



**PIMA COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

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October 15, 2018

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HEARING ADMINISTRATOR'S FINDINGS AND DECISION

P18CU00010

COLICA — W. EMIGH ROAD

(Avra Equine, Applicant; Anthony & Linda Colica, Owners)

Type I Conditional Use – Veterinary Hospital

Background & Authority

Chapter 18.97, in accordance with Section 18.13.030.B of the Pima County Zoning Code, requires a Type I conditional use permit (CUP) for a veterinary hospital on property zoned SH (Suburban Homestead).

Particulars of the Request

This request pertains to a property with certain existing improvements already in place, including an equestrian riding ring, various accessory and shade structures, and an existing mobile home. The applicant proposes to construct a new veterinary hospital on the property within an approximately 2,500 SF building, together with several related improvements such as a therapy pool, new equestrian stalls, hay barn, and grain silos.

The property in question is located within an area that is a mix of residential and non-residential uses. The existing Tierra Linda subdivision exists to the immediate west, together with unsubdivided properties (both occupied and vacant) to the east and further south. A large solar farm exists to the immediate north.

Public Hearing

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on October 10, 2018. The applicant's representative made a brief presentation, answered the Hearing Administrator's questions, and both the representative and the applicant engaged in a discussion with the Administrator and the Chief Zoning Inspector regarding various particulars of the proposed hospital.

No (0) members of the public appeared at the hearing. The applicant indicated that they had held their own neighborhood meeting on September 25, 2018.

Staff indicated that it had received one (1) letter in opposition from a nearby property owner within the Tierra Linda subdivision). The Hearing Administrator had read the letter prior to the public hearing and has fully contemplated it in his decision.

After hearing all of the above, the Hearing Administrator closed the public hearing and expressed his verbal approval of the applicant's request, subject to a series of Special Conditions that he would craft and stipulate within his final written 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 Comprehensive Plan designates the subject site as *Medium Intensity Rural (MIR)*, the purpose of which is to, "designate areas for medium-density residential and other compatible uses."

Many non-residential uses have been approved in *MIR* and *LIR* districts in the past and have proven to coexist peacefully with residential neighbors and to not impinge upon their rural residential lifestyle. These have included private schools, childcare centers, community service agencies, animal shelters, commercial kennels, and communications towers. Such non-residential uses can effectively integrate into rural or low-density residential settings as long as appropriate safeguards and special conditions are put in place to address their operations and potential impacts.

In the present case, the developed residential nature of the immediate setting must be respected in light of the primary and ancillary uses associated with the proposed veterinary hospital. It is the Hearing Administrator's position that simple and straightforward regulatory language can be crafted to appropriately protect the existing nearby residences.

For all of the above reasons, the Hearing Administrator finds the proposed use is not inherently in conflict with the stated goals of the Comprehensive Plan, as long as appropriate special conditions are stipulated and adhered to by the owner in the operation of the veterinary hospital.

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 Hearing Administrator finds that the proposed use does not negatively impact the surrounding property owners' ability to utilize their respective properties for their legally permitted uses, as long as the veterinary hospital is operated in accordance with the Special Conditions stipulated herein.

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

The property has direct access via Emigh Road and Socorro Road, both of which are paved public roadways in reasonably good conditions. Access is found to be adequate, as the proposed use is not viewed as major traffic generator.

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

Parking sufficiency and compliance with the Zoning Code will be verified at the time of site plan review and permitting.

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 position that the proposed use can be operated so as to not impact the surrounding residential properties in any of the above ways, as long as it is operated in accordance with the Special Conditions that have been mandated with this approval.

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

Hours of operation are generally of a daytime nature. A proposed Special Condition regulates the facility's business hours.

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

Landscaping requirements will be verified at the time of site plan review and permitting.

Hearing Administrator's Decision

This application for a Type I conditional use permit for a veterinary hospital and related appurtenances, on property zoned SH, is hereby **approved** by the Hearing Administrator, subject to the following standard and special conditions:

Standard Zoning Code Conditions

The Pima County Zoning Code (PCZC) allows the proposed use within the SH zone, subject to the Type I conditional use permit process. The PCZC requires certain specialized setbacks associated with veterinary hospitals, some of which are in excess of the standard setbacks for SH properties. These specialized setbacks will be honored with this veterinary hospital.

Hearing Administrator Special Conditions

1. This conditional use permit constitutes approval for a veterinary hospital and its attendant uses only, as described in the applicant's submittal and as illustrated on the provided concept site plan. No other commercial uses are permitted.
2. No formal Development Plan is required. A detailed site plan, in substantial conformance with the one that accompanied this conditional use permit application, shall be included in the building permit plan set for the project. The Chief Zoning Inspector shall coordinate with Development Services Department staff as necessary to ensure site plan compliance with the *Special Conditions*.
3. The new vehicular circulation areas and parking lot surface for the veterinary hospital may be of an alternative treatment, other than conventional asphalt paving, that is acceptable to Development Services in terms of dust control and durability.
4. The treatment and kenneling of dogs shall occur exclusively indoors at the veterinary hospital. No outdoor kenneling of customer dogs is permitted.

5. As stated at public hearing by the applicant, animal waste shall be typically collected on a daily basis and shall be stored in a closed container prior to its removal from the property. Removal shall typically occur on a weekly basis.
6. All new outdoor lighting fixtures associated with the veterinary hospital or any of the accessory structures, stables, or the riding ring shall be in full conformance with the Pima County *Outdoor Lighting Code (OLC)*.
7. Business hours for the veterinary hospital shall be from 8:00 AM to 6:00 PM.
8. The *Special Conditions* below, as promulgated respectively by the Pima County Regional Flood Control District (RFCD) and the Pima County Department of Transportation (PCDOT), are hereby stipulated by the Hearing Administrator as part of this conditional use permit approval.

Pima County Regional Flood Control District Special Conditions

1. Prior to issuance of building permits, the owner shall provide a drainage report, prepared by an Arizona-registered civil engineer, that delineates the regulatory floodplain, establishes base flood elevations for the proposed improvements, and confirms no adverse impact to adjacent property owners.
2. Detention/retention is required to mitigate increased runoff due to impervious surfaces.
3. Prior to issuance of building permits, a completed Elevation Certification for the existing mobile home that demonstrates compliance with Floodplain Use Permit conditions is required.

Pima County Department of Transportation Special Conditions

1. The two proposed driveways located along Emigh Road shall meet the required driveway spacing as identified in the 2016 Subdivision and Development Street Standards, Table 5.1, of 150 feet measured from the nearest edge of pavement to nearest edge of pavement.
2. The eastern most driveway on Emigh Road shall also meet the required corner clearance as identified in the 2016 Subdivision and Development Street Standards, Table 5.1, of 150 feet measured from nearest driveway edge to the Socorro Road pavement edge.
3. The proposed driveway located along Socorro Road shall meet the required driveway spacing as identified in the 2016 Subdivision and Development Street Standards, Table 5.1, of 150 foot measured from nearest driveway edge to the Emigh Road edge of pavement.
4. All new driveways shall be paved to the minimum Pima County standard of 2.5" AC over 4" AB for any portion of the driveway located within the public right-of-way. Concrete headers per PAG Standard Detail No. 213 shall be placed around all radii.
5. A right-of-way use permit will be required for all improvements in the Pima County right-of-way.
6. All onsite PAAL's and parking spaces shall be treated for dust control.

Protest Period and Appeal Procedures

As is the case with all Type I conditional use permit applications, this decision is subject to a statutory 30-day protest period from the date of this decision. In that the Hearing Administrator verbally rendered his decision to approve this request at the October 10, 2018 public hearing, the protest period shall commence from that 10 October date. If a valid protest is received within the 30-day period from a property owner within the formal notification area, an appeal hearing will be scheduled before the Board of Supervisors, who shall then make the final decision on this conditional use permit.

Any party interested in filing an appeal should contact Mr. Tom Drzazgowski, 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:



Jim Portner
Pima County Hearing Administrator

October 15, 2018
Date