



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

PUBLIC HEARING – February 12, 2014

DATE: February 11, 2014

TO: Jim Portner, AICP, Hearing Administrator

FROM: Tom Drzazgowski, Deputy Chief Zoning Inspector

SUBJECT: **P21-14-001 – 7D L&R LLC – W. ORANGE GROVE RD.**
Type I Conditional Use – Adaptive Reuse

LOCATION:

The subject property is located on the north side of Orange Grove Rd. The property is approximately 1750 feet east of the intersection of Orange Grove Rd and La Cholla Bl. The property is zoned SR (Suburban Ranch).

SURROUNDING LAND USE OR CONTEXT:

Properties to the north and east of the property are more residential in nature. Properties to the west and south are commercial. To the south are large scale medical complexes and the Northwest Medical Center.

PUBLIC COMMENT:

To date no public comment has been received on this case. Notices were sent to all property owners who own property within 1000 feet of the proposed use. This increased notice distance provided notice to properties that could be impacted by the request as well as properties that are further away where there would not be an impact.

PREVIOUS CASES ON PROPERTY:

This property has been permitted to be used as an assisted living home for up to 10 clients. This approval was granted in 2010.

BACKGROUND INFORMATION

This request is to use the property for an adaptive reuse. This is a new section of the code that has only been added within the last couple of years. The request before the Hearing Administrator is the first property to request this type of conditional use. Staff has included the Adaptive Reuse section of the zoning code.

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. This property appears to be ideal for an adaptive reuse. Properties to the south and west are commercial in nature. The high intensity medical uses located to the south consist of multiple story medical offices and a hospital. It appears that this use is an appropriate buffer to the residential uses that are to the north and east of the property. In addition, it appears that when reviewing the purpose statement this property is ideal for an adaptive reuse. Staff believes that this use would be less intense than the existing permitted use of an assisted living home. An assisted living home with 10 clients would provide around the clock care to many more individuals. This 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.”

c: Carmine DeBonis, Development Services Director
The Planning Center, Applicant

Adaptive Reuse.

1. Purpose. Adaptive Reuse allows the reuse of a one-family dwelling located on a lot abutting a major street, as designated on the major streets and scenic routes plan, while:

- a. Protecting existing neighborhoods through the provision of low intensity uses as buffers between neighborhoods and major streets;
- b. Preserving the residential aesthetic along major streets; and
- c. Allowing, but not requiring, the continued one-family dwelling use in conjunction with the adaptive reuse.

2. Adaptive Reuse is permitted on any lot in all rural and residential zones abutting a major street, as designated on the major streets and scenic routes plan, as a Type I conditional use.

3. Development Standards.

- a. One-family dwelling located on a lot abutting a major street, as designated on the major streets and scenic routes plan.
- b. Minimum lot size: Thirty-six thousand square feet.
- c. Parking.
 - i. Parking is limited to no more than six spaces;

- ii. All parking in conjunction with the use must be on the lot;
 - iii. Parking spaces must retain a residential character and shall not include wheel stops, paving, parking lanes or striping;
 - iv. No more than one commercial vehicle is permitted in conjunction with the use. Any commercial vehicle must comply with home occupation vehicle standards in Section 18.09.030
- d. Notwithstanding any other provision of this title, one unlit, non-illuminated sign is permitted if the maximum sign area does not exceed four square feet and the maximum sign height does not exceed four feet. Any sign must be monument style.

4. Conditions.

- a. The adaptive reuse shall not cause any sustained, unpleasant, or unusual noises or vibrations, or noxious fumes or odors, or cause any traffic congestion in the immediate neighborhood.
- b. The residential character of the existing one-family dwelling and property shall not be changed by the adaptive reuse.
- c. Substantial remodeling of the existing one-family dwelling and accessory structures are prohibited unless it is in keeping with the existing residential architecture of the existing one-family dwelling.
- d. Removal of existing vegetation is not permitted unless removal is necessary for safety or general maintenance. Existing vegetation may be enhanced with drought tolerant vegetation.
- e. Equipment or material associated with the adaptive reuse must be stored in compliance with requirements for the zone and in a way that maintains the residential aesthetic of the property.

- f. The hearing administrator may impose limitations on business and delivery hours of operation.
- g. The hearing administrator may require submittal of a development plan.

5. Adaptive Reuse Review Procedure.

- a. Adaptive reuse requires a Type I conditional use permit, obtained in accordance with Chapter 18.97
- b. Submittal of a development plan in accordance with Chapter 18.71 is not required for the adaptive reuse unless it is required as a condition by the hearing administrator.
- c. Compliance Certification. From the issuance of certificate of occupancy, every three years thereafter, the applicant must send a certification demonstrating that the terms of the conditional use permit are being complied with to the chief zoning inspector. The chief zoning inspector may revoke the adaptive reuse conditional use permit if a timely compliance certification is not received, or if there is evidence that the applicant is not in compliance with the terms of the conditional use permit.