



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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December 11, 2015

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**Case No. P15CU00002**

**ANTIGUA DE MEXICO — W. ORANGE GROVE 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 new communications tower on property zoned CB-1 (Business Zone). This particular request is made by Shirley Crowder, of Centerline Solutions, on behalf of Verizon Wireless. Verizon proposes to construct a new fifty-foot (50') tall communications tower and antennae, together with an on-the-ground equipment area. The proposed tower will be camouflaged as a faux palm tree (or "monopalm"), with the palm fronds extending to a height of approximately fifty-five feet (55').

**Particulars of the Request**

The proposed tower (monopalm) will be located on a commercially zoned parcel containing the Antigua de Mexico furniture and accessories store. The on-the-ground equipment area will be enclosed within an 8' masonry wall. The furniture store is part of a larger non-residential sector that includes a fast-food restaurant and a large self-storage facility. An existing residential subdivision abuts the property to the south.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on December 9, 2015. The applicant (Shirley Crowder on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's various questions. The applicant had held a neighborhood meeting, to which all property owners within the statutory notice area (300') had been invited, and reported that no members of the public attended the meeting.

Two (2) member of the public attended the 9 December hearing to speak on the matter, one of these being an adjacent residential property owner and the other being a relative of the owner. The speakers indicated their concern with respect to potential negative impacts on their property value. The Hearing Administrator heard

those concerns but also explained the limitations imposed by the 1995 Federal Telecommunications Act, wherein property-value and health-related considerations cannot be considered by local zoning authorities. The speakers then expressed their general objection to the proposed tower, its affect on their views, and stated clearly that they simply did not want it built.

Staff indicated that three (3) phone call inquiries had been received on the case.

After hearing all of the above, the Hearing Administrator closed the public hearing.

He explained to those in attendance that he felt the proposed tower application was one that was responsibly located, filled an existing coverage gap and was, with the proposed camouflaging in mind, appropriately considerate of the surrounding property owners. He stated his intention to approve the request.

### **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 and higher intensity mixed use districts designed to provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; educational and institutional uses; and other similar uses ..."

The site in question exists within a fully developed context, along a major transportation arterial, containing both commercial and residential components. The proposed tower has been properly integrated into the existing commercial setting and is being appropriately camouflaged (as a faux palm tree) in consideration of nearby single-family residences. For all of these reasons, 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.**

No new or special safeguards are necessary to protect the surrounding neighbors, other than the proper aesthetic treatment of the proposed tower. Special conditions have been crafted to address these particulars.

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

The property has direct access to Orange Grove Road, a paved public roadway that is a designated *major street* on the Pima County Major Streets & Routes Plan (MSRP). 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 and compliance with the Zoning Code in this regard 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 (50') 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 feet (50') to the top of the steel structure, including the antennae array.
- 2) The tower will be camouflaged as a faux palm tree (monopalm). The fronds of the monopalm are allowed to extend above the prescribed 50' tower height.
- 3) Any cabling serving the antennae array shall be concealed within the monopalm "trunk".
- 4) The tower and on-the-ground equipment area shall be generally located as shown on the submitted site plan.
- 5) The 8' masonry wall and metal gates of the equipment area shall be painted an appropriate color that best matches, or is complementary with, the existing walls/structures in the immediate area.

**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 the Hearing Administrator's 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 verbally rendered his decision to approve this request at the December 9, 2015 public hearing, the 30-day protest period shall commence from the same 9 December 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:



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Jim Portner  
Pima County Hearing Administrator

December 11, 2015  
Date