

ZONING MEMBERS PRESENT:

Jim Mazzocco, Zoning Examiner  
John Beall, Planning & Development Services  
Bambi Flores, City Recording Clerk

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1           ZONING EXAMINER: The next case is Special Exception  
2 16-16 Verizon-Broadway Boulevard. First, I'm gonna ask Staff to  
3 give a presentation. Then I'm gonna ask the Applicant to give a  
4 presentation.

5           MR. BEALL: This is a request by Shirley Crowder of the  
6 Centerline Solutions on behalf of Verizon Wireless for approval  
7 of a wireless communication facility. The special exception site  
8 is located approximately 325 feet west of Chimney Canyon Drive  
9 and 530 south Essex Village Drive.

10           The Preliminary Development Plan provides a wireless  
11 communication tower with 12 antenna panels concealed within an  
12 artificial palm tree design at a height of 55 feet. The facility  
13 will be placed within approximately 616 square feet of lease area  
14 in the southwest portion of a four and a half acre site.

15           The communication use of this type in the SR zone is  
16 subject to the Unified Development Code, and requires approval  
17 through Mayor and Council special exception because the tower  
18 height exceeds 50 feet in height.

19           ZONING EXAMINER: Okay. Thank you. Do we have the  
20 Applicant?

21           MS. CROWDER: Hi.

1 ZONING EXAMINER: Hi.

2 MS. CROWDER: My name is Shirley Crowder here with  
3 Centerline Solutions, 4636 East Elwood Street, Suite No. 7,  
4 Phoenix, Arizona, representing Verizon Wireless.

5 I am here to give a presentation in regards to the  
6 monopalm that is being proposed at 10,000 East Broadway, and I  
7 would like to welcome any questions or comments from the public,  
8 at which time they will be addressed.

9 This proposed monopalm is 55 feet to the top of the  
10 fronds, with a 55-foot centerline, and the purpose of this is to  
11 provide better coverage for the neighborhood, the community, as  
12 well as all emergency services.

13 The research that we've completed shows that most homes  
14 have - an average of 60% of homes no longer have land lines, and  
15 where this is a community where there are families, and this is  
16 also in a area that has rain and floods and power outages, we  
17 would like to suggest that the E-911 capacity that this tower  
18 could provide would be of benefit to the safety of the community.

19 So we have had neighborhood meetings. We had a public  
20 meeting where we had sent out the notification that's required by  
21 the City of Tucson UDC code. We also spoke with the HOA's that  
22 are surrounding the area, McAllister Park, Tiffany Place, and  
23 East Point Estates II.

24 At this time, if the Zoning Examiner does not have the

1 comments that were submitted to the Planning & Developing, I do  
2 have those and I would like to admit those as an exhibit for the  
3 Zoning Examiner's review and consideration.

4 So at this time also, as a part of the process that the  
5 City of Tucson goes through, there is an opportunity for the  
6 public to provide their comments, whether that be in opposition  
7 or in favor of the tower.

8 At this time, I would like to present to the Zoning  
9 Examiner those that are actually in favor of the tower that were  
10 presented either via mail or handed off in person. So these are  
11 also exhibits that I would like to post in favor of the tower in  
12 the neighboring communities.

13 I'd like to point out to the zoning examiner that one  
14 of these properties is directly south of where the tower will be  
15 located. And this resident is in favor of the tower, citing  
16 better cell service. So where we have folks who've called in and  
17 said, "I need help," we're there to give it to them. And so  
18 that's another reason for the tower.

19 There was an e-mail that I received from a Ted  
20 Messinger in regards to another cell site that I was proposing  
21 off of Sahuaro and 22nd, or Sahuarita and 22nd. In that e-mail  
22 that I would also like to submit as an exhibit, he points out  
23 certain areas in the city that he has noticed there is very poor  
24 cell reception. And in those areas he called out, 22nd Street

1 and Wilmot.

2 ZONING EXAMINER: Before John comes again, how many of  
3 these are you gonna do?

4 MS. CROWDER: Several. So in conclusion, though, he  
5 calls out the area where we're actually proposing this cell site.  
6 It's areas where there's actually a need for reception. So I'd  
7 like to submit that also, and make this document a part of the  
8 public's opportunity for viewing. I also have some printouts  
9 here that I'd like to give as handouts, should anyone request  
10 them, in regards to Verizon Wireless' reasoning behind cell  
11 towers, and why we believe they're an important part to  
12 complement the community.

13 So one of those things is E-911 service better in the  
14 event of an emergency, demands for data that can be fulfilled.  
15 And as we all know, in today's social environment, everybody  
16 carries a phone, whether that be a Smart phone or a flip phone,  
17 pretty much everybody's got a phone.

18 And the demands on the current towers that are in place  
19 do just not supply the need. I've been in Tucson myself several  
20 times, and I've had to experience dropped calls. And I'm a  
21 Verizon customer. So I have these handouts. They're available.  
22 They talk about broadband. They talk about interference. They  
23 talk about solutions. They talk about FCC regulations. They  
24 talk about many different things that people will find very

1 interesting.

2 One of those things that's also enclosed here is that  
3 taking into consideration health concerns which Verizon Wireless  
4 is extremely aware of. I also have another handout that explains  
5 the websites providing links to the public where they can  
6 actually go and do some research on the health.

7 And I also have a document that I would like to provide  
8 for exhibit from the American Cancer Society where several  
9 questions were answered in regards to health. And the American  
10 Cancer Society actually has come out and stated, according to the  
11 information that they have been in possession of, wireless  
12 communications facilities emits such a low emissions that they're  
13 not a health risk.

14 So I have these that I would like to submit into  
15 exhibit. This one, this one from the American Cancer Society.  
16 The handout that I would like to provide, should anyone want one,  
17 this is from Verizon Wireless Stealth Telecommunications. This  
18 is the one that has the links that has home values that are  
19 addressed. It has the importance of homeowners and buyers in  
20 today's environments for wireless communications facilities.

21 And that if we look at this as a factor when a cell  
22 tower goes up, honestly we do. We look at it as a positive  
23 impact because again, in today's media environment, children  
24 having access to their cell phones when they're walking home from

1 school alone, someone going through an emergency situation where  
2 their phones are needed, being able to use your GPS, again E-911,  
3 all of these things are pointed out in this handout.

4 And I'd also like to admit at this time as evidence a -  
5 the impact of telecommunications towers on residential property  
6 values. This is a study that was conducted. At this time, I  
7 would also like to mention that there haven't been very many  
8 studies conducted on the positive or the negative effect of home  
9 values.

10 But this one, and I quote at the back, concludes with,  
11 "Based upon the comparative analysis and methodology used in the  
12 study, as well as interviews with purchasers of properties  
13 located adjacent to and/or in full view of communication towers,  
14 or structures, it is concluded that there was no consistent  
15 market evidence suggesting any negative impact upon improved  
16 residential property exposed to such facilities in areas included  
17 in this study." So I'd like to admit this as evidence, or as an  
18 exhibit as well.

19 And that concludes my presentation. I also have the,  
20 the - okay. One more thing. I'll wait, though, because I  
21 understand other people have questions, and I'll probably be able  
22 to answer those questions at that time, so -

23 ZONING EXAMINER: You have read the Staff report and  
24 saw the special conditions. Do you have any problems with the

1 conditions?

2 MS. CROWDER: No. We have no issues with the  
3 conditions.

4 ZONING EXAMINER: Okay. Okay. Thank you. And we'll  
5 call you up afterwards.

6 MS. CROWDER: Thank you.

7 ZONING EXAMINER: Okay. So first, I'm going to ask, is  
8 there anybody here to speak in support of the special exception?  
9 Two people? Okay. So the person - that person. Yes. So I'm  
10 gonna ask you to sign in, put your name and address. And then  
11 say it into the record, okay? I'll give you five minutes, okay?

12 MS. HAUSER: My name is Jesse Hauser, and I'm property  
13 owner at 10,000 East Broadway, where the proposed site is. And  
14 so for me, the original Verizon came and had some scouters there  
15 looking in the area to put a cell tower in the well, which is the  
16 very corner of our property, southwest corner of our lot.

17 And we looked into it, and discovered that there's a  
18 possibility to have it on our property. That being the case,  
19 there's control on what the actual structure looks like, making  
20 it a monopalm and having the fenced-off area an adobe block which  
21 would match our property. It's much more appealing in the desert  
22 landscape all around our part.

23 Our house is bordered by three subdivisions, and then  
24 Case Park. So having a cell tower there where there's obviously

1 the necessity for good service, it also provides the 911  
2 triangulation. And I have two young kids, a four-year-old and a  
3 ten-year-old, and they're out playing all the time. So for me,  
4 it's totally a necessity to have it there for the safety and for  
5 better service. So we support it.

6 ZONING EXAMINER: Okay. Thank you. And the next  
7 speaker.

8 MS. WILLIAMS: My name is Amanda Williams, 6601 East  
9 22nd Street.

10 ZONING EXAMINER: Okay. So, Ms. Williams, you - go  
11 ahead and give your presentation, and sign in after you're done,  
12 okay?

13 MS. WILLIAMS: I already did.

14 ZONING EXAMINER: Okay. Great.

15 MS. WILLIAMS: Thank you. So I understand that some  
16 homeowners in McAllister Park are opposed to this. I represent  
17 East Point Estates II. We are in favor of it for the service.  
18 It, it will benefit all the new associations that are going in,  
19 Red Colt Ranch, Mesquite Trails, and the existing ones that also  
20 surround all of Case Park. Sonoran Heights II, East Point  
21 Estates I, Tiffany Place, Sunset Cove, Rincon Shadows.

22 It's, it's the east side on Houghton is expanding.  
23 You have the Fry's that's coming in. You have Houghton widening.  
24 I mean we need the technology for Gale (ph.), for Soleng Tom, for

1 Gridley. This, this is a necessity. And people talk about it  
2 negatively affects your home values.

3 What negatively affected our home values in this area  
4 is Leland Case's old property. It was neglected. Gangs were  
5 living there. Homeless were living there. It negatively  
6 affected our homeowners by breaking, graffiti. The City didn't  
7 maintain their drainage ways. It had a negative effect.

8 Since the Hausers bought that property in foreclosure,  
9 they have rebuilt Leland Case's old house. They've cleaned up  
10 the property. They've worked with the adjoining associations to  
11 clean up the area.

12 So why not give them the benefit of a tower that will  
13 help them to continue to maintain the property? 'Cause it's not  
14 gonna, it's not gonna affect these people that talk about it  
15 negatively. And the radiation's not gonna affect these people's  
16 children any more than going to Soleng Tom or Gale and all the  
17 electronics in the schools.

18 I feel like this - we are in a society where we are  
19 technologically advanced. Hopefully this tower will eventually  
20 give us the monopolized Cox Cable, Direct TV, and we're gonna get  
21 Xfinity, Time Warner off of it hopefully sometime in the future.  
22 This is a good thing for our community and the expansion of the  
23 far east side. Thank you.

24 ZONING EXAMINER: Thank you. Okay. Now do we have

1 people who are opposed to the special exception? Okay. The lady  
2 in white there, yeah. And you have five minutes. Go ahead, sign  
3 in.

4 MS. SWEENEY: Thank you. My name's Nicole Sweeney.  
5 I live at 10129 East Calle Del Este in the McAllister Park  
6 Neighborhood that borders the property where the tower is  
7 proposed.

8 I'd like to start by saying I am a Verizon customer and  
9 I have stellar service. I have never had an issue with my cell  
10 phone service, and that's why I continue to be a Verizon  
11 customer. Our area is very well serviced with existing  
12 infrastructure. I also have two small children, a three-month-  
13 old and a four-year-old. And I am a property owner in McAllister  
14 Park.

15 I am here to ask for the rezoning to be denied for the  
16 following reasons: The proposed site is surrounded by  
17 residentially-zoned property on all sides. I don't believe that  
18 cell phone towers belong in neighborhoods. There are a lot of  
19 other parcels of land available in the community to accommodate  
20 the growing demand on cell phone service. We have plenty of  
21 commercially developed corners and lots in very close proximity  
22 to the proposed site where a tower would be more appropriate.

23 The tower will obstruct the view of the northern  
24 Catalina Mountains from most of the properties that are within

1 the 300-foot, but even other surrounding areas from my property,  
2 which is extremely close to the proposed site. Instead of  
3 looking at the Catalina Mountains, we will be looking at a 55-  
4 foot fake palm tree in the middle of our beautiful desert  
5 environment.

6 I don't feel like a palm tree is an appropriate way to  
7 hide the cell phone tower in a natural desert environment. And  
8 surrounding it by additional live palm trees only makes it worse.  
9 Now we've got a whole cluster of palm trees that don't belong in  
10 our natural desert environment.

11 Verizon sure pays their representatives well. If I got  
12 paid to Google studies on property values and health risks, I'm  
13 sure I could find a study to counter every single one that was  
14 just submitted to you. Unfortunately, I have another full-time  
15 job and children to care for, so I was not able to bring a stack  
16 of studies to support my point of view.

17 But there are studies out there that show having a  
18 tower in that close proximity to your house does affect property  
19 values. Nobody wants to look at a tower instead of the mountain  
20 views. So that will have an effect on property values.

21 Cell phone towers are noisy. There is large  
22 generators, sometimes there's cooling mechanisms. So there is  
23 increased noise that comes with them. They've also been shown to  
24 attract lightning, lightning strikes and in a desert environment

1 with a lot of brush and under-story in the middle of a  
2 neighborhood, you know, that's another consideration.

3 At a minimum, I'd like to request a continuance for the  
4 following reasons: Our HOA met with the proposers back in  
5 November. They did not notify any residents or property owners  
6 in McAllister Park that that meeting was taking place or that the  
7 tower and the property owner or the proposers were going to be  
8 there for discussion amongst community members.

9 There's a lot of misinformation, I think, being  
10 disseminated among our neighborhood and maybe neighboring  
11 neighborhoods. Our Board Members were telling residents that  
12 there's nothing that we can do, that the decision has already  
13 been made, and residents cannot protest it, which obviously is  
14 not true. That's why we're here today. So I've had to do a lot  
15 of work to re-educate our neighbors so that they understand the  
16 process for rezoning requests.

17 There's other, you know, through conversations that  
18 I've had, there's been kind of some, I feel, misinformation and  
19 bullying happened that this is inevitable, that it's already been  
20 approved. That if this goes to Council, our representative has  
21 already approved this and it's gonna happen no matter what.  
22 There is misinformation that there was previous proposal to put  
23 the tower at Case Park that was denied.

24 There was another proposal to put it on the well site

1 that was denied, so this is the best option. However, some  
2 research with your office indicates that there have been no such  
3 other proposals. And so there's misinformation that, "Well, if  
4 we don't put it here, it could wind up at the park. And this is  
5 better than having at the park," when in fact, that proposal has  
6 not been made yet.

7 I did not receive any notification of the public  
8 meeting that was earlier -

9 ZONING EXAMINER: Begin wrapping your presentation.

10 MS. SWEENEY: - and so again, at a minimum, I would  
11 request a continuance so that better dialogue could happen  
12 hopefully facilitated by our Ward 2 Office and neighboring  
13 neighborhoods.

14 ZONING EXAMINER: Okay. Thank you. Do you have  
15 anybody else to speak in opposition? Okay. Have you signed in?

16 MR. SWEENEY: I'm gonna be short and sweet. My name is  
17 Adam Sweeney, also property owner at 10129 East Calle Del Este,  
18 speaking against the proposed cell tower being put behind the  
19 McAllister Park Development for the exact same reason that Nicole  
20 Sweeney just outlined.

21 I also want to confirm that I am - I, too, am also a  
22 Verizon customer, and I get spectacular cell phone service in the  
23 area, and our home is about 100 feet from the proposed cell phone  
24 site. So I've had zero problems whatsoever with my cell phone

1 service in that area.

2 Also there's a little desert trail back behind the  
3 neighborhood there which will be in view and very near to the  
4 proposed cell phone tower. It's a little manmade hiking trail.  
5 I take my daughter, we go walking back there all the time.

6 And I just feel anymore, you know, disruption, you  
7 know, from the noise of a cell tower, an annoying-looking palm -  
8 a ridiculous-looking palm tree in the middle, middle of the  
9 desert landscape.

10 So that is all I have to say, but I am strongly opposed  
11 to the proposed cell tower. And I, at the very minimum, would  
12 also appreciate a continuance on the matter so we can have time  
13 to organize the neighbors in the neighborhood.

14 I did go around and hang flyers on the doors and put  
15 some things on the mailboxes there, but they were taken down.  
16 The next morning they were gone, so I don't know who's taking  
17 those down. So we've had a very difficult time in the short  
18 amount of time that we've been aware of the situation to organize  
19 the, the community, get their opinion on the matter. Thank you.

20 ZONING EXAMINER: Okay. Thank you. Anybody else to  
21 speak? Okay.

22 MR. HAUSER: Can I ask to speak in favor of the cell  
23 tower site?

24 ZONING EXAMINER: Okay.

1 MR. HAUSER: I just have (inaudible) My name is Paul  
2 Hauser. Actually, my property is the closest to the tower, and a  
3 lot of people, the people I've heard that oppose it, they're  
4 probably 500 to 600 feet away from the site, and do not directly  
5 have a view of the site at all.

6 The trails that they're talking about are actually  
7 located on my property that I allow the neighborhood to use.  
8 So I don't think that's an issue. Locating where it is actually  
9 provides further coverage away from the trails, and from the Case  
10 Park, so there's a buffer zone, than if it were to go into the  
11 well site, or into the park itself.

12 It's also located at a lower elevation and we tried to  
13 limit the height to 55 feet rather than the 60-foot palm so that  
14 there'd be less notice. I've gone to every HOA meeting. I've  
15 tried to make their annual meetings so that everyone that was in  
16 the community would be available at that meeting because of  
17 voting purposes.

18 So I tried my best to go through every community that I  
19 could, make sure everyone was on the same page with the site.  
20 And I do believe that is the best location for the site moving  
21 forward. Thank you.

22 ZONING EXAMINER: Okay. Thank you very much. Okay.  
23 Anybody else? You already spoke, and we got a big, big crowd  
24 here.

1 MS. SWEENEY: (Inaudible)

2 ZONING EXAMINER: Okay. I'll let you speak for one  
3 minute. You can come up and make your, your - since you're, you  
4 know - I'll let you speak for one minute.

5 MS. SWEENEY: I just wanted it to be noted that some of  
6 the speakers in favor would be paid monetarily monthly to have  
7 the tower on their site. So there's an incentive for them to  
8 come and speak in favor of it, where I am far closer than 500  
9 feet to the tower and there's no financial gain to me to have to  
10 look at it, and have it in such close proximity to my property.

11 ZONING EXAMINER: Okay. Thank you. Okay. I'm gonna  
12 say everybody has had a chance to speak at this point, unless  
13 somebody really, really needs to speak. You want to speak?

14 MR. CHANDLER: I hadn't intended (inaudible) I've  
15 already submitted an approval to your office -

16 ZONING EXAMINER: Okay.

17 MR. CHANDLER: - earlier, or to Verizon.

18 ZONING EXAMINER: But can you identify yourself, and  
19 have you signed in?

20 MR. CHANDLER: Yeah. My name is Lane Chandler, and I'm  
21 a Board Member of the HOA for Desert Enclave, which is on, right  
22 immediately adjacent to Case Park. I've heard the arguments.

23 I've gone back and I've read the literature talking  
24 about safety. Safety is a concern of mine. I've talked to

1 people in our neighborhood, Desert Enclave, 28 buildings. I have  
2 no objection -

3 (Inaudible comments.)

4 MR. CHANDLER: I'm sorry. I'm, I'm, I'm a Board Member  
5 of Desert Enclave which is immediately adjacent, 28 homes built  
6 by Meritage (ph.) about ten years ago. And I've talked to people  
7 within our neighborhood, and we have no objections that have been  
8 voiced to me, and I'm President of the HOA. I concur, and I  
9 think it's a acceptable presentation and I concur with the  
10 presentation.

11 ZONING EXAMINER: Okay. Thank you.

12 MR. CHANDLER: Thank you. Okay. Ms. Crowder.

13 MS. CROWDER: Thank you. First of all, I'd like to say  
14 that I can't speak or anything to any misinformation that may be  
15 going around the neighborhood. But again, I'd like to reiterate  
16 that I do have handouts here with FCC websites and access to  
17 information and places that you can go and look for answers that  
18 you may need in regards to the tower.

19 I would also like to submit at this time, again,  
20 exhibits in regards to the opposal of the tower. And in this  
21 exhibit, I have placed a aerial view of where the tower is  
22 proposed to be in relationship to the Sweeney home. And the  
23 tower is north of the Sweeney home, and the Sweeney home faces  
24 east and west.

1           And so unless they're gonna look through the house  
2 that's directly adjacent to them -

3           SPEAKER: (Inaudible)

4           ZONING EXAMINER: Okay, okay, okay.

5           MS. CROWDER: So - and I actually went out today and I  
6 walked the site. And I kind of looked and tried to determine  
7 what kind of views there were, and what would be obstructed.  
8 And there's so much desert landscape there that when you are at  
9 the elevation where these homes are, you can hardly even see the  
10 mountains back there. And I would also like to note that again,  
11 at the elevation when you are lower, then, then the tower itself  
12 actually becomes lower.

13           I would also like to note that there are two power  
14 poles out there that obstruct the view currently. And I think  
15 that they are less aesthetically pleasing than an actual  
16 camouflage monopalm would be, especially at this elevation.  
17 We did take care in, in looking at the elevation.

18           There's also another protest form here that I would  
19 like to do the same thing with. I have the photos, I have the  
20 view. I have made note of how the distance from the tower to the  
21 house, and how I don't see how their views could be obstructed.  
22 So I'd like to go ahead and submit those as, as rebuttal.

23           And, again, I'd like to offer up these handouts that I  
24 have. They're actually factual websites, and, and the

1 information isn't to try to mislead or misinform anyone.

2 ZONING EXAMINER: There was some testimony given that  
3 the, the McAllister neighbors weren't informed of the  
4 neighborhood meeting.

5 MS. CROWDER: I can testify to you at this time that  
6 the required notification was followed by the City of Tucson.  
7 We received the mailing list to notify from the City of Tucson.  
8 We did send out the mailing. We did comply with the, with what  
9 the jurisdiction says we have to do, and that's all on file with  
10 you.

11 Another thing is at the annual meeting, it's my  
12 understanding that these annual meetings for HOA's, although I  
13 don't personally belong to one, that they send out invites to  
14 people to come in because it's where they were actually voting on  
15 their new Board Members.

16 So they were expecting, I think, a lot larger turnout  
17 than what they got. But people were actually invited to their  
18 own HOA meeting. So that's my understanding.

19 ZONING EXAMINER: Okay. Let me ask you this. Have you  
20 spoken to the Sweeneys?

21 MS. CROWDER: I have not. I'm sorry.

22 ZONING EXAMINER: Okay. I'm gonna ask Staff a  
23 question. When is our next public hearing?

24 MR. BEALL: We've one scheduled for April 7th, and

1 May 5th.

2 ZONING EXAMINER: Okay. So April 7th is actually one  
3 week from now. Ms. Crowder, I'd like to continue this to April  
4 7th, give you a chance to speak to the Sweeneys, and any of their  
5 friends who still have a concern, -

6 MS. CROWDER: Okay.

7 ZONING EXAMINER: - to see if you have any opportunity  
8 to work this out. If there's any capability on your part to  
9 create any kind of elevation that shows from their properties  
10 what the tower looks like, that would be very helpful to me to  
11 see that, too.

12 So I'm going to continue this case to April 7th, for  
13 you to meet with the property owners and if you can, provide an  
14 elevation of that tower from their properties.

15 MS. CROWDER: I will try.

16 ZONING EXAMINER: Okay. Thank you very much. Okay.  
17 It's continued, so we're April 7th. Okay.

18 Okay. We're gonna move along. We've got a big long  
19 hearing. Okay. Okay. If you want to submit something in  
20 writing, you can, you can submit it and John will pick it up from  
21 you, okay? Okay.

22 (Case: SE-16-16 was continued to April 7th.)

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the original tape recorded conversation in the case referenced on page 1 above.

Transcription Completed: 04/08/17

  
\_\_\_\_\_  
KATHLEEN R. KRASSOW - Owner  
M&M Typing Service