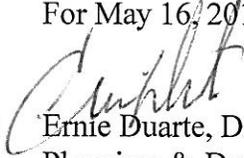




MEMORANDUM

TO: Linus Kafka
Zoning Examiner

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

FROM: 
Ernie Duarte, Director
Planning & Development
Services Director

SUBJECT: SPECIAL EXCEPTION LAND USE – PLANNING & AND DEVELOPMENT SERVICES REPORT – Mayor & Council Special Exception Procedure
SE-13-22 AT&T – Fort Lowell Road, C-1 (Ward 3)

Issue – This is a request by Tim Burner of FM Group, Inc., on behalf of the property owner, Campbell Avenue Shopping Center, LLC., for approval of a wireless communication facility (WCF) in the form of a stealth 65 foot monopalm with ground equipment and masonry screen walls in a shopping center zoned C-1 Commercial. The Shopping Center is located at the southwest corner of Campbell Avenue and Fort Lowell Road. The proposed WCF location is in the extreme southwest corner of the Shopping Center in an existing parking lot, south of a restaurant, in a landscape buffer area. The lease area location is approximately 180 feet south of Fort Lowell and 610 feet west of Campbell Avenue (see case location map). The facility will be placed within the 23'-4" by 16'-4" lease area.

A communications use of this type in the C-1 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 south. 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: Landscape buffer area within a commercial retail center parking lot.

Surrounding Zones and Land Uses:

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

Previous Cases on the Property: None

Related Cases

SE-12-94 AT&T – Presidio Road C-1 Zone – This current case is a request to allow a wireless communication facility concealed within an artificial palm tree, 65 feet in height and associated equipment as a special exception land use in the C-1 zone. This special exception land use site is located approximately 350 feet north of Presidio Road, near the north central property line of an existing church site (5.91 acres), and approximately 565 feet east of Country Club Road. Two neighborhoods meeting have been held concerning this case due to neighborhood opposition. The original request, was not accepted for processing, as the first neighborhood meeting was found to be inadequate. After additional mitigation techniques were proposed, staff recommended approval with conditions. On April 18th, 2013, the Zoning Examiner continued the case and requested additional technical documentation.

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.

SE-10-105 AT&T – E. Speedway, C-2 Zone – This was a request for a special exception land use to allow the development of a 65-foot tall monopalm cell tower with associated ground equipment. The monopalm was located approximately 100 feet from residentially zoned and developed property. The Zoning Examiner approved the request on September 23, 2013.

Applicant's Request

The applicant requests special exception approval for the placement of a 65-foot high cellular communications monopole disguised as a palm tree, with associated equipment, within a commercial retail parking lot.

Planning Considerations

Land use policy is provided by the *Cragin-Keeling Area Plan (CKAP)* and the *General Plan*

Cragin-Keeling Area Plan (CKAP): The main goal of the CKAP is to encourage new non-residential development and redevelopment that is cohesive and integrated with adjacent non-residential uses while preserving and enhancing the existing residential character of the area. General Design Guideline 1 calls for appropriate design elements and buffering techniques to mitigate the potential negative impacts of more intense development on established neighborhoods.

General Plan: Element 2 (Land Use) Policy 3 supports the protection of established residential neighborhoods by supporting compatible development, which may include appropriate nonresidential uses. Supporting Policy 3.9 supports nonresidential uses, where the scale and intensity of uses will be compatible with adjacent uses. Policy 5 supports appropriate locations for commercial uses, with priority for redevelopment in the existing urbanized area. Supporting Policy 5.5 encourages the redevelopment and/or expansion of current strip commercial development that will improve traffic flow, pedestrian mobility and safety, and streetscape quality when: 1) the project stabilizes and enhances the transition edge when adjacent to existing and future residential uses; and, 4) screening and buffering of adjacent residential properties can be provided on site.

Element 4 (Community Character and Design), Policy 3.7 requires that, if possible, telecommunications facilities be located, installed and maintained to minimize visual impacts and preserve views. Visual impacts are a key consideration during the review process. Policy 4.6 promotes the coordination of efforts of government, private developers and utility firms to improve the appearance of above-ground utilities and structures. Policy 5 promotes neighborhood identity and visual character. Supporting Policy 5.3 supports redevelopment projects that reflect sensitivity to site and neighborhood conditions. Action 5.5A is to consider incentives for telecommunications providers to install infrastructure not only in newer areas, but also in older neighborhoods to increase opportunities for all citizens to have access to high-tech telecom services. Policy 6 promotes quality in design for all development. Supporting Policy 6.1 promotes an environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

According to the Major Streets and Routes Plan map, Campbell Avenue is designated as a Gateway Route. The proposed WCF is located outside of the 400 foot Gateway buffer. Fort Lowell is designated as an arterial street.

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 will be concealed by the artificial fronds of the monopalm's crown. The monopalm will be set back from Fort Lowell Road approximately 180 feet and will be partially screened by the existing strip center.

The applicant is proposing to place the monopalm and ground equipment in approximately 23'-4" by 16'-4" lease area at the extreme southwest corner of the Shopping Center. The landscape area will be replaced and enclosed by an 8-foot high CMU block wall, with two, four foot access gates, located on the south side of the enclosure. The enclosure will house the monopalm and associated equipment. The application addresses minimal 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 south and is not met. The monopalm trunk centerline is proposed to be located 11 feet from the southern property line (R-2) and 5 feet, 3 inches from the western property line (C-1).

The monopalm will be visible from the residential neighborhood to the south, which consists of single story residential homes and commercial to the east and west. Two residences are located immediately adjacent to the proposed site. The first has a separation distance of approximately 50 feet from the south west corner of the property. The second is directly south of the monopalm, within a distance of 90 feet. The property line in this area is densely vegetated with mature plantings extending over the existing slotted chain link fence, which delineates the property boundary between the parking area and the residential homes. This vegetation may assist in noise mitigation. Three date palms (*Phoenix dactylifera*) are located on the residential property towards the southwest of the proposed site. The existing date palms may assist in the monopalm stealth design, regardless of palm genus, and reduce the visible impacts to the neighborhood.

Staff recommends relocating the lease area approximately fifty feet north of the current proposed location, closer to the existing restaurant. Shifting the proposed location will increase the boundary setback of the adjacent R-2 zoned property to the south and reduce the apparent height of the monopalm. This effect can be enhanced by planting two live palm trees in the landscape area where the applicant currently proposes install the monopalm. The combination of relocating the monopalm and planting two live palm in the intervening area will minimize the visual and physical impacts to the residential housing to the south.

The Preliminary Development Plan (PDP) shows two, four foot chain link access gates are proposed between the AT&T lease area and the residences to the south. Staff recommends that once the lease area has been shifted, the access gates orientation be reviewed, in order to assess minimizing noise impacts and to support “Safe by Design” concepts.

Road Improvements/Vehicular Access/Circulation

Vehicular access to the wireless communications facility will be from Fort. Lowell Road. A designated parking space for the service technician will be provided just east of the proposed equipment shelter.

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.

4.9.4.I.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).

Acknowledged.

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 or 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.

4.9.4.I.3.7. 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 58-foot top of steel, 65-foot top of fronds monopalm in the C-1 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 ½ mile to the northwest of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles. AT&T network engineers found this location not suitable for collocation. 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 ½ of a mile to the northwest of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 mile and was approved by AT&T network engineers. 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.

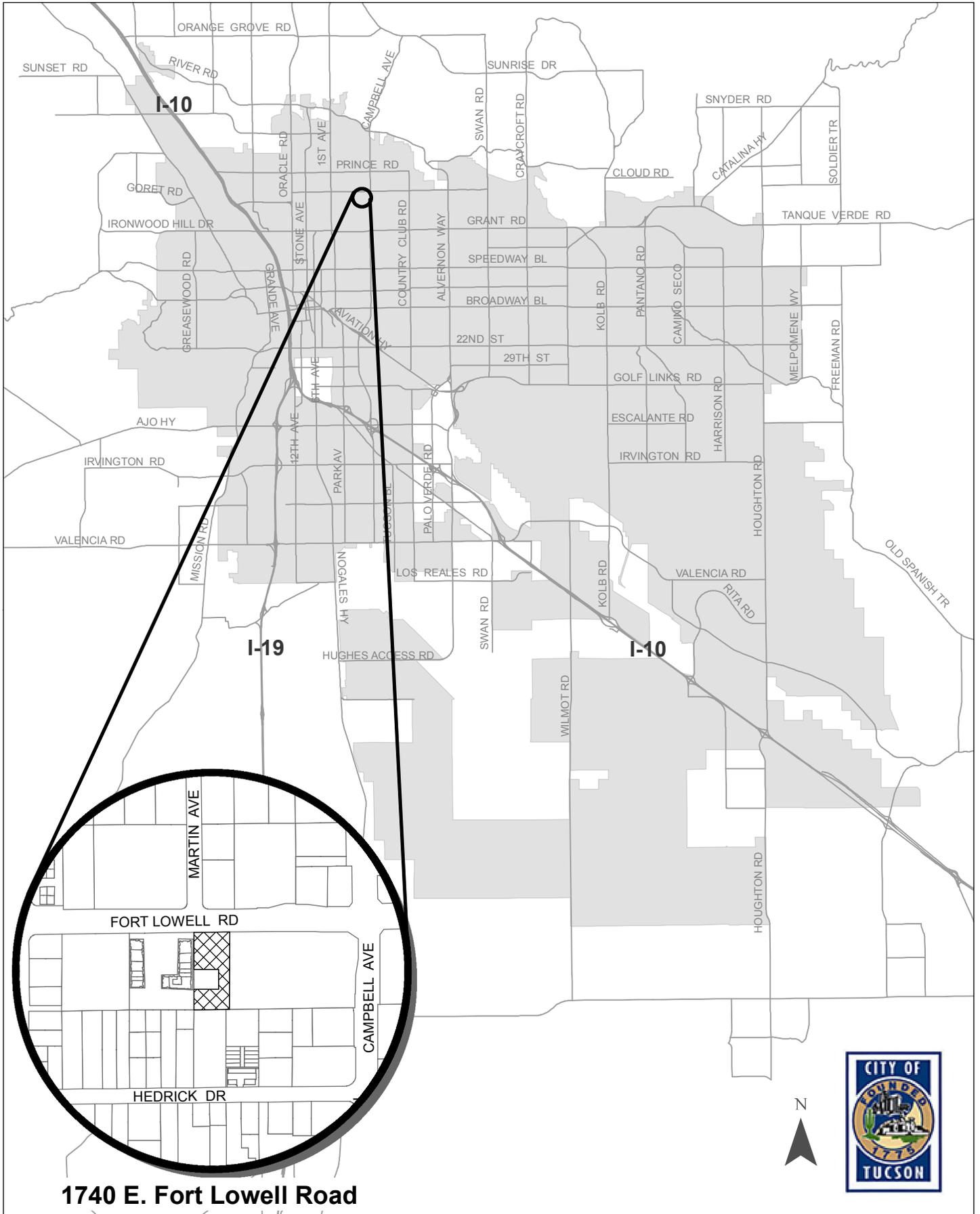
All policies of the Mayor and Council Special Exception Process shall be followed accordingly.

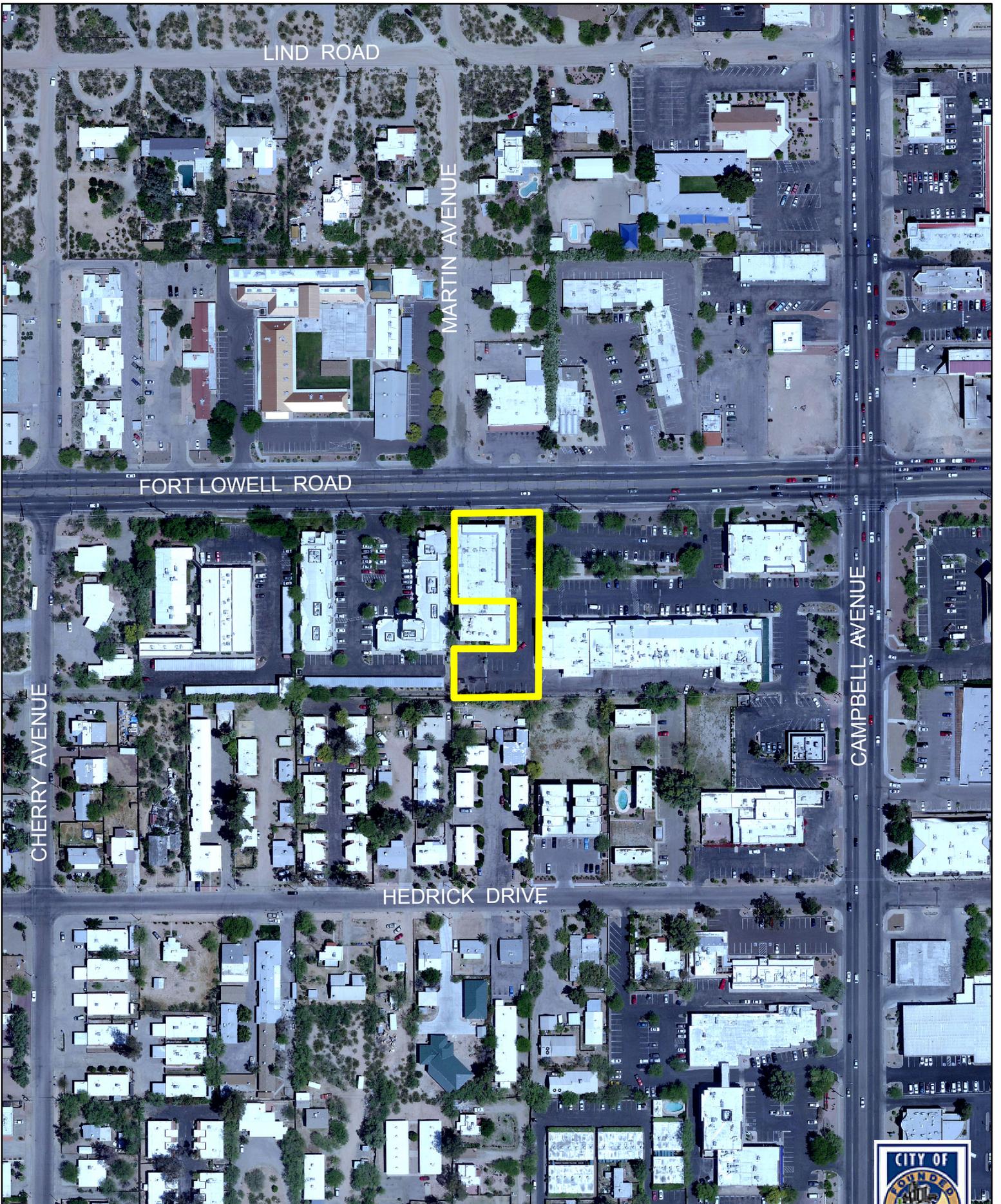
Staff finds the proposal to be in compliance with the UDC Use-Specific Standards.

Conclusion: The proposed stealth tower is in general compliance with the performance criteria for a wireless communication facility. If relocated to lessen the visual impact on adjacent residential development adjacent to the south and designed in compliance with the recommended conditions, the special exception request will be generally consistent with the policies and intent of the *General Plan* and the *Cragin-Keeling Area Plan*.

s:/special exception/2013/se-13-22 staff report.doc

SE-13-22 AT&T - Fort Lowell Road





LIND ROAD

MARTIN AVENUE

FORT LOWELL ROAD

CHERRY AVENUE

HEDRICK DRIVE

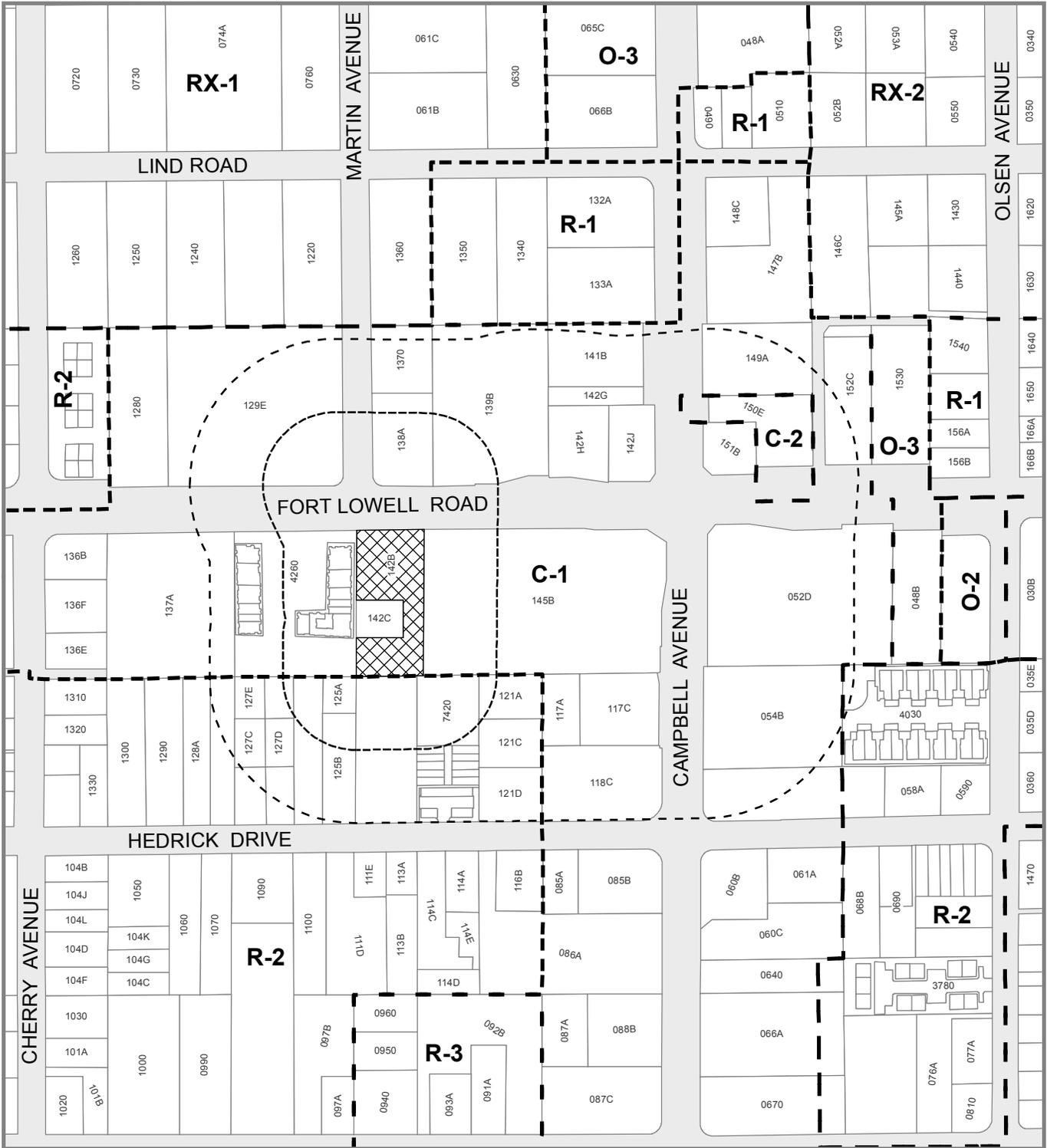
CAMPBELL AVENUE

SE-13-22 AT&T - Fort Lowell Road
2010 Aerial

0 50 100 200 Feet
1 inch = 200 feet



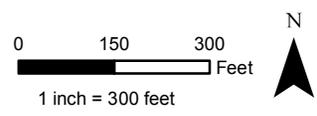
SE-13-22 AT&T - Fort Lowell Road M. & C. - Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area



Address: 1740 E. Fort Lowell Road
Base Maps: Sec.31 T.13 R.14
Ward: 3



PUBLIC FACILITIES AND SERVICES REPORT FOR May 16, 2013
(as of April 30, 2013)

SE-13 - 22, C-1

CITY AGENCIES

Planning & Development Services – Community Planning: See attached comments dated 03/21/2013.
Planning & Development Services – Engineering: See attached comments dated 03/20/2013.
Planning & Development Services – Landscape: See attached comments dated 03/22/2013.
Planning & Development Services – Zoning Review: See attached comments dated 03/13/2013.
Transportation – Engineering: See attached comments dated 03/20/2013.
Office of Conservation & Sustainable Development. See attached comments dated 03/12/2013.

No Objections Noted

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

NON-CITY AGENCIES

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

No Objections Noted

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

s:/SE/13/22 facilities report.doc

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, on May 1st, 2013 at http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

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

