



**CITY OF
TUCSON**

ZONING
EXAMINER'S
OFFICE

September 4, 2015

ZONING EXAMINER'S DECISION

Special Exception Land Use Case:
SE-15-30 T-Mobile – Tanque Verde Road

Applicant/Agent: David Ullrich
Reliant Land Services
7201 E. Camelback Road
Tucson, AZ 85251

Owner: Monica Lovato
Garold C. Brown Family LP
5901 S. Belvedere Avenue
Tucson, AZ 85706

Special Exception Land Use Request

This is a request for approval of a wireless communication tower with six antenna panels concealed within an artificial palm tree (monopalm), 50 feet in height. The proposed tower is located approximately 415 feet west of Bear Canyon Road and 515 feet north of Tanque Verde Road.

Public Hearing

On August 27, 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 Dave Ullrich of Reliant Land Services, on behalf of T-Mobile Wireless, for approval of a wireless communication facility (WCF). The special exception site is located approximately 415 feet west of Bear Canyon Road and 515 feet north of Tanque Verde Road. The preliminary development plan (PDP) proposes a wireless communication tower with six antenna panels concealed within an artificial palm tree (monopalm), 50 feet in height. The facility will be placed within an approximately 391 square foot lease area enclosed inside an existing mini-storage unit.

The special exception site is currently developed as a mini-storage use in the C-1 commercial zone. To the east is a retail use in the C-1 commercial zone, to the south are commercial retail and office uses developed in the C-1 commercial zone, to the southwest is a single-family residential use developed in the C-1 commercial zone, to the west is a single-family residential use developed in the SR residential zone, and to the north is a single-family residential use developed in the R-3 residential zone. The nearest single-family residential zoned and developed land is located to the west, approximately 230 feet away.

Vehicular access to the wireless communications facility is through an existing driveway from Tanque Verde Road. The access easement to Tanque Verde Road shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the Major Streets and Routes Plan, Bear Canyon Road and Tanque Verde Road are designated as scenic arterial streets.

Land use policy direction for this area is provided by the *Bear Canyon Neighborhood Plan* (BCNP) and *Plan Tucson*. The BCNP non-residential policy section provides direction for this site, which is currently defined to have commercial land uses. It supports commercial located at the intersection of major streets, or where commercial uses already exist. Additionally, it supports new commercial uses when carefully integrated with surrounding uses and those that provide for the nonresidential needs of the area.

Plan Tucson identifies this area in the Future Growth Scenario Map as an "existing neighborhood" category 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 two antennas per sector with three sectors for a total of six 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 Tanque Verde Road by approximately 515 feet to the north and set back from Bear Canyon Road by approximately 415 feet to the west. A monopalm was chosen do to its ability to adequately disguise the WCF.

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. The nearest residence is west of the site in the C-1 commercial zone, approximately 230 feet from the proposed location of the monopalm. 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.

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 50 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 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 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 Zoning Examiner Special Exception Procedure and must meet the Use-Specific Standards of UDC Sections 4.9.13.0 and 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.

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 *Plan Tucson* and the *Bear Canyon Area Plan* and the applicable provisions of the *Unified Development Code*, this request is appropriate.

Decision

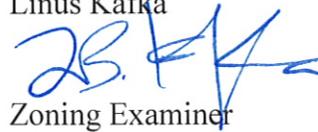
This special exception land use request for a 50-foot monopalm cellular communications facility with associated equipment is hereby approved, subject to the following conditions:

1. A development package/site plan in substantial compliance with the preliminary development plan dated July 29, 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 monopalm, including attachments such as antenna panels and palm fronds, shall not exceed fifty (50) feet in height from grade elevation.
8. A maximum of six (6) 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. T-Mobile 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 29, 2015.
18. Ground equipment to be screened by 10-foot masonry wall to be painted in neutral desert colors or to match surrounding existing buildings with 2-foot tall wrought iron extension (provide elevation of street views).
19. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.
20. Graffiti shall be removed from walls within seventy-two (72) hours of discovery or notification.
21. The screen wall and any paintable distribution system equipment shall be painted with neutral desert colors or 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.

22. There shall be no exterior wiring, visible footpegs, portals, cabling or cable shrouds, or other unnatural appearing features on the monopole.
23. 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.
24. Plans for future carriers must be approved through the special exception process.
25. The monopalm shall be setback at least 400 feet from Tanque Verde Road Right-of-Way and Bear Canyon Road Right-of-Way.

Linus Kafka



Zoning Examiner

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