



Conditional Use Permit Planning and Zoning Commission Staff Report

NAME: Tucson Koi & Water Gardens

CASE NUMBER: OV814-001

MEETING DATE: July 1, 2014

AGENDA ITEM: 3

STAFF CONTACT: Michael Spaeth, Senior Planner
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Applicant: The WLB Group Inc., Paul Oland

Request: Conditional Use Permit to allow a Plant Nursery in Neighborhood Commercial (C-N) Zoning District

Location: East side of Oracle Road approximately ¼ mile south of Magee Road.

Recommendation: Approve with the conditions listed in Attachment 1.

SUMMARY:

The applicant requests a Conditional Use Permit (CUP) to operate a Plant Nursery on two parcels on the east side of Oracle Road approximately, ¼ mile south of Magee Road. The subject property encompasses approximately 2.8 acres and is currently vacant.

The proposed Plant Nursery requires a CUP in a Neighborhood Commercial (C-N) Zoning District. The proposed use consists of a 1,800 sq. ft. nursery showroom, outdoor display gardens with walking paths and shaded seating. The regular business operations of the proposed use include the storage and sales of native plants and the design, sale and construction of custom koi ponds. The proposal is consistent with the Conditional Use Permit Review Criteria, subject to the conditions listed in Attachment 1. The applicant's proposal is included as Attachment 2.

BACKGROUND/DETAILED INFORMATION:

The Existing Land Use, General Plan and Zoning for the property and the surrounding area is summarized below and depicted in Attachments 3 and 4.

Land Use and Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
SUBJECT PROPERTY	Vacant	Neighborhood Commercial/Office	Single-Family Residential (R1-144) and Residential Services (R-S)
NORTH	Plaza Escondido Shopping center	Community/Regional Commercial	Regional Commercial (C-2)
SOUTH	Medical Offices	Neighborhood Commercial/Office	Residential Services (R-S)
EAST	Suffolk Hills Single Family Subdivision	Low Density (0.4 – 1.2 du/ac)	Single-Family Residential R1-36
WEST	Oracle Crossings	Community/Regional Commercial	Regional Commercial (C-2)

Approvals to Date

The subject properties were annexed into the Town in 2003 with translational zoning of R1-144 and R-S.

Request Details

The proposed plant nursery will include a 1,800 sq. ft. nursery showroom, outdoor display gardens, walking paths and shaded seating. The business includes the storage and sale of plants that will be displayed in the outdoor gardens or stored in the two onsite greenhouses. Additionally, the business includes the display of koi ponds as representations of the products that may be designed, sold or constructed. The following bullets outline additional details of this request:

- Maximum building height of 25' or two stories.
- Limited building height of 18' for all structures within 85' of adjacent residential.
- Parking for 18 vehicles.

DISCUSSION/ANALYSIS:

Conditional Use Permit Analysis

The Conditional Use Permit Review Criteria contained in Section 22.5 provide the primary guidance for evaluating CUP's. CUP's may be granted based on consideration of the following criteria shown in italics, followed by staff commentary:

That the granting of such conditional use permit will not be materially detrimental to public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:

Damage or nuisance arising from noise, odor, dust, vibration or illumination;

The proposed nursery operations will not include activities producing odor or dust. The everyday operations may contribute minimally to existing noise or vibration, in the form of loading and trash truck travel. The required refuse enclosure and loading zone will be located approximately 125' and 145', respectively, from the neighboring residential property line. The proposed use will be required to comply with the Town of Oro Valley Outdoor Lighting standards and regulations. The proposed use meets this criteria.

Hazard to persons and property from possible explosion, contamination, fire or flood;

- The proposed use will store small amounts of fertilizer onsite, stored in appropriate containments. The business will require a review and approval from Mountain Vista Fire Department.
- The project will incorporate drainage infrastructure to convey stormwater through the site, maintaining pre-development run-off levels through the use of detention basins.
- The proposed use meets this criteria.

Hazard occasioned by unusual volume or character of traffic.

The Traffic Impact Analysis for the site has been reviewed by the Town's engineers, who do not anticipate traffic to be an issue. With a single access point from Oracle Road, this type of land use is not anticipated to generate unusual volumes or character of traffic. Loading and trash truck traffic may have difficulty navigating the restricted parking areas and a condition has been added in Attachment 1 to address this issue.

That the characteristics of the use proposed in such use permit are reasonably compatible with types of uses permitted in the surrounding area.

The proposed Plant Nursery will serve as an appropriate land use transition between the less intensive residential uses to the east and the more intensive commercial uses to the north and west. The limited building footprint proposed for the nursery reduces the impact on surrounding areas.

The nursery showroom is located on the western portion of the site, away from the existing residential. The less intensive greenhouses are located nearer to the adjacent residential. All structures located within eighty-five (85') feet of adjacent residential are limited to a maximum building height of eighteen (18') feet. The building height restriction further ensures the development will be at a residential scale and compatible with the adjoining residential use.

The proposed Landscape Plan incorporates all required bufferyards. Additionally, the applicant has incorporated additional landscaping along the eastern property line, closest in proximity to the adjacent residential. The residential uses to the east of the property are further buffered by an existing twenty (20') foot utility easement.

Zoning Code Analysis

The subject property is bisected by a wash designated as Critical Resource Area (CRA) on the Town's Environmentally Sensitive Lands Planning Map. The Environmentally Sensitive Lands Ordinance (Section 27.10) requires a minimum setback from Critical Resource Area of twenty (20') feet for all buildings. The proposed location of the plant nursery showroom does not meet this requirement. A condition of approval has been added in Attachment "1" to address the issue. The remainder of the subject property not categorized as CRA is mapped as Developed Areas, which requires no ESOS conservation

The proposed Plant Nursery will be reviewed for full conformance with all applicable provisions of the Zoning Code during the site plan review process, including screening, landscaping and bufferyards, architecture and public art.

Water Features

The Town of Oro Valley Zoning Code Landscape Conservation section specifically prohibits:

"The use of water for ornamental purposes, such as water fountains, as a component of landscaping..." (Section 27.6.D.5)

The applicant has stated the proposed use of water in the display gardens is intended to serve demonstration purposes as products or services that may be provided. The use of water is not for ornamental purposes and thus is not in conflict with the Zoning Code prohibition on water features.

Customers who purchase such water features are restricted to rear and side yard placement on residential lots, per Table 27-13.

Engineering

The proposed conditional use permit site analysis acknowledges that the development will be designed so that post-developed drainage conditions are consistent with pre-developed conditions in accordance with Town requirements. In addition, the drainage system designed for the development shall be designed per the Town's Drainage Criteria Manual and Floodplain Ordinance to ensure among other requirements that all habitable structures adjacent to washes will be protected from flooding and erosion.

The proposed use will generate a very low volume of traffic and will not create a hazard occasioned by unusual volume or character of traffic. Oracle Road, which provides access to

this development carries a high volume of average daily traffic. The anticipated volume of traffic generated by this development is minute compared to the volume of traffic on Oracle Road and will not have a noticeable impact on the surrounding roadway network. Trash collection and delivery vehicles may have difficulty maneuvering through the parking lot as proposed. A condition has been added in Attachment 1 to address this issue.

PUBLIC PARTICIPATION:

Summary of Public Notice

Notice to the public was provided consistent with Town-adopted noticing procedures, which includes the following:

- Letter to all property owners within 600 feet
- Posting at Town Hall
- All registered HOAs

Neighborhood Meetings

A neighborhood meeting was held on December 18, 2013 with approximately 3 residents and interested parties in attendance. Notable discussion topics included neighborhood buffers, traffic, building height, hours of operation and potential nuisances. A copy of the neighborhood meeting summary has been included as Attachment 5.

Staff has received one (1) email in support of the project which has been included as Attachment 6.

RECOMMENDATION:

Based on the following findings:

- The proposed use will not be materially detrimental to the public health, safety or welfare and is consistent with the Conditional Use Permit Review Criteria.
- The proposed use will serve as an appropriate land use buffer between the more intensive uses to the north and west, and the less intensive uses to the south and east.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend approval to the Town Council of the requested Conditional Use Permit OV814-001, subject to the conditions on Attachment 1.

SUGGESTED MOTIONS:

I move to recommend approval of the Conditional Use Permit for the Tucson Koi & Water Gardens, based on the findings that the proposed is consistent with the Conditional Use Permit Review Criteria.

OR

I move to recommend denial of the Conditional Use Permit for the Tucson Koi & Water Gardens finding that _____.

ATTACHMENTS:

1. Conditions of Approval
2. Applicant's Proposal
3. General Plan Land Use Map
4. Zoning Map
5. Neighborhood Meeting Summary
6. Resident Communication

Bayer Vella, Interim Planning Manager