



ZONING EXAMINER

REPORT TO MAYOR AND COUNCIL

October 16, 2015

SE-15-59 Verizon – Grady Avenue
Public Hearing: October 1, 2015

BACKGROUND

This is a request by Adam Brixius of Pinnacle Consulting, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 85 feet north of Speedway Boulevard and 90 feet east of Grady Avenue. The preliminary development plan proposes a wireless communication tower with twelve antenna panels concealed within an artificial palm tree (monopalm), 60 feet in height. The facility will be placed within an approximately 800 square foot lease area in the southwestern portion of the 8.46 acre site.

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*.

PUBLIC HEARING SUMMARY (Minutes Attached)

Glenn Moyer, Planning and Development Services Department, presented the staff report with a recommendation for approval. Mr. Moyer also commented that two written approvals and three written protests were received. Garrett Jonilonis, the applicant's agent, presented the rezoning request and agreed to the recommended staff conditions of rezoning.

FINDINGS OF FACT

This is a request by Adam Brixius of Pinnacle Consulting, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 85 feet north of Speedway Boulevard and 90 feet east of Grady Avenue. The preliminary development plan proposes a wireless communication tower with twelve antenna panels concealed within an artificial palm tree (monopalm), 60 feet in height. The facility will be placed within an approximately 800 square foot lease area in the southwestern portion of the 8.46 acre site.

The special exception site is currently developed as a religious use with multiple buildings in the RX-1 residential zone. To the east are commercial lots in the C-1 and C-2 commercial zones, to the south across Speedway Boulevard are multi-family residential and commercial uses developed in the C-1 commercial zone, to the west is commercial and multi-family residential uses developed in the C-1 commercial zone and R-2 residential zone, and to the north is developed as a single-family residential use in the R-1 residential zone. The nearest single-family residential zoned and developed land is located directly to the north, approximately 1,100 feet away. The nearest residential unit is located approximately 250 feet to the northwest of the proposed WCF site.

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The proposed ground equipment is located within an area screened by an eight (8) foot tall masonry wall. A proposed cabinet will be located on a concrete pad. A twelve foot wide access easement for the WCF site will be provided from Grady Avenue. This access easement runs from an existing driveway at the east edge of the parcel. The easement to Grady Avenue shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the *Major Streets and Routes Plan*, Grady Avenue is designated as a local street and Speedway Boulevard is designated as an arterial street. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day.

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. Commercial Policy 1 of *PEAP* supports commercial developments in appropriate locations in the area along arterial streets when adjacent uses are adequately buffered. Commercial Policy 2 of *PEAP* supports the integration of adjoining commercial uses and should be designed to be in harmony with adjacent residential uses.

Plan Tucson identifies this area in the Future Growth Scenario Map as an existing neighborhood and supports new services and amenities that contribute further to neighborhood stability. Policy LT28.1.2 requires that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. The applicant states that the proposed wireless communication facility will help improve telecommunication services in the surrounding neighborhoods.

The proposed monopalm will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopalm showing the antennas concealed by the artificial branches of the monopalm. The monopalm will be set back from Speedway Boulevard by approximately 86 feet to the north and from Grady Avenue 90 feet to the east. A monopalm was chosen because of the presence of several palm trees within relatively close proximity to the site.

The monopalm will be visible from the surrounding, commercial and residential development, as well as from adjacent streets. The proposed stealth monopalm provides concealment and reduces the visible impacts to the area. There are some desert trees, pine trees, and palm trees in the general area. These trees allow the monopalm to blend in when viewed from a distance. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopalm or ground equipment installation shall be replaced to enhance stealthing provided by the monopalm design.

The applicant proposes to place the monopalm and ground equipment in an 800 square foot lease area in the southwest portion of the parcel, which is currently a parking lot. Ground equipment will be housed inside a 20' x 40' equipment shelter located on a concrete slab. Due to the how close the proposed equipment area is to neighboring roads, the ground equipment shelter will be housed within a six (6) foot tall masonry wall painted and textured to match existing church or surrounding architectural style, in place of the proposed equipment area surrounded by an eight (8) foot tall masonry wall painted to match surrounding buildings.

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In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, which could typically occur at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopalm at this location, the following standards are recommended:

- The monopalm shall not exceed 60 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 65 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 fronds 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 or 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 an existing masonry wall (provide elevation of street views).
- Maximum antenna size is ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth,
- Antenna standoff from the pole shall not exceed thirty (30) inches.

The applicant's proposal requires approval as a Mayor and Council Special Exception and must meet the Use-Specific Standards of *UDC* Sections 4.9.13.0 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.

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- (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 or with the facilities of other providers which are located or planned for development within the proposed service area.
- (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.

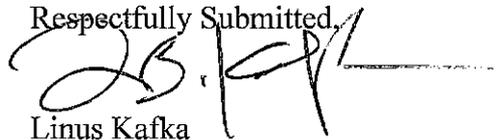
CONCLUSION

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 *Plan Tucson* and the *Pantano East Area Plan*, considering the use of a stealth design, in this case a monopalm that will limit the visual impact of the facility. Approval of the request is appropriate subject to the attached preliminary conditions.

RECOMMENDATION

The Zoning Examiner recommends approval of the Special Exception request.

Respectfully Submitted,



Linus Kafka
Zoning Examiner

ATTACHMENTS:

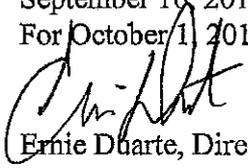
Public Hearing Minutes
Rezoning Staff Report



MEMORANDUM

DATE: September 16, 2015
For October 1, 2015 Hearing

TO: Linus Kafka
Zoning Examiner

FROM: 
Ernie Duarte, Director
Planning & Development Services
Director

SUBJECT: SPECIAL EXCEPTION LAND USE
PLANNING & AND DEVELOPMENT SERVICES REPORT
SE-15-59 Verizon – Grady Avenue, RX-1 (Ward 2)

Issue – This is a request by Adam Brixius of Pinnacle Consulting, on behalf of Verizon Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 85 feet north of Speedway Boulevard and 90 feet east of Grady Avenue (see Case Location Map). The preliminary development plan (PDP) proposes a wireless communication tower with twelve antenna panels concealed within an artificial palm tree (monopalm), 60 feet in height. The facility will be placed within an approximately 800 square foot lease area in the southwestern portion of the 8.46 acre site.

A communications use of this type in the RX-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. 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: Religious Use

Zoning Descriptions

RX-1: This zone provides for suburban, low density, single-family, residential development and other compatible neighborhood uses.

Surrounding Zones and Land Uses:

North: Zoned R-1; single-family residential

South: Zoned C-1; multi-family residential, retail, and office

East: Zoned C-1 & C-2; self-storage and commercial

West: Zoned C-1 & R-2; multi-family residential and commercial

Previous Cases on the Property:

Related Cases:

SE-13-22 AT&T- Fort Lowell Road, C-1 Zone – This was a request for approval of 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. The special exception site is located 180 feet south of Fort Lowell Road and 610 feet west of Campbell Avenue. On July 9, 2013, the Mayor and Council adopted Ordinance No. 11092, allowing the special exception.

SE-11-04 AT&T – Park Avenue, R-2 Zone – This was a request for approval of 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 R-2 Zone. The special exception site is located in a parking lot to the west of the City of Tucson's Ward 5 council office located on the east side of Park Avenue approximately 700 feet north of Fair Street. On July 6, 2011, the Mayor and Council adopted Ordinance No. 10914, allowing the special exception.

SE-08-39 AT&T at Holy Trinity – 12th Avenue, R-1 Zone – This was a request for approval of 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 R-1 Zone. The special exception site is located on the southeast corner of Twelfth Avenue and Calle Alvord, north of Bilby Road. On January 27, 2009, the Mayor and Council adopted Ordinance No. 10628, allowing the special exception.

Applicant's Request – The applicant requests special exception approval for the placement of a 60-foot high cellular communications monopole disguised as a palm tree with associated equipment in the southwest portion of a parcel currently developed as a religious use.

Planning Considerations

Land use policy direction for this area is provided by the *Pantano East Area Plan (PEAP)* and *Plan Tucson*. Commercial Policy 1 of *PEAP* supports commercial developments in appropriate locations in the area along arterial streets when adjacent uses are adequately buffered. Commercial Policy 2 of *PEAP* supports the integration of adjoining commercial uses and should be designed to be in harmony with adjacent residential uses.

Plan Tucson identifies this area in the Future Growth Scenario Map as an existing neighborhood and supports new services and amenities that contribute further to neighborhood stability. Policy LT28.1.2 requires that, if possible, wireless communication facilities be located, installed and maintained to minimize visual impacts and preserve views. The applicant states that the proposed wireless communication facility will help improve telecommunication services in the surrounding neighborhoods.

The special exception site is currently developed as a religious use with multiple buildings in the RX-1 residential zone. To the east are commercial lots in the C-1 and C-2 commercial zones, to the south across Speedway Boulevard are multi-family residential and commercial uses developed in the C-1 commercial zone, to the west is commercial and multi-family residential uses developed in the C-1 commercial zone and R-2 residential zone, and to the north is developed as a single-family residential use in the R-1 residential zone. The nearest single-family residential zoned and developed land is located directly to the north, approximately 1,100 feet away.

The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will not generate additional measurable vehicle trips per day. Field inspection by staff indicates there are currently no billboards on the special exception site.

Design Considerations

The proposed ground equipment is located within an area screened by an eight (8) foot tall masonry wall. A proposed cabinet will be located on a concrete pad. A twelve foot wide access easement for the WCF site will be provided from Grady Avenue. The access easement runs from an existing driveway at the east edge of the parcel. The nearest residential unit is located approximately 250 feet to the northwest of the proposed WCF site.

Land Use Compatibility – The proposed monopalm will include four antennas per sector with three sectors for a total of twelve antennas. The applicant has submitted a photo-simulation of the monopalm showing the antennas concealed by the artificial branches of the monopalm. The

monopalm will be set back from Speedway Boulevard by approximately 86 feet to the north and from Grady Avenue 90 feet to the east. A monopalm was chosen because of the presence of several palm trees within relatively close proximity to the site.

The monopalm will be visible from the surrounding, commercial and residential development, as well as from adjacent streets. The proposed stealth monopalm provides concealment and reduces the visible impacts to the area. Staff also suggests the design include additional vegetation surrounding the lease area to help visually buffer the WCF from adjacent residential. The nearest residence is northwest of the site in the R-2 residential zone, approximately 250 feet from the proposed location of the monopalm. There are some desert trees, pine trees, and palm trees in the general area. These trees allow the monopalm to blend in when viewed from a distance. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopalm or ground equipment installation should be replaced to enhance stealthing provided by the monopalm design. Additionally, staff recommends any new pavement or roof materials installed shall also be in accordance with the UDC and heat island mitigation.

The applicant proposes to place the monopalm and ground equipment in a 800 square foot lease area in the southwest portion of the parcel, which is currently a parking lot. Ground equipment will be housed inside a 20' x 40' equipment shelter located on a concrete slab. Due to the how close the proposed equipment area is to neighboring roads, staff recommends the ground equipment shelter be housed within a six (6) foot tall masonry wall painted and textured to match existing church or surrounding architectural style, in place of the proposed equipment area surrounded by an eight (8) foot tall masonry wall painted to match surrounding buildings. Staff also recommends additional dense hedge-like vegetative screening, including two small live palms, to surround masonry wall to further mitigate its visual impact.

In terms of wireless communication facilities, a stealth application is one that disguises the appearance of the pole and antennas to look like an element of the built or natural landscape, which could typically occur at the chosen location. A stealth application should be as close as possible in scale and appearance to the object it is disguised as, with no obvious unnatural elements. The success of a stealth application is dependent on the ability of the design and construction of the cellular site to fit into its surroundings to such a degree that it is not noticeable. Scale and proportion, site design, color, and materials, are particularly important in stealth applications insofar as they contribute, or do not contribute, to the ability of the facility to be as unobtrusive as possible. To ensure a successful stealth monopalm at this location, the following standards are recommended:

- The monopalm shall not exceed 60 feet in height at top of fronds;
- The monopalm shall include crown and apple;
- 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 65 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 fronds 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 or 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 an existing masonry wall (provide elevation of street views).
- Maximum antenna size is ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth,
- 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 an existing curb cut from Grady Avenue. The access easement to Grady Avenue shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the *Major Streets and Routes Plan*, Grady Avenue is designated as a local street and Speedway Boulevard is designated as an arterial street.

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 60-foot top of fronds monopalm in the C-1 zone does not conform to any other section of the code because it is not 50 feet or less in height

- (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 1000 feet west of the proposed site. This tower was not suitable to fit within the

existing sites on Verizon's network and is not collocatable. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles.

- (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 1000 feet to the west of the proposed site and is not collocatable. The search ring to resolve the coverage gap has a radius of approximately 0.25 miles. This tower was not suitable to fit within the existing sites on Verizon's network.

- (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 *Plan Tucson* and the *Pantano East Area Plan*, considering the use of a stealth design, in this case a monopalm, that will limit the visual impact of the facility. Approval of the request is appropriate subject to the attached preliminary conditions.

PROCEDURAL

1. A site plan in substantial compliance with the preliminary development plan dated July 22, 2015, is to be submitted and approved in accordance with *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. One year is 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 / CONCEALMENT MEASURES

7. The wireless communication monopalm, including attachments such as antenna panels and palm fronds, shall not exceed sixty (60) feet in height from grade elevation.
8. A maximum of twelve (12) antenna panels shall be installed and painted with a light/shade pattern to blend and minimize visual impacts.
9. The monopalm shall include crown and pineapple.
10. The pole shall be covered with cladding (bark) from the pineapple to bottom of pole, and painted to resemble a live palm.
11. There shall be a minimum of 65 fronds ranging in length from seven (7) feet to ten (10) feet and placed to extend above, below and between antenna panels.
12. Replacement of lost/damaged fronds to be completed within ten working days of observation and fronds shall be colored to match live fronds as closely as possible.

13. Verizon shall routinely monitor the facility and repair/replace any artificial fronds that may become worn or damaged through time.
14. All cables shall be run inside the pole, with no foot pegs other visible appurtenances.
15. All wire ports shall be concealed behind the antennas and all equipment shall be mounted behind the antenna panels.
16. Antenna standoff from the pole shall not exceed thirty (30) inches.
17. Ground equipment to be located within lease area as depicted on the preliminary development plan dated July 22, 2015.
18. Ground equipment to be located within a six (6) foot tall masonry wall painted and textured to match existing church or surrounding architectural style (provide elevation of street views).
19. Additional xeriscape plantings shall be provided, for screening, surrounding the six (6) foot tall masonry wall. Plants shall of adequate size and height to properly screen and be watered for one year until establishment.
20. Any existing on-site palm tree, native tree, or landscape planting disturbed during the monopole construction or ground equipment installation shall be replaced in accordance with the UDC and heat island mitigation.
21. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
22. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be painted with graffiti-resistant paint.
23. Six-(6) inch wide fence block or greater shall be used for perimeter walls. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
24. The screen wall and any paintable distribution system equipment shall be painted to match the existing buildings. The paint on the equipment, above the height of the screen wall, should be flat, non-reflective paint. All of the equipment may be painted with the flat paint.
25. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopole.

26. Installation of a backup generator requires evidence of compliance with the Tucson City Code, Section 16-31 Excessive Noise. The generator may be tested for up to 45 minutes per week, between the hours of 8:00 AM and 6:00 PM. Finish color and texture of all painted surfaces shall match existing surfaces of adjacent equipment enclosure. The generator shall include a fuel catchment feature designed to contain at least 210 gallons of fuel in the event of a leak.
27. Plans for future carriers must be approved through the special exception process.