



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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February 15, 2016

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Hearing Administrator's Approval of Time Extension

P21-14-014

DYER FAMILY TRUST — S. BELVEDERE AVENUE

Type II Conditional Use – Fire Station

The above-referenced conditional use permit application was approved by the Board of Supervisors on November 18, 2014. The applicant has requested a one-year time extension to complete the submittal and processing of the various plans and permits associated with the project.

After hearing the above time extension request at the public hearing of February 10, 2016, the Hearing Administrator approved the applicant's request for a one-year time extension. The CUP approval is hereby extended to August 18, 2016.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Jim Portner", is written over a horizontal line.

Jim Portner
Pima County Hearing Administrator

February 15, 2016
Date



Board of Supervisors Memorandum

P16CU00002

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FOR BOARD OF SUPERVISORS MARCH 15, 2016 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: February 16, 2016

DOCUMENT: P16CU00002

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Kirke Rice Architect, on property located at **16725 W. Arivaca Road**, in the **RH Zone**, requests a conditional use permit for a **restaurant**. Chapter 18.97, in accordance with Section 18.13.030 of the Pima County Zoning Code allows a restaurant as a Type II conditional use in the RH zone. (District 3)

SUMMARY OF THE HEARING ADMINISTRATOR'S 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 11, 2016. The applicant/agent (Kirke Rice) and the proposed restaurant operator presented the case to the hearing administrator and answered his various questions as to the operations and particulars of the restaurant.

No (0) members of the public appeared at the hearing to speak on the matter. Prior to the hearing, staff indicated that it had received one (1) telephone inquiry related to this case, which could best be characterized as informational.

After hearing all of the above, the Hearing Administrator closed the public hearing.

HEARING ADMINISTRATOR'S RECOMMENDATION

After considering the facts and the testimony presented at the 11 February, 2016 public hearing, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit for a **restaurant**. The same property and building thereon had previously been used

as a bakery, with no conflicts or issues arising with the surrounding property owners. The new/proposed restaurant will include upgrades to the site's parking and access, thereby improving the overall functioning of the operations.

The applicant is advised that this is a *recommendation* to the Board of Supervisors, who will make the ultimate and final decision on this CUP request. Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions:

Standard Conditions per the Pima County Zoning Code

The Pima County Zoning Code stipulates no standard conditions or requirements for this use.

Special Conditions

1. This restaurant will proceed in substantial conformance with the site plan as submitted with this conditional use permit application.
2. No formal Development Plan is required with this conditional use permit. The application shall coordinate with the Deputy Chief Zoning Inspector, as necessary, during the permitting process to insure the submitted site plan contains all necessary particulars and detail.

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 as *Low Intensity Rural (LIR)*, the expressed purpose of which is, "to designate areas for low density residential and other compatible uses."

From a practical perspective, this site and the buildings thereon were formally operated as a local bakery that co-existed well with its neighbors. It's proposed use as a carry-out restaurant is generally similar to the prior bakery use and the Hearing Administrator has no reason to believe that the new use will not similarly fit well within its surroundings. Special Conditions have been recommended to insure minimal safeguards for the protection of the surrounding properties.

In consideration of all of the above, the Hearing Administrator finds this proposed Type II Conditional Use request to not be in conflict with the goals and objectives of the *Low Intensity Rural* component of the Comprehensive Plan, nor in conflict with its surrounding context.

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.**

This facility previously operated as a local bakery and did so quite well within its established context. As such, the proposed restaurant conditional use is found to be generally compatible with the existing/surrounding properties.

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

The site takes direct access from Arivaca Road, a paved public street that is the major transportation arterial of the Arivaca area. Access is found to be adequate.

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

Parking and loading requirements will be verified during the permit review and approval 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.**

It is the Hearing Administrator's finding that the proposed use possesses none of the above noxious or problematic characteristics. It has operated in its present location for many years with no complaints from its residential neighbors.

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

The carry-out restaurant is intended for daytime use only; no formal restrictions are deemed warranted.

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

Landscaping and screening requirements will be verified during the permit review and approval process.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Comprehensive Plan Regional Environmental Policies --- Maeveen Marie Behan Conservation Lands System.

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject property is located within an area that is designated as **Multiple Use Management** by the MMB-CLS.

Biological Impacts Report Summary and Staff Commentary

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires a biological impact report, applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff has reviewed the biological factors associated with this application and has determined that that approval of this application is not expected to affect any resources essential to Pima County's biological conservation policies. The subject property was already developed and disturbed prior to adoption of the Sonoran Desert Conservation Plan (SDCP) in 2001. No further disturbance of any natural areas is proposed.

Sonoran Desert Conservation Plan (SDCP) Facts Confirmed Per Pima County GIS

Per the Pima County Department of Transportation (PCDOT) geographic information system (GIS), the following facts are hereby confirmed pertaining to this Conditional Use Permit request:

1. **Cactus ferruginous Pygmy Owl:** the site is not part of the former habitat nor draft-recovery area. It is within Survey Zone 2.
2. **Western Burrowing Owl:** the site lies beyond the known range of the Western Burrowing Owl and is not in the Priority Conservation Area for this species.
3. **Pima Pineapple Cactus:** the site lies beyond the known range of the Pima Pineapple Cactus and is not in the Priority Conservation Area for this species.
4. **Needle-Spined Pineapple Cactus:** the site lies beyond the known range of the Needle-Spined Pineapple Cactus and is not in the Priority Conservation Area for this species.

attachments

cc: Carmine DeBonis, Director, Development Services and Chief Zoning Inspector
Chris Poirier, Interim Planning Official
Tom Drzazgowski, Deputy Chief Zoning Inspector
Kirke Rice Architect, Applicant