



# Board of Supervisors Memorandum

P21-08-082

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## FOR BOARD OF SUPERVISORS JUNE 2, 2009 PUBLIC HEARING

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Jim Portner, Hearing Administrator

**DATE:** May 5, 2009

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**DOCUMENT:** P21-08-082

## CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Request of Crown Communications (c/o Steve Olson, applicant), on behalf of M3/Kappler, LLC (property owner), on property located at 2051 W. Sunset Road in the Transitional (TR) zone, for a conditional use permit for a **communication tower and associated on-the-ground equipment area**. The property in question is the River Crossing Corporate Center, which is slightly more than thirteen (13) acres in area and is located at the southeast corner of N. La Cholla Boulevard and W. Sunset Road (approximately 1/4 mile north of River Road). It sits immediately behind (north of) the existing River Crossing Shopping Center at River/La Cholla. The tower complex disturbs approximately 850 SF within the larger 13-acre office property; the proposed tower is a 65' monopole. The tower will be camouflaged as a palm tree (i.e. be a "monopalm"). Chapter 18.97, in accordance with Section 18.07.030.H.2.d of the Pima County Zoning Code, allows this use in the TR zone, subject to a Type III conditional use permit procedure. (District 1)

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## SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

The Planning & Zoning Commission hearing on this case took place on April 29, 2009. At same, the Commission heard the applicant's presentation and queried both the applicant and staff on certain details of the application. There were no particular issues of note explored by the Commission.

No (0) members of the public appeared to speak on the matter.

**After discussing the case amongst themselves and closing the public hearing, the Commission voted 7-0 (motion by Poulos, seconded by Matter; Commissioners Richey and Smith being absent) to recommend approval of the CUP request to the Board of Supervisors, subject to the Hearing Administrator’s recommendation.**

The Hearing Administrator’s recommendation, as represented to the Planning & Zoning Commission, was that this conditional use permit application should be approved subject to the following Standard and Special Conditions:

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The proposed monopole shall utilize the “monopalm” palm-tree camouflage design as indicated in the applicant’s submittal materials.
2. The masonry wall surrounding the monopole and equipment area shall be consistent in materials, surface treatment, and color with the other decorative wall elements (e.g. the trash enclosures and other nearby walls) on the River Crossing Corporate Center property which are located in the immediate vicinity of the equipment area.

**HEARING ADMINISTRATOR’S CONSIDERATIONS**

This request proposes to construct a new monopole communications tower and equipment area behind (to the north of) the existing River Crossing Shopping Center on the adjacent site of the River Crossing Corporate Center (presently under construction). The new monopole installation will lie between the rear of the aforementioned shopping center and the rear of the proposed Corporate Center building.

Both the shopping center and the corporate center feature buildings in excess of 30’ in height, which will serve as a partial screen of the monopole from the south, west, and north. The applicant proposes to utilize an artificial palm tree design, i.e. a monopalm, to camouflage the proposed tower. There are existing palm trees within the viewshed to the northeast, to the south (where they are a major accent element of the shopping center) and to the west.

The most affected nearby properties are the existing 1-story and 2-story residences to the immediate east of the Corporate Center site; the nearest residence is approximately 275' from the proposed tower location. It is the position of the hearing administrator that the monopalm camouflaging of the tower will sufficiently mitigate any visual impact on these existing residences.

### **Wireless Service Coverage and “Gap” Considerations**

The Federal Telecommunications Act of 1996 encourages new wireless installations that introduce or enhance reliable wireless coverage in those areas where a “gap” in coverage or service-quality presently exists.

The applicant asserts, in their submitted materials, that the proposed monopole will fill a significant gap in coverage that exists within an approximately 1' mile radius to the northwest, north, and northeast of the tower site. Presently, this area is predominantly characterized by “Fair” or “Bad” coverage per the propagation plot of existing conditions as provided by the applicant. A proposed-condition propagation plot indicates that the aforementioned area will be almost completely converted to an area of “Good” coverage.

### **Comprehensive Plan Considerations**

The Pima County Comprehensive Plan designates this property as *High Intensity Urban (HIU)*, the purpose of which is “to designate areas for a mix of high density housing types and other compatible uses.” The Hearing Administrator finds that the construction of a new camouflaged monopole tower on the proposed site is consistent with the purpose and intent of the *HIU* comprehensive plan district, given that it is being integrated with an established shopping center/corporate center use and has been sited in the interior of same so as to minimize its impact upon surrounding properties.

### **Zoning and Land Use Considerations**

The subject parcel is zoned TR (Transitional), as is the property to the north (professional offices under construction) and to the east (developed single-family residential subdivision). The property to the northeast is zoned SR and is characterized by single-family residences. The property to the west is zoned SH (Suburban Homestead), while the property to the south is zoned SP (Specific Plan) and is comprised of the existing River Crossing Shopping Center.

## **HEARING ADMINISTRATOR’S RECOMMENDATION TO THE COMMISSION**

After visiting the subject property and after considering all of the above and reviewing the applicant’s submitted materials, the Hearing Administrator finds the proposed **communications tower, together with a new on-the-ground equipment shelter** to be an acceptable, compatible and appropriate use within the existing context.

It was therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit for a new **communications tower, together with a new on-the-ground equipment area** subject to the following Standard and Special Conditions:

### *Standard Conditions*

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

### *Special Conditions*

1. The proposed monopole shall utilize the “monopalm” palm-tree camouflage design as indicated in the applicant’s submittal materials.
2. The masonry wall surrounding the monopole and equipment area shall be consistent in materials, surface treatment, and color with the other decorative wall elements (e.g. the trash enclosures and other nearby walls) on the River Crossing Corporate Center property which are located in the immediate vicinity of the equipment area.

## **SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES**

### **Comprehensive Plan Regional Environmental Policies — Conservation Lands System**

In December, 2001 the Board of Supervisors incorporated the Conservation Lands System (CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The 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 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 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 discretionary decision by the Board of Supervisors. Conservation objectives include:

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

The subject site is located within an area that is **OUTSIDE OF** the Conservation Lands System (CLS).

### **Biological Impacts Report**

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires a biological impact report, applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

The applicant has submitted a complete Biological Impacts Report (BIR) with this application.

### **Staff Commentary on the Biological Impacts Report**

Development Services Department (DSD) staff has reviewed the applicant's Biological Impacts Report and issued a memorandum of its findings on December 23, 2008. That memorandum concluded that approval of this conditional use permit application is not expected to affect any resources essential to Pima County's biological conservation policies and that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update. A copy of the memorandum was included in the Commission's materials and is also included in the Board of Supervisors packet on this item.

### **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 contained therein:

**Cactus Ferruginous Pygmy Owl.** The subject property is located within Survey Zone 2, but is not located within the former designated habitat nor within the USFWS proposed draft recovery area for the pygmy owl. It is located within an area that is modeled as having medium-high quality habitat for the species.

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**Western Burrowing Owl.** The subject property is located within a general area designated as having medium-quality habitat for the Western Burrowing Owl.

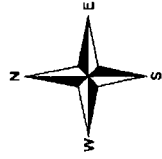
**Pima Pineapple Cactus.** The subject property is located within an area that is outside of the known range of the Pima Pineapple cactus.

**DEPT. OF TRANSPORTATION RECOMMENDATION**

The Department of Transportation will review this project as need be during the Development Plan process.

attachments

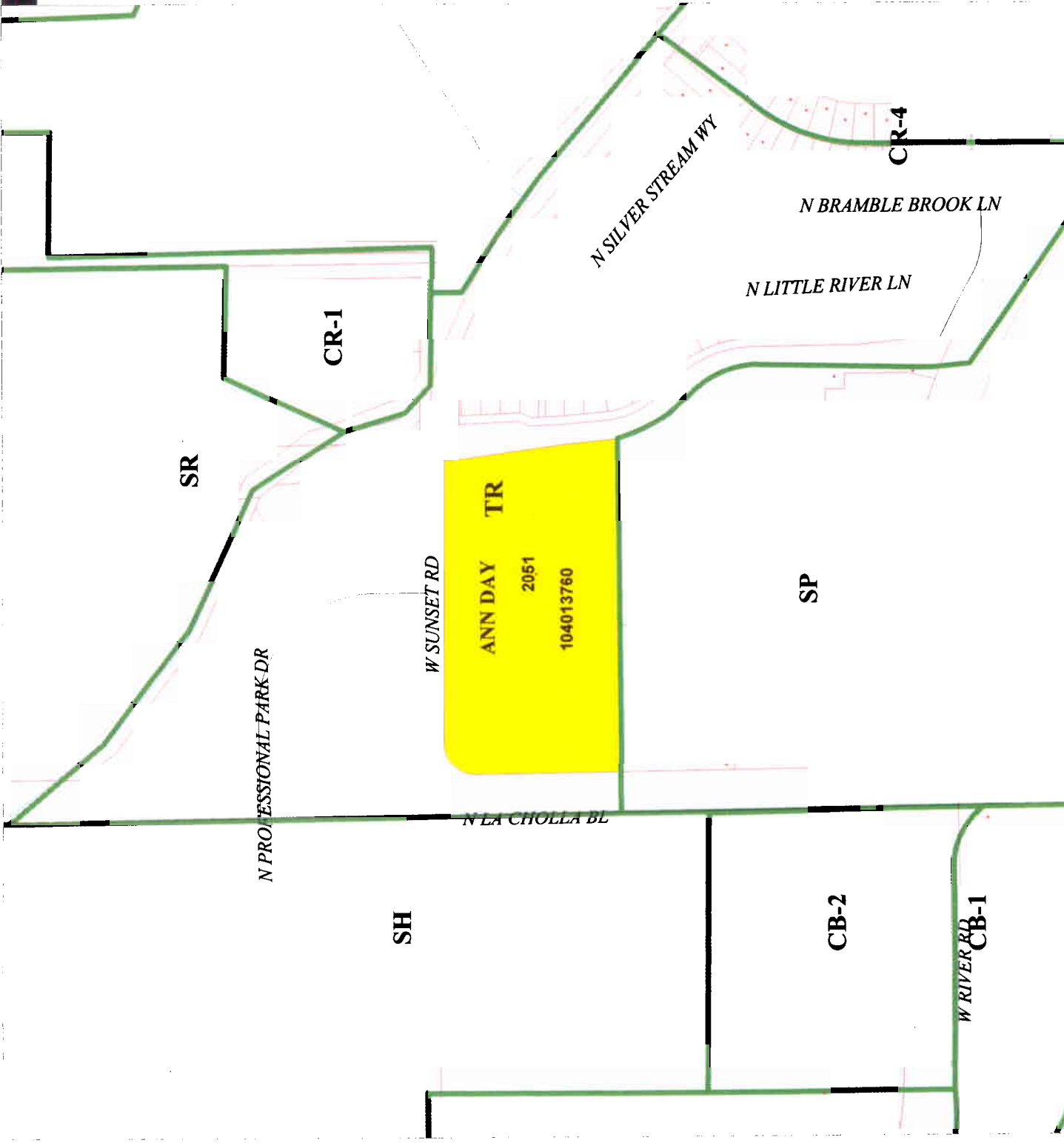
cc: Carmine DeBonis, Director, Development Services  
Yves Khawam, Chief Building Official  
Arlan Colton, Planning Official  
Tina Whittemore, Chief Zoning Inspector  
M3/Kappler, LLC, Owner  
Crown Communications, c/o Steve Olson, Applicant



1"= 333.33 feet

DISCLAIMER: Spatial errors can exceed 100 feet.

Tax Code: 104013760  
 Owner: M3/KAPPLER LLC  
 Owner Address: 2440 W RUTHRAUFF RD STE 17D  
 Owner Address: TUCSON AZ  
 Sec-T-R: 161313E  
 Legal1: RIVERSIDE CROSSING BLK 1  
 Legal2:  
 Lot:  
 BK & PG: 52093  
 Zoning: TR  
 Zoning: SP  
 Basemap: 45  
 Impact Fee: Canada Del Oro  
 Situs Address: 2051 W SUNSET RD





P21-08-082—M3/KAPPLER LLC— WEST SUNSET ROAD—TYPE III CONDITIONAL USE 05/08



# BO14D SUNSET & CHOLLA M3 KAPPLER PROPERTY



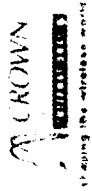
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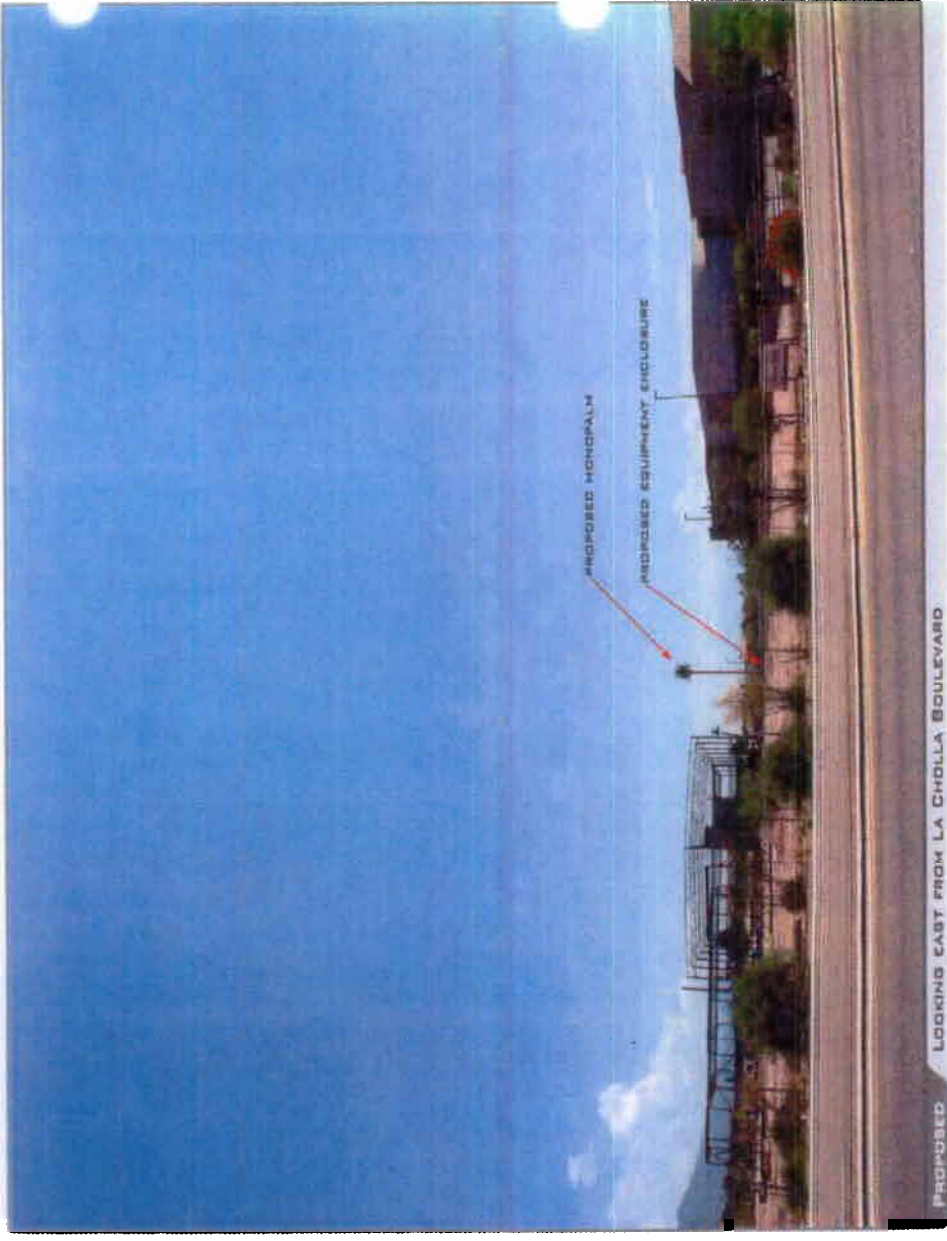
ACCURACY OF PHOTO INFORMATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT

**BO14D**  
**SUNSET & CHOLLA/M3 KAPPLER PROPERTY**

20251 W. SUNSET BOULEVARD, AZ 85724

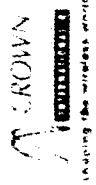


EXISTING



PROPOSED LOOKING EAST FROM LA CHOLLA BOULEVARD

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY CLIENT'S APPLICATION

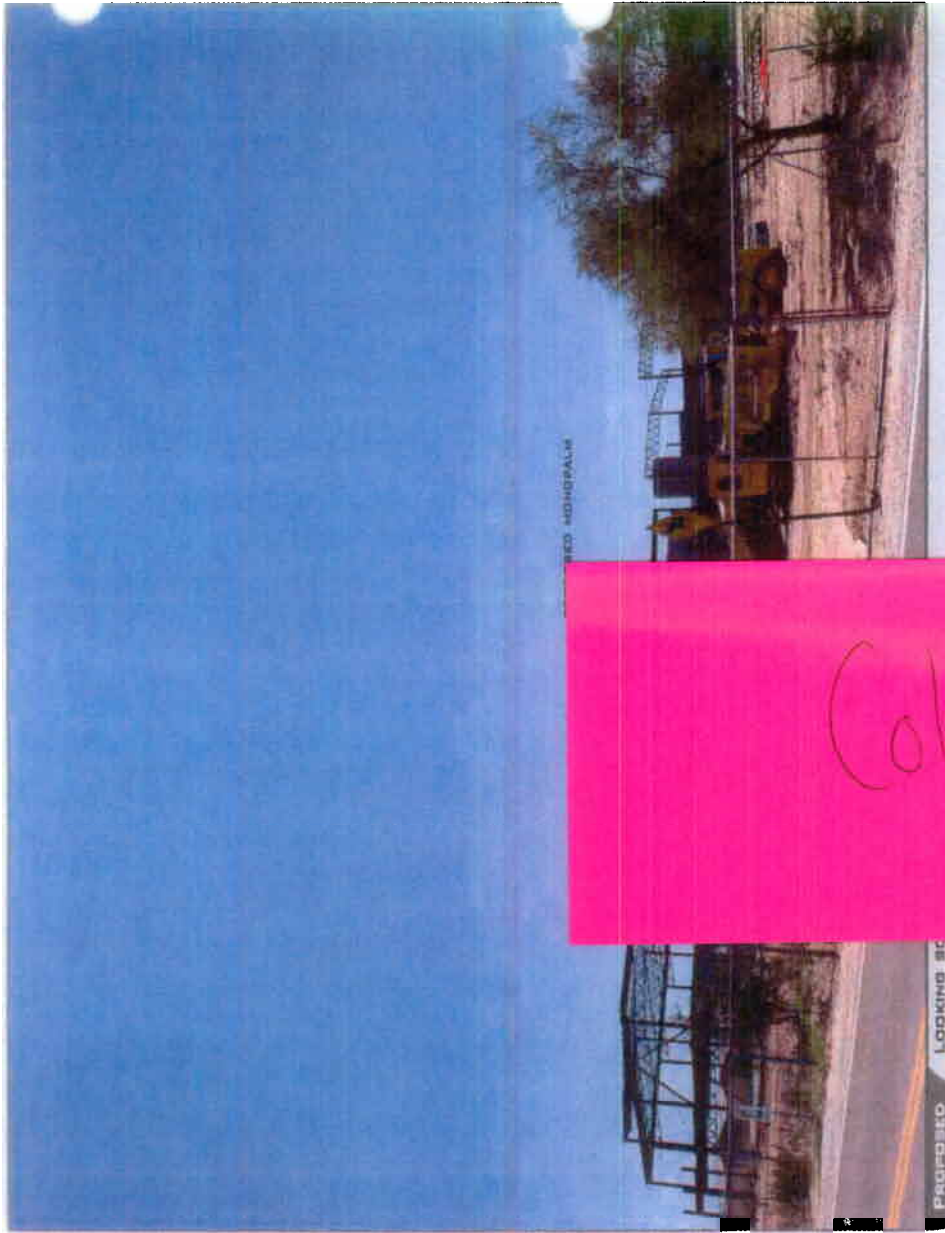


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BO14D

SUNSET & CHOLLA M3/KAPPLER PROPERTY

2015-01-08 10:00:00 AM



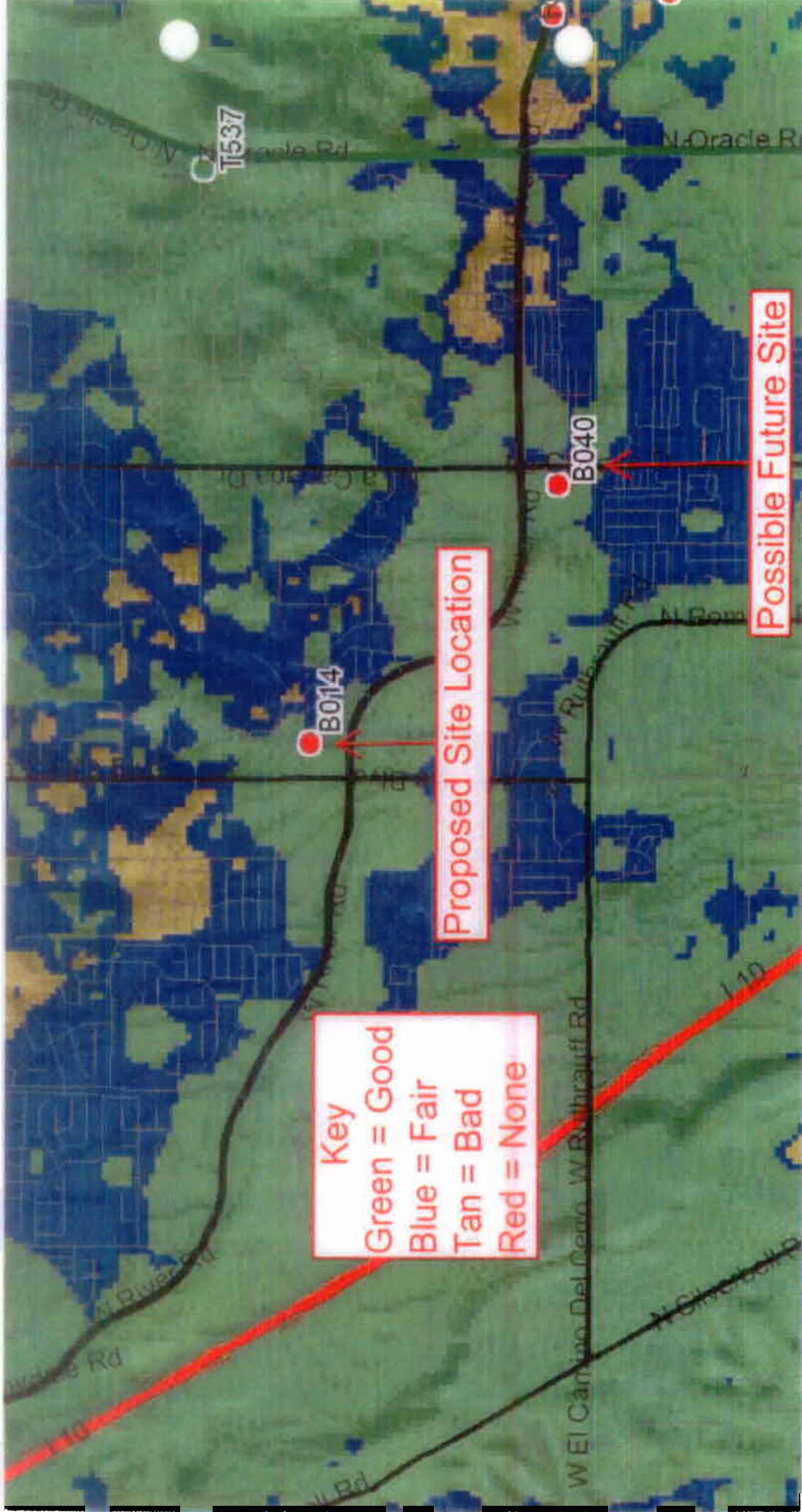
RENDERING IS NOT TO SCALE. ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE. ALL RIGHTS RESERVED. © 2015 ARTISTIC ENGINEERING. ALL RIGHTS RESERVED.

Current Coverage

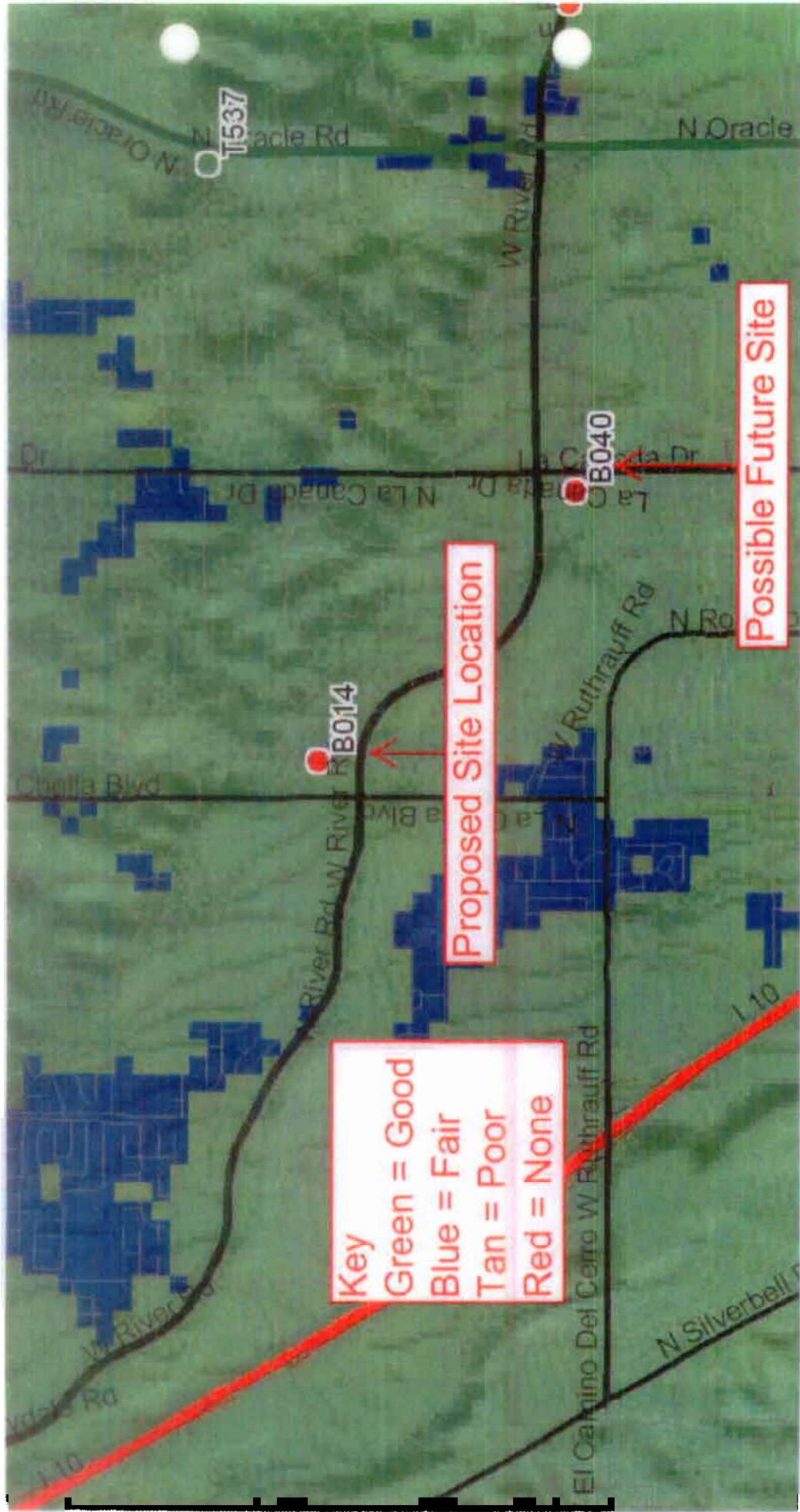
Key  
Green = Good  
Blue = Fair  
Tan = Bad  
Red = None

Proposed Site Location

Possible Future Site



Future Coverage with Site



Proposed Site Location

Possible Future Site

Key  
Green = Good  
Blue = Fair  
Tan = Poor  
Red = None