



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

November 13, 2015

SE-14-89 AT&T -- 1st Avenue
Public Hearing: October 29, 2015

BACKGROUND

This is a request by Garrett Jonilonis of Pinnacle Consulting, on behalf of AT&T Mobility, for approval of a wireless communication facility. The special exception site is located approximately 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive.

Land use policy direction for this area is provided by the *Northside Area Plan* and *Plan Tucson*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer also commented that one written approvals and no written protests were received. Garrett Jonilonis, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning.

FINDINGS OF FACT

This is a request by Garrett Jonilonis of Pinnacle Consulting, on behalf of AT&T Mobility, for approval of a wireless communication facility. The special exception site is located approximately 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive. The preliminary development plan (PDP) proposes a wireless communication tower (monopole) 67 feet in height, with nine antennas. The WCF will be placed within an 800 square foot lease area in the eastern-central portion of a 9.03 acre parcel, near the rear facade of the commercial complex building. The overall commercial center has multiple parcels totaling 13.02-acres and functions as one development with retail uses, restaurants, and a fitness center.

A communications use of this type in the C-1 zone is subject to Sections 4.9.13.0 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. 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 by painting the monopole and attachments a brownish rust color.

The rezoning site is located within a mixed-use corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors combine a variety of housing options, 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. *Plan Tucson* policies protect established residential neighborhoods by supporting compatible development, including non-residential uses,

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Rezoning: R-3 to C-1

where the scale and intensity of use is compatible with adjacent uses. Policy LT28.1.2 requires that wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. Policy LT28.1.3 calls for improving the appearance of above-ground utilities and structures and extending access to high-tech wireless communication facilities throughout the city.

Primary vehicular access to the WCF will be through the existing curb cuts and on-site parking area access lanes, and is identified by a 12-foot wide access easement from Limberlost Drive. According to the *Major Streets and Routes Plan*, Limberlost Drive is a local street and 1st Avenue is designated as an arterial street. 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.

The proposed monopole will include three antennas per sector with three sectors for a total of nine antennas. Mitigation measures supported by staff include placement of antennas and other attachments as close to the monopole as practical, a sector width as narrow as practical, and with all surfaces and attachments painted in a rust color to minimize visual impacts. The PDP proposes a standoff dimension from the monopole to the T-bar mount of 18 inches and a width for each sector of 56 inches. The nearest residential development is an adjacent multi-family complex, zoned R-3, located approximately 220 feet to the east, and the nearest residential unit within the complex is approximately 300 feet northeast of the WCF. The applicant has submitted a photo-simulation of the monopole, which will be set back from both 1st Avenue and Limberlost Drive by approximately 500 feet. The monopole will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets.

The applicant proposes to place the monopole and ground equipment within an 800 square foot lease area behind and to the east of the commercial building, in an area which is currently a portion of the designated loading area for the commercial development. Zoning Review staff may require a revised tentative plat to ensure that current off-street loading standards are met. Ground equipment will be housed inside an equipment cabinet located next to a proposed diesel backup generator, both to be located on a concrete slab and screened by a 10-foot masonry wall. The proposed back-up generator shall be designed to minimize potential noise impacts to the adjacent multi-family residential complex. Staff recommends the masonry screen wall surrounding the lease area be painted in neutral desert colors to match nearby existing walls.

The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.0 and 4.9.4.1.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation.

4.9.4.1.7

- a. Wireless communication antennas, provided:

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- (1) The tower or antennas are not permitted by other provisions of this Section.
- (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.
- (3) All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
- (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.
- (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.

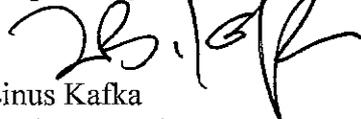
CONCLUSION

The proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in the *Northside Area Plan* and *Plan Tucson*, which support development designed to be compatible with and sensitive to surrounding land uses. The proposed WCF has been designed to 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.

RECOMMENDATION

The Zoning Examiner recommends approval of the Special Exception request.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

Public Hearing Minutes
Rezoning Staff Report



MEMORANDUM

DATE: October 14, 2015
For October 29, 2015 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: Jim Mazzocco
Planning & Development Services
Interim Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
Mayor and Council Special Exception Procedure
SE-14-89 AT&T – 1st Avenue, C-1 (Ward 3)

Issue – This is a request by Garrett Jonilonis of Pinnacle Consulting, on behalf of AT&T Mobility, for approval of a wireless communication facility (WCF). The special exception site is located approximately 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower (monopole) 67 feet in height, with nine antennas. The WCF will be placed within an 800 square foot lease area in the eastern-central portion of a 9.03 acre parcel, near the rear façade of the commercial complex building. The overall commercial center has multiple parcels totaling 13.02-acres and functions as one development with retail uses, restaurants, and a fitness center.

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. 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 by painting the monopole and attachments a brownish rust color.

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: The site is currently developed with commercial uses.

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 are permitted.

Surrounding Zones and Land Uses:

North: Zoned C-2; Retail Commercial, Automotive, and Office

South: Zoned C-1, O-3 and R-2; Retail Commercial and Multi-family Residential

East: Zoned R-3; Multi-family Residential

West: Zoned C-1 and R-3; Retail Commercial, Financial, and Multi-family Residential

Previous Cases on the Property:

C9-04-11 Landmark Series 1 – First Avenue, MH-1 to C-1 – This was a request for a rezoning to allow construction of a portion of a new shopping center with 93,632 square feet of gross floor area in five buildings on the 9.78-acre site. On November 22, 2004, the Mayor and Council voted 7 to 0 to authorize the applicant to proceed with the rezoning of the subject property from MH-1 to C-1 zoning subject to conditions. On January 24, 2006, the Mayor and Council voted 7 to 0 to adopt ordinance No. 10241, effectuating the rezoning.

Related Cases:

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.

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-13-26 AT&T – 22nd Street, 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 in back of an existing shopping center at the southwest corner of 22nd Street and Country Club Road. On August 6, 2013, Mayor and Council voted 6-1 to deny AT&T's wireless

communication 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 67-foot high cellular communications monopole with associated equipment on a parcel currently developed with commercial uses.

Planning Considerations – Land use policy direction for this area is provided by the *Northside Area Plan (NSAP)* and *Plan Tucson*. Although the *NSAP* does not have specific language for wireless communication facilities, it does support commercial development at this location.

The rezoning site is located within a mixed-use corridor as identified on the Future Growth Scenario Map of *Plan Tucson*. Mixed-use corridors combine a variety of housing options, 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. *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. Policy LT28.1.2 requires that wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. Policy LT28.1.3 calls for improving the appearance of above-ground utilities and structures and extending 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 ground lease area is 20 feet by 40 feet with ground level equipment that will be screened from view by a 10-foot high masonry wall textured and painted to match nearby existing walls.

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 monopole will include three antennas per sector with three sectors for a total of nine antennas. Mitigation measures supported by staff include placement of antennas and other attachments as close to the monopole as practical, a sector width as narrow as practical, and with all surfaces and attachments painted in a rust color to minimize visual impacts. The PDP proposes a standoff dimension from the monopole to the T-bar mount of 18 inches and a width for each sector of 56 inches. Neighborhood meeting minutes dated August 26, 2014, and e-mail correspondence between neighborhood representatives and the

applicant indicate that area residents generally support a monopole in this location if finished in a dark brown or rust color on Corten Steel.

The nearest residential development is an adjacent multi-family complex, zoned R-3, located approximately 220 feet to the east, and the nearest residential unit within the complex is approximately 300 feet northeast of the WCF. The applicant has submitted a photo-simulation of the monopole, which will be set back from both 1st Avenue and Limberlost Drive by approximately 500 feet. The monopole will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets.

The applicant proposes to place the monopole and ground equipment within an 800 square foot lease area behind and to the east of the commercial building, in an area which is currently a portion of the designated loading area for the commercial development. Zoning Review staff may require a revised tentative plat to ensure that current off-street loading standards are met. Ground equipment will be housed inside an equipment cabinet located next to a proposed diesel backup generator, both to be located on a concrete slab and screened by a 10-foot masonry wall. The proposed back-up generator shall be designed to minimize potential noise impacts to the adjacent multi-family residential complex. Staff recommends the masonry screen wall surrounding the lease area be painted in neutral desert colors to match nearby existing walls. Staff further recommends that any graffiti be removed within 72 hours of observation.

Staff acknowledges that the proposed WCF will help improve telecom services to the established neighborhoods and businesses in the area. The proposed WCF is setback 320 feet from the nearest residential unit to the northeast, 500 feet from nearby streets to the south and west, and is partially screened from adjacent developments by existing on-site commercial buildings. The proposal is in general compliance with *Northside Area Plan* and *Plan Tucson*, and does not require a plan amendment.

Road Improvements/Vehicular Access/Circulation – Primary vehicular access to the WCF will be through the existing curb cuts and on-site parking area access lanes, and is identified by a 12-foot wide access easement from Limberlost Drive. According to the *Major Streets and Routes Plan*, Limberlost Drive is a local street and 1st Avenue is designated as an arterial street.

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 an 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 to 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 67-foot monopole in the C-1 zone does not conform to any other section of the code because it exceeds 50 feet in height.

- (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 approximately 3,000 feet northwest of the proposed site. This facility is not suitable to fit within the existing sites on AT&T's network. The search ring to resolve the coverage gap has a radius of approximately 0.5 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 monopole and painted a rust color on Corton Steel. For this section of the UDC, painting is considered a method of concealing or disguising a tower.

- (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 3,000 feet to the northwest of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 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 proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in the *Northside Area Plan* and *Plan Tucson*, which support development designed to be compatible

with and sensitive to surrounding land uses. The proposed WCF has been designed to 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 development package in substantial compliance with the preliminary development plan dated August 25, 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 (l) 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 sixty-seven (67) 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 August 25, 2015.
9. Antenna dimensions shall not exceed ninety-eight (98) inches in length, fourteen (14) inches in width, and eight (8) inches in depth.
10. Any graffiti visible from the public right-of-way or from nearby residential development shall be removed within 72 hours of observation.
11. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, on the monopole.
12. Antenna T-arm standoff from pole shall not exceed eighteen (18) inches as shown on Preliminary Development Plan dated August 25, 2015.

13. Maximum sector width shall not exceed fifty-six (56) inches as shown on Preliminary Development Plan dated August 25, 2015.
14. 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. The generator shall include a fuel catchment feature designed to contain at least 210 gallons of fuel in the event of a leak.
15. Ground equipment to be located within lease area and enclosed by a ten foot high masonry wall with surface texture and color to match adjacent on-site trash enclosure, as shown on Preliminary Development Plan dated August 25, 2015.
16. Full length of monopole surface shall be corten steel finish to minimize visual impacts. Antennas and other collocating equipment shall be painted or finished to complement corten steel finish of pole.
17. Due to the location of the wireless communication facility within a designated loading zone for the commercial center per tentative plat S05-207, applicant shall verify compliance with off-street loading standards in UDC Sec. 7.5, and if necessary, shall revise the tentative plat to demonstrate compliance with UDC requirements.
18. Plans for future carriers must be approved through the special exception process.