



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

**P21-14-001
7D L&R, LLC — W. ORANGE GROVE 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 SR (Suburban Ranch). This particular request is to repurpose an existing single-family residence structure for two small-business offices. The property in question is a 2.4-acre site located on W. Orange Grove Road, approximately 1/3 mile east of its intersection with N. La Cholla Boulevard.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on February 12, 2014. At that time, staff informed the Hearing Administrator and the applicant/owner in attendance that the required public notice to surrounding property owners had been incorrectly mailed to owners within a 300' radius and not to the required 1000' radius. As such, it was determined that a re-noticing of the application should occur. With this in mind, the Hearing Administrator heard the owner/applicant's testimony and asked some initial questions about their application, then continued the hearing to February 28, 2014 so as to allow the proper public notice to occur. No members of the public attended the February 12, 2014 public hearing.

The public hearing resumed on February 28, 2014. Once again, the owner/applicant attended. No (0) members of the public attended the hearing to speak on the matter.

Staff reported that they had received two (2) telephone inquiries prior to the public hearing, both of which were informational in nature and neither of which expressed any opposition.

After hearing all of the above and asking some final questions to the applicant, the Hearing Administrator closed the public hearing and verbally rendered his decision to approve the request, indicating that his final written decision would contain certain special conditions designed to appropriately frame the proposed use.

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 presently places the subject property within an area designated as *Medium Intensity Urban (MIU)*, which is a district intended to, "provide areas for medium density residential and other compatible uses."

Given the above designation, together with the presence of significant non-residential uses in the immediate area (e.g. Northwest Medical Center across the street), and further given the fact that this portion of Orange Grove Road is generally undergoing a transition from residential uses to non-residential activities, the Hearing Administrator finds the proposed adaptive re-use to be appropriate in this location and in full conformance 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 no aesthetic alteration of the structure's exterior, minimal parking allowances, and generally maintaining the look and feel of a single-family residence. These Code prescriptions are found to be sufficient to safeguard the surrounding properties.

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

The site has direct access to W. Orange Grove 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 code (i.e. setback and buffering) requirements are found as being sufficient to address these matters.

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

The hours of operation are not found to be harmful to nearby residents due to the primarily day-time operation of the facility. Nonetheless, a special condition has been crafted to formally address this item.

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

Applicable landscaping requirement 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 SR, 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 as follows:

Standard Conditions & Zoning Code Requirements

1. The proposed use shall conform with 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 office use as described in the application materials, specifically a certified public accountant office and the administrative offices for a home health care business. Similar office uses are allowed under this same conditional use approval.
2. Uses which depart substantially from the above shall require a new conditional use permit application, public notice, and public hearing process.
3. Hours of operation shall be primarily daytime in nature and primarily during weekdays. Some evening and weekend activity is recognized and allowed (especially during income-tax season), but it is understood that this will not be the year-round, on-going condition.
4. No formal Pima County Development Plan or review process is required. The owner/applicant shall submit a final Site Plan for the property, which shall be reviewed and approved by the Deputy Chief Zoning Inspector, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.

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's rendering of this written decision. As this decision was rendered verbally at the February 28, 2014 public hearing on this matter, it is hereby ordered that the 30-day appeal period commence from the 28 February date.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, Pima County Deputy Chief Zoning Inspector, at phone number 724.6675. 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 end of the signature.

Jim Portner
Pima County Hearing Administrator

March 5, 2014
Date