



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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July 14, 2014

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-14-009

**GOURLEY — S. NOGALES HIGHWAY
Type I Conditional Use – Communication Tower**

Background & Authority

Chapter 18.97, in accordance with Section 18.07.030.H.2.E of the Pima County Zoning Code, requires a Type I conditional use permit for a communications tower on property zoned CB-1 (Business). This particular request is to construct a new one hundred foot (100') tall communications tower and antennae, together with an on-the-ground equipment area, on the property of an existing restaurant in the town of Amado. The tower is proposed to be camouflaged as a faux, "old west" style water tower.

Particulars of the Request

The proposed tower will be sited well behind the existing restaurant building on the property (i.e. on the east side of the property nearer to Interstate 19). The on-the-ground equipment will be in an enclosure will be secured with a chain link fence, at the request of the neighbors and local business leaders, so as to preclude it from becoming a graffiti surface. The proposal to camouflage the tower as an old-west style water tower is unique and, in the opinion of the Hearing Administrator, one of the most creative solutions that's ever been proposed in Pima County.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on July 9, 2014. The applicant (of Pinnacle Consulting on behalf of Sun State Towers) presented the conditional use permit request and answered the Hearing Administrator's questions.

No (0) members of the public attended the hearing to speak on the matter. The applicant indicated that they had initiated, early on in the process, an on-going dialogue with community leaders in both Amado and Green Valley. This allowed them to discuss all of the tower's particulars with the leaders and, ultimately, to arrive at the concept of the faux water tower. The applicants had also previously held a separate neighborhood meeting for all of the surrounding property owners. Sixty-four (64) invitations were mailed and two individuals attended. Staff indicated that it had received no inquiries on the application.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new tower, the Hearing Administrator closed the public hearing.

Required Standards and Findings

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

The Comprehensive Plan designates the subject as *Neighborhood Activity Center (NAC)*, the purpose of which is to, "designate low-intensity mixed-use areas designed to provide convenience goods and services within or near suburban residential neighborhoods for day to day living needs."

The site in question is an established commercial and residential district in the town of Amado. The property already has an existing restaurant and other commercial uses are also in place in the immediate vicinity. Established subdivisions and other residential properties lie further to the west. The camouflaging of the proposed tower as an old-west style water tower is a creative addition to the established flavor and character of the existing setting.

For all of the above reasons, the proposed request is found to be consistent with the *Neighborhood Activity Center (NAC)* designation of the Pima County Comprehensive Plan.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.

The surrounding properties are all commercial in nature. The nearest residences are several hundred feet to the west. No new or special safeguards are necessary to protect the surrounding neighbors, other than the aesthetic treatment of the tower as the intended faux water tower. This treatment adds a new architectural and character element to the existing setting.

3. It has adequate accessibility to the County road network.

The property has direct access to S. Nogales Highway, which is a designated "Major Street" per the Pima County Major Streets & Routes Plan. Access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

This is an unmanned wireless facility. Parking sufficiency will be verified at the time of permitting.

5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.

The proposed use is found to not threaten the surrounding properties in any of the above ways. Standard code requirements shall serve to adequately address these issues.

6. Hours of operation will not be detrimental to adjoining residents.

This is an unmanned facility; no Special Conditions or other requirements are warranted.

7. Landscaping will be fully in conformance with zoning code regulations.

Landscaping requirements, if any, will be verified at the time of permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a communication tower, on property zoned CB-1, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* and *Special Conditions* as outlined below:

Standard Conditions & Code Requirements

The Pima County Zoning Code allows Type I communication towers of the proposed height within the CB-1 zone, subject to the conditional use permit process.

Special Conditions

- 1) The height of the new tower shall be no more than one hundred feet (100').
- 2) The tower shall be camouflaged as a water tower as illustrated on the submitted drawings accompanying this conditional use permit application. The faux water tower structure is allowed to extend above the maximum height prescribed in Special Condition No. 1.
- 3) Any visible panel antennae and associated cabling, etc. will be painted to match the color of the water tower structure.
- 4) The tower and the on-the-ground equipment enclosure shall be located on the property as shown on the submitted site plan materials.

Protest Period and Appeal Procedures

As is the case with all Type I conditional use applications, this decision is subject to a statutory 30-day protest period from the date of this decision. If a valid protest is received within the 30-day period, an appeal hearing will be scheduled before the Board of Supervisors, who shall then make the final decision on this conditional use permit.

In that the Hearing Administrator's decision on this case was verbally rendered and entered into the record at the public hearing of July 9, 2014, it is hereby established that the 30-day protest period shall commence from this public hearing date.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, Pima County Deputy Chief Zoning Inspector, at phone number 724.6675. Please be advised that filing fees apply to any appeal, and that these fees are payable by the party filing the appeal request.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Jim Portner". The signature is stylized with a large initial "J" and "P".

Jim Portner
Pima County Hearing Administrator

July 14, 2014
Date



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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-14-008

**SISTERS OF IMMACULATE HEART OF MARY — N. SABINO CANYON ROAD
Type I Conditional Use – Communication Tower**

Background & Authority

Chapter 18.97, in accordance with Section 18.07.030.H.2.E of the Pima County Zoning Code, requires a Type I conditional use permit for a communications tower on property zoned SR (Suburban Ranch). This particular request is to construct a new fifty-foot (50') tall communications tower and antennae, together with an on-the-ground equipment area, on the grounds of the existing Sisters of Immaculate Heart of Mary church campus. The tower is proposed to be camouflaged as a faux palm tree.

Particulars of the Request

The proposed tower will be sited behind the main church building on the property. The on-the-ground equipment will be in an enclosure that will be painted to match the nearby church building's colors. The proposal to camouflage the tower as a palm tree is appropriate; there are many existing palm trees clustered in and around the church buildings and in the very immediate vicinity of the proposed tower site.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on July 9, 2014. The applicant (of Pinnacle Consulting on behalf of AT&T Mobility) presented the conditional use permit request and answered the Hearing Administrator's questions.

Two (2) members of the public attended the hearing, one (1) of which chose to speak on the matter. The speaker did not object to the request and simply had some questions about its particulars. She indicated that information given to her at the hearing by the applicant had answered her questions. The applicant indicated that they had previously held a separate neighborhood meeting for all of the surrounding property owners, and that twelve (12) individuals had attended from the 284 invitations that were mailed. Staff indicated that it had received one (1) phone call on the case, which was informational in nature.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new tower, the Hearing Administrator closed the public hearing.

Required Standards and Findings

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.

The Comprehensive Plan designates the subject as *Low Intensity Urban (LIU)*, the purpose of which is to, "designate low-intensity residential areas, together with other compatible uses."

The site in question is an established church campus. The developed portion of the site is set back by a significant distance from the surrounding residential properties. The proposed tower, camouflaged as a faux palm tree, is setback by more than four hundred feet (400') from the nearest adjacent property boundary and will be located within a stand of more than twenty (20) existing tall palm trees.

For all of the above reasons, the proposed request is found to be consistent with the *Low Intensity Urban (LIU)* designation of the Pima County Comprehensive Plan.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.

The nearest residences are more than four hundred feet away and buffered by intervening vacant/undeveloped desert property. No new or special safeguards are necessary to protect the surrounding neighbors, other than the aesthetic treatment of the tower as the intended faux palm tree. There are many existing palm trees in the immediate vicinity of the proposed site.

3. It has adequate accessibility to the County road network.

The property has direct access to N. Sabino Canyon Road, which is a designated "Major Street" per the Pima County Major Streets & Routes Plan. Access is found to be adequate.

4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.

This is an unmanned wireless facility. Parking sufficiency will be verified at the time of permitting.

5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.

The proposed use is found to not threaten the surrounding properties in any of the above ways. Standard code requirements shall serve to adequately address these issues.

6. Hours of operation will not be detrimental to adjoining residents.

This is an unmanned facility; no Special Conditions or other requirements are warranted.

7. Landscaping will be fully in conformance with zoning code regulations.

Landscaping requirements, if any, will be verified at the time of permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a communication tower, on property zoned SR, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* and *Special Conditions* as outlined below:

Standard Conditions & Code Requirements

The Pima County Zoning Code allows Type I communication towers of the proposed height (fifty feet [50']) within the SR zone, subject to the conditional use permit process.

Special Conditions

- 1) The height of the new tower shall be no more than fifty feet (50') to the top of the structure or its antennae.
- 2) The tower shall be camouflaged as a palm tree. The fronds of the faux palm tree are allowed to extend above the maximum height prescribed in Special Condition No. 1.
- 3) The panel antennae and any associated cabling, etc. will be painted to, as best as possible, match or blend with the palm fronds.
- 4) The tower and the on-the-ground equipment enclosure shall be located as shown on the submitted site plan materials.
- 5) The equipment enclosure shall be painted to, as best as possible, match the colors of the nearby church building(s).

Protest Period and Appeal Procedures

As is the case with all Type I conditional use applications, this decision is subject to a statutory 30-day protest period from the date of this decision. If a valid protest is received within the 30-day period, an appeal hearing will be scheduled before the Board of Supervisors, who shall then make the final decision on this conditional use permit.

In that the Hearing Administrator's decision on this case was verbally rendered and entered into the record at the public hearing of July 9, 2014, it is hereby established that the 30-day protest period shall commence from this public hearing date.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, Pima County Deputy Chief Zoning Inspector, at phone number 724.6675. Please be advised that filing fees apply to any appeal, and that these fees are payable by the party filing the appeal request.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Jim Portner". The signature is stylized and cursive, with a vertical line extending downwards from the bottom of the name.

Jim Portner
Pima County Hearing Administrator

July 14, 2014
Date