



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 19, 2019

Title: Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER - ORACLE ROAD
REZONING (Closure/Time Extensions)

Introduction/Background:

A. Proposal to close rezoning case Co9-97-41 as required to be considered per code. B. If not closed, applicant requests two consecutive five-year time extensions for the rezoning from GR-1 to CB-2 on 2.34 acres. The rezoning was approved on 6/16/98 and expired on 6/16/10. The site is located on the west side of Oracle Road in Catalina.

Discussion:

Closure must be considered prior to consideration of a time extension because it has been more than 10 years since the date of rezoning approval. Because of the continued appropriateness of commercial use at the site's location, staff does not believe the case should be closed. The request letter indicates that the rezoning occurred prior to a period of economic downturn and that the weak market and uncertain population growth in the area caused the property to remain undeveloped, but that these factors have changed. Staff supports the rezoning time extensions because the newly proposed RV/boat storage use and potential unspecified business development remain appropriate uses within the narrow development corridor lying between Oracle Road and a major wash. The site is also an infill development along the corridor for which concurrency of infrastructure is met. There have been significant recent road capacity improvements for Oracle Road which is now a six-lane roadway leading to Tucson.

Conclusion:

Business zoning remains appropriate for this site and is consistent with a trend of business rezonings and commercial development of the Oracle Road corridor in Catalina. The time extensions will allow a total of 22 years to complete rezoning conditions.

Recommendation:

Staff recommends denial of closure and approval of the time extensions with modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen, Senior Planner Telephone: 520-724-9508

Department Director Signature/Date:  10/25/19

Deputy County Administrator Signature/Date:  10/25/19

County Administrator Signature/Date:  10/28/2019



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 19, 2019

Title: Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER - ORACLE ROAD
REZONING (Modification of Rezoning Conditions)

Introduction/Background:

The applicant requests a modification of rezoning condition #10 to allow adherence to the original preliminary development plan (PDP) for 10,101 square feet of commercial building area or adherence to the proposed alternative PDP for RV/boat storage with 4,130 square feet of building area for rental office/retail use. The request includes waiver of the use restrictions of, "a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a automatic car wash, and nonresidential CB-1 uses", in addition to waiver of the prohibition of outdoor storage, display, or sale of goods or merchandise. The site is 2.34 acres along Oracle Road in Catalina.

Discussion:

Staff recommends allowing non-residential CB-2 uses and the alternative PDP's. This provides a broad range of business uses. The non-residential uses currently permitted include some that are intensive, including a bar, repair services, and sign painting. Broadening the use allowance for uses of similar or less intensity therefore appears appropriate. Residential uses are not proposed and if allowed would need to achieve a minimum of six RAC in the MFC plan designated portion of the site. The small size of the site will serve to limit potential uses and the size of uses, as will the particular design and limits of the PDP's. The portion of the site within the Conservation Lands System is proposed for preservation. No public comment has been received to date.

Conclusion:

The request will allow immediate plans for RV/boat storage while preserving future use options.

Recommendation:

Staff recommends approval with modified standard and special conditions. The Planning and Zoning Commission also recommends approval with modified standard and special conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen, Senior Planner Telephone: 520-724-9508

Department Director Signature/Date:  10/25/19

Deputy County Administrator Signature/Date:  10/28/19

County Administrator Signature/Date:  10/28/19



TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 22, 2019

SUBJECT: Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER – ORACLE ROAD REZONING

The above referenced Rezoning Closure, Rezoning Time Extension, and Modification of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 19, 2019** hearing.

REQUEST:

- A. Rezoning Closure: Proposal to close Co9-97-41, a 2.34-acre rezoning from GR-1 (GZ-1) (Rural Residential) (Urban Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone).
- B. Rezoning Time Extensions: Two consecutive five-year time extensions, one of which is retroactive to the June 16, 2010 expiration date, for the rezoning from GR-1 (GZ-1) to CB-2 (GZ-1).
- C. Modification (Substantial Change) of Rezoning Conditions: Modification (substantial change) of rezoning condition #10 which states, "Adherence to the preliminary development plan as approved at public hearing."

****This case will require 3 separate motions and votes.**

OWNERS: Mildred D. Clemovitz Family Trust
Attn: David Christopher Clemovitz Trust
14515 N. Crown Point Drive
Oro Valley, AZ 85755-6660

AGENT: The Planning Center
Attn: Brian Underwood, Director of Planning
2 E. Congress Street, Ste. 600
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of October 22, 2019, staff has not received any public comment pertaining to the requests. No members of the public spoke at the Planning and Zoning Commission public hearing.

PLANNING & ZONING COMMISSION RECOMMENDATION (FOR MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION ONLY): APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS (6-0; Commissioners Bain, Cook, Hook and Matter were absent).

**STAFF RECOMMENDATION (FOR TIME EXTENTIONS AND MODIFICATION
(SUBSTANTIAL CHANGE) OF REZONING CONDITIONS): APPROVAL SUBJECT TO
MODIFIED STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: A portion of the subject property is designated as Important Riparian Area relative to Big Wash and a small portion of the property is designated Multiple Use Management Area within the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-97-41

Page 1 of 4

FOR NOVEMBER 19, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: October 22, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE, REZONING TIME EXTENSIONS, MODIFICATION OF REZONING CONDITIONS SUBSTANTIAL CHANGE

****This case will require 3 separate motions and votes.**

A. REZONING CLOSURE

**Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER – ORACLE ROAD
REZONING**

Proposal to **close** Co9-97-41, a 2.34-acre rezoning from GR-1 (GZ-1) (Rural Residential) (Urban Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone) located on the west side of Oracle Road, approximately one-fourth mile north of Pinal Street. The rezoning was conditionally approved in 1998 and expired on June 16, 2010. Staff recommends **DENIAL OF CLOSURE** of the rezoning.
(District 1)

B. REZONING TIME EXTENSIONS

**Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER – ORACLE ROAD
REZONING**

Request of Mildred D. Clemovitz Family Trust, represented by The Planning Center, for two consecutive five-year **time extensions**, one of which is retroactive to the June 16, 2010 expiration date, for the above-referenced rezoning from GR-1 (GZ-1) (Rural Residential) (Urban Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone). The subject site was rezoned in 1998. The site is approximately 2.34 acres located on the west side of Oracle Road, approximately one-fourth mile north of Pinal Street. Staff recommends **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

C. MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER – ORACLE ROAD REZONING**

Request of Mildred D. Clemovitz Family Trust, represented by The Planning Center, for a **modification (substantial change) of rezoning condition #10** which states, "Adherence to the preliminary development plan as approved at public hearing. CB-2 uses are restricted to a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a automatic car wash, and nonresidential CB-1 uses. There shall be no outdoor storage, display, or sale of goods or merchandise." The applicant proposed waiver of the restrictions for uses and outdoor storage, display, or sale of goods or merchandise and allowance of options for adherence to the original approved preliminary development plan for commercial building space or to a proposed preliminary development plan for outdoor RV and boat storage and rental office/retail building space. The subject site is approximately 2.34 acres zoned CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone) and is located on the west side of Oracle Road, approximately one-fourth mile north of Pinal Street. On motion, the Planning and Zoning Commission voted 6-0 to recommend **APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS** (Commissioners Bain, Cook, Hook and Matter were absent). Staff recommends **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (September 25, 2019)

Staff stated that the request was a modification of rezoning condition #10 to allow the potential for various uses with alternative preliminary development plans. Staff recommended approval and noted that there had been no public comment.

A commissioner asked what had led to condition #10. Staff indicated that the condition locked in uses that were proposed by the former owner and that the new owner wanted to expand the use allowances. Staff noted that some of the uses that would be allowed are less intensive than the current use allowances and that no residences were located nearby.

The commissioner indicated that the use allowance would be changed from prohibition of (outside) sales and storage to allowing it.

Staff indicated that in 1997 (when the rezoning occurred) the Catalina area had less population and was more of a throughway. Greater use allowance could be beneficial; and there has been demand for RV and boat storage.

A commissioner asked if there are other properties in the area with similar restrictions.

Staff indicated that there could be properties that were rezoned in that time period with similar use restrictions. The original use request for the site was a commercial center. Staff communicated that the requested CB-2 zoning was not necessary for that use and recommended CB-1 be approved. The applicant responded with a list of potential uses which was approved (with some CB-2 uses prohibited).

A commissioner confirmed that the action before the Commission involved only item "A" in the staff report.

A commissioner confirmed that the Commission would be voting to approve the changes to conditions starting on Page 3 of the report with numerous changes to conditions, the new set being #'s 1-15.

The applicant's agent noted that the property is under new ownership. The adjacent property (to the north) is also owned by the applicant and is intended for self-storage and covered storage use. The applicant did not realize that outdoor storage was prohibited on the subject property, so has made the request for allowance. He noted that the original request was speculative and staff had asked for more specification of uses. A list was then determined. The rezoning pre-dates the Gateway Overlay, so there was more use scrutiny. With inception of the Gateway Overlay, associated comprehensive plan policies for this area of Oracle Road were rescinded. Per the Gateway Overlay Zone, the Design Review Committee will review the building, parking, and screening elements.

The agent also noted that access from the north will go through the parcel to the north which links to the parcel north of it that contains a Jerry Bob's restaurant. There will also be a south access directly to Oracle Road. He noted that there will be screening continuity across the parcels with a 20-foot bufferyard. He stated that the large erosion hazard setback required from Big Wash lends to RV and boat storage within this uninhabitable area. For 20 years the property has remained undeveloped, but with value added by the initial "land bank" storage use proposed, expensive wash bank improvements may occur and allow for development consistent with the original preliminary development plan option.

A commissioner asked if ADOT was prohibiting a second direct access and requiring shared access at the restaurant site. The agent responded that this is the owner's current access, but that ADOT does require limits. The original rezoning allows for two access points, north (shared) and south.

Staff indicated that ADOT maximizes shared access and this is often a rezoning condition.

A commissioner confirmed that there is a shared access agreement with the restaurant site.

A commissioner asked whether cost was a consideration for access sharing. The agent stated that separate access was not currently needed with low traffic intensity for the proposed uses. The commissioner indicated that to go north from the restaurant requires crossing lanes to get to the median break. The applicant noted that there is another median break further south that could be used to allow a safer U-turn maneuver. The same could be said of exiting the southern access.

The public hearing **was** opened and closed with no speakers.

Commissioner Matter made a motion to recommend approval of modification of rezoning condition #10 with conditions as shown in the staff report.

Commissioner Becker gave second to the motion.

The Commission voted to **APPROVE** the motion (6-0, Commissioners Bain, Cook, Hook and Matter were absent).

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-97-41 File

NOTES:

- TOTAL PROPERTY AREA: 3.6 AC
- REZONING AREA: 2.4 AC
- EXISTING ZONE: GR-1
- PROPOSED ZONE: CB-2
- SELF STORAGE RENTAL OFFICE (IN REZONE): 4,130 SF
- SELF STORAGE UNITS (OUTSIDE REZONE): 15,600 SF
- PARKING REQ. APPROX 12 SPACES (1 PER TWO EMPLOYEES) (1 PER EA COMPANY VEHICLE) (1 PER 2,000 SF FLOOR AREA)
- PARKING PROVIDED: 14 SPACES
- RV/BOAT STORAGE YARD AREA: 1.29 AC
- RV/BOAT STORAGE YARD AREA IN REZONE: 0.86 AC
- (YARD AREA IS APPROXIMATE AND WILL DECREASE BY REQUIRED 2:1 SLOPES ADJACENT TO NOS RETAINING WALLS)
- NATURAL OPEN SPACE: 0.76 AC

LEGEND:

- PROJECT BOUNDARY
- REZONING BOUNDARY
- PARCEL BOUNDARY
- YARD BOUNDARY (SECURITY FENCE)
- EROSION HAZARD SETBACK
- 1' TOPO CONTOURS
- OPEN SPACE BOUNDARY
- LANDSCAPE BUFFERYARD
- IRA - XEROPHILAR/B (NO PROPOSED DISTURBANCE)
- IRA - HYDROMESOPHILAR/B (NO PROPOSED DISTURBANCE)

Parcel 222-11-016A (1.38 AC) ZONE CB-2

- BLDG 1: 15,600 SF RENTAL STORAGE UNITS 2 STORY
- RV/BOAT STORAGE YARD AREA: 0.43 AC
- 250' EROSION HAZARD SET BACK
- CONCEPTUAL ACCESS TO YARD AREA
- DUMPSTER AREA
- REZONING BOUNDARY
- NO LANDSCAPE BUFFERYARD REQUIRED
- 1-68" X 160" CULVERT
- 150' SETBACK
- WARR REQUESTED
- 100' R/W 100' E/W
- 20' LS BUFFERYARD 'D'
- CONCEPTUAL ACCESS TO YARD AREA

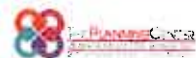
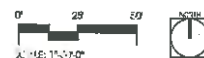
Parcel 222-11-016B (1.00 AC) ZONE CB-2

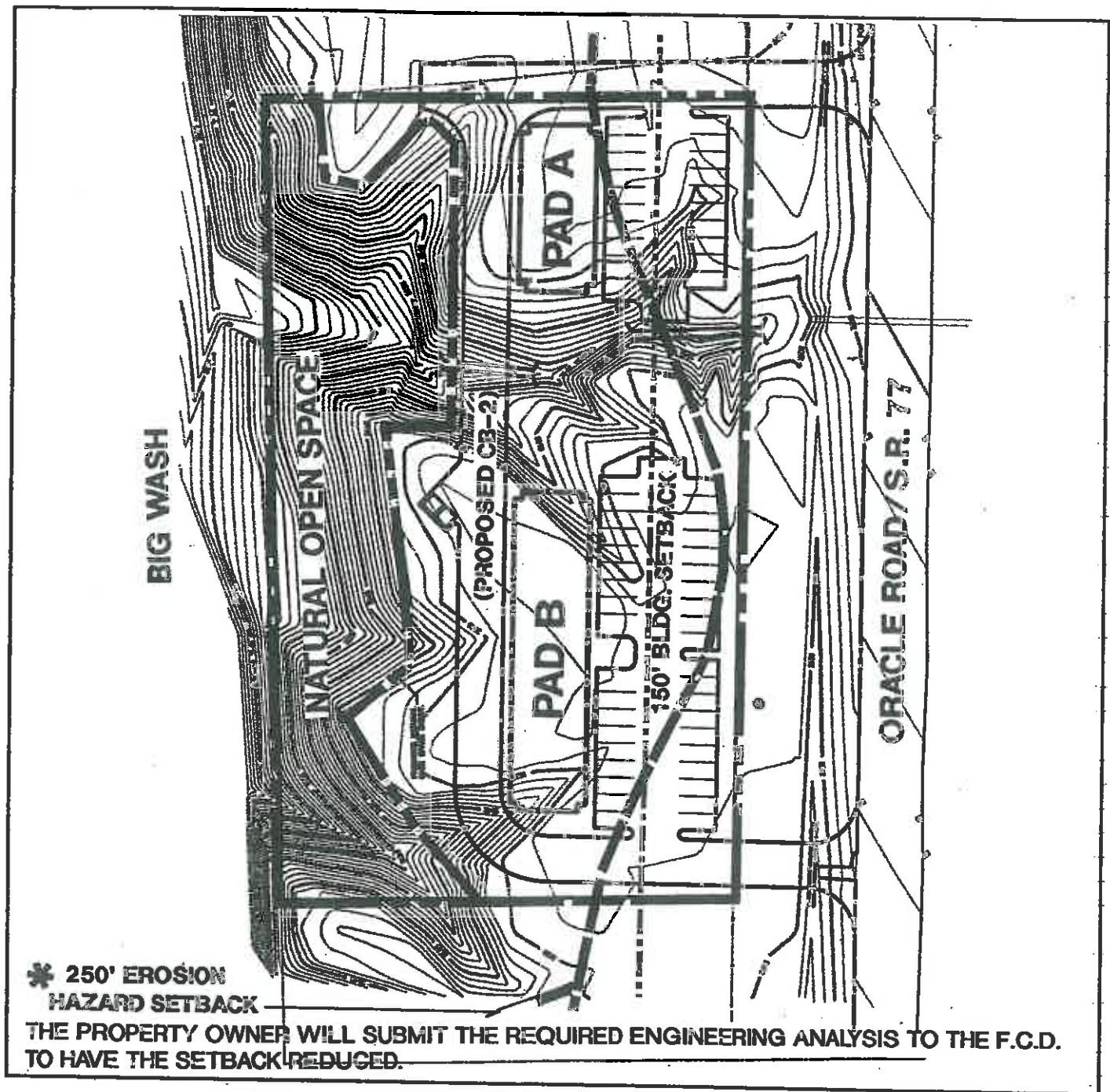
- BLDG 2: 4,130 SF RENTAL OFFICE RETAIL 1 STORY
- RV/BOAT STORAGE YARD AREA: 0.86 AC
- IRA XEROPHILAR/B (NO PROPOSED DISTURBANCE)
- IRA HYDROMESOPHILAR/B (NO PROPOSED DISTURBANCE)
- NO LANDSCAPE BUFFERYARD REQUIRED
- 30' R/W ACCESS

Other Labels:

- CB-2
- GR-1
- ORACLE ROAD
- JOINT ACCESS DKT 11212 PG 2179
- 40' W
- DC
- 10' LS BUFFER / APC 'D' (w/ OPEN FENCE)
- LOADING ZONE
- 20' LS BUFFERYARD 'D'
- CONCEPTUAL ACCESS TO YARD AREA

PROJECT: CFT-01 DATE: 11/2/15
FILE NAME: CFT-01-ITEPL-09-718.C





PLAN SUMMARY

GROSS SITE AREA:	2.34 ACRES
NET DEVELOPABLE AREA:	1.64 ACRES
NATURAL OPEN SPACE:	0.7 ACRES
GROSS BLDG. AREA:	10,101 SQ.FT.
BUILDING HEIGHTS:	24' MAX.
PARKING SPACES PROVIDED:	58
PARKING SPACES REQUIRED:	51

The WLB Group **WLB**



SCALE: 1" = 80'

EXHIBIT II B.1

PRELIMINARY DEVELOPMENT PLAN

Original Approved at 6-16-98 BOS 30 Hearing



↑ Pinal County Line

N ↑ 2018

No Photo Available

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

HEARING September 25, 2019

DISTRICT 1

CASE Co9-97-41 Western
Continental Limited
Partnership/Shiner –
Oracle Road Rezoning
(2.34 acres)
(P18SA00010)

REQUEST A. Modification of
Rezoning Conditions –
(Substantial Change)
B. Rezoning Closure
C. Two Five-Year
Rezoning Time
Extensions



OWNER Mildred D. Clemovitz Family Trust
Attn: David Christopher Clemovitz Trust
14515 N. Crown Point Drive
Oro Valley, AZ 85755-6660

AGENT The Planning Center
Attn: Brian Underwood, Director of Planning
2 E. Congress Street, Ste. 600
Tucson, AZ 85701

APPLICANT'S REQUEST

A. Modification (Substantial Change) of Rezoning Conditions:

Modification (substantial change) of rezoning condition #10 which states, "Adherence to the preliminary development plan as approved at public hearing. CB-2 uses are restricted to a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a automatic car wash, and nonresidential CB-1 uses. There shall be no outdoor storage, display, or sale of goods or merchandise." The applicant proposes: 1) waiver of the restrictions for uses and for outdoor storage, display, or sale of goods or merchandise, and 2) allowance of options for adherence to the original approved preliminary development plan for commercial building space or to a proposed preliminary development plan for outdoor RV and boat storage and rental office/retail building space.

B. Rezoning Closure:

Proposal to close Co9-97-41, a 2.34-acre rezoning from GR-1 (GZ-1) (Rural Residential) (Urban Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Urban Gateway Overlay Zone). The rezoning was conditionally approved in 1998 and expired on June 16, 2010. *(This is a Board of Supervisors action only.)*

C. Rezoning Time Extensions:

Two consecutive five-year time extensions, one of which is retroactive to the June 16, 2010 expiration date, for the rezoning from GR-1 (GZ-1) to CB-2 (GZ-1). *(This is a Board of Supervisors action only.)*

COMPREHENSIVE PLAN DESIGNATION

The comprehensive plan designation of most of the site is Multifunctional Corridor (MFC). The CB-2 rezoning of the subject property complies with MFC. The objective of MFC is to designate areas for the integrated development of complementary uses along major transportation corridors (in this case Oracle Road). The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district), and medium- to high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards in the zoning code and design manuals, such as standards for access management, building setbacks, open space, signs, parking, and landscaping.

The western portion of the site is designated as Resource Sensitive (RS) pertaining to the Big Wash and its riparian habitat. The objective of RS is to designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas. The RS area within the site is proposed as natural open space.

SURROUNDING LAND USES/GENERAL CHARACTER

North: CB-2	Undeveloped (owned by applicant and proposed for development in association with the subject property)
South: GR-1	Undeveloped
East: TR & CB-1	Oracle Road, Catalina Neighborhood Recreation Center
West: RH	Undeveloped State Land

Near the Pinal County line, the Oracle Road corridor is lined by commercial development and undeveloped lots and parcels. East of the corridor is residential. West of the corridor is Big Wash and undeveloped State Land.

STAFF RECOMMENDATIONS

A. Modification (Substantial Change) of Rezoning Conditions:

Staff recommends **APPROVAL of the request to modify rezoning condition #10** to waive the use restrictions and allow adherence to the original or the proposed alternative preliminary development plan. Staff further **recommends modification, deletion, and addition of conditions** as shown below.

B. Rezoning Closure:

Staff recommends **AGAINST CLOSURE** of the rezoning.

C. Rezoning Time Extensions:

Staff recommends **APPROVAL of two consecutive five-year rezoning time extensions.**

The recommended modification, deletion, and addition to rezoning conditions are as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- ~~6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~

71. Transportation conditions:

- A. Only one access point to Oracle Road shall be allowed from the rezoning site. The property owner shall provide for internal site access with the adjacent properties to the south and north.
- B. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) will need written approval by the Arizona Department of Transportation before any plan approvals by Pima County.
- C. A written certification from the Arizona Department of Transportation stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to the Pima County Department of Transportation prior to the issuance of a certificate of occupancy.
- D. The Development Plan shall provide for pedestrian access within the site and to the north and south.

82. Flood Control conditions:

- A. Drainage will not be altered, disturbed or obstructed without the written approval of the Flood Control District. No bank protection of the Big Wash shall be permitted.
- B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- C. Property owner(s) shall adhere to the required 250-foot erosion hazard building setback distance from the Big Wash, unless the Flood Control District approves a reduced erosion hazard setback distance.
 - D. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
9. *Original condition #9 was deleted as part of the Board of Supervisors' rezoning time extension action on 4-5-05.*
 403. Adherence to the original preliminary development plan or the alternative preliminary development plan for RV/Boat storage as approved at public hearing. ~~CB-2 uses are restricted to a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a automatic carwash, and nonresidential CB-1 uses. There shall be no outside storage, display, or sale of goods or merchandise. Non-residential CB-2 uses are permitted.~~
 144. The rezoning site (parcels 222-11-016A and 222-11-016B) shall be combined into one parcel prior to the approval of a development plan for the subject site.
 125. The natural open space depicted on the approved preliminary development plans shall be set aside as a surveyed and legally described natural area in accordance with Section 18.61.0503.C of the Hillside Development Overlay Zone. The natural area shall not be divided between parcels.
 13. ~~Concurrent with the tentative plat or development plan submittal, a plant preservation/mitigation study and plan shall be prepared by an independent horticulturalist or other qualified professional and submitted to the Planning Division for review and approval. The developer shall preserve in place, relocate or mitigate significant on-site cacti, trees, including ironwoods, as recommended by the preservation plan, including but not limited to: threatened or endangered plant species, plants on the Arizona Protected Plants List, areas of riparian vegetation, or significant wildlife habitat and corridors. In addition, if saguaros of six feet in height or greater are removed or relocated each saguaro removed shall be replaced, within the site area, with three additional saguaros. For each saguaro relocated on-site, one additional saguaro shall be planted within the site area. Such saguaros shall be nursery grown wherever possible. If the applicant can demonstrate that nursery grown saguaros are not available in the amount sufficient to comply with this policy, then saguaros which are authorized for transplanting through the State of Arizona Department of Horticulture permitting process will be allowed.~~
 146. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
 147. Building heights are limited to 24 feet and two stories.

16. ~~The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07, Oracle Road, Northern Gateway.~~
17. ~~Environmental Quality condition:
The property owner shall connect to the public sewer in the manner specified by Wastewater Management.~~
188. Protect as natural space the large trees on the western portions of these parcels associated with Big Wash.
19. ~~Conduct pygmy-owl surveys according to the approved protocol prior to any development of this site. If surveys are negative, development may proceed as planned. If surveys are positive, the developer should contact us to determine the appropriate course of action.~~
209. No disturbance of riparian habitat shall be allowed, including incidental disturbance during construction activities.
2110. Vertical retaining walls, screened as required by Chapter 18.61, Hillside Overlay Zone, shall be used to stabilize fill slopes.
2211. Notwithstanding the bufferyard shown on Tthe original preliminary development plan, shall be redesigned to show the a 20-foot wide bufferyard shall be provided along Oracle Road as required by Chapter 18.78, Gateway Overlay Zone, unless reduced or exempted by the Design Review Committee in accordance with Chapter 18.78, Gateway Overlay Zone provisions.
23. ~~The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner / developer shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with owner / developer to that effect.~~
24. ~~The owner / developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed new development within the rezoning area is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.~~
25. ~~The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of~~

~~the tentative plat, development plan, sewer construction plan, or request for building permit.~~

26. ~~The owner / developer shall fund, design and construct all necessary on-site sewers to serve the rezoning area at his or her sole expense, to be privately maintained, unless otherwise directed at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~

27. ~~The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and all applicable agreements with Pima County, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.~~

12. Wastewater Management conditions:

A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

F. The owner(s) shall complete the construction of all necessary public and / or private sewerage facilities as required by all applicable agreements

with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

28. ~~Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~

2913. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (*Pennisetum setaceum*)
Buffelgrass (*Pennisetum ciliare*)
Johnson grass (*Sorghum halapense*)
Giant reed (*Arundo donax*)
Common crabgrass (*Digitaria sanguinalis*)
Pampas grass (*Cortaderia selloana*)
Red brome (*Bromus rubens*)
Mediterranean grass (*Schismus* spp.)
Tree of heaven (*Ailanthus altissima*)
African sumac (*Rhus lancea*)
Russian olive (*Eleagnus angustifolia*)
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (*Eragrostis intermedia*)
African rue (*Peganum harmala*)
Iceplant (*Mesembryanthemum crystallinum*)
Arabian grass (*Schismus arabicus*)
Natal grass (*Melinis repens* [*Rhynchelythrum repens*])

14. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "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.

15. 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.

STAFF REPORT

A. Modification (Substantial Change) of Rezoning Conditions:

Staff supports the request to modify condition #10, renumbered as condition #3 above, to allow adherence to the original preliminary development plan for 10,101 square feet of commercial building area or adherence to the proposed alternative preliminary development plan for RV/Boat storage with 4,130 square feet of building area for rental office/retail use. Staff also supports the waiver of the specific use restrictions of, "a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a (sic) automatic car wash, and nonresidential CB-1 uses", in addition to waiver of the prohibition of outdoor storage, display, or sale of goods or merchandise.

Staff recommends allowing non-residential CB-2 uses. This entails a broad spectrum of business uses as CB-2 is the most intense business zone. The current use allowance of non-residential uses in the less intense CB-1 (Local Business) zone [and by default non-residential uses in the TR (Transitional) zone] would also be permitted. The non-residential uses currently permitted include some that are intensive, including a bar, repair services, and sign painting. Broadening the potential use allowance for uses of similar or less intensity therefore appears appropriate. Conditional uses would still require applicable procedures, including public hearings. Residential uses are not proposed and if allowed would need to achieve a minimum of six residences per acre in the Multifunctional Corridor plan designated portion of the site.

The small size of the site will serve to limit potential uses and the size of uses, as will the particular design and limits of the preliminary development plans. It is possible that a use that would be otherwise allowed could still require a request for modification of the requirement to adhere to the original or alternative preliminary development plans.

In the original rezoning staff report, staff had recommended approval of CB-1 zoning rather than the requested CB-2 zoning based on a proposed use description for a "commercial center" that CB-1 zoning could accommodate and based on the lack of detail in the rezoning application that indicated that CB-2 zoning was needed. Staff also indicated that CB-1 zoning would continue the (then) more recent trend of CB-1 rezoning in the vicinity and would preclude inappropriate uses of the site, such as auto and truck sales. Staff recommended a use limit to non-residential CB-1 uses. The applicant (a former owner of the site) eventually proposed the limited CB-2 uses that are reflected in the current use allowances that were recommended for approval by the Commission and approved by the Board of Supervisors in 1998. The site was never developed.

Staff's recommendation also considered Comprehensive Plan Special Area Policy 2-07 Oracle Road/Northern Gateway which was designed to preserve standards of scenic quality along the major corridor entrance to Pima County. The prohibition of outdoor storage, display, or sale of goods or merchandise stems from this policy. However, the policy was rescinded as a result of the institution of the Urban Gateway Overlay Zone (GZ-1) which covers the former policy area. The purpose statements of the GZ-1 overlay are consistent with the former policy provisions including relative to protection and enhancement of the scenic quality of entry points into metropolitan Tucson. GZ-1 is also designed to maintain and encourage economic growth and health and does not

restrict uses. Proposed development within GZ-1 requires review by the Design Review Committee to ensure quality development in accordance with development standards. Therefore, the broadening of use allowances on the site is not inconsistent with GZ-1 and will not necessarily result in uses that detract from scenic quality.

In particular, screening of outdoor RV/boat storage is required per code for that use. The current applicant will, however, propose relief from screening to the west adjacent to Big Wash and undeveloped State land beyond. The applicant also notes that the street front bufferyard structural element (optional five-foot wood fence, open wood rail fence, wood-slatted chain link, or earth berm) will be sought to be satisfied by the front screening requirement of the RV/boat storage. Additionally, a modification of the 150-foot setback from the centerline of Oracle Road to 130 feet (effectively a 20-foot setback from the front property line) is necessary to allow placement of the proposed rental office/retail building outside of the Erosion Hazard Setback (EHS) area associated with Big Wash.

The applicant alludes to the EHS as a factor in the delay of the site development. It makes the alternative plan for RV/boat storage within the EHS an attractive option. There are two similar RV/boat storage businesses on the west side of Oracle Road approximately one-mile to the south that are not affected by the EHS. The applicant indicates that the storage use could be a "land bank" until more intensive redevelopment becomes feasible justifying costly floodplain mitigation and drainage infrastructure required for the original preliminary development plan which depicts buildings within the EHS.

Also of relevance to staff's recommendation is that the current owners of the subject site own the CB-2-zone parcel adjacent to the north. That parcel and property further north was rezoned in 1966 without use restrictions. That parcel will be a part of the overall proposed RV/boat storage use, and internal driveway linkage is proposed.

Comparing the original preliminary development plan to the alternative plan for RV/boat storage, both propose natural area preservation of the area of the site covered by the Conservation Lands System. Most of this area is designated Important Riparian Area relative to Big Wash which is within the western portion of the site. There is a very small amount of the site which is designated Multiple Use Management Area.

Additionally, the alternative plan will disturb and fill more of the naturally-vegetated sloped drainage area (outside of the preserved riparian area) within the northern portion of the site as compared to the original plan which depicts this undisturbed sloped area as mostly excluded from grading causing partial separation of the proposed development area. However, despite the additional slope disturbance, the average cross slope of the site will still be less than 15% as calculated by the applicant. An average cross slope below 15% is required to allow rezoning to CB-2. Preservation of natural slope area reduces the average cross slope.

Other Conditions:

Formerly standard condition #'s 1-6 are recommended for deletion based on a staff policy change to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for development of the site. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends standard conditions which require recorded covenants. Pertaining to condition #4, assurances are typically associated with only subdivision plats. Pertaining to condition #6, the requirement for Board of Supervisors approval for lot splitting is redundant as renumbered condition #4 requires the two subject parcels to be combined into one parcel. Also, renumbered condition #5 does not allow division of the natural area which spans the western part of the site from north to south.

New condition #2D pertains to water conservation measures that will mitigate water demand from the development and is recommended as an update based on new water policy for site analysis rezonings adopted as part of the Pima Prospers Comprehensive Plan Update.

Condition #10 is recommended for deletion as it essentially reiterates what are now native plant preservation plan code requirements that were established in 1998, the same year the subject rezoning was approved.

Condition #12 (renumbered as condition #5) is recommended for modification to update the original zoning code section that is referenced to the correct reference section due to a zoning code text amendment to Chapter 18.61 that occurred in 2000, after the rezoning was approved.

Condition #16 pertaining to Design Review Committee review of the project pursuant to Comprehensive Plan Special Area Policy 2-07, Oracle Road, Northern Gateway is recommended for deletion as the policy has been rescinded due to the adoption of the Urban Gateway Overlay Zone (GZ-1) which has development standards and a Design Review Committee review requirement consistent with the former policy.

Condition #17 is recommended for deletion as redundant to the existing requirements to connect to the public sewer system. The condition was recommended by the Department of Environmental Quality as part of a rezoning time extension approved in 2005 because public sewerage had become available to the site after the initial 1998 rezoning approval. Original condition #9 pertaining to a limit on the amount of on-site sewage disposal was also recommended (and approved) for deletion as part of the time extension approval.

Condition #'s 19 and 28 pertaining to survey requirement for the cactus ferruginous pygmy owl are recommended for deletion to reflect current protocols for these matters.

Condition #22 (renumbered as condition #11) is recommended for modification as a better statement of the 20-foot wide street frontage bufferyard requirement as pertains to the original preliminary development plan and to allow for potential reduction of the bufferyard consistent with code provisions for relief.

Condition #'s 23-27 pertaining to sewage disposal requirements are recommended for deletion in favor of the addition of new conditions under renumbered condition #12 as recommended by the Wastewater Reclamation Department to update conditions to

current standards for the required use of sewerage. The deleted conditions are similar to the new conditions.

New condition #'s 14 and 15 pertain to now standard conditions related respectively to the Proposition 207 rights disclaimer and to continued adherence to rezoning conditions upon annexation.

B. Rezoning Closure:

Staff recommends against closure of the rezoning; but, closure must be considered prior to consideration of a time extension because a time extension was not requested prior to the case expiration date of June 16, 2010, and it has been more than 10 years since the date of rezoning approval, June 16, 1998. The Zoning Code requires consideration of closure in either of these instances. Staff sent the former owners a letter dated November 4, 2010 noticing the time expiration. The initial time limit for approved rezonings is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. However, a seven-year time extension was approved for this rezoning on April 5, 2005. Because of the continued appropriateness of proposed commercial use at the site's location, staff does not believe the case should be closed.

C. Rezoning Time Extensions:

Because of the elapsed time, the applicant requests two (consecutive) five-year time extensions. The request letter states that the 2.34-acre rezoning was from GR-1 (Rural Residential) to CB-2 (General Business) in 1998 "...prior to a period of economic downturn and during a period of uncertain market presence in the Catalina area...". The letter also indicates that the weak market and uncertain population growth in the area caused the property to remain undeveloped, but that these factors have changed increasing marketability of commercial property.

Approval of the requested five-year time extensions will provide a total of 22 years to complete rezoning conditions from the initial approval date by extending the expiration date to June 6, 2020. The site remains vacant and naturally vegetated. The portion of site that is located within the Maeveen Marie Behan Conservation Lands System will be preserved as natural open space.

Staff supports the rezoning time extension because the newly proposed RV/boat storage use and potential unspecified business development remain appropriate uses within the narrow potential development corridor lying between Oracle Road (a State Route) and a major wash (Big Wash) adjacent to undeveloped State Land to the west. In addition to applicable Urban Gateway Overlay Zone development standards incorporated since the initial rezoning approval, there are conditions in place (#'s 7A and 7D above) to ameliorate potential negative impacts of strip commercial development by ensuring vehicular and pedestrian connections to adjacent properties. There are also conditions in place (#'s 2A, 3, 5, 8, 9, 10, and 13 above) to protect important natural features of the site. The rezoning also remains compliant with the site's majority Multifunctional Corridor (MFC) comprehensive plan designation which provides for the integrated development of complementary uses, including commercial, in a linear configuration along major transportation corridors.

The site is also an infill development along the corridor for which concurrency of infrastructure is met per reporting agencies (Tucson Water did not respond). There have

been significant recent road capacity improvements for Oracle Road which is now a six-lane roadway leading to Tucson.

Since the rezoning approval in 1998, there have been eight rezonings approved for CB-2 and one for CB-1 within the area that includes the subject site on the west side of Oracle Road extending approximately 1.5 miles south of the Pinal County line. The rezonings ranged from .61 acre to 3.18 acres. Approved uses include restaurants, retail stores, a self-storage facility, RV/boat storage including non-residential CB-1 uses, and a veterinary clinic. Only one of the rezonings lists specific use allowances, but by virtue of the requirement to adhere to the preliminary development plan for these uses, none of these more recent rezonings allow all CB-2 uses. Also since the rezoning, there has been a significant amount of commercial development along this area of Oracle Road and a significant amount of residential development just north of the County line.

Denial of the time extension will cause the site to revert to GR-1 zoning which would not conform to the majority MFC plan designation due to its rural, low residential density and limited non-residential use allowance. However, GR-1 would not be unusual given adjacent GR-1 zoning. Closure of the rezoning would not preclude the possibility of a future CB-2 rezoning.

TRANSPORTATION REPORT

The Department of Transportation has no objection or comment to this time extension request, especially since the adjacent roadway is ADOT jurisdiction. There is concurrency with the request to modify condition #10.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the requests and has no objection, subject to existing conditions and new recommended condition (#2.D above) as follows:

At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

WASTEWATER MANAGEMENT REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request and offers the following comments for your use. The subject property is located on the west side of Oracle Road, approximately one-fourth mile north of Pinal Street. Two consecutive five-year time extensions are requested as the case expired on June 16, 2010. The applicant also requests a modification of rezoning condition #10 of the rezoning Ordinance 1998-63 which would allow outdoor storage of RV's and boats and a rental office/retail building on the property.

The proposed rezoning area is within the PCRWRD service system and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. The existing public sewer consists of a 12" sewer line located within the Oracle Road right of way, approximately 30 feet from the eastern property line. The subject property shall connect to the public sewer per Pima County Code of Ordinances 7.21.037.D. A preliminary investigation by PCRWRD identified no capacity issues in the downstream conveyance system for this development.

PCRWRD has no objection to the request for two consecutive five-year rezoning time extensions or modification of rezoning condition #10, but recommends addition of the following rezoning conditions under renumbered #12 above.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Pima County Development Services Department, on behalf of NRPR, has no objection to the applicant's requests.

ARIZONA DEPARTMENT OF TRANSPORTATION REPORT

ADOT concurs with retaining Transportation Condition 7A requiring cross-access through the subject parcels and to adjacent parcels.

Pima County and the Developer should consider a possible future connection to Pinto Lane as the 4th leg of the signalized intersection when determining the location of Building 2. It is not ADOT's desire, nor request to make this connection at this time, but subject to future traffic impact analysis and review during the Encroachment Permit process.

FIRE DISTRICT REPORT

As of the writing of this report, no comments have been received from Golder Ranch Fire District.

WATER DISTRICT REPORT

As of the writing of this report, no comments have been received from Tucson Water.

U.S. FISH & WILDLIFE SERVICE REPORT

As of the writing of this report, no comments have been received from the USFWS.

PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comments pertaining to this request.

Respectfully Submitted,



David Petersen, AICP
Senior Planner

TD/DP

c: The Planning Center, Attn: Brian Underwood, Director of Planning, 2 E. Congress Street, Ste. 600, Tucson, AZ 85701



December 7, 2018

Mr. Chris Poirier, Planning Official
Pima County Development Services
201 N. Stone Avenue
Tucson, AZ 85701

Subject: Western Continental Limited Partnership/Shiner Oracle Road (APNs: 222-11-016A & 222-11-006B) Modification of Rezoning Condition Request
TPC Project No: CFT-01

Dear Mr. Poirier:

On behalf of the new landowners, Clemovitz Mildred D Family Trust, this letter is to respectfully request the Board of Supervisors eliminate condition #10 from Pima County Ordinance 1998-63 approving the rezoning of approximately 2.34 acres of land located adjacent to the west side of Oracle Road, south of the Pinto Lane alignment in Township 11 South, Range 14 East, Section 4 from GR-1 to CB-2 (Rezoning Case Co9-97-41). The rezoning case applies to assessor parcel numbers 222-11-016A and 222-11-016B.

Background & Proposal

As demonstrated on the revised preliminary development plan (PDP), the property owner is proposing a climate-controlled self-storage building on a separate but contiguous parcel (APN: 222-17-006A) between Jerry Bob's Restaurant – Catalina to the north and the subject parcels to the south, with the rental office located in the northeast corner of the rezoning site and outside of the 250-foot erosion hazard setback (EHS) from Big Wash to the west. This is a deviation from the originally approved PDP which contemplated engineering analysis to potentially reduce the EHS for the construction of approximately 10,101 square feet of gross building area on two separate commercial pads. The new plan reduces the total building area constructed on the site as the proposed building is now located outside of the EHS and eliminates the need for costly drainage mitigation measures. It also allows the east bank of the Big Wash to remain in more of a natural state since drainage infrastructure will not be necessary given that no buildings will be located within 250 feet of the wash. Additionally, as shown on the revised PDP, there will be no disturbance of the County-designated xeroriparian habitat or the two Conservation Lands System designations onsite.

Areas within the 250-foot EHS, as well as any other remnant land that is not otherwise used for building area, parking, parking area access lanes (PAAL's), landscape bufferyards or required drainage features,

will be used for outdoor RV and boat storage. The proposed groundcover will be gravel with proper dust control provided in accordance with Pima County standards. If the total yard area is large enough to warrant asphalt paving, a modification of the Subdivision and Development Street Standards (SDSS) will be requested. Access will be provided on the north and south ends of the rezoning site, with cross-access to adjacent parcels, as required by Transportation condition #7.A. The alley along the northern boundary of the rezoning site was abandoned and subsequently quit claimed to a former property owner in 2004 per Docket 12387, Page 567. As shown on the PDP, an access easement for the adjacent parcel to the south is shown off the southern entry from Oracle Road. The PAAL then travels north and crosses onto parcel 222-17-006A at about the midpoint of the north boundary of the rezoning site. There is circulation to the parking and RV/boat storage on the west side of the self-storage building and the PAAL circles around the south and east sides to eventually provide cross-access (per Docket 11212, Page 2179) between Jerry Bob's and this development. The paved width of the Jerry Bob's access onto Oracle Road is approximately 38 feet.

Landscape bufferyards are not required to the west (Big Wash), north (CB-2 zone) or south (gravel parking lot in GR-1). The required Bufferyard 'D' on the east side adjacent to Oracle Road will be a minimum of 20 feet wide per the Gateway Overlay Zone as shown on the PDP and may vary in width, plant density and screening in accordance with Pima County standards. The natural open space on the west side as depicted on the PDP will be set aside as a surveyed and legally described natural area in accordance with Section 18.61.050.C of the Hillside Development Overlay Zone. In accordance with hillside development zone (HDZ) standards, any natural slopes of 15 percent or greater will be avoided and any required vertical retaining walls along the back (west) side of the proposed RV/boat storage yard area will provide screening and 3:1 slopes in accordance with the Pima County HDZ Manual.

Roadway Frontage Standards (Pima County Code of Ordinances, Title 18 – Zoning, Chapter 18.77)

Per Table 18.77.030 of the Pima County Zoning Code, there is a 150-foot setback from the centerline of Oracle Road, which has a total right-of-way width of 200 feet. This equates to a 50-foot setback from the eastern property line when measured from the centerline of Oracle Road. Concurrent processing of a modification of setback requirements (MSR) is also requested to allow the proposed building to be placed fully outside of the EHS line but no closer than 20 feet from the eastern property line per the landscape bufferyard requirements of the Gateway Overlay Zone.

Gateway Overlay Zone

Final design and development of the property will be subject to Design Review Committee (DRC) approval given that the project is located within the Gateway Overlay Zone. The submittal to the DRC will include a request to remove the outdoor storage screening requirement along the west boundary since the Big Wash provides over 500 feet of buffering between the proposed storage area and any adjacent potentially developable State Trust Land. A modification of the screening along Oracle Road will also be requested since there will effectively be two screens/walls along Oracle Road due to the required Bufferyard 'D'

screening requirements and the required screening along all four sides of outdoor storage areas in the county. As a result, the proposal is to allow the required screen wall along the east side of the outdoor RV/boat-storage yard area (west side of PAAL) to satisfy the screening requirement along Oracle Road rather than having a wall on both sides of the PAAL. A security barrier (i.e. a wall, wrought iron fencing, etc.) will be installed along the north and south sides of the yard area in conjunction with opaque screening to obstruct offsite views of outdoor storage in accordance with Pima County requirements.

The following provides a justification for the elimination of condition #10 from Pima County Ordinance 1998-63.

Condition #10 stipulates “adherence to the preliminary development plan as approved at public hearing. CB-2 uses are restricted to a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and an automatic carwash, and nonresidential CB-1 uses. There shall be no outside storage, display, or sale of goods or merchandise”.

Per the published minutes from the Board of Supervisors meeting on June 16, 1998, no one spoke in opposition to the proposed rezoning. Through further review of the published minutes from the original rezoning and discussions with staff, it was determined that this condition was garnered due to the previous applicant not having an intended use. The PDP associated with this rezoning provided approximately 10,000 square feet of building space across two pads and was destined to be another strip mall with a variety of uses. Staff supported CB-1 zoning with additional uses from CB-2 to try and control the blanket of General Business zoning that was occurring in this area at that time.

The proposed PDP clearly identifies self-storage and outdoor boat and RV storage as the intended use. Adhering to all existing development standards and Pima County ordinances limits much of the property because of the erosion hazard setback from Big Wash. This was a major determining factor in identifying the outdoor boat and RV storage as a suitable use and thus allowing the property to finally become economically viable for commercial development. Self-storage, in a limited fashion, is an allowable use in CB-1 however the current PDP configuration would not be allowed. Additionally, the storage of functional vehicles, boats, motorcycles, recreational vehicles and trucks not intended for salvage is only allowed in CB-2.

Given the intensity of the uses already allowed per condition #10, as well as growth from new commercial investment/reinvestment and the buildout of Eagle Crest and Saddlebrooke, we respectfully request condition #10 be eliminated. There is no longer a pattern of speculative commercial zoning in Catalina and the area is again starting to see development interest in the wake of the economic downturn. In keeping with the trend of self-storage facilities historically acting as land banks until more intense redevelopment opportunities become feasible, the proposed climate-controlled self-storage with outdoor RV/boat storage is a low traffic use that will help generate tax revenue and increase land value until such time that redevelopment into

more intense CB-2 uses, and simultaneous installation of costly floodplain mitigation and drainage infrastructure, becomes viable. Because of this, the current request for a rezoning time extension and zoning condition modification also includes a request to preserve the originally approved preliminary development plan from 1998 until such time that a more intense redevelopment opportunity and the necessary EHS mitigation becomes viable.

In summary, the proposed development will create a cohesive project that ties into the adjacent properties north and south of the project. This cross-access integration between commercial properties and minimization of ingress/egress points onto Oracle Road is a long-term goal of ADOT and the County and creates safer driving conditions along the corridor. The subject property for this modification request will contain an approximately 4,200 square foot office building for the administrative uses associated with the rental of self-storage space (with an option to convert the building into a retail establishment in the future), and approximately 42,000 square feet of boat and RV storage. The newly proposed PDP will be subject to Pima County Development Standards and will fulfill the obligations of the outstanding rezoning conditions associated with Co9-97-41 as well as the recommended conditions per the time extension completed in 2005. As mentioned at the end of the paragraph above, we respectfully request that the originally approved PDP also continue to be an allowable development alternative. We ask that this request be placed on the Planning and Zoning Commission agenda for the January 3rd hearing if possible.

Attached to this correspondence is the revised PDP based on the requested rezoning condition modification and meeting all other rezoning conditions applicable during this stage of preliminary development planning and entitlements.

We are prepared to meet to discuss any questions you may have regarding this request. Please feel free to contact me at (520) 623-6146. Thank you for your consideration.

Best regards,



Brian Underwood, Director of Planning
The Planning Center



October 15, 2018

Chris Poirier
Planning Official
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject: **Co9-97-41 Western Continental Limited Partnership / Shiner – Oracle Road Rezoning**
CFT-01 (TPC project no.)

Dear Mr. Poirier:

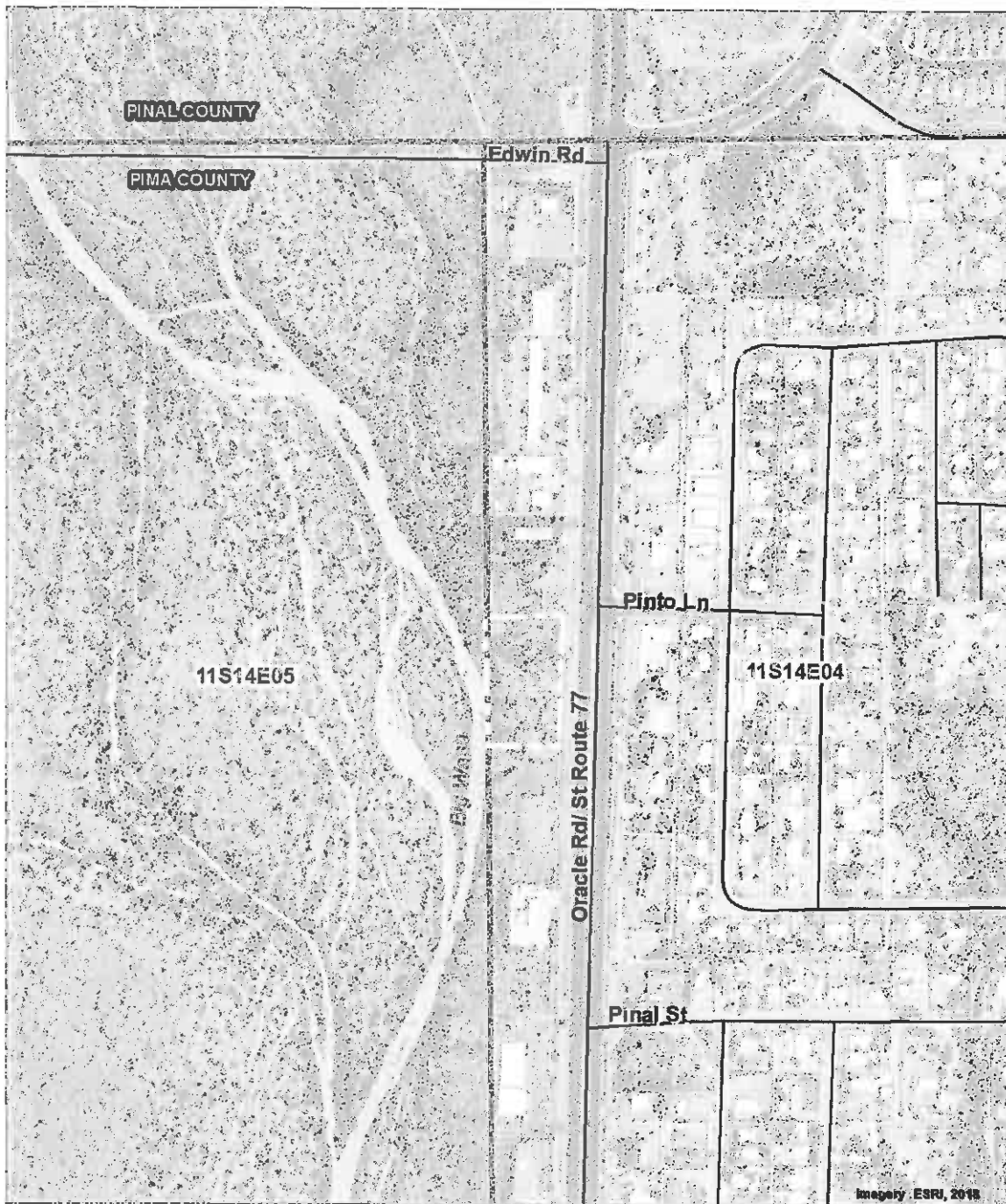
On behalf of the new landowners, Clemovitz Mildred D Family Trust, we are requesting two concurrent 5-year time extensions for the rezoning case #Co9-97-41, Western Continental Limited Partnership / Shiner – Oracle Road Rezoning. The subject site consists of approximately 2.34 acres adjacent to the west side of Oracle Road, south of the Pinto Lane alignment. The two rezoning tax parcels (APN: 222-11-016A and 222-11-016B) are located in Township 11 South, Range 14 East, Section 4. See enclosed location map.

The rezoning from GR-1 (Rural Residential) to CB-2 (General Business) occurred in 1998 (Ordinance 1998-63), prior to a period of economic downturn and during an uncertain market presence in the Catalina area adjacent to the Pima/Pinal County line. Because of the weak market for commercial property, and the uncertainty of local population growth, the property remained undeveloped. Now that the marketability of commercial property is recovering, and the populace is growing, the owners are seeking concurrent time extensions to allow for development under the existing CB-2 zoning with modifications to the conditions.

If you have any questions, please do not hesitate to contact me.

Sincerely,
THE PLANNING CENTER

Brian Underwood
Director of Planning



LEGEND

Project Boundary

TRS

Project Site is located at:
Township 11S, Range 14E, Section 4
Acreage: Approximately 2.34 Acres
Parcel ID #: 222-11-016A, 222-11-016B

NORTH

0 250' 500'

FILE NAME: CFT-91_Location_8.6
SOURCE: Pima County GIS, 2017

Pima County Comprehensive Plan
Tortolita Planning Area
Plan Designation: Multi-Functional Corridor (MFC)



RS

Neighborhood Activity
Center (NAC)

Resource Sensitive (RS)

Flood Control Resource
Area (FCRA)

FCRA

NAC

NAC

N. Oracle Road

MFC

Site

E. Pinto Lane

MFC

E. Pinal Street

MFC

LIU 3.0

Low Intensity Urban 3.0
(LIU 3.0)

FCRA

FCRA

LIU 3.0

Excerpt from Pima Prospers FINAL (as adopted 2015)

Land Use Legend

The Land Use Intensity Legend is composed of a number of “urban/suburban”, “rural” land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

A. Urban/Suburban Intensity Categories

The following land use intensity categories shall be applied to designate planned land use within urban and suburban areas only:

3. Multifunctional Corridor (MFC)

- a. Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district), and medium- to high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards in the zoning code and design manuals, such as standards for access management, building setbacks, open space, signs, parking, and landscaping.
- b. Residential Gross Density: Residential gross density, if applicable, shall conform to the following:
 - 1) Minimum – 6 RAC
 - 2) Maximum – As allowed by the requested conforming zoning district.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – 6 RAC
 - 2) Maximum – 18 RAC.

B. GENERAL INTENSITY CATEGORIES

The following land use categories shall be applied to designate urban and rural development intensities on the Land Use Plan maps.

3. **Resource Sensitive (RS)**

- a. Objective: To designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.
- b. Residential Gross Density:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC.

.....

Maeveen Marie Behan
Conservation Lands System



E. Pinto Lane

E. Pinal Street

N. Oracle Road

Site

IRA

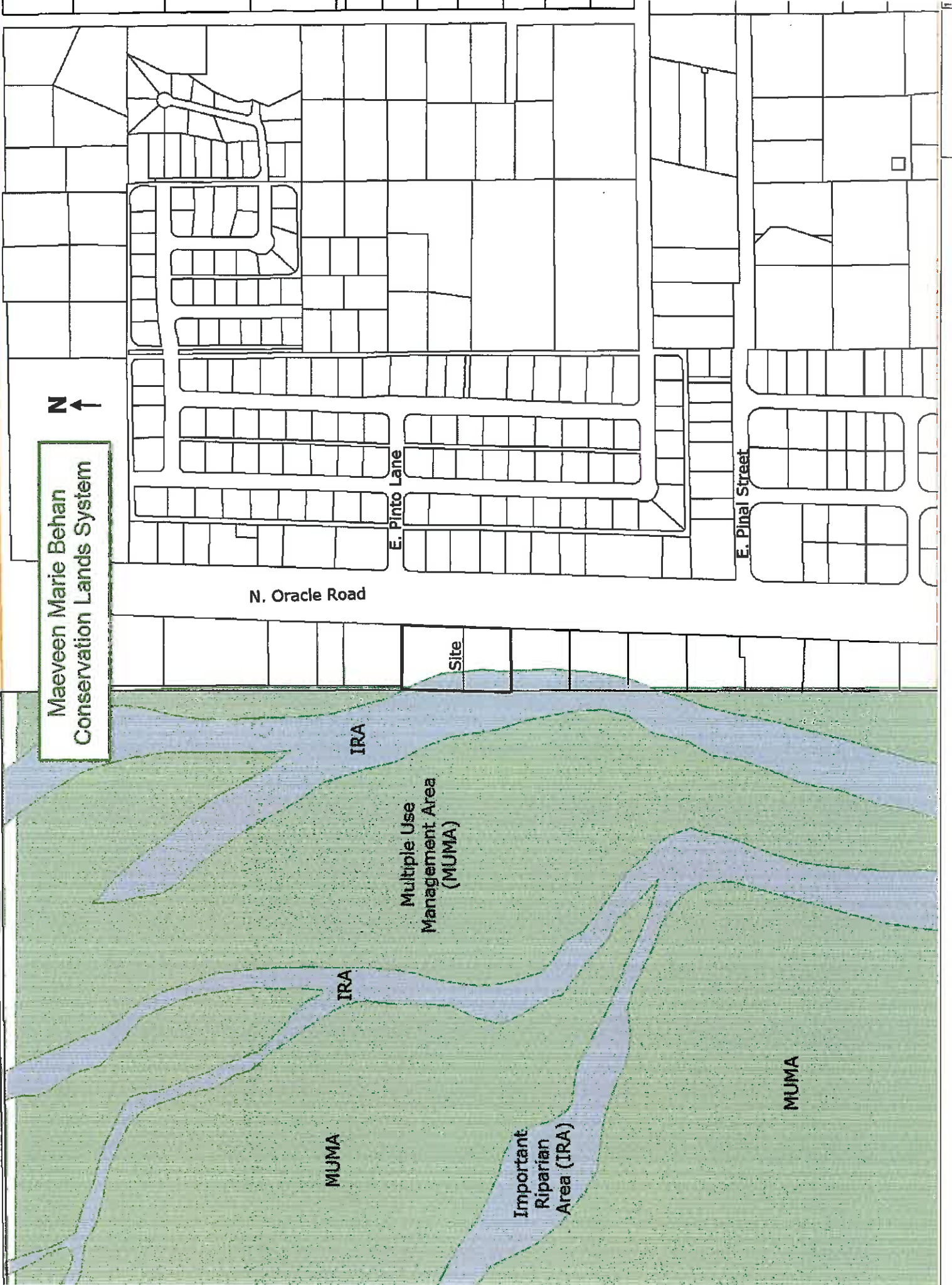
Multiple Use
Management Area
(MUMA)

IRA

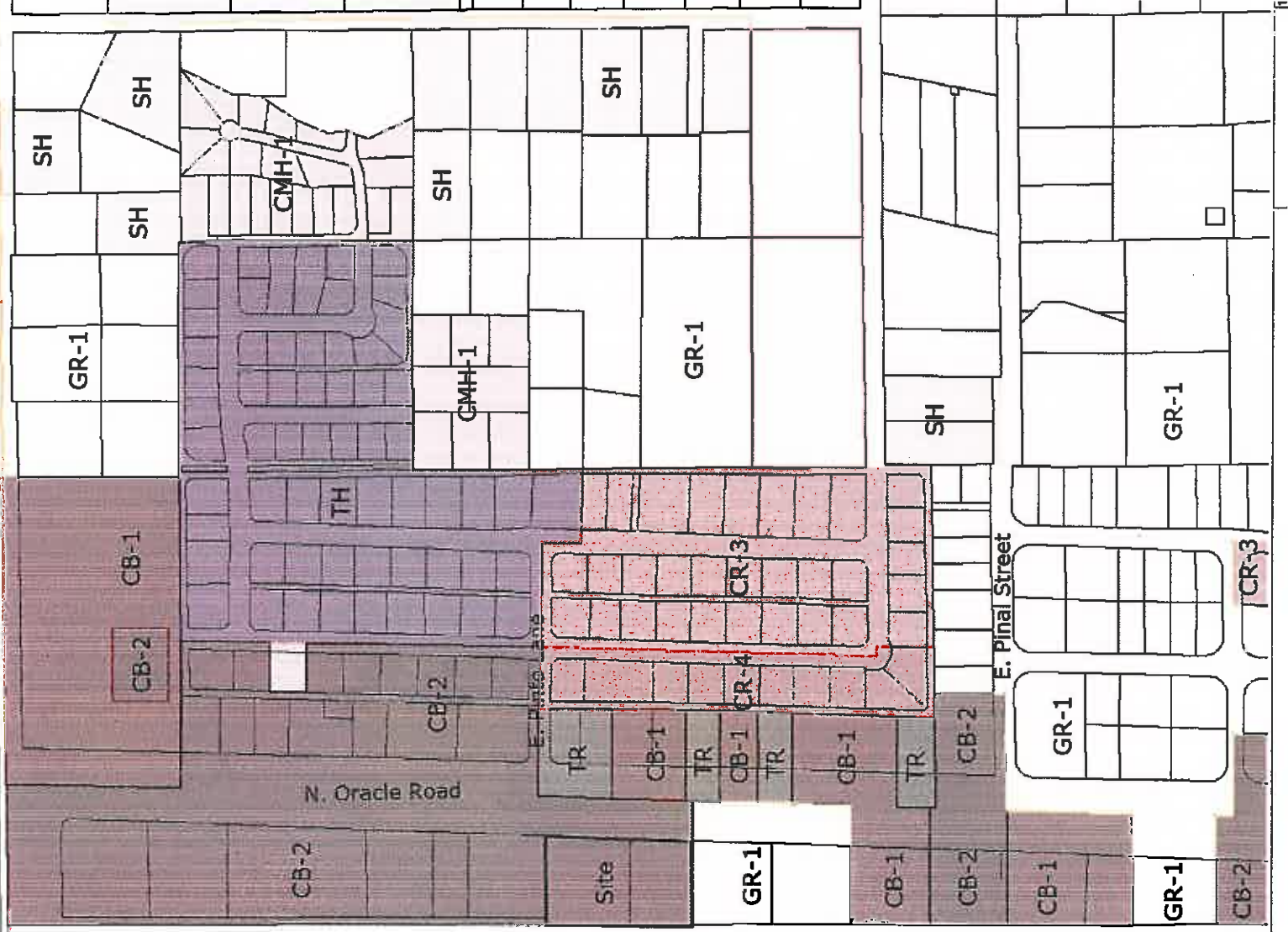
MUMA

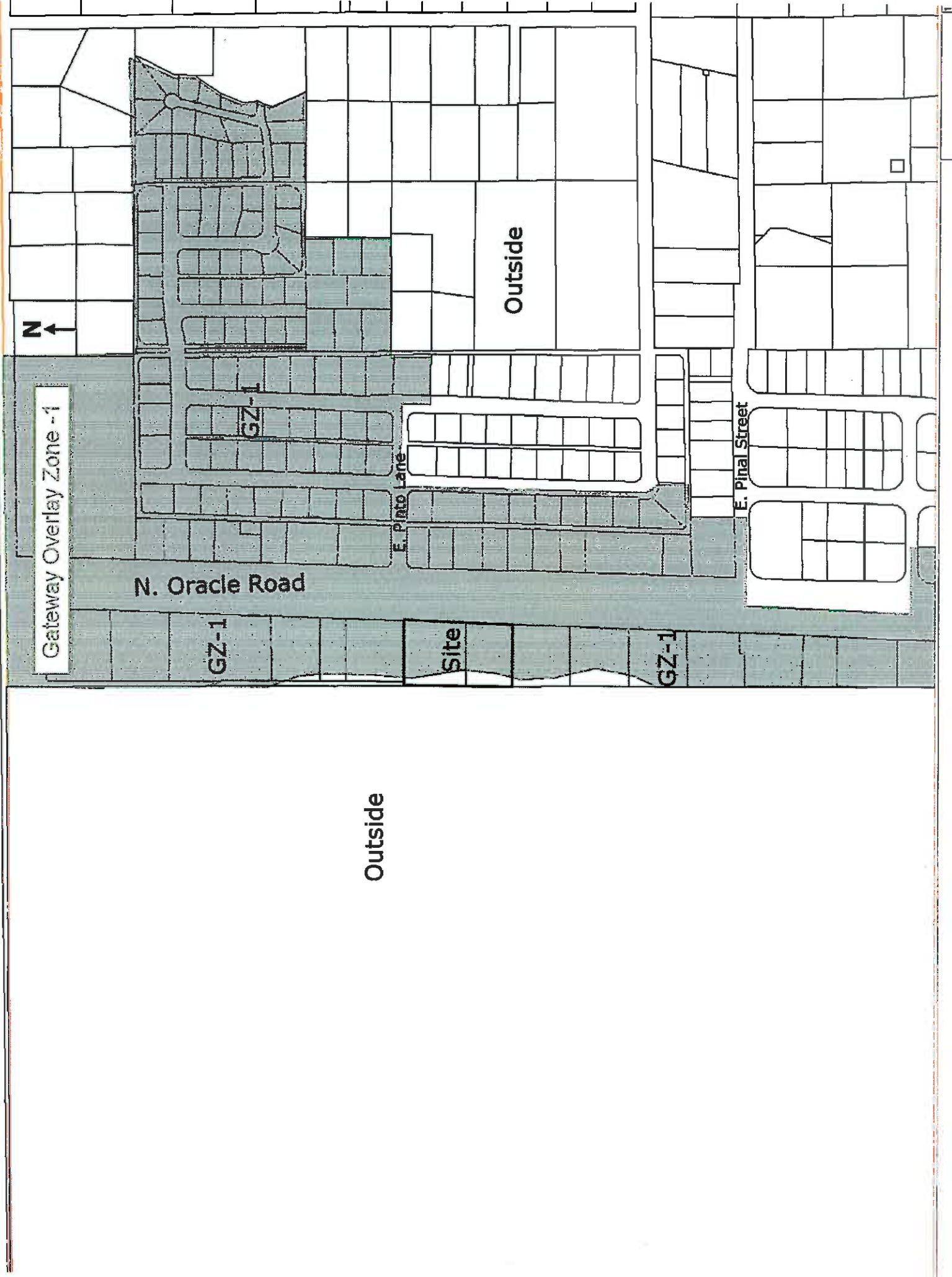
Important
Riparian
Area (IRA)

MUMA



Zoning Map

RH
(State Land)



F. ANN RODRIGUEZ, RECORDER
RECORDED BY: REJ
DEPUTY RECORDER
2234 ROOD



DOCUMENT: 10917
PAGE: 556
NO. OF PAGES: 6
SEQUENCE: 19981940216
11/05/98
ORDINANCE
PICKUP

P0230
PIMA CO CLERK OF THE BOARD
PICKUP
TUCSON AZ 85701

AMOUNT PAID \$ 0.00

ORDINANCE 1998-63

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (TAX CODES 222-11-016A AND 016B) IN CASE Co9-97-41 WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER - ORACLE ROAD REZONING; LOCATED ON THE WEST SIDE OF ORACLE ROAD, APPROXIMATELY 1/4 MILE NORTH OF PINAL STREET; AMENDING PIMA COUNTY ZONING MAP NO. 519.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 2.34 acres described on the attached rezoning ordinance map, which amends Pima County Zoning Map No. 519, are hereby rezoned from GR-1 to CB-2.

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.

7. Transportation conditions:
- A. A maximum of two (2) access points to Oracle Road will be allowed. The center line of one and/or both approved access point(s) will be on or near the southern and northern boundaries of the subject property. Boundary access point(s) will be shared with the adjacent properties to the south and north. In addition the property owner(s) will provide for future internal site access and traffic circulation with the adjacent properties to the south and north.
 - B. The location, design and number of access points (maximum of two) to the subject property from the Tucson-Florence Highway (Oracle Road) will need written approval by the Arizona Department of Transportation before any plan approvals by Pima County.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to the Pima County Department of Transportation prior to the issuance of a certificate of occupancy.
8. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District. No bank protection of the Big Wash shall be permitted.
 - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. Property owner(s) shall adhere to the required 250-foot erosion hazard building setback distance from the Big Wash, unless the Flood Control District approves a reduced erosion hazard setback distance.
9. Environmental Quality condition:
- Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
10. Adherence to the preliminary development plan as approved at public hearing. CB-2 uses are restricted to a bar, lawnmower repair, motorcycle repair, refrigeration service, sign painting and a automatic carwash, and nonresidential CB-1 uses. There shall be no outside storage, display, or sale of goods or merchandise.

11. The rezoning site (parcels 222-11-016A and 222-11-016B) shall be combined into one parcel prior to the approval of a development plan for the subject site.
12. The natural open space depicted on the approved preliminary development plan shall be set aside as a surveyed and legally described natural area in accordance with Section 18.61.050.C of the Hillside Development Overlay Zone. The natural area shall not be divided between parcels.
13. Concurrent with the tentative plat or development plan submittal, a plant preservation/mitigation study and plan shall be prepared by an independent horticulturalist or other qualified professional and submitted to the Planning Division for review and approval. The developer shall preserve in place, relocate or mitigate significant on-site cacti, trees, including ironwoods, as recommended by the preservation plan, including but not limited to: threatened or endangered plant species, plants on the Arizona Protected Plants List, areas of riparian vegetation, or significant wildlife habitat and corridors. In addition, if saguaros of six feet in height or greater are removed or relocated each saguaro removed shall be replaced, within the site area, with three additional saguaros. For each saguaro relocated on site, one additional saguaro shall be planted within the site area. Such saguaros shall be nursery grown wherever possible. If the applicant can demonstrate that nursery grown saguaros are not available in the amount sufficient to comply with this policy, then saguaros which are authorized for transplanting through the State of Arizona Department of Horticulture permitting process will be allowed.
14. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
15. Building heights are limited to 24 feet and two stories.
16. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07, Oracle Road, Northern Gateway.

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 16 shall be completed by June 16, 2003.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 16 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County,
Arizona, this 03th day of October, 1998.

Sharon Bronson

OCT 0 6 1998

Sharon Bronson
Vice Chairman, Board of Supervisors Date

ATTEST:

Lori Anderson

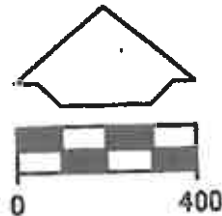
Clerk, Board of Supervisors

J. Mazzocco

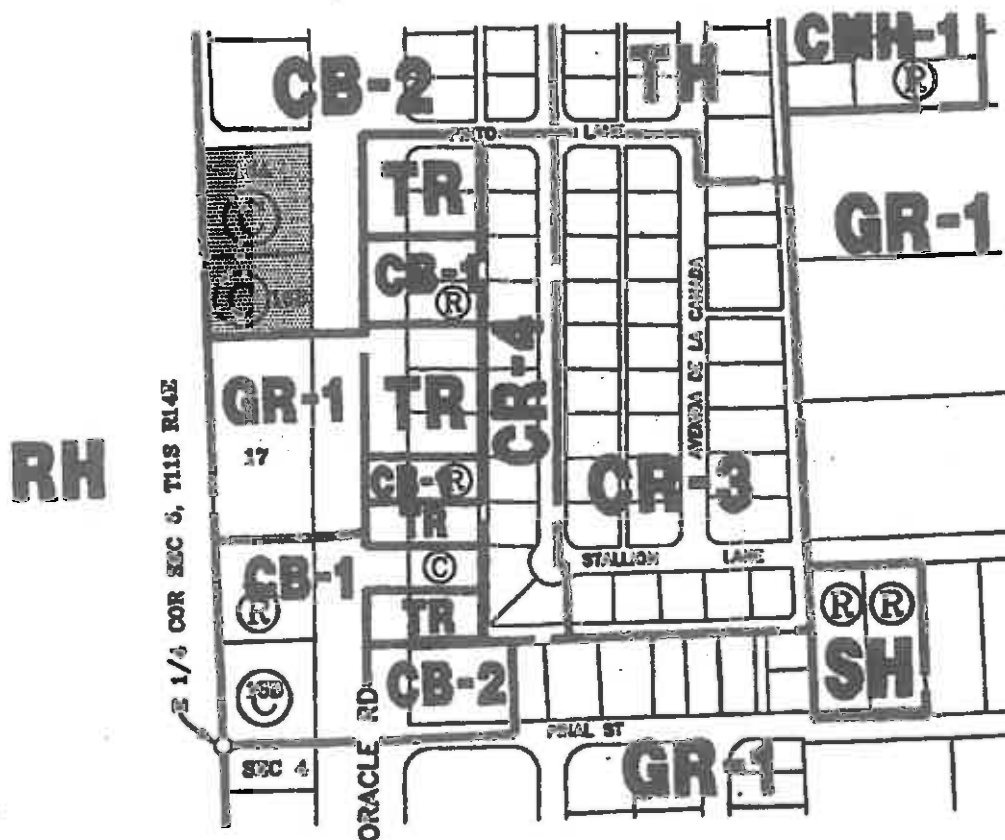
Executive Secretary

Planning and Zoning Commission

AMENDMENT NO. 69 BY ORDINANCE NO. 1998-63
 TO PINA COUNTY ZONING MAP NO. 519 TUCSON, AZ.
 PARCELS 16A AND 16B BEING A PART OF THE SW 1/4 OF
 THE NW 1/4 OF SEC 4, T11S R14E.



ADOPTED 10-6-98 EFFECTIVE 10-6-98



[Signature]
 EXECUTIVE SECRETARY PINA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM GR-1 2.34 ac±
 sp-SEPTEMBER 7, 1998

CD9-97-41
 CD7-89-2
 222-11-015A-015B

Co9-97-41 Rezoning Time Extension Approval

BOS Minutes 4-5-05

The Vice Chair inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Carroll, seconded by Vice Chair Elías, and carried by a four to zero vote, Chair Bronson absent, to close the public hearings, approve the liquor licenses and forward the recommendations to the State Liquor Control Board.

35. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-97-41, WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER - ORACLE ROAD REZONING

Request of Western Continental Limited Partnership, represented by GD&A Southwest, L.L.C., for a seven-year time extension, to June 16, 2010, for the above-referenced rezoning. The subject property is 2.34 acres, conditionally rezoned from GR-1 (Rural Residential) to CB-2 (General Business), located on the west side of Oracle Road, approximately 1/4 mile north of Pinal Street. The rezoning expired June 16, 2003. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

"RECOMMENDATION

Staff recommends **APPROVAL** of a seven-year rezoning time extension to June 16, 2010, subject to the following modifications and added conditions:

7. Transportation conditions:
 - A. ~~Maximum of two (2) access points to Oracle Road will be allowed. The centerline of one and/or both approved access point(s) will be on or near the southern and northern boundaries of the subject property. Boundary access point(s) will be shared with the adjacent properties to the south and north. In addition the property owner(s) will provide for future internal site access and traffic circulation with the adjacent properties to the south and north. Only one access point to Oracle Road shall be allowed from the rezoning site. The property owner shall provide for internal site access with the adjacent properties to the south and north.~~
 - B. ~~The location, design of access points (maximum of two) to the subject property from the Tucson Florence Highway (Oracle Road) will need written approval by the Arizona Department of Transportation before any plan approvals by Pima County. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) will need written approval by the Arizona Department of Transportation before any plan approvals by Pima County.~~
 - D. The Development Plan shall provide for pedestrian access within the site and to the north and south.
9. ~~Environmental Quality condition:~~
~~Surface sewage disposal shall not exceed 1,200 gallons per day.~~
Environmental Quality Condition:
17. The property shall connect to public sewer in the manner specified by Wastewater Management.
- U.S. Fish and Wildlife Conditions:
18. Protect as natural space the large trees on the western portions of these parcels associated with Big Wash.
19. Conduct pygmy-owl surveys according to the approved protocol prior to any development of this site. If surveys are negative, development may proceed as planned. If surveys are positive, the developer should contact us to determine the appropriate course of action.

Development Review Conditions:

20. No disturbance of riparian habitat shall be allowed, including incidental disturbance during construction activities.

21. Vertical retaining walls, screened as required by Chapter 18.61, Hillside Overlay Zone, shall be used to stabilize fill slopes.
22. The Preliminary Development Plan shall be redesigned to show the 20-foot wide buffer yard required by Chapter 18.78, Gateway Overlay Zone.

Wastewater Management Conditions:

23. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner/developer shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with owner/developer to that effect.
24. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed new development within the rezoning area is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.
25. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
26. The owner/developer shall fund, design and construct all necessary on-site sewers to serve the rezoning area at his or her sole expense, to be privately maintained, unless otherwise directed at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
27. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and all applicable agreements with Pima County, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

Environmental Planning Conditions:

28. Unless Development Services is provided with information from the U.S. Fish and Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy-owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish and Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish and Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.
29. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
Fountain grass (Pennisetum setaceum)
Buffelgrass (Pennisetum ciliare)
Johnson grass (Sorghum halpense)
Giant reed (Arundo donax)
Common crabgrass (Digitaria sanguinalis)
Pampas grass (Cortaderia selloana)
Red brome (Bromus rubens)
Mediterranean grass (Schismus spp.)
Tree of heaven (Ailantus altissima)
African sumac (Rhus lancea)
Russian olive (Eleagnus angustifolia)
Salt cedar/Tamarisk (Tamarix pertandra & T. ramossissima)
Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda
Love grasses (Eragrostis spp.) excluding Plains love grass (Eragrostis intermedia)
African rue (Peganum harmala)
Ice plant (Mesembryanthemum crystallinum)

Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (=Rhynchelythrum repens))"

Arlan Colton, Planning Official, stated this is a request for a seven-year time extension on 2.43 acres from GR-1 to CB-2, but only certain CB-2 uses were allowed in the original rezoning. Staff recommended approval with a number of new conditions that would bring the rezoning case up-to-date. Staff has received no public comment to date. The proposed rezoning complies with the Comprehensive Plan and the natural open space area on the approved Preliminary Development Plan and is within and consistent with the Conservation Land System (CLS). The Plan also meets concurrency standards. The change in Condition 7A would reduce the access points from two to one off of Oracle Road.

The Vice Chair inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Vice Chair Elías, and carried by a four to zero vote, Chair Bronson absent, to close the public hearing and approve Co9-97-41 for a seven-year time extension subject to conditions.

36. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-05-01, PIMA COUNTY - REGIONAL AFFORDABLE HOUSING POLICY PLAN AMENDMENT

Proposal by Pima County, initiated for immediate review by the Pima County Board of Supervisors, to amend the Regional Plan Policies of the Pima County Comprehensive Plan to add and modify the provisions for affordable housing. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith and Membrila were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

"Staff recommends **APPROVAL** of the comprehensive plan amendment to adopt the following Regional Plan Policy on affordable housing:

Regional Plan Policies

1. Land Use Element Regional Plan Policies

C. SITE DESIGN AND HOUSING:

3. Affordable Housing

Rezoning activity and other land uses shall promote affordable housing including inclusionary or mixed income subdivisions. New rezonings and specific plans which have a residential component shall be subject to the Affordable Housing Policy and Strategies as adopted by the Board of Supervisors."

Ben Changakoti, Comprehensive Plan Administrator, stated this is a proposal to amend the Pima County Comprehensive Plan, Regional Plan Policy 1.C.3 addressing Affordable Housing. The amendment recommended that new rezonings and Specific Plans with residential components would be subject to the Affordable Housing Policy and

Co9-97-41 Original Rezoning Approval

BOS Minutes 6-16-98

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chairman Boyd, seconded by Supervisor Bronson, and unanimously carried by a five to zero vote, to close the public hearing, to approve the petitioner's request.

37. DEVELOPMENT SERVICES: REZONING

Co9-97-41, WESTERN CONTINENTAL LIMITED PARTNERSHIP/SHINER - ORACLE ROAD REZONING

Request (Co9-97-41) of Western Continental Limited Partnership; James and Amy Shiner, represented by The WLB Group, for a rezoning of 2.34 acres from GR-1 (Rural Residential) to CB-2 (General Business), located on the west side of Oracle Road, approximately 1/4 mile north of Pinal Street. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 8 - 1 (Commissioner Hausman voted NAY; Commissioner Membrila was absent) to recommend APPROVAL, Staff recommends APPROVAL FOR CB-1, subject to Standard and Special Conditions. (District 3)

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

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. A maximum of two (2) access points to Oracle Road will be allowed. The center line of one and/or both approved access point(s) will be on or near the southern and northern boundaries of the subject property. Boundary access point(s) will be shared with the adjacent properties to the south and north. In addition the property owner(s) will provide for future internal site access and traffic circulation with the adjacent properties to the south and north.
 - B. The location, design and number of access points (maximum of two) to the subject property from the Tucson-Florence Highway (Oracle Road) will need written approval by the Arizona Department of Transportation before any plan approvals by Pima County.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle

- Road) shall need to be submitted to the Pima County Department of Transportation prior to the issuance of a certificate of occupancy.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District. No bank protection of the Big Wash shall be permitted.
 - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. Property owner(s) shall adhere to the required 250-foot erosion hazard building setback distance from the Big Wash, unless the Flood Control District approves a reduced erosion hazard setback distance.
 9. Environmental Quality condition:

Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
 10. Adherence to the preliminary development plan as approved at public hearing. CB-2 USES ARE RESTRICTED TO A BAR, LAWNMOWER REPAIR, MOTORCYCLE REPAIR, REFRIGERATION SERVICE, SIGN PAINTING, AND AN AUTOMATIC CAR WASH, AND nonresidential CB-1 uses. THERE SHALL BE NO OUTSIDE STORAGE, DISPLAY, OR SALE OF GOODS OR MERCHANDISE.
 11. The rezoning site (parcels 222-11-016A and 222-11-016B) shall be combined into one parcel prior to the approval of a development plan for the subject site.
 12. The natural open space depicted on the approved preliminary development plan shall be set aside as a surveyed and legally described natural area in accordance with Section 18.61.060 of the Hillside Development Overlay Zone. The natural area shall not be divided between parcels.
 13. Concurrent with the tentative plat or development plan submittal, a plant preservation/mitigation study and plan shall be prepared by an independent horticulturalist or other qualified professional and submitted to the Planning Division for review and approval. The developer shall preserve in place, relocate or mitigate significant on-site cacti, trees, including ironwoods, as recommended by the preservation plan, including but not limited to: threatened or endangered plant species, plants on the Arizona Protected Plants List, areas of riparian vegetation, or significant wildlife habitat and corridors. In addition, if saguaros of six feet in height or greater are removed or relocated each saguaro removed shall be replaced, within the site area, with three additional saguaros. For each saguaro relocated on site, one additional saguaro shall be planted within the site area. Such saguaros shall be nursery grown wherever possible. If the applicant can demonstrate that nursery grown saguaros are not available in the amount sufficient to comply with this policy, then saguaros which are authorized for transplanting through the State of Arizona Department of Horticulture permitting process will be allowed.
 14. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
 15. Building heights are limited to 24 feet and two stories.
 16. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07, Oracle Road, Northern Gateway."

Jim Mazzocco, Planning Official, reported this was a rezoning in the Catalina area and the uses would be non-residential. Permitted uses include a bar, automatic car wash and motorcycle repair. There has been no protest on this case.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Grijalva, and unanimously carried by a five to zero vote, to close the public hearing, to approve the petitioner's request subject to standard and special conditions.

38. DEVELOPMENT SERVICES: REZONING

Co9-97-53, ALL, ET. AL. - ORACLE ROAD REZONING
Request (Co9-97-53) of Assunta Ali, et al, represented by The Planning Center, for a rezoning of 3.40 acres from GR-1 (Rural Residential) to CB-1 (Local Business), located on the east side of Oracle Road, approximately 600 feet north of Mainsail Boulevard. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 9 - 0 (Commissioner Membrilla was absent) to recommend APPROVAL, Staff recommends APPROVAL, subject to Standard and Special Conditions. (District 3)

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

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. One (1) access point to Oracle Road shall be allowed. The access point shall be shared with the adjacent properties to the north and the south. There shall be provisions made for future internal site access and traffic circulation with adjacent properties to the north and the south.
 - B. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) shall need written approval by the Arizona Department of Transportation prior to any plan approvals from Pima County.



201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207
(520) 724-9000

Biological Impact Report

(Not Applicable for Rezoning that Require a Site Analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

Pima County Planning staff will provide the following information for the proposed project site, as applicable:

1. Is the project located in the Maeveen Marie Behan Conservation Lands System?
Any Special Species Management Areas?
2. Is the project in the vicinity of any of the six Critical Landscape Linkages?
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property?
4. Is the project located within the Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl
 - b. Western burrowing owl
 - c. Pima pineapple cactus
 - d. Needle-spined pineapple cactus

Part II. Information Provided by the Applicant:

1. Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property?

If yes, provide a summary of those communications: _____



2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl	No	<input type="text"/>	<input type="text" value="(Select)"/>
Western burrowing owl	No	<input type="text"/>	<input type="text" value="(Select)"/>
Pima pineapple cactus	No	<input type="text"/>	<input type="text" value="(Select)"/>
Needle-spined pineapple cactus	No	<input type="text"/>	<input type="text" value="(Select)"/>

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.

October 1, 2018

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

RE: Co9-97-41 Western Continental Limited Partnership / Shiner – Oracle Road Rezoning

To Whom It May Concern:

As owners of the approximately 2.34-acre property located adjacent to the west side of Oracle Road, south of the Pinto Lane alignment (APN's: 222-11-016A and 222-11-016B), I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site and modification of rezoning conditions.

The parcels are situated in Pima County, Arizona and are in Township 11 South, Range 14 East, Section 4.

Sincerely,

Clemovitz Mildred D Family Tr
Attn: David Christopher Clemovitz Tr
14515 N Crown Point Dr
Oro Valley, AZ 85755-6660

By: 

David Clemovitz (Trustee), Clemovitz Mildred D Family Tr

Clemovitz Mildred D Family Tr

Beneficiaries of Clemovitz Mildred D Family Tr, Clemovitz Mildred D Family Tr:

David Clemovitz
Patricia L Trover