



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Adjustment, District 3
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Planning Director
SUBJECT: Docket BA3-19-04 (AZ6 Vista Hall)
DATE: May 9, 2019 for the May 16, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA3-19-04 (AZ6 Vista Hall):

The Applicant is requesting a variance to permit the replacement of an existing sign with the addition of wireless communications equipment. The specific request will be the requirement that a wireless tower be setback a minimum of the height of the tower from all property lines. The 40' tall structure will be 24' from the east property line. The property is zoned General Business. The subject parcel, 106-71-291A is located at 430 N. 7th Street in unincorporated Sierra Vista. The Applicant is Young Design Corp.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 0.94 acres
Zoning: GB (General Business)
Growth Area: Category A (Urban Growth Area)
Plan Designation: Developing
Area Plan: None
Existing Uses: Commercial Retail and Service Plaza with Signage
Proposed Uses: Same, with small cell site support structure

Surrounding Zoning and Uses

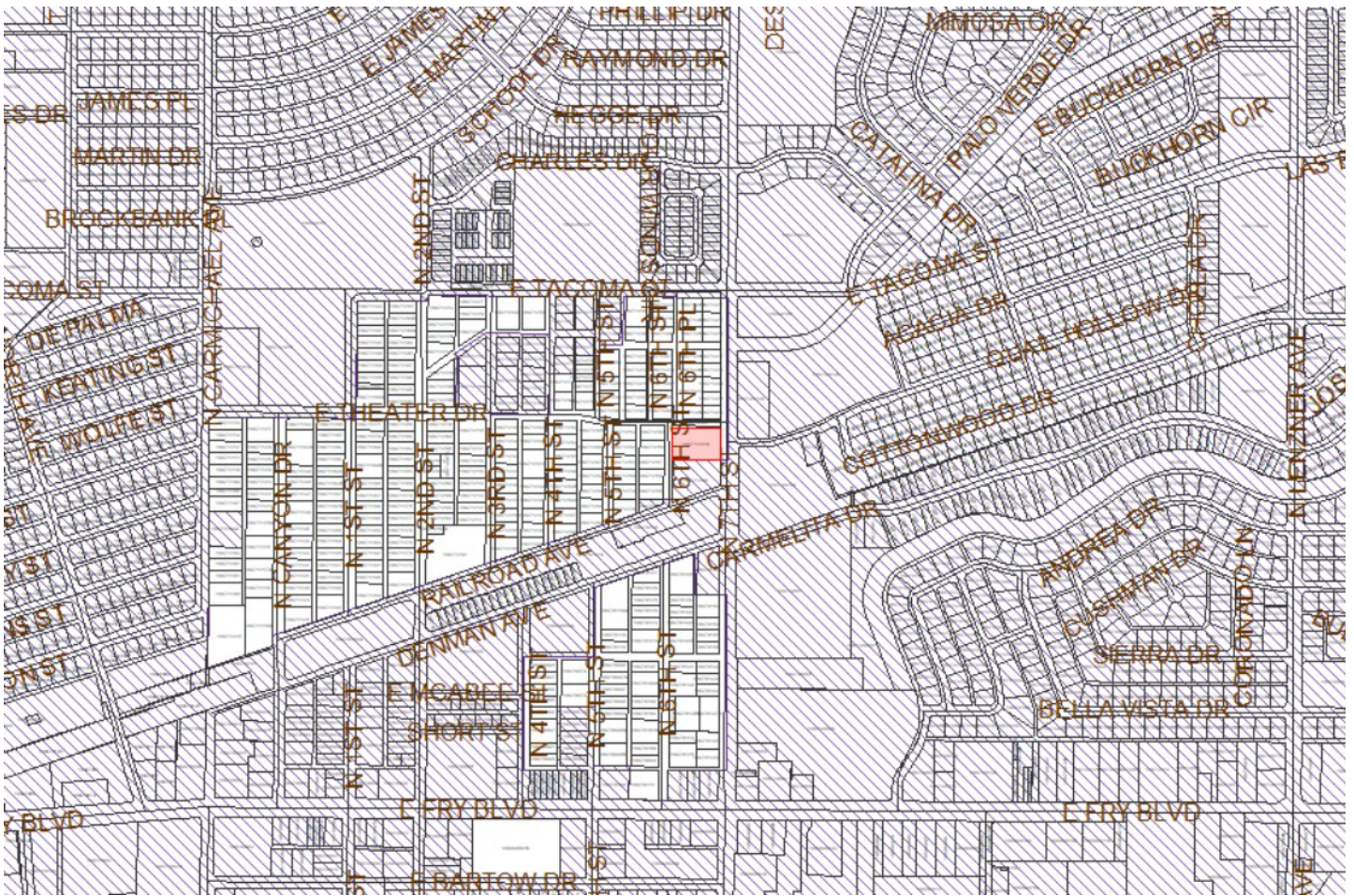
Relation to Subject Parcel	Zoning District	Use of Property
North	E. Theater Drive/GB & MH-72	Single Family Residences
South	GC (City)	Single Family Residences
East	N. 7 th Street / MFR (City)	Single Family Residences
West	N. 6 th Street / GB, NB, MH-72	Vacant land/Single Family Residences

II. SITE HISTORY

- Plaza built in 1982

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov



Above: Location Map

III. PROJECT DESCRIPTION

There is an existing 23'6" sign pole on the east side of the property, 24'3" from the property line. The Applicant proposes to remove the existing sign structure and replace it with a 40' tall pole, remount the signs at the existing heights and use the additional height to mount small wireless communications equipment. This small wireless equipment is defined and exempt under state law, but the support structure is not.

The Applicant is requesting to reduce the fall zone setback to 24 feet along the east property line. This will allow the new extended pole to remain in the same location as the current pole.

IV. ANALYSIS OF IMPACTS

The existing neighborhood is characterized by commercial and dense multi-family development residential development. The support structure will not be relocated, but the change from being only a sign structure to a wireless support structure triggers section 1813.04 which requires such structures to be setback a minimum of the height of the tallest portion of the structure from all property lines. The existing sign is setback 24'3" from the



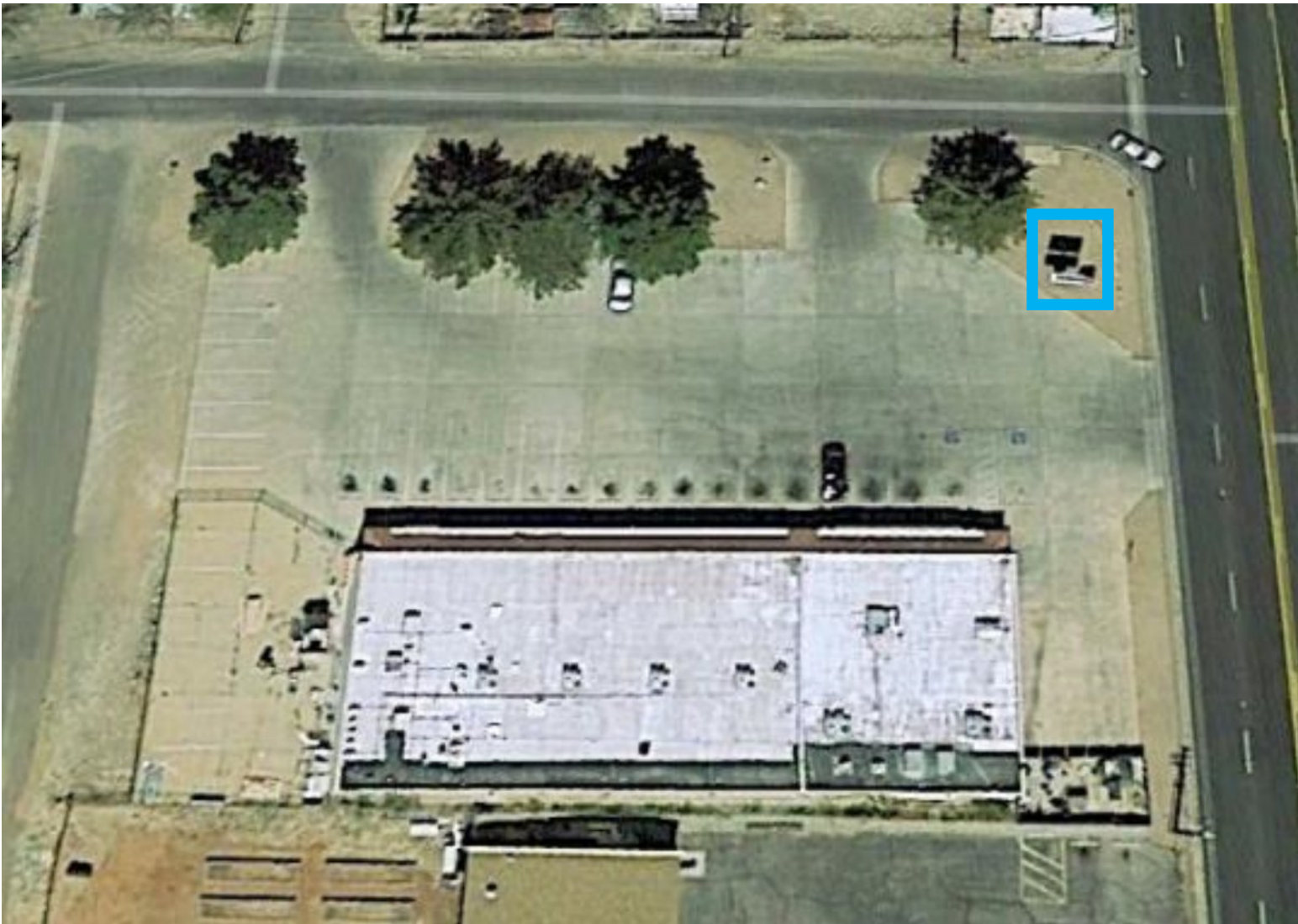
property line, and in only required to meet a 10' setback. The tower setback requirement was written envisioning taller towers mounting more traditional antenna arrays which would have a much larger potential fall zone. It was also written prior to new tower designs which are engineered to be self-collapsing, limiting the potential harm from a failure.

The only negative public comment received has been concern about the emissions, which local jurisdictions are explicitly prohibited from considering under the Federal Telecommunication Act of 1996. The antennas themselves are also not under question, rather only the height of the support structure in relation to the distance from property lines. While a sign structure in the General Business zoning district is limited to 24' a wireless communications tower in the same district is permitted up to 40', which is the proposed height. In light of the overall conforming height, and disparate regulations relating to sign and tower setbacks, staff finds no reason to deny the request.

V. Public Comment

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property and published a legal notice in the *Bisbee Observer*. The Department has received two letters in support and the previously noted letter in opposition.

Site, with the sign highlighted



VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. Approving the Variance would not unduly impact neighboring properties;
2. Approving the Variance will ease the installation of improved telecommunications infrastructure;
3. County government has been engaged in an ongoing effort to make government operations, administration of Zoning and other regulations, and permitting requirements more "customer friendly." Allowing the Variance would reinforce this effort without compromising safety or quality-of-life for area residents;
4. The property owners directly impacted have not commented on the request;
5. The opposition cites concerns outside County jurisdiction; and
6. Two neighboring property owners have expressed support in writing.

Factors Against Approving the Variances

One property owner has expressed opposition in writing.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **approval** of the Variance as requested.

Sample Motion: Mr. Chairman, I move to approve Docket BA3-19-04, granting the Variance as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.