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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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**PUBLIC HEARING – May 27, 2015**

DATE: May 26, 2015

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P21-15-011 – AGAVE RESIDENTIAL PROPERTIES LLC – W.  
INA RD.**  
Type I Conditional Use – Adaptive Reuse

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**LOCATION:**

The subject property is located on the north side of Ina Rd. The property is approximately 1700 feet west of the intersection of Ina Rd. and La Canada Dr. The property is zoned CR-1 (Single Residence).

**SURROUNDING LAND USE OR CONTEXT:**

Properties to the north, east and west of the property are also zoned CR-1. Properties to the south are zoned TR (Transitional).

**PUBLIC COMMENT:**

To date staff has received two pieces of written correspondence on this case. One letter is in opposition. The other letter provides for seven conditions that the owner requests be included should the Hearing Administrator decide to approve the request. In reviewing the conditions, staff is mostly supportive of the conditions. Staff has outlined the conditions that staff believes should be included below.

**PREVIOUS CASES ON PROPERTY:**

There are no previous cases on this property.

**BACKGROUND INFORMATION**

This request is to use the property for an adaptive reuse. This is a relatively new section of the code that has only been added within the last few of years. In the last few years three other properties have applied for conditional use permits for an adaptive reuse. All three of the previous requests were approved by the Hearing Administrator.

## DEPARTMENT OF TRANSPORTATION AND FLOOD CONTROL

The Department of Transportation and the Flood Control District will review this project as needed during the permit process.

### CULTURAL RESOURCES

Please be aware that Pima County cultural resources requirements could apply to Pima County Conditional Use Permits. If cultural or historic sites will be impacted by the proposed use, mitigation of impacts on sites eligible to the National Register of Historic Places could be required before the County issues the building permit. A first step in identifying the cultural resources status of your property is to request an archaeological records review from the Arizona State Museum (ASM), at 621-2096, and submit it with the permit application. The County Office of Cultural Resources and Historic Preservation will review the ASM report and determine whether additional cultural resources actions are necessary.

### DEVELOPMENT SERVICES COMMENTS/RECOMMENDATION:

This is a Type I conditional use permit for an adaptive reuse. An adaptive use is a conditional use in all residential and rural zones when fronting on a major route. The subject property is located on Ina Rd. which is a major east/west route. Ina Rd. in this area has numerous other commercial uses and churches in the area. There is major commercial development at Oracle and Ina Rd. and La Cholla and Ina Rd. In addition, there is a commercial office complex to the south of the proposed adaptive reuse. Residential homes in the area vary from site built homes on 36,000 square foot lots, to high density townhomes. It appears the applicant did reach out to neighboring property owners to inform them of the proposed use.

It should be noted that a development plan is not outright required by the zoning code for an adaptive reuse. The Hearing Administrator has the discretion to determine whether a full development plan should be required. Staff believes that the applicant has alleviated concerns that staff has about the project. Staff does not believe that a development plan is warranted in this case. Staff does believe that the Hearing Administrator should craft conditions that he feels are warranted to ensure that the use acts as an appropriate buffer between the residential properties in the area and the other commercial. In the past the Hearing Administrator has added the below condition when not requiring a development plan for a project. Staff recommends that the below condition be used;

**“No formal Pima County Development Plan or review process is required. However, 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.”**

In addition to the above condition, staff recommends the conditions below, or conditions similar to the conditions below be included. These conditions are crafted from the letter received from Hartley Newkirk, who is the immediate neighbor to the north and one of the most affected property owners.

1. Hours of operations shall be limited to 8:00am to 6:00pm.

- 2. The property cannot be used for residential uses for women awaiting birth or after delivery. Only office uses are permitted.**
- 3. No overnight accommodations are permitted.**
- 4. Should the property owner purchase or acquire interest in an adjacent property, it should be noted an expanded adaptive reuse would not be possible. To expand the use beyond the current property would require a rezoning to an appropriate commercially zoned property.**

c: Carmine DeBonis, Development Services Director  
International Child Foundation, Applicant