



**PIMA COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

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April 9, 2019

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**HEARING ADMINISTRATOR'S FINDINGS AND DECISION**

**P19CU00006  
MIRAVAL RESORT, LLC — N. LAGO DEL ORO PARKWAY  
Type I Conditional Use – Adaptive Reuse (Office)**

**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 GR-1. This particular request is to remodel and occupy an existing residential structure for use by internal office personnel of Miraval Resort. The property in question is approximately 92,000 square feet in area (2.1 AC) and is located on the east side of Lago del Oro Parkway at its intersection with E-Rail N Road.

**Public Hearing**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on April 4, 2019. The owner/applicants presented the application to the Hearing Administrator and answered his questions on the matter. The owner/applicants confirmed that the structure would have no visitation by the general public and would only be used by Miraval office staff; these individuals would be on the premises during normal business hours from Monday through Friday.

One (1) member of the public attended the hearing to speak on the matter. While indicating that she was fully in support of the application, she nonetheless expressed concerns regarding the proposed parking lot's location and appearance, as well as the potential for increased traffic conflicts at the intersection of Lago del Oro Parkway and E-Rail N Road. Staff reported that they had otherwise received no (0) public comments, telephone inquiries or written protests on the case. After hearing all of the above, the Hearing Administrator thanked the attendees and closed the public hearing.

### **Hearing Administrator's General Comments**

The office use proposed here is a low-intensity one that will not change or negatively impact the established residential character of the surrounding area. Activity at the location will occur only during weekday, daytime business hours and be comprised only of internal Miraval office staff. Given that no members of the public will come and go from the office, the additional traffic load onto Lago del Oro Parkway is considered negligible and essentially no different from the existing condition or from that which would be the case if the residence was occupied by an average family. The proposed parking area is very small in size and will be surfaced with alternative material (e.g. gravel), and thus will not have the commercial appearance of a conventional concrete or asphalt parking lot. Relocating the parking to the rear of the structure for aesthetic reasons, as was suggested by the speaker at public hearing, is viewed as wholly unnecessary by this Hearing Administrator, especially given that a parking lot in the rear location would require significant new grading and, more than likely, unsightly new structural retaining wall elements.

### **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 (Pima Prospers) places the subject property within an area designated as *Low Intensity Urban 1.2 (LIU)*, the purpose of which is to, "designate low-intensity residential areas, together with other compatible uses."

The Hearing Administrator finds that this adaptive re-use is a very low-intensity one that, when operated as proposed and when occupied only by Miraval internal office staff, will not alter in any way the single-family residential character of the properties to the west. As such, the proposed use is found to be appropriate in this location and not to be in conflict 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 limited aesthetic alteration of the structure's exterior, minimal parking allowances, access only to and from a major arterial, and generally maintaining the look and feel of a single-family residence. These standing Code prescriptions are found to be significant in safeguarding the surrounding properties. Additional *Special Conditions* have been crafted by the Hearing Administrator to address other particulars of this specific use.

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

The site has direct access to Lago del Oro Parkway, 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 routine 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 Zoning Code requirements (i.e. setback, buffering, etc.), together with the supplemental *Special Conditions* crafted by the Hearing Administrator, are considered sufficient to address these matters.

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

Hours of operation are addressed in the *Special Conditions* crafted by the Hearing Administrator.

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

Applicable landscaping requirements 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 (office), on property zoned GR-1, 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 therefore 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 the internal office functions of Miraval Resort only, all activity of which shall occur within the interior of the remodeled residential structure on the property. No other commercial uses are implied or allowed.
2. Any future desire to use the structure for general office activities by others, or for activities that involve visitation by the general public or other clientele, will require a new conditional use permit application, public hearing, etc.
3. This conditional use is approved with the expectation that office activities will occur during normal daytime business hours, from Monday through Friday. Other than this general expectation, no specific hours of operation are mandated. In the event that business hours recurrently occur outside of the above general timeframe and cause issues with the surrounding residential neighbors, the Hearing Administrator reserves the right to revisit this *Special Condition* and prescribed more specific limitations on hours of operation.
4. The exterior remodeling of the existing residence shall be in substantial conformance with that illustrated on the architect's plans provided with this conditional use permit application.
5. New site improvements for parking, etc. will be in substantial conformance with the conceptual site plan submitted with this conditional use permit application.

6. No formal Pima County Development Plan or attendant review process is required. The owner/applicant shall provide a Site Plan for the property as part of their building permit set.
7. The parking lot area shall be of alternative durable surfacing, such as gravel, as shown on the submittal concept plan, subject to acceptance by the Department of Transportation.

**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 rendering his decision.

Any party interested in filing an appeal should contact Mr. Nicholas Coussoulis, Senior Planner, 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

April 9, 2019  
Date