



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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

**CARLA BLACKWELL**  
Director

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

**March 16, 2018**

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P18CU00002  
RUBBANI — W. INA ROAD  
Type I Conditional Use – Adaptive Reuse**

**Background/Authority**

Chapter 18.97, in accordance with Section 18.09.020.R of the Pima County Zoning Code, requires a Type I conditional use permit for an adaptive reuse on property zoned CR-1 (Residential). This particular request is to remodel and occupy an existing, vacant single-family residence for use as the office/clinic of Tucson Cosmetics. The property in question is approximately 38,700 square feet in area and is located on the north side of Ina Road, approximately 600 feet east of La Canada Drive.

**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 14, 2018. The owner/applicant (Sofia Rubbani) and her architect (Vince Catalano of VVC Design) presented the application to the Hearing Administrator and answered his various questions on the matter. The applicant confirmed their hours of operation to be during the daytime on Monday through Saturday, and Mr. Catalano affirmed that the remodeled exterior of the structure would maintain a residential character and aesthetic.

No (0) members of the public attended the hearing to speak on the matter. Staff reported that they had received no (0) public comments, telephone inquiries or written protests on the case. After hearing all of the above, the Hearing Administrator verbally rendered his decision to approve the conditional use permit, subject to standard Code requirements and certain special conditions. He then closed the public hearing. The conditions governing the approval are presented later in this written decision.

**Hearing Administrator's General Comments**

The Tucson Cosmetics use proposed here is a low-intensity one that will not change or negatively impact the established residential character of the area to the north. Activity at the location will occur only during

normal daytime business hours. Customer access to the property will occur only via Ina Road and no vehicular traffic from the site is expected to bleed into the surrounding residential neighborhood.

### **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 (Pima Prospers) places the subject property within an area designated as *Low Intensity Urban (LIU)*, the purpose of which is to, "designate low-intensity residential areas, together with other compatible uses."

Given the above designation, the Hearing Administrator finds that the proposed adaptive re-use is low in its intensity and that, when operated properly and in accordance with the special conditions which have been crafted, it will not alter the single-family residential character of the subject property or the surrounding area. With this in mind, the proposed use is found to be appropriate in this location and 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.**

The Zoning Code has built-in safeguards for the adaptive reuse of existing single-family residential structures, including limited aesthetic alteration of the structure's exterior, minimal parking allowances, access only to and from a major arterial, and generally maintaining the look and feel of a single-family residence. These standing Code prescriptions are found to be significant in safeguarding the surrounding properties. Additional *Special Conditions* have been crafted by the Hearing Administrator to address other particulars of this specific use.

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

The site has direct access to Ina Road, which is a designated "major street" on the Pima County Major Streets & Routes Plan (MSRP). Access is therefore found to be adequate.

**4. It has sufficient off-street parking and loading facilities that will be developed in accordance with County engineering standards.**

Sufficient on-site parking, loading, etc. will be provided and verified by staff during the permitting process.

**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, including noise. Standard Zoning Code requirements (i.e. setback, buffering, etc.), together with the supplemental *Special Conditions* crafted by the Hearing Administrator, are considered sufficient to address these matters.

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

Hours of operation are addressed in the *Special Conditions* crafted by the Hearing Administrator.

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

Applicable landscaping requirements will be verified by staff during the permitting process.

**Hearing Administrator's Decision**

This application for a Type I conditional use permit for an adaptive reuse, on property zoned CR-1, is hereby approved by the Hearing Administrator. This approval is subject to the *Standard Code Requirements* outlined below, as well as the supplemental *Special Conditions* crafted by the hearing administrator. Conditions of approval are therefore as follows:

**Standard Conditions & Zoning Code Requirements**

1. The proposed use shall conform to all requirements of Section 18.09.020.R (Adaptive Reuse) of the Pima County Zoning Code.

**Special Conditions**

1. This conditional use permit is approved for the office/clinic of Tucson Cosmetics as described in the applicant's submitted materials, all activity of which shall occur within the interior of the remodeled residential structure on the property. No other commercial uses are implied or allowed.
2. Any non-residential uses on the property which depart substantially from the above shall require a new conditional use permit application, public notice, and public hearing process.
3. Business hours shall be limited to 9:00 am to 5:00 pm, Monday through Friday and on Saturdays by appointment only, from 9:00 am to 5:00 pm.
4. The exterior remodeling of the existing residence shall be in substantial conformance with that as presented at public hearing and as illustrated on the architect's plans provided with this conditional use permit application.
5. No formal Pima County Development Plan or review process is required. The owner/applicant shall provide a Site Plan for the property as part of their building permit set. The Site Plan shall be reviewed and approved by Development Services staff, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.
6. The Hearing Administrator has no objection to the owner/applicant pursuing a monument sign for their business, subject to it conforming with applicable regulations for size, height, etc.

**Appeal Procedures**

The owner, applicant, or any owner-of-record within the legal notification area can appeal this decision, which will result in a subsequent public hearing on this matter before the Pima County Board of Supervisors. The appeal must be filed, in writing, within thirty (30) days of the Hearing Administrator rendering his decision. In that the Hearing Administration verbally rendered his decision on this matter at the March 14, 2018 public hearing date, the thirty (30) day appeal period shall commence from that date.

Any party interested in filing an appeal should contact Mr. Artemio Hoyos, Senior Planner, at phone number 520.724.9000. 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 "J. Portner", with a vertical line extending downwards from the bottom of the signature.

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Jim Portner  
Pima County Hearing Administrator

March 16, 2018  
Date