CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 300 feet of a parcel(s) that is being considered for a **Zoning Examiner Legislative Procedure Special Exception**

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each Special Exception in the City of Tucson. Persons attending the hearing are to observe rules of propriety, decorum, and good conduct and are to refrain from rude or slanderous remarks. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all Special Exception requests.

You may speak in favor or in opposition to the Special Exception during the public hearing. You may also submit a written approval or protest. A form is attached for your convenience.

PUBLIC HEARING INFORMATION
Date: Thursday, September 4, 2008
Time: 7:30 p.m.
Location: Mayor and Council Chambers* First Floor, City Hall, 255 West Alameda, Tucson, Arizona

APPLICANT
Scott Quinn
Quinn United Enterprises, LLC for Cricket
3655 W. Anthem Way, A109-250
Anthem AZ 85086

PROPOSED SPECIAL EXCEPTION
Case No.: SE-08-21 Cricket at McGraw's
Zone: SR
Location: The west side of Houghton Road, south of Escalante Road.
Proposed Development: A wireless communication facility concealed within an artificial cactus and ground mounted equipment.

Notificación de Audiencia Pública del Examinador de Zonificación
Para oír y tomar en consideración el siguiente caso: Grillo SE-08-21 en los McGraw
Zona: SR
Locación: El lado oeste del camino de Houghton, sur del camino de Escalante.
Desarrollo Propuesto: Una facilidad de comunicación sin hilos, encubierta dentro de un cacto artificial y de la tierra montó el equipo.
Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-4505

For further information, please call Judith Imhoff or Michael Wyneken at 791-4505 or write to Department of Urban Planning & Design – Rezoning Section, P.O. Box 27210, Tucson, AZ 85726

*To better serve everyone in the community, the Mayor and Council Chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

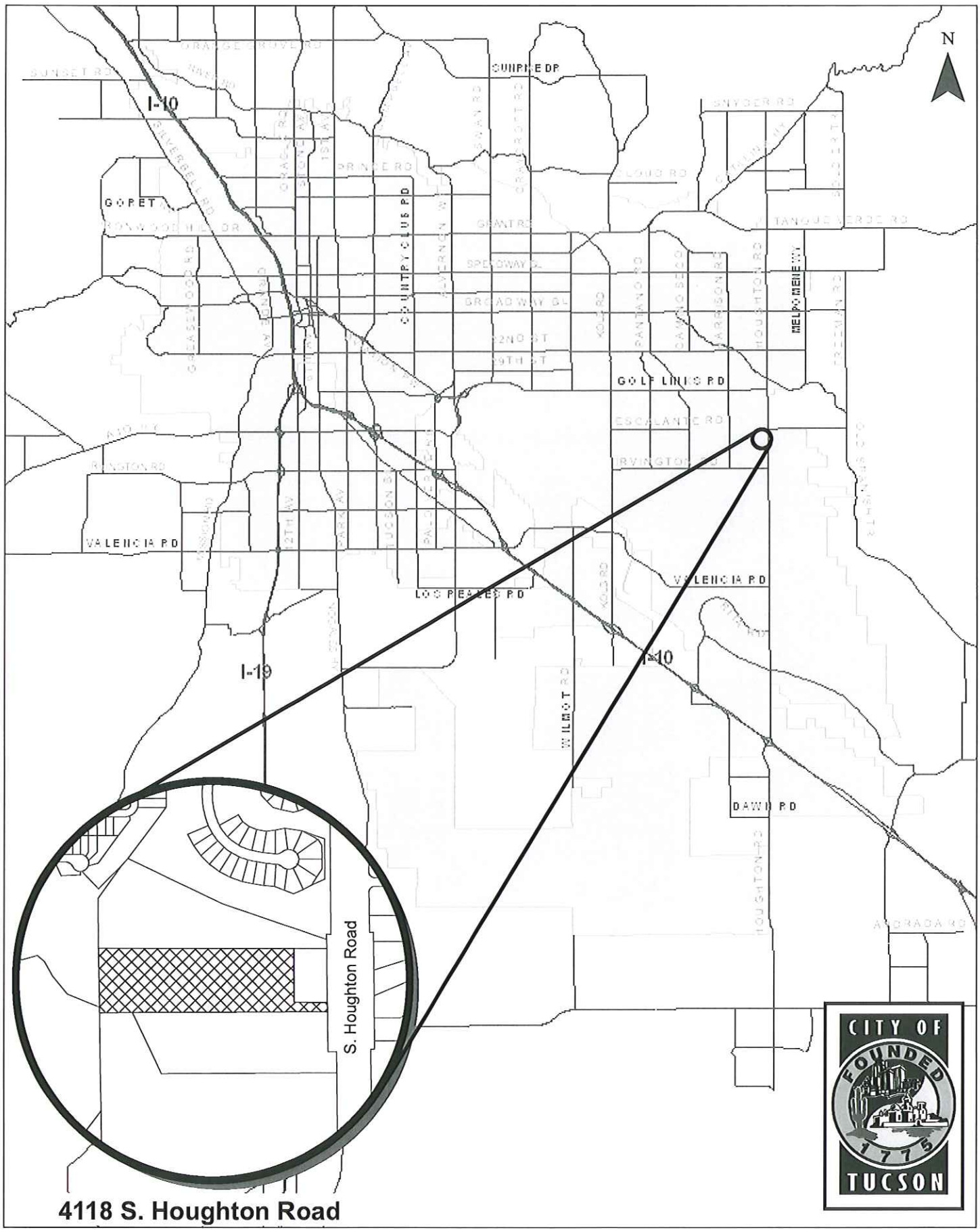
ZONING DISTRICT NARRATIVE SUMMARIES

(For a complete description, refer to Land Use Code, Chapter 23, Tucson Code, which can be found at http://www.ci.tucson.az.us)

Current Zoning:

SR *SUBURBAN RANCH ZONE* – Very low density, large lot, single-family, residential development and suburban ranch uses.

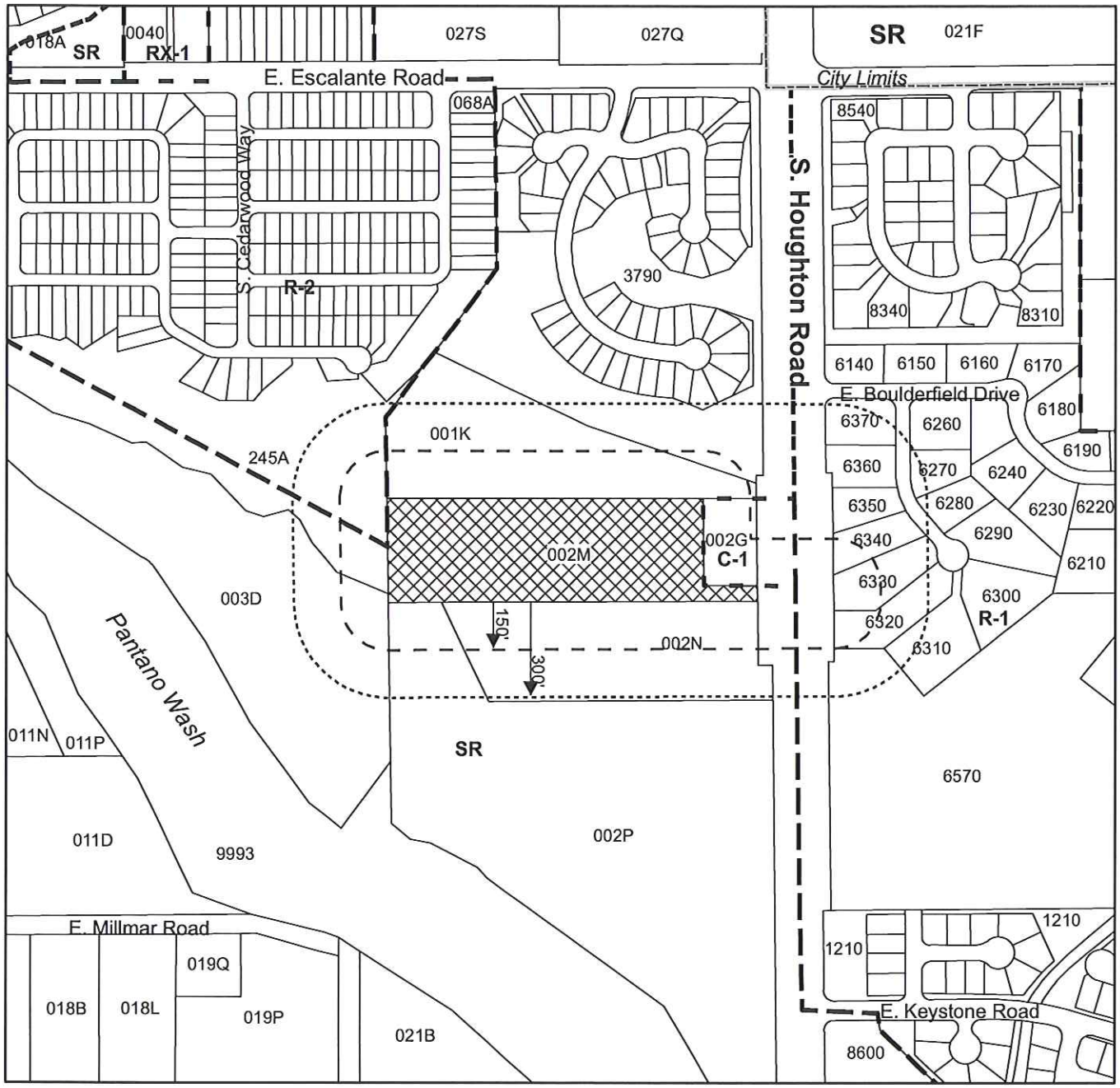
SE-08-21 Cricket at McGraw's - Houghton Road



4118 S. Houghton Road

SE-08-21 Cricket at McGraw's - Houghton Road

Special Exception - Legislative Procedure



N

0 250 500 Feet

1 inch = 500 feet

Area of Special Exception Request

SR Zoning of Requested Area

Protest Area (150 foot radius)

Notification Area (300 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

CITY OF TUCSON

created by: JJK 7/14/2008

SE-08-21 Cricket at McGraw's - Houghton Road

August 2008 Aerial

MEMORANDUM

DATE: August 20, 2008
For September 4, 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-08-21 Cricket at McGraw's – Houghton Road, SR Zone (Ward 4)

Issue – This is a request by Scott Quinn, of Quinn United Enterprises, LLC, 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 proposed on the southwest side of the McGraw's Cantina, located on the west side of Houghton Road, south of Escalante Road (see Case Location Map). The preliminary development plan indicates that three panel antennas will be mounted on a pole inside a proposed artificial saguaro, 35 feet in height. The ground equipment lease area is to be 14 feet by 20 feet in size, consisting of a concrete slab and a prefabricated equipment cabinet. A screen wall, 8.5 feet in height, is proposed to enclose the ground equipment lease area.

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.

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

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, 35 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 side) 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) did not provide an estimate of the number of vehicle trips per day generated by the proposed facility. Field inspection by staff indicates there are currently no billboards on the subject site.

Design Considerations

Land Use Compatibility – The proposed project site is located at the rear of McGraw's Cantina 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 over 800 feet northwest of the site.

The proposed artificial saguaro will be 35 feet tall and located northwest of the two existing stealth saguaros, measuring 36 feet and 34 feet in height. The proposed ground equipment will be located in prefabricated equipment cabinets within an area 20 by 14 feet in size, enclosed by a screen wall, 8.5 feet in height. The screen wall will be painted to match the façade of the McGraw's Cantina building.

Drainage/Grading/Vegetation – 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 within five feet of a live saguaro and 90 feet from the nearest artificial saguaro on the parcel.

The lease area, approximately 260 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. 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.

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. One of the existing parking space will be used by a technician conducting routine maintenance once a month. 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

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.

Cricket 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 cactus, 35 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. To create a more natural appearance, staff recommends that Cricket 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 proposed as 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* because the design proposed minimizes visual impacts to surrounding development and preserves near and distant views. Approval of the request is appropriate subject to the attached preliminary conditions.

s:/SpecialException /SE-08-21 sr.doc

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated July 30, 2008 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 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

7. The stealth saguaro cactus shall be no taller than 35 feet.

8. 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.

9. Six (6) inch wide fence block or greater shall be used for screen wall.

10. 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.

11. 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.

12. 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.