



# MEMORANDUM

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DATE: June 3, 2009  
For June 18, 2009 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-09-06 Cricket – 6<sup>th</sup> Avenue, C-2 Zone (Ward 5)

**Issue** – This is a request by Scott Quinn of Quinn United Enterprises, LLC, on behalf of the property owners, Crown Castle, to allow an extension of 15 feet in the height of an existing wireless communication facility as a special exception land use in the C-2 zone. The special exception site is located between 40<sup>th</sup> and 43<sup>rd</sup> streets, west of I-10, Exit 261 (see Case Location Map). The preliminary development plan proposes extending the height of an existing wireless communication tower by 15 feet, to a height of approximately 80 feet. The additional height is necessary to clear a new building under construction to restore the radio frequency signal to improve communication service.

A communications use of this type is subject to Section 3.5.4.20.F.2 of the *Land Use Code (LUC)* and requires approval through a Zoning Examiner Full Notice Procedure, Sec. 23A-50 and 23A-53. A public hearing before the Zoning Examiner is required. The Zoning Examiner will render a decision to grant the use with or without conditions, or to deny the use.

The Zoning Examiner may also forward the request to the Design Review Board (DRB) for design review and recommendation.

The proposed special exception is considered under the requirements of a Zoning Examiner Full Notice Procedure because the tower and antennas will not exceed 80 feet in height, it represents a co-location of Sprint and Cricket facilities, and because the facility is setback two times the height of the structure from the boundary of any property zoned residential or office, as required by the *LUC*.

**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:** The Southgate Shopping Center and wireless communication facility.

Surrounding Zones and Land Uses:

North: Zoned C-2 and I-1; Interstate 10.

South: Zoned C-2 and R-2; Tucson Diversion Canal and residential.

East: Zoned C-2 and I-1; New strip mall.

West: Zoned C-2 and R-2; Residential

Previous Cases on the Property:

SE-00-41 Cricket Communication – 102 W. 44<sup>TH</sup> Street, C-2 Zone. This was a request for approval to allow the co-location of new telecommunications antennae at 44 feet and 53 feet on an existing 66 foot pole as a Type IV special exception land use in the C-2 Zone. The Planning Director approved the special exception on August 4, 2000. Building Permit T00CM03904 was issued on September 21, 2000.

Related Cases:

SE-08-33 AT&T – Benson Highway, C-2 Zone. This was a request for approval to extend an existing wireless communication tower from 58 feet to 70 feet to co-locate additional antennas and install associated ground equipment, as a special exception land use under the Zoning Examiner Full Notice Procedure. The special exception site is located on the south side of Benson Highway, between Campbell Avenue and Irvington Road. On October 30, 2008, the Zoning Examiner issued a decision to approve the requested special exception, subject to certain conditions.

**Applicant's Request** – The applicant request approval to increase the height of an existing wireless communication tower by 15 feet, to a height of approximately 80 feet. The additional height is necessary to clear a new building under construction to restore the radio frequency signal to improve communication service.

**Planning Considerations**

The *General Plan* provides land use guidance for the requested special exception, with the *Design Guidelines Manual* providing additional design guidance. Both the General Plan and the Design Guidelines Manual support the requested use when visual appropriate design elements and buffering techniques are used to mitigate any potential negative impacts of more intense development on established neighborhoods and public views.

The site is a reasonable fit for the proposed telecommunications facility. The proposed location is in keeping with the intent of these *Plans*.

The existing tower is located near the western side of the Southgate Shopping Center, south of I-10. The site is zoned C-2 and immediately surrounded by C-2 zoning. I-1 zoning is located north and east of the special exception site. Properties located to the south and west are zoned R-2 and are owned by the Pima County Regional Flood Control District. The special exception site is a long narrow property, oriented diagonally, northwest to southeast.

Vehicular access to the special exception site is from the 6<sup>th</sup> Avenue and 44<sup>th</sup> Street. Sixth Avenue is identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) did not provide estimates concerning the number of vehicle trips per day generated by the proposal.

### **Design Considerations**

Land Use Compatibility – Cricket has received a high volume of customer complaints in the area served by a wireless cell tower located at the site of the Southgate Shopping Center, between 10th Avenue on the west, Interstate 10 on the east and 44<sup>th</sup> Street on the south. Cricket has attributed the complaints to the construction of a new building in the shopping center that is blocking the signal. The applicant proposes to increase the height of the tower by 15 feet to maintain the signal and improve service to its customers. The combined tower and antenna height would be increased from 67.5 feet to 79.2 feet. The applicant proposes a design that will extend the tower at the top, with the antennas in a “cluster mount”, located above the existing “crow’s nest”. This design reduces the mass and the cluttered appearance provided by the existing structure. There are no changes proposed to the existing ground-mounted equipment.

The Julian Wash runs along the southwest side of the Southgate Shopping Center site. According to Tucson Parks and Recreation staff, the antenna will be highly visible from the future Julian Wash Greenway to the south. Parks and Recreation staff recommends that the cell tower be redesigned within an artificial palm tree to mitigate the visual impacts. Re-design as a palm tree is a recommended condition.

The special exception site is within the Tucson International Airport public disclosure area and traffic pattern airspace. The site is not within the City of Tucson Airport Environs Zone. As such, the Tucson Airport Authority will require the property owner to record an aviation easement.

Drainage/Grading/Vegetation – The site does not lie within a mapped 100-year floodplain; detention/retention has been addressed with the Southgate Shopping Center Development Plan.

Road Improvements/Vehicular Access/Circulation – Road improvements are not planned as part of the proposed special exception request. One technician parking space exists on site and will remain.

### **Performance Criteria**

Following is a response to each of the Performance Criteria specified in the *Land Use Code* Section 3.5.4.20 F. 2.

- a. *The antennae are mounted on a new tower and the tower and antenna are concealed or disguised, or the antenna are collocated on an existing structure.*

The wireless facility is an existing structure and ground-mounted equipment comprised of co-located Sprint and Cricket antennae. The construction of a new building in the Southgate Shopping Center is blocking the radio frequency signal. The applicant proposes to increase the height of the tower by 15 feet to maintain the signal and improve service to their customers.

- b. *The tower and antennae are architecturally and/or environmentally compatible with the surrounding structures and general area.*

The applicant proposes a design that will extend the tower at the top, with the antennas in a “cluster mount”, located above the existing “crow’s nest”. This design reduces the mass and the cluttered appearance provided by the existing structure. There are no changes proposed to the existing ground-mounted equipment. However, the Julian Wash runs along the southwest side of the Southgate Shopping Center site. According to Tucson Parks and Recreation staff, the antenna will be highly visible from the future Julian Wash Greenway to the south. Staff recommends that the cell tower be redesigned within an artificial palm tree to mitigate the visual impacts.

- c. *The new tower is setback at least two (2) times the height of the structure from the boundary of any property zoned residential or office.*

In a Zoning Administrator determination dated March 26, 2009, Mr. Gross states that, “... residentially zoned property that is dedicated to a public purpose (i.e., drainage channels, streets, etc.) may be included in the setback distance per as it creates the acceptable distance between the tower and any property that could potentially be developed for residential purposes. The drainage channel and adjacent County owned land would not be considered residentially zoned land for purposes of *LUC* Section 3.5.4.20. F.” However, as measured from Pima County Mapguide aerial photographs, the structure is located approximately 187 feet from the nearest residence.

- d. *The tower and antennae are eighty (80) feet or less in height.*

The applicant proposes a combined tower and antenna height of 79.2 feet. However, staff recommends limiting the overall height of the structure to 85 feet to accommodate the fronds associated with the artificial palm tree.

**Conclusion** – The proposal appears to be in general compliance with the policy and intent of the *General Plan* and the *Design Guidelines Manual*. Subject to compliance with the attached preliminary conditions, approval of the special exception request is appropriate.

s:/special exception/2009/se-SE-09-06 sr.doc

SE-09-06 Cricket – 6<sup>th</sup> Avenue, C-2 Zone (Ward 5)  
Preliminary Conditions

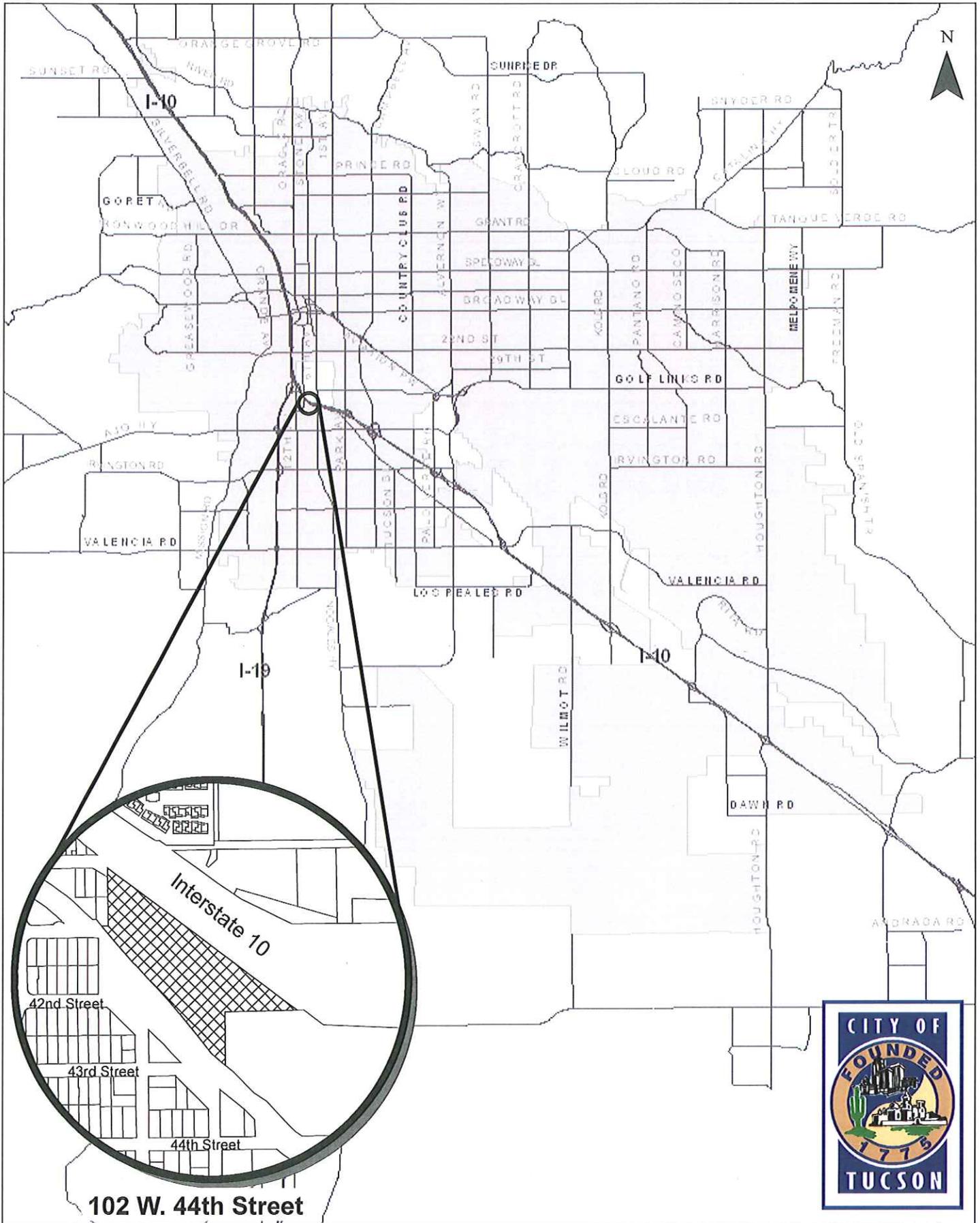
PROCEDURAL

1. A development plan in substantial compliance with the preliminary development plan dated April 21, 2009, 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 existing wireless cell tower shall be removed and replaced with a tower an antenna enclosed in an artificial palm tree structure.
9. The artificial palm tree shall be limited to a height of eighty-five (85) feet.

# SE-09-06 Cricket - 6th Avenue







S. 6th Avenue

W. 38th Street

W. 37th Street

Interstate 10

Tucson Diversion Channel

S. 9th Avenue

W. 44th Street

S. Belmar Avenue

S. 10th Avenue

W. 42nd Street

W. 43rd Street

S. Liberty Avenue

**SE-09-06 Cricket - 6th Avenue**  
April 2009 Aerial