



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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Director

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November 17, 2014

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-14-018**

**WEST OAK SIERRA, LP ET. AL. — W. MAGEE 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 CB-1 (Business). This particular request is to construct a new fifty-five foot (55') tall communications tower and antennae, together with an on-the-ground equipment area, all on the premises of an existing self-storage facility.

**Particulars of the Request**

The proposed tower will be sited in the interior portion of an existing self-storage facility located on Magee Road approximately one-quarter mile east of Thornydale Road. The self-storage business is a fully gated and secure facility. The communications tower is of the monopole variety and is proposed to be camouflaged as a palm tree. There are both residential and commercial/non-residential properties in the vicinity of the self-storage facility; there are numerous existing palm trees within the viewshed.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 12, 2014. The applicant (Garret Bair, on behalf of Verizon Wireless) 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 not held a separate neighborhood meeting on the application. The Hearing Administrator advised that doing so was advisable on future tower applications. Staff indicated that it had received two (2) phone calls on the request, both of which were 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 *Community Activity Center (CAC)*, the purpose of which is to, "designate medium-intensity mixed-use areas designed to provide goods and services needed generally on a weekly basis along with compatible medium to high density housing types.

The tower site in question is embedded within an established and secured self-storage facility. The self-storage site is surrounded by both residential and non-residential uses. Given that the proposed tower will be integrated into the interior portion of an existing self-storage facility and be camouflaged as a palm tree, together with the fact that numerous palm trees are present in the viewshed surrounding the site, the Hearing Administrator finds the proposed use to not be in conflict with the above stated goals of the 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 buffered from the tower site by the existing/established self-storage facility, which clearly co-exists peacefully with its residential neighbors. All other nearby properties are non-residential uses. 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. Palm trees exist within the viewshed of the project.

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

The property has direct access to Magee 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 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 (fifty-five feet) 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 fifty-five feet (55') to the top of the monopole structure or its antennae.
- 2) The tower shall be camouflaged as a palm tree.
- 3) The fronds of the faux palm tree are allowed to extend above the maximum height prescribed in Special Condition No. 1 above.
- 4) The panel antennae and any associated cabling, etc. will be painted to, as best as possible, match or blend with the palm fronds.
- 5) The tower and the on-the-ground equipment enclosure shall be located within the self-storage facility 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 November 12, 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", with a period at the end.

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Jim Portner  
Pima County Hearing Administrator

November 17, 2014  
Date



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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-14-019**

**MALOZSAK — W. ORANGE GROVE ROAD  
Type I Conditional Use – Adaptive Reuse**

**Background/Authority**

Chapter 18.97, in accordance with Section 18.09.020.R of the Pima County Zoning Code, requires a Type I conditional use permit for an adaptive reuse on property zoned GR-1 (Rural Residential). This particular request is to use an existing single-family residence for a real estate office. The property in question is slightly less than one acre in size and is located at the corner of Sahuarita Road and Delgado Road. This residence has been used for some time as a real estate office under a home occupation permit; the conditional use permit is required only because the applicant has added more employees to the business.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on November 12, 2014. One (1) member of the public attended the hearing to speak on the matter. This was a neighbor of the property who made it clear that she had no objection whatsoever to the request. She stressed that she had questions related to her own property and the very different process (other than the adaptive reuse option) that she went through several years prior to obtain permits for her own business-related use. The Hearing Administrator and staff stayed after the hearing to speak with this individual and answer her questions.

Staff reported that they had received two (2) telephone inquiries prior to the public hearing, both of which were informational in nature and neither of which expressed any opposition.

After hearing all of the above and asking some final questions of the applicant, the Hearing Administrator closed the public hearing and verbally rendered his decision to approve the request, indicating that his final written decision would contain certain special conditions designed to appropriately frame the proposed use.

### **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 presently places the subject property within an area designated as *Medium Intensity Urban (MIR)*, which is a district intended to, "provide areas for medium density rural residential and other compatible uses."

The subject single-family residence has been used as a real estate office for several years under a legitimate home occupation permit and has co-existed peacefully with its neighboring residential properties. This conditional use permit is required only because the owner has added some employees to his real estate business. Given the property's frontage on Sahuarita Road (a major arterial street), and with the expectation that the expanded business will be operated in accordance with the standard Code requirements of an adaptive re-use, the Hearing Administrator finds the proposed adaptive re-use to be appropriate in this location and in full conformance with the Comprehensive Plan *MIR* district.

**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 Zoning Code has built-in safeguards for the adaptive reuse of existing single-family residential structures, including no aesthetic alteration of the structure's exterior, minimal parking allowances, and generally maintaining the look and feel of a single-family residence. These Code prescriptions are essentially sufficient to safeguard the surrounding properties.

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

The site has direct access to Delgado Road, which has immediate access to Sahuarita Road, which is a designated "major street" on the Pima County Major Streets & Routes Plan (MSRP). Access is therefore found to be adequate.

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

Sufficient on-site parking, loading, etc. will be provided and verified by staff during the permitting process.

**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, including noise. Standard code (i.e. setback and buffering) requirements are found as being sufficient to address these matters.

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

The hours of operation are not found to be harmful to nearby residents due to the primarily day-time operation of the facility. Nonetheless, a special condition has been crafted to formally address this item.

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

Applicable landscaping requirement will be verified by staff during the permitting process.

**Hearing Administrator's Decision**

This application for a Type I conditional use permit for an adaptive reuse on property zoned GR-1, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* outlined below, as well as the supplemental *Special Conditions* crafted by the hearing administrator. Conditions of approval are as follows:

**Standard Conditions & Zoning Code Requirements**

1. The proposed use shall conform with all requirements of Section 18.09.020.R (Adaptive Reuse) of the Pima County Zoning Code.

**Special Conditions**

1. This conditional use permit is approved for a real estate office as described in the application materials. Other office uses of similar type and intensity shall be allowed under this same conditional use approval. The Chief Zoning Inspector shall make any required determination as to what constitutes "similar type and intensity" with respect to an alternative use.
2. Uses which materially or substantially depart from the above shall require a wholly new conditional use permit application, public notice, and public hearing process. The Chief Zoning Inspector shall, once again, make any required determination as to what constitutes "materially or substantially depart" with respect to any alternative use.
3. Hours of operation shall be primarily daytime in nature and primarily during weekdays. Some evening and weekend activity is recognized and allowed, but it is understood that this will not be the year-round, regular or on-going condition.
4. No formal Pima County Development Plan or review process is required. The owner/applicant shall submit a final Site Plan for the property, which shall be reviewed and approved by the Deputy Chief Zoning Inspector, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.

**Appeal Procedures**

The owner, applicant, or any owner-of-record within the legal notification area can appeal this decision, which will result in a subsequent public hearing on this matter before the Pima County Board of Supervisors. The appeal must be filed, in writing, within thirty (30) days of the Hearing Administrator's rendering of this written decision.

As this decision was rendered verbally at the November 12, 2014 public hearing on this matter, it is hereby ordered that the 30-day appeal period commence from the same 12 November 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 'J. Portner', with a vertical line extending downwards from the bottom of the signature.

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Jim Portner  
Pima County Hearing Administrator

November 12, 2014  
Date