



# MEMORANDUM

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DATE: March 26, 2008  
For April 10, 2008 Hearing

TO: Peter M. Gavin  
Zoning Examiner

FROM:   
Albert Elias, AICP  
Urban Planning & Design  
Director

SUBJECT: SPECIAL EXCEPTION LAND USE – URBAN PLANNING AND DESIGN  
REPORT  
SE-08-02 AT&T - Anklam Road, C-1 (Ward 1)

**Issue** – This is a request by Scott Quinn, on behalf of the property owner, 2010 Anklam Properties, LLC, for approval of a wireless communication facility. The special exception site is located at the northeast corner of Anklam Road and La Cholla Boulevard (see Case Location Map). The Preliminary Development Plan (PDP) proposes the placement of a 55-foot high cellular communications monopole disguised as a palm tree with associated equipment at the rear of an existing office building.

The proposed communications facility is located within 400 feet of Anklam Road, identified as a Scenic Route on the *Major Streets and Routes Plan*. The *Land Use Code (LUC)* Section 3.5.4.20.C.4. prohibits new towers within 400 feet of a designated Scenic Route. A communications use of this type will require approval as a special exception land use through a Zoning Examiner Legislative Procedure.

The *Land Use Code (LUC)* Section 3.5.4.20.G. states: The following requires approval as a special exception through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3. The Mayor and Council may forward the request to the Design Review Board (DRB) for design review and recommendation. (Ord. No. 9967, §3, 7/1/04)

1. Wireless communication antennae, provided:
  - a. The tower or antennae are not permitted by other provisions of this Section. (Ord. No. 8899, §1, 7/7/97)
  - 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. (Ord. No. 8899, §1, 7/7/97)
  - c. All appropriate measures shall be taken to conceal or disguise the tower and antenna from external view.
  - 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.

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.

This process 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.

**Department of Urban Planning and Design Recommendation** – The Department of Urban Planning and Design recommends approval of the special exception request, subject to the attached preliminary conditions.

### **Background Information**

Existing Land Use: Office

Surrounding Zones and Land Uses:

North: Zoned R-1; single-family residential

South: Zoned R-1; undeveloped land

East: Zoned C-1, R-1 and O-3; office, single-family residential and condominiums

West: Zoned RX-2; community college

Previous Cases on the Property:

SE-06-50 Cingular – Anklam Road, C-1 Zone This was a special exception request to replace an existing 58-foot high TEP pole with a 68-foot high pole including six (6) panel antennae in the City of Tucson right-of-way at Anklam Road and La Cholla Boulevard. On November 16, 2006, the Director of Development Services approved the request. A permit was applied for on January 5, 2007, but was later withdrawn by the applicant.

Related Cases:

SE-06-27 T-Mobile/McGraw - Houghton Road, SR This was a request to install a new cellular communications tower disguised as a 36-foot tall saguaro cactus. On October 24, 2006, Mayor and Council adopted Ordinance 10333 and on March 29, 2007, building permit T06CM05796 was issued.

SE-07-22 T-Mobile – 29<sup>th</sup> Street, SR This was a request for placement of nine wireless antennae inside a fiberglass chimney structure, fifteen feet in height, and mounting it on top of an existing church. On November 28, 2007, the Zoning Examiner approved the request.

**Applicant's Request** – The applicant requests special exception approval for the placement of a 55-foot high cellular communications monopole disguised as a palm tree with associated equipment at the rear of an existing office building.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Tumamoc Area Plan*, Subarea 19 and the *General Plan*. *Tumamoc Area Plan* supports commercial development that complements the character of neighborhoods and commercial districts in the Tumamoc Area. Subarea 19 of the area plan states commercial development should be limited to existing commercial zoning and should be architecturally compatible with the surrounding area. The proposed monopole disguised as a palm tree will be located within a developed site zoned C-1.

*General Plan* policy also supports the provision of new telecommunications facilities if they are located, installed and maintained in a manner that minimizes visual impacts and preserves views. The proposed wireless communication facility responds to the characteristics of the natural landscape of the surrounding area, as the communications tower will be stealth in the form of a palm tree. As such, the project is in general compliance in keeping with the intent of these *Plans* and a plan amendment is not required.

The proposed location of the new monopole is at the rear of an existing office building that is zoned C-1. The adjacent uses to the north and northeast are single-family residences. Immediately east of the property is a second office building and an undeveloped parcel both zoned C-1. A condominium development, zoned O-3, is located just east of this second office building. Directly south of the site and Anklam Road is undeveloped land zoned R-1. Pima Community College, zoned RX-2 is adjacent to the west of the special exception site.

Vehicular access to the wireless communications site is proposed from Anklam Road. Anklam Road, identified as a Scenic Route and an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is south of the project site.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed wireless communication facility will not generate additional vehicle trips per day.

Field inspection by staff indicates there are currently no billboards on the special exception site.

### **Design Considerations**

**Land Use Compatibility** – The proposed monopole disguised as a palm tree will include two antennas per sector with three sectors for a total of six antennas. The proposed 55-foot height of the structure is an approximate height of nearby trees and utility poles in the area. Furthermore, the applicant will provide four additional trees to match existing and surrounding trees. The

associated equipment cabinets will be located in the 10' x 30' leased area that will be screened via a block wall enclosure which will be painted to match the adjacent office building.

The application addresses screening, buffering and disguising the monopole, antennas, and ground equipment. However, the proposed 55-foot high monopole appears to be out-of-scale and context relative to the surroundings, as there are no palm trees in the immediate vicinity. The highly visible monopole will create adverse visual impacts when viewed from all locations in the vicinity.

Drainage/Grading/Vegetation – The proposed site of the wireless communication facility is located on a portion of the undeveloped property behind the existing office building. This portion of undeveloped land consists of a variety of dense vegetation including mesquite, palo verde, cholla, prickly pear, and saguaro cacti. While the applicant proposes to plant four additional trees with a height of eight feet around the equipment enclosure, substituting at minimum two palm trees of at least 40 feet in height would help minimize the visual impact while still preserving views.

Road Improvements/Vehicular Access/Circulation – Access to the facility will be provided via an existing driveway off of Anklam Road. A parking space for the technician is also provided as demonstrated on the preliminary development plan.

**Performance Criteria** – The applicant's proposal requires approval as a Special Exception through a Zoning Examiner Legislative Procedure (ZELP) and must meet the following performance criteria as stated in Sections 3.5.4.20.B, .C, and G. of the *LUC*. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation.

C. General. The following are applicable to all wireless communication requests.

1. Noninterference with Public Safety. No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications. The Director of General Services for the City is authorized to determine whether any transmitter, receptor, or other facility has interfered with public safety communications or is reasonably believed to be an imminent threat to public safety communications. Upon making that determination, the Director of General Services shall notify the Zoning Administrator and the provider responsible for that facility. The Zoning Administrator may obtain a temporary restraining order from the City Court with or without notice to enforce this Section, provided a hearing is scheduled within five (5) days of the Court's order.

*The proposed site will not interfere with police, fire, and/or other emergency public safety communications. AT&T Mobility is licensed and regulated by the FCC to operate in a specific frequency bandwidth.*

2. All applications for towers/antennae will be reviewed by the Communications Division of the City of Tucson General Services Department and any other appropriate public safety department to ensure that the proposed installation of the towers/antennae will not interfere with any public safety communications or operations of the City. All applications shall include a certification by a registered or electrical engineer that each proposed antenna or tower will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. Submittal of information and review of the application by the Department of General Services shall be in accordance with a Development Standard.

*The proposed site will comply with all applicable FCC guidelines and regulations regarding RF emissions. AT&T mobility will provide all pertinent data supplied to and provided by the Federal Environment Protection Agency and the FCC regarding potential health and safety hazards. AT&T Mobility is required by Federal regulations to receive written approval from both agencies prior to installing new sites.*

3. Any antenna or tower for which the use is discontinued for six (6) months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The City may require financial assurances to ensure compliance with this provision.

*AT&T Mobility shall remove, at its expense, antennae or towers whose use has been discontinued for six months or more.*

4. No new towers shall be permitted within four hundred (400) feet of a designated Scenic Route or Gateway Route; within a designated Historic Preservation Zone (HPZ) or Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ) except as follows:

*The cell tower as demonstrated on the preliminary development plan is within the required 400-foot Scenic Corridor Zone setback.*

- a. Communication towers and antennae are permitted on a protected peak or ridge that was used for such facilities prior to March 3, 1997, provided any new antennae and towers do not increase the area already disturbed and the placement of any new towers in such areas is approved through a Zoning Examiner Legislative Procedure, Sec. 5.4.1. and Sec. 5.4.3.

*The proposed project is not located on a protected peak or ridge.*

- b. New antennae may be permitted under Sec. 3.5.4.20.D. and E if they also comply with the purposes and review procedures of the overlay zone.

*The proposed project is for a new wireless communication facility and is being processed under Sec. 3.5.4.20.G., Zoning Examiner Legislative Procedure.*

- c. New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved through a Zoning Examiner Legislative Procedure, Sec. 5.4.1. and Sec. 5.4.3.

*Anklam Road is designated as a Scenic Route on the Major Streets and Routes Plan map.*

5. The provisions of the applicable Development Designator as applicable to towers and antennae are superseded by the provisions of Sec. 3.5.4.20.D and by the height and setback provisions of Sec. 3.5.4.20.E., .F, and .G.

*The proposed project is in accordance with Sec. 3.5.4.20.D provisions and height and setback provisions of Sec. 3.5.4.20.E., F., and G.*

6. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.

*The radio frequency emissions emitted by the proposed wireless communication facility will fall within the portion of the electromagnetic spectrum, which transmits non-ionizing radio waves. Data currently available on the effects of electromagnetic transmissions on public health indicate that there is no likelihood of negative impacts to public health and safety and those protecting historic districts.*

7. Submittal Requirements. The following information is to be submitted with each application for the installation of a tower or antenna.

- a. An updated Provider's Communication Plan, including any proposed changes in the service areas, antennae, towers, or policy direction.

*The Provider's Communication Plan was submitted with the application. No changes in service areas, antenna, and tower type or policy direction are anticipated.*

- b. The proposed antennae/tower location, the type of antennae/tower, and the proposed service area.

*A 55-foot high stealth designed monopole is proposed at 2016 W. Anklam Road, Tucson, AZ 85745. The proposed coverage areas are commuters on Anklam Road, Pima Community College to the west, and residential neighborhoods in the area.*

- c. A statement of compliance with FCC requirements and specifically the areas listed in Sec. 3.5.4.20.C.6.

*The proposed site will comply with FCC requirements.*

- d. If the proposed installation involves a new tower, then the following information is required.

1. The searched area for the proposed location.

*The searched area for the proposed location is along Anklam Road, between North Greasewood Road and Camino Santiago.*

2. All existing structures, buildings, towers, etc., of greater than twenty (20) feet in height located within the searched area.

*All existing structures, building, and towers greater than 20 feet are indicated on the illustration map submitted with the application.*

3. A report on why collocation within the search area is not a viable alternative.

*The most favorable option for AT&T Mobility was to use existing verticality on Pima Community College property. Unfortunately, AT&T Mobility was not able to obtain permission from Pima Community College.*

*Special exception case SE-06-50 was approved on November 16, 2006 by the Director of Development Services to allow for a collocation of antennae on an existing TEP pole at the northeast corner of Anklam Road and La Cholla Boulevard. A permit application was submitted but was withdrawn later.*

*Existing verticality to co-locate around Anklam Road and La Cholla Boulevard is limited to utility poles and Pima College campus buildings. These alternatives were exhausted prior to reaching a decision to install a new monopole behind an existing office building on Anklam Road.*

- e. Any technological or engineering requirements which effect or limit the location, height, or construction of the proposed tower/antennae should be included in reports.

*No technological or engineering requirement which effect or limit the proposed project is anticipated.*

G. Wireless communication antennae, provided:

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

*The proposed tower is located within the 400-foot Scenic Corridor Zone setback requirement and is required to be processed under the Zoning Examiner Legislative Procedure.*

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

*AT&T wireless communication facility T550C located near North Shannon Road and West Broadway Boulevard is approximately 0.97 miles from the proposed project and T920C located near West Calle Gallego and North Shawnee Avenue is approximately 0.83 miles from the proposed project Based on efforts to co-locate as previously mentioned in Sec. 3.5.4.20.C.7.d.3, the proposed project site is the best location given the required coverage objective.*

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

*The proposed wireless communication facility is a stealth designed monopole designed as a palm tree.*

- 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.

*A stealth designed monopole with a block wall enclosure that matches the existing commercial building is proposed to reduce the negative proliferation of the tower, antennas, and equipment area.*

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

*A notice will be provided to all applicable individuals at least 15 days prior to the assigned Zoning Examiner's public hearing.*

**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 the *Tumamoc Area Plan*, Subarea 19 and the *General Plan*. Approval of the request is appropriate subject to the attached preliminary conditions.

s:/special exception/2008/se-08-02 sr.doc

PROCEDURAL

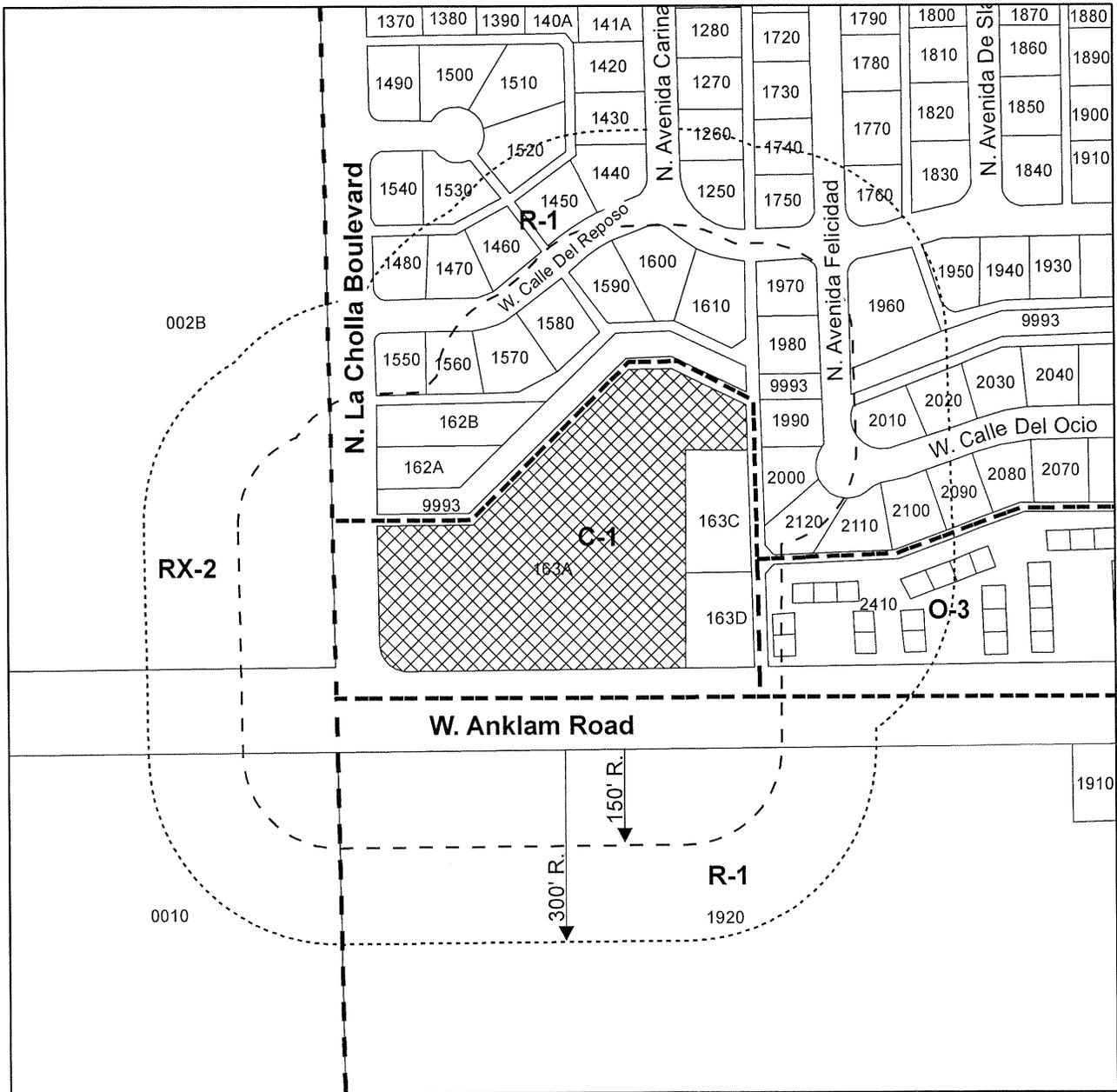
1. A development plan in substantial compliance with the preliminary development plan dated February 8, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims 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 Zoning Amendment".
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. Two years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception request.

LAND USE COMPATABILITY

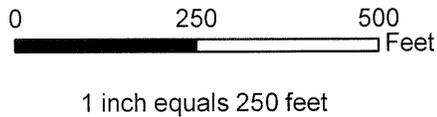
7. The stealth monopole disguised as a palm tree shall be no higher than 55 feet.
8. Maximum diameter of the monopole shall not exceed 18 inches.
9. Two of the proposed four live trees to be planted near the monopole shall be palm trees of at least 30 feet in height. The monopole shall be designed to match the species of the required live palm trees on the site. A plan showing the proposed plantings, including elevations, shall be included with the permit application.
10. A maximum of six (6) antenna panels painted to match the palm fronds as appropriate. The antenna panels shall not visually extend above or below the imitation palm fronds.
11. The pole shall be clad in imitation palm tree bark.
12. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, and/or ice bridge, or other unnatural appearing features. The imitation bark shall continue to ground.

13. The masonry wall surrounding the ground equipment shall match the texture and paint on the existing office building. Six (6) inch wide fence block or greater shall be used for perimeter walls.
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.





**SE-08-02 AT&T - Anklam Road**  
 Special Exception - Legislative Procedure



- Area of Special Exception Request
- C-1** Zoning of Requested Area
- Protest Area (150 foot radius)
- Zone Boundaries

Neighborhood, Area Plan(s): Tumamoc Area Plan  
 Address: 2010 & 2016 W. Anklam Road  
 Base Maps: Sec.10 T.14 R.13  
 Ward: 1





**SE-08-02 AT&T - Anklam Road**  
2005 Aerial