



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – November 20, 2017

DATE: November 16, 2017

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P17CU00013 – E. SUNRISE DR.**
(Mobilitie – Applicant)
Type I Conditional Use – Communication Tower less than 50 feet

LOCATION:

The subject site is located on the south side of Sunrise Dr. near the northeast corner of the Catalina Foothills School District property. The site is approximately 1400 feet west of the intersection of Swan Rd. and Sunrise Dr. The area where the communication site is located is zoned SR (Suburban Ranch).

SURROUNDING LAND USE OR CONTEXT:

Property to the south is a public school also zoned SR. Properties to the north are zoned CR-1 (Single Residence). To the east and west is the right of way of Sunrise Dr.

PUBLIC COMMENT:

There have been two (2) inquiries about the case by telephone, however no protests have been submitted at the time of this report.

PREVIOUS CASES ON PROPERTY:

This property is in the right of way of Sunrise Dr. There are no other communication towers in the right of way. There is an existing communication tower on the apartment complex property to the southeast of the proposed tower. This tower is also less than 50 feet and was permitted through the Type I conditional use permit process.

BACKGROUND INFORMATION

This tower is proposed to improve Sprint coverage and potential other future uses. It is proposed at approximately 45 feet and is located in the right of way to the east of the eastern most access point to Catalina Foothills High School. The tower is proposed in an area that has utility poles on the north side of Sunrise Dr. The poles on the north side of the street

range in height for 25 feet up to 40 feet. In addition there are light poles located on the school site that are approximately 30 feet tall.

DEVELOPMENT SERVICES COMMENTS:

This is a Type I conditional use permit for an addition to an existing communication tower. New communication towers are limited to a maximum height of 50 feet to be permitted as a Type I conditional use permit. This tower is 45 feet tall and is allowed under the Type I process.

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL

The Department of Transportation will review this project during the license agreement and right of way use permit process. 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 recommends **APPROVAL** of the conditional use request. While there is existing verticality in the area, and co-location could have been considered, the additional pole should not adversely affect neighboring property owner's rights.

- c: Carla Blackwell, Development Services Director
Mobilitie, Applicant



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TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P17CU00014 – E. SUNRISE DR.**
(Mobilitie – Applicant)
Type I Conditional Use – Communication Tower less than 50 feet

LOCATION:

The subject site is located on the south side of Sunrise Dr. near the intersection of Swan Rd. and Sunrise Dr. The site is approximately 450 feet east of the intersection of Swan Rd. and Sunrise Dr. The area where the communication site is located is zoned CB-1 (Local Business).

SURROUNDING LAND USE OR CONTEXT:

All of the surrounding properties are also zoned CB-1.

PUBLIC COMMENT:

Staff has received no public comment on this case.

PREVIOUS CASES ON PROPERTY:

This property is in the right of way of Sunrise Dr. There are no other communication towers in the right of way in the immediate area. There is a communication tower in the commercial complex to the north that provides wireless communication services.

BACKGROUND INFORMATION

This tower is proposed to improve Sprint coverage and potential other future uses. It is proposed at approximately 50 feet, which the maximum height is allowed under the Type I conditional use process. The tower is located in the right of way to the west of the second access point to the Safeway shopping center on the southeast corner of the intersection. It should be noted that utilities are underground east of Swan Rd. on Sunrise Dr. There is some verticality of light poles on the north and south side commercial complexes. Light poles at the commercial complex to the south are approximately 20 feet in height. Light poles on the

north side of the street are approximately 30 feet in height. In addition, at the intersection of Swan Rd. and Sunrise Dr. there are light poles that are over 30 feet tall. If approved, this pole will be the tallest structure in the immediate area.

DEVELOPMENT SERVICES COMMENTS:

This is a Type I conditional use permit for an addition to an existing communication tower. New communication towers are limited to a maximum height of 50 feet to be permitted as a Type I conditional use permit. This tower is at the maximum allowed under the Type I process.

DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL

The Department of Transportation will review this project during the license agreement and right of way use permit process. 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 does have concerns about the height of the tower. At 50 feet it will be the tallest structure in the immediate area and will be almost double the height of buildings and light poles in the area. In addition, the tower is located in the right of way where it will be seen by motorists who travel the area along Sunrise Dr.

While staff does have concerns, it should be noted that the State of Arizona recently approved legislation that was signed by the governor that limits counties abilities to regulate small scale towers in the right of way. HB 2365 was approved during the last legislation session. Staff believes that this bill will allow proliferation of new towers in the right of way without careful review by local jurisdictions. While this site is not exempt from local requirements, staff believes that many towers will be added by communication companies in county rights of way without requiring a conditional use permit.

c: Carla Blackwell, Development Services Director
Mobilitie, Applicant