



# MEMORANDUM

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DATE: May 7, 2008  
For May 22, 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-08-06 Verizon at McGraw's – Houghton Road, SR Zone (Ward 4)

**Issue** – This is a request by Todd Daoust, of Commscapes on behalf of the property owner, Lex McGraw, for approval of a wireless communication monopole, antennas and associated ground equipment, as a special exception land use in the SR zone. The project site is located on the southwest side of the McGraw's Cantina, on the east side of Houghton Road, south of Escalante Road (see Case Location Map). The preliminary development plan indicates that three panel antennas, eight feet in length, will be mounted on a pole inside the proposed artificial saguaro, 30 feet in height. A prefabricated equipment shelter, 12 feet by 26 feet in size, screened by a masonry wall, ten feet in height, is also proposed. The area within the masonry wall is 40 feet by 25 feet in size.

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.

1. Wireless communication antennae, provided:
  - a. The tower or antennae are not permitted by other provisions of this Section.
  - 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.
  - 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.

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Following the public hearing, the Zoning Examiner will forward 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: Undeveloped, except for other artificial saguaro cacti with telecommunication antennas and associated ground equipment.

#### Surrounding Zones and Land Uses:

North: Zoned SR; Single-family residential and undeveloped land

South: Zoned SR; Horse stables

East: Zoned C-1; Restaurant (McGraw's Cantina)

West: Zoned SR, R-2; Pantano Wash, Single-family residential

#### Previous Cases on the Property:

SE-01-09 Alltel Wireless – 4110 S. Houghton Road, C-1 Zone. This was a zoning compliance review to locate cellular communications antennas within an existing barbecue chimney. On February 21, 2001, the Planning Director approved the request.

SE-01-24 Sprint – 4110 S. Houghton Road, C-1 Zone. This was a request for approval as Special Exception Land Use to allow the installation of an artificial saguaro cactus to conceal panel communication antennas and a monopole on the west side of Houghton Road, south of Escalante Road. On September 4, 2001, the Mayor and Council approved the request. Building permit # T01CM04438 was issued and on October 24, 2001.

SE-06-27 T-Mobile/McGraw - Houghton Road, SR Zone. This was a request for special exception approvals for the installation of a cellular communications antennas placed within an artificial saguaro cactus, 36 feet in height, on the west side of Houghton Road, south of Escalante Road. The Mayor and Council adopted Ordinance 10333 on October 24, 2006 and building permit #T06CM05796 was issued on March 29, 2007.

SE-07-28 AT&T McGraws - Houghton Road, SR Zone. This was a request for special exception approval of a wireless communication monopole and antennas placed within an artificial saguaro cactus, 35 feet in height, and associated ground mounted equipment. The special exception site is located on the west side of Houghton Road, south of Escalante Road, on the southwest side of McGraw's Cantina. The Zoning Examiner held a public hearing on January 31, 2008 and

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recommended approval on February 15, 2008. This case has not been scheduled for Mayor and Council at this time, as the Waiver of Claim was delayed.

Related Cases: See cases summarized above.

**Applicant's Request** – The applicant requests approval as a special exception land use for the installation of a wireless communications monopole and panel antennas, concealed within an artificial saguaro cactus, 30 feet in height, and associated ground mounted equipment, in the SR zone.

**Planning Considerations**

Land use policy guidance is provided by the *South Pantano Area Plan (SPAP)*, *Major Streets and Routes Plan* and the *General Plan*. The site is located within *SPAP* Subarea 7. *SPAP* commercial land use policies require the use of appropriate design elements when locating commercial uses in proximity to established neighborhoods. Subarea 7 also states that vacant land west of Houghton should be developed to be compatible with adjacent suburban densities. The *Major Streets and Routes Plan* supports approaches to development that preserve both near and distant views and place new uses in locations which are less visible from the roadway. The *General Plan* policy 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 location of the new monopole is west of an existing restaurant on a parcel zoned SR. The McGraw's Cantina restaurant is located on a neighboring parcel that is zoned C-1. Two existing monopoles, also disguised as saguaro cacti, are located south of the proposed facility. One of the monopoles is located on the same SR zoned parcel as the proposed stealth facility and the other is located on the same C-1 zoned parcel as the restaurant. A third wireless communication facility is located on the rooftop of the restaurant within an artificial chimney.

This site is well suited for telecommunications facilities, as it is not readily visible to the general public from Houghton Road. Although Houghton Road is a designated scenic route, the lease site is located behind (west of) the existing restaurant and two accessory buildings, and within the immediate vicinity of other existing telecommunications facilities. The stealth design approach in this location is appropriate and is in keeping with the overall goals of view preservation, the *South Pantano Area Plan* and the *General Plan*.

Vehicular access to the site is from Houghton Road. Houghton Road is identified as a scenic route and an arterial roadway with a future right-of-way width of 200 feet on the *Major Streets and Routes Plan* map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) reported that the proposed development would not generate additional vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the rezoning site.

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**Design Considerations**

Land Use Compatibility – The proposed site is located at the rear of an existing restaurant on a ridge overlooking areas to the south along Houghton Road. A single-family residence and undeveloped land zoned SR is located north of the site. The SR zoned property to the south is occupied by Pantano Stables. Highland Trails Estates, a large-lot, low-density, residential subdivision zoned R-1, is located east of Houghton Road. The properties to the west include an open space common area in the Redland Hills subdivision zoned R-2, and the Pantano Wash zoned SR. The nearest residence is more than 800 feet northwest of the site.

The proposed artificial saguaro will be 30 feet tall and located north of the two existing stealth saguaros, measuring 36 feet and 34 feet in height. The proposed ground equipment will be located in a prefabricated equipment shelter within a 40' (L) by 25' (W) by 10' (H) masonry walled compound. The shelter exterior and the masonry wall will be painted to match the façade of the McGraw's Cantina building.

Native vegetation, including existing saguaro cacti, has been retained on the hillsides. The live saguaros in the area range in height from 10 to 18 feet. The applicant proposes to locate the new stealth monopole approximately 60 feet northeast of the nearest artificial saguaro on the parcel.

The lease area, approximately 173 feet west of Houghton Road, is within the 400-foot Houghton Road Scenic Corridor Zone. To provide a more natural context for the existing and proposed facilities, the applicant proposes an artificial saguaro designed with two full arms, as illustrated on the PDP and oriented differently than the existing artificial saguaros. To further mitigate the site, staff recommends that a minimum of two live saguaros, ten and six feet in height, be planted near the top of, or on the upper slopes of the ridge, visible from the Houghton Road right-of-way.

According to the Tucson Water Department, a 24" major transmission water main within Houghton Road and a two-inch water meter (# 32667401) serves McGraw's Cantina off the existing main. The 24-inch transmission main, within Houghton Road between the property line, approximately 58' east of the property, is considered a critical pipeline. As such, the construction of permanent structures is not allowed within fifteen feet of any portion of the water main.

Cultural Resources – The Pima County Cultural Resources Department reported that one archaeological site is located within the 150 feet "protest area". Records indicate that the site was recorded as a Classic period Hohkam, habitation site located on the highest ridge in the immediate area. Other cultural resources surveys conducted have identified one historic site located within a one-mile radius of the project site. The entire area has high archaeological sensitivity, as defined by in the Sonoran Desert Conservation Plan. Pima County has a high expectation that significant archaeological resources could be present within the development property and recommends that the appropriate measures should be taken before any ground-disturbing construction occurs.

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Drainage/Grading/Vegetation – A Native Plant Preservation Plan or an Application for Exception may be required prior to permits being issued for the proposed equipment enclosure.

Road Improvements/Vehicular Access/Circulation – Access to the facility will be provided via twelve-foot wide access easement from the existing driveway located at the north end of the restaurant parking lot. A parking space for the technician is also provided as indicated on the PDP. No road improvements are associated with this project.

**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.

3.5.4.20. Communications

**B.** Provider's Communication Plan. Each wireless communication provider shall provide a plan of its facilities to the City prior to any application for the installation of a tower or antennae. The plan shall cover the entire city and within three (3) miles of the city limits. The plan shall include the following.

1. All of the provider's existing towers and antennae, by size and type, and their coverage areas.

*The applicant provided a list of the provider's existing towers indicating location, size and type. Graphics submitted as Exhibit C depict proposed and existing geographic service coverage.*

2. All presently anticipated future service areas and the types of antennae and heights desired for each of the service areas.

*According to the application, four sites are presently in development to address capacity issues, as opposed to new coverage in the City. The sites include the proposed site at McGraw's, 1539 E. Speedway (equipment replacement of the existing rooftop site), 8140 E. 22<sup>nd</sup> Street (co-location on a T-Mobile facility) and 2445 S. Craycroft Road (co-location on a TEP utility pole in City ROW).*

3. The various types of antennae and towers used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment and written materials describing their application.

*Typically Verizon uses a shelter 12 feet by 26 feet in size or an electronics cabinet (3' X 8') in conjunction with panel antenna (6' X 8') mounted to a new or an existing structure, ranging in height from 30 to 65 feet. The type and size used depends upon the topography and the built*

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*environment within a geographic area. Applicant has also included cut sheets and photosimulations of the proposed facility on the site.*

4. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers and antennae to avoid the negative proliferation of such facilities.

*Verizon's policy for mitigation, in order of preference includes; 1) architecturally integrating building mounted applications, 2) use existing or new stealth-designed structures, 3) use existing communications or utility structures, and 4) build new communications towers.*

5. The provider's policy direction on the mitigation and/or the reduction of the negative visual impact created by existing or proposed towers and antennae, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.

*Verizon prefers to architecturally integrate building mounted facilities or to use stealth-designed structures to mitigate negative visual impacts. In this case, the application proposes an artificial saguaro cactus to conceal the communications facility and screening the ground mounted equipment. In addition, staff recommends that the applicant plant two live saguaros as part of their site mitigation.*

6. The provider's policy direction on collocation of antennae on their own facilities or on ones from other providers or on other structures which provide the verticality required for the antennae. The policy shall also provide that the provider shall not enforce any requirement by an owner of property which would prohibit collocation.

*Verizon actively engages competing carriers/providers to co-locate on Verizon structures and is a proponent for co-location among all providers.*

7. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this Section.

*Commscapes, c/o Todd Daoust  
1402 West McLellan Boulevard  
Phoenix, AZ 85013  
(602) 549-9054  
Commscapes@cox.net*

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

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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.

*Verizon is licensed and regulated by the Federal Communications Commission to operate in a specific frequency bandwidth and all equipment will meet the applicable standards established by the U.S. Environmental Protection Agency (EPA) and the FCC regarding potential health and safety hazards. The proposed facilities will not interfere with existing police, fire, and/or other emergency public safety communications.*

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.

*As part of the development plan submittal, the applicant will include a letter signed by a registered or electrical engineer, certifying 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. The Communications Division of the City of Tucson General Services Department, and any other appropriate public safety department, will review the development plans to ensure that the proposed installation of the towers/antennae will not interfere with any public safety communications or operations of the City.*

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.

*Verizon will, at its expense, remove 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

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Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ) except as follows:

*The proposed cactus monopole is within the 400-foot Scenic Corridor Zone setback along Houghton Road. Verizon is proposing a stealth-designed communication tower for this project with the antennas mounted on a single pole inside an artificial saguaro cactus. There are currently three other carriers on the McGraw property; two faux cacti and one chimney structure mounted on top of the restaurant.*

*Verizon understands that the purpose of the Scenic Corridor ordinance is to preserve the surrounding natural environment and has designed the artificial saguaro with two arms to create a more realistic appearance. In addition, staff recommends that Verizon plant two live saguaro cacti near the top of, or on the upper slopes of the ridge, visible from the Houghton Road right-of-way to further mitigate the site.*

- 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 SR zone allows for co-location on existing facilities under Sec. 3.5.4.20.E.2. The special exception approval requested is for a new wireless communication tower 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.

*Houghton Road is not designated as a Gateway 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 wireless communication cactus tower meets all of the setback provisions of Sec. G..*

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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.

*All equipment will meet the applicable standards established by the U.S. Environmental Protection Agency (EPA) and the FCC regarding 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 applicant's Communication Plan, submitted with the application, does not include any text stating whether any changes in the, antenna, tower or policy direction are anticipated. However, Exhibit B of the application, illustrates the changes to the service area expected by the proposed facility.*

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

*The application materials include plans, elevations, photosimulations and written text illustrating/describing the proposed facility. The applicant has also provided a graphic illustrating the proposed service area.*

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

*A letter signed by a registered engineering, certifying compliance with FCC requirements, is required as part of the development plan submittal.*

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

1. The searched area for the proposed location.

*The application indicates that the area searched was from Golf Links Road to approximately one-quarter mile south of Escalante Road, and about one-quarter mile west of Houghton Road.*

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

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*A map of existing facilities has been provided. In addition, a TEP transmission line is located on the east side of Houghton Road within the search area identified by the applicant.*

3. A report on why co-location within the search area is not a viable alternative.

*Co-location is not favorable in this area because of the optimum service area achieved by locating on the hilltop at the McGraw site. In addition, the topography at the property allows the installation of a shorter artificial cactus (30 feet) while significantly increasing the wireless service area. The distance and topography between the proposed facility and the scenic route, and the structure design proposed, provide visual mitigation to vehicles traveling along Houghton Road and preserves surrounding views.*

- 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.

*Technological and engineering requirements effecting or limiting the proposed facility are not 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 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.

*The McGraw property is a unique site, well suited for the placement of wireless facilities. Located on a hilltop at the edge of the City's built environment, the property provides an opportunity to serve a larger area using a shorter facility, without obstructions to the "line of sight". A shorter monopole also allows the facility to be easily enclosed within another structure to completely conceal or disguise the equipment. Alternately, a large monopole, located at a lower elevation or at the proposed site cannot be disguised and would be visible from much further distances. The proposed artificial saguaro on the McGraw's property offers a practical location that preserves views and strengthens wireless service for the public's use.*

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

*Verizon is proposing a stealth-designed communication tower for this project. The monopole and mounted antennas will be completely concealed from view within an artificial saguaro*

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*cactus, 30 feet in height. The saguaro exterior will be designed to have two arms to provide a more realistic appearance.*

- d. All appropriate measures shall be taken to reduce the negative proliferation of visible towers and antennae by the co-location 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 structure has been designed to reduce the visibility of a tower and blend with the natural environment to preserve views. In addition, staff recommends that Verizon plant two live saguaro cacti near the top of, or on the upper slopes of the ridge, visible from the Houghton Road right-of-way.*

- 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 dated of the public hearing before the Zoning Examiner.

*A notice will be provided at least 15 days prior to the assigned Zoning Examiner's public hearing to all property owners within 300 feet of the subject property and all neighborhood associations within one mile of McGraw's.*

**Conclusion** – The proposed tower is considered to be a stealth design and in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *South Pantano Area Plan* and *General Plan*. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

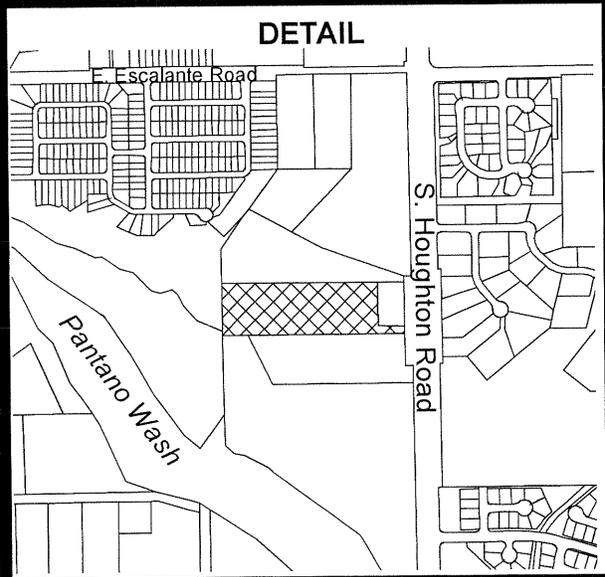
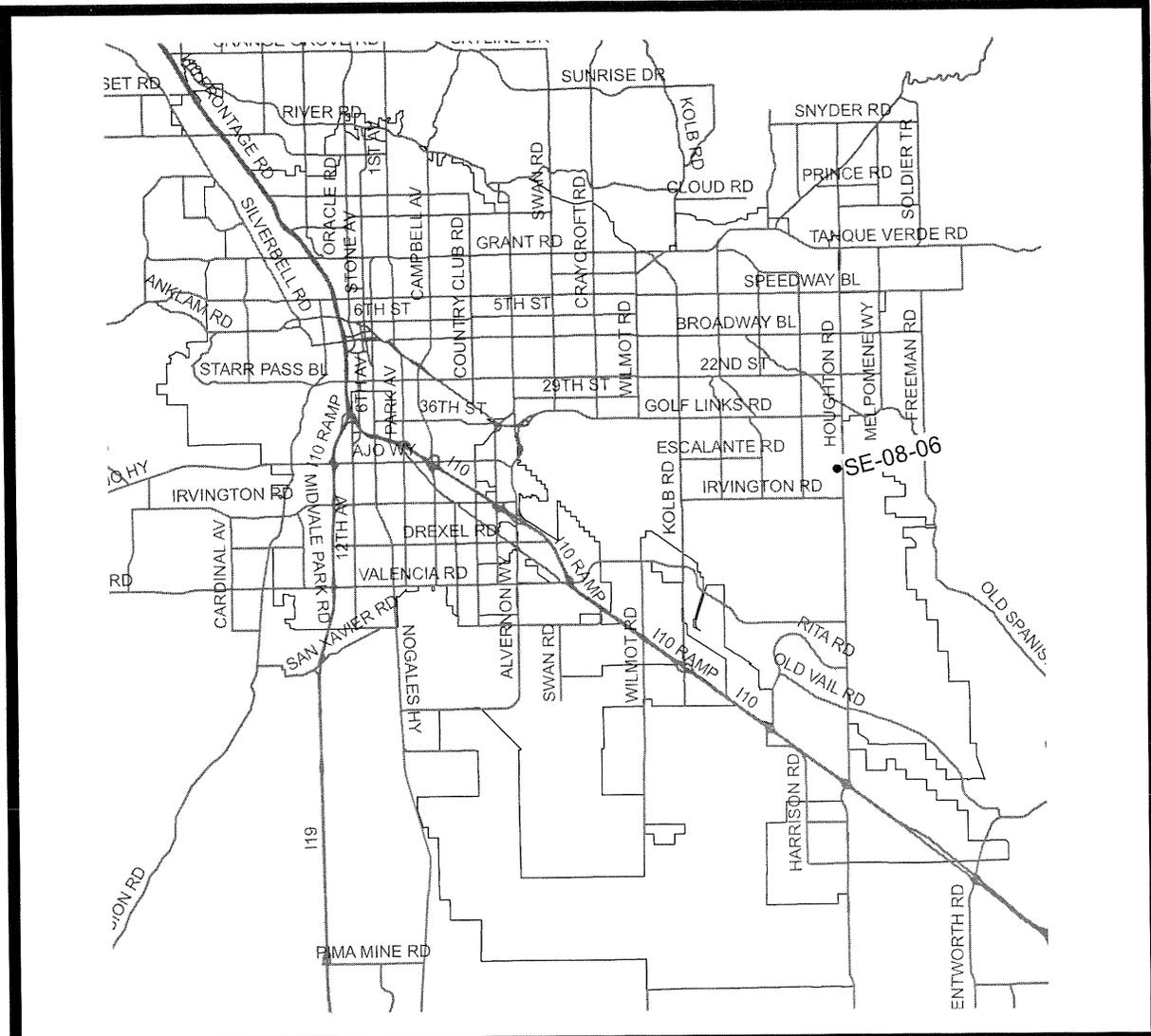
1. A development plan in substantial compliance with the preliminary development plan dated March 24, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under 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. An archaeological assessment and survey shall be performed by a qualified archaeologist on the project lease area, monopole location and access easement before any grading or other ground modification/disturbance takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
4. "Safe by Design" concepts shall be incorporated in the development plan for review by the Tucson Police Department.
5. Two years is allowed from the date of ordinance adoption to implement and effectuate all Code requirements and conditions of the special exception request.

LAND USE COMPATABILITY

6. The stealth saguaro cactus shall be no higher than 30 feet.
7. The masonry wall surrounding the ground equipment shall be textured and painted to match the other existing wireless facilities and buildings in the immediate vicinity.
8. Six (6) inch wide fence block or greater shall be used for screen wall.
9. The proposed stealth saguaro shall have a minimum of two full arms as shown in the preliminary development plan and shall be oriented differently than the existing artificial saguaros.
10. The diameter of the proposed faux saguaro at the base, top and midpoint shall be no greater than that of either of the two stealth saguaros currently on the site.

11. A minimum of two additional live saguaros, with one being at least ten feet in height and the other at a minimum of six feet in height, shall be planted in the same general vicinity, either near the top of or on the upper slopes of the ridge, and visible from the Houghton Road right-of-way in order to provide a more natural context for the existing/proposed stealth saguaros.

s/special exception/se-08-06 preliminary conditions.doc



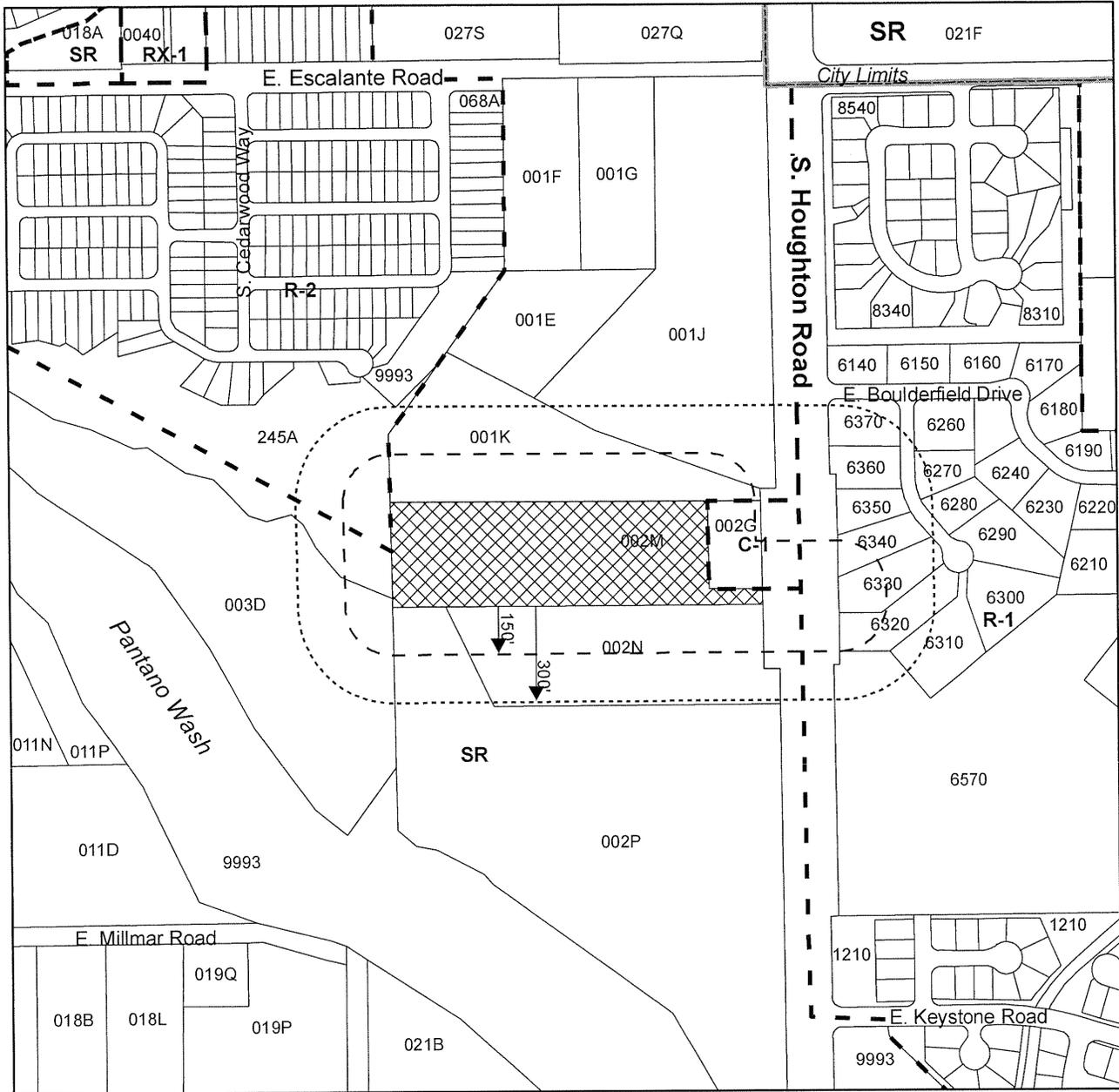
**CASE LOCATION MAP**

SE-08-06

4118 S. Houghton Road



**CITY OF  
TUCSON**



**SE-08-06 Verizon at McGraw's - Houghton Road**

Special Exception - Legislative Procedure

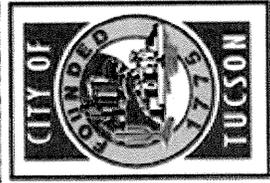
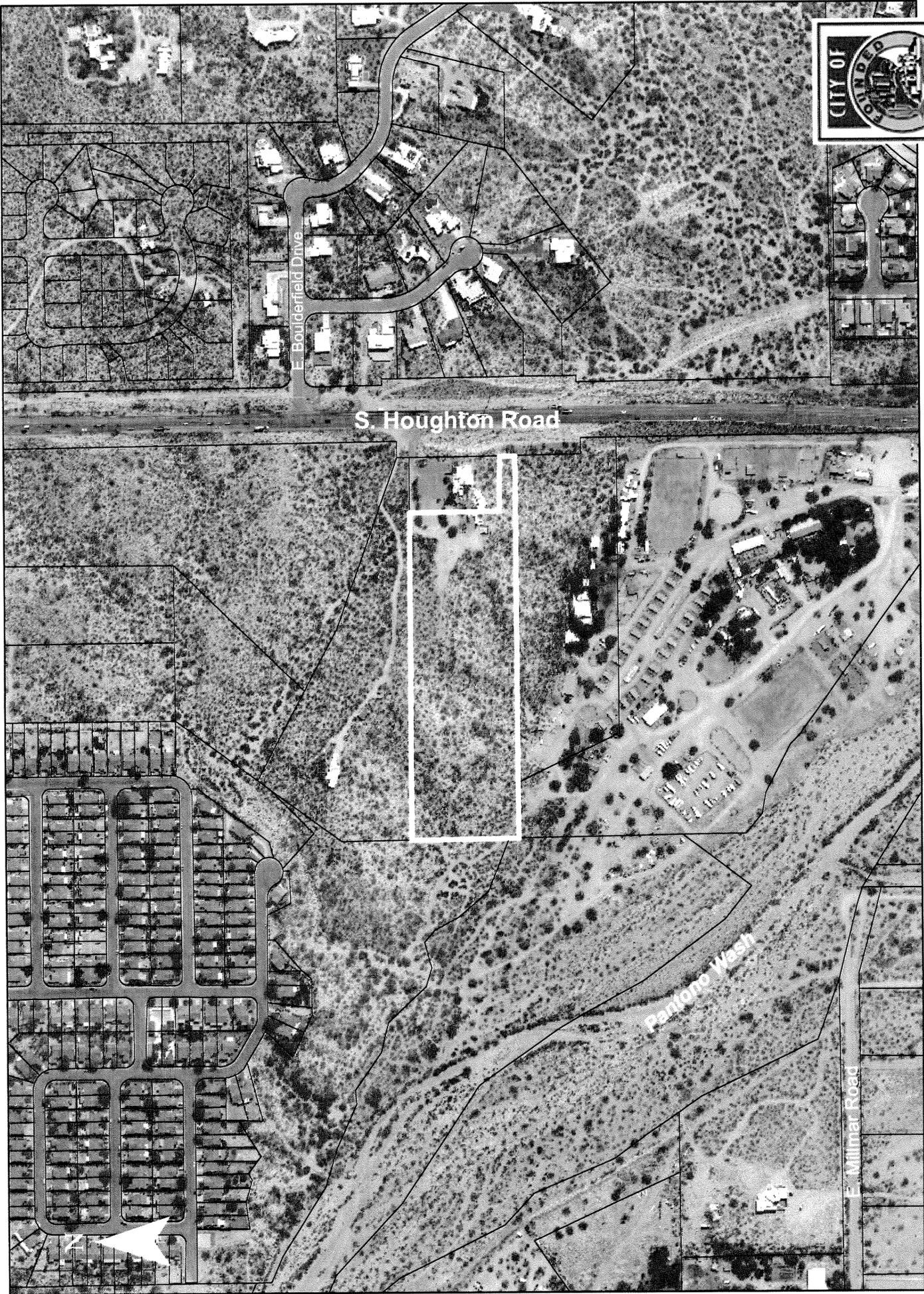


0 250 500 Feet  
1 inch equals 500 feet

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

Neighborhood, Area Plan(s): South Pantano Area Plan  
 Address: 4118 S. Houghton Road  
 Base Maps: Sec.35 T.14 R.15  
 Ward: 4





S. Houghton Road

E Boulderfield Drive

Pantomo Wash

E Millimar Road

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2005 Aerial



**SE-08-06 Verizon at McGraw's - Houghton Road**  
2005 Aerial