440 feet from the nearest residence.

3. *The new tower is setback at least two times the height of the structure from the boundary of any property zoned residential or office.*

The structure is located approximately 200 feet from the nearest residentially zoned property and approximately 440 feet from the nearest office zoned property.

4. *The tower and antennas are eighty feet or less in height.*

The applicant proposes a combined tower and antenna height of no more than 80 feet.

Conclusion – The proposed monopole cell tower will help improve telecommunication services in the area. The proposal is in general compliance with the policy and intent of *Plan Tucson* and the *Old Pueblo South Neighborhood Plan*. Subject to compliance with the attached preliminary conditions, approval of the special exception request is appropriate.

PROCEDURAL

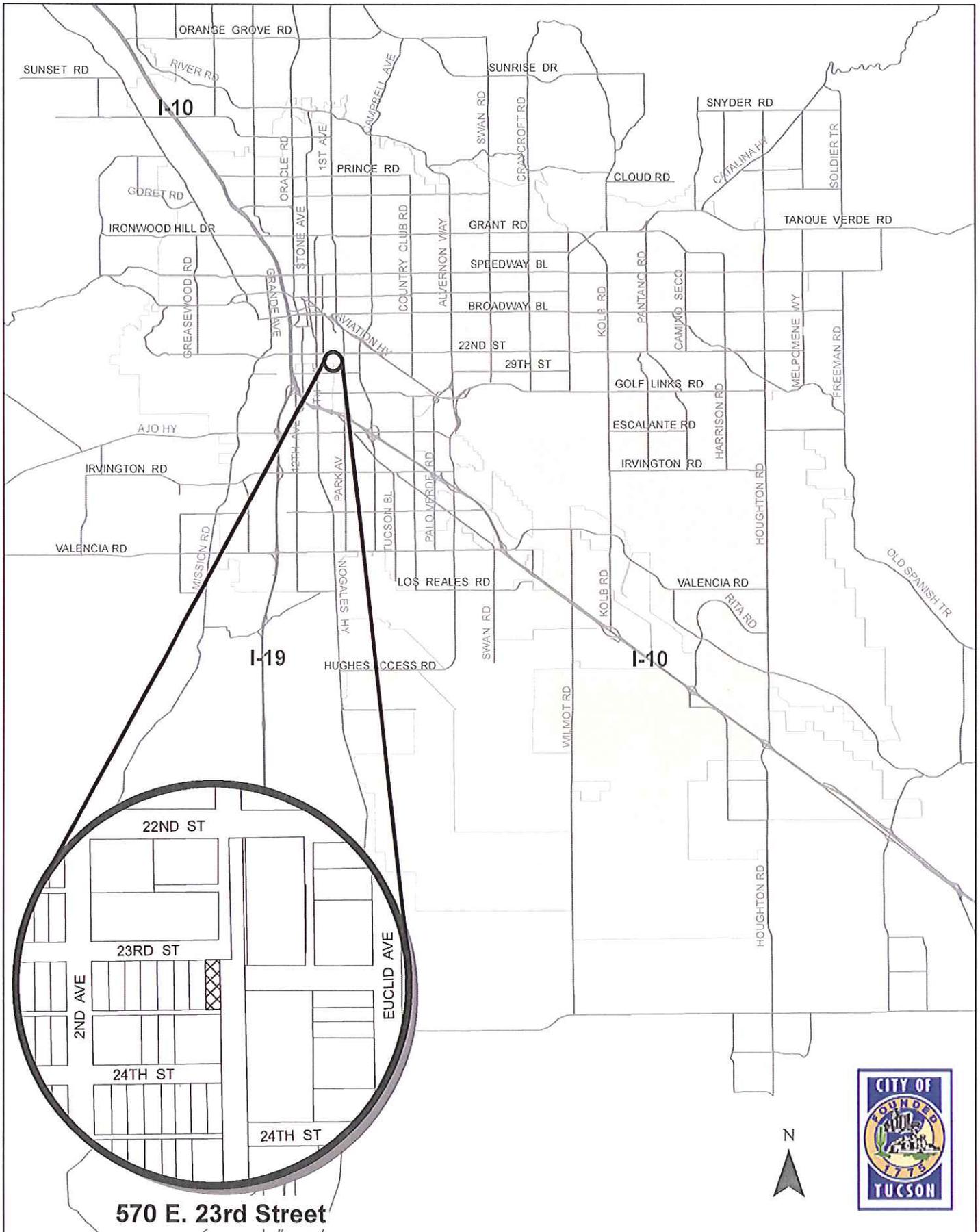
1. A site plan in substantial compliance with the preliminary development plan dated May 23, 2014, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Special Exception Land Use".
3. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

LAND USE COMPATABILITY

7. The wireless communication tower, including attachments such as antenna panels, shall not exceed eighty (80) feet in height from grade elevation.
8. Ground equipment to be located within lease area and within an enclosed shelter, as depicted on the preliminary development plan dated May 23, 2014.
9. A maximum of twelve (12) antenna panels shall be installed and painted to blend and minimize visual impacts. .
10. Antenna dimensions shall not exceed ninety-eight (99) inches in length, twelve (12) inches in width, and eight (8) inches in depth.
11. Any graffiti visible from the public right-of-way or area residential development shall be removed within ten working days of observation.
12. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, on the monopole.

13. Antenna T-arm standoff from pole shall not exceed thirty-six (36) inches.
14. Should a back-up generator be installed at this site, evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise, will be required. The generator may be tested for up to 45 minutes per month, between the hours of 8:00 AM and 6:00 PM.
15. The site plan shall include a general providing recordation information for a recorded, on-site cross-access easement; or, if the applicant wishes to use the adjacent City of Tucson alley with utility easement (existing T.E.P. power line), and Union Pacific Railroad property to provide access and provide vehicle maneuverability and parking for WFC tech, then provide a recorded agreement between the applicant, the City of Tucson, Tucson Electric Power Company, and Union Pacific Railroad Company, to allow access and parking privileges on these adjacent properties.
16. The ground equipment and lease area enclosure shall be located to maintain proper distance, as determined by PDSD permitting staff, from existing electric service panels located on south wall of the existing building.
17. The monopole shall not exceed 80 feet in height.
18. Ground equipment shelter shall be screened by existing masonry wall.
19. Plans for future carriers must be approved through the special exception process.

SE-14-22 AT&T - 23rd Street



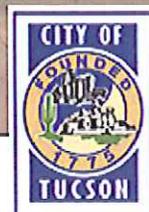
570 E. 23rd Street





SE-14-22 AT&T - 23rd Street
2012 Aerial

0 50 100 200
Feet
1 inch = 200 feet



PUBLIC FACILITIES AND SERVICES REPORT FOR August 14, 2013
(as of July 25, 2014)

SE-14-22 AT&T – 23rd Street, I-1 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 06/17/14.
Planning & Development Services – Engineering: See attached comments dated 06/18/14.
Planning & Development Services – Community Design: See attached comments dated 06/25/14.
Planning & Development Services – Sign Code: See attached comments dated 06/26/14.

No Objections Noted

Office of Conservation & Sustainable Development
Transportation – Engineering
Transportation – Traffic Engineering
Planning & Development Services – Engineering
Planning & Development Services – Zoning Enforcement
Planning & Development Services – Sign Code
Tucson Fire Department
Community Services – Historic Preservation Officer
Environmental Services
Tucson Parks and Recreation
Tucson Police Department
Planning & Development Services – Landscape

NON-CITY AGENCIES

PAG-TPD: Estimated traffic generation of proposed development: Zero vehicle trip per month.

No Objections Noted

Tucson Unified School District
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

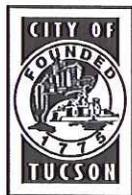
Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, July 30, 2014 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

Place
Stamp
Here

City of Tucson
Planning & Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

SE-14-22

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning & Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-14-22
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED