



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 2/7/2023

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD REZONING

***Introduction/Background:**

The applicant requests a rezoning of approximately 1.59 acres from the RH (Rural Homestead) to the CB-2 (General Business) zone for a 8,400 square-foot indoor furniture and retail area and a 21,700 square-foot outdoor display and sales area for a Mexican Garden Pottery business.

***Discussion:**

The under-sized property does not conform to it's current RH zoning. The indoor furniture and retail store with an outdoor display and sales area of pottery are compatible and appropriate uses given the site's location adjacent to the Union Pacific Railroad and along the major Colossal Cave Road corridor.

***Conclusion:**

The proposed rezoning conforms to the site's Neighborhood Activity Center Comprehensive Plan land use designation.

***Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning subject to standard and special conditions.

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature: _____

Date: _____

1/13/23

Deputy County Administrator Signature: _____

Date: _____

1/13/2023

County Administrator Signature: _____

Date: _____

1/14/2023



TO: Honorable Steve Christy, Supervisor, District 4

FROM: Chris Poirier, Deputy Director *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division

DATE: January 17, 2023

SUBJECT: P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD
REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, February 7, 2023** hearing.

REQUEST: For a **rezoning** of approximately 1.59 acres (parcel code 305-13-054D) from the RH (Rural Homestead) to the CB-2 (General Business) zone located southwest of the Union Pacific Railroad and Colossal Cave Road, addressed as **13185 E. Colossal Cave Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center.

OWNERS: Lopez Family TR, et al.
Attn: Neil Kleinman
PO Box 27546
Tucson, AZ 85726-7546

AGENT: The Planning Center
Attn: Chris Laria
2 E. Congress, Suite 600
Tucson, AZ 85701

DISTRICT: 4

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

PUBLIC COMMENT TO DATE: As of January 17, 2023, staff has not received any written public comment.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL** 8-0 (Commissioners Becker and Maese were absent)

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/TT/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P22RZ00009

Page 1 of 3

FOR FEBRUARY 7, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director  Tom Drargowski
Public Works-Development Services Department-Planning Division
DATE: January 17, 2023

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD REZONING

Lopez Family TR, et al., represented by The Planning Center, request a **rezoning** of approximately 1.59 acres (parcel code 305-13-054D) from the RH (Rural Homestead) to the CB-2 (General Business) zone located southwest of the Union Pacific Railroad and Colossal Cave Road, addressed as **13185 E. Colossal Cave Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL 8 – 0**; (Commissioners Becker and Maese were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 4)

Planning and Zoning Commission Public Hearing Summary (November 30, 2022)

The public hearing was held virtually. Some commissioners were virtual while others attended through the telephonic option. Staff and the applicant attended and presented virtually.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner questioned whether the access driveway would be limited to right-in and right-out. Staff replied that the proposed location of the driveway would be limited to the right-in, right-out access, but at the time of development permitting, the applicant will have the opportunity to design the driveway for full access. A commissioner further questioned whether it was the median that was the deciding factor for the right-in, right-out access. Staff replied that there are several potential conflicts; a drainage easement and the doubled striped railroad approach, which may be resolved with surveyed boundaries and additional engineering information.

The applicant further discussed the merits of the project.

A commissioner questioned whether the applicant had reached out to the Circle K property to the south about a potential shared access. The applicant replied that the property is for sale and Circle K is concerned about the ability to sell the property with encumbrances.

The hearing was opened to the public. There was no one from the public to speak and the public hearing was closed.

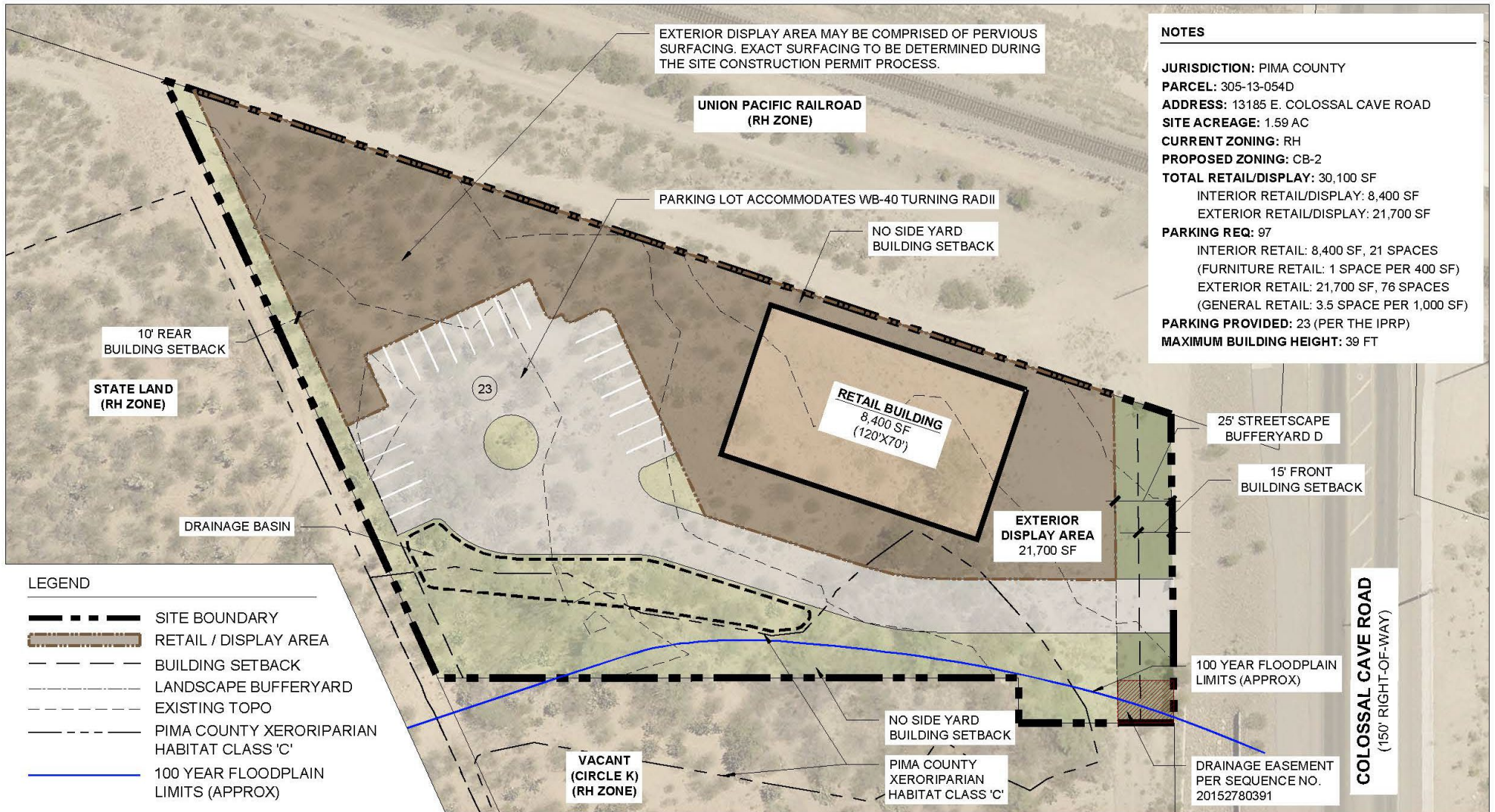
Commissioner Gungle made a motion to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**; Commissioner Cook gave second.

The commission voted to recommend **APPROVAL** of the rezoning 8 - 0 (Commissioners Becker and Maese were absent).

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

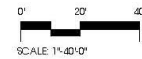
1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The location of the access point shall be determined at the time of development plan submittal and is subject to the Department of Transportation approval. The driveway shall be restricted to right-in and right-out movements unless the applicant can demonstrate that a full access driveway can be designed and constructed to Pima County standards.
 - B. The proposed development shall design the driveway, handicap access ramps, and connection to the asphalt trail in the same manner built for the adjacent properties as depicted on capital improvement plan 4TRCCS.
3. Regional Flood Control District conditions:
 - A. Disturbance of Regulated Riparian Habitat will be mitigated with like density to the habitat disturbed. The mitigation plantings shall be located within and surrounding the disturbance caused by construction of the detention basin.
 - B. First Flush retention shall be provided in Low Impact Development practices distributed throughout the site, and shall provide a minimum 9" depressed area for stormwater harvesting to supplement irrigation in the landscape buffers.
 - C. The outdoor exterior display areas shall use pervious treatments described in Chapter 5 of the Design Standards for Stormwater Detention and Retention or of similar and comparable replacement.
 - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona

Exhibit II.B.1: Preliminary Development Plan



MEXICAN GARDEN POTTERY REZONING

PROJECT: MCS-01 DATE: 10.14.22
 FILE NAME: MCS-01-SF 10.5.22.DWG

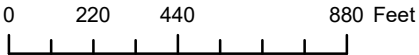


Case #: P22RZ00009



Case Name: LOPEZ FAMILY TR, ET AL. - E. COLOSSAL CAVE ROAD REZONING

Tax Code(s): 305-13-054D

AERIAL EXHIBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Map Scale: 1:6,000	Map Date: 10/31/2022 - ds	

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING November 30, 2022

DISTRICT 4

CASE P22RZ00009 Lopez Family TR, et al.- E. Colossal Cave Road Rezoning

REQUEST Rezone 1.59 acres from RH (Rural Homestead) to the CB-2 (General Business) zone

OWNER Lopez Family TR, et al.
Attn: Neil Kleinman
PO Box 27546
Tucson, AZ 85726-7546

APPLICANT The Planning Center
Attn: Chris Laria
2 E. Congress, Suite 600
Tucson, AZ 85701



APPLICANT'S PROPOSED USE

The subject 1.59-acre property, addressed as 13185 E. Colossal Cave Road, plans for an 8,400 square-foot indoor furniture and retail area and a 21,700 square-foot outdoor display and sales area for a Mexican Garden Pottery business.

APPLICANT'S STATED REASON

“The purpose is to add a second location for the Mexican Garden Pottery business, which is currently located at N. Oracle Road and W. Laguna Street in midtown Tucson. This new location will allow the company to add Mexican furniture to its repertoire of goods and expands its business to serve the Vail region. The rezoning is located on a commercial corridor with no similar business. With a growing population in the Vail area, this expansion gives property owners, renters, and tourists the ability to furnish their homes with furniture and pottery and buy mementos that are representative of the Southern Arizona’s cultural heritage.”

STAFF REPORT SUMMARY

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CB-2 (General Business) zone for an indoor furniture and retail store with an outdoor display and sales area of pottery which are compatible and appropriate uses given the subject site’s location adjacent to the Union Pacific Railroad and along the major Colossal Cave Road corridor. The proposal is an efficient use of existing infrastructure and conforms to its Neighborhood Activity Center comprehensive plan land use designation.

PUBLIC COMMENT

As of the writing of this staff report, staff has not received any public comments.

Published and mailed notice of the proposal along with the website posting of staff's report will occur a minimum of fifteen days prior to public hearing. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

COMPREHENSIVE PLAN

The comprehensive plan land use designates the property as Neighborhood Activity Center (NAC). NAC designates lower intensity mixed-use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs, providing direct pedestrian and bicycle access to the surrounding neighborhoods. NAC provides lower-intensity commercial services and does not have to be a mixed-use project but should demonstrate how the project serves to enhance the mixed-use character of the NAC as a whole. The NAC designation is furthered by the provision of a use that enhances our southwestern cultural heritage and is different than the existing post office and restaurant to the south and the cohesive development to the southeast with restaurants, retail sales, professional office and services, self-storage, banking and a convenience store with a gasoline filling station. Access for bicycle and pedestrian connectivity exists within the Colossal Cave Road trail adjacent to the subject property.

There are no special area or rezoning policies applicable to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	RH/CB-2	Union Pacific Railroad/Vail Unified School District
South:	RH/CB1 & CB-2	Vacant/Vail Post Office/Commercial Center
East:	CB-1/CI-1 & RH	Vacant/Saint Rita Catholic Parish
West:	RH	Arizona State Land

The subject property lies along the major Colossal Cave Road thoroughfare, which is characterized as a rapidly growing area with a mix of commercial uses concentrated around the proximity of the subject property and spanning north to Mary Ann Cleveland Way where Old Vail Middle School, anchor grocery and retail strip services are located. Higher-density residential uses have been platted and are under development northwest of the subject property adjacent to the Union Pacific Railroad. An elementary school and higher-density residential uses are approximately one-quarter of a mile south of the subject property. The Vail Post office is approximately 400 feet south of the subject property and across the street from the post office lies the aforementioned commercial complex with restaurants, retail sales, professional office and services, self-storage, banking and a convenience store with a gasoline filling station.

PREVIOUS REZONING CASES ON PROPERTY

There has been no previous rezoning case for the subject site.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity: There has been no recent activity near the subject property.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original RH (Rural Homestead) zone to the Vail Valley Ranch Specific Plan north of the subject property for residential and commercial uses. Additional rezonings southeast of the subject property were rezoned from the original GR (Rural Residential) zone to CI-2 (General Industrial) zone in the 1980's. South of the subject property, a rezoning from the GR zone to the CHMH-1

(County Manufactured and Mobile Home) zone was approved in 1982. There is a considerable amount of State Lands adjacent to and further west and south of the subject property with original RH zoning.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff supports the request because the proposed use adjacent to the Union Pacific Railroad and Colossal Cave Major Street and Route is a compatible use, conforms to the NAC comprehensive plan land use designation and is an efficient use of existing infrastructure.

The proposed 8,400 square-foot furniture and retail building with a 21,700 square-foot outdoor pottery display area is suitable in its locale. The noise generated from the railroad track lends itself to be more compatible with commercial uses that have limited hours of operation rather than residential uses impacted throughout the day and night.

The property is relatively flat and the elevation of the property is significantly lower than the adjacent roadway grade. Access to the property will be via a built-up driveway containing fill areas of 5 feet or more to connect to the Colossal Cave Road, Major, Scenic Route thoroughfare. Any structure within 200 feet of a Scenic Route is required to be earthtone in color and may not exceed 24 feet in height unless a 20% clear view corridor is provided, which appears to be met and will be demonstrated during development permitting.

Multi-modal forms of transportation along the Colossal Cave Road corridor exist with striped bicycle lanes on both sides of the street and sidewalk connectivity on the east side of the street along with the existing multi-use single-track path Wentworth Path (P041), on the west side of Colossal Cave Road located within the right-of-way.

The preliminary development plan demonstrates 23 parking spaces based upon an Individual Parking Reduction Plan (IPRP) which assesses parking demand. The Pima County Zoning Code parking table requires 96 parking spaces based upon the square footage of the retail building and outdoor sales areas but the Zoning Code allows for a traffic engineer to reduce the parking requirements through an IPRP. The proposal includes utilizing pervious surface treatments within the parking area and outdoor display area. With the global impact of heat islands created in part by paved access and parking areas, staff is supportive of the reduced parking and alternative surface treatments. A modification of transportation standards may be required at the time of permitting for the alternative surface treatment. Rezoning condition #7 will ensure that the approved uses covered by the reduction will be implemented in perpetuity in the event of a proposed change of use.

Vegetative qualities of the site are comprised of creosote bush, with a mix of palo verde and mesquite trees, located closer to the southern boundary where the Xeroriparian "C" habitat exists. The property contains no saguaros nor ironwoods. The riparian habitat will be mostly undisturbed and retained as natural open space with the exception of minor encroachment for the exterior display and driveway as demonstrated within the preliminary development plan. The southwest border of the property contains a Flood Control Resource Area for the Julian Wash floodplain. A retention/detention basin is proposed for the conveyance of on-site stormwater and the Julian Wash near the southwestern portion of the property. A 25-foot front bufferyard will be installed adjacent to the Colossal Cave Road right-of-way utilizing transplanted species where possible. No other bufferyards are required.

Architectural features will be employed similar to the surrounding area and pay homage to the history of Vail. The applicant has reached out to the Vail Preservation Society to ensure that the proposal will not detract from the visual aesthetic of the area.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	N/A	
PARKS AND RECREATION	Yes	No objection, subject to conditions.
WATER	Yes	Vail Water “will serve” letter in site analysis.
SCHOOLS	N/A	
ENVIRONMENTAL QUALITY	Yes	No comment, Property will be serviced by Septic

TRANSPORTATION REPORT

Colossal Cave Road is a paved two-lane roadway with a two-way left-turn lane and paved shoulders. Colossal Cave Road is maintained by the County and has a posted speed limit of 35 miles per hour (mph) adjacent to the site. The existing right-of-way width of Colossal Cave Road at the project location is 150 feet. Colossal Cave Road is a Major Scenic Route and it is classified as an Urban Major Collector by its federal functional classification. The most recent traffic count for Colossal Cave Road is 11,430 average daily trips (ADT), with an approximate traffic capacity of 12,635 ADT.

Access to the site is proposed on Colossal Cave Road. Colossal Cave Road was improved in 2017 per capital improvement plan 4TRCCS. Improvements to Colossal Cave Road included the construction of an asphalt multi-use path along the west side of the road, adjacent property driveways with concrete access ramps and detectable warning strips. The proposed development shall design the driveway, handicap access ramps, and connection to the asphalt trail in the same manner built for the adjacent properties as depicted on capital improvement plan 4TRCCS.

The traffic memorandum provided with this rezoning request indicates that the access to the site will be a full access driveway but a full access driveway may not be allowed due to its proximity to the railroad and the existing double yellow striping at the end of the two-way left-turn lane. Without dimensions and engineering done, the location of the driveway appears to be adjacent to the end of the two-way left-turn lane area that is double striped and will not allow movements across it for northbound left turns from the site. Furthermore, the existence of a drainage easement at the southern corner of the property on Colossal Cave Road, and culvert crossing and headwall in that area may not allow the driveway to be re-located outside of the double yellow striping and within the two-way left-turn lane. Due to the constraints, the access driveway shall be limited to right-in and right-out movements unless the functionality of a full access driveway is demonstrated by the applicant at time of permitting.

Per the traffic memorandum, the proposed Pottery Store is expected to generate approximately 190 weekday and 210 Saturday average daily trips. Given that Colossal Cave is under capacity, there are no Pima County Concurrency concerns.

The Department of Transportation supports approval of the proposed rezoning subject to the addition of rezoning conditions #2A-B.

FLOOD CONTROL REPORT

Regional Flood Control District has the following comments:

1. This property is impacted by Flood Control Resource Area (FCRA) located along the south boundary of the project. The FCRA is comprised of Regulated Riparian Habitat (RRH) classified as Xeroriparian Class C Habitat. When possible, avoidance of the FCRA is a primary goal of the policy outlined in the Pima County Comprehensive Plan Initiative Pima Prospers. The project footprint encroaches into the FCRA. Exhibit II.C.1, the Conceptual Grading Plan, shows the drainage basin adjacent to the parking area and outside of the floodplain although construction will disturb RRH. A condition of the rezoning will be to mitigate and replace the disturbed density of RRH.
2. This property is not impacted by a Federal Emergency Management Agency Special Flood Hazard Area or a District mapped local floodplain.
3. An existing 8-barrel Reinforced Concrete Box Culvert (RBCB) is located off-site to the south. The flow exiting the RBCB is 308 cubic feet per second (cfs). The north boundary of the off-site floodplain and the associated erosion hazard setback (EHS) impact the project site. The Existing Hydrology Exhibit I.C.1 and the Preliminary Development Plan (PDP) show the approximate floodplain boundary. The District requested that the applicant show the erosion hazard setback boundary in the Site Analysis and accepts that the EHS will be determined at the time of permitting.
4. The on-site drainage flows from northeast to the southwest corner of the property. The Conceptual Grading Plan and PDP have been revised to show the detention basin at the southwest corner of the project downstream of project improvements and not within the floodplain. The Site Analysis narrative, Section 3 Proposed Hydrology, was not updated to state the detention basin has been relocated to the southwest corner of the property.
5. First Flush retention is a requirement. The Site Analysis Section D. Hydrology, Section 3 Proposed Hydrology and the PDP do not indicate this requirement will be incorporated into the project. The District requested the Site Analysis and the PDP to be revised to demonstrate that First Flush retention will be distributed throughout the site. A condition of the rezoning will be to provide First Flush retention in basins distributed throughout the site.
6. District requested concept flow patterns to demonstrate that impervious surfaces, including buildings and parking, will drain to proposed detention and First Flush retention basins. The flow patterns were not provided on the PDP. The PDP was revised to state the surface

treatment for the Exterior Display Area “may” be comprised of pervious surfacing. Since the volume of detention and retention is based on the amount of proposed impervious surface, a condition of rezoning will be that the outdoor exterior display area will use pervious surface treatments.

7. The property’s street frontage is impacted by an offsite drainage easement recorded in 2015. A small part of the drainage easement impacts the southeast corner of the property. The PDP shows the easement within the property is not impacted by the project footprint.
8. This site has an assured water supply by Vail Water Company. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B (commercial) such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures. The Site Analysis provides a copy of Table B and the selected measures. A condition of rezoning will be compliance with the Water Policy of the Comprehensive Plan.

The District has no objection subject to recommended conditions #3A-D.

WASTEWATER RECLAMATION REPORT

The Regional Wastewater Reclamation District has no comment. The subject property will be served by septic.

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT

Environmental Quality has no comment.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this request subject to the addition of condition #4.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #5.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

VAIL WATER COMPANY REPORT

The Vail Water Company has no comment. A will-serve letter is contained within the site analysis.

RINCON VALLEY FIRE DISTRICT REPORT

Rincon Valley Fire District has no comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

2. Transportation conditions:
 - A. The location of the access point shall be determined at the time of development plan submittal and is subject to the Department of Transportation approval. The driveway shall be restricted to right-in and right-out movements unless the applicant can demonstrate that a full access driveway can be designed and constructed to Pima County standards.
 - B. The proposed development shall design the driveway, handicap access ramps, and connection to the asphalt trail in the same manner built for the adjacent properties as depicted on capital improvement plan 4TRCCS.
3. Regional Flood Control District conditions:
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 - C. The outdoor exterior display areas shall use pervious treatments described in Chapter 5 of the Design Standards for Stormwater Detention and Retention or of similar and comparable replacement.
 - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State
6. Adherence to preliminary development plan approved at public hearing.
7. Any change of use shall meet the on-site parking requirements of the Pima County Zoning Code.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may

be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).”

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Terrill L. Tillman", with a long horizontal flourish extending to the right.






Terrill L. Tillman, AICP
Principal Planner

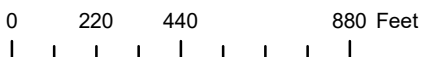
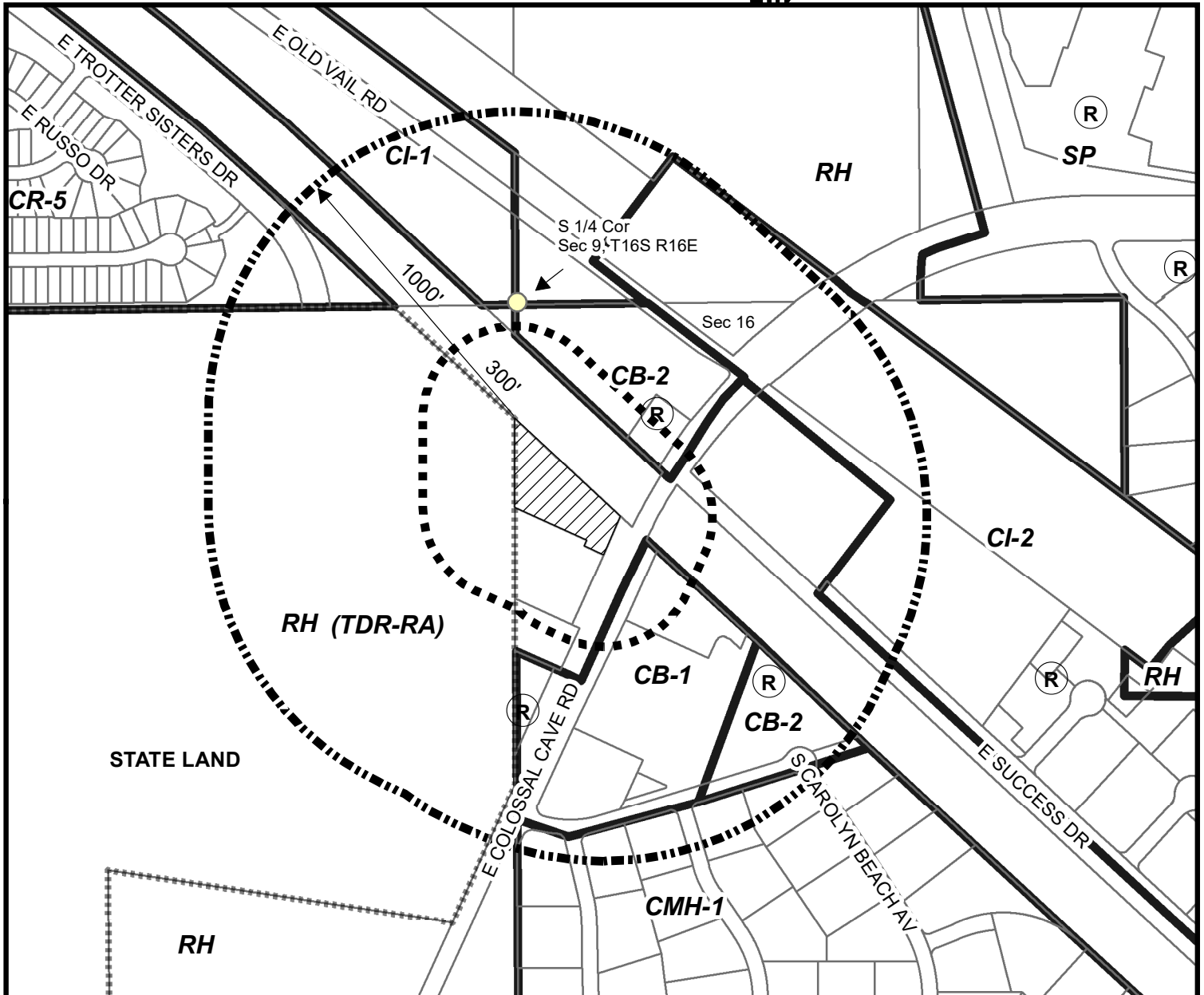
c: Chris Laria

Case #: P22RZ00009

Case Name: LOPEZ FAMILY TR, ET AL. - E. COLOSSAL CAVE ROAD REZONING

Tax Code(s): 305-13-054D

 Subject Property
  Zoning Boundary
 300' Notification Area
  Transfer of Development Rights
 1000' Notification Area



Area of proposed rezoning from RH to CB-2 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes:	
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10	
Planning & Zoning Hearing: 11/30/22 (scheduled)	Board of Supervisors Hearing: TBA
Base Map(s): 185	Map Scale: 1:6,000
	Map Date: 10/31/2022 - ds



Neighborhood Activity Center (NAC)

Objective: To designate lower intensity mixed use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed use centers may contain medium density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how the project serves to create or enhance the mixed use character of the designated activity center as a whole.

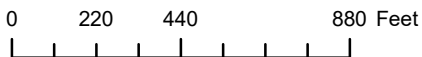
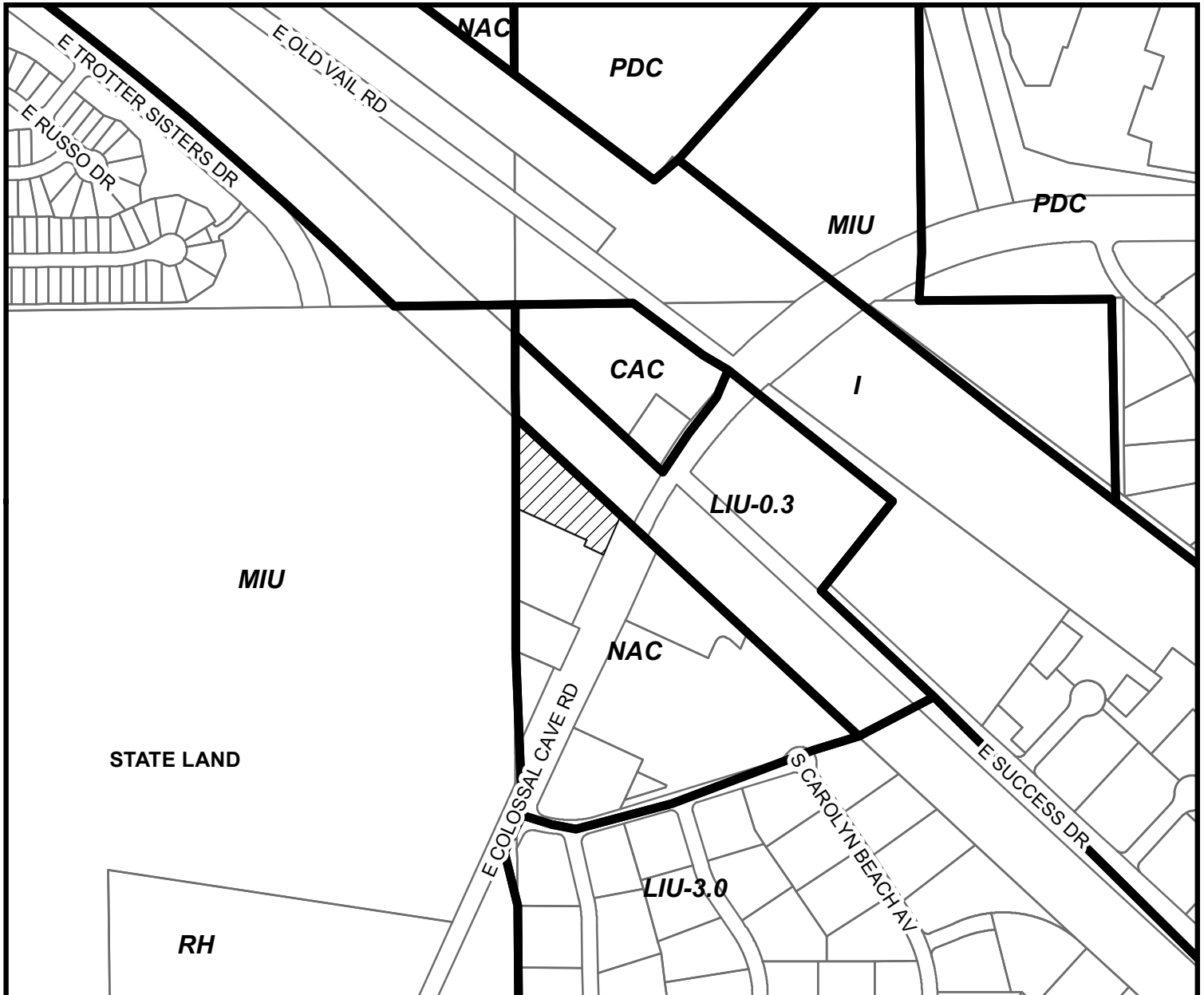
- Residential Gross Density: (if applicable) Minimum- 5 RAC; Maximum- 12 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 8 RAC

Case #: P22RZ00009

Case Name: LOPEZ FAMILY TR, ET AL. - E. COLOSSAL CAVE ROAD REZONING

Tax Code(s): 305-13-054D

COMPREHENSIVE PLAN EXHIBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:	
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10	
Map Scale: 1:6,000	Map Date: 10/31/2022 - ds



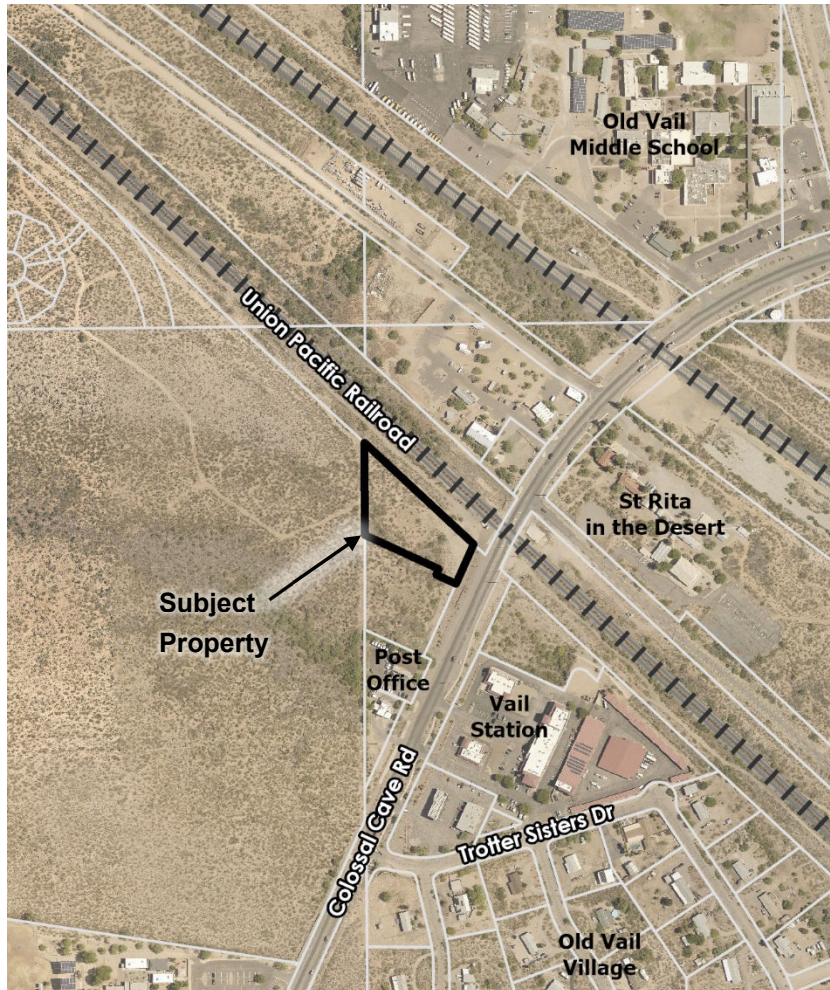
September 30, 2022

Dear Neighbor:

We invite you to attend a neighborhood meeting regarding a rezoning proposal for an approximately 1.6-acre property located at the southwest corner of Colossal Cave Road and the Union Pacific Railroad, more specifically, 13185 E Colossal Cave Road. (see subject property highlighted on the map). The rezoning proposal is from RH (Rural Homestead zone) to CB-2 (General Business zone) for our client to develop a Mexican pottery and furniture store.

Their existing business, Mexican Garden Pottery, is located in central Tucson near the intersection of Miracle Mile and Oracle Roads; this new location would allow the owners to develop a larger location capable of expanding their current selection of products, which would now include Mexican furniture.

The new location will be comprised of 8,400 square feet of indoor pottery and furniture space and approximately 21,000 square feet of exterior display with thematic arrangements to help inspire different design techniques and decorative styles. The goal is to differentiate this new store from other pottery stores in the Tucson area. The development style will complement surrounding uses, specifically the Union Pacific Railroad, Vail Post Office, and Vail Depot, by incorporating architectural design elements that reflect the area's historic nature and existing design aesthetic. Although design and development specifics have not been decided yet, design elements could include: railroad ballast for permeable surfacing, railroad ties for parking stops, and fencing such as split rail or something reminiscent of a corral. Additionally, the development will preserve most of the wash area on the southern property boundary and enhance the vegetation along Colossal Cave Road by providing a twenty-five-foot landscape border along the street frontage.



See the back page.

MEMORANDUM

Date: October 18th, 2022 **Job No:** MCS-01

To: Terri Tillman

From: Chris Laria

Project: Mexican Garden Pottery Rezoning

This memorandum summarizes the neighborhood meeting held on Thursday, October 13th, 2022, at 5:45 pm via zoom for the Mexican Garden Pottery Rezoning. The virtual meeting was noticed correctly utilizing a mailing list provided by Pima County Planning and Development Services Department. The list was utilized to send notices to property owners within 1,000 feet of the subject site.

No neighbors attended the meeting, and the only participants were members of The Planning Center Staff and the future property owners' representative. The Zoom meeting was active from 5:55 PM to 6:15 PM with an advertised start time of 6:00 PM

In addition to the rezoning, a concurrent Individual Parking Reduction Plan (IPRP) is being requested. An IPRP is a process that allows for the reduction of required parking spaces based on actual need rather than a predetermined number of spaces specified in the Pima County Code of Ordinances. The parking reduction request is based on multiple site visits conducted by a traffic engineer who examined parking rates at existing pottery stores in the greater Tucson area. The parking analysis concluded that despite Saturdays and Sundays being the two busiest days for pottery stores, actual parking requirements for these uses was significantly lower than the minimum parking requirements prescribed by the City of Tucson and Pima County. The site observations on the busiest day had a low of 8 vehicles and a high of 12 vehicles. Because of the drastic difference between what the business needs, the IPRP requests a reduction of parking spaces from the seventy-six (76) spaces required by code to twenty-three (23) spaces.

The Planning Center will host a virtual meeting via Zoom to discuss the proposed use, give an overview of the rezoning process, present a conceptual site plan, and take questions or comments.

Please join us:

Date: October 13th, 2022

Time: 6:00 PM

Location: Zoom (see link below)

<https://us06web.zoom.us/j/9844761151>

Meeting ID: 984 476 1151

Call-In Number: +1 669 444 9171 US

If you have questions or cannot participate in the meeting, please call or email Chris Laria at (520) 623-6146 or claria@azplanningcenter.com. You may also email Chris requesting a clickable hyperlink for the meeting if you do not want to manually type the link above into your web browser.

Thank you.



Chris Laria

Application For Rezoning or Specific Plan

Required fields are indicated by *.

Owner Information

Owner's Name: *

Mailing Address: * City: *

State: * Zip code: * Phone: *

Owner's Email Address: *

Applicant Information (if other than owner)

Applicant's Name:

Applicant's Address: City:

State: Zip code: Phone:

Applicant's Email Address:

Property Information

Property Address:

Tax Parcel Number: *

Acreage: * Present Zone: * Proposed Zone: *

Comprehensive Plan Subregion / Category / Policies: *

Attach requested documents if applicable.

A total of 8 MB of files can be uploaded in a single form submission. There is no restriction on file types.

1. Letter of Authorization: If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

MCS-01 Re...tter.docx.pdf

2. Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan OR submit an electronic version of the required submittal documents as requested at the Pre-Rezoning Meeting for a Non-Site Analysis Rezoning.

MCS-01 Re...nt 8.4.22.pdf

A total of 8 MB of files can be uploaded to this form. If your submission exceeds 8MB please upload documents to an FTP site such as dropbox.com and paste the access link here:

September 2, 2021

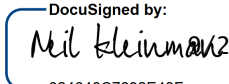
Pima County
Development Services Department, Planning Division
201 North Stone
Tucson, AZ 85701

Subject: **Mexican Garden Pottery Rezoning (13185 E Colossal Cave Road)
On Tax Parcels: 305-13-054D**

To Whom It May Concern:

As an authorized signee of the above-referenced tax parcel and associated trust, I hereby authorize The Planning Center and M Esparza Engineering to act as my agent throughout the rezoning application process and individual parking reduction plan.

Very Truly Yours,

DocuSigned by:

02/2021 | 1:49 PM MST
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Neil Kleinman

Ownership Disclosure:

APN: 305-13-054D

Trust:

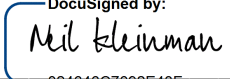
Ray Lopez, Trustee of The Raymond J. and Joanne Lopez Family Trust as to an undivided 4.000% interest, Ray Lopez, Trustee of The Atlantis Realty & Development Retirement Trust as to an undivided 46.0000% interest, Neil Kleinman, as Partner of the Sunset Financial Planning Group, LP as to an undivided 16.6667% interest and Neil Kleinman, as Partner of Union Financial Mgmt. Srvcs, LP as to an undivided 33.3333% interest

Beneficiaries:

Raymond Lopez

Joanne Lopez

Neil Kleinman

DocuSigned by:
 8/19/2022 | 5:19 PM MST
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Signature (date)

Title: Trustee

State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State

6. Adherence to preliminary development plan approved at public hearing.
7. Any change of use shall meet the on-site parking requirements of the Pima County Zoning Code.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

TD/TT/ds
Attachments

c: Chris Laria