



MEMORANDUM

DATE: June 24, 2009
For July 9, 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-09-10 Verizon – Benson Highway, C-2 Zone (Ward 5)

Issue – This is a request by Todd Daoust, of Commscapes, L.L.C., on behalf of the property owners, Verizon Wireless, to allow the collocation of a microwave dish on an existing wireless communication tower as a special exception land use in the C-2 zone. The special exception site is located on the south side of Irvington Road, east of Tucson Boulevard (see Case Location Map). The preliminary development plan proposes a microwave dish, six feet in diameter, to be located at a height of 56 feet to the center of the dish, on an existing structure, approximately 150 feet tall.

The proposed microwave dish is subject to Section 3.5.4.20.G. of the *Land Use Code (LUC)* and requires approval through a Zoning Examiner Legislative Procedure, Sections 5.4.1 and 5.4.3. The Mayor and Council may 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 Legislative Procedure. The existing tower, constructed in 1986, does not meet the setback requirement of at least two times the height of the structure from the boundary of any property zoned residential or office. The property to the north is zoned R-2. The tower is approximately 30-35 feet from the property line. In addition, the structure is greater than 80 feet in height, the maximum allowed for other processes. And, finally, the extension of the proposed microwave dish is 4.80 feet from the outside of the pole, which exceeds the 36 inch extension requirement of other processes.

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 with cell tower at the rear of the property.

Surrounding Zones and Land Uses:

North: Zoned R-2; Undeveloped
South: Zoned C-2; Salvage yards and abandoned motel.
East: Zoned C-2; Undeveloped
West: Zoned C-2; Undeveloped

Previous Cases on the Property:

SE-03-30 Nextel – Benson Highway, C-2 Zone. This was a request to allow the co-location of six wireless communication antennas 90 feet above the base of an existing structure, 150 feet in height, and associated ground-mounted equipment at the base of the pole on 0.77 acres. Mayor and Council approved the special exception on March 1, 2003. Building permit T04CM01970 was issued on June 24, 2004.

Applicant's Request – The applicant requests approval to allow the collocation of a microwave dish on an existing wireless communication tower as a special exception land use in the C-2 zone.

Planning Considerations

The *Kino Area Plan (KAP)* provides guidance for this land use request along with the *General Plan*, and *Design Guidelines*. *KAP* commercial sub-goal, is to provide for an adequate amount and appropriate arrangement of commercial development within Kino. Policy 1.c. is to encourage private developers to utilize existing provisions in the Land Use Code which allow the integration of appropriate commercial and supportive service activities within industrial parks.

The *General Plan* states within Element #4, Community Character and Design, under Policy 3.7 that whenever possible, telecommunications facilities be located, installed and maintained to minimize visual impacts and preserve views. Also under Policy 4.6 states to promote the coordination of efforts of government, private developers, and utility firms to improve the appearance of necessary aboveground utility lines and structures.

Both plans support the requested land use when design elements are used to minimize visual impacts in conjunction with adequate buffering to mitigate the potential negative impacts of more intense development on established neighborhoods are employed.

Undeveloped parcels are located adjacent to the project site on the north, east and west sides. Salvage yards and an abandoned motel are located south of the site, across Benson Highway. Vehicular access to the special exception site is proposed from Benson Highway. Benson Highway, identified as an arterial roadway with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map, is south of the special exception site.

Field inspection by staff indicates there is one billboard on the special exception site- near the Benson Highway frontage.

Design Considerations

Land Use Compatibility – The existing communication facility, installed in 1986, is approximately 150 feet in height and supports antenna arrays for Verizon Wireless, Sprint-Nextel, and T-Mobile. The proposed microwave dish is needed to support the increasing demand for high speed Verizon Wireless voice and data applications, which are unable to be supported by traditional landline telephone facilities.

The applicant proposes painting the microwave dish to match the existing structure to mitigate the visual impacts. Staff anticipates that the microwave dish will not have a significant visual impact because of the size and mass of the existing arrays on the structure. While the mono pole is near the property line, towers are commonly placed in developed areas, such as shopping centers, schools and parks without incident. Co-locating the microwave dish will eliminate the need for a separate structure on which to mount the equipment.

Tucson International Airport - The rezoning site is within the Tucson International Airport public disclosure area and traffic pattern airspace, but not within the City of Tucson Airport Environs Zone. The Tucson Airport Authority (Authority) requires the property owner record the Airport Disclosure Statement form prior to the City's approval of the development plan. The recorded document is to disclose the existence and operational characteristics of the Tucson International Airport to future owners or tenants of the property, and further convey the right to the public to lawfully use the airspace above the property. A copy of the disclosure statement is attached for reference. Once recorded, the property owner is to provide a copy to the Director of Planning with the Airport Authority.

The Airport Authority staff also advises that the Federal Aviation Administration (FAA) requires airspace obstruction analysis (FAR Part 77). The FAA should be notified by the developer of any construction project within 20,000 feet of a public airport that exceeds limits. An obstruction includes construction cranes used during development.

Drainage/Grading/Vegetation – The site does not lie within a mapped floodplain. Although the site lies within the Earp Wash critical basin, the proposed improvements will have little to no effect on the drainage and detention/retention is not required. Soils are Hydrologic Type B and have moderate infiltration.

Road Improvements/Vehicular Access/Circulation – The Benson Highway existing right-of-way is 150 feet. The eastbound and westbound travel lanes are divided by a raised median. Two

travel lanes, twelve feet wide, and a multi-purpose lane, ten feet wide, front the site. There is no sidewalk or curbing along the parcel frontage although, both exist west of this parcel. Benson Highway is signed at 45 mph. There is no bus service along this section of Benson Highway and no RTA improvements are planned for this stretch of Benson Highway. Road improvements are not included as part of the proposal.

Performance Criteria

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

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

The existing tower, constructed in 1986, does not meet the setback requirement of at least two times the height of the structure from the boundary of any property zoned residential or office. In addition, the structure is greater than 80 feet in height and the proposed microwave dish exceeds the extension requirement of 36 inches or less from the face of the structure.

- 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 proposed microwave dish will be co-located on an existing structure installed in 1986.

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

The applicant is proposing to paint the microwave dish to match the existing structure. The microwave dish will be located approximately 56 feet at the center of the dish above grade, on a structure that is approximately 150 feet in height.

- 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 existing structure currently supports antenna arrays for Verizon Wireless, Sprint-Nextel, and T-Mobile. The proposed microwave dish is needed to support the increasing demand for high speed Verizon Wireless voice and data applications, which are unable to be supported by traditional landline telephone facilities. Co-locating the microwave dish eliminates the need for a separate structure on which to mount the equipment.

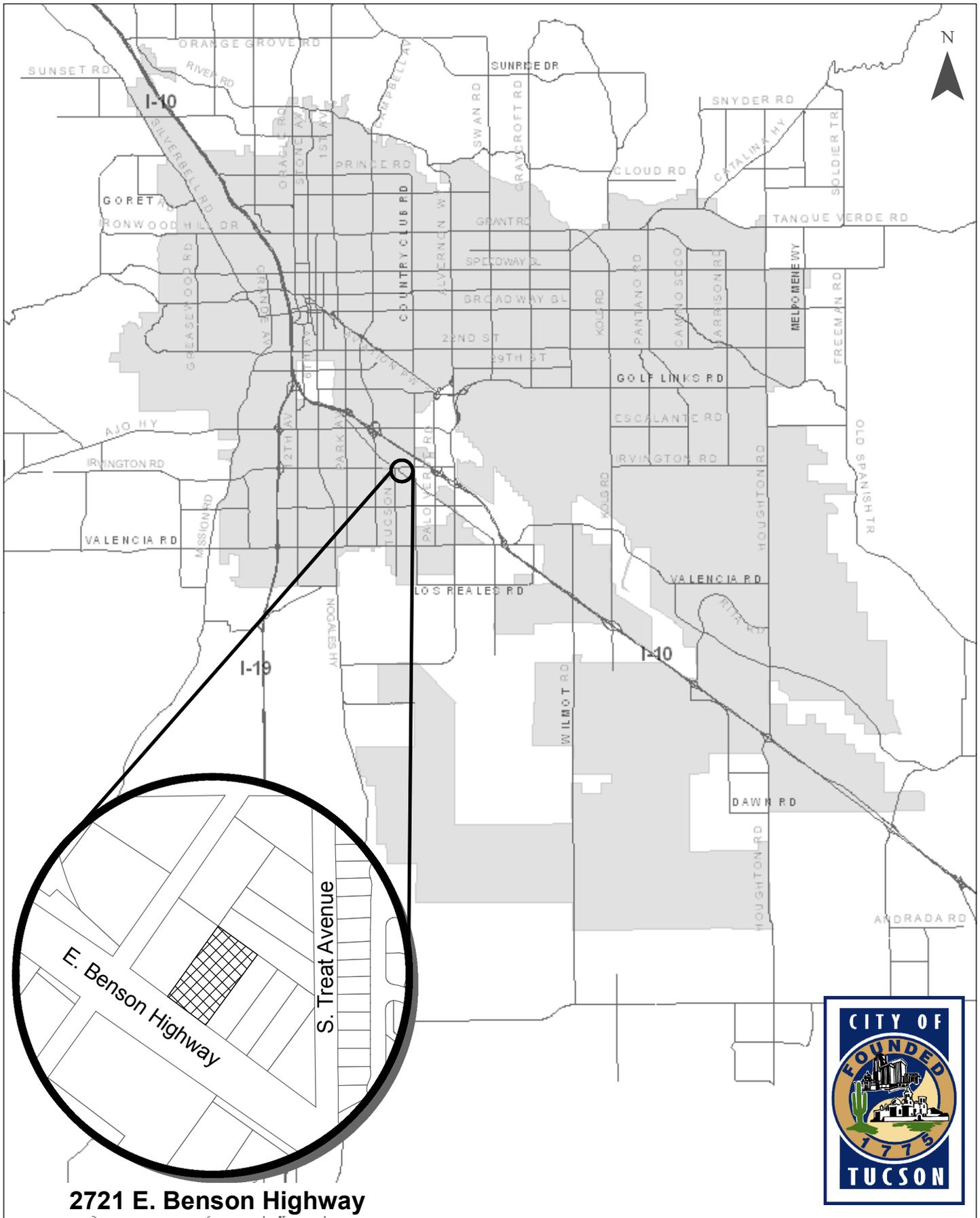
- e. Notice shall be provided to all agents designated, pursuant to Sec. 3.5.4.20.B.7, at least fifteen (15) days prior to the date of the public hearing before the Zoning Examiner.

Staff has provided the required notice 15 days before the Zoning Examiner public hearing to all property owner within 300 feet, neighborhood associations within one mile of the site and all parties associated with the special exception case.

Conclusion – The proposed special exception is supported and is in general compliance with applicable policy and the intent of the *Kino Area Plan* 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-09-10 sr.doc

SE-09-10 Verizon - Benson Highway

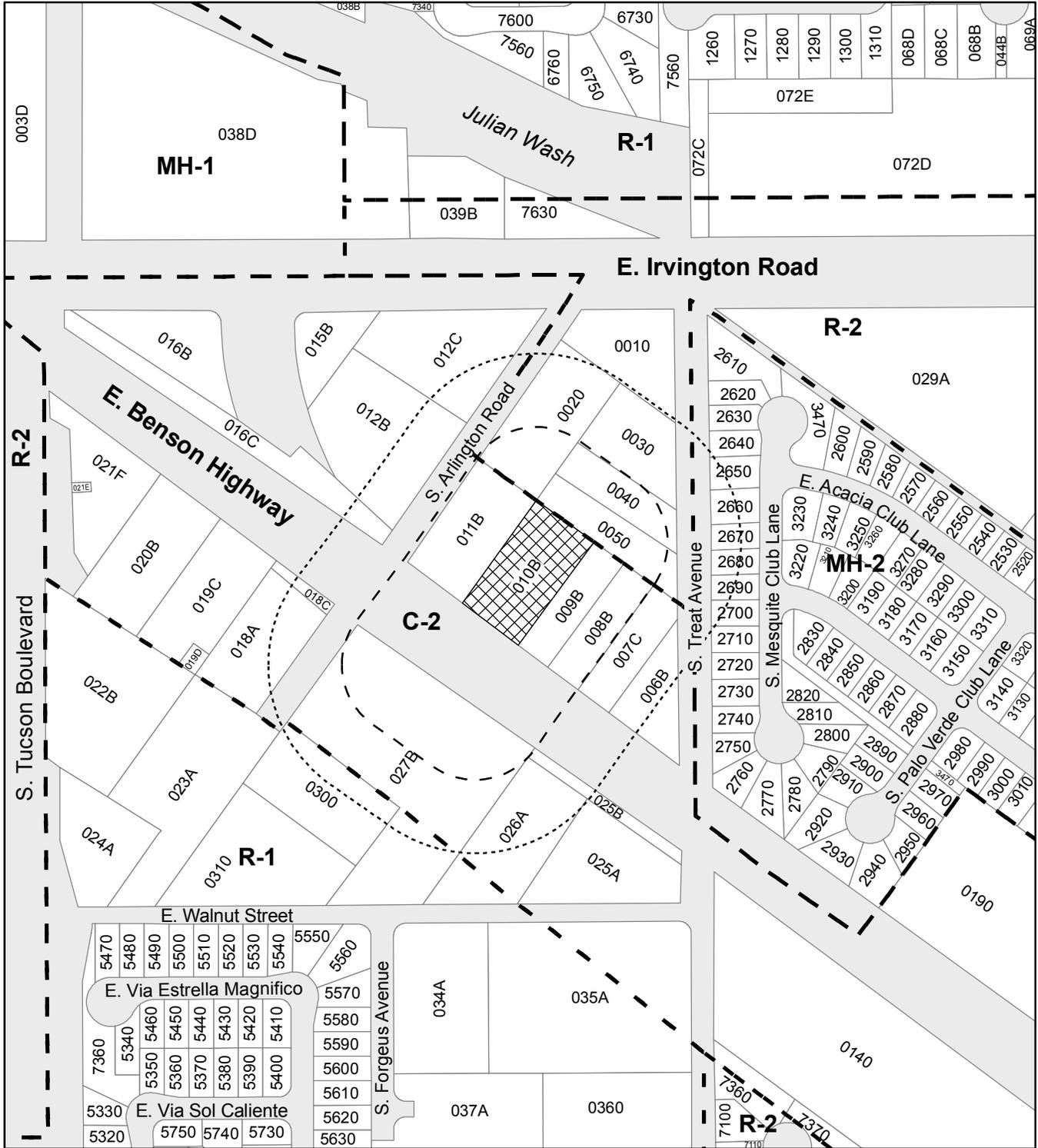


2721 E. Benson Highway



SE-09-10 Verizon - Benson Highway

Special Exception - Legislative Procedure



Area of Special Exception Request

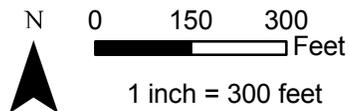
C-2 Zoning of Requested Area

Protest Area (150 foot radius)

Notification Area (300 foot radius)

Zone Boundaries

Address: 2721 E. Benson Highway
 Base Maps: Sec.05 T.15 R.14
 Ward: 5





SE-09-10 Verizon - Benson Highway
May 2009 Aerial

