



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

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

DATE: February 4, 2015

SUBJECT: P21-14-023 FENSTER RANCH SCHOOL – E. OCOTILLO DR.
(Conditional Use Permit – Type III – Residential Substance Abuse
Diagnostic and Treatment Facility)

The above referenced Conditional Use Permit within your district is scheduled for the Board of Supervisors' **TUESDAY, FEBRUARY 17, 2015** hearing.

REQUEST: Conditional Use Permit – Residential Substance Abuse Diagnostic and Treatment Facility

OWNER: The Fenster School of Southern Arizona
8505 E. Ocotillo Dr.
Tucson, AZ 85750

AGENT: Sabino Recovery Group LLC
c/o Thomas William Pew III of Hecker, PLLC
4436 E. River Oak Tr
Tucson, AZ 85718

DISTRICT: 1

STAFF CONTACT: Tom Drzazgowski

PUBLIC COMMENT TO DATE: As of February 4, 2015, a letter requesting the Planning and Zoning Commission to continue the case was received. In addition, a letter of support has been submitted.

HEARING ADMINISTRATOR RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The site is inside of the Maeveen Marie Behan Conservation Lands System (MMBCLS). The site is classified as Biological Core Management Area with some Important Riparian Area.

TD/ar
Attachments



Board of Supervisors Memorandum

Subject: P21-14-023

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FOR FEBRUARY 17, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Development Services Department-Planning Division

DATE: February 4, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

TYPE III CONDITIONAL USE PERMIT
RESIDENTIAL SUBSTANCE ABUSE DIAGNOSTIC TREATMENT FACILITY

P21-14-023 P21-14-023 FENSTER RANCH SCHOOL – E. OCOTILLO DR.

Request of Sabino Recovery Group LLC, on property located at 8505 E. Ocotillo Dr., in the SR Zone, for a conditional use permit for a Residential Substance Abuse Diagnostic and Treatment Facility, in accordance with Section 18.17.030 of the Pima County Zoning Code as a Type III conditional use permit. On motion, the **Planning and Zoning Commission** voted 9-0, (Commissioner Bain was absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The **Hearing Administrator** recommends **Approval with Conditions**.
(District 1)

Hearing Administrator Hearing (January 28, 2015)

The Planning & Zoning Commission hearing on this case took place on January 28, 2015. At same, the Commission heard the applicant's presentation, the testimony of several nearby property owners and homeowners' association representatives, and queried the applicant/operator and staff on certain particular details and aspects of the application. Issues explored by the Commission included the applicant's experience and qualifications for running such a facility, the make-up of the patient/resident population and the types of disorders and conditions being treated, and various operational and security procedures for the facility, e.g. measures for dealing with a patient/resident that may depart the site and enter adjacent neighborhoods.



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FOR BOARD OF SUPERVISORS FEBRUARY 17, 2015 PUBLIC HEARING

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: January 31, 2015

DOCUMENT: P21-14-023

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Request of Sabino Recovery Group, LLC, on property located at 8505 E. Ocotillo Drive, in the SR Zone, for a conditional use permit for a Residential Substance Abuse and Treatment Facility, in accordance with Section 18.07.030 of the Pima County Zoning Code as a Type III conditional use permit. (District 1)

CASE PARTICULARS

This is a Conditional Use Permit request (Type III) for a **residential substance abuse diagnostic and treatment facility** (named "Sabino Recovery Integrated Health & Wellness") on the campus grounds of the former Fenster School. The facility will involve no expansion of the existing/former school facilities; all activities and operations will utilize the existing buildings and attendant outdoor spaces (athletic fields, trails, etc.). The applicant does, however, propose major renovations and remodeling of many of the buildings, together with a significant investment in new outdoor landscaping, pedestrian spaces, and upgrades to the existing athletic facilities. The project intent is to create a luxury environment more akin to a resort/spa hotel than a conventional treatment facility. Per the applicant's materials, the maximum resident population is fifty-five (55) guests; all such guest stays will be on a 35-day treatment cycle.

SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING

The Planning & Zoning Commission hearing on this case took place on January 28, 2015. At same, the Commission heard the applicant's presentation, the testimony of several nearby property owners and homeowners association representatives, and queried the applicant/operator and staff on certain particular details and aspects of the application. Issues explored by the

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Commission included the applicant's experience and qualifications for running such a facility, the make-up of the patient/resident population and the types of disorders and conditions being treated, and various operational and security procedures for the facility, e.g. measures for dealing with a patient/resident that may depart the site and enter adjacent neighborhoods.

After a lengthy discussion of all of the above and closing the public hearing, the Commission voted 9-0 (motion by Poulos, seconded by Johns; Commissioner Bain being absent) to recommend APPROVAL of this CUP request to the Board of Supervisors, subject to the Hearing Administrator's standard and special conditions, as amended and modified by the Commission to result in the following:

Standard Conditions

1. Minimum site size: ten (10) acres.
2. Minimum setback: one hundred feet (100') from any property boundary.
3. Maximum lot coverage by structures: fifteen percent (15%).
4. Maximum number of patient rooms: seventy-five (75).

Special Conditions

1. This conditional use permit approval is for a residential substance abuse diagnostic and treatment facility only, together with all of its customary related activities (food service, administration, etc.). No other non-residential or commercial uses other than the above are authorized or implied. The existing rental single-family residences at the southwest corner of the property will not be part of the facility nor any of its operations or activities.
2. The maximum resident/patient population on-site at any given time is limited to fifty-five (55) individuals.
3. The facility's resident/patient population and its operations will be in substantial conformance with the submitted application package, same being specifically titled, "Sabino Recovery Group, LLC, Pima County Conditional Use Permit Application, Property: 8505 E. Ocotillo Drive".
4. This conditional use permit approval is subject to, and dependent upon, the operator securing all applicable state-required licenses for the facility.
5. Given that the project will utilize the existing structures on the property and proposes no expansion of same or any new buildings, a full Development Plan is not required. However, in lieu of same, the applicant shall submit a detailed Site Plan, containing all necessary calculations for parking, loading, etc. and a designation of the specific uses of each building (e.g. patient/resident rooms, meeting rooms, administration, cafeteria, etc.). The Site Plan shall be submitted directly to the Deputy Chief Zoning Inspector, who will review it, provide comments, and work with the applicant to finalize the Site Plan as a document of record for this conditional use permit request.

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6. In conjunction with the above Site Plan submittal, the applicant shall submit a traffic statement that is prepared, signed and sealed by a registered traffic engineer, which: 1) shall document the anticipated traffic volume and characteristics of the proposed facility at full staffing and full resident/patient occupancy; and 2) shall compare its traffic characteristics to those of the prior Fenster School when it was operating at its full capacity of one hundred fifty (150) students.
7. In accordance with Zoning Code requirements attendant to designated public trails, the property owner shall construct and dedicate a 15-foot easement for Trail #45 (Sabino Creek) through the subject property, as shown on the *Pima Regional Trail System Master Plan*. This easement may be sited within the 100-foot setback area (on assessors parcel 114-09-0020) or in an alternative location as agreed upon by the property owner and by the staff of Pima County Natural Resources, Parks and Recreation.
8. The easement described in Item #7 above shall be labeled as a “Public Non-Motorized Trail Easement” and shall be shown on the Site Plan of record described in Item #5 above. A legal description for the easement and an accompanying location map shall be provided by the applicant in conjunction with the Site Plan. The easement verbiage will include, but not limited to, a description of the material to be used for the pathways and the responsible parties for the construction and maintenance the easement.
9. In accordance with Title 16.36.090 (Subdivisions & Development) of the Pima County Floodplain Management Ordinance, and due to the magnitude of its 100-year flow volume, the Sabino Creek regulatory floodplain and floodway shall be dedicated in fee to the Pima County Regional Flood Control District or, at a minimum, a public easement shall be granted for same. This dedication or easement shall be delineated on the Site Plan of record described in Item #5 above.
10. The applicant is also advised that some of the on-site structures (e.g. those within the erosion hazard setback of Sabino Creek) may not be in compliance with the current Floodplain Management Ordinance (FMO), but are currently classified as legal non-conforming uses. Further improvements or modifications to legal non-conforming uses may be limited until such time that they are brought into full compliance with the FMO.

HEARING ADMINISTRATOR’S CONSIDERATIONS

This is a request for a new **residential substance abuse diagnostic and treatment facility** (named “Sabino Recovery Integrated Health & Wellness”) on the campus grounds of the former Fenster School. The project intent is to create a luxury environment more akin to a resort/spa hotel than a conventional treatment facility. To meet this objective, comprehensive remodeling and renovation of most of the existing buildings will be completed, together with a substantial investment in outdoor landscaping, pedestrian spaces, and athletic facilities.

Resident Population Considerations

Residential substance abuse diagnostic and treatment facilities often raise concerns amongst nearby property owners; this stems from the fact that such facilities, by their very nature, focus on serving a population that possesses a variety of personal, mental, and/or emotional disorders.

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In the eyes of many, such a population brings the potential for incidents and impacts of a negative nature to surrounding properties and their residents. With this particular proposed treatment facility, it is important to note the following per the applicant's submitted materials:

- The facility will not accept any court-ordered individuals,
- The facility will not accept any individual with a history of violence,
- The facility will not accept any individual with active suicidal ideation,
- The facility will not accept any individual with a long-term or repeated history of psychiatric admissions.

With the above in mind, the facility's intended treatment population is comprised of individuals suffering from depression, anxiety traumatic grief, PTSD, intimacy and relationship disorders, financial disorders, panic disorders, addictions and co-occurring disorders. This population would seem to be one that: 1) will significantly benefit from the peace, quiet, and natural beauty that this property offers; and 2) will co-exist well with the established residential subdivisions in the area and result in negligible impact on these residential neighbors.

Comprehensive Plan Considerations

The Pima County Comprehensive Plan designates this property as *Low Intensity Urban (LIU)*, the purpose of which is "to designate areas for a mix of low-density housing types and other compatible uses." The former Fenster School operated for many years on the subject property and co-existed well within the surrounding residential context and the adjacent Sabino Canyon Recreation Area and Coronado National Forest to the immediate north. The proposed Sabino Recovery Integrated Health & Wellness facility represents a significant reduction in overall impact compared to the Fenster School, especially when it was operating at its former 150-student capacity. This reduction in impact is most notably found in the realm of traffic, due to the fact that the incoming and outgoing vehicle trips will be almost entirely confined to the facility's professional staff. The former daily student-population traffic will be wholly eliminated.

In consideration of all of the above, the establishment and operation of a **residential substance abuse diagnostic and treatment facility** on the subject site is not viewed as being in conflict with the Comprehensive Plan. That being said, it is the Hearing Administrator's position that the facility must be conditioned accordingly so as to properly recognize and protect the existing single-family residential context of the property and the public preserve to the immediate north.

Zoning and Surrounding Land Use Considerations

The subject parcel is zoned SR. Adjacent to the north is the Sabino Canyon Recreation Area (Coronado National Forest) zoned IR (Institutional Reserve). To the west, south, and southeast (on the opposite side of Sabino Creek) are developed single-family residential subdivisions

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zoned CR-1. It is the Hearing Administrator's position that the proposed facility can peacefully co-exist within this established context, but that special conditions are warranted to insure that its operation proceeds in a way that is proper and respectful toward its neighbors.

Neighborhood/Public Outreach by the Applicant

The applicant held an open house and neighborhood meeting on January 12, 2015, to which all property owners within 1000' were invited. The applicant has submitted a meeting summary that describes the various issues and questions raised by the 60-80 individuals who attended the meeting, along with the responses and answers provided to the audience by one of the principals of the Sabino Recovery group. A copy of the applicant's summary is included in the P&Z packet for this item. The issues raised by the audience included the nature of the resident/patient population being introduced into their neighborhood, potential traffic impacts, noise concerns, and potential negative impacts on residential property values.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property and after considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator found the proposed **residential substance abuse and treatment facility** to be an acceptable use on the subject property and within the surrounding context.

It was therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit, subject to the following Standard and Special Conditions (which were later modified by the P&Z at hearing):

Standard Conditions

1. Minimum site size: ten (10) acres.
2. Minimum setback: one hundred feet (100') from any property boundary.
3. Maximum lot coverage by structures: fifteen percent (15%).
4. Maximum number of patient rooms: seventy-five (75).

Special Conditions

1. This conditional use permit approval is for a residential substance abuse diagnostic and treatment facility only, together with all of its customary related activities (food service, administration, etc.). No other non-residential or commercial uses other than the above are authorized or implied.
2. The maximum resident/patient population on-site at any given time is limited to fifty-five (55) individuals.
3. The facility will not accept any patients or residents who are court-ordered individuals, nor any individuals who have a history of violence or are convicted felons.

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4. Given that the project will utilize the existing structures on the property and proposes no expansion of same or any new buildings, a full Development Plan is not required. However, in lieu of same, the applicant shall submit a detailed Site Plan, containing all necessary calculations for parking, loading, etc. and a designation of the specific uses of each building (e.g. patient/resident rooms, meeting rooms, administration, cafeteria, etc.). The Site Plan shall be submitted directly to the Deputy Chief Zoning Inspector, who will review it, provide comments, and work with the applicant to finalize the Site Plan as a document of record for this conditional use permit request.
5. In conjunction with the above Site Plan submittal, the applicant shall submit a traffic statement that is prepared, signed and sealed by a registered traffic engineer, which: 1) shall document the anticipated traffic volume and characteristics of the proposed facility at full staffing and full resident/patient occupancy; and 2) shall compare its traffic characteristics to those of the prior Fenster School when it was operating at its full capacity of one hundred fifty (150) students.
6. In accordance with Zoning Code requirements attendant to designated public trails, the property owner shall construct and dedicate a 15-foot easement for Trail #45 (Sabino Creek) through the subject property, as shown on the *Pima Regional Trail System Master Plan*. This easement may be sited within the 100-foot setback area (on assessors parcel 114-09-0020) or in an alternative location as agreed upon by the property owner and by the staff of Pima County Natural Resources, Parks and Recreation.
7. The easement described in Item #5 above shall be labeled as a “Public Non-Motorized Trail Easement” and shall be shown on the Site Plan of record described in Item #4 above. A legal description for the easement and an accompanying location map shall be provided by the applicant in conjunction with the Site Plan. The easement verbiage will include, but not limited to, a description of the material to be used for the pathways and the responsible parties for the construction and maintenance the easement.
8. In accordance with Title 16.36.090 (Subdivisions & Development) of the Pima County Floodplain Management Ordinance, and due to the magnitude of its 100-year flow volume, the Sabino Creek regulatory floodplain and floodway shall be dedicated in fee to the Pima County Regional Flood Control District or, at a minimum, a public easement shall be granted for same. This dedication or easement shall be delineated on the Site Plan of record described in Item #4 above.
9. The applicant is also advised that some of the on-site structures (e.g. those within the erosion hazard setback of Sabino Creek) may not be in compliance with the current Floodplain Management Ordinance (FMO), but are currently classified as legal non-conforming uses. Further improvements or modifications to legal non-conforming uses may be limited until such time that they are brought into full compliance with the FMO.

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

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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:

- 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 property is subject to the Maeveen Marie Behan Conservation Lands System, this being the Sabino Creek corridor and floodplain which bisects the property and which is designated as an **Important Riparian Area (IRA)**. The remainder of the property is classified as **Biological Core Management Area**. The proposed conditional use permit application meets the prescriptions of the MMB-CLS, in that this designated **IRA & Biological Core Management Area** will not be altered or otherwise impacted by the proposed use, thereby satisfying the minimum thresholds for preservation.

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the 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 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 no new construction on the former Fenster School campus and will utilize only the existing buildings and site improvements for the new Sabino Recovery facility. No new on-the-ground disturbance of existing natural vegetation or other biological resources will occur; only formerly disturbed and landscaped outdoor areas will be impacted by the planned outdoor enhancements and upgrades.

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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:

Cactus Ferruginous Pygmy Owl. This site is located within the Priority Conservation Area (PCA) 1 for this species. The site has a combination of low, medium and high quality habitat for the Cactus Ferruginous Pygmy Owl.

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

Pima Pineapple Cactus. The subject property is located within an area that is outside the known range of 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 outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION RECOMMENDATION

The Department of Transportation will review this project as need be during the permitting or Site Plan review process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
The Fenster School of Southern Arizona, Owner, c/o Mr. Pat Griffin
Sabino Recovery Group, LLC, c/o Thomas Pew, Applicant

NOTICE

PIMA COUNTY BOARD OF SUPERVISORS

PUBLIC HEARING

PUBLIC HEARING WILL BE HELD by the Pima County Board of Supervisors on **Tuesday, February 17, 2015** 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

P21-14-023 FENSTER RANCH SCHOOL – E. OCOTILLO DR. Request of Sabino Recovery Group LLC, on property located at 8505 E. Ocotillo Dr., in the SR Zone, for a conditional use permit for a Residential Substance Abuse Diagnostic and Treatment Facility, in accordance with Section 18.17.030 of the Pima County Zoning Code as a Type III conditional use permit. (District 1)

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 30th DAY OF October , 2014.

TELEPHONE: DEVELOPMENT SERVICES / ZONING ENFORCEMENT 724-6675

**PIMA COUNTY DEVELOPMENT SERVICES REPORT TO THE
PIMA COUNTY PLANNING & ZONING COMMISSION**

CASE: **P21-14-023**
THE FENSTER SCHOOL OF SOUTHERN ARIZONA —
E. OCOTILLO DRIVE

OWNERSHIP: The Fenster School of Southern Arizona
8505 E. Ocotillo Drive
Tucson, AZ 85750

c/o Mr. Pat Griffin, Attorney/Agent for Owner
Haralson, Miller, Pitt, Feldman & McAnally, PC

APPLICANT: Sabino Recovery Group, LLC
c/o Thomas William Pew III of Hecker, PLLC
Attorney for Sabino Recovery Group, LLC
4436 E. River Oak Trail
Tucson, AZ 85218

LOCATION: On the campus of the former Fenster School, located at 8505 E. Ocotillo Drive. Specifically, the applicant proposes utilizing the existing buildings and facilities on the property and will undertake no new construction other than major renovations and remodeling of the existing buildings, together with exterior landscaping, aesthetic, and outdoor space improvements.

REQUEST: This is a Conditional Use Permit request (Type III) for a **residential substance abuse diagnostic and treatment facility** (named “Sabino Recovery Integrated Health & Wellness”) on the campus grounds of the former Fenster School. The facility, as alluded to above, will involve no expansion of the existing/former school facilities; all activities and operations will utilize the existing buildings and attendant outdoor spaces (athletic fields, trails, etc.). The applicant does, however, propose major renovations and remodeling of many of the buildings, together with a significant investment in new outdoor landscaping, pedestrian spaces, and upgrades to the existing athletic facilities. The project intent is to create a luxury environment more akin to a resort/spa hotel than a conventional treatment facility. Per the applicant’s materials, the maximum resident population is fifty-five (55) guests; all such guest stays will be on a 35-day treatment cycle. See the Petitioner’s Statement below for a description of the resident population being served.

PETITIONER’S STATEMENT REGARDING THE TYPE OF USE PROPOSED

“Sabino Recovery will function as a private luxury, residential inpatient behavioral health treatment facility. Treatment will focus on individuals suffering from depression, anxiety, traumatic grief, PTSD, intimacy and relationship disorders, financial disorders, panic disorder, addictions, and co-occurring disorders. See attached information packet for a more detailed

description of Sabino Recovery and its mission. Sabino Recovery will not use any structures that are within 100' of any property line for its business; it will likely continue to rent the residential units located on the southwest corner of the center parcel to residential tenants as Fenster School currently is doing."

PETITIONER'S STATEMENT REGARDING COMPATIBILITY

"The existing Fenster school property and buildings are ideal for this type of work where a quiet, soothing environment is instrumental in working toward patient recovery. Sabino Recovery is committed to being a good neighbor and chose the Fenster school site because of an appreciation for its character. Sabino Recovery's use will not create any noise, light, sound, smell, or other pollution that might disturb surrounding property owners. There will be no changes to the existing building footprints and there will be no new construction; building density and F.A.R. will remain the same. All facilities are substantially set back from neighbors (see site plan) and the use will have virtually no impact on surrounding properties. Sabino Recovery will result in conversion of the property from tax-free to taxable status, raising revenue for area schools and other tax-dependent infrastructure. Finally, Sabino Recovery will create new, well-paying jobs in Pima County."

The petitioner's submittal package provides various supporting materials, including a project narrative, before & after coverage/propagation plots, and a preliminary development plan.

HEARING ADMINISTRATOR'S CONSIDERATIONS

This is a request for a new **residential substance abuse diagnostic and treatment facility** (named "Sabino Recovery Integrated Health & Wellness") on the campus grounds of the former Fenster School. The project intent is to create a luxury environment more akin to a resort/spa hotel than a conventional treatment facility. To meet this objective, comprehensive remodeling and renovation of most of the existing buildings will be completed, together with a substantial investment in outdoor landscaping, pedestrian spaces, and athletic facilities.

Resident Population Considerations

Residential substance abuse diagnostic and treatment facilities often raise concerns amongst nearby property owners; this stems from the fact that such facilities, by their very nature, focus on serving a population that possesses a variety of personal, mental, and/or emotional disorders. In the eyes of many, such a population brings the potential for incidents and impacts of a negative nature to surrounding properties and their residents. With this particular proposed treatment facility, it is important to note the following per the applicant's submitted materials:

- The facility will not accept any court-ordered individuals,
- The facility will not accept any individual with a history of violence,
- The facility will not accept any individual with active suicidal ideation,

- The facility will not accept any individual with a long-term or repeated history of psychiatric admissions.

With the above in mind, the facility's intended treatment population is comprised of individuals suffering from depression, anxiety traumatic grief, PTSD, intimacy and relationship disorders, financial disorders, panic disorders, addictions and co-occurring disorders. This population would seem to be one that: 1) will significantly benefit from the peace, quiet, and natural beauty that this property offers; and 2) will co-exist well with the established residential subdivisions in the area and result in negligible impact on these residential neighbors.

Comprehensive Plan Considerations

The Pima County Comprehensive Plan designates this property as *Low Intensity Urban (LIU)*, the purpose of which is "to designate areas for a mix of low-density housing types and other compatible uses." The former Fenster School operated for many years on the subject property and co-existed well within the surrounding residential context and the adjacent Sabino Canyon Recreation Area and Coronado National Forest to the immediate north. The proposed Sabino Recovery Integrated Health & Wellness facility represents a significant reduction in overall impact compared to the Fenster School, especially when it was operating at its former 150-student capacity. This reduction in impact is most notably found in the realm of traffic, due to the fact that the incoming and outgoing vehicle trips will be almost entirely confined to the facility's professional staff. The former daily student-population traffic will be wholly eliminated.

In consideration of all of the above, the establishment and operation of a **residential substance abuse diagnostic and treatment facility** on the subject site is not viewed as being in conflict with the Comprehensive Plan. That being said, it is the Hearing Administrator's position that the facility must be conditioned accordingly so as to properly recognize and protect the existing single-family residential context of the property and the public preserve to the immediate north.

Zoning and Surrounding Land Use Considerations

The subject parcel is zoned SR. Adjacent to the north is the Sabino Canyon Recreation Area (Coronado National Forest) zoned IR (Institutional Reserve). To the west, south, and southeast (on the opposite side of Sabino Creek) are developed single-family residential subdivisions zoned CR-1. It is the Hearing Administrator's position that the proposed facility can peacefully co-exist within this established context, but that special conditions are warranted to insure that its operation proceeds in a way that is proper and respectful toward its neighbors.

Neighborhood/Public Outreach by the Applicant

The applicant held an open house and neighborhood meeting on January 12, 2015, to which all property owners within 1000' were invited. The applicant has submitted a meeting summary that describes the various issues and questions raised by the 60-80 individuals who attended the meeting, along with the responses and answers provided to the audience by one of the principals of the Sabino Recovery group. A copy of the applicant's summary is included in the P&Z packet for this item. The issues raised by the audience included the nature of the resident/patient

population being introduced into their neighborhood, potential traffic impacts, noise concerns, and potential negative impacts on residential property values.

HEARING ADMINISTRATOR'S RECOMMENDATION

After visiting the subject property and after considering all of the above and reviewing the applicant's submitted materials, the Hearing Administrator finds the proposed **residential substance abuse diagnostic and treatment facility** to be an acceptable use on the subject property and within the surrounding context, as long as appropriate special conditions are implemented to insure its peaceful co-existence with the neighboring properties and uses.

It is therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit subject to the following Standard and Special Conditions:

Standard Conditions

1. Minimum site size: ten (10) acres.
2. Minimum setback: one hundred feet (100') from any property boundary.
3. Maximum lot coverage by structures: fifteen percent (15%).
4. Maximum number of patient rooms: seventy-five (75).

Special Conditions

1. This conditional use permit approval is for a residential substance abuse diagnostic and treatment facility only, together with all of its customary related activities (food service, administration, etc.). No other non-residential or commercial uses other than the above are authorized or implied.
2. The maximum resident/patient population on-site at any given time is limited to fifty-five (55) individuals.
3. The facility will not accept any patients or residents who are court-ordered individuals, nor any individuals who have a history of violence or are convicted felons.
4. Given that the project will utilize the existing structures on the property and proposes no expansion of same or any new buildings, a full Development Plan is not required. However, in lieu of same, the applicant shall submit a detailed Site Plan, containing all necessary calculations for parking, loading, etc. and a designation of the specific uses of each building (e.g. patient/resident rooms, meeting rooms, administration, cafeteria, etc.). The Site Plan shall be submitted directly to the Deputy Chief Zoning Inspector, who will review it, provide comments, and work with the applicant to finalize the Site Plan as a document of record for this conditional use permit request.
5. In conjunction with the above Site Plan submittal, the applicant shall submit a traffic statement that is prepared, signed and sealed by a registered traffic engineer, which: 1) shall document the anticipated traffic volume and characteristics of the proposed facility at full staffing and full resident/patient occupancy; and 2) shall compare its traffic characteristics to those of the prior Fenster School when it was operating at its full capacity of one hundred fifty (150) students.

6. In accordance with Zoning Code requirements attendant to designated public trails, the property owner shall construct and dedicate a 15-foot easement for Trail #45 (Sabino Creek) through the subject property, as shown on the *Pima Regional Trail System Master Plan*. This easement may be sited within the 100-foot setback area (on assessors parcel 114-09-0020) or in an alternative location as agreed upon by the property owner and by the staff of Pima County Natural Resources, Parks and Recreation.
7. The easement described in Item #5 above shall be labeled as a “Public Non-Motorized Trail Easement” and shall be shown on the Site Plan of record described in Item #3 above. A legal description for the easement and an accompanying location map shall be provided by the applicant in conjunction with the Site Plan. The easement verbiage will include, but not limited to, a description of the material to be used for the pathways and the responsible parties for the construction and maintenance the easement.
8. In accordance with Title 16.36.090 (Subdivisions & Development) of the Pima County Floodplain Management Ordinance, and due to the magnitude of its 100-year flow volume, the Sabino Creek regulatory floodplain and floodway shall be dedicated in fee to the Pima County Regional Flood Control District or, at a minimum, a public easement shall be granted for same. This dedication or easement shall be delineated on the Site Plan of record described in Item #3 above.
9. The applicant is also advised that some of the on-site structures (e.g. those within the erosion hazard setback of Sabino Creek) may not be in compliance with the current Floodplain Management Ordinance (FMO), but are currently classified as legal non-conforming uses. Further improvements or modifications to legal non-conforming uses may be limited until such time that they are brought into full compliance with the FMO.

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:

- 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 property is subject to the Maeveen Marie Behan Conservation Lands System, this being the Sabino Creek corridor and floodplain which bisects the property and which is designated as an **Important Riparian Area (IRA)**. The remainder of the property is classified as **Biological Core Management Area**. The proposed conditional use permit application meets the prescriptions of the MMB-CLS, in that this designated **IRA & Biological Core Management Area** will not be altered or otherwise impacted by the proposed use, thereby satisfying the minimum thresholds for preservation.

Biological Impacts Report

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the 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 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 no new construction on the former Fenster School campus and will utilize only the existing buildings and site improvements for the new Sabino Recovery facility. No new on-the-ground disturbance of existing natural vegetation or other biological resources will occur; only formerly disturbed and landscaped outdoor areas will be impacted by the planned outdoor enhancements and upgrades.

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:

Cactus Ferruginous Pygmy Owl. This site is located within the Priority Conservation Area (PCA) 1 for this species. The site has a combination of low, medium and high quality habitat for the Cactus Ferruginous Pygmy Owl.

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

January 15, 2014

Pima Pineapple Cactus. The subject property is located within an area that is outside the known range of 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 outside of the known range for the Needle-Spined Pineapple cactus. It is not within the Priority Conservation Area (PCA) for this species.

DEPT. OF TRANSPORTATION RECOMMENDATION

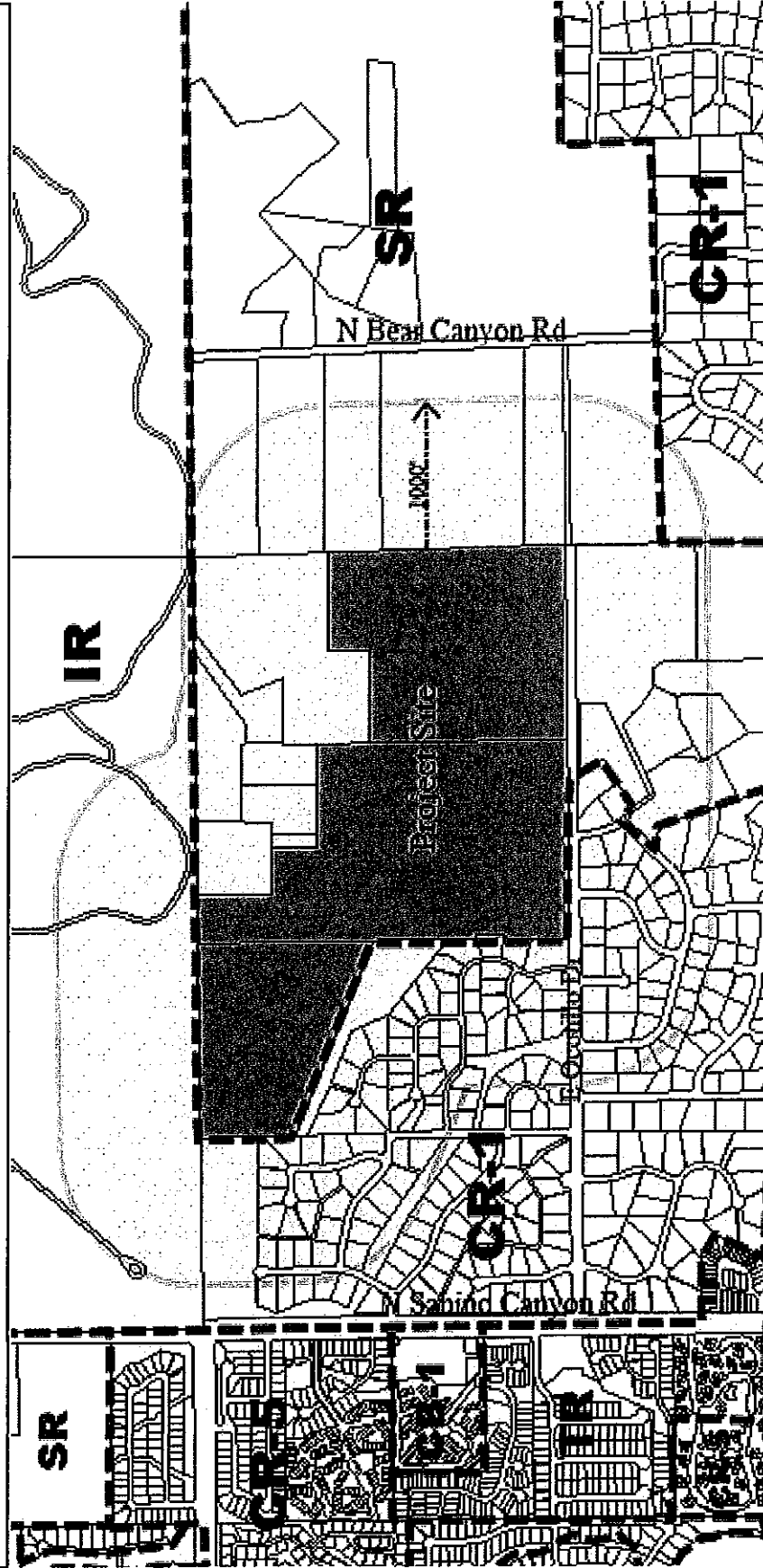
The Department of Transportation will review this project as need be during the permitting or Site Plan review process.

attachments

cc: Carmine DeBonis, Director, Development Services
Yves Khawam, Chief Building Official
Arlan Colton, Planning Official
Carmine DeBonis, Chief Zoning Inspector
The Fenster School of Southern Arizona, Owner, c/o Mr. Pat Griffin
Sabino Recovery Group, LLC, c/o Thomas Pew, Applicant

NOTIFICATION MAP

FENSTER RANCH SCHOOL—E. OCOTILLO DRIVE



LEGEND	
---	Zoning
-----	Notification Area

NOTES			
File no.:	P21-14-023	Tax Code(s):	114-09-002D, -004B; 114-10-230C
Application:	Conditional Use Permit—Type III	Base Map:	49, 50
		Drafter:	A.H.

PLANNING AND ZONING COMMISSION

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Planning and Zoning Commission will hold a hearing on Wednesday, January 28, 2015, at 9:00 a.m. in the Board of Supervisors' Hearing Room, first floor, 130 W. Congress Street, Tucson, Arizona on the following:

P21-14-023 FENSTER RANCH SCHOOL - E. OCOTILLO DR. Request of Sabino Recovery Group LLC, on property located at 8505 E. Ocotillo Dr., in the SR Zone, for a conditional use permit for a Residential Substance Abuse Diagnostic and Treatment Facility, in accordance with Section 18.17.030 of the Pima County Zoning Code as a Type III conditional use permit. (District 1)

There will be additional cases heard at this hearing.

Individuals with disabilities who require accommodations, including auxiliary aids or services, for effective participation and communication in the meeting may call the Planning Division at (520) 724-9000 at least one week prior to the meeting. Our meeting site is wheelchair accessible.

If you have any questions regarding this hearing, you may come to the Zoning Enforcement Division, Public Works Building, 201 N. Stone Avenue, First Floor, Tucson, Arizona, or telephone 724-6675.

Tom Drzazgowski, Deputy Chief Zoning Inspector
Pima County Development Services Department