



MEMORANDUM

TO: Linus Kafka
Zoning Examiner

DATE: May 15, 2013
For May 30, 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-13-26 AT&T – 22nd Street, C-1 (Ward 5)

Issue – This is a request by Tim Burner 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 approximately 200 feet south of 22nd Street and 400 feet west of Country Club Road. (see Case Location Map). The Preliminary Development Plan (PDP) proposes a wireless communication tower and antennas, concealed within an artificial palm tree (monopalm), 65 feet in height with three sectors of antennas mounted at a center line of 58 feet in height. Associated ground equipment will be located inside a new equipment shelter, approximately 11-1/2 feet by 20 feet in size. The facility will be placed within a 20-foot by 35-foot lease area at the west end of a vacant area in the back of a strip commercial shopping center.

A communications use of this type in the C-1 zone is subject to Sections 4.9.13.O and 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-1 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: Vacant area in back of a commercial shopping center

Surrounding Zones and Land Uses:

North: Zoned C-1 and C-2; Commercial retail

South: Zoned R-1; Single-family residential

East: Zoned C-1; Commercial retail

West: Zoned R-1; vacant lot behind commercial building

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-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 located 120 feet south of Speedway Boulevard and 900 feet west of Craycroft Road. The monopalm was approximately 100 feet from residentially zoned and developed property. The Zoning Examiner approved the request on September 30, 2013.

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.

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 vacant area behind an existing commercial retail shopping center.

Planning Considerations

Land use policy direction for this area is provided by the *Arroyo Chico Area Plan (ACAP)* and the *General Plan*. *ACAP* policies encourage commercial uses to incorporate appropriate design elements such as screening, landscaping, and setbacks, when located in proximity to established residential neighborhoods. Development and redevelopment along major streets is encouraged.

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 applicant states that the proposed wireless communication facility will help improve and enhance E-911, County and Public communication services.

To the northwest of the site are strip commercial uses along 22nd Street in the C-2 (community commercial) zone. Immediately to the west is a parking lot, zoned R-1 (single-family residential), for a commercial retail store that fronts on 22nd Street. The business immediately to the north of the site is a former retail tire store, but is currently vacant. Across 22nd Street to the north of the commercial shopping center is a single-family subdivision developed in O-3 (office) zone and C-1 (neighborhood commercial) zone, and a convenience market developed in the C-1 (neighborhood commercial) zone. To the east is the continuation of the shopping center zoned C-1 (neighborhood commercial) zone. To the south across 23rd Street is a single-family subdivision developed in the R-1 (single-family residential) zone. The closest single-family residential use is located directly to the south across 23rd Street approximately 200 feet.

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 23rd Street approximately 140 feet.

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 23rd Street in R-1 (single-family residential) zoning approximately 200 feet from the proposed location of the monopalm. The proposed monopalm stealth design reduces the visible impacts to the neighborhood. There are some desert trees and palm trees in the general area but they are not at heights comparable to the proposed monopalm wireless communication tower. The

applicant proposes the planting of a cluster of live palm trees to further diminish the visual impact of the monopalm. Staff recommends the addition of three live palms to help create a palm mini-oasis concept and further improve the stealth design of the facility. Staff recommends that these live palms be approximately 30 feet in height and be maintained by the cellular communication company.

The applicant proposes to place the monopalm and ground equipment in a 20-foot by 35-foot compound at the west end of a vacant area behind a commercial shopping center. Ground equipment will be housed inside a prefabricated equipment shelter.

The PDP proposes an eight (8)-foot tall chain link fence, rather than a CMU wall, surrounding the lease area to reduce the opportunities for graffiti. Staff recommends a wrought iron picket fence around the compound rather than chain link fencing. Staff further recommends that a minimum five (5)-foot wide landscape border be established around the southern perimeter of the compound to provide visual screening of the interior of the compound from residentially zoned property to the south. The landscape border should be planted with drought-tolerant vegetation that will reach a five (5)-foot tall screen height within two (2) years. As with the live palms, the vegetative screen must be properly maintained, and any dead plants should be replaced with plants of similar species and height.

The required setback of two times the height of the structure from the boundary of adjacent R-1 zoned property to the west is not met. The monopalm trunk centerline is proposed to be located 10 feet, 10 inches from the west property line where the adjacent property is zoned R-1.

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 65 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 fronts 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 12-foot wide gated opening along the 23rd Street frontage. A designated parking space for the service technician will be provided just to east of the proposed equipment shelter. 23rd Street is a local street with a right-of-way width of 60 feet.

The *Major Streets and Routes Plan* designates 22nd Street to the north of the site as an arterial street with a right-of-way width of 120 feet. Country Club Road to the east of the site is designated as an arterial street with a right-of-way width of 100 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 4.9.13.O and 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.

.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 62-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 0.5 miles to the south of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles. The existing WCF’s are located outside the search ring and not suitable for collocation. 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 within the artificial palm fronds.

(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 0.5 miles to the south of the proposed site. The search ring to resolve the coverage gap has a radius of approximately 0.5 miles. The existing WCF's are located outside the search ring and not suitable for collocation. 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 *Arroyo Chico Area Plan* and the *General Plan*. 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. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

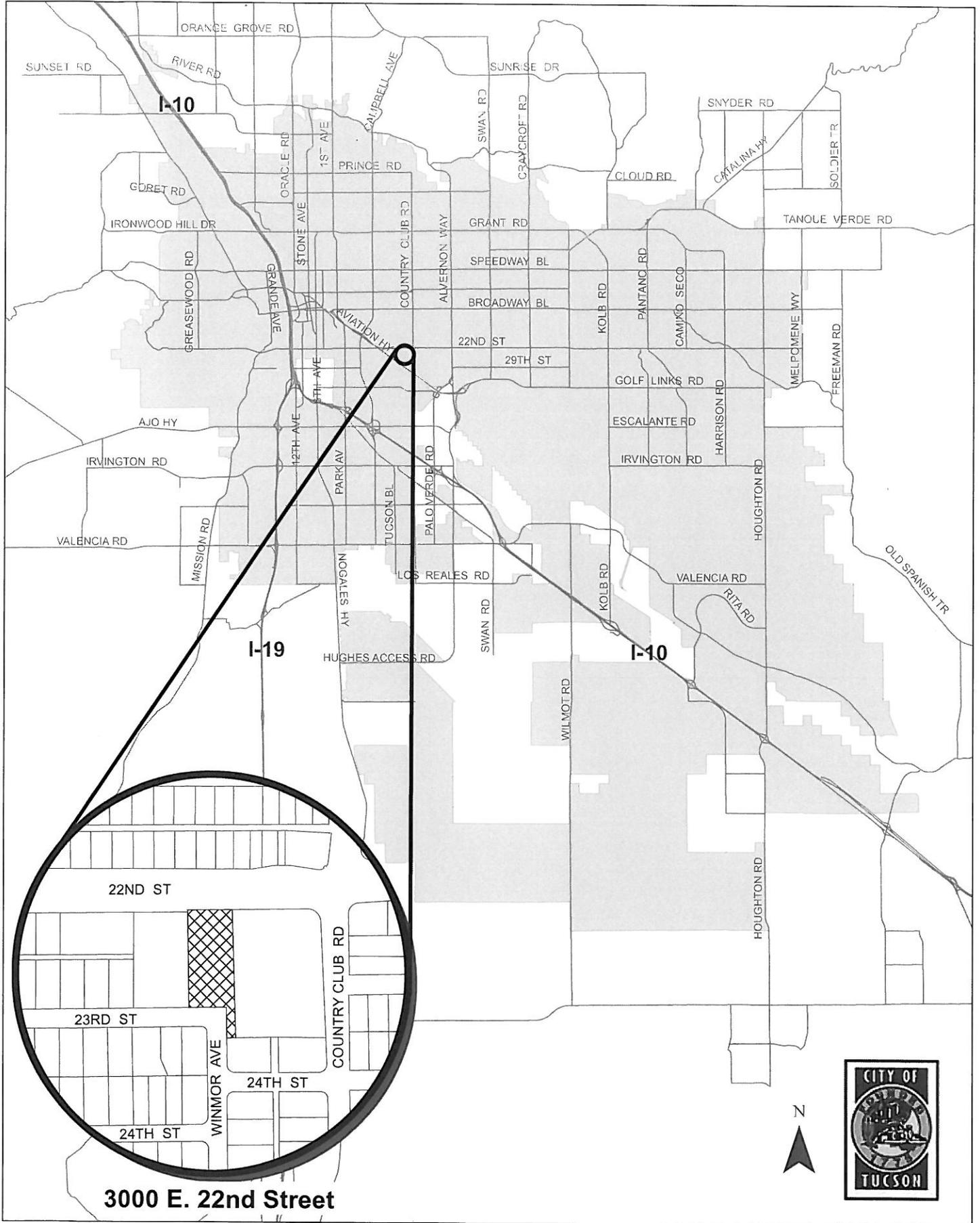
1. A development package/site plan in substantial compliance with the preliminary development plan dated March 7, 2013, is to be submitted and approved in accordance with Section 5.3.8 of the *Land Use Code*.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for 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 sixty-five (65) 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 March 7, 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, twelve (12) inches in width, and six (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, evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise, will be required. The generator may be tested for up to 45 minutes per month, between the hours of 8:00 AM and 6:00 PM.
19. A wrought iron picket fence shall surround the lease area and a minimum five (5)-foot wide landscape border shall be provided around the south perimeter of the lease area just outside of the wrought iron fencing. The landscape border should be planted with drought-tolerant vegetation that will reach a five (5)-foot tall screen height within two (2) years. As with the live palms, the vegetative screen must be properly irrigated and maintained, and any dead plants should be replaced with plants of similar species and height.
20. The Wireless Communication Facility (WFC) site design shall include a small cluster of on-site live palms near the WFC monopalm tower, as part of the mitigation measures to the surrounding residential land uses. The live palms shall be irrigated and maintained by the wireless carrier.
21. The monopalm centerline shall be located a minimum of 135 feet from the northern edge of right-of-way on 23rd Street as depicted on the preliminary development plan dated March 7, 2013.
22. Plans for future carriers must be approved through the special exception process.

SE-13-26 AT&T - 22nd Street





22ND STREET

23RD STREET

WINMOR AVENUE

24TH STREET

COUNTRY CLUB ROAD

SE-13-26 AT&T - 22nd Street
2010 Aerial

0 25 50 100
Feet
1 inch = 100 feet



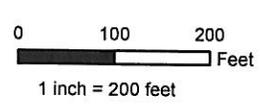
SE-13-26 AT&T - 22nd Street M. & C. Special Exception



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



Address: 3000 E. 22nd Street
 Base Maps: Sec.20 T.14 R.14
 Ward: 5



PUBLIC FACILITIES AND SERVICES REPORT FOR May 30, 2013
(as of May 10, 2013)

SE-13-26 AT&T – 22nd Street, C-1 Zone

CITY AGENCIES

Planning & Development Services – Zoning Review: See attached comments dated 04/04/13.
Planning & Development Services – Engineering: See attached comments dated 04/04/13.
Planning & Development Services – Community Design: See attached comments dated 04/05/13.
Planning & Development Services – Sign Code: See attached comments dated 04/16/13
Office of Conservation & Sustainable Development: See attached comments dated 04/08/13.

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 15, 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-13-26

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-13-26

IMPORTANT SPECIAL EXCEPTION NOTICE ENCLOSED