



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

June 13, 2014

ZONING EXAMINER'S DECISION

**Special Exception Land Use Case:
SE-14-08AT&T Wilmot Road**

Owner: North Wilmot Properties, LLC
Attn: David Haase
2200 North Wilmot Avenue
Tucson, AZ 85712-2309

Applicant/Agent: Quinn United Enterprises – Scott Quinn
AT&T Pinnacle Consulting and ATC
3655 West Anthem Way A109-250
Anthem, AZ 85086

Engineer/Architect: Young Design Group
10245 East Via Linda
11011 S. 48th St. # 210
Scottsdale, AZ 85258

Special Exception Land Use Request

This is a request for approval of a height extension to an existing wireless communication tower located approximately 200 feet east of Wilmot Road and 700 feet south of Grant Road.

Public Hearing

On June 5, 2014 a public hearing was held on this special exception land use request in City Hall, 255 West Alameda, Tucson, Arizona, pursuant to Sections 3.4.3 of the *Unified Development Code*.

Appeal

The Zoning Examiner's decision may be appealed to Mayor and Council pursuant to 3.4.3.J of the *Unified Development Code*. An appeal of the Zoning Examiner's decision

must be filed with the City Clerk, 255 West Alameda Tucson, Arizona, 85701 by a party of record within fourteen (14) days of the date of the Zoning Examiner's decision. The appeal period expires on June 27, 2014.

Findings of Fact

This special exception land use request is for the placement of a 10-foot height extension to an existing monopole raising the height from 52 feet, 10 inches to 62 feet, 10 inches. The extension will accommodate twelve new antennas (3 sectors with 4 antennas per sector). The preliminary development plan also proposes the addition of associated ground equipment to be located in an existing enclosure.

The special exception site is located east of Wilmot Road and south of Grant Road. The site is zoned C-2 and immediately surrounded by C-2 zoning with commercial uses to the north, east, and south. To the west across Wilmot Road is a commercial shopping center with offices in C-1 zoning. The special exception site is approximately 530 feet from the nearest residentially zoned property and 650 feet from the nearest office zoned property.

Primary vehicular access to allow maintenance to the wireless communication facility will be from Wilmot Road. Wilmot Road is identified on the *Major Streets and Routes Plan* map as an arterial roadway with a future right-of-way width of 76 feet. An on-site sixteen (16') foot wide ingress and egress easement is proposed from Wilmot Road to the monopole lease area and includes a parking space within the lease area for maintenance personnel.

Land use guidance for the requested special exception is provided in *Plan Tucson*. The special exception site is located with a Mixed-Use Center as identified by *Plan Tucson*. A Mixed-Use Center supports a variety of retail, services, office, and public gathering places, located in close proximity to each other, providing occupants of the center and the residents and workers in the surrounding neighborhoods with local access to goods and services. Wireless communication facilities are addressed in *Plan Tucson* in Chapter 3 – The Built Environment, under Guidelines LT28.1.2 and LT28.1.3 which state telecommunication facilities should be installed and maintained to minimize visual impact and preserve views, to improve the appearance of above ground utilities and structures, and extend access to high-tech wireless communication facilities throughout the city. Visual impacts are a key consideration during the review process.

Per the *Unified Development Code*, a communications use is allowed in the C-2 zone as a special exception land use, subject to approval by the Zoning Examiner and compliance with the performance criteria in Sections 4.9.13.O and 4.9.4.I.2, 3, and 6.b. *Unified Development Code* Section 4.9.4.I.6.b., provides that,

1. The antennae are mounted on a new tower and the tower and antennae are concealed or disguised, or the antennae are collocated on an existing structure.

2. The tower and antennae are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
3. A new tower is set back at least two (2) times the height of the structure from the boundary of any property zoned residential or office.
4. The tower and antennae are eighty (80) feet or less in height.

Conclusion

Given the compliance of the proposed project with *Plan Tucson* and the applicable provisions of the *Unified Development Code*, this request is appropriate.

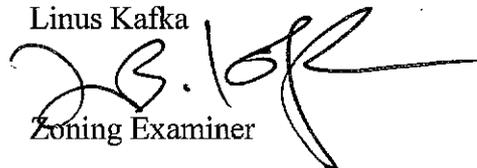
Decision

This special exception land use request for a 10-foot height extension to an existing cellular communications facility with associated equipment is hereby approved, subject to the following conditions:

1. A site plan in substantial compliance with the preliminary development plan dated March 21, 2014, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
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.
7. The wireless communication tower, including attachments such as antenna panels, shall not exceed sixty-three (63) feet in height from grade elevation.

8. The existing decommissioned antenna mounts shall be removed prior to site plan approval as shown on the site elevation sheet of the preliminary development plan dated March 21, 2014.
9. Ground equipment to be located within lease area and with an enclosed shelter, as depicted on the preliminary development plan dated March 21, 2014.
10. A maximum of twelve (12) antenna panels shall be installed and painted to blend and minimize visual impacts.
11. Any existing on-site palm tree, native tree or landscape planting disturbed during the monopole height extension or ground equipment installation shall be replaced in accordance with the UDC and heat island mitigation.
12. Antenna dimensions shall not exceed ninety-eight (98) inches in length, eighteen (18) inches in width, and six (6) inches in depth.
13. Any graffiti visible from the public right-of-way or area residential development shall be removed within ten working days of observation.
14. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopole.
15. Antenna T-arm standoff from pole shall not exceed thirty-two (32) inches.
16. 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.
17. Existing chain link fence to include desert tone color slats to screen lease area from on-site commercial land uses.
18. Plans for future carriers must be approved through the special exception process.

Linus Kafka

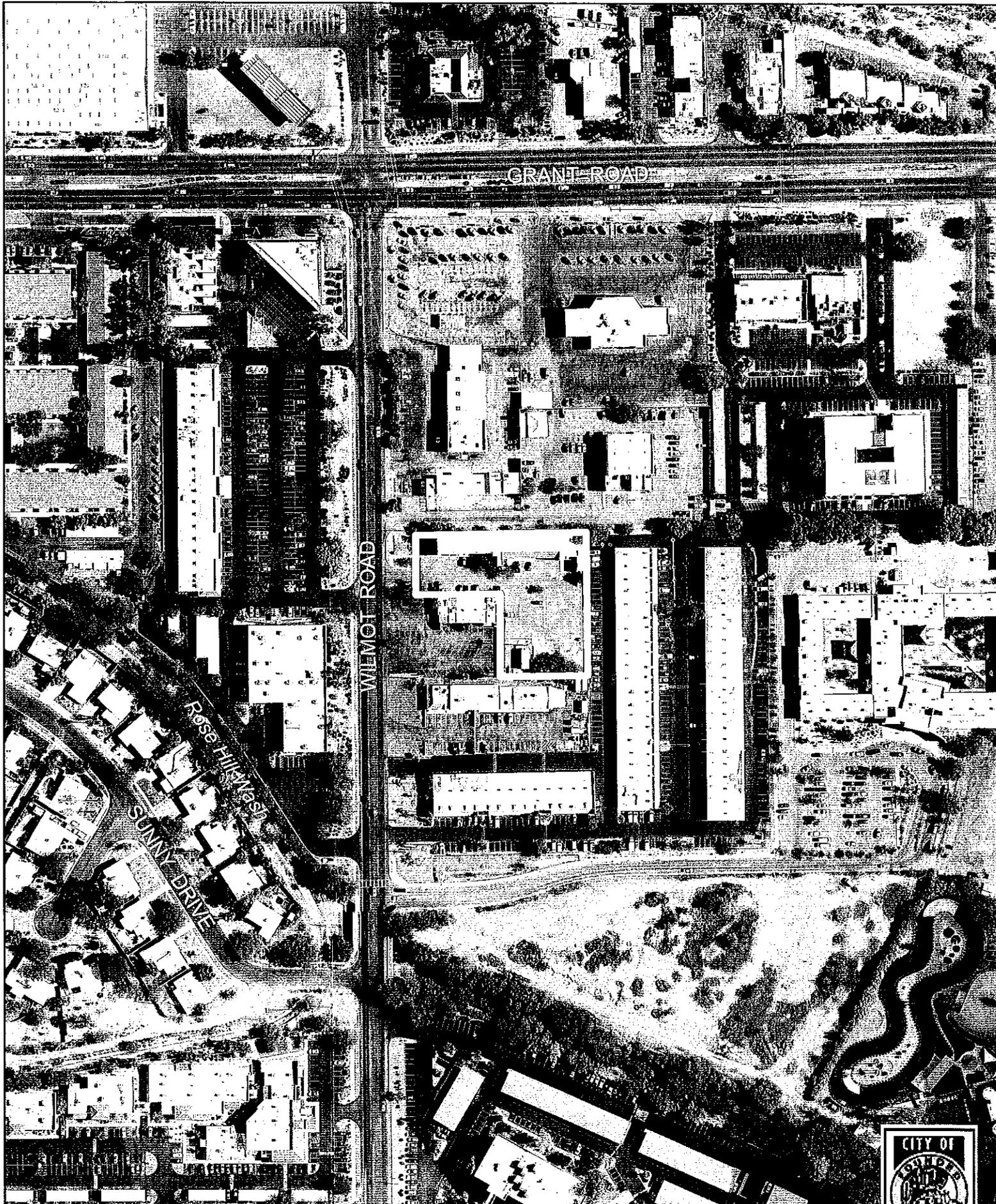
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Zoning Examiner

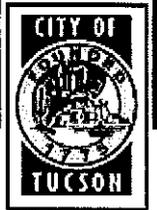
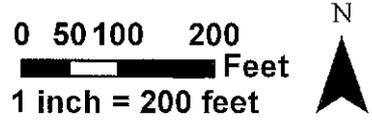
CC:

Glenn Moyer, PDSD

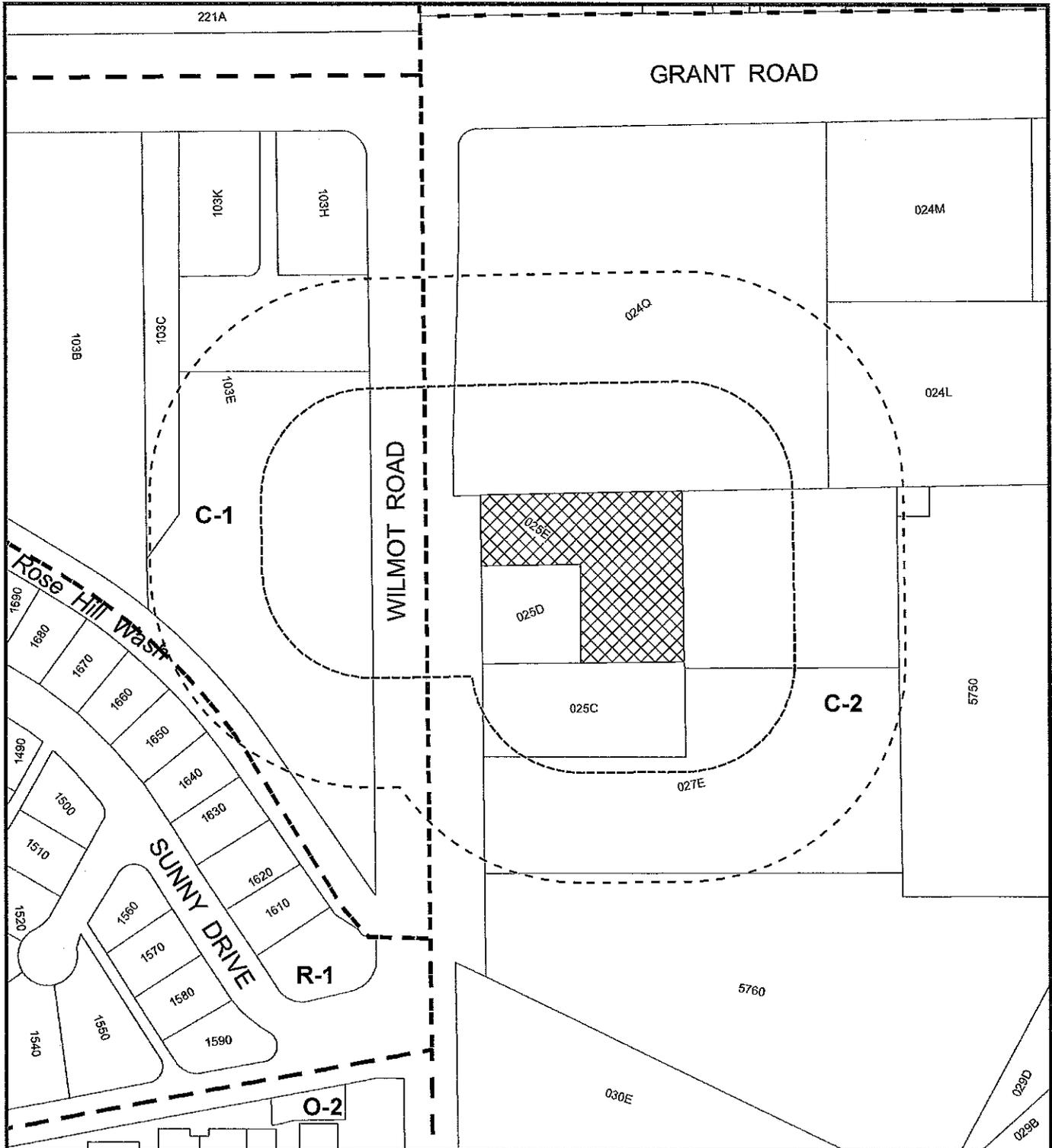
City of Tucson Mayor and Council



SE-14-08 AT&T - Wilmot Road
2010 Aerial



SE-14-08 AT&T - Wilmot Road Z.E. Special Exception



- Area of Special Exception Request
- 150' Protest Area
- 300' Notification Area
- Zone Boundaries
- C-2** Zoning of Requested Area



Address: 2200 N. Wilmot Road
Base Maps: Sec.06 T.14 R.15
Ward:2

