



MEMORANDUM

DATE: September 16, 2020
For October 1, 2020 Hearing

TO: John Iurino
Zoning Examiner

FROM: Scott Clark 
Planning & Development Services
Interim Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
Mayor and Council Special Exception Procedure
SE-20-09 T-Mobile – 460 E Drexel Road, R-2 (Ward 5)

Issue – This is a request by Reg Destree for SBA Towers IX, LLC on behalf of T-Mobile, for approval of a wireless communication facility (WCF). The special exception site is located southeast of the intersection of Drexel Road and Nogales Highway, approximately 120 feet south of Drexel Road and 120 feet east of Nogales Highway, just west of the Union Pacific Railroad tracks (see Case Location Map). The parcel is owned by the Union Pacific Railroad and the existing use on the parcel is the railroad track, which is used for transporting goods between Tucson and Nogales. The preliminary development plan (PDP) proposes a wireless communication tower (monopole) 80 feet in overall height (including top-mounted lightning rod), with nine antennas. The tower, not including the lightning rod, has a proposed height of 75 feet, with top point of attached antennas being 76 feet and 8 inches. The WCF will be placed within a 2,450 square foot lease area in the northwestern portion of a 23.71-acre elongated parcel that extends approximately 1 mile from Drexel Road on the north to Valencia Road on the south.

A communications use of this type in the R-2 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. The tower and attachments will be a brown 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 a Union Pacific Railroad line.

Zoning Descriptions:

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

Surrounding Zones and Land Uses:

North: Zoned R-2, C-2, and I-1; Union Pacific Railroad, Commercial, Industrial, Manufacturing, and Educational (TUSD- Drexel Elementary School)

South: Zoned R-2 and C-2; Union Pacific Railroad and vacant land

East: Zoned R-2; Vacant Land and Residential

West: Zoned C-2 and R-2; Vacant Land, Commercial and Residential

Previous Cases on the Property: None

Related Cases:

SE-17-172 T-Mobile - Drexel Road, R-2 Zone – This was a request for approval of a wireless communication facility designed as a rust-colored steel monopole, 80 feet in height and associated equipment as a special exception land use in the R-2 zone. The special exception site was located 220 feet north of Drexel Road and 100 feet east of Nogales Highway. On February 20, 2019, the Mayor and Council adopted Ordinance No. 11623, allowing the special exception. However, on August 7, 2020 the applicant withdrew the request in favor of the new subject case site location on the south side of Drexel Road.

SE-14-89 AT&T- 1st Avenue, C-1 Zone – This was a request for approval of a wireless communication facility with monopole constructed of corton steel in a brown rust color, 67 feet in height, and associated equipment as a special exception land use in the C-1 zone. The special exception site is located 500 feet east of 1st Avenue and 500 feet north of Limberlost Drive. On February 23, 2016, the Mayor and Council adopted Ordinance No. 11342, allowing the special exception.

Applicant's Request – The applicant requests special exception approval for the placement of a 80-foot high cellular communications monopole with associated equipment within a lease area on a parcel currently developed with a Union Pacific Railroad line.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson (PT)*, which supports policy that utilizes the Future Growth Scenario Map as a guide for determining the general location of development opportunities, development patterns, land use and transportation concepts, while also considering area and site specific issues.

The project site is located in an area identified on the *PT* Future Growth Scenario Map as a Neighborhood of Greater Infill Potential. These areas are residential neighborhoods and commercial districts for which there is potential for new development and redevelopment in the next several decades. *PT* policy supports the improving the appearance of above-ground utilities and structures and extending access to high-tech wireless communications facilities throughout the city. *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 the plan. 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 70 feet by 35 feet with ground level equipment that will be screened from view by an 8-foot high masonry wall with a 12-foot wide vehicle access gate along its north side.

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 in the initial T-Mobile array, with room shown on the PDP for two more antenna arrays below. Mitigation measures supported by staff include the 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 indicates the tower will be constructed with a brown rust-colored steel, with all antennas, mounts, cabling and other related visible equipment painted to match. The proposed standoff dimension from the monopole to the T-bar mount is 18 inches, and the width of each antenna sector is shown to be 72 inches.

The required neighborhood meeting was held virtually by the applicant on June 11, 2020. The submitted meeting materials indicate that the only attendees were the applicant and his wife, who was there to ensure that the on-line meeting link was working correctly. The applicant states in the submitted report that no calls, emails or any negative comments were received. The nearest residential development is a mix of single-family and multi-family homes, zoned R-2, located approximately 300 feet to the southeast of the site across the railroad tracks.

The applicant has submitted a photo-simulation of the monopole, which will be set back from Nogales Highway by approximately 120 feet, and from Drexel Road by approximately 120 feet. The monopole will be visible from the surrounding residential neighborhoods, commercial developments, and from nearby streets. The applicant is proposing a monopole rather than a stealth tree design, such as a monopalm, monopine, or monoelm because there are no existing tall live trees in the vicinity to provide context, and because it will facilitate collocation possibilities for other future wireless carriers.

Existing vertical structures in the area consist of street light poles, nearby school light poles, and a number of electrical power poles, including large (approximately 130 feet tall) TEP lattice towers which align roughly east to west and running approximately 350 feet to the north of the site. The nearest of these towers is located approximately 700 feet northwest of the site and is equipped with wireless antennas for another carrier (Sprint), located at approximately 45 feet in centerline height. The applicant's report indicates that this tower was investigated for possible collocation but does not provide the necessary centerline antenna height (approximately 65 to 70 feet) for T-Mobile's purposes due to the numerous transmission lines which extend across and through the tower. Other existing sites are approximately one mile in each cardinal direction. None of these sites satisfied T-Mobile's the need to fill the coverage gap.

The applicant proposes to place the monopole and ground equipment within a 2,450 square foot lease area west of the Union Pacific Railroad tracks, in an area which is currently an undeveloped portion of the railroad-owned property. A portion of the total lease area is designated for a potential future carrier. Ground equipment will be housed inside equipment cabinets. The proposal does not include a backup generator. Staff recommends the masonry screen wall surrounding the lease area be painted in neutral desert colors. 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 proposal is in general compliance with *Plan Tucson*, and does not require a plan amendment.

Road Improvements/Vehicular Access/Circulation – No road improvements are proposed with the project. Primary vehicular access to the WCF for maintenance will be parallel to the Union Pacific tracks and is identified by a 20-foot wide access easement from Drexel Road and leading southward to a 12-foot wide access gate in the north side of the compound wall. According to the *Major Streets and Routes Plan*, Drexel Road is a collector street with a 100-foot right-of-way, and Nogales Highway is designated as an arterial street with a 120-foot right-of-way.

Federal Regulations – Because this Special Exception application involves a wireless communication request, the Zoning Examiner's consideration of the application is impacted by the application of federal laws specific to wireless communications. While federal law does not entirely preempt local decision-making authority based on legitimate zoning requirements, such as community aesthetics and compliance with stealthing requirements, it does impose the following limitations:

- 1) The decision on the application must occur within the “shot clock” period as provided under federal law, which for this type of application is 150 days. In this case, the application was accepted on August 4, 2020 and the “shot clock” period will expire on January 1, 2021. If a decision is not rendered within the “shot clock” period, the review and consideration process is presumed to be unreasonable and affords the applicant the opportunity to file a lawsuit. If sued, the City would need to prove that it acted “reasonably” when it failed to act within the established “shot clock” period. This means that the Zoning Examiner should come to a decision on this application within two weeks of the public hearing.
- 2) The evaluation of the request cannot include consideration of potential environmental or health effects of radio-frequency (RF) emissions where, as here, the facility will comply with FCC regulations and standard on such emissions.
- 3) The decision on the application cannot unreasonably discriminate among providers of functionally equivalent services. A denial may be deemed to be “unreasonable discrimination” if the applicant is similarly situated to other prior applicants and the proposed facility is no more intrusive than other prior applications that have been approved.
- 4) The decision may not have the effect of prohibiting the provision of wireless services, or of causing a significant gap in the applying provider’s coverage. In this context, the relevant issues are: (1) whether the applicant has shown a significant gap in service coverage; and (2) whether the proposal to fill this gap is the least intrusive means of doing so, or whether there are alternative sites that would fill the gap.

In the event of a denial, that decision and its reasons must be delivered to the applicant in writing and must be supported by substantial evidence. Given these constraints, the Zoning Examiner’s consideration and decision on this application should focus on whether the applicant has demonstrated a significant coverage gap; whether that gap could be addressed through an installation at an alternative site; and whether the proposed concealment/stealth measures are sufficient to meet the City’s requirements. The Zoning Examiner should also consider how this application compares to other prior applications for similar facilities. In the event of a denial, the reasons for the denial must be stated so they can be incorporated into a written decision and captured in the meeting minutes.

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 80-foot monopole in the R-2 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 800 feet northwest of the proposed site and located on a large TEP lattice tower. This tower is not suitable for collocation due to the height at which the existing power lines run through it. Other nearby verticality was investigated but no structures met the requirements of T-Mobile'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 steel tower has been designed as a monopole of a rust color with all antennas, mounts and associated tower equipment painted to match pole color. 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 site is located roughly in the middle of four surrounding T-Mobile sites, which are all approximately 1 mile away. The nearest existing WCF is approximately 700 feet to the northwest of the proposed site on a lattice tower, but is not suitable for collocation. The search ring to resolve 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 proposal is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with policy direction in *Plan Tucson*, which supports 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

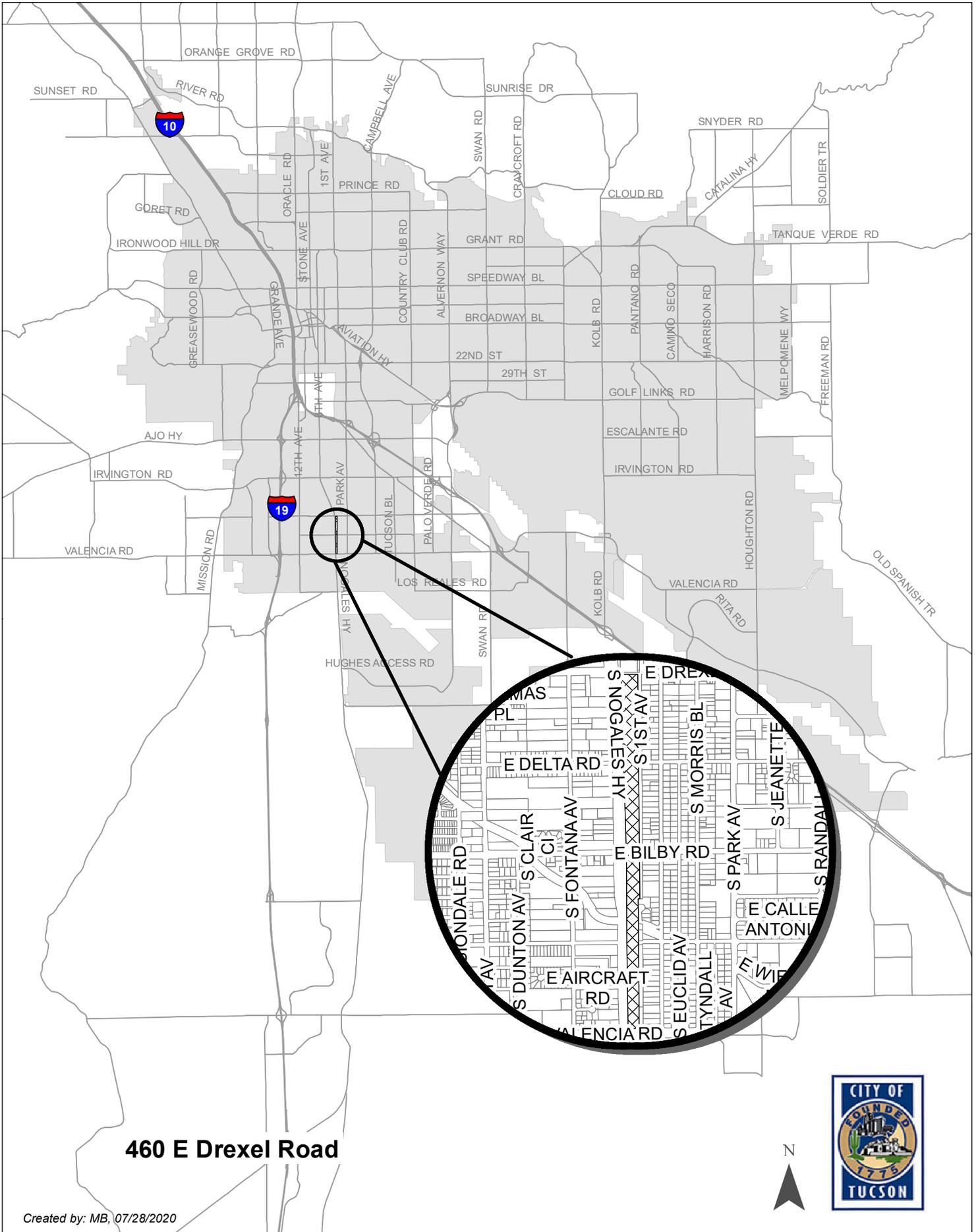
1. A site plan in substantial compliance with the preliminary development plan dated July 24, 2020, is to be submitted and approved in accordance with *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment 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 lightning rod, shall not exceed eighty (80) feet in height from grade elevation.
8. Full length of monopole surface shall be a rusted steel finish to minimize visual impacts. Antennas and other collocating equipment shall be painted or finished to match finish of pole.
9. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, on the monopole.
10. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
11. Ground equipment to be screened and located within lease area as depicted on the preliminary development plan dated July 24, 2020.

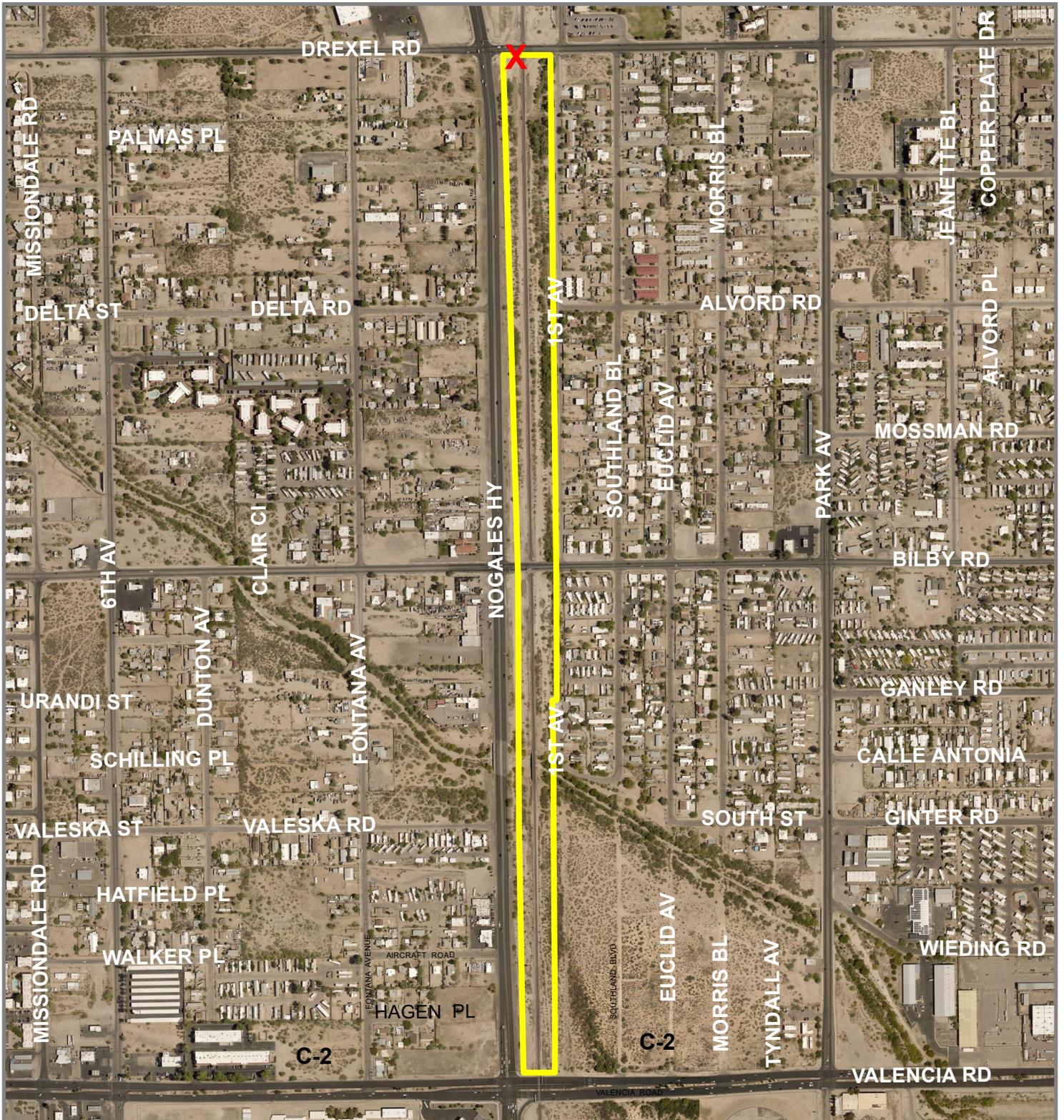
12. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be painted with graffiti-resistant paint of an earthtone color.
13. Six-(6) inch wide block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
14. If required, any existing easements situated within any portion the lease area shall be abandoned/vacated prior to site plan approval.

SE-20-09



460 E Drexel Road

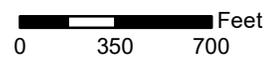




 Subject Property

X = Approximate location of cell tower

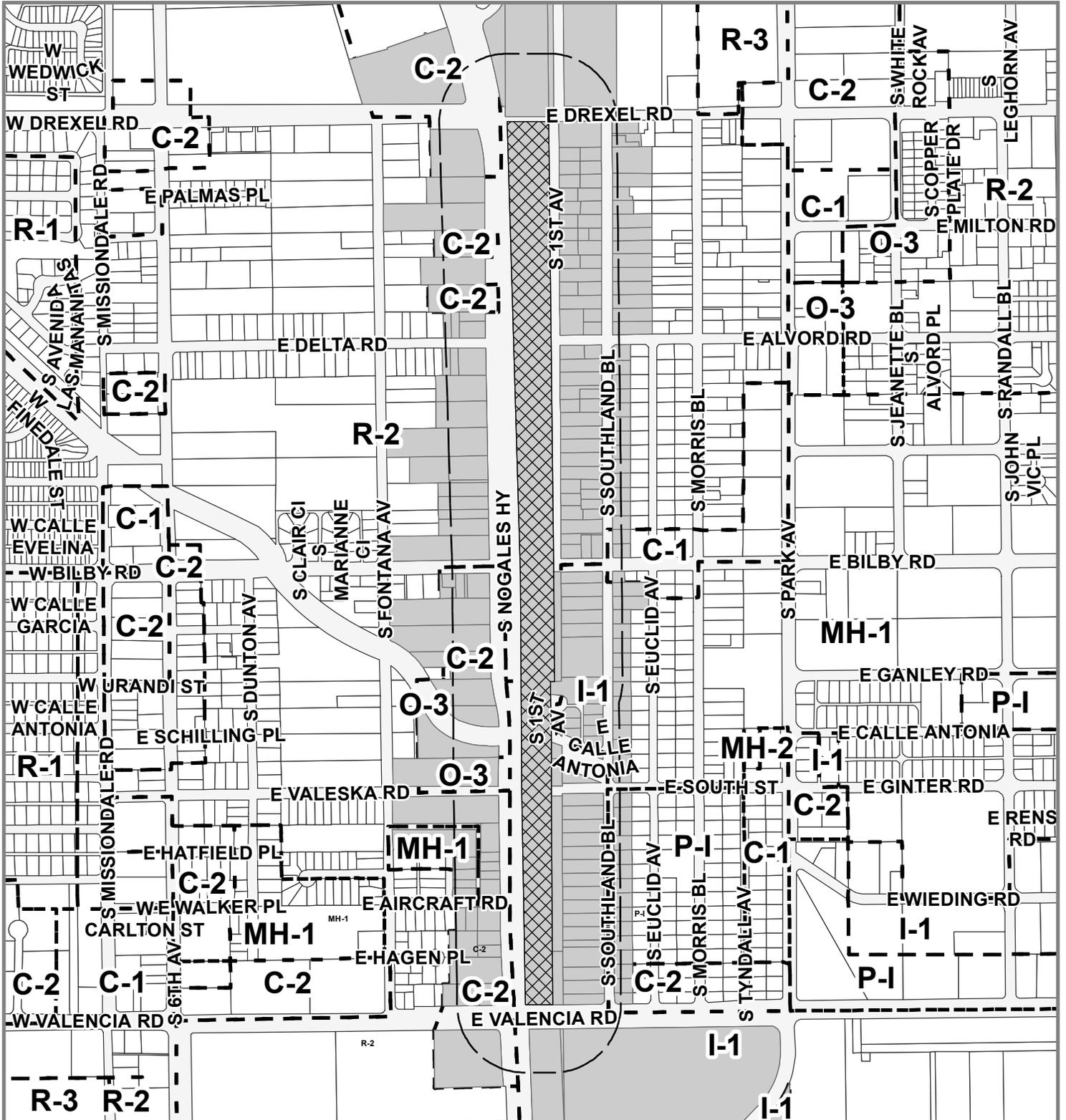
Address: 460 E Drexel Road
Base Maps: Sec.12 T.15 R.13
Ward: 5

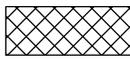
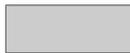
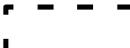


1 inch = 699.061868 feet

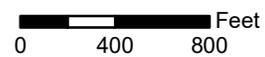


SE-20-09 T-Mobile Mayor and Council Special Exception



-  Area of Special Exception Request
-  Notification Area (400-foot Radius)
-  Properties Notified
-  Zone Boundaries

Address: 460 E Drexel Road
 Base Maps: Sec.12 T.15 R.13
 Ward: 5



1 inch = 806.71 feet



OVERALL SITE PLAN KEYED NOTES:

1. EXISTING STREET CURB
2. EXISTING TELCO MANHOLE
3. EXISTING U.G. TELCO LINE PER BLUE STAKE MARKING
4. EXISTING U.G. FIBER LINE PER BLUE STAKE MARKING
5. EXISTING U.G. ELECTRIC LINE PER BLUE STAKE MARKING
6. EXISTING U.G. WATER LINE PER BLUE STAKE MARKING
7. EXISTING OVERHEAD ELECTRIC LINE (TYP.)
8. EXISTING UTILITY POLE (TYP.)
9. EXISTING RAILROAD
10. EXISTING STREET SIGN
11. EXISTING TRAFFIC LIGHT POLE
12. EXISTING STREET LIGHT POLE
13. EXISTING UTILITY CABINET (TYP.)
14. EXISTING FIBER PEDESTAL
15. VACANT LAND

NEW SITE PLAN KEYED NOTE:

1. NEW 20'-0" WIDE SBA NON-EXCLUSIVE ACCESS CORRIDOR & UTILITY EASEMENT
2. NEW SBA FIBER MEET POINT, FINAL LOCATION TO BE DETERMINED
3. NEW SBA 35'x70' LEASE AREA
4. NEW 4" U.G. CONDUIT FOR FIBER RUN FROM SITE VAULT TO NEW MEET POINT, SEE DETAIL 2 ON SHEET E-3
5. NEW 2.5" U.G. CONDUIT FROM EXISTING TRANSFORMER ON EXISTING UTILITY POLE TO NEW METER APPROX. 120', SEE DETAIL 1 ON SHEET E-3



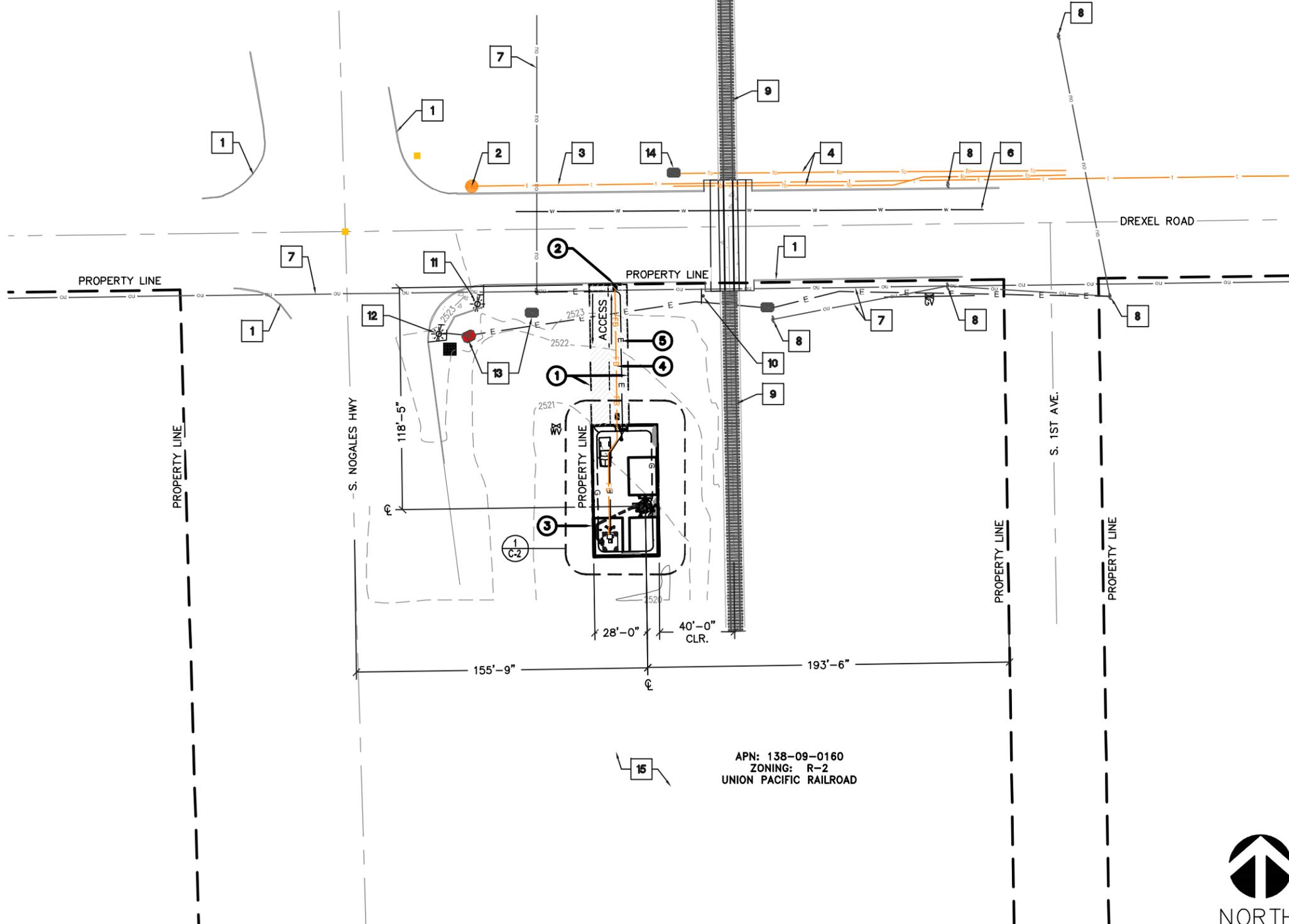
KEY MAP

LEGEND		
BLDG	TOP OF BUILDING	STREET LIGHT
CLF	CHAIN LINK FENCE	FIRE HYDRANT
CONC	CONCRETE	POWER POLE
D/W	ACCESS DRIVEWAY	POSITION OF GEODETIC COORDINATES
FC	FACE OF CURB	SPOT ELEVATION
NG	NATURAL GRADE	WATER CONTROL VALVE
R/W	RIGHT OF WAY	GROUND ROD
TREES	TREES	GROUND BUS BAR
NEW ANTENNA	NEW ANTENNA	MECHANICAL GRND. CONN.
EXISTING ANTENNA	EXISTING ANTENNA	CADWELD
REVISION	REVISION	GROUND ACCESS WELL
CONSTRUCTION KEYED NOTE	CONSTRUCTION KEYED NOTE	ELECTRIC BOX
DETAIL REFERENCE	DETAIL REFERENCE	TELEPHONE BOX
ELEVATION REFERENCE	ELEVATION REFERENCE	MONOPOLE
SECTION REFERENCE	SECTION REFERENCE	GRAVEL
GROUT OR PLASTER	GROUT OR PLASTER	PLYWOOD
(E) BRICK	(E) BRICK	SAND
(E) MASONRY	(E) MASONRY	WOOD CONT.
CONCRETE	CONCRETE	WOOD BLOCKING
EARTH	EARTH	STEEL
CHAIN LINK FENCE	CHAIN LINK FENCE	
CURLINES	CURLINES	
WATER LINES	WATER LINES	
IRRIGATION LINES	IRRIGATION LINES	
SEWER LINES	SEWER LINES	
GAS LINES	GAS LINES	
OVERHEAD LINES	OVERHEAD LINES	
ELECTRIC LINES	ELECTRIC LINES	
(E) FIBER OPTIC LINES	(E) FIBER OPTIC LINES	
(N) FIBER OPTIC LINE	(N) FIBER OPTIC LINE	
STREET CENTERLINES	STREET CENTERLINES	
RIGHT OF WAY LINES	RIGHT OF WAY LINES	
LEASE AREA LIMITS	LEASE AREA LIMITS	
MAJOR CONTOUR INTERVAL	MAJOR CONTOUR INTERVAL	
MINOR CONTOUR INTERVAL	MINOR CONTOUR INTERVAL	

Two working days before you dig,
CALL FOR THE BLUE STAKE!
1 (602) 263-1100 or
1 (800) STAKE-IT (782-5348)
(OUTSIDE MARICOPA COUNTY)

APN: 137-01-008A
ZONING: R-2

SETBACK FROM CENTER LINE OF MONOPOLE TO NEAREST PROPERTY LINE	
NORTH:	±118'-5"
SOUTH:	±5,115'-0"
EAST:	±193'-6"
WEST:	±28'-0"



APN: 138-09-0160
ZONING: R-2
UNION PACIFIC RAILROAD

SBA
Building Better Wireless

SBA TOWERS IX LLC.
A DELAWARE LIMITED LIABILITY COMPANY
5900 BROKEN SOUND PKWY. NW
BOCA RATON, FL 33487
PHONE: 1-800-487-7483

SiinoDesign

16616 EAST PARKVIEW AVE.,
SUITE #1
FOUNTAIN HILLS, ARIZONA 85268
PHONE: (480) 268.9000
FAX: (480) 284.5051
www.siinodesign.com

PE SEAL:

NO.	DATE	DESCRIPTION	REVIEW CD
A	01/29/20		

REVISIONS			
NO.	DATE	DESCRIPTION	REVIEW CD
A	01/29/20		

SITE I.D.:
AZ22168-S

SITE NAME:
UPRR DREXEL

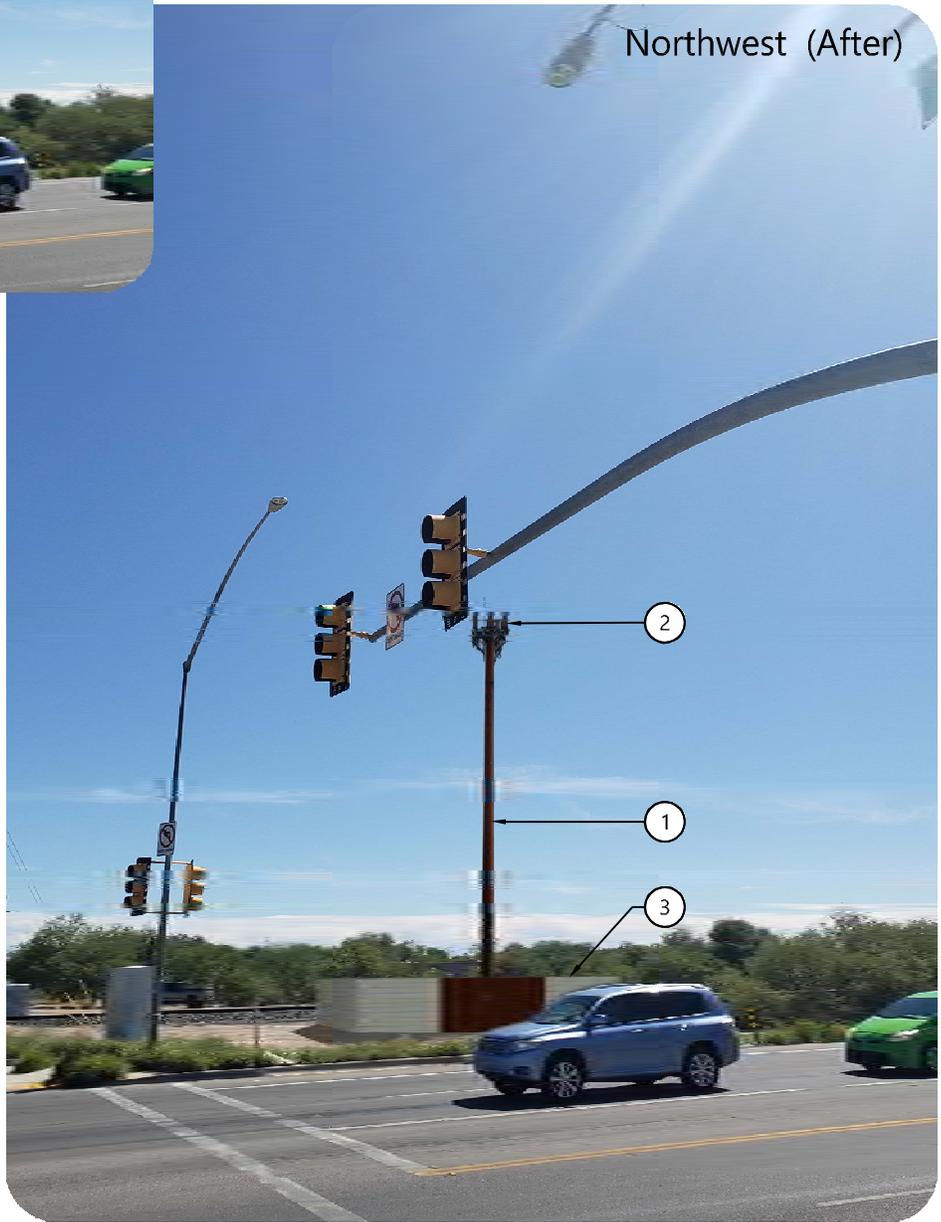
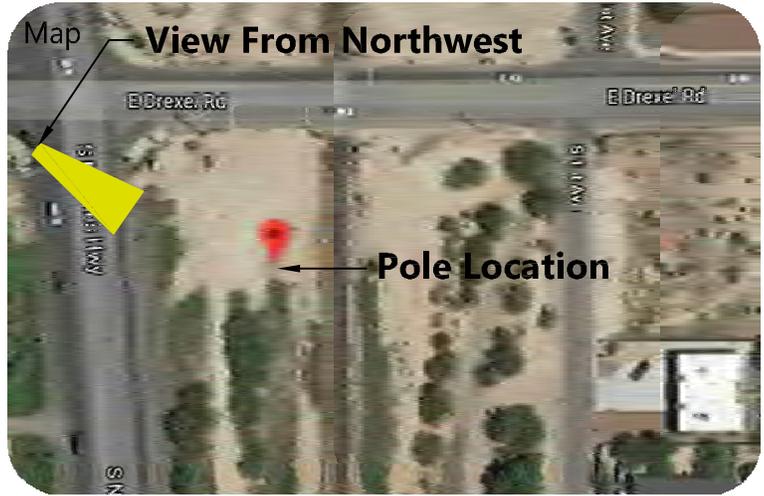
SITE ADDRESS:
460 EAST DREXEL RD.
TUCSON, AZ 85706

DRAWN BY:	JN
CHECKED BY:	YJ
DATE:	1/29/2020
PROJECT #:	TBD

SHEET TITLE:
OVERALL SITE PLAN

SHEET NO.
C-1





AFTER ELEVATION KEYED NOTES: #

1. NEW MONOPOLE
2. NEW ANTENNAS
3. NEW EQUIPMENT ENCLOSURE

Simulation By: Christopher M. Siino, MBA, MSTL, PMP, MCP - csiino@siinodesign.com



AZ22168-S UPRR DREXEL

460 E. DREXEL RD. TUCSON, AZ 85706

Place
Stamp
Here

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

SE-20-09

Expose this flap - Affix stamp and return



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

SE-20-09
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED