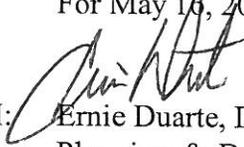




MEMORANDUM

DATE: May 1, 2013
For May 16, 2013 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte, Director
Planning & Development
Services Director

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & AND DEVELOPMENT SERVICES REPORT – Mayor & Council Special Exception Procedure SE-13-14 AT&T – 25th Street, R-2 (Ward 5)

Issue – This is a request by Tim Burmer of FM Group, Inc., on behalf of the property owner, The City of Tucson, for approval of a wireless communication facility. The special exception site is located on the north side of 25th Street, approximately 160 feet west of 3rd Avenue (see Case Location Map). The Preliminary Development Plan (PDP) proposes a wireless communication tower and antennas, concealed within an artificial palm tree (monopalm), 70 feet in height with associated ground equipment located inside a new equipment shelter, approximately 11-1/2 feet by 20 feet in size. The facility will be placed within a 36-foot by 36-foot lease area at the southwest corner of an existing walled enclosure surrounding a 0.18 acre City wellsite.

A communications use of this type in the R-2 zone is subject to Section 4.9.4.I.2, .3, and .7 of the *Unified Development Code (UDC)* and requires approval through a Mayor & Council Special Exception Procedure, Sec. 3.4.4, because the tower height exceeds 50 feet, and is not set back at least two times its height from the boundary of adjacent R-2-zoned property to the west. Documentation provided by the applicant indicates that no practical alternative exists, and measures are being taken to conceal or disguise the tower and antenna from view.

The Mayor & Council Special Exception Procedure 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. The Mayor and Council may also forward the request to the Design Review Board (DRB) for design review and recommendation.

Planning & Development Services Department Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Background Information

Existing Land Use: City of Tucson wellsite.

Surrounding Zones and Land Uses:

North: Zoned R-2; Single-family residential
South: Zoned R-2; Single-family residential
East: Zoned R-2; Single-family residential
West: Zoned C-1; Commercial retail

Previous Cases on the Property: None

Related Cases:

SE-08-49 AT&T at El Encanto – Broadway Boulevard, C-1 Zone – This was a request to allow a wireless communication facility concealed within an artificial palm tree, 70 feet in height and associated equipment as a special exception land use in the C-1 zone. The special exception site is located on Broadway Boulevard, approximately 520 feet west of Country Club Road. On May 12, 2009, the Mayor and Council adopted Ordinance No. 10666, allowing the special exception.

SE-09-60 AT&T – Grant Road, R-3 Zone – This was a request for approval of a wireless communication facility concealed within an artificial palm tree, 75 feet in height, and associated equipment as a special exception land use. The site is located on the north side of Grant Road, approximately 700 feet west of Swan Road. On June 8, 2010, the Mayor and Council adopted Ordinance No. 10798, allowing the requested special exception.

SE-11-04 AT&T – Park Avenue, R-2 Zone – This was a request to allow a wireless communication facility concealed within an artificial palm tree, 70 feet in height, and associated equipment as a special exception land use. The site is located on the west side of Park Avenue, approximately 1/3 mile south of Ajo Way. On July 6, 2011, the Mayor and Council adopted Ordinance No. 10914, allowing the requested special exception. A revised PDP was submitted on September 14, 2012, with a request to revise conditions to allow wireless antennas to be placed within the crown of the monopalm, instead of behind artificial dead fronds beneath the crown, reducing the overall height of the monopalm to 65 feet. On November 20, 2012, the Mayor and Council adopted Ordinance No. 11037, allowing the requested change of conditions and PDP.

Applicant's Request – The applicant requests special exception approval for the placement of a 70-foot high cellular communications monopole disguised as a palm tree with associated equipment within an existing City of Tucson wellsite.

Planning Considerations

Land use policy direction for this area is provided by the *Old Pueblo South Neighborhood Plan (OPSNP)* and the *General Plan*. The *OPSNP* provides policy direction for community facilities to provide landscaping. No specific policies address cellular communication facilities.

General Plan Land Use policies protect established residential neighborhoods by supporting compatible development, including non-residential uses, where the scale and intensity of use is compatible with adjacent uses. Community Character and Design policies require that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. To increase opportunities for all to have access to high-quality telecom services, wireless providers are encouraged to install infrastructure in older as well as newer neighborhoods. The proposed wireless communication facility responds to the characteristics of the natural landscape of the surrounding area, as the tower will be stealth in the form of a palm tree. The applicant states that the proposed wireless communication facility will help improve and enhance E-911, County and Public communication services.

The proposed monopalm design is consistent with the policy objectives of the *OPSNP* and *General Plan*, and does not require a plan amendment.

The site is zoned R-2 and is within a wellsite owned by the City of Tucson. To the north, east, and south are single-family homes, zoned R-2. To the west, along the east side of 4th Avenue are commercial retail uses, zoned C-1.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed wireless communication facility will generate one vehicle trip per month.

Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

Land Use Compatibility – The proposed monopalm will include three antennas per sector with three sectors for a total of nine antennas. The applicant has submitted a photo-simulation of the monopalm showing that the antennas concealed by the artificial fronds of the monopalm's crown. The monopalm will be set back from 25th Street approximately 40 feet and will be partially screened by the existing wellsite perimeter wall.

The applicant is proposing to place the monopalm and ground equipment in a 36-foot by 36-foot lease area at the southwest corner of the City of Tucson wellsite property. The wellsite property is enclosed by an 8-foot high CMU block wall. The application adequately addresses screening, buffering and disguising the monopole, antennas, and ground equipment. The required setback of two times the height of the structure from the boundary of adjacent R-2 zoned property to the west is not met. The monopalm trunk centerline is proposed to be located 28 feet, 3 inches from the west property line.

The monopalm will be visible from the surrounding residential neighborhood, which consists of single story residential development and some vacant parcels. The nearest residence is across 25th Street in R-2 zoning approximately 100 feet from the proposed location of the monopalm. The area is not densely vegetated and existing vertical structures such as Tucson Electric Power poles are not at a height to match the proposed monopalm wireless communication tower. However, there are some desert trees just outside of the wellsite perimeter wall, and one smaller live palm tree approximately 20 feet in height across 25th Street to the south. The proposed monopalm stealth design reduces the visible impacts to the neighborhood.

Planning staff recommends the addition of a small cluster of live palms to help create a palm mini-oasis concept and further improve the stealth design of the facility. However, City Water staff requests that no live palm trees be planted within the site due to limited available planting area, possible conflict with existing underground pipes, and the need for room for equipment and to facilitate safe maneuverability of maintenance vehicles.

The PDP shows two chain link access gates are proposed between the AT&T lease area and the remainder of the wellsite. However, due to security concerns, City Water staff recommends that no access gates be placed between the AT&T compound and the wellsite. There is no need for these access gates as vehicle access for maintenance vehicles exists directly from 25th Street.

The City applies standard conditions to control the appearance of monopalm facilities. The following appearance standards are recommended as conditions:

- The monopalm shall not exceed 70 feet in height at top of fronds;
- The monopalm shall include crown and pineapple;
- The pole shall be covered with cladding (bark) from the pineapple to bottom of pole, and painted to resemble a live palm;
- There shall be a minimum of 56 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels;
- Replacement of lost/damaged fronds to be completed within ten working days of observation and fronds shall be colored to match live fronds as closely as possible;
- All cables shall be run inside the pole, with no foot pegs other visible appurtenances;
- All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels;
- Antenna panels shall be painted with a light/shade pattern to better camouflage them;
- Ground equipment to be screened by existing masonry wall (provide elevation of street views).
- Maximum panel size is eight (8) feet by one (1) foot by six (6) inches; and,
- Antenna standoff from the pole shall not exceed thirty (30) inches.

Road Improvements/Vehicular Access/Circulation – Vehicular access to the wireless communications facility is through a 13-foot wide gated opening in the wellsite’s perimeter wall, along the 25th Street frontages. A designated parking space for the service technician will be provided just to east of the proposed equipment shelter. Both 25th Street to the south of the site, and 3rd Avenue, to the east of the site, are local streets, with a right-of-way widths of 60 feet.

Use-specific Standards – The applicant’s proposal requires approval as a Mayor and Council Special Exception and must meet the Use-specific Standards of UDC Sections 4.9.4.I.2, .3, and .7. The Mayor and Council may forward the request to the Design Review Board for design review and recommendation. Below is the applicant’s analysis of the performance criteria.

4.9.4.I.

- .2 Provider’s Communication Plan. Each wireless communication provider shall provide a plan of its facilities to the City prior to any application for the installation of a tower or antennas.

This provision is reviewed during the Development Package Review process.

- .3 General. The following shall be applicable to all wireless communication requests:

- a. Noninterference with public safety. No wireless communication transmitter, receptor, or other facility shall interfere with police, fire, and emergency public safety communications.

This provision is reviewed during the Development Package Review process.

- b. All applications for towers/antennas will be reviewed by the Communications Division of the City of Tucson Operations Department and any other appropriate public safety department to ensure that the proposed installation of the new towers/antennas will not interfere with any public safety communications or operations of the City.

This provision is reviewed during the Development Package Review process.

- c. Any antenna or tower for which the use is discontinued for six months or more shall be removed, and the property restored to its condition prior to the location of the antenna or tower, all at the expense of the provider.

Acknowledged.

- d. No new towers shall be permitted within 400 feet of a designated Scenic Route or Gateway Route; within a designated Historic Preservation Zone (HPZ) or Environmental Resource Zone (ERZ); or on a protected peak or ridge as identified in a Hillside Development Zone (HDZ).

Not applicable.

- e. The dimensional provisions of Article 6 as applicable to towers and antennas shall be superseded by the provisions of Section 4.9.4.I.5 and by height and setback provisions of Section 4.9.4.I.5, .6, and .7.

Acknowledged.

- f. All proposed wireless communication towers and antennas shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.

Submittal complies.

- g. Submittal Requirements. The following information is to be submitted with each application for the installation of a tower of antenna

- (1) An updated provider's Communication Plan, including any proposed changes in the service areas, antennas, towers, or policy direction;
- (2) The proposed antennas/tower location, the type of antennas/tower, and the proposed service area;
- (3) A statement of compliance with FCC requirements and specifically the areas listed in Section 3.5.4.20.C.6.;
- (4) If the proposed installation involves a new tower, then the following information is required.
 - (a) The searched area for the proposed location;
 - (b) All existing structures, buildings, towers, etc., of greater than twenty (20) feet in height located within the searched area; and,
 - (c) A report on why collocation within the search area is not a viable alternative.
- (5) Any technological or engineering requirements which effect or limit the location, height, or construction of the proposed tower/antennas should be included in reports.

All items are provided in the General Site Inventory/Design Compatibility Report and Supplemental Coverage maps.

- .7 The following requires approval as a special exception in accordance with Section 3.4.4, *Mayor and Council Special Exception Procedure*. The Mayor and Council may forward the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennas, provided:

- (1) The tower or antennas are not permitted by other provision of this Section.

The 67-foot top of steel, 70-foot top of fronds monopalm in the R-2 zone does not conform to any other section of the code because it does not meet the required minimum setback of two times the pole height from adjacent residentially zoned property.

- (2) New towers require a minimum separation of one mile from any existing tower, regardless of ownership, unless documentation establishes that no practical alternative exists.

The nearest existing wireless communications facility (WCF) is approximately 0.25 miles to the east of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles. The proposed WCF is located in the southern portion of the search ring and was approved by AT&T network engineers. The SBA Communications tower is located outside of the search ring and was rejected by AT&T network engineers because it did not meet the radio frequency objectives required to correct the significant coverage gap. As previously discussed, existing TEP power poles were investigated but none found suitable for collocation.

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

The tower has been designed as a monopalm and will disguise the tower and antennas from external view.

- (4) 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 nearest existing WCF is approximately 0.25 miles to the east of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles. The proposed WCF is located in the southern portion of the search ring and was approved by AT&T network engineers. The SBA Communications tower is located outside of the search ring and was rejected by AT&T network engineers because it did not meet the radio frequency objectives required to correct the significant coverage gap. As previously discussed, existing TEP power poles were investigated but none found suitable for collocation.

- (5) Notice shall be provided to all agents designated at least 15 days prior to the date of the public hearing before the Zoning Examiner.

All policies of the Mayor and Council Special Exception Process shall be followed accordingly.

Staff finds the proposal to be in compliance with the *UDC* Use-Specific Standards.

Conclusion – The proposed stealth tower is in compliance with the performance criteria for a wireless communication facility. The special exception request is consistent with the policies and intent of the *Old Pueblo South* and the *General Plan*. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

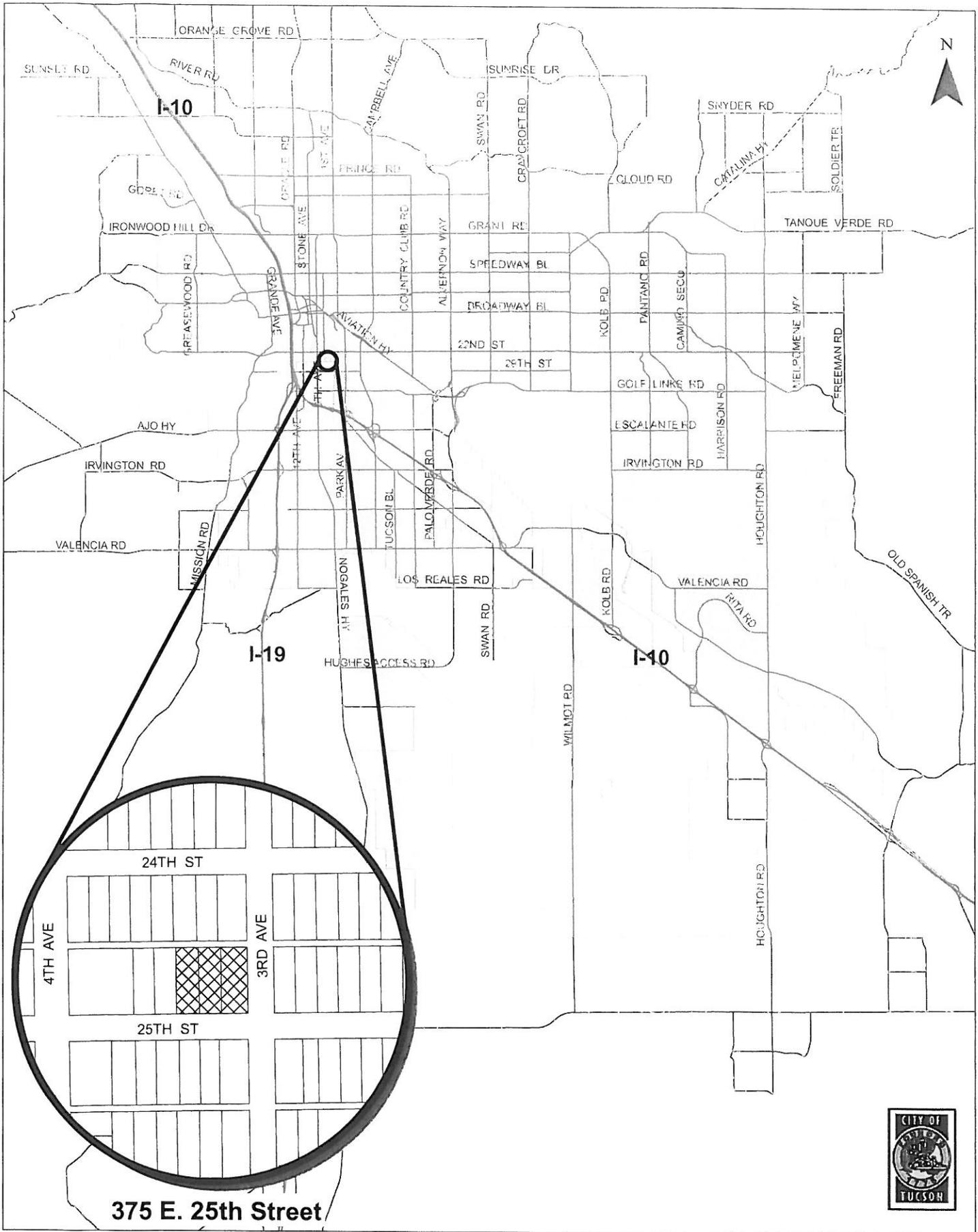
1. A development package/site plan in substantial compliance with the preliminary development plan dated January 31, 2013, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 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 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. 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.
6. A copy of the Special Exception decision letter shall be included with the site plan at the time of permit application submittal.

LAND USE COMPATABILITY

7. The monopalm wireless communication tower shall not exceed seventy (70) feet in height at the top of the fronds.
8. The pole shall be full bark cladding in imitation palm tree bark, and painted an appropriate bark color to resemble a live palm.
9. The monopalm shall include crown and pineapple beneath the crown, as shown on the preliminary development plan dated January 31, 2013.
10. A maximum of nine (9) 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.
11. AT&T shall routinely monitor the facility and repair/replace any artificial fronds that may become worn through time or damaged.

12. Antenna dimensions shall not exceed ninety-eight (98) inches in length, 12 inches in width, and 6 inches in depth.
13. Appurtenances shall either be concealed or disguised using a color mix that serves to camouflage the surface of the appurtenances.
14. The monopalm frond density and design shall properly camouflage the proposed antennas and there shall be a minimum of 56 fronds ranging in length from seven (7) feet to ten (10) feet. Fronds shall be placed to extend above, between and below antennas and appurtenances. Fronds length shall vary as needed to provide maximum camouflage of antennas and appurtenances. The antenna arrays shall be painted to camouflage them using a color mix (shade/light) given of by the palm fronds in the daylight hours.
15. Antenna mounts shall be designed with dimensions that allow maximum coverage and disguise of antennas and appurtenances.
16. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the stealth monopalm.
17. Antenna T-arm standoff from pole shall not exceed thirty (30) inches.
18. Should a back-up generator be installed at this site, the same evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise, as discussed in condition 9, will also apply to the generator. The generator may be tested for up to 45 minutes per month, between the hours of 8:00 AM and 6:00 PM.
19. There shall be no access between the AT&T lease area and the wellsite area.
20. Plans for future carriers must be approved through the special exception process.

SE-13-14 AT&T - 25th Street



375 E. 25th Street

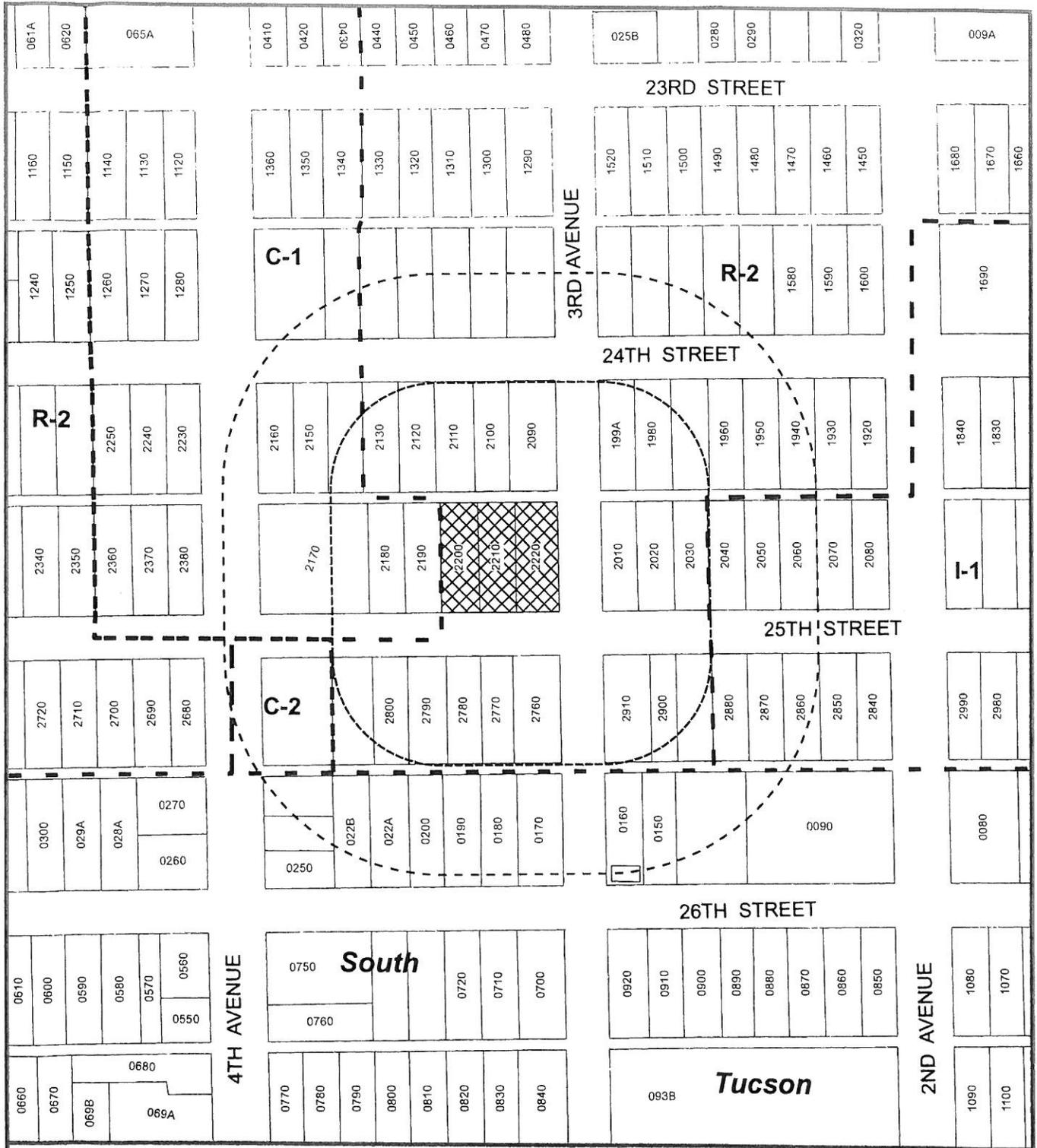




SE-13-14 AT&T - 25th Street
2010 Aerial



SE-13-14 AT&T - 25th Street M. & C. Special Exception



Area of Special Exception Request

150' Protest Area

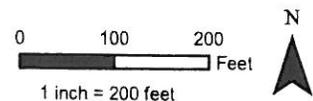
300' Notification Area

Zone Boundaries

R-2 Zoning of Requested Area



Address: 375 E. 25th Street
Base Maps: Sec.24 T.14 R.13
Ward: 5



PUBLIC FACILITIES AND SERVICES REPORT FOR May 16, 2013
(as of April 29, 2013)

SE-13-14 AT&T – 25th Street, R-2 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 02/21/13.
Planning & Development Services – Engineering: See attached comments dated 02/25/13.
Planning & Development Services – Community Design: See attached comments dated 02/26/13.
Tucson Water Department: See attached comments dated 04/24/13.
Office of Conservation & Sustainable Development: See attached comments dated 02/21/13.

No Objections Noted

Transportation – Engineering
Transportation – Traffic Engineering
Planning & Development Services – Zoning Enforcement
Planning & Development Services – Sign Code
Tucson Fire Department
Community Services – Historic Preservation Officer
Environmental Services
Tucson Parks and Recreation
Tucson Police Department
Planning & Development Services – Landscape

NON-CITY AGENCIES

PAG-TPD: Estimated traffic generation of proposed development: 1 vehicle trip per month.

No Objections Noted

Tucson Unified School District
Pima County Wastewater
Arizona Department of Transportation
Pima County Transportation and Flood Control
Pima County Parks and Recreation
Davis-Monthan Air Force Base
Tucson Electric Power

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, May 1, 2013 at
http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

Place
Stamp
Here

City of Tucson
Planning & Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

SE-13-14

Expose this flap - Affix stamp and return



City of Tucson PMc
Planning & Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

SE-13-14
IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED