



MEMORANDUM

TO: Jim Mazzocco
Zoning Examiner

DATE: March 16, 2016
For March 31, 2016 Hearing

FROM: Nicole Ewing Gavin, Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-15-93 Verizon – Harrison Road, C-1 and R-2 (Ward 2)

Issue – This is a request by Adam Brixius of Pinnacle Consulting, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 75 feet west of Harrison Road and 150 feet south of Speedway Boulevard (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower with eight antenna panels concealed within an artificial palm tree (monopalm), 60 feet in height as measured to the top of the artificial palm fronds. The monopalm will be placed within a 14-foot by 14-foot lease area near the north edge of the 0.36-acre parcel, in C-1 zoning and the ground equipment, including a backup diesel generator will be located in an irregularly shaped lease area near the southeast corner of the parcel, in R-2 zoning. The subject property is currently used as a veterinary clinic.

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 residentially zoned property located west and 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 panels 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: Veterinary clinic

Zoning Descriptions

C-1: This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and other related uses shall be permitted.

R-2: This zone provides for medium density, single-family and multi-family, residential development, together with schools, parks, and other public services necessary for an urban residential environment.

Surrounding Zones and Land Uses:

North: Zoned C-1; City of Tucson transit lot

South: Zoned R-2; single-family residential

East: Zoned R-1; single-family residential

West: Zoned R-2; single-family and multi-family residential

Previous Cases on the Property: none

Related Cases:

SE-15-30 T-Mobile – Tanque Verde Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 50 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located approximately 410 feet west of Bear Canyon Road ROW and 585 feet north of Tanque Verde Road ROW. On August 27, 2015, the Zoning Examiner approved the special exception.

SE-15-14 Verizon - Grant Road, C-1 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 60 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 95 feet north of Grant Road and 67 feet west of Columbus Boulevard. On July 7, 2015, the Mayor and Council adopted Ordinance No. 11288, allowing the special exception.

Applicant's Request – The applicant requests special exception approval for the placement of a 60-foot high cellular communications monopole disguised as a palm tree with associated equipment in the eastern portion of a currently undeveloped parcel.

Planning Considerations

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. Commercial Policy 1 of *PEAP* supports commercial developments in appropriate locations in the area along arterial streets when adjacent uses are adequately buffered. Commercial Policy 2 of *PEAP* supports the integration of adjoining commercial uses and should be designed to be in harmony with adjacent residential uses.

Plan Tucson identifies this area in the Future Growth Scenario Map as a "neighborhood center" category and supports a mix of small businesses surrounded by housing and accessible by pedestrian and bike friendly streets and by transit. Policy LT28.1.2 requires that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. LT28.1.3 states that WCF's be designed with improved appearances of the above ground utilities and structures and extend access to high-tech wireless communication facilities throughout the city. The applicant states that the proposed wireless communication facility will help improve telecommunication services in the surrounding neighborhoods.

The special exception site is currently developed as a veterinary clinic in split C-1 commercial zoning and R-2 medium density residential zoning. To the east across Harrison Road are single-family residential uses in the R-1 residential zone, to the north is a City of Tucson Suntran "park-and-ride" lot in the C-1 commercial zone, to the south are single family residential uses in the R-1 residential zone, and to the west are single-family and multi-family residential uses in the R-2 residential zone. The nearest residentially zoned and developed land is located to the south and to the west, approximately 100 feet from the proposed monopalm location.

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 special exception site.

Design Considerations

The proposed ground equipment is located within an area screened by a 9-foot, 4-inch (9'- 4") tall masonry screen wall. Equipment cabinets and the diesel back up generator will be located on concrete pads. A twelve-foot wide access easement for the WCF site will be provided from Harrison Road.

Land Use Compatibility – The proposed monopalm will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopalm showing the antennas concealed by the artificial branches of the monopalm. The monopalm will be set back approximately 75 feet from the west edge of the Harrison Road right-of-way and approximately 130 feet from the south edge of the Speedway Boulevard right-of-way.

The monopalm will be visible from the surrounding, commercial and residential development, as well as from adjacent streets. The proposed stealth monopalm provides concealment and reduces the visible impacts to the area. Staff also suggests the design include additional vegetation surrounding the lease area to help visually buffer and mitigate views of the WCF from adjacent streets and residential uses. There are some desert trees, pine trees, and palm trees in the general area. These trees allow the monopalm to blend in when viewed from a distance. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopalm or ground equipment installation should be replaced.

The applicant proposes to place the monopalm in a 196 square foot lease area in the northern portion of the parcel. Ground equipment will be housed inside a equipment shelter located on a concrete slab within an irregularly shaped lease area near the southeast corner of the site. Staff recommends the 9-foot, 4-inch tall masonry wall be painted and textured to match existing nearby development and surrounding architectural style.

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, which could typically occur 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 monopalm at this location, the following standards are recommended:

- The monopalm shall not exceed 60 feet in height at top of fronds;
- The monopalm shall include crown and apple;
- The pole shall be covered with cladding (bark) from the pineapple to bottom of pole, and painted to resemble a live palm;
- There shall be a minimum of 55 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels;
- Replacement of lost/damaged fronds to be completed within ten working days of observation and fronds shall be colored to match live fronds as closely as possible;
- 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 all equipment shall be mounted behind the antenna panels;
- Antenna panels shall be painted with a light/shade pattern to better camouflage them;
- Ground equipment to be screened by an existing masonry wall (provide elevation of street views).
- Maximum antenna size is ninety-eight (98) inches in length, twelve (12) inches in width, and eight (8) inches in depth,
- Antenna standoff from the pole shall not exceed thirty (30) inches.

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed with the project. Vehicular access to the wireless communications facility is from Harrison Road through an existing curb cut. The access easement shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the *Major Streets and Routes Plan*, Harrison Road is designated as an arterial street with a future right-of-way of 120 feet.

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 provisions of this Section.

The 60-foot top of monopalm in the C-1 zone does not conform to other sections 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 R-2 zoned property to the south and west.

(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 light pole canister type antenna mount for another wireless provider, located approximately 135 feet north of the site, but is not suitable for collocation. No other towers within the search ring were found to be collocatable.

(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 monopalm and the tower and antennas will be disguised within the artificial palm fronds.

- (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 135 feet north of the site. This tower is a light pole with canister type antenna mount and is not suitable for collocation. The coverage gap has a radius of approximately 0.25 miles.

- (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 stealth tower is in compliance with the performance criteria for a wireless communication facility. The Special Exception request is consistent with the policies and intent of *Plan Tucson* and the *Pantano East Area Plan*, considering the use of a stealth design, in this case a monopalm, that will limit the visual impact of the facility. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated January 13, 2016, 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 monopalm, including attachments such as antenna panels and palm fronds, shall not exceed sixty (60) feet in height from grade elevation.
8. A maximum of twelve (12) antenna panels shall be installed and painted with a light/shade pattern to blend and minimize visual impacts.
9. The monopalm shall include crown and pineapple.
10. The pole shall be covered with cladding (bark) from the pineapple to bottom of pole, and painted to resemble a live palm.
11. There shall be a minimum of 55 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels.
12. Replacement of lost/damaged fronds to be completed within ten working days of observation and fronds shall be colored to match live fronds as closely as possible.

13. Verizon shall routinely monitor the facility and repair/replace any artificial fronds that may become lost, worn, or damaged through time.
14. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
15. Ground equipment to be located within lease area as depicted on the preliminary development plan dated January 13, 2016 and setback from southern property line by a minimum of 10 feet.
16. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
17. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be graffiti-resistant.
18. Graffiti shall be removed from walls within seventy-two (72) hours of observation.
19. The equipment screen wall shall be a minimum of 9 feet tall and painted and textured to match surrounding colors and architectural style of existing building.
20. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopalm.
21. Installation of a backup generator requires 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.
22. Any existing on-site palm tree, native tree or other landscape planting disturbed during the construction of the monopalm or ground equipment installation shall be replaced in accordance with the UDC and heat island mitigation.
23. Plans for future carriers must be approved through the special exception process.

AGREEMENT TO WAIVE ANY CLAIMS
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ("**Agreement**") is entered into between _____, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at _____, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case _____ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City grant a Special Exception Land Use for the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the Special Exception Land Use. The Owner believes that the Special Exception Land Use for the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

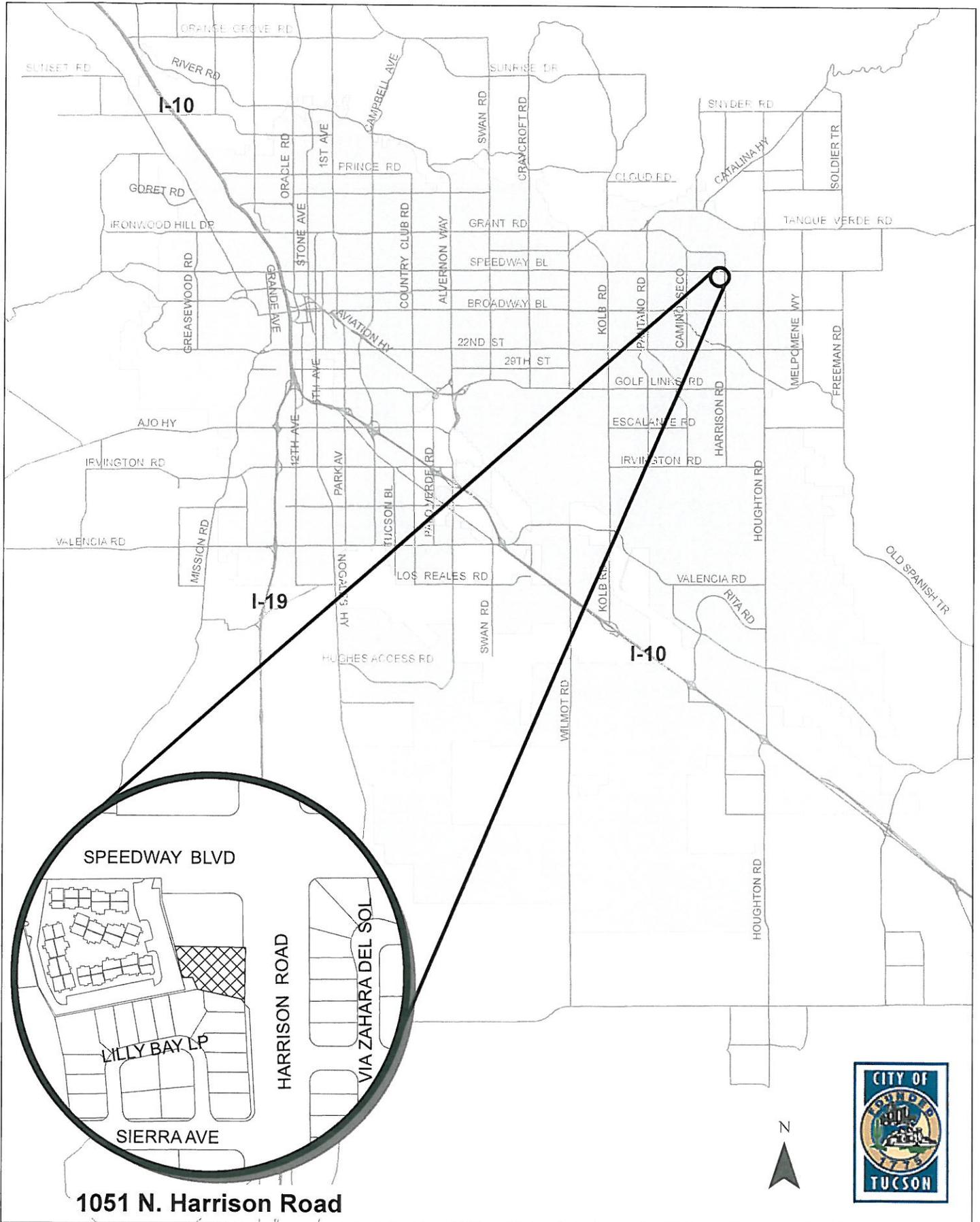
By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the Special Exception Land Use in Case _____.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested Special Exception Land Use that limit the potential development of the Property. The Owner acknowledges that the Special Exception Land Use and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the Special Exception Land Use application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the Special Exception Land Use if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested Special Exception Land Use. If the Owner withdraws the application or does not effectuate the Special Exception Land Use, this Agreement is null and void.

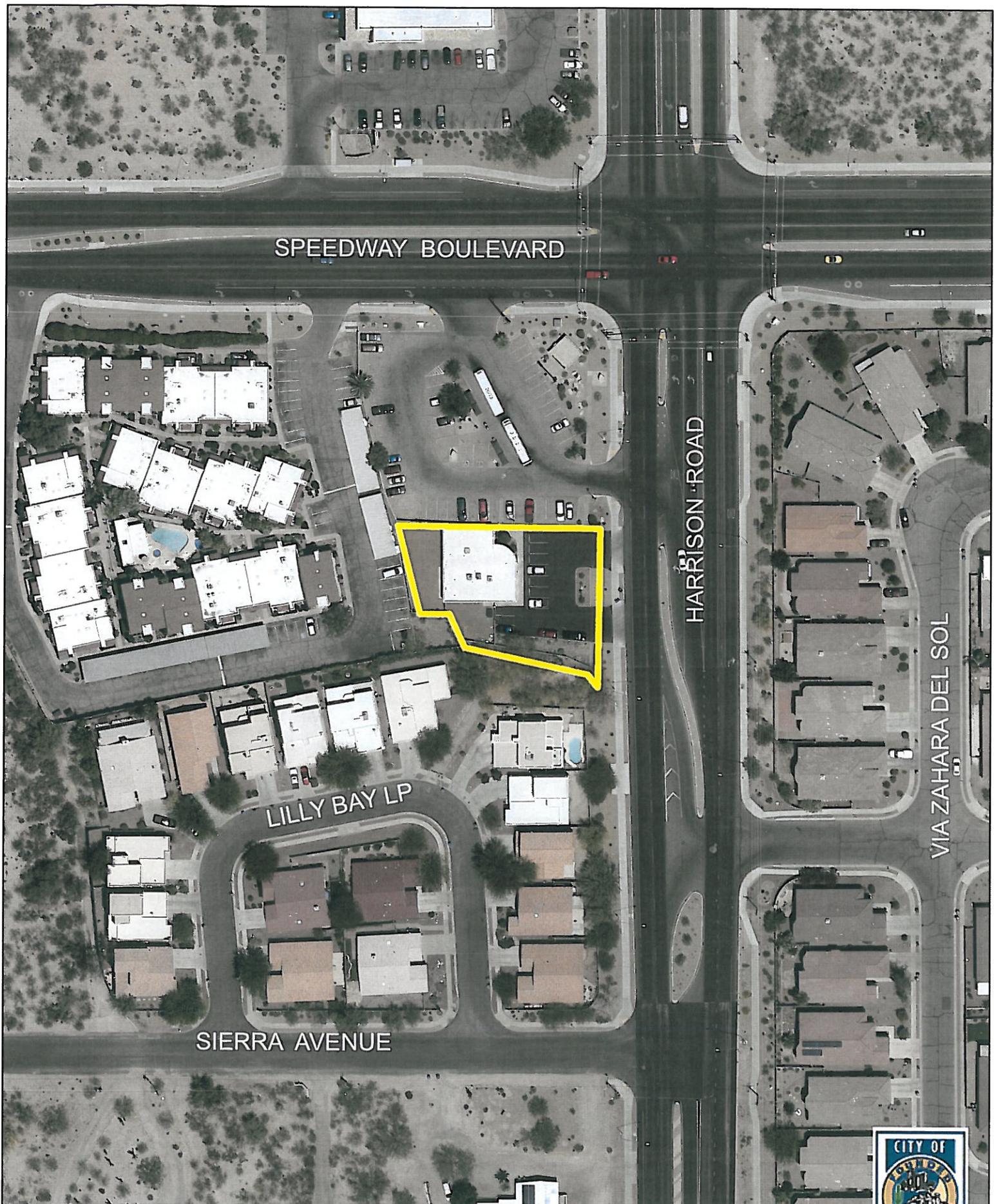
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

SE-15-93 Verizon - Harrison Road



1051 N. Harrison Road



SPEEDWAY BOULEVARD

HARRISON ROAD

VIA ZAHARA DEL SOL

LILLY BAY LP

SIERRA AVENUE



SE-15-93 Verizon - Harrison Road

2014 Aerial

0 50 100 Feet
1 inch = 100 feet



SE-15-93 Verizon - Harrison Road M. & C. Special Exception

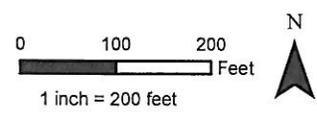


-  Area of Special Exception Request
-  150' Protest Area
-  300' Notification Area
-  Zone Boundaries

C-1, R-2 Zoning of Requested Area



Address: 1051 N. Harrison Road
Base Maps: Sec.10 T.14 R.15
Ward: 2



PUBLIC FACILITIES AND SERVICES REPORT FOR MARCH 31, 2016
(as of March 15, 2016)

SE-15-93 Verizon – Harrison Road, C-1 & R-2 Zones

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 1/26/16.
Planning & Development Services – Sign Code See attached comments dated 2/17/16.
Planning & Development Services – Community Planning: See attached comments dated 2/5/16.
Planning & Development Services – Landscape: See attached comments dated 2/17/16.

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

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, March 16, 2016 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

Place
Stamp
Here

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

SE-15-93

Expose this flap - Affix stamp and return



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

SE-15-93
IMPORTANT REZONING NOTICE ENCLOSED

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