

# **MEMORANDUM**

# PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

TO: Honorable Ray Carroll, Supervisor, District #4

**FROM:** Arlan M. Colton, Planning Director

**DATE:** July 24, 2013

SUBJECT: P21-13-006 FISHER - E. RINCON RANCH RD.

(Conditional Use Permit – Type II – Professional Office and Personal

Services)

The above referenced Conditional Use is within your district and is scheduled for the Board of Supervisors' TUESDAY, AUGUST 6, 2013 hearing.

REQUEST: Conditional Use Permit – Professional Office and Personal Services

**OWNER:** Jacqueline Berry Fisher

13520 E. Rincon Ranch Rd.

Vail, AZ 85641

**APPLICANT:** Jacqueline Berry Fisher

13520 E. Rincon Ranch Rd.

Vail. AZ 85641

DISTRICT:

**STAFF CONTACT**: Tom Drzazgowski

**PUBLIC COMMENT TO DATE:** Three letters of support have been received to date.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The site is outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

TD/ar Attachments



## **Board of Supervisors Memorandum**

Subject: P21-13-006 Page 1 of 2

## FOR AUGUST 6, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Arlan M. Colton, Planning Director

DATE:

July 24, 2013

### ADVERTISED ITEM FOR PUBLIC HEARING

## TYPE II CONDITIONAL USE PROFESSIONAL OFFICE AND PERSONAL SERVICES

## P21-13-006 FISHER - E. RINCON RANCH RD.

Request of Jacqueline Berry Fisher, on property located at 13520 E. Rincon Ranch Rd., in the GR-1 Zone, for a conditional use permit for Professional Office and Personal Services. Chapter 18.97 in accordance with Sections 18.14.030B.6 & 18.14.030B.7 of the Pima County Zoning Code allows Professional Office and Personal Services as Type II conditional use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.

(District 4)

## **Hearing Administrator Hearing (April 10, 2013)**

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on April 10, 2013. The owner presented the case to the satisfaction of the hearing administrator and answered his questions.

No (0) members of the public attended the hearing to speak on the matter prior to the hearing, no public comment had been received by staff from any of the surrounding property owners.

P21-13-006 Page 2 of 2

At the time of the April 10, 2013 hearing, the submitted application had only mentioned the existing accounting and bookkeeping office. The Hearing Administrator conceptually discussed various special conditions with the owner/applicant that he thought were appropriate to properly safeguard the surrounding residences. He asserted that the subject property has been very well maintained and that the accounting office had been operated on it for several years in peaceful co-existence with the established neighborhood. With this in mind, the Hearing Administrator's expressed his position that only a small set of simple, reasonable special conditions was warranted.

After completing all of the above, the Hearing Administrator closed the public hearing and issued his original Memorandum and decision on April 15, 2013.

Subsequent to the above hearing and Hearing Administrator's decision Memorandum, the applicant approached staff to clarify that their existing home occupation permit also included the personal-service use (personal make-up business). As this personal-service use had also been in operation concurrently with the accounting/bookkeeping office, it was their desire to have the conditional use permit incorporate and reflect both of these home occupation uses.

As a result, staff sent out a second public notice to all surrounding property owners, indicating the additional personal-service aspect of the proposed conditional use permit request, and scheduled a second public hearing before the Hearing Administrator on June 12, 2013.

At the subsequent hearing, the Hearing Administrator queried the applicant further on some specifics and particulars of their personal makeup use. He also inquired as to whether they would be in agreement with a sunset clause, as suggested by staff, that would remove the conditional use permit approval from the property once they (as current residents) no longer owned it. The applicant indicated her agreement with such a condition.

No (0) members of the public attended the hearing to speak on the matter. Staff reported that, prior to the hearing, three (3) letters of support had been received from nearby property owners.

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



## **Board of Supervisors Memorandum**

<u>P21-13-006</u> Page 1 of 6

#### FOR BOARD OF SUPERVISORS AUGUST 6, 2013 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

**DATE:** April 15, 2013

DOCUMENT: <u>P21-13-006</u>

### CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING:

Request of Jacqueline Berry Fisher, on property located at 13520 E. Rincon Ranch Rd., in the GR-1 Zone, for a conditional use permit for Professional Office and Personal Services. Chapter 18.97 in accordance with Sections 18.14.030B.6 & 18.14.030B.7 of the Pima County Zoning Code allows Professional Office and Personal Services as Type II conditional use in the GR-1 zone. (District 4)

#### CASE BACKGROUND AND PARTICULARS

The applicant possesses an existing home occupation permit to run their accounting office and a professional make-up service (personal service) within their residence. This conditional use permit application will allow them to move these existing functions to an existing accessory structure (guest house) located on the same property. The guest house has a floor area of 500 square feet (SF), while home occupation permits limit the combined office and personal-service use to a maximum size of 200 SF. The conditional use permit provisions of the Code would allow for a professional office and personal-service use of up to 2,000 SF in area, and so this CUP is necessary to accommodate the new 500 SF guest house location for these uses.

#### SUMMARY OF THE HEARING ADMINISTRATOR MEETING

In accordance with Pima County Zoning Code Section 18.97.030.F.3, a public hearing was held on this application on April 10, 2013. The owner presented the case to the satisfaction of the hearing administrator and answered his questions.

June 17 2013

No (0) members of the public attended the hearing to speak on the matter Prior to the hearing, no public comment had been received by staff from any of the surrounding property owners.

At the time of the April 10, 2013 hearing, the submitted application had only mentioned the existing accounting and bookkeeping office. The Hearing Administrator conceptually discussed various special conditions with the owner/applicant that he thought were appropriate to properly safeguard the surrounding residences. He asserted that the subject property has been very well maintained and that the accounting office had been operated on it for several years in peaceful co-existence with the established neighborhood. With this in mind, the Hearing Administrator's expressed his position that only a small set of simple, reasonable special conditions was warranted.

After completing all of the above, the Hearing Administrator closed the public hearing and issued his original Memorandum and decision on April 15, 2013.

Subsequent to the above hearing and Hearing Administrator's decision Memorandum, the applicant approached staff to clarify that their existing home occupation permit also included the personal-service use (personal make-up business). As this personal-service use had also been in operation concurrently with the accounting/bookkeeping office, it was their desire to have the conditional use permit incorporate and reflect both of these home occupation uses.

As a result, staff sent out a second public notice to all surrounding property owners, indicating the additional personal-service aspect of the proposed conditional use permit request, and scheduled a second public hearing before the Hearing Administrator on June 12, 2013.

At the subsequent hearing, the Hearing Administrator queried the applicant further on some specifics and particulars of their personal makeup use. He also inquired as to whether they would be in agreement with a sunset clause, as suggested by staff, that would remove the conditional use permit approval from the property once they (as current residents) no longer owned it. The applicant indicated her agreement with such a condition.

No (0) members of the public attended the hearing to speak on the matter. Staff reported that, prior to the hearing, three (3) letters of support had been received from nearby property owners.

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

## HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property, and after considering the facts and the testimony presented at the 10 April, 2013 and 12 June, 2013 public hearings, the Hearing Administrator recommends **APPROVAL** of this request for a Type II conditional use permit to operate a professional office and personal service use. 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 & Requirements per the Pima County Zoning Code

1. Maximum floor area: two thousand square feet.

#### Special Conditions

- 1. This conditional use permit is for a professional office and a personal service (professional makeup) use only, together with those ancillary activities that normally and routinely accompany these uses. No other commercial uses are approved for the site.
- 2. The proposed uses shall occur on the property in conformance with the guest-house location as shown on the conceptual site plan that was submitted by the applicant in conjunction with this conditional use permit application.
- 3. 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.
- 4. No more than one (1) non-resident or non-family employee is allowed on the premises in conjunction with these uses.
- 5. No equipment or material associated with the professional office or personal-service uses shall be openly stored outdoors. All such storage shall be in the guest-house structure itself or in some other enclosed structure on the property.
- 6. No more than one (1) sign shall be allowed for the combined office/personal service use; it shall not exceed two (2) square feet in area and be mounted no higher than forty-eight inches (48") above ground.
- 7. This conditional use permit approval shall expire on the property at which time the current owner/applicant no longer owns or resides upon it.

#### 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 Urban (LIU)*, the purpose of which is to, "provide areas for low-density residential and other compatible uses". It is the Hearing Administrator's finding that the proposed

professional office and personal-service use is not inconsistent with the character of the surrounding area nor with the objectives of this *Comprehensive Plan* district.

The office and personal service uses in question have operated compatibly within the established residential neighborhood for several years; the present conditional use permit request primarily involves the relocation of these functions to an existing guest house on the property. It is the Hearing Administrator's position that the proposed office and personal-service use will continue to co-exist well with the surrounding area.

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.

It is the Hearing Administrator's position that the proposed conditional uses, if conducted in conformance with the submitted conceptual site plan and the special conditions prescribed above, will appropriately and satisfactorily safeguard all adjacent properties.

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

The site has direct access to Rincon Ranch Road, which is an unpaved, local street. The office and professional make-up service in question, however, serve relatively few clients at the actual residential property. In most cases, it is used for owner & employee work purposes only, and most clients are typically met at an off-site location. Given the small amount of site traffic that has historically characterized these particular uses, 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.

Required parking shall be delineated on the Site Plan required by Special Condition No. 3 attached to this conditional use permit request.

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 new uses pose no significant public threat in any of the above ways.

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

Hours of operation are not viewed as an issue; no special stipulation is deemed to be warranted.

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

Designated landscape buffers, etc. shall be delineated on the Site Plan required by Special Condition No. 3 attached to this conditional use permit request.

## SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

## Comprehensive Plan Regional Environmental Policies — 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 a discretionary decision by the Board of Supervisors. Conservation objectives include:

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

The subject site is located within an area that is OUTSIDE OF the SDCP's Biologically-Preferred Reserve System and is therefore outside of the Maeveen Marie Behan Conservation Lands System (MMB-CLS).

#### Staff Commentary on Biological Impacts

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) that it would not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

This application proposes now new construction on the property, which is already fully developed as a residence with a guest house and other accessory structures. No vegetation or desert specimens will be disturbed by the approval of this present conditional use permit application.

## Facts Confirmed by the Pima County Geographic Information System (GIS)

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

## P21-13-006 – FISHER – E. RINCON RANCH ROAD Hearing Administrator's Recommendation to the Board of Supervisors line 17, 2013

Cactus Ferruginous Pygmy Owl. The subject property is located within an area that is not designated as former critical habitat or draft recovery area. It is within Survey Zone 1. This site is not located within the Priority Conservation Area (PCA) for this species.

Western Burrowing Owl. The subject property is located within a general area designated as having high quality habitat potential for the Western Burrowing Owl. It is not within the Priority Conservation Area (PCA 1) for this species.

**Pima Pineapple Cactus.** The subject property is located within a general area outside of the known range for the Pima Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

**Needle-Spined Pineapple Cactus.** The subject property is located within an area that is designated as having medium potential for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

## **DEPT. OF TRANSPORTATION & FLOOD CONTROL RECOMMENDATION:**

The Department of Transportation has not reviewed this project. The Regional Flood Control District will review the project, if necessary, during the permit process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
Jacqueline Berry Fisher, Property Owner and Applicant

## **NOTICE**

### PIMA COUNTY BOARD OF SUPERVISORS

## **PUBLIC HEARING**

PUBLIC HEARING WILL BE HELD by the Pima County Board of Supervisors on Tuesday, August 6, 2013 at the time noted, in the Board of Supervisors' Hearing Room, first floor, 130 W. Congress Street, Tucson, Arizona.

This is not a complete agenda and does not reflect the order in which cases will be heard.

#### AT OR AFTER 9:00 A.M.

#### REQUESTS A CONDITIONAL USE PERMIT

<u>P21-13-006 – FISHER – E. RINCON RANCH RD.</u> Request of Jacqueline Berry Fisher, on property located at 13520 E. Rincon Ranch Rd., in the GR-1 Zone, for a conditional use permit for Professional Office and Personal Services. Chapter 18.97 in accordance with Sections 18.14.030B.6 & 18.14.030B.7 of the Pima County Zoning Code allows Professional Office and Personal Services as Type II conditional use in the GR-1 zone. (District 4)

The Board Hearing Room is wheelchair accessible, Assistive Listening Devices are available, and closed captioning is available on cable television. The following services are available upon prior request (ten working days) at the Clerk of the Board: Agenda materials printed in Braille or large print; a signer for the hearing impaired.

DONE BY ORDER OF THE PIMA COUNTY BOARD OF SUPERVISORS THIS 5th DAY OF July, 2013.

TELEPHONE: DEVELOPMENT SERVICES / ZONING ENFORCEMENT 724-6675



#### ZONING ENFORCEMENT DIVISION 201 N. Stone Avenue, 1st Floor Tucson, Arizona 85701-1207 (520) 740-6675

406

## APPLICATION FOR CONDITIONAL USE PERMIT

OWNER: Jacqueline Berry Fisher PHONE: (500)	047-7971
ADDRESS: 13520 E RINCOL REACHED CITY: VAIL ZIP:	85641
APPLICANT (if not owner) Jacqueline Boy Fisher PHONE: (500) L	<u> </u>
APPLICANT EMAIL ADDRESS: jacbery fisher yahoo com	
ADDRESS: 13520 E RINGON ROOK rd. CITY: WAIL ZIP:	85641
PROPERTY ADDRESS: 13520 E PINCON Ronch rd. ZO	NE:
TAX CODE(S): 205-87-0846	
TOWNSHIP, RANGE SEC.: 15 -	16E - 34
LOT DIMENSIONS: LOT AREA:	
occupational permit. By allowing me to work out Great house over detached garage it provides a better Chents do not have to go into our home.  STATE THE REASONS WHY THE USE IS PROPOSED AND WHY YOU THINK IT WOULD BE COMPATHE SURROUNDING AREA:	enviornment
We have been working under our occupational permit	with we
problems with neighbors or anyone in the area.	ve
would like to simply move into our existing	GUEST
house area.	
ESTIMATED STARTING DATE: ESTIMATED COMPLETION DATE:	

THE FOLLOWING DOCUMENTS ARE REQUIRED:

- Preliminary Development Plan 1.
  - a. 5 copies are needed for Type I (In accordance with Pima County Fee Schedule)
  - b. 25 copies are needed for Type II (In accordance with Pima County Fee Schedule)
  - c. 40 copies are needed for Type III (In accordance with Pima County Fee Schedule) (Make check payable to Pima County Treasurer)
- Assessor's Map showing location and boundaries of the property. 2.
- Assessor's Property Information showing ownership of the property. 3.
- Letter of Authorization if applicant is not the owner 4.
- Floor Plan that pertains to interior access or use if required 5.
- Biological Impact Report \*\* For Type 2 or 3 permit requests 6.

ignature of Applicant Sacqueline Berry-F	ished	Date  (530) 269-22  Applicant Phone Number
int Name		
pplicant agrees to provide staff with writh its conditional use request at least 15 desult in cancellation of the public hear opear in person at the public hearing to	lays prior to the date of the ing. In addition, the appl present the request, otherwi	e public hearing. Failure to ao so maj icant or authorized representative mus ise the case may be dismissed.
ease initial here.	Jacberry fishe,	-Cyahoo.com
FFICE USE ONLY	perry-Fact Rin	con Ranch Rd
se #: 101-1000 Case Title: 12	Receipt Number:	Hearing Date: 4/10/(3
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otification Area:	Sections:	Hearing Date: 4/10/(3
PFFICE USE ONLY  Pase #: 121-13-006 Case Title: 12  Pype: Fee: Solitification Area: 10000 Case Title: 12  Poperial Conditions: 15  Poperial Conditions: 15	Sections:	Hearing Date: $4/0/3$
Coning Approval:	Sections:	Hearing Date: 4/19/13

be accompanied by an additional fee.

\*\* Applicant should consult with Pima County Planning staff to determine the extent to which this requirement applies to the subject property. The Biological Impact Report pertains to expected impacts on endangered and threatened species as identified in the Sonoran Desert Conservation Plan.

Revised 07/16/09

2-9'X20' PARKING AREAS 40" NATURAL "D" -40' NATURAL "D" 30' BUFFERYARD BY -30 BOTTERHARD B BUFFERHARO "A" 30' 40' NATURAL "D". "30 CHTERMAD"B" 30' BUFFERYARO -

#### To whom it may concern:

I made a mistake in the April 10<sup>th</sup> hearing, I was stressing the concerns in my accounting part of the business and didn't make sure that all areas that was licensed were going to be carried over to the Guest House of our property.

We have had the Home Occupational Permit since 1/14/2005 which is for Bookkeeping, Accounting, Permanent Makeup (Spa Services). And we would like to have all of the services brought over to the Conditional Permit to be able to do all of the services in the Guest House.

We would like the Conditional Permit to allow me to perform services that include Bookkeeping, Accounting (done mostly via the internet, also requires some meetings for business planning & then will require a small group to meet), Permanent Makeup (Spa Services), Aesthetics. This is not my primary job, I work full time at American Career Training on Grant/I10. These services I have performed to the Vail Community since 2005 with my Home Occupational Permit. The environment will remain the same as before with the exception of a cleaner and more suitable environment for my services.

Traffic will remain the same and we would not have more than 6 clients per day. However, on rare occasions they may all meet at once for Financial Planning or Car Pooling. We keep a low key activity in the neighborhood and we keep our landscaping clean for a cleaner environment. Our vehicles do not have advertising nor do we have signs. In the month of April we had 2 Permanent Makeup clients, 1 Chemical Peel (Spa Service), and 13 Accounting Tax Returns. The month of May I have 8 Permanent Makeup clients scheduled, 3 Financial Planning Meeting (usually 3 – 5 people attend), 4 Lash Extensions (Aesthetics/Spa Services). This is a typical schedule and as you can see it fluctuates. All of these services fall under our Home Occupation Permit, we are not trying to change anything that we have been doing since 2005 we just would like it upstairs in the Guest House.

Please see our letters attached from the surrounding neighbors. These are the neighbors that are closest to the property, we can provide more if needed.

We look forward to seeing you,

Jacqueline Berry-Fisher

### To Whom It May Concern

My name is Irma Kern, I live at 13560 E. Rincon Ranch Road, Vail, AZ. 85641 for over 12 years and have know Chris and Jackie Fisher since about 2005.

The Fisher's have been very good neighbors during these years and I have no problem with them using the second floor of their building for business purposes.

I wish them well in their endeavors.

Sincerely,

Irma Kern

Jama Kern

May 2, 2013

I IN IE NO OBJECTIONS TO THE
BUSINESS PERMIT AND HAVE AND TO
DEPOSITE ONTH CARDS VERMINE.

J-2-13

13525 E RINGER ROSCHIE VAIL AZ 85641 To whom it may concern:

We, the Edwards Family, have no problems with our neighbors, the Fishers, running a business out of their guest house. Should you need to contact us in regards to this matter please feel free to do so. The Edwards Family 13514 E Rincon Ranch Rd, Vail, Az 85641, you can also contact us by phone at (520) 647-3345.

Sincerely,

The Edwards Family



