



**CITY OF
TUCSON**

ZONING
EXAMINER'S
OFFICE

September 18, 2015

ZONING EXAMINER'S DECISION

Special Exception Land Use Case:
SE-15-35 Verizon-Mission Road

Applicant/Agent: Dan Nies
Insite, Inc.
2035 East Gondola Lane
Gilbert, AZ 85234

Owner: Mountain Vista Property LLC: C/O Pegasus Group
1148 Alpine Road, Suite 100
Walnut Creek, CA 94596

Engineer/Architect: Brian Cunningham
Young Design Group
10245 Via Linda, #211
Scottsdale, AZ 85258

Special Exception Land Use Request

This is a request for approval of a wireless communication facility on a 37-foot replacement light pole with associated ground equipment located 1,500 feet east of Mission Road and 3,200 feet south of Ajo Way.

Public Hearing

On September 10, 2015 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.

Findings of Fact

This is a request by Dan Nies of Insite Inc, on behalf of the property owner, Mountain Vista Property LLC, for approval of a wireless communication facility (WCF). The special exception site is located approximately 1,500 feet east of Mission Road and 3,200 feet south of Ajo Way. The preliminary development plan proposes the installation of two wireless communication antennas and one temporary microwave dish on a 37- foot replacement light pole located adjacent to the parking lot for the clubhouse and pool area of a mobile home park with 401 spaces on 71.50 acres. The existing light pole, to be replaced to accommodate the new antennas, is approximately 22 feet in height. The antennas will be flush mounted to the light pole. The WCF includes ground equipment housed within a single cabinet, five (5) feet in height, located within a 50 square foot (5' x 10') lease area. The equipment cabinet will be partially screened by existing landscaping. No back-up generator is proposed for this site.

The area surrounding the site to the north and east is developed as medium density residential with a mix of site built homes and mobile homes in the MH-1 and R-1 zones. To the south is an RV park, zoned RV. To the west are manufactured homes and a public school complex, zoned MH-1. The nearest residential (mobile home space) unit is located approximately 50 feet to the west within the mobile home park.

Vehicular access to the wireless communications facility is provided from Mission Road by way of a ten-foot wide access easement located within the existing private road used to access the mobile home park and its clubhouse parking lot. The *Major Streets and Routes Plan* designates Mission Road as an Arterial Scenic Route with a right-of-way width of 120 feet.

Land use policy direction for this area is provided by the *Santa Cruz Area Plan* and *Plan Tucson*. The *Santa Cruz Area Plan* has no specific policy direction regarding wireless communication facilities. *Plan Tucson* identifies this area in the Future Growth Scenario Map as a "mixed use corridor" category and supports providing a mix of jobs, services and housing along major streets. *Plan Tucson*, guidelines LT28.1.2, requires that wireless communication facilities be located, installed and maintained to minimize visual impact and preserve views. Guideline LT28.1.3 states that wireless communication facilities are to be designed to improve the appearance of above ground utilities and structures and extend access to high-tech wireless communication facilities throughout the city.

The proposed replacement light pole will include two flush-mounted antennas of 55 inches in vertical length. The submitted PDP shows the two antennas to be located at a centerline height of 34 feet with a small microwave dish mounted below them a centerline of 27 feet. Below the microwave dish, the pole will have a single mounted light with two lighting elements, which is consistent with the design of the existing light pole. Staff supports the design, and acknowledges that the proposed WCF will help improve telecom services to the established neighborhoods in the area. The WCF is set back approximately 1,500 feet from Mission Road. The required setback of two times the height of the structure from the boundary of adjacent RV zoned property to the south and

east is met. The applicant proposes to place the ground equipment in a small enclosed cabinet within a 50 square foot lease area located approximately 20 feet southeast of the light pole.

There are some desert trees, palm trees and other light poles in the general area. Two existing trees, measuring 26 feet and 18 feet in height, and located in the immediate area, will be kept in place. These trees and vertical structures allow the WCF to blend in when viewed from a distance. Staff recommends these trees be protected in place during installation. The proposed location of the WCF will have minor visual impact from nearby streets and adjacent developments. Given the street lamp pole design, with two flush-mounted antennas, and minimal ground equipment within a single cabinet at a height of five feet in a 5' x 10' lease area, the WCF should not significantly alter existing views.

The applicant's proposal requires approval as a Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of *UDC* Sections 4.9.4.1.2, .3, and .6.a. The Zoning Examiner may forward the request to the Design Review Board for design review and recommendation. Use Specific Standards specified in the *Unified Development Code* Section 4.9.1.6.a include the following items:

UDC 4.9.1.6.a:

1. The antennas are mounted on a new tower and the tower and antennas are concealed or disguised, or the antennas are collocated on an existing structure.
2. The tower and antennas are architecturally and/or environmentally compatible with the surrounding structure(s) and general area.
3. The new tower is setback at least two times the height of the structure from the boundary of any property zoned residential or office.
4. The tower and antennas are fifty (50) feet or less in height.

Conclusion

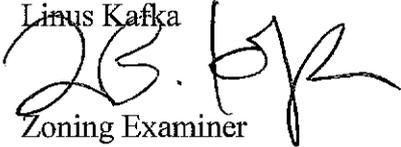
Given the compliance of the proposed project with the *Santa Cruz Area Plan* and *Plan Tucson* and the applicable provisions of the *Unified Development Code*, this request is appropriate.

Decision

This special exception land use request for a 50-foot monopalm cellular communications facility with associated equipment is hereby approved, subject to the following conditions:

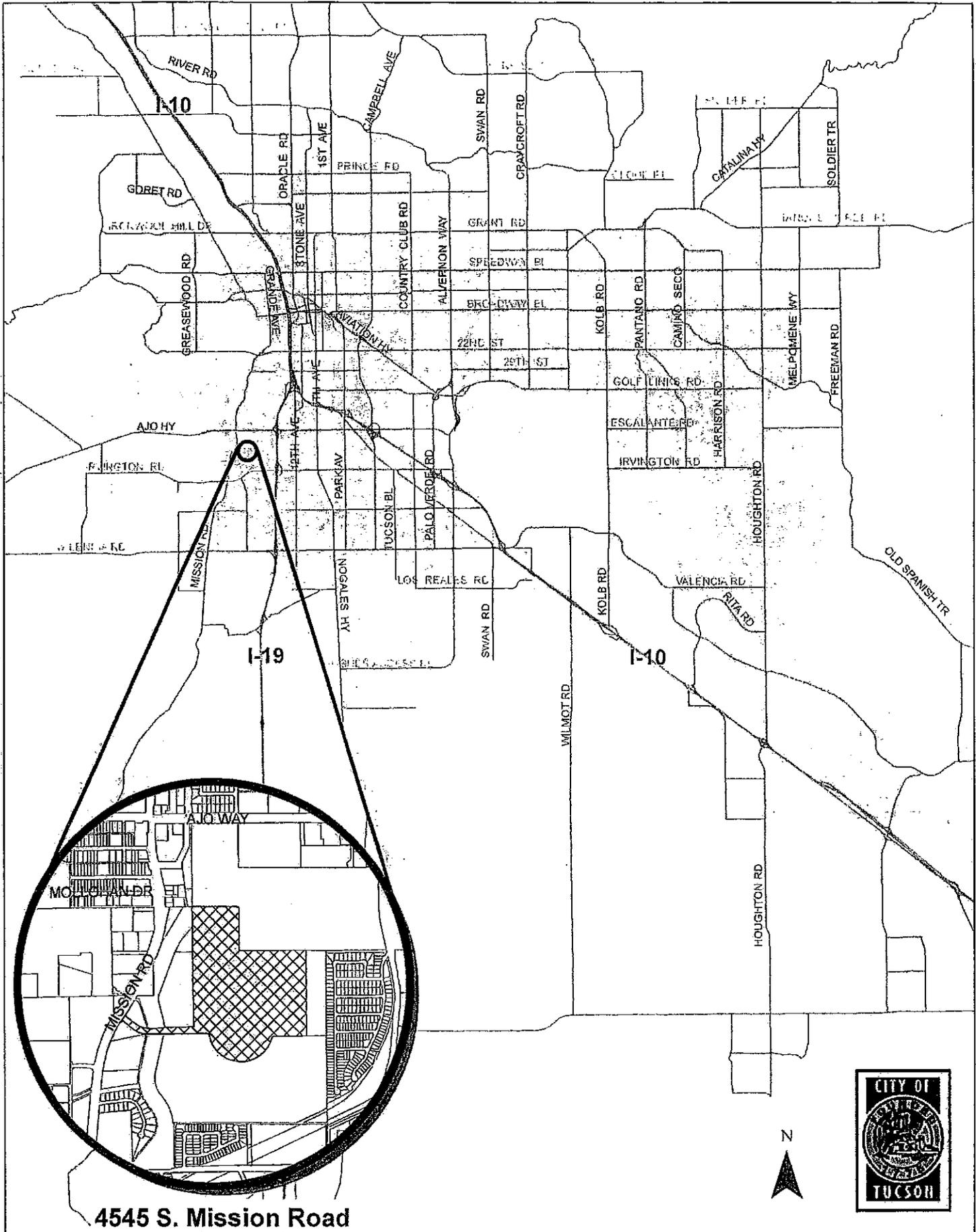
1. A development package/site plan in substantial compliance with the preliminary development plan dated July 1, 2015, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.

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 shall be disguised as a light pole.
8. The overall height of the pole shall not exceed thirty-seven (37) feet in height as shown on the preliminary development plan dated July 1, 2015.
9. The replacement light pole, antennas, and appurtenances shall be similar in color to existing light poles within and around the clubhouse parking area.
10. The ground equipment lease area is limited to a 50 square feet area with a single equipment cabinet at a height of no more than five feet, as shown on preliminary development plan dated July 1, 2015.
11. Existing mature trees in close proximity to the replacement light pole shall be protected and preserved in place. Prior to construction and installation of the light pole and ground equipment, temporary fencing to be installed to protect trees.

Linus Kafka

Zoning Examiner

CC: Glenn Moyer, PDS
John Beall, PDS
Daniel Bursuck, PDS
City of Tucson Mayor and Council

SE-15-35 Verizon - Mission Road





SE-15-35 Verizon - Mission Road
2014 Aerial

0 125 250 500
Feet
1 inch = 500 feet

