



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207

CARMINE DeBONIS
Director

Phone: (520) 740-6520
FAX: (520) 798-1843

September 15, 2014

Page 1 of 4

HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-14-012

IGLESIA DE CRISTO DE TUCSON CORP. AZ — W. DREXEL 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, on the grounds of the future Iglesia de Cristo church.

Particulars of the Request

The proposed tower (together with its on-the-ground equipment) will be sited in the southeasternmost portion of the currently vacant property. The on-the-ground equipment will be enclosed by an eight foot (8') tall masonry wall that will be painted and textured. The location and design of the tower facility has been coordinated with the owners of the Iglesia de Cristo church property and has been integrated into their approved Development Plan.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on September 10, 2014. The applicant (Adam Brixius, 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 held a separate neighborhood meeting for all of the surrounding property owners and the nearby HOA, and that two (2) individuals had attended the meeting, expressing no objections. Staff indicated that it had received two (2) information phone calls on the case.

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 *Medium Intensity Urban (MIU)*, the purpose of which is to, "designate areas for medium-intensity residential and other compatible uses".

The site in question is currently vacant, but is the future site of the Iglesia de Cristo church. The Development Plan for the church is already approved and they are currently assembling financing for construction. The applicant for this CUP has coordinated directly with the church and the design of the tower as a faux palm tree has been integrated into the planned church improvements on the property. For all of these reasons, together with the fact that the property is zoned CB-1, 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 approximately one hundred fifty feet (150') away, to the south, and will eventually be buffered by the intervening site improvements of the church. 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 existing palm trees within the viewshed of the project in all directions.

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

The property has direct access to Drexel Road, a paved public street, which then connects directly to Mission Road, 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 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 an eight-foot (8') tall masonry wall, painted and textured in an earth tone color.

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 September 10, 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 vertical line extending downwards from the bottom of the signature.

Jim Portner
Pima County Hearing Administrator

September 15, 2014

Date



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Avenue, 1st Floor
Tucson, Arizona 85701-1207

CARMINE DeBONIS
Director

Phone: (520) 740-6520
FAX: (520) 798-1843

September 15, 2014

Page 1 of 4

HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-14-013

TUCSON UNIFIED SCHOOL DISTRICT NO. 1 — N. BOWES ROAD

**Type I Conditional Use – Communication Tower
(Athletic Field Light Pole Replacement)**

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 replacement light standard at the existing Sabino High School athletic/football field, which would then double as a communications tower and have an antennae array mounted below the lighting fixtures. There are several other similar such "double" installations already in place around the same Sabino High School athletic field.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on September 10, 2014. The applicant (Adam Brixius, 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 also held a separate neighborhood meeting for all of the surrounding property owners. No one attended the meeting. Staff indicated that it had received one (1) email of protest from an individual more than 1500' feet away from the football field. The objections expressed by that individual were more about the use of the light fixtures by the school than about the proposed wireless communications function.

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 the existing Sabino High School football field and track-and-field facility. Several antennae installations are already in place at this facility that double as light standards for the field. The existing light standard is 81.2' tall and would be replaced by a new light standard/communications tower of the same height. The new wireless antennae array would be mounted below the lighting installation.

Given that the new light standard will be no taller than the existing one it is replacing, and given further that several other similar combined lighting/tower/antennae installations already exist on at the athletic field, 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 properties adjacent to the Sabino High School site are all developed residential ones, and all are well acquainted with the various outdoor activities and athletic events that occur at the high school. The proposed tower installation represents no change whatsoever in this existing complement of events and day-to-day activities. No special safeguards are needed for the surrounding properties.

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

The property has direct access to Bowes (Harrison) Road, a paved public street, which then connects directly to Catalina Highway, 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 within the SR zone, subject to the conditional use permit process.

Special Conditions

- 1) The height of the new light standard/tower shall be no more than that of the current pole it replaces.
- 2) The top of the antennae array shall be mounted at a height of no more than sixty-five feet (65').
- 3) The replacement light standard/tower will be painted to match the color of the one it replaces; the panel antennae and any associated cabling, etc. will be painted the same color as the pole.
- 4) Per the testimony of the applicant at public hearing, the antennae array will meet the flush-mounted requirements of the Pima County Zoning Code.
- 5) The on-the-ground equipment building shall be as shown on the submitted site plan materials and shall be painted to substantially match the color of the nearest building structure.
- 6) Any other approvals that might be necessary to locate the replacement pole further away than the six feet (6') allowed under the Pima County Zoning Code, i.e. a variance or a modification of setback (MSR), will be dutifully completed by the applicant.

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 September 10, 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 vertical line extending downwards from the end of the signature.

Jim Portner
Pima County Hearing Administrator

September 15, 2014

Date