



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/17/2024

\*= Mandatory, information must be provided

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

**\*Title:**

Co9-88-80 LONDON – ORACLE ROAD REZONING

**\*Introduction/Background:**

A. Applicant requests a five-year time extension; B. A modification (non-substantial change) of rezoning condition #8 to revise the approved preliminary development plan for a 75 space RV storage facility. The 3.2-acre rezoning was from the GR-1 (GZ-1) (Rural Residential – Urban Gateway Overlay Zone) to the CB-2 (GZ-1) (General Business – Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place. The rezoning was approved in 1989, received six rezoning time extensions, the most recent of which expired February 7, 2022.

**\*Discussion:**

A. The applicant sites the need for a five-year time extension is due to the property being under new ownership as of 2023. B. The modification (non-substantial change) of rezoning condition #8 will allow for a revised preliminary development plan.

**\*Conclusion:**

The proposed time extension and modification will allow for a total of 38 years from the original Board of Supervisors' approval to complete rezoning conditions and allow for an RV Storage Facility.

**\*Recommendation:**

A. Staff recommends APPROVAL of the five-year time extension subject to modified standard and special conditions. B. Staff recommends APPROVAL of a modification (non-substantial change) of rezoning condition #8 (renumbered as condition #9) subject to modified standard and special conditions.

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services, Planning      Telephone: 724-6675

Contact: Donna Spicola, Senior Planner      Telephone: 724-9513

Department Director Signature:  Date: 8 26 24

Deputy County Administrator Signature:  Date: 9/3/2024

County Administrator Signature:  Date: 9/3/2024



**TO:** Honorable Rex Scott, Supervisor, District 1  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
**DATE:** August 27, 2024  
**SUBJECT:** Co9-88-80 LONDON – ORACLE ROAD REZONING

The above referenced **Rezoning Time Extension/Modification (Non-Substantial Change) of a Rezoning Condition** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 17, 2024** hearing.

**\*\*This case requires 2 separate motions and votes**

**REQUEST:** A. Rezoning Time Extension  
A **five-year time extension** on an approximately 3.2-acre rezoning from the GR-1 (GZ-1) (Rural Residential – Urban Gateway Overlay Zone) to the CB-2 (GZ-1) (General Business – Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, and addressed as **15801 and 15803 N. Oracle Road**. The rezoning was conditionally approved on February 7, 1989, has received six rezoning time extensions and expired February 7, 2022. (District 1)

B. Modification (Non-Substantial Change) of Rezoning Condition  
A **modification (non-substantial change) of rezoning condition #8** which states. "Adherence to the preliminary development plan as approved at public hearing". The applicant requests to amend the preliminary development plan from a retail center to allow RV storage. The subject site is approximately 3.2 acres and is conditionally zoned CB-2 (GZ-1) (General Business – Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**. (District 1)

**OWNER:** Hilltop Farm LLC  
Attn: Larry and Claire Klinger  
3900 W. Moore Road  
Tucson, AZ 85742

**AGENT:** Oracle Engineering Group, Inc.  
Attn: Pete Salonga, P.E.  
11243 N. Platte Drive  
Tucson, AZ 85737

**DISTRICT:** 1

**STAFF CONTACT:** Donna Spicola, Planner II

**PUBLIC COMMENT TO DATE:** As of August 27, 2024, no written public comment has been

received.

**STAFF RECOMMENDATION:** A) APPROVAL OF FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS; B) APPROVAL OF MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITION #8 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** A small portion of the parcel is located within the Maeveen Marie Behan Conservation Land System (CLS) classified as Important Riparian Area.

TD  
Attachments





## BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-88-80

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### SEPTEMBER 17, 2024 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 27, 2024

### ADVERTISED ITEM FOR PUBLIC HEARING

### TIME EXTENSION, MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITION

\*\*This case requires 2 separate motions and votes

A. Rezoning Time Extension

#### Co9-88-80 LONDON – ORACLE ROAD REZONING

Hilltop Farm LLC, represented by Oracle Engineering Group, Inc., request a **five-year time extension** on an approximately 3.2-acre rezoning from the GR-1 (GZ-1) (Rural Residential – Urban Gateway Overlay Zone) to the CB-2 (GZ-1) (General Business – Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, and addressed as **15801 and 15803 N. Oracle Road**. The rezoning was conditionally approved on February 7, 1989, has received six rezoning time extensions and expired February 7, 2022. Staff recommends **APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 1)

B. Modification (Non-Substantial Change) of Rezoning Condition

#### Co9-88-80 LONDON – ORACLE ROAD REZONING

Hilltop Farm LLC, represented by Oracle Engineering Group, Inc., request a **modification (non-substantial change) of rezoning condition #8** which states "Adherence to the preliminary development plan as approved at public hearing". The applicant requests to amend the preliminary development plan from a retail center to allow RV storage. The subject site is approximately 3.2 acres and is conditionally zoned CB-2 (GZ-1) (General Business – Urban Gateway Overlay Zone), located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as **15801 and 15803 N. Oracle Road**. Staff recommends **APPROVAL OF THE MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 1)

**STAFF RECOMMENDATIONS****A. Rezoning Time Extension:**

Staff recommends **APPROVAL of a five-year time extension** to February 7, 2027, subject to original and modified standard and special conditions.

**B. Modification (Non-Substantial Change) of Rezoning Condition:**

Staff recommends **Approval of a Modification (Non-Substantial Change) of Rezoning Condition #8 renumbered as condition #9** to revise the preliminary development plan subject to original and modified standard and special conditions as follows:

1. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control.
2. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
3. Regional Wastewater Reclamation Condition: The owner(s) must secure approval from Pima County Department of Environmental Quality (PCDEQ) to use an on-site sewage disposal system at the time a tentative plat, development plan, or request for a building permit is submitted for review.
  - ~~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.~~

4. Transportation conditions:
- A. Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.
  - B. Written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Development Services Department prior to development plan approval.
  - C. Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
  - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
5. Flood Control condition: First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
66. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
67. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- | Invasive Non-Native Plant Species Subject to Control |   |
|--|---|
| <i>Ailanthus altissima</i>                           | Tree of Heaven  |
| <i>Alhagi pseudalhagi</i>                            | Camelthorn  |
| <i>Arundo donax</i>                                  | Giant reed  |
| <i>Brassica tournefortii</i>                         | Sahara mustard  |
| <i>Bromus rubens</i>                                 | Red brome   |
| <i>Bromus tectorum</i>                               | Cheatgrass  |
| <i>Centaurea melitensis</i>                          | Malta starthistle   |
| <i>Centaurea solstitialis</i>                        | Yellow starthistle  |
| <i>Cortaderia</i> spp.                               | Pampas grass  |
| <i>Cynodon dactylon</i>                              | Bermuda grass (excluding sod hybrid)                          |
| <i>Digitaria</i> spp.                                | Crabgrass   |
| <i>Elaeagnus angustifolia</i>                        | Russian olive   |
| <i>Eragrostis</i> spp.                               | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i>                                | Natal grass   |
| <i>Mesembryanthemum</i> spp.                         | Iceplant  |
| <i>Oncosiphon piluliferum</i>                        | Stinknet  |

<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

78. Landscaping to consist of low water use and low pollen producing vegetation.
89. Adherence to the revised preliminary development plan as approved at public hearing.
910. No more than one (1) parcel.
4011. Heights shall be limited to two stories or 24 feet in height.
4412. 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.
4213. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act 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(I)."

Former Regional Wastewater Reclamation Conditions are being removed due to proposed use of on-site sewage disposal system and one condition is being added for securing approval from PCDEQ for use of the on-site sewage system.

The Regional Flood Control District has added a new condition for first flush retention.

The conditions provided under adopted Resolution 2021-80 for other reporting departments are essentially the same conditions other than minor updates for current condition language and/or renumbering of conditions.

### **STAFF REPORT**

#### **A. Rezoning Time Extension:**

Staff supports the five-year rezoning time extension request, which if approved, will provide a total of 38 years to complete rezoning conditions from the initial rezoning approval date of February 7, 1989. The new expiration date for this rezoning will be February 7, 2027. The initial time limit for an approved rezoning is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. The applicant states that the owner recently purchased this property in 2023. Per adopted Rezoning Resolution 2021-80, the rezoning expired in 2022. Because of the continued appropriateness of the CB-2 (GZ-1) zoning, along with the revised rezoning conditions and revised preliminary development plan, staff supports the time extension.

The 3.2-acre CB-2 (GZ-1) zoned property is located on the west side of N. Oracle Road, approximately 650 feet north of Lupine Place and is currently undeveloped.

Denial of the time extension will cause the site to revert to unrestricted GR-1 (GZ-1) zoning which would not conform to its Multifunctional Corridor (MFC) plan designation. The minimum density requirement within MFC is 6 residences per acre (RAC). At 3.2 acres or 139,392 square feet, the gross allowance of residences under the GR-1 zone is three. Closure of the rezoning would not preclude the possibility of a future rezoning.

**B. Modification (Non-Substantial Change) of Rezoning Conditions:**

The 3.2-acre subject property is currently owned by Hilltop Farm LLC. The property owner's representative is seeking a non-substantial change of rezoning condition #8 which requires adherence to the preliminary development plan as approved at public hearing. This request is to modify the approved preliminary development plan for a proposed 75 space RV storage facility.

Staff supports the request to modify condition #8, renumbered as condition #9 to revise the approved preliminary development plan.

Staff notes that the prior preliminary development plan, approved by the Board of Supervisors on February 7, 1989, was for a retail center with a 28,100 square-foot building. The revised preliminary development plan will provide 75 spaces for RV storage. Entrance to the property is directly from Oracle Road. Per Transportation condition #4A the access shall need written approval by Arizona Department of Transportation (ADOT) prior to development plan approval. A private reciprocal easement is being provided to access the properties to the north and south. A 20-foot-wide bufferyard "D" will be provided along the eastern portion of the property and the RV storage will be contained within a 6-foot-high wall. There will be an on-site sewage disposal system associated with the 12-foot high, 8' x 10' restroom facility located in the southwest corner of the property. Additionally, a well is located on-site approximately 187 feet from the proposed leach field.

The rezoning conforms to the Multifunctional Corridor (MFC) Comprehensive Plan land use designation of the subject site and the proposed use for commercial development remains suitable at this location. The site is not subject to any special area or rezoning policy.

A small portion of the site (0.12 acres) is located within the Maeveen Marie Behan Conservation Lands System designated as Important Riparian Area.

Due to the site being located within a Gateway Overlay Zone a Design Review Committee (DRC) review was required. On August 15, 2024, the request was approved with conditions by the DRC.

The vacant site is relatively flat with grading for a driveway and turn-around. Desert scrub is the primary vegetation onsite.

There are CB-2-zoned parcels to the north and south of the subject site. This request could rightly be considered an expansion of the RV storage and self-storage facility that is located to the south. To the north a bank, restaurants and other commercial/retail services are available. Along the western portion of the property is vacant RH (Rural Homestead) zoned state land. East of the subject parcel zoning varies from CB-2, CB-1 (Local Business), CMH-2 (County Manufactured and Mobile Home-2) and SH (Suburban Homestead) zoning which contain a wide range of commercial/retail services to a mobile home park and acreage residential parcels. The nearest fire station is located approximately 1.5 miles to the southeast on Golder Ranch Road. Additionally, the Town of Oro Valley jurisdiction is approximately two miles south of the subject parcel.



Staff finds concurrency of infrastructure per reporting agencies subject to a waiver approval for use of an on-site sewage disposal system disposal for the restroom facility and written certification from ADOT for compliance with its requirements. The site will be served by an existing well that is located on the site.

**TRANSPORTATION REPORT**

The Department of Transportation has no objection to the request subject to existing Transportation conditions #4A-D.

**FLOOD CONTROL REPORT**

The Regional Flood Control District (District) has reviewed the request and offers the following information:

- This property is not impacted by a federal or locally mapped floodplain.
- This property does have a small amount (0.12 acres) of Regulated Riparian Habitat (RRH) classified as Important Riparian Area with an Underlying Classification of Xeroriparian Class B Habitat. Most of the RRH was disturbed prior to the mapping. The mapped RRH on the property is the upper portion of the RRH associated with a regulatory wash that becomes regulatory, approximately 700 feet downstream from this parcel. RRH mapping is typically associated with a regulatory wash or floodplain and avoidance is preferred to promote floodplain stability and to prevent migration and erosion. Due to the location, amount and pre-map disturbance, the impact to the RRH is allowable.
- The Design Standards for Stormwater Detention and Retention was adopted November 2015 where First Flush and the use of Low Impact Development (LID) Practices became a requirement. LID is a shift in stormwater management where conveying runoff to a small number of downstream points through hydraulically efficient infrastructure to retain and use the runoff as close to the source of the runoff. The Preliminary Development Plan has shown the use of water harvesting throughout the project where first flush can be retained.

The District has no objection to this request subject to the addition of rezoning condition #5.

**WASTEWATER RECLAMATION REPORT**

The subject parcel is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area. Sewer service is available through an existing 12-inch sewer main within the Oracle Road right-of-way.

As per the submitted PDP, General Note #8, the owner intends to request a waiver for the installation of a private on-site septic system.

PCRWRD has no objection to this request subject to condition #3.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Department of Environmental Quality has no objection to the request but provides the following comment:

- The property owner shall provide a copy of the shared well agreement to ensure that the well will not become a public water system.

**CULTURAL RESOURCES**

Cultural Resources has no objection to the request, subject to existing rezoning condition renumbered as condition #6.

**UNITED STATES FISH AND WILDLIFE SERVICE**

The United States Fish and Wildlife Service has no comment.

**WATER DISTRICT**

Tucson City Water has no comment.

**FIRE DISTRICT**

Golder Ranch Fire District has provided the following comments for use when the developer requests permitting:

- Tentatively scheduled for adoption January 1, 2025 - Commercial parking lots and exterior storage areas exceeding 58,000 square feet in size designed for long-term vehicle parking over 24 hours, vehicle storage including those awaiting sale, recreational vehicle storage, boat storage, or the housing of combustible mobile storage containers shall be provided with a hydrant system as if it were a building.
- The development needs to meet fire flow requirements along with access for fire apparatus.

The Fire District has no objection to the request.

**TUCSON ELECTRIC POWER**

Tucson Electric Power (TEP) has no objection to this rezoning time extension. The site is located within TEP's service territory and will require a new service application from the owner/developer to extend service to the new location.

**PUBLIC COMMENT**

Published and mailed notice of the proposal along with website posting of this staff report occurs prior to public hearing. For this Board of Supervisors action, public comments will be provided to the Board for updates to their agenda.

Respectfully Submitted,

*Donna Spicola*

Donna Spicola  
Planner II

TD

c: Oracle Engineering Group, Pete Salonga, P.E.



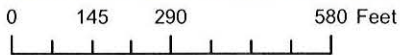


Case #: Co9-88-80  
 Case Name: LONDON - ORACLE ROAD REZONING  
 Tax Code(s): 222-21-0430



Aerial Exhibit



Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAG).






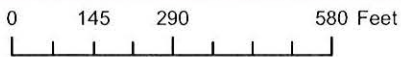
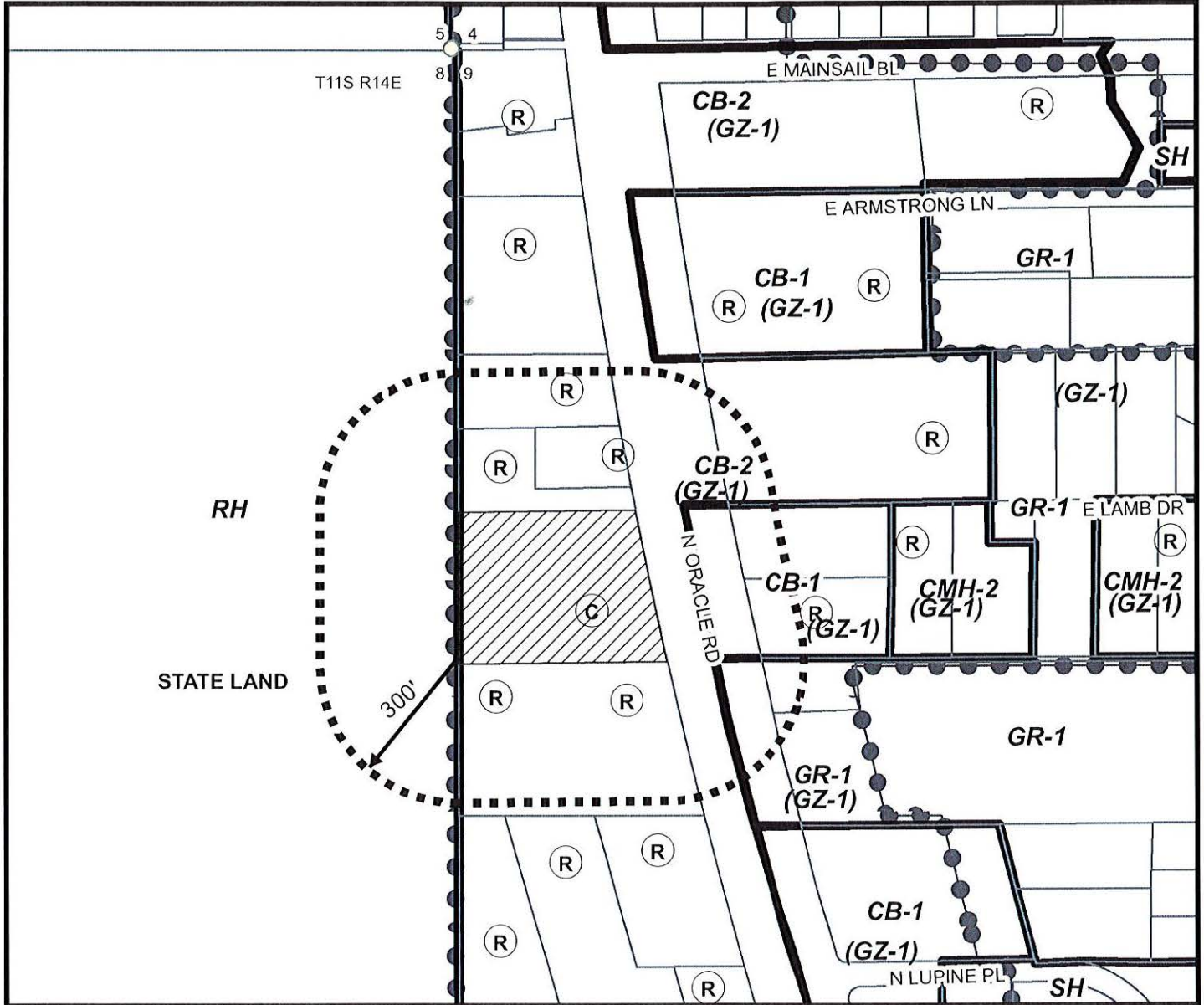
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

	Notes: <b>Modification of Rezoning Condition/Time Extension</b>		
	Ref Case #: P24SA00002		
	Map Scale: 1:4,000	Map Date: 8/20/2024 - ds	





Case #: Co9-88-80  
 Case Name: LONDON - ORACLE ROAD REZONING  
 Tax Code(s): 222-21-0430

-  Subject Property
-  300' Notification Area
-  Gateway Overlay Zone (GZ-1)



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**

	Notes: <b>Modification of Rezoning Condition/Time Extension</b>		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Board of Supervisors Hearing: 9/17/2024	Ref Case #: P24SA00002	
	Base Map(s): 519, 432	Map Scale: 1:4,000    Map Date: 8/20/2024 - ds	






## **Multifunctional Corridor (MFC)**

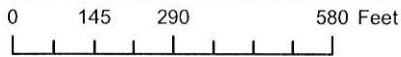
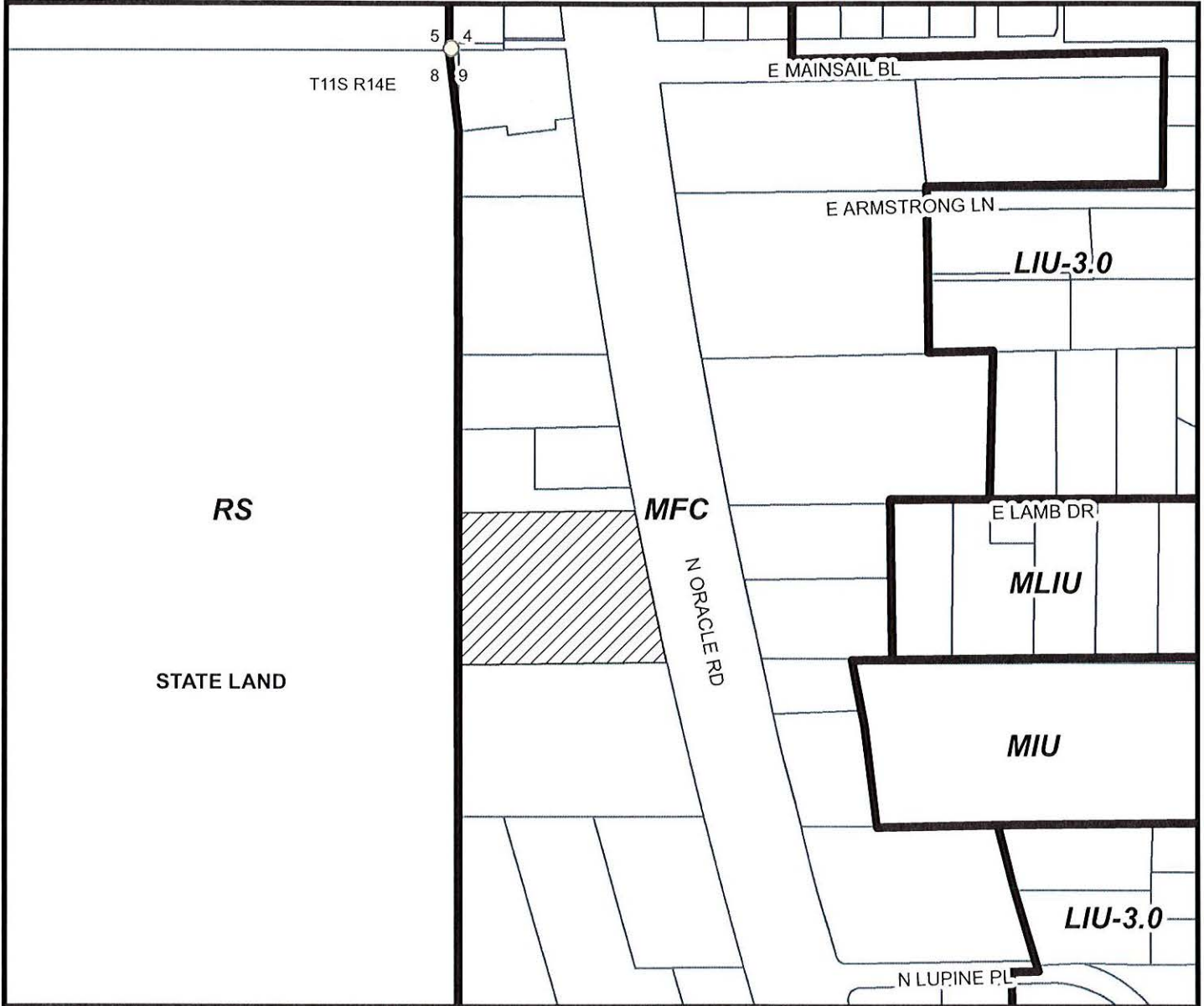
Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar 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.

- Residential Gross Density: (if applicable) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC



Case #: Co9-88-80  
 Case Name: LONDON - ORACLE ROAD REZONING  
 Tax Code(s): 222-21-0430

Comprehensive Plan Exhibit

 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

	Notes: <b>Modification of Rezoning Condition/Time Extension</b>		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Ref Case #: P24SA00002		
	Map Scale: 1:4,000	Map Date: 8/20/2024 - ds	

**PIMA COUNTY  
DESIGN REVIEW COMMITTEE  
PIMA COUNTY GOVERNMENT CENTER**

**\*\*PRELIMINARY\*\***

**MEMORANDUM OF DECISION**

TO: Thomas Drzazgowski, Chief Zoning Inspector

FROM: Spencer Hickman, Senior Planner

DATE: August 20, 2024

The Pima County Design Review Committee, at a regular hearing held on **Thursday, August 15, 2024**, heard the following appeals and decided as noted:

**NEW HEARINGS**

**P24VA00020 – MPH #10 LLC – N. ORACLE ROAD**

MPH #10 LLC, represented by Robert Longaker, PLA, AICP (WLB Group), request an **architectural and site review for a 50-unit single-family manufactured home development** in the Gateway Overlay Zone on approximately 8.68 acres of property, located at the northwest corner of the T-intersection of N. Oracle Road and E. Golder Ranch Drive (parcel codes 222-22-002B and 222-22-0040), addressed as 15221 N. Oracle Road. The property is zoned CMH-2© (GZ-1) (County Manufactured and Mobile Home - Conditional - 2, Gateway Overlay). (District 1)

Member Poirier made a motion to APPROVE P24VA00020 subject to staff conditions. Member Crowe gave second.

**VOTE:** Upon a voice vote, the motion to APPROVE passed unanimously by a 6-0 vote (Members Eglin and Holden were absent) subject to the following conditions as noted:

1. Site plan, building style, architecture, and elevations approved as shown.
2. All sign lighting shall meet the dark sky outdoor lighting code ordinance standards.
3. Applicant shall provide staff with one final electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.
4. All plants in the landscaped area shall be from the allowed buffer overlay zone plant list per the landscape design manual.
5. Prior to development plan approval, written proof of coordination with ADOT is required regarding the design and location of the access point, and connectivity to ADOT's pedestrian facilities.
6. Access drive and access lane pavement width shall meet the requirements of the Subdivision and Development Street Standards. A reduced pavement width requires fire jurisdiction approval. No-parking signs may be provided as indicated by the fire jurisdiction.
7. The pedestrian path south of the access point in the landscape buffer, which connects internal sidewalks to the existing pedestrian ramp/crosswalk located at the intersection of Oracle Road and Golder Ranch Road shall be constructed of pavers or concrete.

8. On-site linkages to the single track trails #168 and #30 shall be demonstrated at time of development plan submittal.
9. An additional pedestrian access shall be provided near Lot 24 in the south of the project.
10. The applicant shall provide 50 trees internal to the site located on the lots in order to shade paved areas of the project.
11. To the maximum extent possible, the applicant shall preserve the natural state of the open space located in the southeast corner of the lot to reduce the need for grading and retaining walls.

**P24VA00022 – HILLTOP FARM LLC – N. ORACLE ROAD**

Hilltop Farm LLC, represented by Peter Salonga (Oracle Engineering), request an **architectural and site review for an RV storage facility** in the Gateway Overlay Zone on approximately 3.14 acres of property, located west of the T-intersection of N. Oracle Road and E. Lamb Drive (parcel code 222-21-0430), addressed as 15801 N. Oracle Road. The property is zoned CB-2© (GZ-1) (General Business – Conditional - Gateway Overlay). (District 1)

Member Clement made a motion to APPROVE P24VA00022 subject to staff conditions. Member Poirier gave second.

**VOTE:** Upon a voice vote, the motion to APPROVE passed unanimously by a 6-0 vote (Members Eglin and Holden were absent) subject to the following conditions as noted:

1. Site plan, building style, architecture, and elevations approved as shown.
2. All sign lighting shall meet the dark sky outdoor lighting code ordinance standards.
3. All plants in the landscaped area shall be from the allowed buffer overlay zone plant list per the landscape design manual.
4. Applicant shall provide staff with one final electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.
5. The project is subject to a site construction permit.
6. A shared access easement for legal access between the site and the existing RV Storage site to the south parking areas and access lanes (PAALs) is required prior to development plan approval.
7. Pedestrian facilities shall be provided for connectivity between the site and the existing RV Storage site to the south. The design and location of pedestrian facilities shall be reviewed at time of development plan submittal.

**P24VA00024 – STEWART TITLE AND TRUST TR 1580 – W. AJO HIGHWAY**

Stewart Title and Trust TR 1580, represented by Glenwood Commercial Real Estate and Sustainability Engineering Group, request an **architectural and site review for a proposed Whataburger restaurant** in the Gateway Overlay Zone on approximately 1.7 acres of property, located approximately 1,300 feet northeast of the intersection of S. Kinney Road and W. Ajo Highway (a portion of parcel codes 212-50-007A and 212-50-001H). The property is zoned CB-2 (GZ-1, BZ-1) (General Business - Gateway Overlay, Buffer Overlay). (District 5)

Member Becker made a motion to APPROVE P24VA00024 subject to staff conditions. Member Panzica gave second.

**VOTE:** Upon a voice vote, the motion to APPROVE passed unanimously by a 7-0 vote (Lynn Panzica was a voting member for this item as a neighborhood representative from the Tucson Estates neighborhood, Members Eglin and Holden were absent) subject to the following conditions as noted:

1. Site plan, building style, architecture, and elevations approved as shown.

2. All sign lighting shall meet the dark sky outdoor lighting code ordinance standards.
3. Applicant shall provide staff with one final electronic copy of the approved DRC documents for staff sign-off in compliance with the DRC decision.
4. All plants in the landscaped area shall be from the allowed buffer overlay zone plant list per the landscape design manual.
5. The southern property frontage is required to meet the planting standards of the Type-C bufferyard.
6. Parking spaces must be dimensioned to 9 feet by 20 feet, as to meet the standards of Section 18.75.
7. A canopy tree will be provided every 4 unshaded parking spaces for single-row parking, and every 8 unshaded parking spaces for double-row parking.
8. The west and east elevations of the building shall incorporate more visual elements to adhere to the architectural requirements of Section 18.78.030.F.
9. The location and design of the primary access point on Ajo Highway, and any off-site improvements on this road is subject to approval by the Arizona Department of Transportation (ADOT). Proof of coordination with ADOT is required prior to development plan approval.
10. The design of the access driveway off of Ajo Highway should be determined by a traffic impact study (TIS) and in accordance with the Subdivision and Development Street Standards (SDSS) requirements. The TIS should include all future development traffic generation in the analysis.
11. The design of the access driveway off of Ajo Highway should be determined by a traffic impact study (TIS) and in accordance with the Subdivision and Development Street Standards (SDSS) requirements. The TIS should include all future development traffic generation in the analysis.
12. Any connections internal to the access driveway shall meet the requirements of the Subdivision and Development Street Standards (SDSS) at time of permit submittal.
13. The background for the monument sign must be non-white, preferably with a beige, tan, or sepia coloring.
14. 3 canopy trees shall be added to the plans to provide shade on the west side of the property around the drive-thru.
15. 5 additional trees shall be provided along the Ajo Highway frontage.
16. 2 planters will be provided on the east side of the building elevation.
17. 2 hitching posts will be provided on the property for horses.



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Spencer Hickman, Senior Planner



The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Grijalva and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

**DEVELOPMENT SERVICES**

29. A. **Hearing - Rezoning Closure**

Co9-88-80 LANDON - ORACLE ROAD REZONING

Proposal to close Co9-88-80, on an approximately 3.2-acre rezoning from the GR-1 (GZ) (Rural Residential - Gateway Overlay) to the CB-2 (GZ) (General Business - Gateway Overlay) zone, located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as 15801 and 15803 N. Oracle Road. This rezoning was conditionally approved on February 7, 1989 and expired on February 7, 1997. Staff recommends AGAINST CLOSURE. (District 1)

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve staff's recommendation against closure of Co9-88-80.

B. **Hearing - Rezoning Time Extension**

Co9-88-80 LANDON - ORACLE ROAD REZONING

Newberry Investments Profit Sharing, et al., represented by Perry Engineering, requests five (5), five-year time extensions for the above referenced rezoning from the GR-1 (GZ) (Rural Residential - Gateway Overlay) to the CB-2 (GZ) (General Business - Gateway Overlay) zone. The subject site was rezoned in February 1989 and approved for rezoning time extension in August 1993. The site is approximately 3.2 acres located on the west side of N. Oracle Road approximately 650 feet north of N. Lupine Place, addressed as 15801 and 15803 N. Oracle Road. Staff recommends APPROVAL OF FIVE (5) FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

- ~~1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control.~~
- ~~2. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~3. Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.~~
- ~~4. Recording an acceptable plat which will provide for dedication of necessary right-of-way for roads and drainage if the property is to be subdivided.~~
- ~~5. Recording a covenant holding Pima County harmless in the event of flooding.~~
- ~~6.1. Conformance with County paving policies as determined appropriate by the~~

Department of Transportation and Flood Control.

- 7. ~~Conformance with Chapter 18.81 (GRADING) of the Pima County Zoning Code.~~
- 8. ~~Recording the necessary development-related covenants as determined appropriate by the various County agencies.~~
- 9. ~~Provision of development-related assurances as required by the appropriate agencies.~~
- 402. ~~Recording a covenant to the effect that there will shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.~~
- 443. Regional Wastewater Reclamation Management Condition:

A. ~~Connection to the public sewer system at the location and specified by Wastewater Management at the time of review of the tentative plat or development plan.~~

B. ~~The property owner or his agent must construct the on-site sewers in a manner that will provide flow-through for tributary areas at points and with capacities as specified by Wastewater Management at the time of review of the tentative plat or development plan. The public flow-through sewer must be designed and constructed in conformance with the applicable Pima County standards, and must be completed, inspected, and released for service prior to the issuance of any building permits.~~

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.

424. Transportation conditions:

A. ~~Proposed access to the subject property shall need the approval of the Subdivision Engineer, Pima County Department of Transportation, prior to~~

~~the submittal of a development plan or subdivision plat for any portion of the subject property.~~

- ~~BA.~~ Access to the subject property from Tucson-Florence Highway shall need written approval by Arizona Department of Transportation (ADOT) prior to issuance of a Certificate of Compliance development plan approval. Proof of coordination with ADOT shall be submitted to Development Services Department.
- ~~CB.~~ ~~A~~Written certification from the Arizona Department of Transportation stating satisfactory compliance with all of its requirements shall need to be submitted to the Department of Transportation prior to the issuance of a Certificate of Compliance Development Services Department prior to development plan approval.
- ~~DC.~~ Owner shall covenant to provide and establish joint use access easement with adjacent properties to the north and to the south if deemed necessary by Pima County in order to allow for a continuous common (two-way) access lane across the property and running parallel to Tucson-Florence Highway. The location and design of said joint access easement shall be determined during the development plan permitting process.
- ~~D.~~ The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.

13. Flood Control conditions:

- ~~A.~~ ~~The property owner must dedicate all rights-of-way and/or grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.~~
- ~~B.~~ ~~The property owner must submit all required drainage reports and plans, and receive approval by the Flood Control District prior to the issuance of a Certificate of Compliance. In developing the reports and plans, the requirements and regulations incorporated in the following reports must be satisfied.~~
  - ~~1. Floodplain Management Ordinance~~
  - ~~2. Drainage and Channel Design Standards~~
  - ~~3. Flood Control Policies~~
  - ~~4. Detention/Retention Manual~~
- ~~C.~~ ~~On-site retention of the difference between the existing and the five (5) year event will be required because of the requested land use and density.~~

5. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

6. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control

<u>Ailanthus altissima</u>	<u>Tree of Heaven</u>
<u>Alhagi pseudalhagi</u>	<u>Camelthorn</u>
<u>Arundo donax</u>	<u>Giant reed</u>
<u>Brassica tournefortii</u>	<u>Sahara mustard</u>

<u>Bromus rubens</u>	Red brome
<u>Bromus tectorum</u>	Cheatgrass
<u>Centaurea melitensis</u>	Malta starthistle
<u>Centaurea solstitialis</u>	Yellow starthistle
<u>Cortaderia spp.</u>	Pampas grass
<u>Cynodon dactylon</u>	Bermuda grass (excluding sod hybrid)
<u>Digitaria spp.</u>	Crabgrass
<u>Elaeagnus angustifolia</u>	Russian olive
<u>Eragrostis spp.</u>	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<u>Melinis repens</u>	Natal grass
<u>Mesembryanthemum spp.</u>	Iceplant
<u>Oncosiphon piluliferum</u>	Stinknet
<u>Peganum harmala</u>	African rue
<u>Pennisetum ciliare</u>	Buffelgrass
<u>Pennisetum setaceum</u>	Fountain grass
<u>Rhus lancea</u>	African sumac
<u>Salsola spp.</u>	Russian thistle
<u>Schinus spp.</u>	Pepper tree
<u>Schismus arabicus</u>	Arabian grass
<u>Schismus barbatus</u>	Mediterranean grass
<u>Sorghum halepense</u>	Johnson grass
<u>Tamarix spp.</u>	Tamarisk

447. Landscaping to consist of low water use and low pollen producing vegetation.
- ~~458.~~ Tentative plat or development plan when filed per Chapter 18.69 must adhere Adherence to the preliminary development plan as ~~presented~~ approved at public hearing.
469. No more than one (1) parcel.
- ~~4710.~~ Heights shall be limited to two stories or 24 feet in height.
11. 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.
12. The property owner shall execute and record 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(l)."

The Chair inquired whether any comments or requests to speak on this item were submitted. None had been received. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-88-80, subject to original and modified standard and special conditions.

30. **Hearing - Rezoning Ordinance**

~~ORDINANCE NO. 2021 - 14, P20RZ00010, Camfe, L.L.C. - W. Oklahoma Street  
Rezoning Owners: Camfe, L.L.C. (District 3)~~



## PIMA COUNTY

### DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

[www.pima.gov/developmentservices](http://www.pima.gov/developmentservices)

## BIOLOGICAL IMPACT REPORT

*(Not applicable for rezonings 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.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

**INSTRUCTIONS FOR SAVING FORM:** 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

**Project ID** *(case no., APN no., address, or other identifying info):*

15801 N Oracle Road

### **Part I. Information Provided by Pima County Staff**

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

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA
  - Important Riparian Area
  - Biological Core
  - Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? SELECT
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? SELECT
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? SELECT
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl: SELECT
  - b. Western burrowing owl: SELECT
  - c. Pima pineapple cactus: SELECT
  - d. Needle-spined pineapple cactus: SELECT



**Part II. Information Provided by the Applicant**

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? **SELECT**  
If yes, provide a summary of those communications:
  
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

<b>Species</b>	<b>Ever found on project site?</b>	<b>If yes, date of last observation/survey?</b>	<b>Future surveys planned?</b>
<b>Cactus ferruginous pygmy owl</b>	No		No
<b>Western burrowing owl</b>	No		No
<b>Pima pineapple cactus</b>	No		No
<b>Needle-spined pineapple cactus</b>	No		No

**Questions about this form?**

**Contact the Office of Sustainability and Conservation at (520) 724-6940.**



**Building & Site Development**  
201 N. Stone Avenue, 1<sup>st</sup> Floor  
Tucson, AZ 85701-1207

**LETTER OF AUTHORIZATION**

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

15801 N. Oracle Road  
**Property Address**

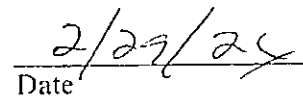
Site Construction Plan, Rezoning Special Action Request, Gateway Review  
**Type of Permit Applied for:** *(SFR/MF/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Secondary Dwelling/Assisted Living Home/Group Home)*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**AUTHORIZED BY:**

  
Signature of Property Owner

  
Date

*Per Board of Technical Registration and Registrar of Contractors regulation, Registrants and Licensed Contractors may apply for building permits without use of this form.*



ORACLE ENGINEERING GROUP, Inc.

June 28, 2024

Pima County Development Services Department  
Planning and Zoning Division  
201 North Stone Avenue, 2<sup>nd</sup> Floor  
Tucson, AZ 85701-1207  
Attn: Design Review Committee

**RE: Assessor's Parcel No. 222-21-0430**  
Parcel Address: 15801 N. Oracle Road  
Case No. Co9-88-80 Landon – Oracle Road Rezoning  
P24SC00007

Owner: Hilltop Farm LLC  
Attn: Larry and Claire Klingler  
3900 W Morre Road  
Tucson, AZ 85742

On behalf of Larry and Claire Klinger and Hilltop Farm LLC, Oracle Engineering Group, Inc. respectfully requests the Planning and Zoning Commission to consider the following special actions:

1. **Extension of Rezoning Period:** Our client recently purchased this property in 2023. However, due to the substantial workload of the professional workforce, obtaining the necessary engineering and survey information has been delayed. Consequently, we are currently in the process of applying for a Site Construction Plan for this parcel. We request an extension of the Rezoning Period, which expired in 2022.
2. **Revision of the Preliminary Development Plan (PDP):** The PDP submitted with the Rezoning included a building to the west of the parcel. However, a habitable building is no longer feasible because Tucson Water will not issue a Water Availability Letter for this parcel due to changes in the City of Tucson water policy. Additionally, obtaining water from the area's water provider is not feasible as the water main line is on the other side of Oracle Road. We propose including a restroom for RV storage clients located at the southwest corner of the development. Domestic water will be provided through a shared well located at the south parcel. Golder Ranch Fire has confirmed that fire protection is not required for the restroom.

The Owner of this parcel is Hilltop Farm LLC, and the members are Claire and Larry Klingler. The address is 3900 W Moore Road, Tucson. AZ 85742 and Telephone is (520) 909-1930. Email is [leklingler@gmail.com](mailto:leklingler@gmail.com)

The parcel size is 3.14 acres.

Thank you for your consideration.

Sincerely,  
Oracle Engineering Group, Inc.

A handwritten signature in black ink that reads "Pete Salonga". The signature is written in a cursive, flowing style.

Pete Salonga, P.E.