



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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January 17, 2016

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

**Case No. P15CU00003
HEIGHTS PROPERTIES, LLP — N. ORACLE 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 Adam Brixius, of Pinnacle Consulting, on behalf of Verizon Wireless. Verizon proposes to construct a new communications tower and antennae (64' – 1" tall), together with an on-the-ground equipment area. The proposed tower structure will be camouflaged as a faux palm tree (a "monopalm"), with the faux palm fronds extending to a slightly taller height than the tower itself.

Particulars of the Request

The proposed monopalm tower will be located on a commercially zoned parcel next to an existing Brake Max auto center at the northeast corner of Oracle Road @ Ina Road. The Brake Max facility intends to expand its parking lot onto the subject property and has already submitted the required plans to do so to Pima County. The proposed tower and on-the-ground equipment area will be set back from the arterial roadways; the aforementioned new parking lot and landscape screening will be in front of it, providing visual mitigation of the tower and equipment enclosure. The equipment will be contained within a decorative masonry wall. The property is surrounded by other commercial uses in all directions.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 13, 2016. The applicant (Adam Brixius 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.

No (0) members of the public attended the 13 January hearing to speak on the matter. Staff indicated that it had received no public comment, phone calls, or emails on the case.

After hearing all of the above, 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 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 commercial context, at the corner of two major transportation arterials. The proposed tower has been properly integrated into the existing commercial setting and is being appropriately camouflaged (as a faux palm tree). 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 commercial properties, 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 Oracle Road and Ina Road, both of which are major public arterials that are designated as *major streets* 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 (64') 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 sixty-five feet (65') 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 65' 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 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/buildings 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 January 13, 2016 public hearing, the 30-day protest period shall commence from the same 13 January 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 stylized flourish at the end.

Jim Portner
Pima County Hearing Administrator

January 17, 2016
Date



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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

Case No. P15CU00005

**ARIZONA TELEPHONE CO. — S. SASABY 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 new communication tower and utility pole replacement on property zoned IR (Institutional Reserve). This particular request is made by Scott Quinn, of Quinn United, on behalf of Arizona Telephone Company (ATC). ATC proposes to replace an existing utility pole with a new communications tower and antennae that will be fifty feet (50') tall and which will meet its needs as a wireless transfer point for land-line service. A new on-the-ground equipment area is also proposed.

Particulars of the Request

The proposed tower is located in a very rural area along Sasabe Highway, north of the United States/Mexico international border. Arizona Telephone Company already has other various transmission facilities and related equipment in the same area, all of which is located just south of the Buenos Aires National Wildlife Refuge.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 13, 2016. The applicant (Scott Quinn of Quinn United) presented the conditional use permit request and answered the Hearing Administrator's various questions.

No (0) members of the public attended the 13 January hearing to speak on the matter. Staff noted the very rural, remote location of this particular request, the extensive federal and State public lands that surround it, and indicated that it had received no public comment, phone calls, or emails on the case.

After hearing all of the above, 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 *Resource Sensitive (RS)*, the purpose of which is "to designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves". The relevant preserve in this particular case is the nearby Buenos Aires National Wildlife Refuge.

The site in question is extremely remote and does not impact any nearby residences. The surrounding properties are all Federal or State holdings. In addition, there are already other wireless installations and phone transmission equipment established on the Arizona Telephone Company subject property. 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 properties.

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

The property has direct access to Sasabe Highway, which is a designated as *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 IR (Institutional Reserve), is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* and *Special Conditions* as outlined below.

Standard Conditions

The Pima County Zoning Code allows Type I communication towers and pole replacements of the proposed height (50') within the IR 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.
- 2) The tower and on-the-ground equipment area shall be generally located and secured as shown on the submitted site plan.

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 January 13, 2016 public hearing, the 30-day protest period shall commence from the same 13 January 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:



Jim Portner
Pima County Hearing Administrator

January 17, 2016
Date



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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

Case No. P15CU00004

ATCHLEY — W. SUNSET ROAD

Type I Conditional Use – Communication Tower (Utility 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 new communication tower and utility pole replacement on property zoned SR (Suburban Ranch). This particular request is made by Ryan Rawson on behalf of Verizon Wireless. Verizon proposes to replace an existing utility pole with a new communications tower and antennae that will be fifty-nine and one-half feet (59.5') tall and which will serve both Verizon's needs and that of the utility company. A new on-the-ground equipment area is also proposed. The proposed tower structure cannot be camouflaged, other than by painting, due to utility company restrictions.

Particulars of the Request

The proposed tower and utility pole replacement is located on residential property, in a generally low-density residential area, on Sunset Road, approximately ¼ mile west of Camino de Oeste. Several residences lie in general proximity to the proposed tower site, all of whom were notified by the applicant and provided with photo simulations, site plans, etc. of the proposed tower installation.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 13, 2016. The applicant (Ryan Rawson on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's various questions. The applicant had completed a detailed mailing of information and exhibits to all property owners within the statutory notice area (300'), and reported that no members of the public had contacted him prior to the public hearing.

No (0) members of the public attended the 13 January hearing to speak on the matter. Staff indicated that it had received no public comment, phone calls, or emails on the case.

After hearing all of the above, 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 areas for a mix of low-density housing types and other compatible uses."

The site in question is a generally low-density residential area. Numerous communication towers and pole replacements have been approved within the *LIU* category in the past and all appear to have integrated well into their existing contexts. The subject tower site is set back a significant distance from Sunset Road and will be in relative proximity to only a few residences. The tower's equipment area will be enclosed by a masonry wall that will approximate the material and color of the existing primary residence on the subject property. In addition, there are already numerous utility poles throughout the Sunset Road corridor; visual impact will not be markedly increased over the existing condition. 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 commercial properties, 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 Sunset Road, which is a designated as *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 SR, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* and *Special Conditions* as outlined below.

The Pima County Zoning Code allows Type I communication towers and pole replacements of the proposed height (59.5') within the SR zone, subject to the conditional use permit process.

Standard Conditions

1. Replaces the existing tower or utility pole.
2. Is located not more than six feet from the existing pole and is within the same alignment relative to property boundaries and adjacent poles.
3. Is no higher than existing tower or is no more than sixteen feet beyond the height of the existing utility pole, not to exceed a maximum total height of two hundred feet.
4. The antenna(s) are flush-mounted or do not extend from the communication tower a distance that is greater than that of the existing antennae.
5. If a communication tower equipment area is added or expanded, a Type I conditional use permit is required. Equipment placed inside a vault, or equipment placed inside an existing walled or an existing screened compound (e.g. utility substation or existing, previously approved communication tower equipment area) or equipment placed in the right-of-way of a street with a designation of an arterial or collector street or higher is exempt from the conditional use permit requirement.

Special Conditions

- 1) The height of the new tower shall be no more than fifty-nine and one-half feet (59.5') to the top of the steel structure, including the antennae arrays.
- 2) The tower and antennae will be painted a brown color to substantially match that of the existing utility poles in the area.
- 3) Any cabling or ancillary appurtenances serving the antennae array shall be painted the same brown color as the tower and antennae array.
- 4) The tower and on-the-ground equipment area shall be generally located as shown on the submitted site plan.
- 5) The masonry wall of the equipment area shall be of essentially the same brick material and color of the existing primary residence on the site. The metal gates of the walled equipment enclosure shall be painted a color that fits well with the brick material of the wall.

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 January 13, 2016 public hearing, the 30-day protest period shall commence from the same 13 January 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:



Jim Portner
Pima County Hearing Administrator

January 17, 2016
Date