



Development Services

520-432-9300

planningandzoning@cochise.az.gov

www.cochise.az.gov

1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: SU23-30 (Communication Tower)
DATE: February 14, 2024

Docket SU23-30 (Bowie Communication Tower)

The applicant requests Special Use Authorization for a communication tower. The proposed tower is a 180' self-supported lattice structure and includes ground equipment. The subject property is located on the north side of Interstate 10 at Exit 366.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: DW Tower – Michael Frazier
Location: Interstate 10 near Bowie AZ (Exit 366)
APN: 302-28-003
Parcel Size: 48.8 acres (½ acre project area)
Zoning: GB (General Business District)
Growth Area: C – Rural Community
Plan Designation: Developing
Existing Use: Undeveloped
Proposed Use: Communication Tower

Surrounding Zoning and Uses

North	R-36, RU-4	Undeveloped, Agriculture
South	RU-2, R-36	Agriculture, RV Park, Undeveloped
East	GB, R-36	Convenience Store/Truck Stop
West	R-36, RU-4	Agriculture

II. SITE HISTORY

No permit history.

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests Special Use Authorization approval for an unmanned communication facility with 180' lattice tower and supporting ground equipment. Facility area measures 100'X100' and is enclosed with a chain link fence. Tower space will be available for co-locations and use by local public safety services. The facility includes a concrete-rebar foundation and equipment pads. A "fall letter" from an Arizona registered engineer is included with the application indicating a total separation event would result in a fall radius of $\leq 100'$.

Applicant requests waivers to reduce minimum setbacks per the table below:

Section 2.51.120 Waiver Requests		
	Required Setback	Requested Setback
Lease Area	180'	22' (east and south lease boundary lines)
Property Lines	180'	138' (north property line)
Right-of-Way (ROW)	180'	138' (edge of I-10 Business Loop ROW)

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. Staff uses these factors to determine the suitability of a special use request, whether to recommend approval, and determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, six (6) factors apply to this special use request with five (5) factors complying.

1. Compliance with Duly Adopted Plans: Complies

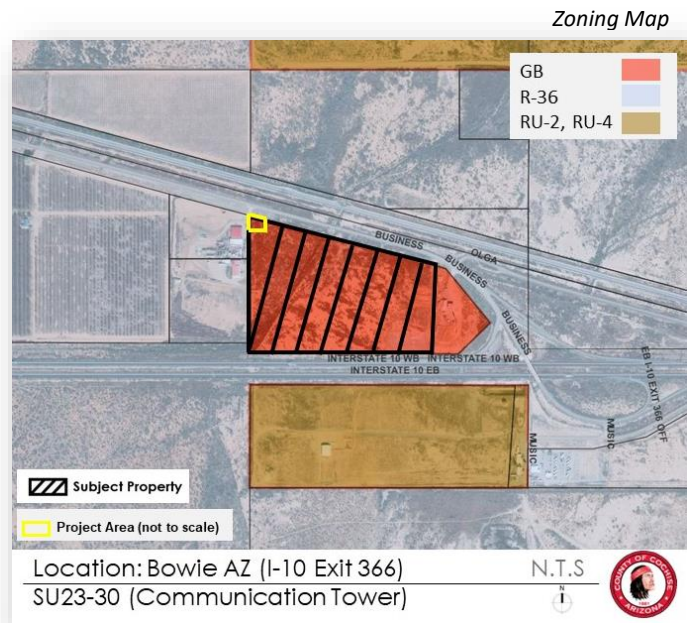
The subject property is designated “Developing” by the comprehensive plan and falls within Growth Area C (Rural Community Area). General Business zoning is consistent with these comprehensive plan designations, and communication facilities are allowed in GB by right or with approval of a special use authorization, depending on tower height.

2. Compliance with the Zoning District Purpose: Complies

The purpose of the GB zoning district includes the following:

1. To provide appropriate areas for office uses, retail stores, and service establishments in which the market area extends beyond the nearby neighborhoods.
2. To provide wholesale or distribution activities in locations with adequate access to major streets and highways.
3. To encourage concentrated development of commercial activities for the convenience of the public.
4. To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion.
5. To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.

GB zoning allows a variety of neighborhood and regional professional, personal, and service uses. Allowed regional uses include bus/rail terminals, maintenance yards and garages; emergency vehicle stations; and utility installations. The zoning regulations specifically identify substations, booster stations, and water tanks as comparable to communication towers.



Communication towers are a permitted use in GB with a 40' maximum height, requiring a special use authorization when exceeding this height. Towers requiring special use approval are subject to site development standards in Section 2.51.120 – Site Development Standards for Communications Facilities.

3. Development Along Major Streets: Not applicable

The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic.

The subject property and project area has direct access to I-10 Business Loop which falls under Arizona Department of Transportation (ADOT) jurisdiction. ADOT requires a right-of-way (ROW) permit to access the roadway and construction of a driveway.

4. Traffic Circulation: Not Applicable

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.



Subject Property, Proposed Lease Area

The subject property has direct access to I-10 Business Loop which falls under ADOT jurisdiction. A ROW permit is required by ADOT to access the roadway. The request does not require the use of residential streets during or after communication facility construction.

5. Adequate Services and Infrastructure: Complies

The subject property has direct access to an existing, improved interstate business loop maintained by ADOT. Power is available from Sulphur Springs Valley Electric Cooperative (SSVEC) and the property/project site falls within the Bowie Fire District with the nearest fire station about 2 miles to the west. Water, sewer/septic, and other services are not required for this project.

6. Significant Site Development Standards: Partially Complies

Per Section 2.33 of the zoning regulations, communication towers are a permitted use in GB zoning provided they do not exceed 40' in height. When exceeding 40', development standards identified in Section 2.51.120 are applicable to communication facilities:

1. **Existing Towers.** A communication tower in existence prior to the effective date of the 1999 revised Zoning Regulations will not require a Special Use or building permit if located in an applicable Zoning District.

Staff comment: Does not apply.

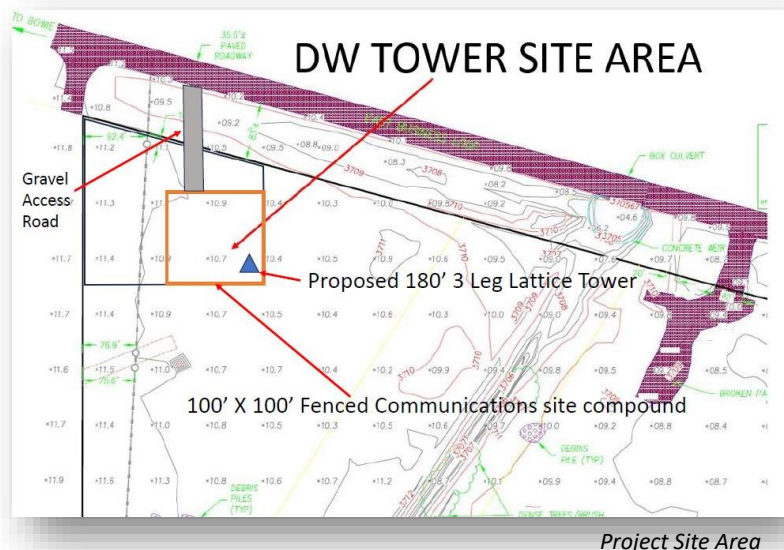
2. Design.

- a. All new communication facilities will be designed by a Registrant licensed by the State of Arizona.
- b. For towers up to 150 feet in height, the structure shall be designed to accommodate at least two providers.
- c. For towers greater than 150 feet in height, the structure shall be designed to accommodate at least three providers.

Staff comment: Waivers not requested.

3. Certification.

- a. Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements regarding lighting and marking so as not to create a hazard to air navigation.
- b. Affidavits will be provided to show conformance with all Federal Communications Commission (FCC) technical emissions standards and licensing requirements, including radio frequency data.
- c. Prior to permit issuance for new communication equipment on an existing tower, a certificate, report, or plan prepared and stamped by an Arizona-Registered Professional Engineer will be provided by the Applicant that indicates the equipment and tower will meet minimum safety standards regarding deflection and survival specs at the proposed antenna load and with regard to potential electrical hazards.



Staff comment: Waivers not requested.

- 4. **Setbacks.** Communication facilities must be setback from all parcel boundaries, lease boundaries, and rights-of-way at a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

Staff comment: Applicant is requesting waivers to reduce minimum north property line/edge of right-of-way setback from 180' to 138' and minimum lease boundary area setback from 180' to 22' along the east and south lease boundary lines. Only one tower is proposed at this time. ADOT does not have minimum setback requirements to State ROW for communication towers. This communication facility will be evaluated by ADOT to ensure it does not impact I-10 Business Loop.

- 5. **Minimum Site Area Requirements.** Communication facilities will be exempt from the Zoning Districts' minimum site area requirements.

Staff comment: Maximum site coverage in GB is 85%. Existing project area is approximately 10,000 square feet on a parcel with a site area exceeding 48 acres.

- 6. **Maximum Height.** In those Zoning Districts where communication towers are a permitted use, the towers shall be limited to the maximum allowable height of the Zoning District unless otherwise noted in that District. There shall be no limit to the requested maximum height of a tower seeking approval through the Special Use Authorization process.

Staff comment: GB allows communication facilities by right, including towers up to 40'. Communication towers exceeding a height of 40' require special use authorization approval and may be approved by the Planning and Zoning Commission for any height. The applicant proposes a tower height of 180'.

- 7. **Noise or Vibration.** No noise or vibration (other than normal vehicular traffic) will be permitted, which is discernible on neighboring residential sites to the unaided human senses for three minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or 30-seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

Staff comment: Waivers not requested.

- 8. **Removal of Abandoned Communication Facilities.** Any facility that is not operated for a continuous period exceeding twelve months will be considered abandoned, and the owner of such facility will remove the structure(s) within 90-calendar days of receipt of notice from the County Zoning Inspector.

Staff comment: Waivers not requested.

7. Public Input: Complies

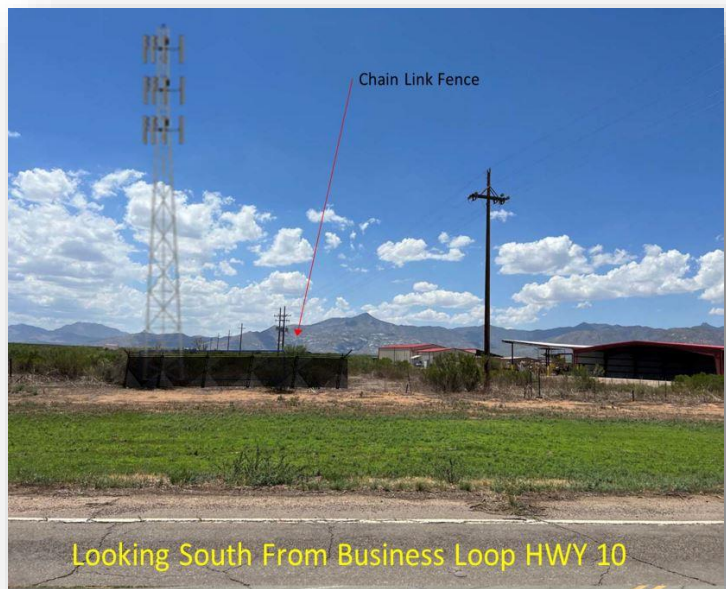
Section 2.48.160 of the Zoning Regulations states, "If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process." The applicant sent letters to owners of properties located within 900' of the property on December 28, 2023, without any response.

8. Hazardous Materials: Not Applicable

The applicant does not propose using or storing hazardous materials on the site.

9. Off-Site Impacts: Complies

The proposed facility is not expected to generate off-site impacts such as noise, odors, or vibrations. Some short-term impacts such as noise and dust are likely during construction of the communication facility. The County cannot consider public health during review but can consider siting and visual impact of proposed communication facilities. Concentrated residential development is more than 1-mile west with closest residences located about 2300' to the west and about 3100' to the southeast. The nearest structure to the proposed tower is located about 280' to the west and is used for pecan processing. The site is in an area characterized by I-10, I-10 business loop, Union Pacific Railroad ROW, and undeveloped land/agricultural uses.



Applicant Graphic

10. Water Conservation: Not Applicable

The proposed communication facility does not require water. Should water be necessary to support this use in the future, county-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations will apply.

V. PUBLIC COMMENT

Staff posted the property on January 17, 2024. Staff also mailed notices to owners of nearby properties and published legal notice in the Sierra Vista Herald/Review on January 24, 2024. There has been no public response in favor or opposition.

VI. WAIVERS

The applicant is requesting waivers from Section 2.51.120 of the zoning regulations to reduce minimum setbacks from lease boundaries, property lines, and the edge of public rights-of-way. Requested waivers are identified in the table below:

Section 2.51.120 Waiver Requests		
	Required Setback	Requested Setback
Lease Area	180'	22' (east and south lease boundary lines)
Property Lines	180'	138' (north property line)
Right-of-Way (ROW)	180'	138' (edge of I-10 Business Loop ROW)

VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization for a new communication facility with 180' tower. As submitted, the special use request complies with five (5) of six (6) applicable factors identified in county zoning regulations to evaluate special use authorization requests.

Factors in Favor of Approval

1. Complies with five of six applicable Special Use Authorization factors.
2. The property fronts an interstate highway (I-10) and project area has access to a major ADOT roadway (I-10 Business Loop).
3. Area is characterized by large acreages that are undeveloped or used for agriculture. Nearest concentrated residential development is more than 1-mile to the west.
4. No opposition from surrounding property owners.

Factors Against Approval

Setback waivers within lease boundaries and north property line/edge of public right-of way.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional Approval** of Docket SU23-29 for an existing communication tower with supporting ground equipment with the following condition:

1. The proposed 180' communication tower shall be a minimum of 138' to the north property line/edge of Interstate 10 Business Loop right-of-way and a minimum of 22' to the east and south lease boundary lines as represented on the site plan.

2. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.
3. It is the applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
4. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motion

Madam Chair, I move to approve Docket SU23-30 (Communication Tower) with Conditions of Approval recommended by staff, the Factors of Approval constituting Findings of Fact.
