CITY OF TUCSON

ZONING EXAMINER'S OFFICE

December 24, 2015

ZONING EXAMINER'S DECISION

Special Exception Land Use Case: SE-15-75 – T-Mobile – Speedway Boulevard

Applicant/Agent: Heather Chadwick
Reliant Land Services
7201 E. Camelback Road, Suite 310
Scottsdale, AZ 85251

Engineer/Architect: Tatiana Jones
Reliant Land Services
7201 E. Camelback Road, Suite 310
Scottsdale, AZ 85251

Owner: Don Persellin
Fidelity National Title TR360164
3313 N. Calle Tortosa
Tucson, AZ 85750

Special Exception Land Use Request

This is a request for approval of a wireless communication tower with twelve antenna panels concealed in an artificial palm tree (monopalm) 50 feet in height. The proposed tower is located approximately 106 feet north of Speedway Boulevard and 370 feet east of Harrison Road.

Public Hearing

On December 17, 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 Heather Chadwick of Reliant Land Services, on behalf of T-Mobile, for approval of a wireless communication facility. The special exception site is located approximately 106 feet north of Speedway Boulevard and 370 feet east of Harrison Road The preliminary development plan proposes a wireless communication tower with eight antenna panels concealed within an artificial palm tree (monopalm), 50 feet in height. The facility will be placed within an approximately 400 square foot lease area in the eastern portion of the 2.64 acre site.

The special exception site is zoned C-1 commercial and is currently undeveloped. To the east is a commercial use in the C-1 commercial zone and single-family residential uses in the R-1 residential zone, to the south across Speedway Boulevard are single family residential uses developed in the R-1 residential zone, to the west are commercial uses developed in the C-1 commercial zone, and to the north are single-family residential uses in the C-1 commercial zone. The nearest single-family residentially zoned and developed land is located directly to the east, approximately 228 feet away.

Vehicular access to the wireless communications facility is from Speedway Boulevard. The access easement to Speedway Boulevard shall be recorded and sequence number provided prior to, or at, permit submittal stage. According to the Major Streets and Routes Plan, Speedway Boulevard and Harrison Road are designated as arterial streets. 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.* The rezoning site is located within a neighborhood center as identified on the Future Growth Scenario Map of *Plan Tucson.* Neighborhood centers feature a mix of small businesses surrounded by housing and accessed internally and from nearby neighborhoods by pedestrian and bike friendly streets and by transit. 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.

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.

The proposed monopalm will include two antennas per sector with four sectors for a total of eight 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 106 feet to the north and from Harrison Road 370 feet to the east. A monopalm was chosen because of the presence of palm trees to the east within relatively close proximity to the site.

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 five foot wide access easement for the WCF site will be provided from Speedway Boulevard. The nearest residential unit is located approximately 160 feet to the north of the proposed WCF 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 north of the site in the C-1 commercial zone, approximately 160 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 400 square foot lease area in the eastern portion of the parcel, which is currently undeveloped. Ground equipment will be housed inside a 20' x 20' equipment shelter located on a concrete slab. Staff recommends the eight (8) foot tall masonry wall be painted and textured to match existing nearby development or surrounding architectural style. Staff also recommends additional 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 50 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 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) feel or less in height.

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.

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 site plan in substantial compliance with the preliminary development plan dated October 2, 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.RS. Sec. 12-1134 for this zoning amendment as permitted by A.RS. 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.RS. 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.

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 eight (8) 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 October 2, 2015.

18. Panel antenna dimensions shall not exceed ninety-nine (99) inches in length, eighteen (18) inches in width, and eight (8) inches in depth.

19. All walls visible from a public right-of-way and/or adjacent to existing residential development are to be graffiti-resistant.

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.

Linus Kafka

Zoning Examiner

CC:
Glenn Moyer, PDSD
City of Tucson Mayor and Council