



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT

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September 16, 2019

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P19CU00011

COMMUNITY CHRISTIAN CHURCH OF MARANA — N. PUMA ROAD Type I Conditional Use – Community Food Pantry

Background/Authority

Chapter 18.97, in accordance with Section 18.19.020.A.6 of the Pima County Zoning Code, requires a Type I conditional use permit for a community food pantry on property zoned SH (Suburban Homestead). This particular request pertains to a facility that has already been in operation for several years on the subject property, but which has heretofore done so without a conditional use permit. This Type I application has been submitted for consideration by the Hearing Administrator so as to seek the proper permits for this use.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on September 11, 2019. The owner representatives (Dave Hedgepeth, Kim Blankenship) presented the case and addressed, to the satisfaction of the Hearing Administrator, the information which must be part of the conditional use-permit (CUP) testimony and answered his various questions over the course of the hearing.

Four (4) members of the public appeared at the hearing, all of whom chose to testify on the matter. All of the speakers appreciated the value of a community food pantry, but generally objected to one operating at this particular location. Reasons cited for this objection included past problems that had occurred when tenants were living on the property, perceived threats to personal safety from outside individuals who come and go from the church property, complaints about trash, and concerns as to increased traffic.

Staff indicated that one (1) letter of objection had been received by prior to the public hearing, which had been provided to the Hearing Administrator and which was contemplated in his rendering this decision.

Upon hearing all of the above, the Hearing Administrator closed the public hearing, indicating that he would take the case under advisement and subsequently issue his decision in writing.

Hearing Administrator Considerations and General Comments

This is a case where there was material testimony in objection from nearby neighbors. The Hearing Administrator finds that this testimony was wholly understandable, given the history of the property and some of the past uses which have occurred thereon. It is reasonable for the neighbors to be concerned about the prospect of drug addicts and attendant rehabilitation activities, especially when such individuals have actually lived on the property, and when the Community Christian Church's own recent letter to the neighbors indicates a weekly program for individuals recovering from drug and alcohol addiction.

All of this being the case, it must be stressed the application before this Hearing Administrator is for a community food pantry and nothing more. This point was made clearly at the 11 September public hearing and amplified/explained in detail by the Pima County Chief Zoning Inspector.

It is this Hearing Administrator's intent to approve this conditional use permit request in accordance with the formal decision rendered below and per the enumerated *Special Conditions* attached thereto. It is clear that a food pantry can operate on this particular property in a way that can co-exist with the surrounding residential context. It is also clear that certain parameters should govern its operations so as to respect and accommodate the surrounding neighbors. *Special Conditions* have been crafted to establish these parameters, and to ensure that no other non-residential use is authorized as part of this approval.

It was clear at public hearing that the Community Christian Church may pursue other non-residential uses of the property to further its ministry and community objectives. Obtaining the proper zoning approvals for any such additional uses is considered a wholly separate legislative matter with Pima County and may require entirely separate approval processes, potentially including rezoning. These matters are considered outside the purview of this case and this Hearing Administrator decision.

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 and surrounding area as *Medium Intensity Rural (MIR)*, the purpose of which is, "to designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials, or suburban areas."

It must be noted that the *MIR* category is home to several rural zoning classifications which allow a complement of uses other than residential. Suburban Homestead (SH), for example (the zoning of the subject property), automatically allows the following non-residential uses by right: commercial agriculture such as field crops, nurseries, and orchards, farm products stands, the raising and marketing of poultry, and the grazing/raising of livestock and ratites.

It is the Hearing Administrator's position that a community food pantry is an acceptable and appropriate activity in a rural residential setting such as this, subject to it operating in responsible manner and when it is held reasonably accountable for its impacts upon the surroundings.

After having visited the property and contemplating the public testimony received at public hearing, the Hearing Administrator finds that this community food pantry, when operated in conformance with the *Special Conditions* stipulated below, can continue to do so without undue harm to its neighbors.

In consideration of all of the above, the Hearing Administrator finds that the proposed conditional use permit application is not inconsistent or in serious conflict with the goals of the *Medium Intensity Rural (MIR)* category of the Pima County Comprehensive Plan, nor with its SH zoning designation.

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 current operation of the community food pantry is found to have certain potential impacts upon its surroundings. *Special Conditions* have been crafted to address these impacts and to require that the facility operate in a way that is respectful of its immediate context.

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

Access is not found to be an issue, due to the comparatively low traffic-generation characteristics of this use. The Department of Transportation concurs with this position. The site is accessed by an unpaved street (N. Puma Street), which connects directly to El Camino Tres Arroyos, a paved roadway this is a primary east-west roadway serving the area. *Special Conditions* have been crafted with respect to site improvements to best facilitate access to and from the property and to accommodate the on-going vehicular traffic associated with the food pantry.

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

Parking requirements are subject to normal permitting procedures. A formal Site Plan shall be reviewed by the Development Services Department; no formal Development Plan is required for this use.

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 current operation of the food pantry has the potential for certain impacts upon the surrounding properties if not operated within specified parameters. *Special Conditions* have been crafted to define these parameters so as to ensure that the facility operates in a way that is appropriate for its surrounding context.

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

Hours of operation for the food pantry have been defined in the required *Special Conditions*.

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

Landscaping requirements are subject to normal permitting procedures. A formal Site Plan shall be reviewed by the Development Services Department; no formal Development Plan is required for this use.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a community food pantry is hereby **approved**, subject to the standard requirements of the Pima County Zoning Code, together with the following *Special Conditions* as stipulated by the Hearing Administrator:

1. This conditional use permit approval is for a community food pantry only, together with its customary attendant uses. No other non-residential or commercial use is granted nor implied.
2. Any other non-residential uses currently occurring on the property are subject to all applicable separate permits and processes as deemed necessary by the Pima County Development Services Department and are in no way authorized as part of this conditional use permit approval.
3. No further/future expansion of the approved food pantry is permitted beyond that as shown on the Preliminary Site Plan Exhibit submitted with this application.
4. Hours of operation of the food pantry for the distribution of food and supplies shall be in accordance with that as represented at public hearing and within the submitted application materials, specifically being on Wednesdays from 12:00 noon to 2:00 PM and on Thursdays and Fridays from 10:00 AM to 1:00 PM.
5. The proposed improvements on the property shall be in general conformance with the Preliminary Site Plan Exhibit submitted with this application. The improved vehicular circulation areas shown thereon shall be paved or be treated with an acceptable alternative (e.g. gravel) as deemed suitable by the Department of Transportation.
6. The owner/applicant shall submit a formal Site Plan to the Development Services Department for final permitting purposes. The Planning Official or his designee shall review the Site Plan for completeness, for compliance with standard Zoning Code requirements, for compliance with these *Special Conditions*, and shall coordinate with other Pima County reviewing departments as necessary to ensure a complete review process. No formal *Development Plan* is required.
7. The owner/applicant shall obtain a Floodplain Use Permit from the Regional Flood Control District as part of the above Site Plan review and approval process.

This decision is subject to the standard, statutory 30-day protest period from the date of this written decision. 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.

Any party interested in filing an appeal should contact Mr. Nicholas Coussoulis, Senior Planner, Pima County Development Services Department, 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:



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Jim Portner,
Pima County Hearing Administrator

September 16, 2019

Date