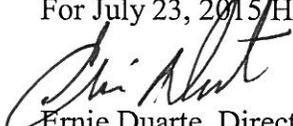




MEMORANDUM

DATE: July 8, 2015
For July 23, 2015 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte, Director
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-15-11 Verizon – Swan Road, C-1 (Ward 3)

Issue – This is a request by Shirley Crowder of Centerline Solutions, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located on the west side of Swan Road approximately 300 feet south of Camp Lowell Road and 150 feet west of Swan Road (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower with twelve antenna panels concealed within an artificial pine tree (monopine), 60 feet in height. The facility will be placed within an approximately 430 square foot lease area in the southwestern portion of the 0.88 acre site developed with retail commercial uses and associated parking. The proposed ground equipment is located within an area screened by an eight (8) foot high masonry screen wall with a gated entrance along the north side of the compound. No permanent backup generator is proposed for the site. A twelve-foot wide access easement for the WCF site will be provided from Swan Road. The access easement is located within an existing driveway. The nearest residential unit is located approximately 80 feet to the south of the WCF site.

A communications use of this type in the C-1 zone is subject to Sections 4.9.13.O and 4.9.4.I.2, .3, and .7 of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4, because the tower height exceeds 50 feet and the tower is not set back at least two times its height from office zoned property located immediately south of the WCF. Documentation provided by the applicant indicates that no practical alternative exists, and measures are being taken to conceal or disguise the tower and antenna from view.

The Mayor & Council Special Exception Procedure requires a public hearing before the Zoning Examiner after which the Zoning Examiner forwards a recommendation to the Mayor and Council for a decision to grant the request with, or without, conditions or to deny the request. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

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: Site is currently developed with commercial uses.

Surrounding Zones and Land Uses:

North: Zoned C-1; Retail & commercial shopping center

South: Zoned O-3; Multi-family Residential

East: Zoned O-3; Office

West: Zoned C-1; Office & commercial

Previous Cases on the Property: None

C9-98-15 Mintec, Inc. – Swan Road, RX-1 to C-1 This was a rezoning request to allow the conversion of three existing nonconforming office buildings with a total square footage of 3,750 square feet into a day-use health spa and beauty salon on 0.93 acres, including the subject special exception site. On September 8, 1998, Mayor and Council adopted Ordinance No. 9112 and on March 30, 2000, a site inspection was conducted and the zoning effectuated.

Related Cases:

SE-13-22 AT&T– Fort Lowell Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 65 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 180 feet south of Fort Lowell Road and 610 feet west of Campbell Avenue. On July 9, 2013, the Mayor and Council adopted Ordinance No. 11092, allowing the special exception.

SE-12-94 AT&T – Presidio Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree 65 feet in height, and associated ground equipment, located on the property of Saint Francis Cabrini Catholic Church, 300 feet from Presidio Road, near Country Club Road. On August 6, 2013, Mayor and Council voted 6-1 to deny the request. On March 31, 2015, the United States District Court vacated the Mayor and Council action and ordered the City of Tucson to issue permits for the proposed wireless communication facility.

Applicant’s Request – The applicant requests special exception approval for the placement of a 60-foot high cellular communications monopole disguised as a pine tree with associated equipment in the southwest corner of a parcel currently developed with commercial uses.

Planning Considerations

Land use policy direction for this area is provided by the *Grant – Alvernon Area Plan (GAAP)* and *Plan Tucson*. According to the *GAAP* the special exception site is located within an Office, Commercial, High-Density Residential area. For these areas, the plan contains guidance on wireless communication facilities in Office and Commercial Land Use Policy 6, which discourages wireless communication antenna arrays unless concealed, disguised, or collocated on existing buildings or structures. Land Use, Office and Commercial Land Use Policy 2 encourages incorporating appropriate design elements and buffering techniques during the zoning application and associated land review processes.

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 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 in Chapter 3 – The Built Environment, under Guidelines LT28.1.2, LT28.1.3, stating that telecommunication facilities should 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 project is in general compliance with the intent of these plans. The plan policies generally support new cell tower proposals when designed to minimize visual impacts on surrounding neighborhoods and when buffering is provided. The faux palm design will conceal the new tower and antenna structures. Ground equipment will be placed within the lease and will be screened from view by an 8-foot high masonry wall.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Design Considerations

Land Use Compatibility – The proposed monopine will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopine showing the antennas concealed by the artificial branches and needles. The monopine will be set back from Swan Road by approximately 150 feet.

The proposed monopine will be visible from the surrounding residential neighborhoods, commercial development, as well as from the adjacent streets. The monopine stealth design reduces the visible impacts to the neighborhood, and according to the photo-simulation submitted

by the applicant, the monopine will be visible from the single-family residential neighborhood to the south. The nearest residences are the apartments immediately south of the site in O-3 zoning, approximately 80 feet from the proposed location of the monopine. There are some desert trees and pine trees in the general area, including several tall pine trees, approximately 40 feet tall, located about 100 feet to the south of the site. These trees will allow the monopine to blend in when viewed from a distance. Staff recommends that any existing on-site native tree or landscape planting disturbed during installation of the monopine or ground equipment, be replaced in accordance with the UDC and heat island mitigation.

The applicant proposes to place the ground equipment just east of the monopine within the 430 square foot lease area, in a portion of the parking lot for the retail center. Ground equipment will be housed inside an equipment cabinet located next to a diesel generator, both to be located on a concrete slab. A proposed 8-foot high CMU wall will help mitigate noise from the back-up generator as well as the equipment's visual impact on the surrounding areas. Staff recommends the masonry wall be textured and painted in neutral desert colors or to match the surrounding existing buildings.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, typically observed at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopine at this location, the following standards are recommended:

- The monopine shall not exceed 60 feet in height at top of fronds;
- The monopine shall include branches and needles;
- The monopine trunk shall be covered with cladding (faux bark) wherever the pole is visible, and the trunk shall be painted to resemble a live pine;
- Replacement of lost/damaged branches and needles to be completed within ten working days of observation and branches and needles shall be colored to match live pines as closely as possible;
- Monopine branches shall start at 15 feet above grade elevation;
- All cables shall be run inside the pole, with no foot pegs or other visible appurtenances;
- All wire ports shall be concealed behind the antennas and equipment on the monopine shall be mounted behind the antenna panels;
- Two live 24-inch box Aleppo pine trees, (to grow 30 feet or more in height) shall be planted to the east of the WCF near Swan Road. Trees shall be added to the onsite permanent irrigation system and be maintained as part of the overall landscaping. If trees

become damaged, diseased or die, they are to be replaced within 30 days of observation. Replacement shall be the responsibility of the wireless provider;

- Ground equipment to be located within lease area and housed within a walk-in shelter screened by an 8-foot masonry (CMU) wall. CMU wall shall be textured and designed to match other onsite CMU walls;
- Maximum antenna size is ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth;
- Antenna arrays shall have no more than 12 antennas (3 sectors with 4 antennas per sector);
- Antennas shall be camouflaged with faux pine needle socks to match needle density and color of monopine.

Road Improvements/Vehicular Access/Circulation – Vehicular access to the wireless communications facility is through the existing parking lot and curb cut from Swan Road. According to the *Major Streets and Routes Plan*, Swan Road is designated as an arterial street with a future right-of-way width.

Use-Specific Standards – The applicant’s proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.O and 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is the applicant’s analysis of the performance criteria.

4.9.4.I.

.7 The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennas, provided:

(1) The tower or antennas are not permitted by other provision of this Section.

The 60-foot top of monopine in the C-1 zone does not conform to any other section of the code because it is not 50 feet or less in height and does not meet the setback of two times its height to adjacent O-3 zoned property to the south.

(2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

The nearest existing wireless communications facility (WCF) is a monopalm for another wireless provider, and is located nearly 1 mile south of the site. This

tower is not collocatable and the search ring to resolve the Verizon coverage gap has a radius of approximately 0.25 miles.

- (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.

The tower has been designed as a monopine and the tower and antennas will be disguised within the artificial branches and pine needles.

- (4) All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the collocation of new antennae on existing towers or with the facilities of other providers which are located or planned for development within the proposed service area.

The nearest existing WCF is approximately 5,000 feet south of the site. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles. This tower was not suitable to fit within the existing sites on Verizon's network.

- (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

All policies of the Mayor and Council Special Exception Process shall be followed accordingly.

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

Conclusion – The proposed special exception use is consistent with the policy direction in the *Grant-Alvernon Area Plan* and *Plan Tucson*, which support development designed to be compatible with and sensitive to surrounding land uses. The proposed wireless facility has been designed to be camouflaged and blend in with the surroundings, and does not conflict with plan policies. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

PROCEDURAL

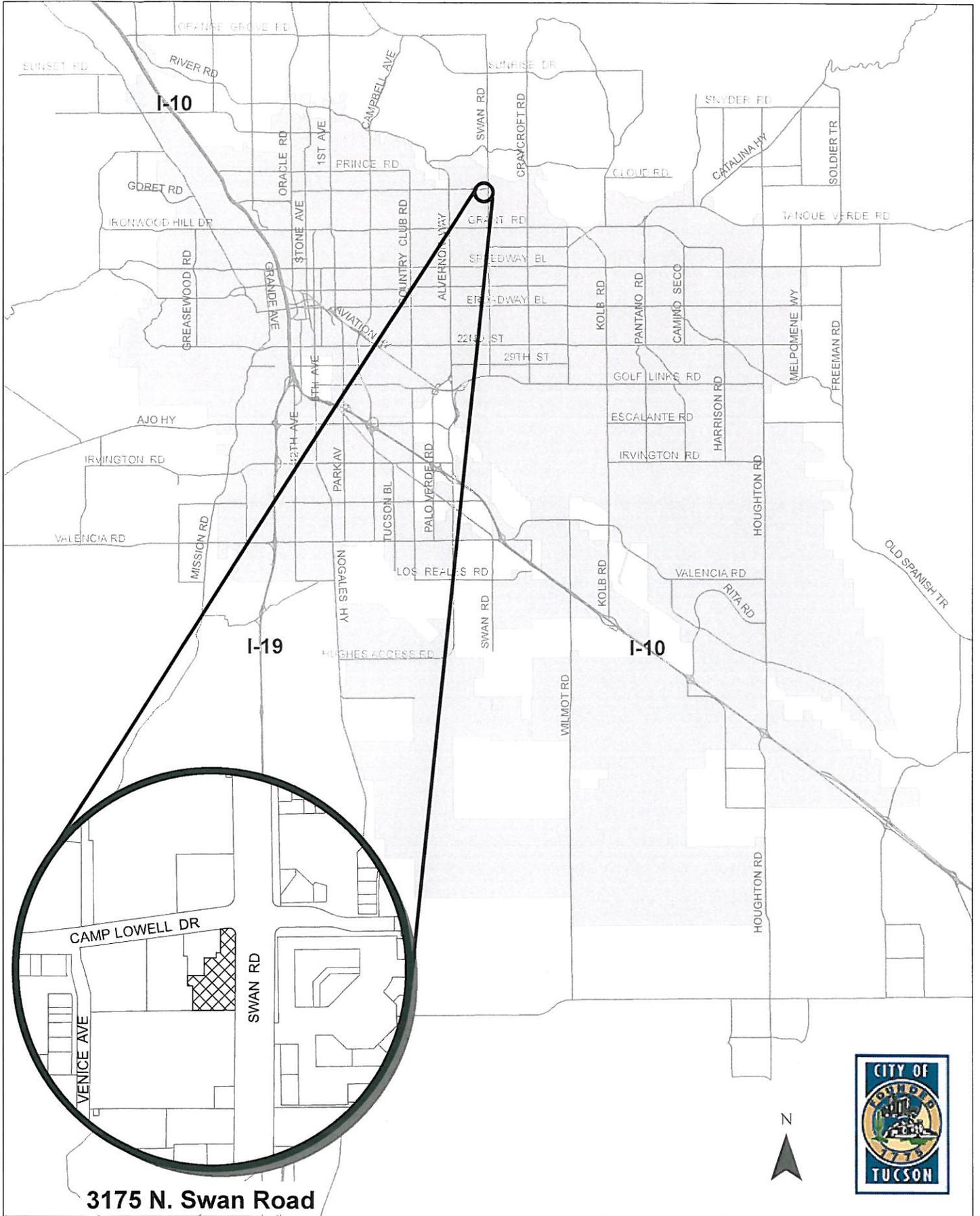
1. A site plan in substantial compliance with the preliminary development plan dated June 30, 2015, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment 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 / CONCEALMENT MEASURES

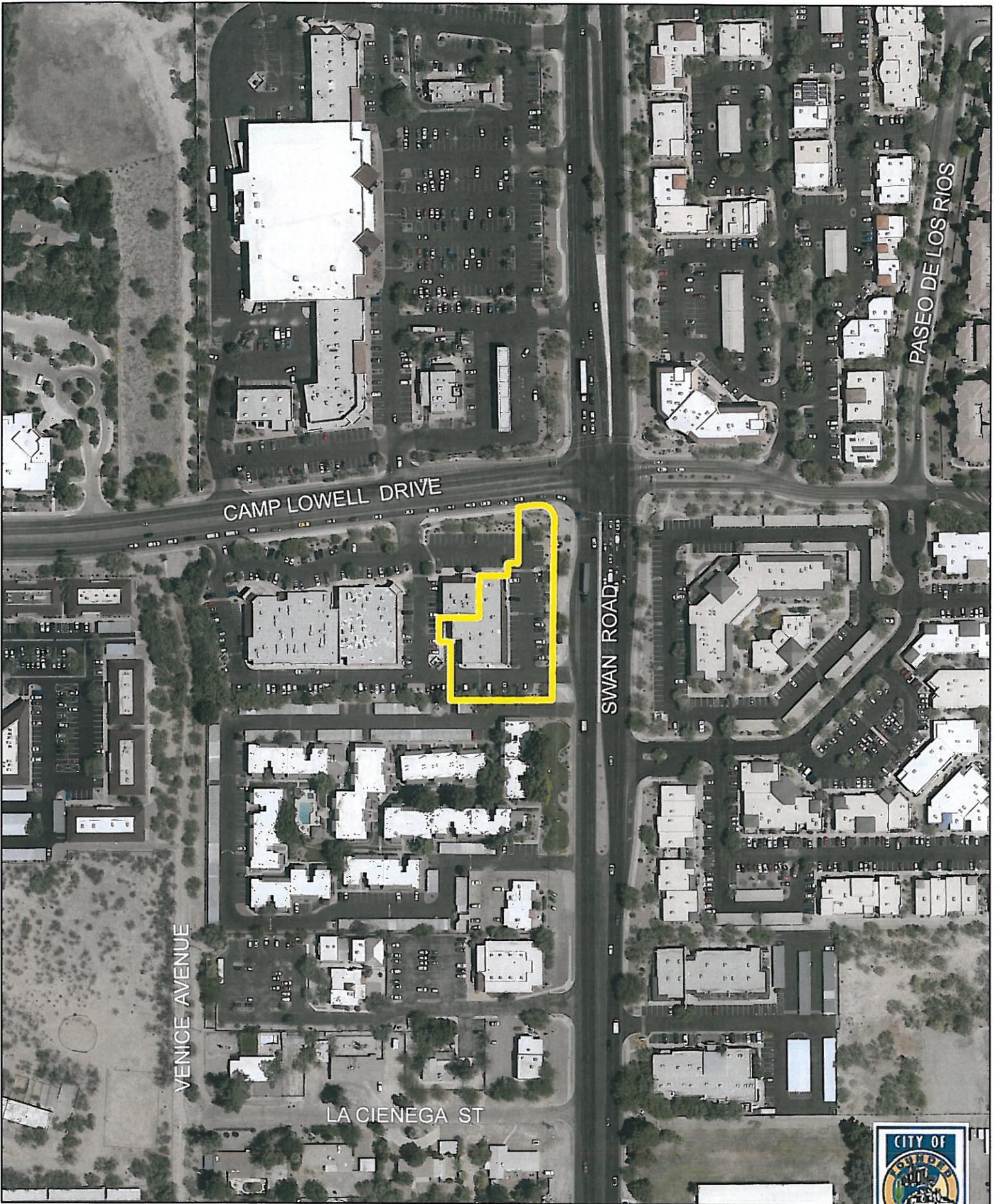
7. The wireless communication monopole, including attachments such as antenna panels and pine branches/needles, shall not exceed sixty (60) feet in height from grade elevation.
8. A maximum of twelve (12) antenna panels shall be installed and shall be covered with faux pine needle socks of a needle density and color to blend and minimize visual impacts.
9. Monopole branches shall start at 15 feet above grade elevation and the monopole shall include a sufficient number of artificial branches and needles to adequately conceal the antennas and appurtenances.
10. The pole shall be covered with cladding (bark) wherever the pole is visible, and be painted to resemble a live pine tree.

11. Replacement of lost/damaged artificial branches/needles is to be completed within ten (10) working days of observation and artificial branches/needles shall be colored to match live branches/needles as closely as possible.
12. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
13. Ground equipment is to be located within lease area as depicted on the preliminary development plan dated June 30, 2015, and is to be screened by 8-foot masonry wall textured and painted to match surrounding existing.
14. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
15. All walls visible from a public right-of-way and/or adjacent to existing residential development shall be graffiti-resistant.
16. Six-(6) inch wide fence block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
17. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopine.
18. Two live 24-inch box Aleppo pine trees (to grow 30 feet or more in height) shall be planted near the site as identified on the preliminary development plan dated June 30, 2015. Trees shall be added to the onsite permanent irrigation system and be maintained as part of the overall landscaping. If trees become damaged, diseased or die, they shall be replaced within 30 days of observation. Tree replacement shall be the responsibility of the wireless provider.
19. Any future installation of a backup generator will require evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise. The generator may be tested for up to 45 minutes per week, between the hours of 8:00 AM and 6:00 PM. Finish color and texture of all painted surfaces shall match existing surfaces of adjacent equipment enclosure. The generator shall include a fuel catchment feature designed to contain at least 210 gallons of fuel in the event of a leak.
20. Plans for future carriers must be approved through the special exception process.

SE-15-11 Verizon - Swan Road



3175 N. Swan Road

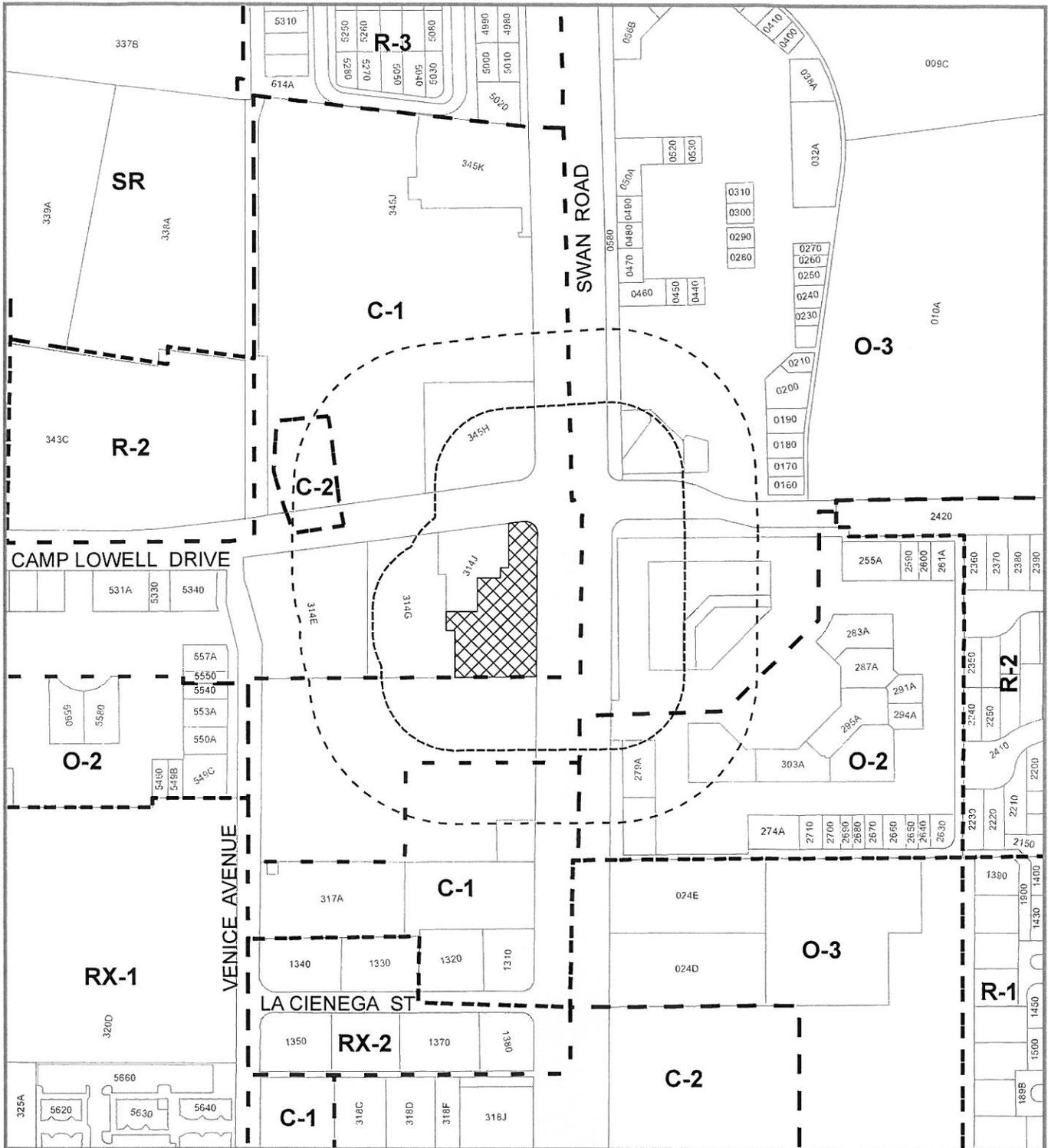


SE-15-11 Verizon - Swan Road
2014 Aerial

0 50 100 200
Feet
1 inch = 200 feet



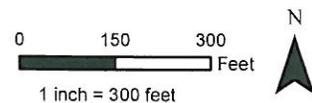
SE-15-11 Verizon - Swan Road M. & C. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area



Address: 3175 N. Swan Road
Base Maps: Sec.34 T.13 R.14
Ward: 3



PUBLIC FACILITIES AND SERVICES REPORT FOR JULY 23, 2015
(as of July 2, 2015)

SE-15-11 Verizon – Swan Road, C-1 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 5/20/15.
Planning & Development Services – Sign Code See attached comments dated 6/9/15.
Planning & Development Services – Community Planning: See attached comments dated 5/26/15.

No Objections Noted

Planning & Development Services – Engineering
Office of Conservation & Sustainable Development
Transportation – Engineering
Transportation – Traffic Engineering
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 trips 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 8, 2015 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-15-11

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-15-11
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED

