



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Avenue, 1st Floor  
Tucson, Arizona 85701-1207

**CARMINE DeBONIS**  
Director

Phone: (520) 740-6520  
FAX: (520) 798-1843

**June 16, 2014**

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-14-004**

**WHY DOMESTIC WATER DISTRICT — N. IRONWOOD AVENUE  
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 on property zoned GR-1 (General Rural). This particular request is to attach a set of two (2) new communications panel antennae to the side of the existing water tank operated by the Why Domestic Water Improvement District (near the intersection of State Highway 85 and State Highway 86) in Why, Arizona. Other wireless providers have already used this same water tank to attach their wireless antennae and tower structures; these approvals have been the subject of past conditional use permit cases.

**Particulars of the Request**

As mentioned, the proposed new panel antennae will be attached to the side of the existing domestic water tank. The height of the tank is approximately thirty-six feet (36') to its peak. The proposed top height of the new panel antennae is thirty-four feet (34'). This is consistent with other existing panel antennae that have been sited on the same tank by other wireless providers. The on-the-ground equipment cabinets serving the antennae will be located within the existing water tank compound, which is already a fenced and secured 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 June 11, 2014. The applicant (Declan Murphy, of Coal Creek Consulting on behalf of T-Mobile) presented the conditional use permit request and answered the Hearing Administrator's questions.

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

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new installation, 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 *Rural Activity Center (RAC)*, the purpose of which is to, "designate mixed-use areas where convenience goods and personal services are provided to rural residents on a daily or weekly basis."

The site in question is an existing domestic watertank compound operated by the Why Domestic Water Improvement District. Due to its positioning at an elevation far above the surrounding community, it is a favorable site for the location of wireless towers and antennae, several facilities of which already existing on the compound. For all of these reasons and because the proposed panel antennae do nothing to alter the rural character of the area, the Hearing Administrator finds the proposed use to not be in conflict with the 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.**

Due to the distance to surrounding residences, no new or special safeguards are necessary to protect the surrounding neighbors.

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

The property is served by a private dirt road that is maintained by the Why Domestic Water Improvement District to access its watertank compound. Access is found to be adequate, given that there is no material traffic to and from the site associated with the proposed antennae except for their initial installation and occasional maintenance.

**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 GR-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 stipulates that Type I communication towers be no more than fifty feet (50') in height in residentially-zone areas. The proposed tower (antennae) height is thirty-four feet (34').

Special Conditions

- 1) The height of the new panel antennae shall be no more than thirty-four feet (34') and shall be located on the existing water tank as shown on the submitted site plan materials.
- 2) The panel antennae and associated cabling, modules, etc. shall be painted to, as best as possible, match the color of the existing water tank.
- 3) No special requirements are stipulated for the on-the-ground equipment cabinets, etc.

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 June 11, 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:



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Jim Portner  
Pima County Hearing Administrator

June 16, 2014  
Date



# Board of Supervisors Memorandum

P21-14-005

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## FOR BOARD OF SUPERVISORS JULY 1, 2014 PUBLIC HEARING

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Jim Portner, Hearing Administrator

**DATE:** June 16, 2014

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**DOCUMENT:** P21-14-005

### CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Larry and Claire Klingler Trust, represented by Jeffrey Stanley, on property located at 16320 N. Oracle Rd., in the GR-1 Zone, for a conditional use permit for Retail and Restaurant uses, in accordance with Section 18.14.030B of the Pima County Zoning Code as a Type II conditional use permit. (District 1)

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### CASE BACKGROUND AND PARTICULARS

The applicant proposed to construct a 1,975 square foot building (one-story) and appropriate parking, etc. improvements in accordance with the Pima County Zoning Code. The building would house a small medical or other office, together with other potential restaurant and/or retail uses. The site has direct frontage on N. Oracle Road in the town of Catalina. There is an existing Arby's restaurant to the immediate north and a small commercial building to the immediate south containing a tailor, barbershop & pet groomer. An existing church and an existing private residence are located to the east (behind) the subject property. All of these surrounding uses are one-story in height.

### 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 June 11, 2014. The owner 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.

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

#### HEARING ADMINISTRATOR'S DECISION (TYPE I OFFICE COMPONENT)

The office component of this conditional use permit (CUP) request is classified as a Type I CUP by the Pima County Zoning Code and, as such, the final decision on it is made by the Hearing Administrator. This application for a Type I conditional use permit for a medical or other office, on property zoned GR-1, is hereby approved by the Hearing Administrator.

The standard and special conditions which apply to this approval are identical to those outlined below (within the recommendation to the Board of Supervisors) for the restaurant and retail components of this CUP request.

As is the case with all Type I conditional use applications, this decision on the office component 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 Type I component of the case was verbally rendered and entered into the record at the public hearing of June 11, 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.

#### HEARING ADMINISTRATOR'S RECOMMENDATION TO THE BOARD OF SUPERVISORS

The restaurant and retail components of this conditional use permit (CUP) request are classified as Type II CUP's by the Pima County Zoning Code and, as such, the final decision on them is made by the Board of Supervisors. The Hearing Administrator is in a recommending role.

After visiting the subject property, and after considering the facts and the testimony presented at the 11 June, 2014 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit to operate a restaurant and/or retail uses. Once again, this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this portion of the CUP request.

Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval of this Type II request, 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. Maximum floor area: two thousand square feet.

Special Conditions

1. This conditional use permit is for restaurant and/or retail uses, together with those ancillary activities that would normally and routinely accompany them. No other commercial uses (other than the Type I medical or professional office use) are allowed.
2. A Development Plan (DP) is required for the project; the proposed uses on the site will be constructed in general conformance with the version of the DP that was submitted by the applicant in conjunction with this conditional use permit application.
3. The proposed building is limited to one (1) story and shall be no more than two thousand (2,000) square feet in area.
4. A forty-inch (40") tall decorative screenwall and associated eight-foot (8') wide landscape buffer shall be established and maintained along the east boundary of the property to provide a suitable aesthetic buffer for the adjacent the single-family residence.

**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 *Low Intensity Urban (LIU)*, the purpose of which is to, "provide areas for low-density residential and other compatible uses". It is nonetheless the Hearing Administrator's finding that the proposed office and restaurant/retail/service use is not inconsistent with the character of the surrounding properties nor with the Comprehensive Plan.

The property has direct frontage on N. Oracle Road in the town of Catalina and has established non-residential uses directly to its north (Arby's restaurant) and south (tailor, dog grooming, barbershop). While the subject property is designated as *Low Intensity Urban*, the adjacent (and most of the properties along Oracle Road) are designated *Multi-Functional Corridor (MFC)* due to the State Highway status of this major road (SH 77). The proposed medical/professional office, restaurant, and retail uses can operate compatibly within this established context. It is the Hearing Administrator's position that the proposed conditional use permit is not 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.**

It is the Hearing Administrator's position that the proposed conditional uses, if conducted in conformance with the submitted Development 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 N. Oracle Road (State Highway 77), which is a designated "major street" on 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.**

Required parking shall be verified at the time of review and approval of the required *Development Plan*.

- 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.

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

Hours of operation are not viewed as an issue in light of the other commercial uses already in the area and the pattern of use and hours of operation that has already been established by them. No special stipulation is deemed warranted.

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

Landscaping requirements and bufferyards shall be verified at the time of review and approval of 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.

This application proposes new construction on property that has already been previously graded and fenced and is surrounded by developed commercial, residential, and non-residential properties within the N. Oracle Road corridor. No appreciable vegetation or desert specimens remain on the property and so none will be disturbed by the approval of this conditional use permit application.

#### **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 (PCA 1) 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 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 & FLOOD CONTROL RECOMMENDATION:**

The Department of Transportation and the Regional Flood Control District are reviewing the project in conjunction with the formal Development Plan review process.

attachments

cc: Carmine DeBonis, Director, Development Services  
Yves Khawam, Chief Building Official  
Arlan Colton, Planning Official  
Carmine DeBonis, Chief Zoning Inspector  
Jeff Stanley, Applicant  
Claire and Larry Klingler, Property Owner



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**June 16, 2014**

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-14-006**

**PIMA COUNTY — W. MASSINGALE 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 communications tower on property zoned CR-3 (Residential). This particular request is to construct a new fifty foot (50') tall communications tower & antenna, together with an on-the-ground equipment area, on the grounds of Denny Dunn Neighborhood Park.

**Particulars of the Request**

The proposed tower will be located west of the existing parking lot of Denny Dunn Neighborhood Park. Just north of the parking lot is an existing baseball field and, just to the west of it, is an existing ramada and shade structure. The proposed tower and on-the-ground equipment enclosure would be located approximately seventy-five feet south of the ramada. The proposed tower will be camouflaged as a faux palm tree. The on-the-ground equipment will be enclosed by a twelve foot (12') tall painted 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 June 11, 2014. The applicant (Adam Brixius, on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions.

No (0) members of the public attended the hearing to speak on the matter. The applicant indicated that they had held a separate neighborhood meeting for all of the surrounding property owners and the nearby HOA, and that no one had attended the meeting. Staff indicated that it had received no phone calls, emails, or other public comment on the case.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new tower, 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 Transition (RT)*, the purpose of which is to designate, "private lands with environmentally sensitive characteristics that include wildlife corridors, natural washes, etc."

The site in question is a developed Pima County neighborhood park, with ball fields, a children's play area, restrooms, and a paved parking lot. The park property also includes a large man-made drainageway that empties into a natural-desert drainage and detention area. The proposed tower facilities will be located wholly within the already-developed portion of the park and will in no way impact any of the existing natural-desert area. For all of these reasons, the Hearing Administrator finds the proposed use to not be in conflict with the 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 nearest residences are approximately 300' to the south and southeast (on the opposite side of Massingale Road). No new or special safeguards are necessary to protect these surrounding neighbors except the appropriate camouflaging of the tower (as a faux palm tree) and the proper aesthetic treatment of the masonry wall surrounding the equipment area. Special conditions have been crafted to address these issues.

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

The property is served by Massingale Road, a paved and publicly-maintained collector street. Access is found to be adequate, given that there is no material traffic to and from the site except for installation and occasional maintenance purposes.

**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-3, 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 stipulates that Type I communication towers be no more than fifty feet (50') in height in residentially-zoned areas. The proposed tower is fifty feet (50') tall.

**Special Conditions**

- 1) The height of the new tower shall be no more than fifty feet (50') to the top of the structure or its antennae.
- 2) The tower shall be camouflaged as a palm tree. The fronds of the faux palm tree are allowed to extend above the maximum height prescribed in Special Condition No. 1.
- 3) The panel antennae and any associated cabling, etc. will be painted to, as best as possible, match or blend with the palm fronds.
- 4) The tower and the on-the-ground equipment enclosure shall be located as shown on the submitted site plan materials.
- 5) The equipment enclosure shall be a twelve-foot (12') tall masonry wall, which shall be painted either a desert tan or a color that generally matches the nearby shade structure/ramada 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 June 11, 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:

A handwritten signature in black ink, appearing to read "Jim Portner". The signature is stylized and cursive, with a vertical line extending downwards from the end.

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Jim Portner  
Pima County Hearing Administrator

June 16, 2014

Date



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

201 N. Stone Avenue, 1st Floor  
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Director

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**June 16, 2014**

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P21-14-007**

**LA CHOLLA PLAZA, LLC — W. ORANGE GROVE 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 communications tower on property zoned CB-1 (Business). This particular request is to construct a new sixty-three foot (63') tall communications tower and antennae, together with an on-the-ground equipment area, on the grounds of the existing La Cholla Plaza shopping center.

**Particulars of the Request**

The proposed tower will be sited in the southeasternmost portion of the existing La Cholla Plaza shopping center, near the southeast corner of the Lee Lee Oriental Supermarket. Specifically, it (together with its on-the-ground equipment) will sit behind the existing dumpster enclosure in this area and be south of the nearby truck unloading bays. The on-the-ground equipment will be enclosed by an eight foot (8') tall masonry wall that will be physically connected to the existing building and which will be finished and painted to match the existing building's color and texture.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on June 11, 2014. The applicant (Adam Brixius, on behalf of Verizon Wireless) presented the conditional use permit request and answered the Hearing Administrator's questions.

No (0) members of the public attended the hearing to speak on the matter. The applicant indicated that they had held a separate neighborhood meeting for all of the surrounding property owners and the nearby HOA, and that no one had attended the meeting. Staff indicated that it had received no phone calls, emails, or other public comment on the case.

After hearing all of the above and after questioning the owner and applicant as to certain particulars of the new tower, 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-intensity mixed-use areas designed to provide goods and services needed generally on a weekly basis along with compatible medium to high density housing types.

The site in question is an established shopping center containing a grocery store, numerous retail goods and services, and a fuel-station/convenience store. The site is surrounded by medium/high density residential to the north and to the east; established medical facilities (Northwest Medical Center, etc.) lie to the south. For all of these reasons, together with the fact that the proposed tower will be integrated into the existing shopping and camouflaged as a palm tree, 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 nearest residences are more than three hundred feet away and buffered by intervening vacant/undeveloped desert property. All other surrounding properties are existing non-residential uses. No new or special safeguards are necessary to protect the surrounding neighbors, other than the aesthetic treatment of the tower as the intended faux palm tree. While there are no existing palm trees in the immediate vicinity of the site, some do exist within the viewshed of the project.

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

The property has direct access to Orange Grove Road, 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 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 (sixty-three feet) 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-three feet (63') to the top of the structure or its antennae.
- 2) The tower shall be camouflaged as a palm tree. The fronds of the faux palm tree are allowed to extend above the maximum height prescribed in Special Condition No. 1.
- 3) The panel antennae and any associated cabling, etc. will be painted to, as best as possible, match or blend with the palm fronds.
- 4) The tower and the on-the-ground equipment enclosure shall be located as shown on the submitted site plan materials.
- 5) The equipment enclosure shall be an eight-foot (8') tall masonry wall, painted and textured to match the existing adjacent building and nearby dumpster enclosure.

**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 June 11, 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:

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Jim Portner  
Pima County Hearing Administrator

June 16, 2014  
Date