



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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January 13, 2020

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P19CU00013

**ST. ALBAN'S EPISCOPAL CHURCH OF TUCSON, INC. – N. OLD SABINO
CANYOND ROAD**

Owner: St. Alban's Episcopal Church, Inc.

**Applicant: AT&T Mobility/Bechtel Infrastructure & Power Corporation
Type I Conditional Use – Wireless Communications Tower**

Authority

Chapter 18.97, in accordance with Section 18.07.030.H of the Pima County Zoning Code, requires a Type I conditional use permit (CUP) for a communications tower on property zoned CR-4.

Particulars of the Request

This request is made by AT&T Mobility/Bechtel Infrastructure & Power Corporation (on behalf of St. Alban's Episcopal Church), which proposes to construct a new fifty foot (50') tall communications tower that will be integrated into a three-legged faux bell tower to be located on the existing campus of St. Alban's church and which will bear the church's name. Specifically, the legs of the tower will contain the wireless antennae and will have a top height of the aforementioned fifty feet. A crucifix will be mounted atop the 50' bell tower, but is not considered a part of the communications facility. The associated equipment and appurtenances will all be ground-mounted and contained within a masonry wall structure that will feature a decorative cap and be textured and painted to match the nearby church building.

The property in question is on the west side of N. Sabino Canyon Road, just north of its intersection with E. River Road. It is zoned CR-4, as are many of the surrounding residential properties that predominate the area.

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 8, 2020. The applicant's representative presented the conditional use permit request and answered the Hearing Administrator's various questions. The applicant's submittal package included narrative information and propagation maps in addition to the proposed development plan for the new tower.

No (0) members of the public attended the hearing to speak on the matter. Staff indicated that it had received no (0) telephone inquiries on this application.

After hearing all of the above, the Hearing Administrator closed the public hearing and verbally rendered his decision to approve the application.

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 (Pima Prospers) designates the subject site as *Medium-Low Intensity Urban (MLIU)*, the purpose of which is to provide areas for low-to-medium residential uses together with others that are compatible with a primarily residential setting.

The proposed tower is located within an established church campus that has co-existed well with the many residences that surround it. Furthermore, the tower is being wholly camouflaged as a faux bell tower bearing the name of the church. The design of the tower is such that there is essentially no indication that it is, in fact, a communications tower.

It is the Hearing Administrator's position that placement of the new communications tower within the church complex as described above is an exceptional example of functional and aesthetic integration that fully respects the established context. Based upon all of the above considerations, the Hearing Administrator finds the proposed use to not be in conflict with 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 Hearing Administrator finds that the proposed tower will have no significant impact upon any of the surrounding properties in a way that prohibits their legal or permitted uses.

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

The property takes its access from Old Sabino Canyon Road, which connects directly to N. Sabino Canyon Road, a designated major street on the Pima County Major Streets & Routes Plan (MSRP). Access to the tower site will be only through the church parking lot. Access needs for such wireless facilities is minimal at best. With all of the above in mind, 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.

Parking sufficiency and compliance with the Zoning Code in this regard is a matter 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.

6. Hours of operation will not be detrimental to adjoining residents.

This is an unmanned facility; hours of operation do not apply.

7. Landscaping will be fully in conformance with zoning code regulations.

Landscaping requirements, if any, are a matter always enforced at the time of permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a new communication tower, on property zoned CR-4, is hereby **approved** by the Hearing Administrator, subject to the following *Standard & Special Conditions*:

Standard Conditions & Code Requirements

The Pima County Zoning Code allows communication towers of the proposed height (50') within the CR-4 zone, subject to the Type I conditional use permit process.

Special Conditions

- 1) The height of the new tower structure shall be no more than the requested fifty feet (50') to the top of the antennae and shall be integrated into a faux bell tower as illustrated on the submitted materials. Other ornamental features of the bell tower (e.g. the crucifix) are allowed to extend above the prescribed fifty-foot (50') height.
- 2) All associated cabling and appurtenances necessary to service the antennae shall be visually concealed within the faux bell tower. The masonry wall enclosing the ground equipment shall be painted to match the nearby church buildings as best as possible.
- 3) The tower will be located as per the submitted site plan; vehicular access to the tower shall be allowed only through the church parking lot.

Protest Period and Appeal Procedures

As is the case with all Type I conditional use permit applications, this decision is subject to a statutory 30-day protest period. 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 announced his decision to approve this request at the January 8, 2020 public hearing on this matter, the 30-day protest period shall commence from that date.

Any party interested in filing an appeal should contact Mr. Nick Coussoulis, Senior Planner, at phone number 724.9000. 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 13, 2020
Date



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

P19CU00014

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FOR BOARD OF SUPERVISORS FEBRUARY 18, 2020 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: January 15, 2020

DOCUMENT: P19CU00014

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Diana Osborne, representing Forest Investments, LLC (owner), on property located at 12833 & 12841 N. Sabino Canyon Park, in the **RVC (Rural Village Center) Zone**, for a new hotel/lodge, in accordance with Section 18.41.040.A of the Pima County Zoning Code. (District 4)

CASE BACKGROUND AND PARTICULARS

This is a request to construct a new hotel/lodge within the Summerhaven community on Mount Lemmon. The lodge is designed in the “chalet” style”. At one time, Summerhaven had three lodging options for overnight guests. Currently, it has none, the last of which was destroyed during the Aspen Fire of 2003. The newly proposed hotel/lodge has overwhelming support from the Mt. Lemmon community, including its individual property owners, the Mt. Lemmon HOA, and the Mt. Lemmon Water District.

SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on January 8, 2020. The applicant presented the case to the hearing administrator and answered all of his questions.

Numerous members of the public attended the hearing, three (3) of whom elected to speak on the matter. All of the speakers expressed their strong and unconditional support of the proposed use, stressing that it is badly needed on Mt. Lemmon and that it represents an important investment in the community. In that there were many more present in the room than the three who had chosen to speak, the Hearing Administrator asked for a show of hands. All in attendance were in support of the application and none (0) were in objection.

Staff indicated that it had received many letters of support from surrounding property owners and no (0) letters of objections. These letters are part of the case record and have been included in the Board of Supervisors packet on this item.

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

HEARING ADMINISTRATOR’S COMMENTS

The Hearing Administrator is in full support of this application and is gratified that the support of the surrounding property owners and the Mt. Lemmon community appears to be overwhelming.

The submitted materials demonstrate a high level of architectural quality and a style of design that is wholly appropriate for its setting. Given same, I feel no need to articulate a lengthy set of special conditions, other than simply requiring that the development adhere to the site plan and conceptual drawings that accompanied this conditional use permit submittal.

The only other special condition addresses a matter raised by the Department of Transportation to ensure that appropriate attention is given to parking, as this is an issue that has long been problematic in Summerhaven during high-use times.

HEARING ADMINISTRATOR’S RECOMMENDATION

After visiting the subject property and considering the facts and testimony presented at the public hearing, together with the written materials submitted by the applicant and neighbors, the Hearing Administrator recommends a **APPROVAL** of this request for a Type II conditional use permit for a hotel/lodge. The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request.

Should the Board of Supervisors agree with the Hearing Administrator’s recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions:

Standard Conditions & Requirements per the Pima County Zoning Code

1. A hotel/lodge is allowed in the RVC Zone as a conditional use per Section 18.41.040.A.36.

Special Conditions – Hearing Administrator

1. This conditional use permit is for the operation of 14-room hotel/lodge, together with a café, gift shop, and employee quarters. No other unrelated or more intensive commercial uses are approved for the site.
2. The property shall be developed in accordance with the Site/Grading Plan, Concept Landscape Plan, and Building Elevation drawings provided with this conditional use permit application.
3. As part of the permitting process, a parking plan or analysis shall be provided to demonstrate the hotel’s function for those users visiting the café and gift shot, but who are not actual guests of the lodge. A simple letter report with appropriate exhibits can suffice for this requirement.

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 Pima County Comprehensive Plan designates this site and the surrounding private properties as *Neighborhood Activity Center (NAC)*, the purpose of which is to provide designated areas for the provision of neighborhood-level goods and services for the convenience of surrounding residents.

It is the Hearing Administrator’s position that the proposed hotel/lodge is wholly consistent with the purpose of the *Neighborhood Activity Center (NAC)*, especially in this particular instance where the Summerhaven community is in great need of such a facility.

- 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.**

It is the Hearing Administrator’s position that the proposed conditional use, if constructed in substantial conformance with the submitted Site/Grading Plan and the *Special Conditions* prescribed above, will satisfactorily safeguard the adjacent properties and their permitted uses of same.

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

The site has direct access to N. Sabino Canyon Park, which is a paved, public street and the “main street” of Summerhaven. Access is found to be adequate, as long as it is controlled in accordance with the *Special Conditions* attached to this approval.

- 4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.**

Required parking shall be reviewed accordingly by staff at the time of final permitting. Per Special Condition No. 3, a parking plan/analysis will be submitted by the applicant.

- 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.**

It is the Hearing Administrator’s finding that the new use poses no significant public threat in any of the above ways.

- 6. Hours of operation will not be detrimental to adjoining residents.**

Hours of operation are found to not be an issue in this instance.

7. Landscaping will be fully in conformance with zoning code regulations.

Required landscape buffers, etc. shall be reviewed by staff at the time of final permitting.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies — Conservation Lands System

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

1. Important Riparian Areas — 95% undisturbed natural open space
2. Biological Core Management Areas — 80% undisturbed natural open space
3. Special Species Management Areas — 80% undisturbed natural open space
4. Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property is **OUTSIDE OF** the MMB-CLS.

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that, as long as the site is developed in conformance with the submitted conceptual site plan, then: 1) its approval is not expected to affect any resources essential to Pima County’s biological conservation priorities; and 2) it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. The property lies within a general area that has already been significantly impacted; no additional material impacts will result from the approval this conditional use permit.

Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

Cactus Ferruginous Pygmy Owl. The subject property is located within an area that was not designated as former critical habitat and is not a part of draft recovery area. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is not located within the Priority Conservation Area for this species.

Pima Pineapple Cactus. The subject property is located within an area that is outside of the known range for the Pima Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

Needle-Spined Pineapple Cactus. The subject property is located within an area that is outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION RECOMMENDATION:

The Department of Transportation has reviewed this application and provided specific comments pertaining to parking; these have been addressed in recommended Special Condition No. 3.

attachments

cc: Carla Blackwell, Director, Development Services
Dan Ice, Chief Building Official
Chris Poirier, Planning Official
Tom Drzazgowski, Chief Zoning Inspector
Lauren Ortega, DSD/DOT
Ann Moynihan, RFCD
Forest Investments, LLC, Owner
Diana Osborne, Applicant