

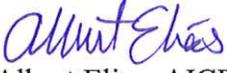


# MEMORANDUM

---

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-08-35 AT&T – Speedway Boulevard, C-1 Zone (Ward 2)

**Issue** – This is a request by Steve Olson, on behalf of the property owners, City of Tucson, for approval of a wireless communication facility. The special exception site is located at the southwest corner of Speedway Boulevard and Harrison Road (see Case Location Map). The preliminary development plan (PDP) proposes to replace an existing 30-foot high light pole with a new 65-foot high light pole to accommodate wireless communication and city emergency services. 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: City of Tucson Park and Ride

Surrounding Zones and Land Uses:

North: Zoned C-1; Walgreen’s Pharmacy  
South: Zoned C-1; veterinarian facility  
East: Zoned R-1; residential subdivision  
West: Zoned R-2; condominiums

Previous Cases on the Property: none

Related Cases:

SE-02-22 Alltel – Grant Road, C-1 Zone A special exception request to allow the replacement of an existing light pole with a 40-foot high monopole and install the associated ground equipment in the parking lot of an existing shopping center. On October 24, 2002, the Zoning Examiner conditionally approved the special exception request.

SE-03-26 T-Mobile – Speedway Boulevard, C-1 Zone A special exception request to allow for a new 45-foot high wireless communication facility with six antennas and associated equipment located in an existing storage locker at the base of the pole. On January 23, 2004, the Zoning Examiner denied the special exception request.

SE-06-44 Cingular – First Avenue, RX-1 Zone A special exception request to allow for a new 50-foot high light pole to accommodate new antennas and install associated ground equipment. On December 21, 2006, the Zoning Examiner conditionally approved the special exception request. On December 21, 2007 the conditions were not met and the case was closed.

**Applicant’s Request** – The applicant requests approval to allow for the replacement of an existing 30-foot high light pole with a new 65-foot high light pole to accommodate wireless communication and city emergency services.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and the *General Plan*. The *PEAP* supports the requested land use when the use is located at the intersection of major streets and when carefully integrated with surrounding uses. The *Plans* also support the request when visual appropriate design elements and buffering techniques are employed to mitigate the potential negative impacts of more intense development on established neighborhoods.

The special exception site is located at the intersection of two major arterial roadways. The site is a City-owned “Park and Ride” lot. There are commercial uses located north and south of the site and residential uses to the east and west. Vehicular access to the site is provided from Speedway Boulevard or Harrison Road. Speedway Boulevard and Harrison Road, identified as arterial roadways with future right-of-way widths of 120 feet on the *Major Streets and Routes Plan* map, are north and east of the special exception site respectively.

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 pole replacement will have a light fixture attached at the 29-foot 6-inch centerline. The panel antennas will be concealed within a stacked canister design and attached to the pole at the 57-foot and 62-foot 8-inch centerlines. A new Tucson security camera is also proposed and will be attached between the light fixture and stacked canister. The proposed stealth design does not negatively impact the neighborhood, as there are existing utility poles that in the vicinity which exceed the 65-foot height. The associated equipment cabinets will be housed in a 20-foot by 20-foot (400 square-foot) leased area surrounded by a decorative masonry wall, painted to match existing uses.

Staff recommends that the new pole be painted with a non-reflective paint as a means of minimizing its visual impact. Furthermore, to improve the appearance of the compound area, staff recommends landscaping around the perimeter of the compound to include trees and drought-tolerant vegetation.

Road Improvements/Vehicular Access/Circulation – Access to the wireless facility is provided off of Speedway Boulevard and Harrison Road. Both access points are paved. Parking is provided at an existing parking stall on the “Park and Ride” site.

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.

*Due to the height of the tower, it 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 30-foot high light pole with a new 65-foot high light pole to accommodate wireless communication and city emergency services. 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 stacked canister design. The pole is being shared by City communications to reduce the overall proliferation of poles in the area.*

- 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 a stacked canister design and an equipment area screened by a masonry wall painted to match the existing uses will help reduce visual impacts 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 to replace a 30-foot high light pole with a new 65-foot high light pole and associated ground equipment to accommodate wireless communication and city emergency services can be supported and is in general compliance with applicable policy and the intent of the *General Plan*, the *Pantano East Area Plan*, and the performance criteria. Subject to compliance with the attached preliminary conditions, approval of the special exception request is appropriate

s:/special exception/2008/SE-08-35 sr.doc

## Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated August 25, 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. Owner/developer shall enter into a Sewer Service Agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system, and the timing of said improvements.
7. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of the special exception land use.

LAND USE COMPATABILITY

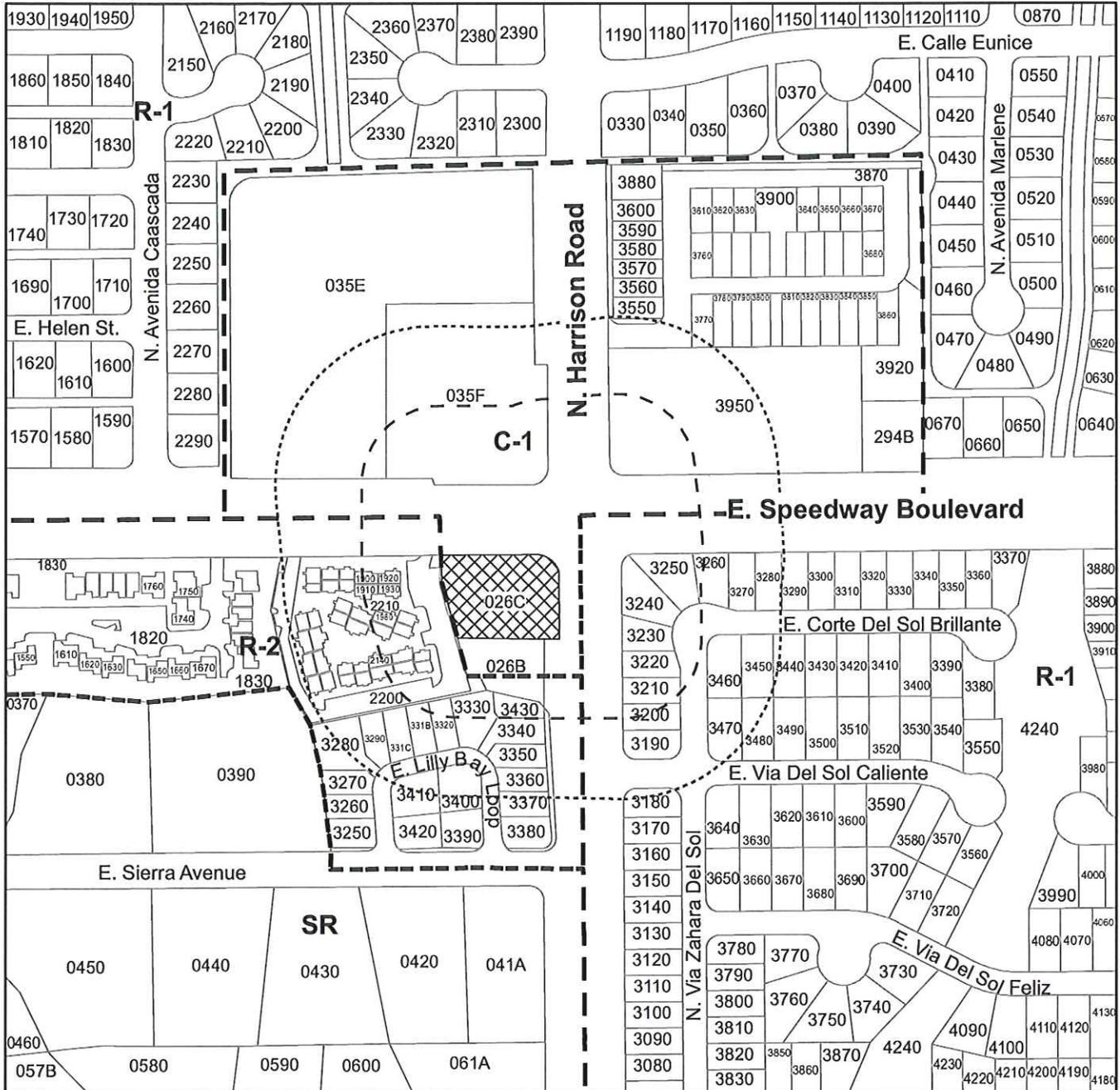
8. The replacement light pole shall not exceed 65 feet in height.
9. The antenna panels shall be concealed within the canister design and attached to the new pole at the 57-foot and 62-foot-8-inch centerlines.
10. The replacement pole shall be painted with non-reflective paint tones.
11. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the stealth monopole.
12. An eight-foot high decorative masonry wall that is graffiti resistant and painted to match existing uses shall be provided around the perimeter of the equipment area.

Preliminary Conditions

13. The exterior perimeter of the equipment compound area shall include landscaping consisting of trees and drought-tolerant vegetation.
14. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
15. Six (6) inch wide fence block or greater shall be used for perimeter walls.

# SE-08-35 AT&T - Speedway Boulevard

## Special Exception - Legislative Procedure



N



0 150 300  
Feet

1 inch = 300 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): Pantano East Area Plan  
 Address: 9490 E. Speedway Boulevard  
 Base Maps: Sec.10 T.14 R.15  
 Ward: 2





**SE-08-35 AT&T - Speedway Boulevard**  
September 2008 Aerial



THIS DRAWING IS COPYRIGHTED AND IS THE PROPERTY OF PB TELECOM. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. REPRODUCTION OR USE OF THIS DRAWING IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

**GENERAL DYNAMICS**  
 4025 E. PROSPECT RD  
 CHANDLER, AZ 85226  
 CONTACT: JIM WOLFE  
 PHONE: 480.237.8785

|          |                |
|----------|----------------|
| RELEASE  | DATE           |
| 15/01/08 | CD REVIEW      |
| 06/08/08 | CD FINAL REV 2 |
| 06/08/08 | CD FINAL REV 3 |
| 06/08/08 | CD REVIEW      |
| 06/08/08 | CD FINAL       |

|          |          |                     |
|----------|----------|---------------------|
| REVISED  | DATE     | REVISION            |
| 15/01/08 | 15/01/08 | ADDITIONAL COMMENTS |
| 15/01/08 | 15/01/08 | ADDITIONAL COMMENTS |
| 15/01/08 | 15/01/08 | ADDITIONAL COMMENTS |

**T-914-A**  
 15000 N. TAVUM BLVD & N HANCOCK

**PHNXAZT914-A**  
 SITE ID

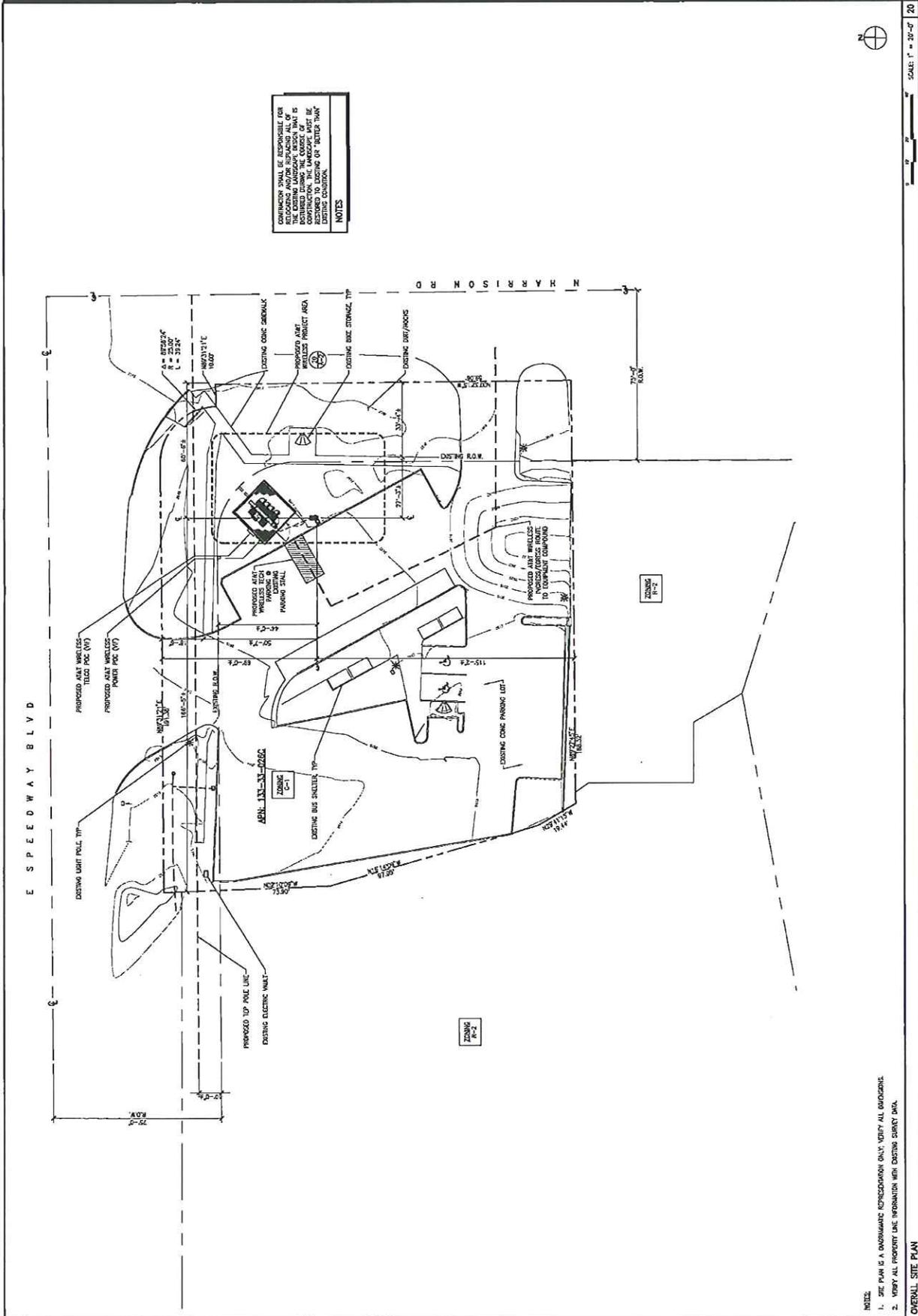
**280200**  
 PER JOB NUMBER

**9490 E SPEEDWAY BLVD TUCSON, AZ 85710**  
 SITE ADDRESS

**OVERALL SITE PLAN**  
 SHEET TITLE

**A-1**  
 SHEET NUMBER

**11' x 17'**  
 PLOT SCALE: 1" = 20'-0"



CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE CITY OF PHOENIX. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AGENCIES WITHIN THE JURISDICTION OF THE CITY OF PHOENIX.



**NOTES:**  
 1. SEE PLAN E.A. DIMENSIONS FOR CONSTRUCTION ONLY. VERIFY ALL DIMENSIONS.  
 2. VERIFY ALL PROPERTY LINE INFORMATION WITH DEEDS BOOKS AND RECORDS.

**OVERALL SITE PLAN**

