



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – November 6, 2014

DATE: November 12, 2014

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P21-14-018– WEST OAK SIERRA LP. ET AL. – W. MAGEE RD.**
(Wavelength Management on behalf of Verizon Wireless – Applicant)
Type I Conditional Use – Communication Tower

LOCATION:

The subject property is located on the south side of Magee Rd. The site is approximately 1300 feet east of the intersection of Magee Rd. and Thornydale Rd. The site consists of self-storage facility. The property is zoned CB-1 (Local Business).

SURROUNDING LAND USE OR CONTEXT:

Properties to the north are zoned TR (Transitional). Properties to the south and east are zoned CR-3 (Single Residence). Properties to the west are zoned CR-4 (Mixed Dwelling Type).

PUBLIC COMMENT:

To date staff has received two calls on the case. The callers asked questions about the location of the tower and height. One caller was an immediately adjacent property owner and the other was a property owner that was not adjacent. Staff provided the callers with the plans for the site. To date, no other public comment has been received.

PREVIOUS CASES ON PROPERTY:

There are no previous cases on this property.

BACKGROUND INFORMATION

This request is for a new communication tower at a self-storage facility. The proposed tower is 55 feet tall and is located near the access point to Magee Rd. The area is surrounded by residential homes.

DEVELOPMENT SERVICES COMMENTS:

This is a Type I conditional use permit for a communication tower. Communication towers in the CB-1 zone are permitted as a Type I Conditional Use permit. .

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL

The Department of Transportation will not review this project. The Flood Control District will review this project as needed during the permit process.

CULTURAL RESOURCES

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

STAFF RECOMMENDATION

Staff normally is supportive of requests for communication towers on commercial property. This tower is consistent with other towers that have been approved. In addition, there are numerous palm trees on nearby properties. Staff's only concern is that it does not appear that any neighborhood outreach or a neighborhood meeting has occurred for this site. While the zoning code does not require outreach, staff has encouraged these types of meetings to assist in providing information to affected property owners. It also provides the company an opportunity to hear from residents and respond to concerns prior to the public hearing. Since staff has received calls on the site, there may be other neighbors who appear at the hearing. Should neighbors appear to address concerns, staff believes concerns should be listened to and the case may need to be continued if there are numerous concerns that the applicant may need to respond to.

- c: Carmine DeBonis, Development Services Director
Wavelength Management, Applicant



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PUBLIC HEARING – November 12, 2014

DATE: November 7, 2014

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P21-14-019 – MALOZSAK – S. DELGADO RD.**
Type I Conditional Use – Adaptive Reuse

LOCATION:

The subject property is located on the southeast corner of Sahuarita Rd and Delgado Rd. The property is approximately 1.07 acres and is zoned GR-1 (Rural Residential).

SURROUNDING LAND USE OR CONTEXT:

Properties to the south, west and east of the property are also zoned GR-1. Properties to the north are located in the Town of Sahuarita.

PUBLIC COMMENT:

To date staff has received a couple of calls on the project. The calls were for informational purposes to find out the scope of the project and whether it would have an effect on the caller's property. Neither caller had an objection to the request.

PREVIOUS CASES ON PROPERTY:

There are numerous previous violations on the property. All of the violations were when a previous owner held the property. The violations had to do with business without permits and sheds not meeting setbacks. All previous violations were ultimately resolved.

There is also a permit from 2002 for to use the residence for child care for up to six children.

BACKGROUND INFORMATION

This request is to use the property for an adaptive reuse. This is a new section of the code that has only been added within the last couple of years. The request before the Hearing Administrator is the second property to request this type if conditional use. Staff has included the Adaptive Reuse section of the zoning code. The first request was approved earlier in 2014 and appears to be operating.

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL

The Department of Transportation and the Flood Control District will review this project as needed during the permit process.

CULTURAL RESOURCES

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

DEVELOPMENT SERVICES COMMENTS/RECOMMENDATION:

This is a Type I conditional use permit for an adaptive reuse. An adaptive use is a conditional use in all residential and rural zones when fronting on a major route. This property appears to be ideal for an adaptive reuse. Sahuarita Rd is a major street and route and will be a multilane road in the future. This use appears to integrate well with the rural surrounding area. In addition, it appears that when reviewing the purpose statement this property is ideal for an adaptive reuse.

It should be noted that a development plan is not outright required by the zoning code for an adaptive reuse. The Hearing Administrator has the discretion to determine whether a full development plan should be required. Staff believes that the applicant has alleviated concerns that staff has about the project. Staff does not believe that a development plan is warranted in this case. Staff does believe that the Hearing Administrator should craft conditions that he feels are warranted to ensure that the use acts as an appropriate buffer between the residential properties in the area and the other commercial. In the past the Hearing Administrator has added the below condition when not requiring a development plan for a project. Staff recommends that the below condition be used;

“No formal Pima County Development Plan or review process is required. However, 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.”

In addition, staff believes a condition should be added that limits the use to only a real estate office. A real estate office fits with the surrounding area and would not adversely affect neighboring property owners. Staff would not want the property converted to another business use without further review and approval. Staff suggests the following condition be added by the Hearing Administrator should he decide to approve the request;

“The conditional use permit is for a Real Estate Office only. Any other use shall require an additional conditional use permit.”

c: Carmine DeBonis, Development Services Director
John Malozsak, Applicant