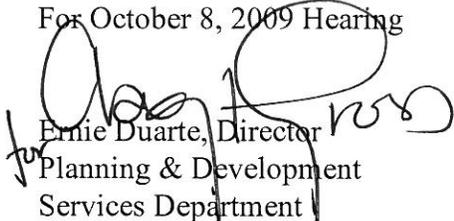




MEMORANDUM

DATE: September 23, 2009
For October 8, 2009 Hearing

TO: Peter M. Gavin
Zoning Examiner

FROM:  Ernie Duarte, Director
Planning & Development
Services Department

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & DEVELOPMENT
SERVICES REPORT
SE-09-17 Air Cell – Kolb Road, RH Zone (Ward 4)

Issue – This is a request by Michael J. Campbell, of Crown Castle International, on behalf of the property owners, Arizona Board of Regents, to allow a wireless communication tower as a special exception land use in the RH zone. The special exception site is located on the eastern side of Kolb Road bounded by the Union Pacific Railroad tracks to the north at 7501 S. Kolb Road (see Case Location Map). The preliminary development plan proposes a wireless communication tower with a height of 150 feet, a four-tier antenna arrangement, and associated ground equipment. The proposed tower will replace an existing 90' tower located approximately 4100 feet to the southeast of the subject site. The Arizona Board of Regents requested the tower be moved as part of the long-term planning for the Arizona Science and Technology Park.

A communications use of this type is subject to Section 3.5.4.20.G.1 of the *Land Use Code (LUC)* and requires approval through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and 5.4.3. A public hearing before the Zoning Examiner is required. The Zoning Examiner will make a recommendation to the Mayor and Council, who will render a decision to grant the use with or without conditions, or to deny the use.

Planning and Development Services Recommendation – The Planning & Development Services Department recommends approval of the requested special exception use, subject to a maximum tower and appurtenances height of 145 feet, and the attached preliminary conditions.

Background Information

Existing Land Use: Undeveloped.

Surrounding Zones and Land Uses:

North: Zoned I-2; vacant.
South: Zoned RH; vacant.
East: Zoned Pima County RH; vacant.
West: Zoned PAD-7; vacant.

Previous Cases on the Property: none

Related Cases:

C10-85-60 JM and FJ Naifeh, R-3 Zone Board of Adjustment approval of a 150 communications tower, on the east side of Harrison Road, approximately one-quarter mile south of Broadway Boulevard. Subsequent Special Exception cases added additional carriers and antennae to the tower.

C10-85-61 Antonio and Isabel Apodaca, C-2 Board of Adjustment approval of a 150' communications tower north of Benson Highway and west of Treat Avenue. Subsequent Special Exception cases, including the recent SE-09-10, added additional carriers and facilities to the tower.

Applicant's Request – A request for approval to allow a new cell tower with a height of 150 feet as a special exception land use in the RH zone.

Planning Considerations

Land use policy guidance is provided by the Esmond Station Area Plan (ESAP) and the General Plan. The Esmond Station Area Plan Commercial Policy 2 is to ensure commercial development is compatible with surrounding uses. In addition subpolicy 5 states Kolb Road is a designated controlled access corridor and therefore the proposed development access must conform to the access plan approved for the Kolb Road corridor.

The General Plan provides a broader guidance for locating wireless communications facilities. Element 4 (Community Character and Design) Policy 3.7 requires that, whenever possible, telecommunications facilities be located, installed and maintained to minimize visual impacts and preserve views. Policy 4.6 is to promote the coordination of efforts of government, private developers, and utility firms to improve the appearance of necessary aboveground utility lines and structures

The proposed telecommunication facility is supported; subject to view sheds and appropriate design and color. Buffering and screening of ground equipment should include a masonry wall and landscape material to mitigate potential negative impacts.

Vehicular access to the rezoning site is proposed from Kolb Road, identified as an arterial roadway with a future right-of-way of 150 feet on the *Major Streets and Routes Plan* map.

Field inspection by staff indicates there are currently no billboards on the Special Exception site.

Design Considerations

Land Use Compatibility – The proposed use is generally compatible with surrounding land uses. The area east of Kolb is planned for commercial and industrial uses. Currently, there are few residences near the proposed site, and they are over 4,000 feet from the site, and south of the interstate. The monopole is to be located in the vicinity of existing vertical structures with proportional heights, such as: the Kolb Road railroad overpass; an industrial water tower with antennae and an industrial equipment tower, west of Kolb Road; utility poles; and Interstate-10 light poles.

Re-location of the tower to the proposed site provides a visual benefit. The existing tower is quite visible from Interstate 10 at the “gateway to the City.” Removal of the existing tower will improve the visual character of the area as seen from I-10.

The proposed monopole is designed to be multi-carrier with future ground pads accommodated in the proposed equipment compound, thus reducing the potential of a saturation of telecommunication towers in the area. The monopole design of this project and its proposed location is in keeping with the intent of the applicable plans.

The site is within the Tucson International Airport public disclosure area and traffic pattern space and also within the City of Tucson Airport Environs Zone (AEZ). As a condition, the Tucson Airport Authority requests that the owner record a disclosure statement recognizing the existence and operational characteristics of the Tucson International Airport.

Because Davis-Monthan Air Force Base (DMAFB) is located north of the proposed site, ESAP policy calls for compatibility of new development with existing and future operations of the DMAFB. DMAFB has reviewed the proposed cell tower against USAF & Airport Environs Zone height requirements. Using the AF standard 50:1 slope ratio (per Unified Facilities Criteria 03-260-01), the cell tower would fall below the allowable height requirements. However, if DMAFB applies the more stringent AEZ 60:1 slope ratio, the proposed tower would penetrate the allowable height surface by 2.12 feet. To meet the more restrictive height restrictions, the applicant can move the pole to a location that can accommodate 150’, or reduce the height of the pole.

The applicant prefers to leave the tower location as proposed, and reduce the maximum height of the tower to 145’ to ensure compliance with height regulations. Both the applicant and DM representatives agree to the 145’ maximum height. Staff also concurs with 145’. The maximum height, per the Land Use Code, will be measured from design grade and will apply to the tower and all appurtenances.

Drainage/Grading/Vegetation – The Kolb Road Detention Basin, a Pima County facility adjacent to the north of the site, and the Julian Wash contain the ponding associated with the detention basin and 100-year discharge of the wash. Due to the close proximity of the wash and basin, detention/retention is not required.

Perimeter walls surrounding the ground equipment enclosure shall be of masonry construction. A ten-foot wide landscape buffer with ground cover planting and canopy trees, shall be planted around the compound. The landscape area shall be on an automatic drip irrigation system. The applicant shall provide elevations drawn to scale for masonry wall around the lease area perimeter.

The proposal is subject to *LUC* Section 3.5.4.20.G.1. Staff has analyzed the proposal and finds that it is in substantial compliance with the *LUC* criteria. Staff comments on each criterion are provided below.

- a. The tower or antennae are not permitted by other provisions of this Section.

The tower exceeds 80 feet in height, the maximum allowed by other provisions of the LUC.

- b. New towers require a minimum separation of one (1) mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

A tower exists west of Kolb Road, adjacent to I-10. This tower is approximately 4,450 feet from the existing tower to be replaced, and will be approximately 3,650 feet from the proposed tower. The reduced separation, due to other tall objects in the area, does not increase visual clutter.

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

It is difficult to conceal a 145' tower, other than through proper placement. The vicinity of the tower is used for commercial and industrial uses, and it developed with several tall industrial landmarks, so that the proposed tower is not the only verticality. In addition, the tower base will be below the grade of Kolb Road, the tower will be setback approximately 400 feet from Kolb Road, and the equipment compound will be surrounded by a painted block wall and landscaping.

- d. 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 proposed tower will replace an existing tower which is not tall enough to meet Air Cell's needs, and will accommodate three carriers, in addition to Air Cell. Co-locating carriers on a single monopole is the most efficient method of reducing the proliferation of towers. Because this is a "drop and swap" of towers, the existing tower will be required to be removed within six months after final inspection of the new tower by the City of Tucson.

- e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7, at least fifteen (15) days prior to the date of the public hearing before the Zoning Examiner.

Such notice is sent as a matter of procedure with all items that come before the Zoning Examiner. The notice was made, as required.

Conclusion – The proposed special exception land use for a 145 foot wireless communication monopole is supported and is in general compliance with applicable policy and the intent of the Esmond Station Area Plan, the General Plan, and the Design Guidelines Manual. The 145’ maximum height complies with Air Force regulations and is supported by DM. Subject to compliance with the attached preliminary conditions, approval of the wireless communications facility is appropriate.

s:/rezoning/2009/SE-09-17 sr.doc

Preliminary Conditions

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated July 16, 2009, and the Design Compatibility Report, is to be submitted and approved in accordance with Development Standard 2-02.
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. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
6. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. 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.

LAND USE COMPATABILITY

8. The existing tower is to be removed within six (6) months of the final inspection by the City of Tucson of the proposed tower.
9. Any future carriers, other than Air Cell and those carriers on the existing monopole, as part of the drop and swap, must be approved individually through the appropriate process as determined by the Wireless Communication provisions of the *Land Use Code*.
10. Maximum height of monopole and all appurtenances shall be 145 feet, measured from design grade.
11. Prior to the City's approval of any building permit, the property owner shall record a disclosure statement. The disclosure statement recognizes the existence and operational characteristics of the Tucson International Airport and further conveys the right to the public to lawfully use the airspace above the property. The content of such documents shall be according to the form and instructions provided which have been reviewed and approved by the City Attorney.

Preliminary Conditions

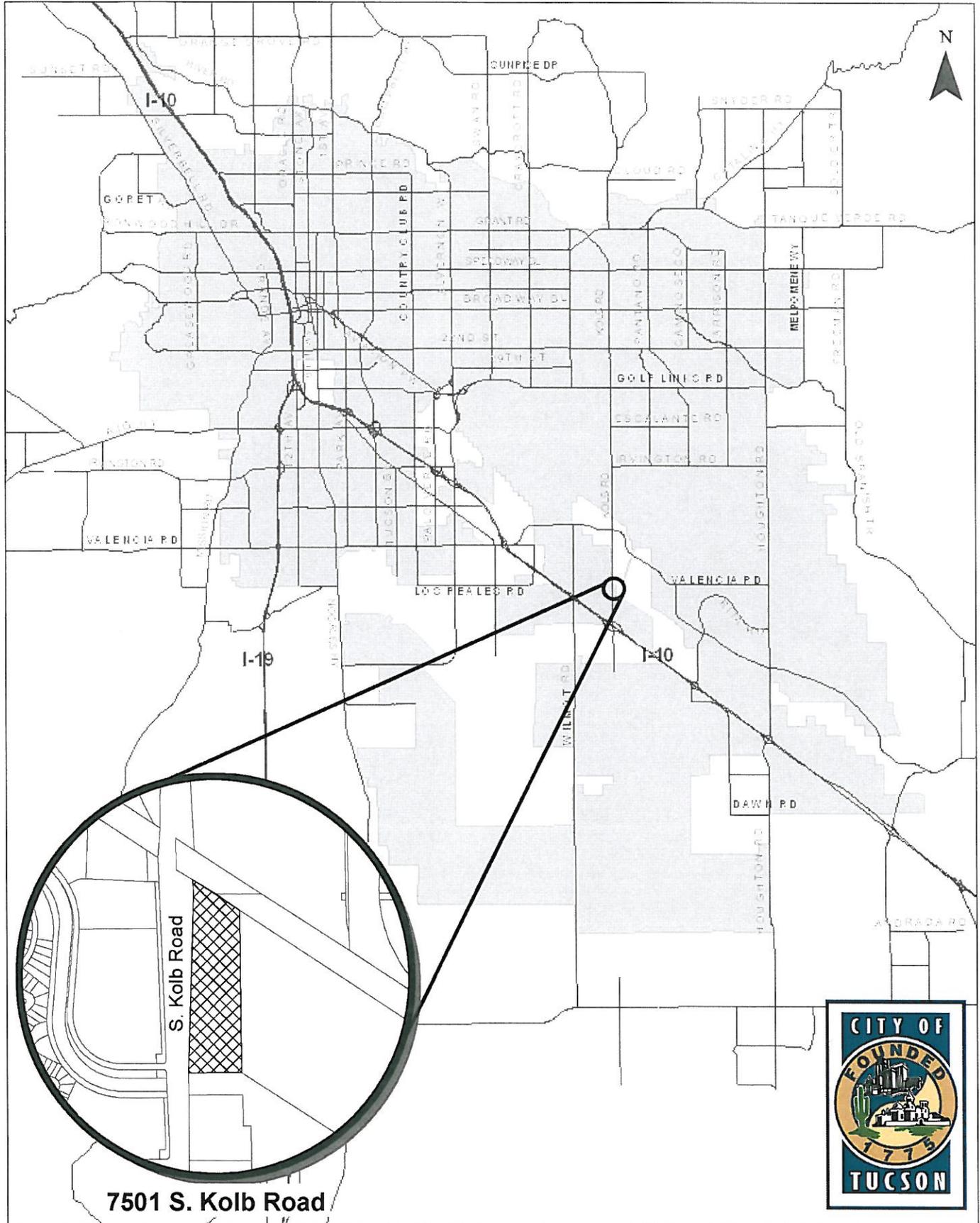
12. The property owner complete and record the Airport Disclosure Statement, and shall forward a copy of the recorded document to: Jordan D. Feld, AICP, Director of Planning, Tucson Airport Authority, 7005 S. Plumer, Tucson, AZ 85756.
13. Site plan to include four-sided elevations drawn to scale for a masonry wall along the lease perimeter. Perimeter walls to include a ten-foot wide landscape buffer with ground cover planting and canopy trees. Landscape area to include an automatic drip irrigation system.
14. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
15. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

16. Rain water harvesting must be conducted at this site per the requirements in Land Use Code (LUC) section 3.7.1.1.A, requiring that landscaping should accomplish natural resources conservation; LUC Section 3.7.4.3.B requiring integration of grading, hydrology and landscaping to make the maximum use of stormwater for on-site irrigation; and LUC Section 3.7.4.5.B requiring that stormwater and runoff harvesting be used to supplement drip irrigation for both new and preserved vegetation. Techniques to design and implement water harvesting are described in the City of Tucson's Water Harvesting Guidance Manual. This document can be downloaded as a pdf file from the following website: <http://dot.ci.tucson.az.us/stormwater/>.

To comply with the above-referenced LUC sections, rainwater harvested from building roofs, sidewalks, and parking lots shall be employed to assist in supporting landscaped areas including parking lot tree wells, landscape buffers, sidewalk plantings, and other vegetation locations at the site. Site plans shall include Water Harvesting Plan & Detail sheet(s) showing all water harvesting locations at the site including common areas, perimeter buffer areas and any retention/detention basins and should include the length, width and finished depth of the water harvesting areas, curb openings, raised walkways, use of mulch, and drainage arrows showing runoff routing to each water harvesting area and information on where overflow will be routed.

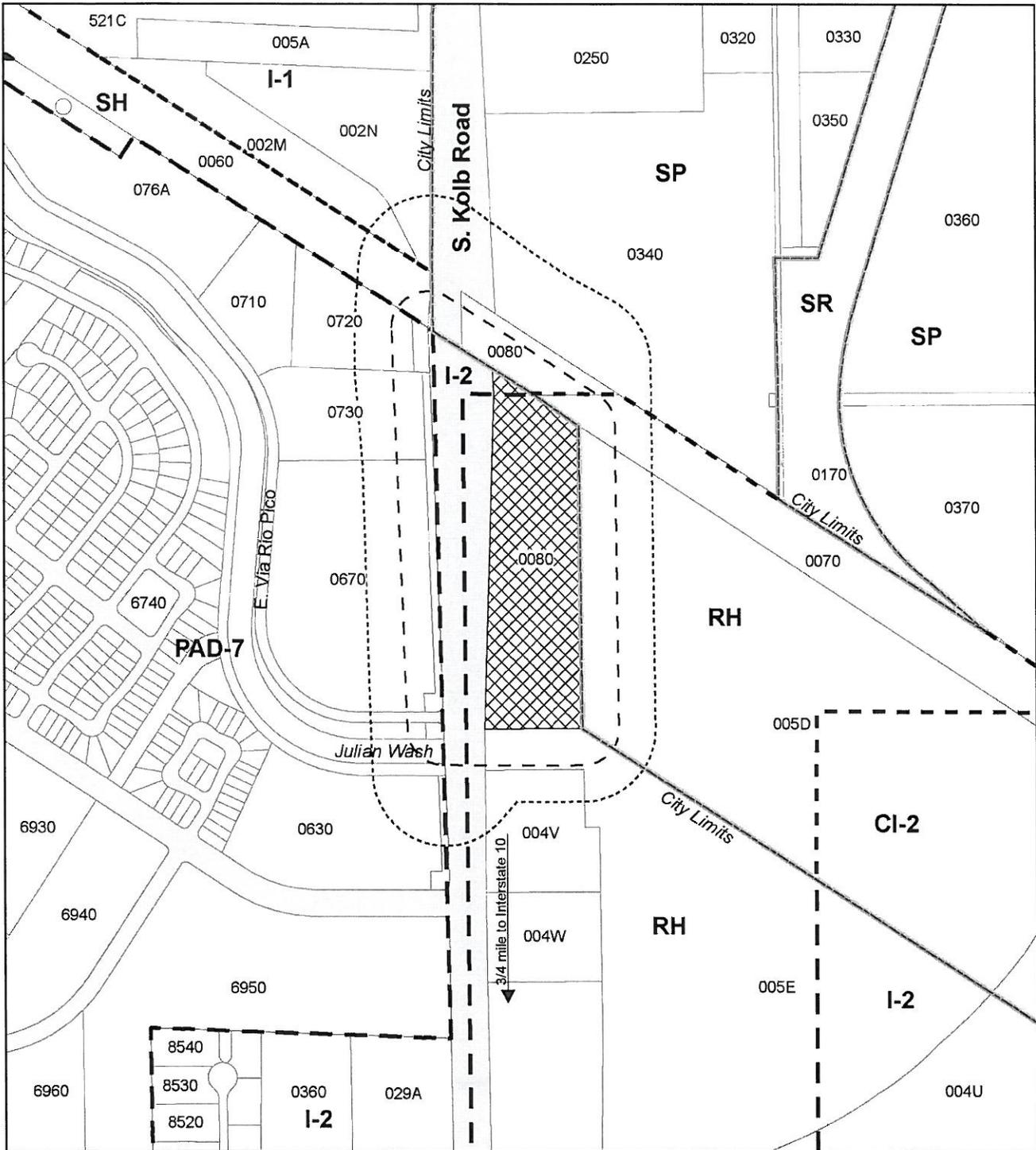
SE-09-17 AirCell - Kolb Road



7501 S. Kolb Road

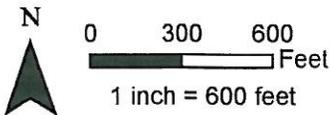
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Special Exception - Legislative Procedure



- Area of Special Exception Request
- Protest Area (150 foot radius)
- Notification Area (300 foot radius)
- Zone Boundaries
- City Limits

Zoning of Requested Area: RH & I-2
 Address: 7501 S. Kolb Road
 Base Maps: Sec.20 T.15 R.15
 Ward: 4





SE-09-17 AirCell - Kolb Road
August 2009 Aerial



SE-09-17



City of Tucson

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

SE-09-17
IMPORTANT REZONING NOTICE ENCLOSED

