



# MEMORANDUM

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DATE: November 5, 2008  
For November 20, 2008 Hearing

*Albert Elias*

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-08-39 AT&T at Holy Trinity – 12<sup>th</sup> Avenue, R-1 (Ward 1)

**Issue** – This is a request by Steve Olson of The Lyle Company, on behalf of the property owners, Holy Trinity Lutheran Church, for approval of a wireless communication facility and ground equipment, as a special exception land use in the R-1 Zone. The special exception site is located on the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road (see Case Location Map). The preliminary development plan proposes a communication facility concealed within an artificial palm tree, 65 feet in height, within a slump block enclosed equipment compound, 1,600 square 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.

Following the public hearing the Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use.

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

**Background Information**

Existing Land Use: Holy Trinity Lutheran Church

Surrounding Zones and Land Uses:

North: Zoned R-3; Parkview Apartments  
South: Zoned R-1; Single family residences  
East: Zoned R-1; Single family residences  
West: Zoned R-1; Mission Manor Park

Previous Cases on the Property: None.

Related Cases:

SE-01-18 Nextel – 4725 E. Pima Street, R-1 Zone. - This is a request for a wireless communication facility, concealed within an artificial palm tree, 50 feet in height and associated ground equipment, as a special exception land use in the R-1 Zone. The site is located at the northeast corner of Pima Street and Swan Road. The Zoning Examiner approved the special exception on July 19, 2001 and Building Permit T01CM04816 was issued on November 19, 2001.

SE-08-02 AT&T - Anklam Road, C-1 Zone. This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 55 feet in height, and associated equipment as a special exception land use in the C-1 Zone. The special exception site is located in back of an existing office building at the northeast corner of Anklam Road and La Cholla Boulevard. On July 8, 2008, the Mayor and Council adopted Ordinance 10567, allowing the requested special exception.

SE-08-31 New Spain Industrial Park – Sears Boulevard, PI Zone - This was a request for approval of a wireless communication facility and associated ground mounted equipment, as a special exception land use in the PI Zone. The project site is located on the east side of Campbell

Avenue, approximately 1800 feet north of Valencia Road. The applicant proposed wireless communication antennas, concealed within an artificial palm tree, 71 feet in height, and a fenced equipment compound, forty by twenty five feet in size. The special exception was before the Zoning Examiner on October 9, 2008. On October 17, 2008, the Zoning Examiner approved the request.

**Applicant's Request** – The applicant requests approval of a wireless communication facility, concealed within an artificial palm tree, 65 feet in height, and an equipment compound, 1,600 square feet in size, as a special exception land use in the R-1 Zone.

### **Planning Considerations**

Land use policy direction for this area is provided by the *Twelfth Avenue-Valencia Road Area Plan* and the *General Plan*. Policies in both plans support non-residential development if the scale and character of the development will be compatible with or will complement the surrounding neighborhood. Policies in the *12<sup>th</sup> Avenue-Valencia Road Area Plan* support development on the perimeter of residential areas that will protect and enhance the quality of life for area residents. The policies support site design that demonstrates sensitivity to the surrounding uses. Wireless communication antennae arrays are discouraged unless they are concealed, disguised or collocated on existing structures.

*General Plan* policies require that telecommunications facilities be located, installed and maintained to minimize visual impact and preserve views. Policies encourage providers to install facilities not only in newer areas, but also in older neighborhoods, to increase opportunities for all citizens to have access to high-tech telecom services. Additional policies support water conservation and the use of water harvesting to promote efficient use of water resources.

Tucson International Airport (TIA) is located approximately one and one half miles southeast of the site, and the church parcel is located within the Airport Environs Zone (AEZ) Airport Hazard District (AHD) and Noise Control District (NCD-65). The proposed cellular communication facility use is allowed in these zones, provided the proposed height is within the designated height limit. According to the AEZ maps, the maximum structure height is 230 feet as measured above the ground surface elevation at the northwest end of runway 11L. The artificial palm height is proposed at a maximum of 65 feet and is within this limit allowed by the AEZ.

The special exception parcel is a rectangular-shaped property with the church located in the center. A wide area of undeveloped land to the east and parking areas north and south of the church, provide large buffer areas between the church and residential development to the north, south, and east. An apartment complex is located on the north side of Calle Alvord on a parcel zoned R-3. Single family residences are located south of the church site and east of the undeveloped area on properties zoned R-1. City of Tucson Mission Manor Park is located to the

west, across 12<sup>th</sup> Avenue. Vehicular access to the wireless facility site is proposed from the existing church driveways on 12<sup>th</sup> Avenue. Twelfth Avenue, identified as an arterial roadway with a future right-of-way of 100 feet on the *Major Streets and Routes Plan* map, is west of the project site site.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide estimates regarding the number of vehicle trips per day generated by the proposed development. Field inspection by staff indicates there are currently no billboards on the project site site.

### **Design Considerations**

**Land Use Compatibility** – The applicant proposes a wireless communication facility concealed within an artificial palm tree, 65 feet in height, and associated ground equipment, to be located approximately 40 feet northeast of the church structure. AT&T proposes a total of six antennas, two on each of three sector locations, to be mounted near the top of the artificial palm and concealed by the fronds. Each of the proposed antennas are four feet, eight inches by one foot, three inches (4'- 8" x 1'- 3") in size. Both the artificial palm and associated ground equipment will be located within a lease area, 1600 square-feet in size and enclosed by a slump block wall, eight feet in height. Staff recommends that the wall be painted with graffiti-resistant paint, and colored to match the church building.

The application indicates there are 13 palm trees on the church site, and 54 palm trees within 1500 feet of the site. Trees on site are approximately 30 feet tall. Given the presence of several palm trees on site and in the surrounding area, the artificial palm proposed represents an effective way to mitigate visual impacts of the wireless facility on the surrounding development.

According to the applicant, the two existing cell facilities in the area are 35 feet tall and therefore limited in the area that can be served. To provide service to a larger area and fill existing service area deficiencies, a structure height of 65 feet is necessary.

The proposed height of the artificial palm is designed to accommodate two additional wireless providers. The application indicates that the antennas on the two future positions would be flush mounted and painted in a non-reflective paint to match the palm bark. However, the application does not contain enough information regarding the future facilities. Each of the future facilities will require separate special exception applications so that staff can review and analyze the potential impacts.

**Drainage/Grading/Vegetation** – Drainage is generally towards the north. The site does not lie within a mapped floodplain. Since the site lies within the Airport Wash watershed, detention/retention is required because this watershed is classified as a balanced basin.

Road Improvements/Vehicular Access/Circulation – There are no additional road, vehicular access or circulation improvements proposed as part of this project. One technician parking space is proposed north of the enclosed equipment area. Typically, the technician parking is used once every 6-8 weeks.

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 special exception site is zoned R-1. According to Sections 3.5.4.20 F.1. of LUC, a Zoning Examiner Full Notice Procedure would apply if a proposed wireless facility located in the R-1 zone is limited to fifty feet in height. Because the facility proposed is 65 feet in height and does not comply with other provisions of LUC Section 3.5.4.20, a Zoning Examiner Legislative Procedure is required.*

- 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.

*The applicant has provided two graphics illustrating the existing service area coverage and the service coverage that will be provided with the proposed facility. The existing service coverage graphic depicts a large geographic area with significant gaps in the service area, generally located between Interstate 19 to the east, Country Club to the west, Valencia Road to the south and Irvington Road to the north. According to the applicant, this service deficiency is because the existing wireless facilities located at Bilby Road and Missiondale Road and at 225 E. Valencia Road, are 35 feet in height and inadequate to serve the area. The applicant is proposing a facility designed to accommodate two additional providers.*

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

*The applicant proposes a wireless communication facility, concealed within an artificial palm tree, and associated ground equipment, to be located on the northeast side of the church. The artificial palm and ground equipment will be located within a lease area, 1600 square-feet in*

*size and enclosed by a masonry wall, eight feet in height. Staff recommends that the masonry wall be painted and textured to match the church structure.*

*An aerial photograph is included with the application, showing the locations of live palm trees in the neighborhood surrounding the proposed site. According to the application text, there are 13 palm trees on the church site, and 54 palm trees within 1500 feet of the site. The palm trees on site are approximately 30 feet tall. Given the presence of several palm trees on site and in the area, the artificial palm proposed represents an effective way to mitigate visual impacts of the wireless facility on the surrounding development*

- 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.

*The applicant has designed the artificial palm with two additional positions for wireless provider antennas. The application indicates that the antennas on the two future positions would be flush mounted and painted in a non-reflective paint to match the palm bark. However, the application does not contain enough information regarding the future facilities. Staff recommends that each of the future facilities be reviewed through special exception applications so that staff can analyze the potential impacts. However, planning for the co-location of two additional providers in the future will eliminate the need for other towers in the immediate 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.

*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 the Holy Trinity Lutheran Church*

**Conclusion** – The proposed special exception use is consistent with the policy direction in the 12<sup>th</sup> Avenue-Valencia Road Area Plan and the General Plan, which support wireless communication facilities if the facility is designed to minimize visual impacts on the surroundings, and the antennas are concealed. Policies encourage providers to install facilities in older neighborhoods, as well as newer areas, to increase opportunities for all citizens to have access to wireless communication services. Subject to compliance with the attached preliminary conditions, approval of the requested special exception is appropriate.

Preliminary Conditions

PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated September 16, 2008, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*. The conditions apply to the initial installation of AT&T facilities. Other future carries shall be reviewed under separate special exception processes.
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 Special Exception Land Use”.
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 top of the artificial palm tree shall not exceed sixty-five feet in height at the top of the fronds.
9. The maximum diameter of the palm trunk shall not exceed 24 inches.
10. The pole shall be full bark cladding in imitation palm tree bark, and painted an appropriate bark color.
11. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the stealth monopole.

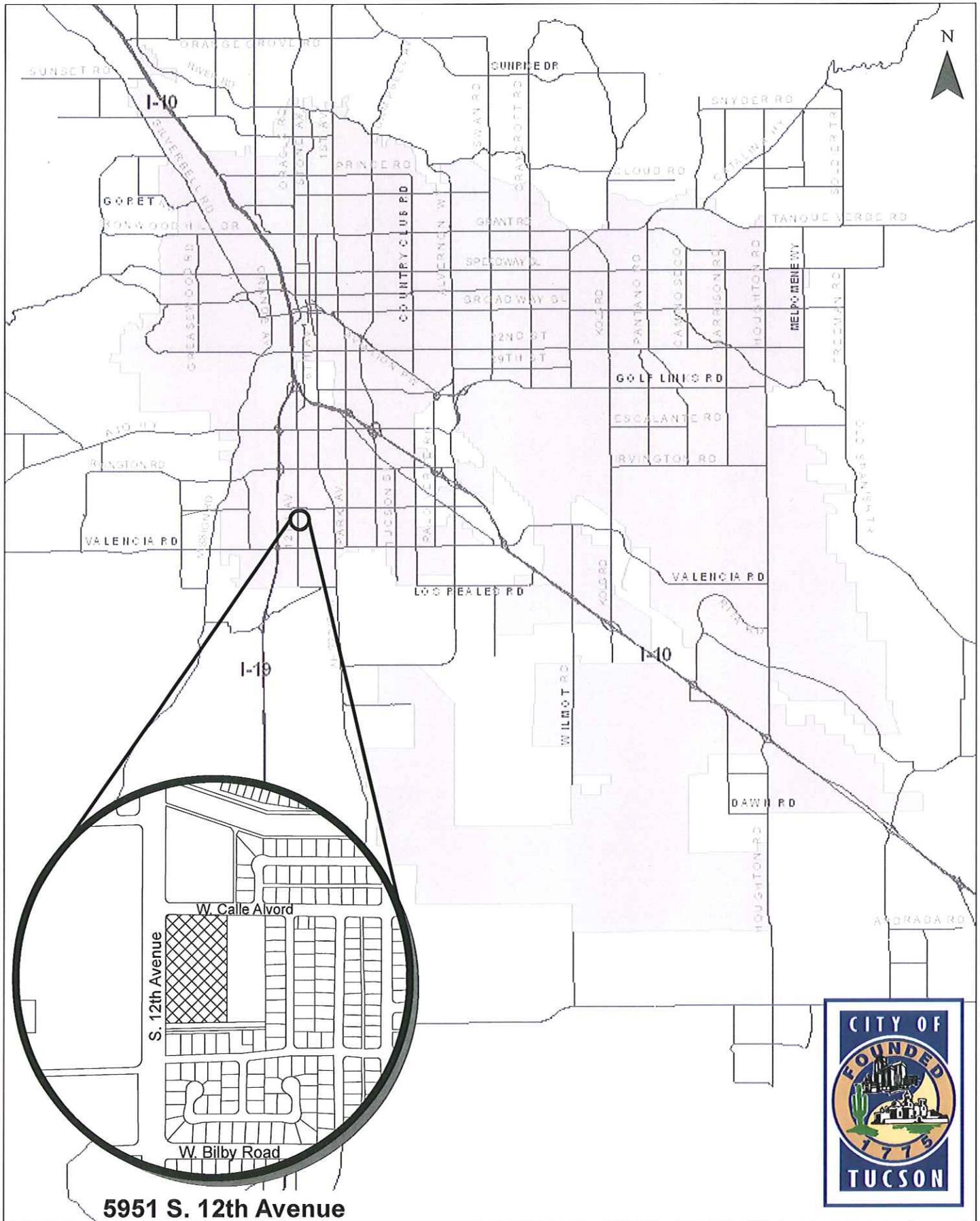
Preliminary Conditions

12. A maximum of six (6) antenna panels shall be installed and painted to match the palm fronds as appropriate. The antenna panels shall not visually extend above or below the artificial palm fronds.
13. The size of the antennas shall be limited to four feet, eight inches by one foot, three inches (4' - 8" x 1' - 3").
14. The proposed masonry screen wall shall be graffiti-resistant, and it shall be textured and painted to match the existing church building.
15. Six (6) inch wide fence block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION

16. Should buffelgrass be present on the site, a buffelgrass mitigation management plan shall be created for the site as a component of the Native Plant Preservation Plan portion of the Landscape Plan.
17. Preparation of a complete Drainage Report, including details of detention/retention, is required. Should detention/retention be required, the following will apply:
  - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
  - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
  - c. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
  - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
  - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
  - f. All security barriers and screening for detention/retention basins shall meet Safe By Design guidelines.

# SE-08-39 AT&T at Holy Trinity Church - 12th Avenue

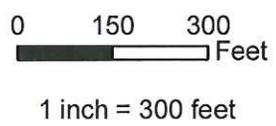
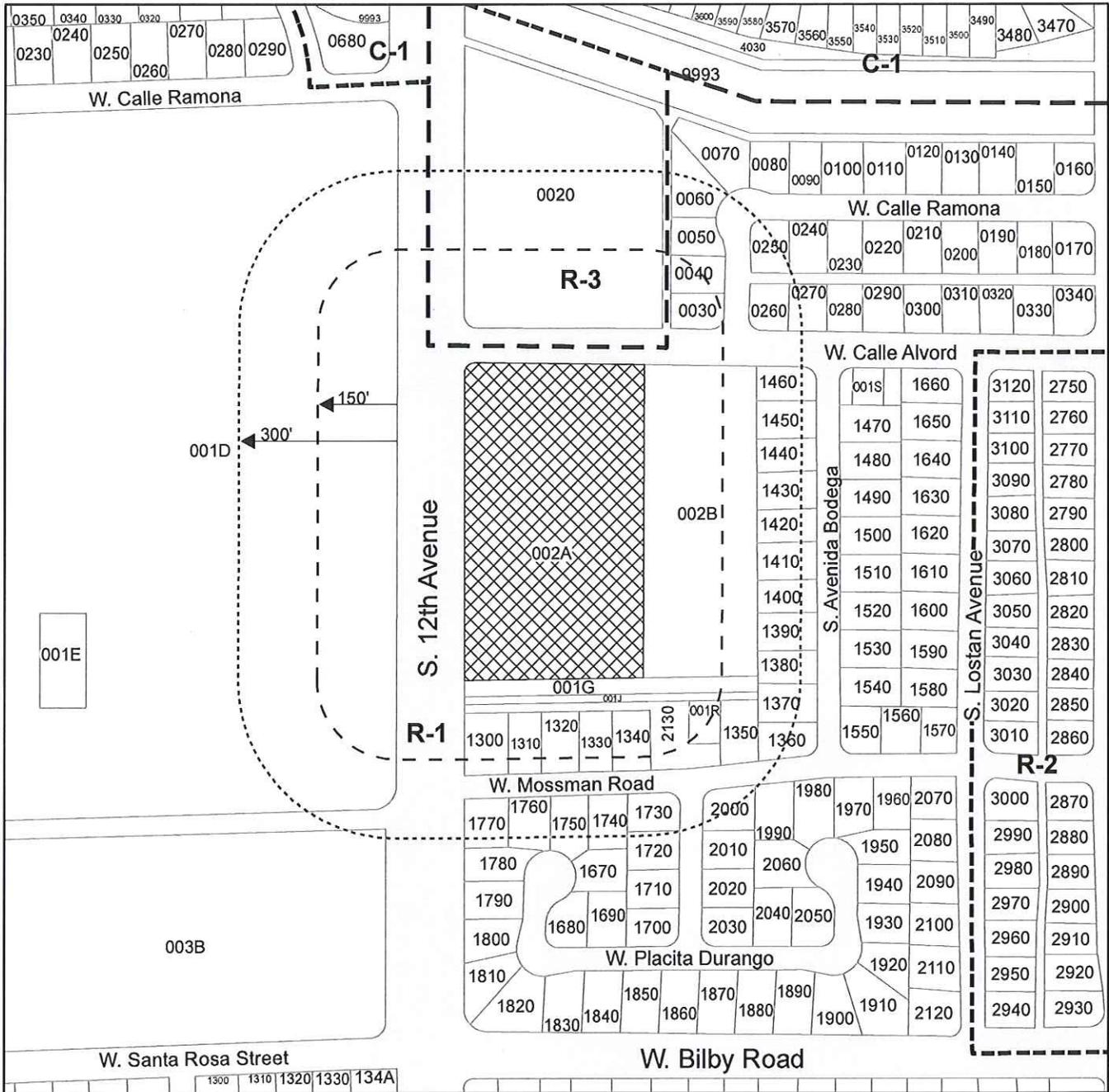


5951 S. 12th Avenue



# SE-08-39 AT&T at Holy Trinity Church - 12th Avenue

## Special Exception - Legislative Procedure



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

Neighborhood, Area Plan(s): 12th Avenue/Valencia Area Plan  
 Address: 5951 S. 12th Avenue  
 Base Maps: Sec.12 T.15 R.13  
 Ward: 1





W. Calle Ramona

W. Calle Ramona

W. Calle Alford

S. Avenida Bodega

W. Mossman Road

S. 12th Avenue

700 feet to Bilby Road

W. Santa Rosa Street

**SE-08-39 AT&T at Holy Trinity Church - 12th Avenue**  
October 2008 Aerial