



Board of Supervisors Memorandum

P21-14-014

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FOR BOARD OF SUPERVISORS NOVEMBER 18, 2014 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: October 13, 2014

DOCUMENT: P21-14-014

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of The Architecture Company, on property located at 6003 S. Belvedere Avenue, in the **CI-1 (Industrial) Zone**, for a conditional use permit for a Fire Station. Chapter 18.97 in accordance with Section 18.07.030.G of the Pima County Zoning Code allows a Fire Station as a Type II conditional use in the CI-1 zone. (District 2)

CASE BACKGROUND AND PARTICULARS

The applicant proposes a new fire station in a diverse land-use area. The property itself and several adjacent to it are zoned for industrial use and many of them have existing industrial enterprises in place. Directly across the street is an existing residential subdivision.

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 October 8, 2014. The applicant presented the case to the satisfaction of the hearing administrator and answered his questions.

No (0) members of the public attended the hearing to speak on the matter. Prior to the hearing, no public comment had been received by staff from any of the surrounding property owners. The applicant indicated that they had previously reached out to the adjacent residential neighbors and found them to be in favor of having a fire station in close proximity to their neighborhood.

At the hearing, the Hearing Administrator conceptually discussed basic operational standards for the station, specifically with respect to their typical silent-running procedures in the adjacent residential neighborhood. With this in mind, the Hearing Administrator's expressed his position that a set of simple, reasonable special conditions was warranted in the case.

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

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property, and after considering the facts and the testimony presented at the 8 October, 2014 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a fire station. 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

The Pima County Zoning Code requires Fire Stations in all zones require a conditional use permit.

G. Fire Stations.

1. Scope:

a. Fire stations and related facilities are permitted in all zones, subject to the requirements of this subsection.

b. The location of any proposed fire station shall be discussed with county staff prior to proceeding with the provisions of this subsection.

2. A Type 2 Conditional Use Permit with a hearing notification area of five hundred feet is required in accordance with Chapter 18.97.

3. Development standards.

a. Fire stations shall meet the requirements of the zone in which located, except that the minimum site area in:

1) CR-2 zoning shall be thirty-six thousand square feet;

2) CR-3, CR-4, CR-5, TR, CMH-1 and CMH-2 zoning shall be ten thousand square feet.

b. All fire station sites shall have a minimum one hundred feet of frontage for primary access on a road shown on the Major Streets and Scenic Routes Plan.

4. Performance standards:

a. Off-street parking: All parking for employees and visitors shall be off-street and shall be provided in accordance with Chapter 18.75 (Off-street Parking and Loading Standards).

- b. Screening: An aesthetically pleasing visual screen shall buffer all outdoor facilities, including parking areas, when the site is either zoned for, or adjacent to, rural or residential zoning.
- c. Traffic safety: The provision of access for emergency vehicles shall include appropriate methods to minimize the endangerment of passing vehicles.
- 5. Development review: A development plan shall be submitted and reviewed in accordance with Chapter 18.71 (Development Plan Standards).

Special Conditions

- 1. This conditional use permit is for a fire station only, together with those ancillary activities that normally and routinely accompany this use. No other commercial uses are approved for the site.
- 2. The proposed use shall generally conform with the location and particulars as shown on the conceptual site plan that was submitted by the applicant in conjunction with this conditional use permit application.
- 3. The owner/applicant shall procure whatever variances and/or modifications of street standards that are required to facilitate the site plan as proposed. For the record, the Hearing Administrator is in support of the separate approvals needed.
- 4. The fire station will operate in accordance with the Rural Metro Station No. 71 *Standard Operating Guidelines (SOG)* regarding the use of sirens and warning lights near the existing residential neighborhoods. The *SOG*’s are attached and considered a material part of this decision.

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 as *Urban Industrial (UI)*, the purpose of which is to provide, “adequate areas for industrial uses that, if properly located and regulated, are compatible with certain types of commercial activities ...”. Directly across the street is a residential area that is designated Multi-Functional Corridor (MFC). The purpose of this category is to, “designate areas for the integrated development of complementary uses along major transportation corridors.”

It is the Hearing Administrator’s finding that the proposed fire station is an appropriate use within the surrounding industrial mix and, more importantly, a valuable contribution to the adjacent residential subdivision. With these factors in mind, the proposed use is found to not be in conflict with the objectives of the *Comprehensive Plan*. In addition to the obvious safety benefits, fire stations have proven to be excellent neighbors to established residential areas.

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 uses, if conducted in conformance with the submitted conceptual site plan and the special conditions prescribed above, will appropriately and satisfactorily safeguard all adjacent properties.

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

The site has direct access to S. Belvedere Road, which is a paved, public street that has direct access to Drexel Road, which is a “major street” on both the City of Tucson and Pima County Major Streets & Routes Plan. Given the small amount of traffic that is generated by a fire station, 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.

Required parking shall be delineated on the formal Development Plan and reviewed accordingly by staff.

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 uses pose no significant public threat in any of the above ways, except for noise. As such, a special condition has been added to required silent-running protocol within the nearby residential area.

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

Hours of operation are not viewed as an issue; no special stipulation is deemed to be warranted.

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

Designated landscape buffers, etc. shall be delineated on the required Development Plan.

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 SDCP 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 site is located within an area that is OUTSIDE OF the SDCP's Biologically-Preferred Reserve System and is therefore outside of the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

The site in question is within an established industrial area and has already been largely disturbed by past activities.

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 is not designated as former critical habitat or draft recovery area. It is within Survey Zone 2. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having low quality habitat potential for the Western Burrowing Owl. It is not within the Priority Conservation Area for this species.

Pima Pineapple Cactus. The subject property is located within a general area 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 designated as having low potential for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION:

The Department of Transportation has not reviewed this project. The Regional Flood Control District will review the project during the Development Plan and modification of street standards processes.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
The Architecture Company, Applicant
Dyer Family Trust, Property Owner



RURAL/METRO FIRE DEPARTMENT, PIMA COUNTY OPERATIONS		
Standard Operating Guidelines		
Effective Date:	SOG Identification Number: 100.36.2	Revision: 1
SOG Title: Station 71 emergency response from the station		
Approved By: J. McMahan, Fire Chief	Re-evaluation Date:	Number of Pages: 1

1. Purpose

Rural/Metro Fire Department in Pima County is cognizant of the activity and noise that is associated with operating a fire station. This SOG was developed to ensure that our department and personnel take actions to help contain the noise that comes from our stations.

2. Actions

Emergency units responding from Station 71 will not activate the code 3 response equipment (Emergency lights, Siren and Federal Q) until the unit has cleared the residential section surrounding Station 71 and approaches a main roadway. The most common and easily accessible main roadway for Station 71 is Benson Highway.

3. Definitions

Residential roads – Roads that provide access residential and/or low traffic areas.

Main roadway – Roads that provide access throughout a town or city. These are usually associated with higher volumes of traffic and are used to access highways.



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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October 13, 2014

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P21-14-016

RIGOLI — E. CAMINO JUAN PAISANO
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 (utility pole replacement) on residential property zoned CR-1. This particular request is to construct a new fifty-two and ½ foot (52.5') tall communications tower and antennae, together with an on-the-ground equipment area, on a private residential lot located at 2561 E. Camino Juan Paisano. The site is within an established residential area.

Particulars of the Request

The proposed tower location is within a string of existing Tucson Electric Power (TEP) poles; the actual tower would replace one of these existing poles and be ten feet (10') taller than it. The on-the-ground equipment will be partially enclosed by a six foot (6') tall masonry wall that will be painted and textured to be generally match the color of the existing residence and structures on the property. The location and design of the tower facility has been coordinated with the property owner under the terms of an existing lease which has existed on the property for many years.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on October 8, 2014. The applicant (Adam Brixius, on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions.

One (1) member of the public attended the hearing to speak on the matter, this being a representative of the property owner. He raised certain detailed issues that required further refinement in conjunction with the applicant. These matters were discussed with the applicant and the representative at the hearing and the specifics of same were worked out to both parties' satisfactions. Special conditions have been incorporated into this decision to address these particulars.

The applicant indicated that they had held two (2) separate neighborhood meetings which were attended by a small number of individuals. As mentioned above, no other members of the public appeared at hearing except for the property owner. Staff indicated that it had received a small number of information phone calls on the case.

After hearing all of the above and resolving the aforementioned matters between the owner and applicant, 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 low-intensity residential and other compatible uses".

The site in question is a developed residential lot within a developed residential subdivision. The applicant for this CUP has coordinated directly with the property owner as to the design of the tower and has also held two separate neighborhood meetings. With the above in mind, and considering the fact that numerous similar towers and pole replacements have been previously approved in the *LIU* district, 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 string of TEP power poles, including the one being replaced to constitute the proposed tower, run through an existing residential subdivision. The special conditions attached to this approval are viewed as sufficient to safeguard the surrounding properties.

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

The property has direct access to Camino Juan Paisano (a public street), which then has direct access to N. Campbell Avenue, which is 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 CR-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 establishes the following criteria for a communications tower via the replacement of an existing power pole:

- 7) A new communication tower replacing an existing communication tower or utility pole provided the new tower meets all the following conditions:
 - a) Replaces the existing tower or pole;
 - b) Is located not more than six feet from the existing tower or pole foundation, and is within the same alignment relative to property boundaries and adjacent poles;
 - c) Is no higher than the 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;
 - d) Antenna(s) are flush-mounted or does not extend from the communication tower a distance that is greater than that of the existing antennas.
 - e) 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 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/pole replacement shall be no more than fifty-two feet, six inches (52'-6") to the top of the structure or its antennae.
- 2) The tower and antennae shall be painted a dark brown or be painted to match, as best as possible, the color of the other existing TEP poles in the same string.
- 3) The tower and the on-the-ground equipment enclosure shall be located as shown on the submitted site plan materials.

- 4) The equipment enclosure shall be a six-foot (6') tall masonry wall, painted and textured to match the existing residence on the property.
- 5) As discussed and agreed upon at public hearing, a new eighteen foot (18') segment of 6' masonry wall shall be added to that shown on the submitted site plan. The new segment shall connect to the north end of the wall as shown thereon, be perpendicular to it, and extend to the northwest to fully screen the on-the-ground equipment. Any resultant damage to the nearby palo verde tree during the construction of this new wall segment is viewed as acceptable by the property owner. The new segment of wall shall also be painted and textured to match the existing residence on the property.

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 October 8, 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:



Jim Portner
Pima County Hearing Administrator

October 13, 2014
Date