



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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Page 1 of 3

HEARING ADMINISTRATOR'S FINDINGS AND DECISION

Case No. P16CU00003

THORNYDALE RETAIL CENTER, LLC — N. THORNYDALE 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 communications tower and antennae (59'-0" 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, behind an existing Safeway grocery store and neighborhood shopping center at the northwest corner of Thornydale Road and Linda Vista Boulevard. The proposed tower and on-the-ground equipment area will be largely screened from these arterial roadways by the existing shopping center buildings. It will be further screened from the apartment complex to the immediate north by the latter's existing covered parking structures and perimeter decorative walls. The equipment area will be contained within a new eight foot (8') tall decorative masonry wall.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on March 9, 2016. The applicant (Shirley Crowder, on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's various questions.

No (0) members of the public attended the 9 March 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 commercial property and surrounding residential area as *Medium Intensity Urban (MIU)*, the purpose of which is to, "designate areas for medium density residential and other compatible uses ..."

The tower site in question exists within a fully developed shopping center, at the corner of two major transportation arterials. The proposed tower has been properly integrated into the rear of this existing commercial setting and is being appropriately camouflaged (as a faux palm tree). The residential uses to the adjacent north are multi-family apartments, which will be well separated and screened from the proposed tower. 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 and residential 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 Thornydale Road and Linda Vista Boulevard, 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 (59') 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-nine feet (59') 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 59' 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 and associated masonry screenwall shall be located and constructed 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 walls of the existing commercial building to which it attaches.

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 March 9, 2016 public hearing, the 30-day protest period shall commence from the same 9 March 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

March 14, 2016

Date