



# MEMORANDUM

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DATE: December 31, 2008  
For January 15, 2009 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-08-34 AT&T – Campbell Avenue, C-1 Zone (Ward 3)

**Issue** – This is a request by Steve Olson, on behalf of the property owners, Mango Investments, LLC, for approval of a wireless communication facility. The special exception site is located near the northeast of Campbell Avenue and Grant Road (see Case Location Map). The preliminary development plan (PDP) proposes to replace an existing 66-foot tall wireless communication lattice tower with a new wireless communication facility concealed within a 66-foot high artificial palm tree with associated ground equipment. A communications use of this type is subject to Section 3.5.4.20.G of the *Land Use Code (LUC)*.

### 3.5.4.20 Communications

G. 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 land use request, subject to the attached preliminary conditions.

### **Background Information**

Existing Land Use: comic book store with lattice tower

Surrounding Zones and Land Uses:

North: Zoned C-1; commercial  
South: Zoned C-1; commercial  
East: Zoned O-3 and C-1; commercial  
West: Zoned C-1; coffee shop

Previous Cases on the Property: none

Related Cases:

SE-04-04 T-Mobile – 1703 E. Fort Lowell Road, C-1 Zone This was a request to allow a wireless communications facility concealed within a 50-foot high palm tree at the northeast corner of Fort Lowell Road and Martin Avenue. On July 22, 2004, the Zoning Examiner denied the request and the case was closed.

SE-06-53 T-Mobile – Grant Road, C-2 Zone This was a request to allow a wireless communications facility concealed within a 50-foot high palm tree, and associated equipment on 0.45 acres. On February 8, 2007, the Development Services Director approved the request and a building permit was issued on July 10, 2007.

SE-08-02 AT&T – Anklam Road, C-1 Zone This was a request to allow a wireless communications facility concealed within a 55-foot high palm tree and associated equipment at an existing office. On July 8, 2008, Mayor and Council adopted Ordinance No. 10567.

**Applicant's Request** – The applicant requests approval to allow for the replacement of the existing 66-foot tall wireless communication lattice tower with a new wireless communication facility concealed within a 66-foot high artificial palm tree with associated ground equipment.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Cragin-Keeling Area Plan (C-KAP)* and the *General Plan*. Both the *C-KAP* and the *General Plan* support new development if it will be compatible with the surrounding areas, especially lower-intensity uses, such as residential neighborhoods. *General Plan* policies require that cellular communication facilities be designed and installed to minimize visual impacts and preserve views. Policies support development if it will maintain and/or enhance the functional and aesthetic qualities of the streetscape. Other policies provide for considering incentives for telecommunications providers to install infrastructure, not only in newer areas, but also in older neighborhoods, to increase opportunities for all citizens to have access to high-tech telecom services.

The special exception site is primarily surrounded by neighborhood-scale commercial businesses. The nearest residential use is approximately 80 feet to the northeast. Vehicular access to the special exception site is proposed from Spring Street. Spring Street, located north of the site, is a paved local street with a 60-foot right-of-way. Campbell Avenue, identified as a Gateway Arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is west of the site. South of the project area is Grant Road, an arterial roadway with a future right-of-way width of 120 feet.

The application states that the facility will generate one trip per month for routine maintenance. Field inspection by staff indicates there are currently no billboards on the special exception site.

### **Design Considerations**

Land Use Compatibility – The proposed location of the artificial palm tree is at the north side of the comic book store and approximately 53 feet east of the existing lattice tower. The ground equipment will be installed within a lease area on the eastern side of the building. Due to the insufficient space for a masonry wall, the applicant proposes enclosing the lease area with an 8-foot high tube steel fence with wood slats.

Commercial development in this area consists of traditional, older, strip development along arterial streets. The buildings are generally older and small by today's standards, little parking is available, there is minimal to no landscaping along the street frontage. The transition from non-residential uses along the arterial streets to single-family uses in the neighborhood interior is generally abrupt, although in places limited multi-family residential development provides a transition.

Although there are more pine than palm trees north of Grant Road, the applicant indicated that there is insufficient room for a stealth pine tree. Due to the proximity of the pole to the building, there would not be enough room for the low pine tree branches. While the stealth palm tree may be somewhat noticeable, it is a reasonable means of mitigating visual impacts on the neighborhood. Staff recommends that the existing metal lattice tower be removed as a condition of this special exception request. Also, to ensure that the girth of the palm tree is

visually consistent with what might be expected, it is recommended that the external diameter of the trunk be limited to no greater than 18 inches.

The ground equipment lease area will be visible from Spring Street, the alleyway, and the businesses in the immediate area. Tube steel and wood slat screening is consistent with other screening in the neighborhood, which consists of a mix of masonry walls and chain link fences with metal slats. The screening for the lease area should be painted a color that complements the adjacent commercial buildings, and the exterior treatment shall be graffiti-resistant. Staff recommends that the lease owner be made responsible for repairing any damage to the lease site, including graffiti, within ten working days of when the damage occurs.

Drainage/Grading/Vegetation – The site is located in the Flowing Wells Wash watershed. Since this watershed is not classified as balanced/critical and the site is smaller than one-acre, then neither detention nor threshold retention is required. The drainage is generally toward the northeast. The application does not propose to add any vegetation for screening. This is appropriate, as the site size constraints cannot accommodate landscaping around the lease area.

Road Improvements/Vehicular Access/Circulation – Access to the wireless facility is provided off of Spring Street and the east adjacent alleyway. Both access points are paved. Parking will be provided on an unpaved area directly north of the ground equipment lease area.

Performance Criteria – The applicant’s proposal requires approval as a special exception land use through a Zoning Examiner Legislative Procedure, and must meet the following performance criteria as stated in Section 3.5.4.20.G of the LUC. Following each criterion, in italics, are the applicant’s response regarding compliance.

3.5.4.20.G. Wireless communication antennae, provided:

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

*The proposed tower is not permitted by other provision of Section 3.5.4.20.*

- 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.

*This is a replacement of an existing tower. Existing communication facilities within a 3-mile radius of the subject site were not available and did not meet the radio frequency coverage objective so this was the best possible site pursuant to the City of Tucson zoning ordinance.*

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

*The proposed wireless communication facility is concealed within a 66-foot high artificial 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 wireless communication facility concealed within an artificial palm tree and screened equipment area, painted a color that complements the adjacent commercial buildings, will help 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.*

Staff comment: *The proposal is in compliance with the LUC Performance Criteria for the special exception land use.*

**Conclusion** – The special exception request for a new 66-foot tall (to top of fronds) wireless communication facility concealed within an artificial palm tree and associated ground equipment can be supported and is in general compliance with applicable policy and the intent of the *General Plan*, the *Cragin-Keeling Area Plan*, and the performance criteria. Subject to compliance with the attached preliminary conditions, approval of the special exception request is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated August 13, 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. 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

7. Upon completion of the installation of the new facilities, the existing metal lattice tower shall be removed from the site.
8. The perimeter screening around the ground equipment lease area shall be painted a color that is consistent with or complements the adjacent commercial buildings, and the exterior surface shall be of a graffiti-resistant material.
9. Any damage or vandalism to the site, including graffiti, shall be repaired within 10 working days of when it occurs.
10. The top of the stealth monopole (palm tree design) shall not exceed 66 feet in height.
11. The maximum diameter of the monopole shall not exceed 18 inches.
12. The antenna panels shall be concealed within and painted to match the stealth palm fronds.
13. The pole shall be fully clad in imitation palm tree bark and painted an appropriate bark color.

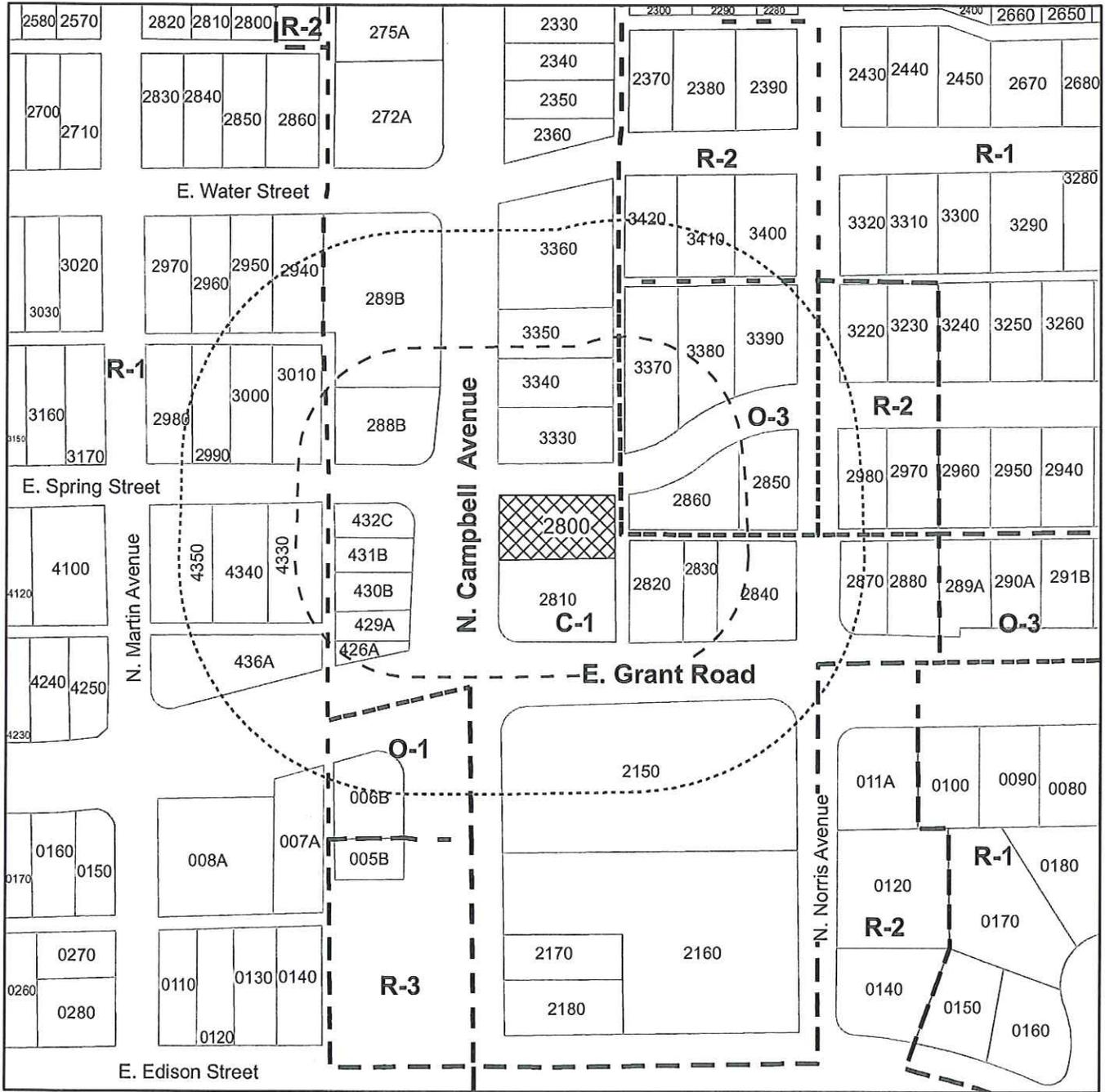
Preliminary Conditions

14. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the stealth monopole.

s/specialexception/2008/SE-08-34 preliminary conditions.doc

# SE-08-34 AT&T - Campbell Avenue

## Special Exception - Legislative Procedure



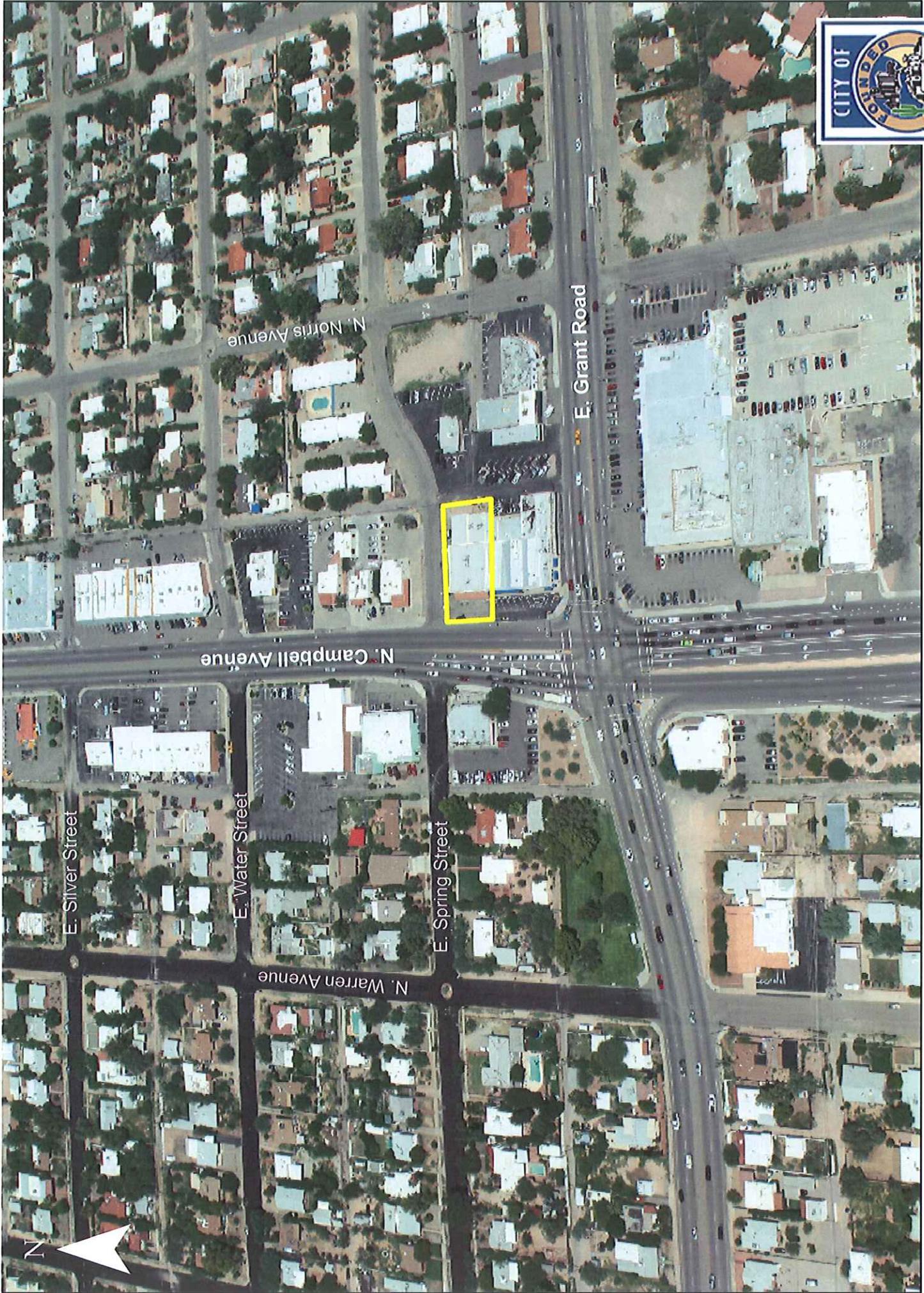
0 100 200  
Feet

1 inch = 200 feet

- Area of Special Exception Request
- C-1** Zoning of Requested Area
- Protest Area (150 foot radius)
- Notification Area (300 foot radius)
- Zone Boundaries

Neighborhood, Area Plan(s): Craigin - Keeling Area Plan  
 Address: 2420 N. Campbell Avenue  
 Base Maps: Sec.32 T.13 R.14  
 Ward: 3





**SE-08-34 AT&T - Campbell Avenue**  
September 2008 Aerial



PHOENIX, ARIZONA, AZ 85706  
 PHOENIX, ARIZONA, AZ 85706  
 PROJECT: 0801151000



THIS PLAN IS A PRELIMINARY ENGINEERING PLAN AND IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.

**GENERAL DYNAMICS**  
 800 E. HANCOCK ST.  
 TUCSON, ARIZONA 85715  
 PHONE: 480.749.8783

RELAY: \_\_\_\_\_  
 SIZE: \_\_\_\_\_  
 TOWER: J2 BRYNE  
 SPAN: J2 PINK  
 DIMENSIONS: J2 FINAL REV 1

PERSONS: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_

**T669-B**  
**(CAMPBELL & GRANT)**

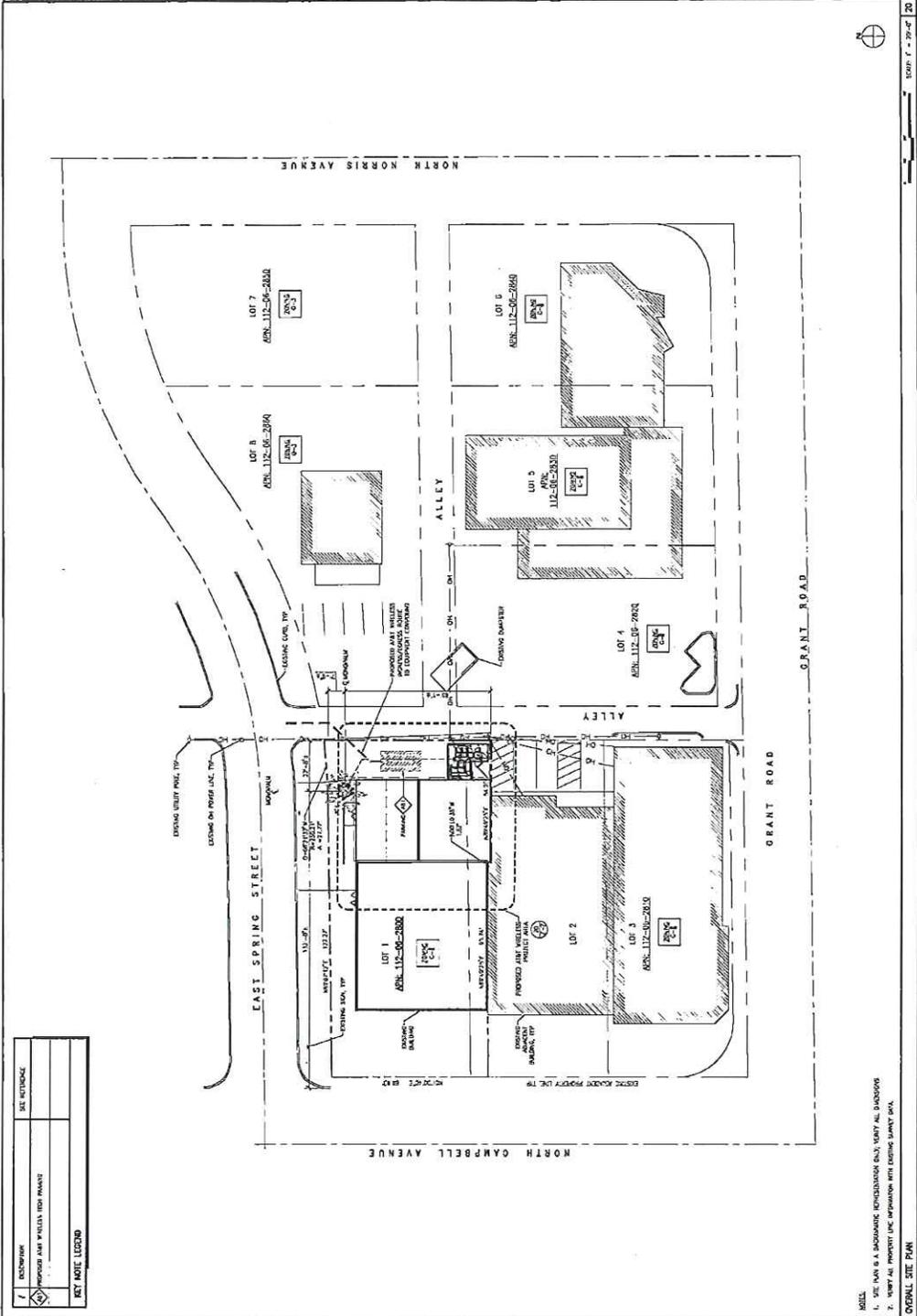
PHN: 480.749.8783  
 N: 480.749.8783  
 260192

2620 N CAMPBELL AVE  
 TUCSON, AZ 85715

SHEET TITLE: OVERALL SITE PLAN

SHEET NUMBER: Z-1

DATE: 11-09-07, 12-11-07



7	EXISTING	SEE EXHIBIT
8	PROPOSED	SEE EXHIBIT
9	AS-BUILT	SEE EXHIBIT

- NOTES:
1. SEE PLAN B.4. DIMENSIONAL REQUIREMENTS ONLY. VERIFY ALL DIMENSIONS.
  2. VERIFY ALL PROPERTY LINE INFORMATION WITH EXISTING SURVEY DATA.

OVERALL SITE PLAN

