



**CITY OF  
TUCSON**  
ZONING  
EXAMINER'S  
OFFICE

May 23, 2012  
Preliminary Report

Campbell Avenue Shopping Center  
3499 N. Campbell Ave. #907  
Tucson, AZ 85719

Tim Burmer  
AT&T Mobility c/o FM Group, Inc  
15974 N 77th St. #100  
Scottsdale, AZ 85260

John Boutilier  
Inte-grat-ed Design Services  
983 East Harold Drive  
San Tan Valley, AZ 85140

**SUBJECT: SE-13-22 – A.T.& T. – Fort Lowell Road**  
**Public Hearing: May 16, 2012**

Dear Mr. Burmer,

Pursuant to the City of Tucson Land Use Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for special exception land use case SE-13-22. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

## **SUMMARY OF FINDINGS**

This is a request for approval of a wireless communication facility (WCF) located at Campbell Avenue Shopping Center, located at the southwest corner of Campbell Avenue and Fort Lowell Road, zoned C-1. The preliminary development plan (PDP) proposes a WCF in the form of a 65 foot monopalm, to be located in the extreme southwest corner of the Shopping Center, in an existing parking lot. The location is south of a restaurant, in a landscape buffer area, approximately 180 feet south of Fort Lowell and 610 feet west of Campbell Avenue. The PDP indicates the facility will be placed within a 23'-4" by 16'-4" lease area.

There are C-1 zoned commercial uses located north, east, and west of the site. An R-2 zoned residential use to the south contains two residences, located immediately adjacent to the site. The two residences have a separation distance from the proposed WCF of 50 feet and 90 feet, respectively. Vehicular access to the site is provided from Fort Lowell Road. Parking will be provided at a designated parking space on east of the proposed equipment shelter.

Land use policy direction for this area is provided by the *Cragin-Keeling Area Plan* (PEAP) and the *General Plan*. The CKAP supports 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. The plan calls for appropriate design elements and buffering techniques to mitigate the potential negative impacts of more intense development on established neighborhoods.

The *General Plan* supports the protection of established residential neighborhoods by supporting compatible development which may include appropriate non-residential 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 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 2) 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.

Per the *Major Streets and Routes Plan* map (*MS&RP*), 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.

Per the Land Use Code, a communications use is allowed in the C-1 zone as a Mayor and Council special exception land use, subject compliance with the following use specific standards of the *Uniform Development Code*:

**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 antennae. The plan shall cover the entire city and within three miles of the city limits. The plan shall include the following.

- a. All of the provider's existing towers and antennae, by size and type, and their coverage areas.
- b. All presently anticipated future service areas and the types of antennae and heights desired for each of the service areas.
- c. The various types of antennae and towers used by the provider to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennae and equipment and written materials describing their application.
- d. The provider's policy direction for the mitigation and/or reduction of existing and proposed towers and antennae to avoid the negative proliferation of such facilities.
- e. The provider's policy direction on the mitigation and/or the reduction of the negative visual impact created by existing or proposed towers and antennae, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.

- f. The provider's policy direction on collocation of antennae on their own facilities or on ones from other providers or on other structures that provide the verticality required for the antennae. The policy shall also provide that the provider shall not enforce any requirement by an owner of property that would prohibit collocation.
- g. Designation of an agent of the provider who is authorized to receive communications and notices pursuant to this section.

**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. The Director of Operations for the City is authorized to determine whether any transmitter, receptor, or other facility has interfered with public safety communications or is reasonably believed to be an imminent threat to public safety communications. Upon making that determination, the Director of Operations shall notify the Zoning Administrator and the provider responsible for that facility. The Zoning Administrator may obtain a temporary restraining order from the City Court with or without notice to enforce this section, provided a hearing is scheduled within five days of the Court's order.
- b. All applications for towers/antennae 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 towers/antennae will not interfere with any public safety communications or operations of the City. All applications shall include a certification by a registered or electrical engineer that each proposed antenna or tower will be in compliance with all standards established by the Federal Environmental Protection Agency and Federal Communications Commission (FCC) regarding potential health and safety hazards. Submittal of information and review of the application by the Department of Operations shall be in accordance with all applicable standards.
- c. Any antenna or tower for which the use is discontinued for six months or more shall be removed, and the property shall be restored to its condition prior to the location of the antenna or tower, all at the expense of the provider. The City may require financial assurances to ensure compliance with this provision.

- 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) except as follows:
- (1) Communication towers and antennae shall be permitted on a protected peak or ridge that was used for such facilities prior to March 3, 1997, provided any new antennae and towers do not increase the area already disturbed and the placement of any new towers in such areas is approved as a special exception in accordance with Section 3.5.3, Zoning Examiner Legislative Procedure.
  - (2) New antennae may be permitted under Section 4.9.4.I.4 and .5 if they also comply with the purposes and review procedures of the overlay zone.
  - (3) New communication towers may be permitted on Gateway Routes in exceptional circumstances, provided there is no alternative and the placement is approved in accordance with Section 3.5.3, Zoning Examiner Legislative Procedure.
- e. The dimensional provisions of Article 6 as applicable to towers and antennae shall be superseded by the provisions of Section 4.9.4.I.5 and by the height and setback provisions of Section 4.9.4.I.5, .6, and .7.
- f. All proposed wireless communication towers and antennae shall be in compliance with all Federal Communications Commission (FCC) regulations, including those protecting the public health and those protecting historic districts.
- 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, antennae, towers, or policy direction.
  - (2) The proposed antennae/tower location, the type of antennae/tower, and the proposed service area.
  - (3) A statement of compliance with FCC requirements and specifically the areas listed in Sec. 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.

(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/antennae should be included in reports.

**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 request to the Design Review Board (DRB) for design review and recommendation.

a. Wireless communication antennae, provided:

(1) The tower or antennae are not permitted by other provisions of this section.

(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.

(3) All appropriate measures shall be taken to conceal or disguise the tower and antenna 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 with the facilities of other providers that are located or planned for development within the proposed service area.

(5) Notice shall be provided to all agents designated, in accordance with Section 4.9.4.I.2.g, at least 15 days prior to the date of the public hearing before the Zoning Examiner.

The Planning and Development Services Department reports that the submitted proposal complies with the applicable performance criteria of the Uniform Development Code and recommends approval of the proposed development based on compliance with the *Cragin-Keeling Area Plan* and the *General Plan*. However, the proximity of the proposed tower to the adjacent residences produces a negative visual impact to the neighboring properties. Staff has recommended that the WCF be relocated 50 feet north of the current proposed location, that two live palm trees be planted in the landscape area where the applicant currently proposes to install the monopalm, and that the orientation of the access gates to the lease area be reviewed to minimize noise impacts and support “Safe by Design” concepts.

**CONCLUSION**

The special exception request for a new 65-foot high monopalm is generally in compliance with applicable the policy and the intent of the *General Plan*, the *Cragin-Kelling Area Plan*, and the UDC Use-Specific Standards. Subject to compliance with the recommended conditions to relocate the tower 50 feet to the north, plant additional live palms, and review access gate orientation, as well as other staff conditions, the special exception request is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends approval of the special exception, subject to the recommended staff conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Kafka', written over a horizontal line.

Linus Kafka  
Zoning Examiner

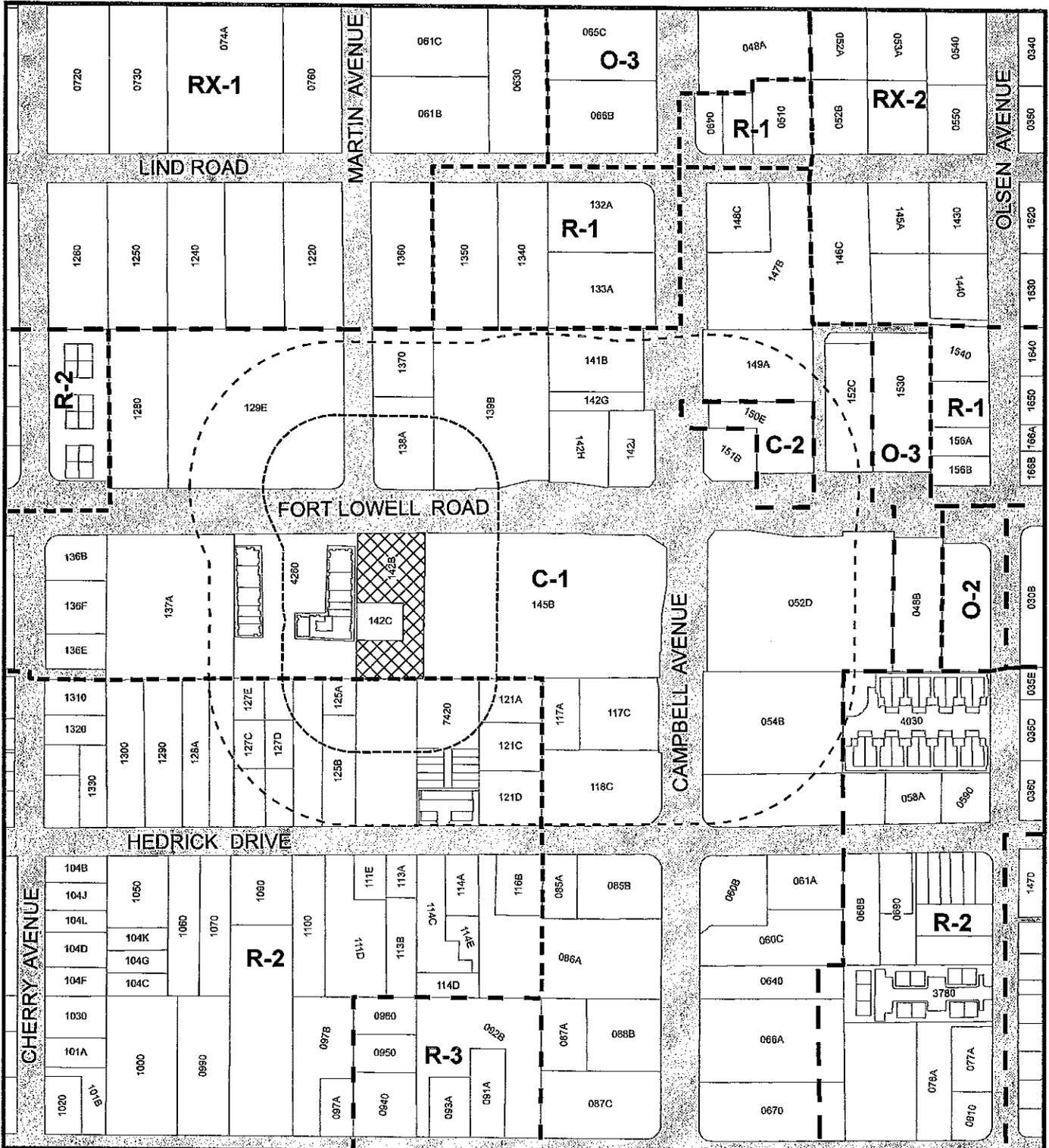
**ATTACHMENTS:**

Case Location Map  
Rezoning Case Map

cc:

City of Tucson Mayor and Council

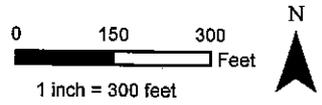
# SE-13-22 AT&T - Fort Lowell Road M. & C. - Special Exception



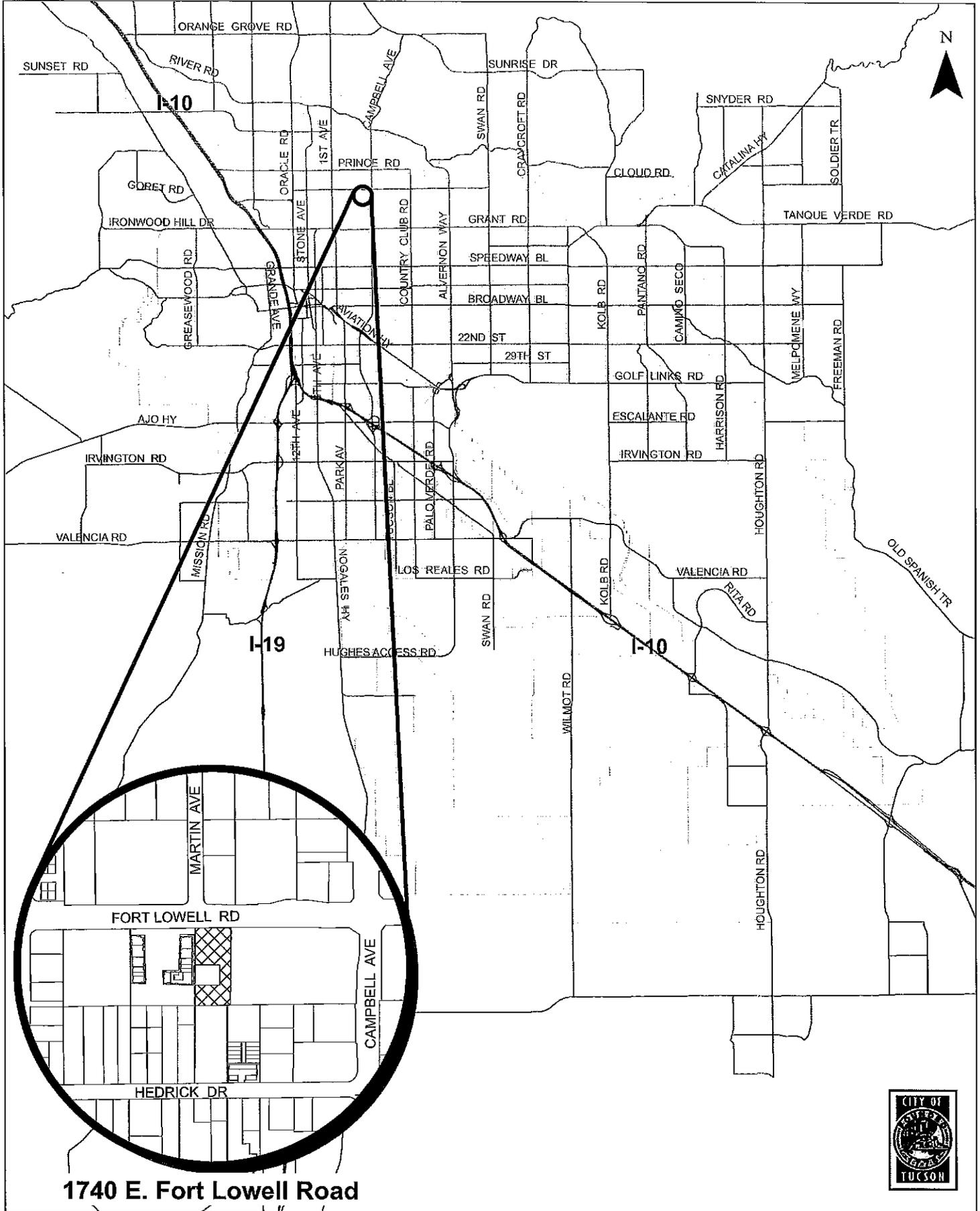
- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-1** Zoning of Requested Area



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



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



1740 E. Fort Lowell Road

