



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director

DATE: March 4, 2015

SUBJECT: Co9-99-18 ALI – ORACLE ROAD REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **MARCH 17, 2015** hearing.

REQUEST: A five-year **time extension** of a rezoning of 2.34 acres from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business) (Urban Gateway Overlay Zone-1).

OWNER: CAPT Properties, LLC
Attn: Cosmo Ali
4080 E. Camino Montecello
Tucson, AZ 85718-3436

AGENT: Alleva Design Studio Architects
Attn: Anselmo Alleva, Architect
2222 E. 3rd Street
Tucson, AZ 85719

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of March 4, 2015, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION
SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: A portion of the site contains Important Riparian Area within the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/DP/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-99-18

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FOR MARCH 17, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: March 4, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-99-18 ALI – ORACLE ROAD REZONING

Request of **CAPT Properties, LLC**, represented by **Anselmo Alleva, RA**, for a five-year time extension for the above-referenced rezoning from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business - Urban Gateway Overlay). The subject site was rezoned in 1999. The rezoning expired on October 12, 2014. The site is approximately 2.34 acres located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a five-year time extension to October 12, 2019 as per the applicant's request for the original 2.34-acre rezoning from SH (Suburban Homestead) to CB-1 (Local Business) for nonresidential CB-1 uses. Staff's recommendation is subject to original and modified standard and special conditions 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.~~
- ~~32.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~43.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~54.~~ 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 Development Services Department.
- ~~65.~~ There shall be no further lot splitting or subdividing for residential development without the written approval of the Board of Supervisors.
- ~~76.~~ Transportation conditions:
 - A. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and 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 (ADOT) prior to any plan approvals from Pima County.
 - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
- ~~87.~~ Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - 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. A riparian mitigation plan shall be required for development in designated riparian areas.
 - D. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
 - E. As provided for in Pima County Code Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.

98. Wastewater Reclamation conditions:

~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.~~

A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.

B. The owner/developer 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/developer shall enter into a written agreement addressing 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 PCRWRD.

C. 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 PCRWRD in its capacity response letter and as specified by the PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

D. 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.

E. The owner/developer 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/developer 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.

409. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site shall cease, the discovery site shall be secured, and the Arizona State Museum shall be immediately notified.

- ~~11. The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5, Oracle Corridor, Northern Gateway.~~
4210. Building heights are restricted to a maximum of 24 feet and two stories.
4311. Adherence to the preliminary development plan as approved at public hearing (attached hereto as EXHIBIT B). Uses are restricted to nonresidential CB-1 uses.
4412. The access driveway to Oracle Road shall be located as far away as possible from the Lazy A Mobile Home Park (Tax Code 222-21-0640) located on the west side of Oracle Road.
- ~~15. The property owner(s) shall connect to public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan or request for building permit.~~
4613. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.
4714. All work shall be within the area as shown on the rezoning application.
4815. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- ~~1916. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
~~Fountain grass (Pennisetum setaceum)~~
~~Buffel grass (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 (*Elaeagnus angustifolia*)~~
~~Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)~~
~~Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda~~
~~Love grasses (*Eragrostis* spp.) excluding Plains love grass (*Eragrostis intermedia*)~~
~~African rue (*Peganum harmala*)~~
~~Iceplant (*Mesembryanthemum crystallinum*)~~
~~Arabian Grass (*Schismus arabicus*)~~
~~Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))~~

Upon the effective date of the Ordinance Resolution, the owner(s)/developer(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. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima Tree of Heaven
Alhagi pseudalhagi Camelthorn
Arundo donax Giant reed
Brassica tournefortii Sahara mustard
Bromus rubens Red brome
Bromus tectorum Cheatgrass
Centaurea melitensis Malta starthistle
Centaurea solstitialis Yellow starthistle
Cortaderia spp. Pampas grass
Cynodon dactylon Bermuda grass (excluding sod hybrid)
Digitaria spp. Crabgrass
Elaeagnus angustifolia Russian olive
Eragrostis spp. Lovegrass (excluding *E. intermedia*, plains lovegrass)
Melinis repens Natal grass
Mesembryanthemum spp. Iceplant
Peganum harmala African rue
Pennisetum ciliare Buffelgrass
Pennisetum setaceum Fountain grass
Rhus lancea African sumac
Salsola spp. Russian thistle
Schinus spp. Pepper tree
Schismus arabicus Arabian grass
Schismus barbatus Mediterranean grass
Sorghum halepense Johnson grass
Tamarix spp. Tamarisk

20. ~~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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal systems within the rezoning area.~~
21. ~~The owner/developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner/developer to that effect.~~
22. ~~The owner/developer shall obtain written documentation from the Pima County Wastewater Reclamation 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 Reclamation Department.~~
23. ~~At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
a) ~~Propose that all new development within the rezoning area will be connected to Pima County's public sewer system; or~~
b) ~~Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.~~~~
24. ~~If all new development within the rezoning area will be connected to Pima County's public sewer system, 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.~~
2517. 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 to 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)."

18. 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.

Original condition #2 is recommended for deletion because recording of a "hold harmless" against flooding is no longer a standard requirement requested by the Flood Control District.

Condition #5 regarding lot splitting approval is recommended to be modified to apply to lot splitting for residential use only as per the current standard.

Additions to conditions under #7 are recommended by the Flood Control District. New condition 7D requires on-site retention of the first half-inch of rainwater related to a Board approved performance standard policy.

New condition 7E requires proposal of modification of zoning development standards, as allowed by the zoning code, to avoid Regulated Riparian Habitat associated with a wash which runs through the site. Types of modifications include requirements for setbacks, minimum lot sizes, parking, bufferyards, or other zoning standards. (The riparian area covers the majority of the site and entire avoidance cannot be achieved, but could possibly be reduced. Even without modifications to development standards, depending upon the use of the site, the parking area requirements may be lesser than the area shown on the rezoning preliminary development plan. The plan shows about half of the site as devoted to natural open space, but also includes a culvert feature for crossing the wash for additional parking forming a U-shaped configuration around natural open space. The additional parking area could possibly be eliminated in favor of additional natural open space.)

Replacement of existing Wastewater-related conditions with current standard conditions for use of public sewerage is recommended by the Wastewater Reclamation Department. This involves deletion of condition #'s 9 (renumbered to #8), 15, and 20-24 and addition to conditions under #8 (A-F). For the most part, the changes involve a consolidation of existing conditions under #8 with some wording changes. Old condition #9 and condition #'s 20 and 23 provided for the potential for on-site sewage disposal and this would still be available should there be factors, such as cost or physical characteristics of the property, which make connection to the public sewer unreasonable. The nearest public sewer line is located within the 200 foot connection requirement, but is located across the highway from the site, on the west side of Oracle Road.

Condition #10 regarding building height and story limits is recommended to be modified to clarify that these are *maximum* limits.

Original condition #11, which requires Design Review Committee review and approval of the development pursuant to Comprehensive Plan Special Area Policy S-5, Oracle Corridor, Northern Gateway, is recommended for deletion because Urban Gateway Overlay zone standards, which did not exist at the time of the original rezoning approval, are now applicable to the site. The standards essentially address what Policy S-5 entails. Policy S-5 is also recommended for deletion as part of the pending Pima County Comprehensive Plan Update for the same reason.

Condition #16 is recommended to be modified to update the list of prohibited exotic plant species and add language for the current standard on-going requirement to remove invasive buffelgrass from the site as pertains to sites within the MMBCLS.

New condition #18 is recommended to be added to ensure compliance with rezoning conditions should the property ever be annexed.

The new and modified conditions do not constitute a substantial change requiring a hearing before the Planning and Zoning Commission.

STAFF REPORT:

Staff supports the requested five-year time extension which, if approved, will provide a total of 20 years to complete rezoning conditions from the initial October 12, 1999 rezoning approval by the Board. The proposed “commercial service, retail, office, restaurant” use possibilities remain suitable along this portion of Oracle Road in the Catalina area.

The applicant cites the “poor economic recovery in the area” as the reason for the time extension request. Staff finds that concurrency of infrastructure is met (although water service concurrency is undetermined with no response to a request for comments from the water service provider, Lago del Oro Water Company). Additionally, the CB-1 rezoning remains compliant with the site’s Multifunctional Corridor (MFC) comprehensive plan designation.

The undeveloped site constitutes two original lots that were platted as part of an SH-zoned residential subdivision in 1972. Both lots front Oracle Road, a State highway route, which likely made them less attractive for residential use. Further complicating use of the site is a riparian-designated wash which the rezoning preliminary development plan assigns as natural open space, but not including all of the riparian area. This encumbers a significant portion of the 2.34-acre site which may reduce its appeal for commercial development and thus cause need for additional time to complete rezoning conditions. A similar situation exists for the “sister” case to this rezoning, Co9-99-17, one lot removed to the north, for which a rezoning time extension is also requested under separate action.

These rezonings continue a pattern of strip commercial development along both sides of Oracle Road in Catalina where small frontage parcels exist between residential development to the east and the Big Wash and State Land to the west. There are rezoning conditions designed to ameliorate the negative impacts of strip commercial development, including limited access and access sharing. As noted above, staff recommends deletion of the requirement to adhere to comprehensive plan Special Area Policies (S-5 Oracle Corridor/Northern Gateway attached) which address the issue of strip commercial design, in favor of zoning code standards for the Urban Gateway Overlay which now address the issue.

The noted natural open space is shown on the preliminary development plan for which adherence is required. Natural area set-aside is atypical for strip commercial development, but constitutes approximately 50 percent of the site. It is a result of the existence of a riparian watercourse which runs through the site, but it also contains some non-riparian undisturbed area at the east site boundary. The riparian area has since been designated as Important Riparian Area within the Maeveen Marie Behan Conservation Lands System. Comprehensive plan policies call for 95 percent of that area to be set-aside as Natural Open Space. Full adherence to the policy would not allow viable use of the site.

Some design changes from the preliminary development plan may be necessary. The new Gateway Overlay Zone has standards, including a requirement for a minimum 20-foot-wide bufferyard along arterial roads, that are not featured on the plan. (The plan depicts only a 10-foot-wide bufferyard; however, with the Flood Control District recommendation for a condition (7E) which requires proposed Modification of Development Standards to avoid riparian habitat, a 10-foot-wide bufferyard may ultimately be approved.) Also, the Golder Ranch Fire District has reported in the past that it does not appear that the preliminary development plan depicts adequate provision for fire trucks to turnaround. This may be resolved with internal cross-access to properties to the north and south as required per Transportation condition #6A, but that is not shown on the plan.

Since the 1999 rezoning approval, there have been several non-residential rezonings along Oracle Road in the site's vicinity and the Gateway Overlay Zone has been established:

- A 2001 rezoning to CB-1 was approved for a commercial plaza located approximately 850 feet north of the site at the northeast corner of Oracle Road and Lupine Place. A modification to that rezoning was subsequently approved to allow a self-storage use. The site remains undeveloped.
- A 2001 rezoning to CB-1 and CB-2 was approved for commercial uses located across Oracle Road, approximately 500 feet northwest of the site. The site is developed.
- A 2001 rezoning to TR was approved for office uses located adjacent to the north of the site. The former library building is currently being used as a tax service office.

- A 2001 zoning code text amendment was approved which established the Gateway Overlay Zone along Oracle Road near the Pima-Pinal County line, inclusive of the subject site. The GZ-1 contains development standards designed to protect and enhance this gateway route into the metropolitan area.

Staff is not aware of any conditions that have been satisfied for the site. A five-year time extension was approved by the Board of Supervisors on March 15, 2005 for which a number of conditions were added as an update to the original rezoning conditions approved on October 12, 1999. A second time extension was approved on February 2, 2010 after required initial consideration of closure was rejected. Further updating of conditions was approved at that time.

The subject site is located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. The rezoning was conditionally approved for 8,050 square feet of indoor commercial/office space. A separate time extension action will be considered for the "sister" case (Co9-99-18) to this rezoning which is the northerly portion of the rezoning preliminary development plan.

Denial of the time extension will cause the rezoning case to be closed and the site to revert to SH (GZ-1) (Suburban Homestead) (Urban Gateway Overlay Zone-1). SH zoning would not conform to the site's Multifunction Corridor plan designation. Closure of the rezoning would not preclude the possibility of a future CB-1 rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	TR (C)	Tax Services Office
South:	CB-2	Auto Repair Shop
East:	SH	Residences
West:	SH	Residences

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS & RECREATION	N/A	No report
WATER	No response	No response
SCHOOLS	N/A	N/A
AIR QUALITY	Yes	

TRANSPORTATION REPORT:

Concurrency Concerns have been met since within a one-mile radius of this proposed rezoning, major roads are operating below traffic capacity. Oracle Road is nearing capacity but since there is a project underway to widen Oracle Road to a six lane divided roadway, concurrency is not an issue. The proposed 8,050 square-foot building with CB-1 uses may require a Traffic Impact Study be submitted for review by Pima County Department of Transportation and Arizona Department of Transportation (ADOT) during development plan review, depending upon the type of use.

Oracle Road, is a paved, five lane wide, undivided, arterial highway, maintained by the State of Arizona. It is currently being widened to a six lane divided roadway through Catalina to the county line. Per the Pima County Major Streets and Scenic Routes Plan, Oracle Road is designated a Scenic Major Route. Oracle Road has a building setback specifically addressed in the Zoning Code, which is a 150 foot building setback from the centerline of Oracle Road per Table 18.77.030 of the zoning code. The building proposed is outside the setback. The existing and proposed right-of-way for Oracle Road is 200 feet. The most current traffic count on Oracle Road from 2013 is 29,000 average daily trips (ADT) and the traffic capacity is 33,900 ADT, but will increase to 49,800 ADT on completion of construction. Access to Oracle Road requires ADOT approval. Driveways are subject to Subdivision and Development Street Standards distance requirements per Sections 8.1.1.1, 8.1.1.2 and 8.1.3.1, which requires 230 foot distance centerline to centerline for a posted 45 mph road. The access driveway appears to require modification to Subdivision and Development Street Standards. Right-of-way use and access require ADOT approval. The Gateway requirements for bufferyard, access to adjacent parcel, and pedestrian access have not been addressed.

Gateway Overlay Zone requirements apply to this site. Shared internal access shall be provided for to the north and south. The existing path provides pedestrian access along Oracle Road frontage. Access should be shown from the existing path to the proposed building and associated parking. A 20 foot wide bufferyard along Oracle Road frontage is also required.

Transportation staff has no objection to the request for a five-year time extension provided conditions 7A through C (renumbered to 6A through C) remain.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Regional Flood Control District has reviewed the subject Site Analysis, previously found it to be complete, and has the following comments:

1. The site is impacted by a regulatory watercourse and there is Pima County Regulated Riparian Habitat designated as Important Riparian Area associated with it.
2. No drainage complaints have been filed against the property.
3. No Preliminary Integrated Water Management Plan is required as the site is less than 5 acres and does not require a Site Analysis.
4. Since the last time extension the District had adopted a first flush requirement.

The District has no objection subject to continuance of the existing conditions and addition of the following conditions:

- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
- b. As provided for in PCC Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT (PCRWRD) REPORT:

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a five-year time extension for the above referenced rezoning case and offers the following comments for your use. The 2.34-acre rezoning site is located on the east side of Oracle Road, approximately 800 feet south of Lupine Place in Catalina. The site is currently zoned for non-residential CB-1 (Local Business) uses.

The rezoning site is within the area currently served by Pima County's public sewer system and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. The closest public sewer is the 12-inch sewer line (G-86-046) along the west side of Oracle Road.

The PCRWRD has no objection to the five-year extension of the rezoning.

The PCRWRD requests the existing wastewater conditions in rezoning Resolution 2010-115 adopted June 1, 2010 by the Board of Supervisors be replaced with updated conditions under #8 above.

NATURAL RESOURCES, PARKS AND RECREATION REPORT:

No report.

LAGO DEL ORO WATER COMPANY:

To date, staff has not received a response to a request for comments.

UNITED STATES FISH AND WILDLIFE (USFWS):

To date, staff has not received a response to a request for comments.

GOLDER RANCH FIRE DISTRICT:

Golder Ranch Fire District notes that any improvements made to the subject property shall be subject to the adopted fire codes of the Golder Ranch Fire District. Permits for building or improvements on these sites shall be obtained through the District prior to any construction.

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT):

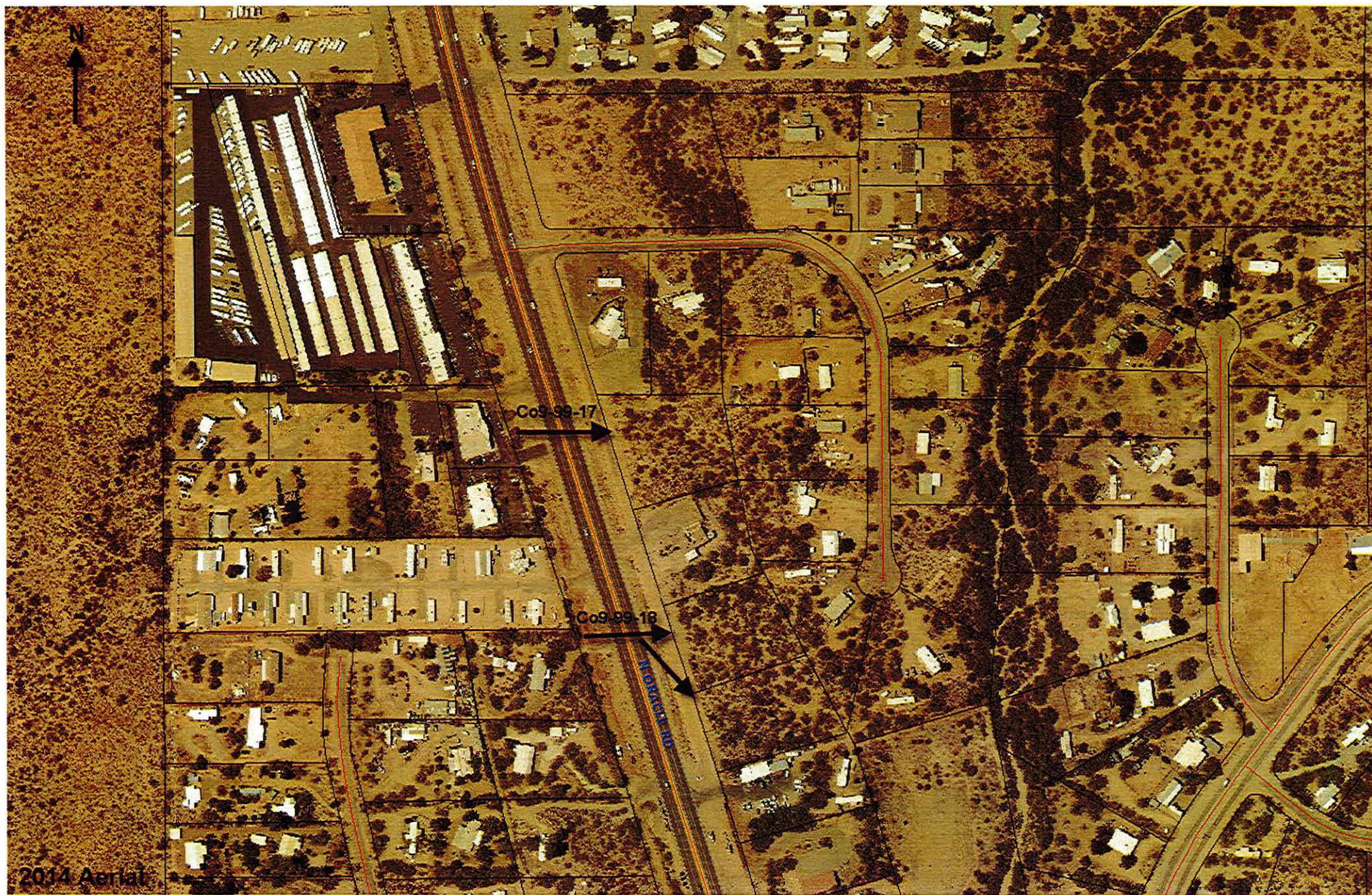
In the attached letter, ADOT reports "no comments" pertaining to the rezoning time extension, but indicates support for the existing Transportation conditions, including a limit to one access point on Oracle Road. ADOT also indicates that a Traffic Impact Analysis may be required.

PUBLIC COMMENTS

As per the original rezoning request, notice has been mailed to property owners within 300 feet of the rezoning site. To date, no written public comments have been received.

CP/DP/ar
Attachments

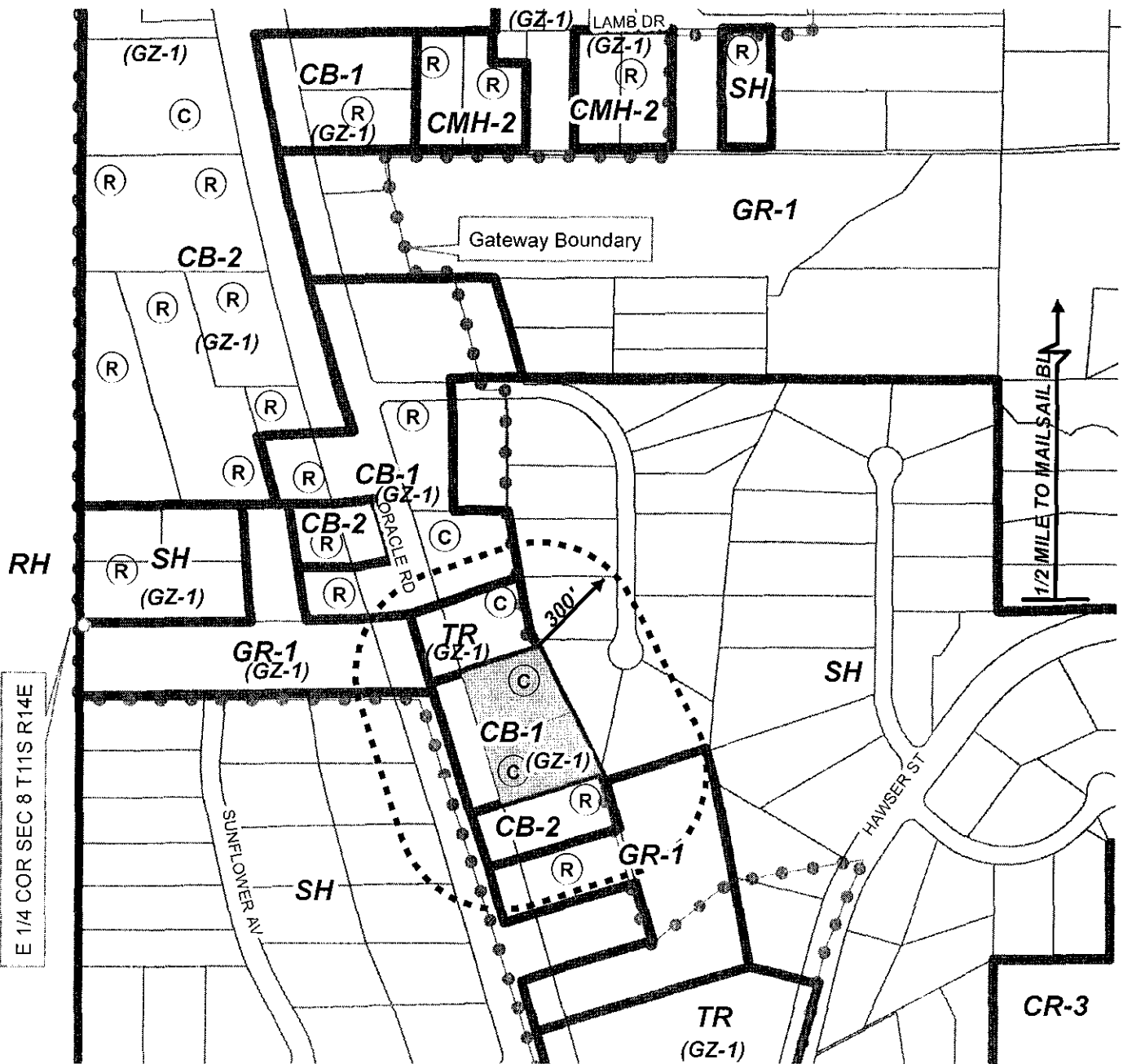
c: CAPT Properties, LLC, Attn: Cosmo Ali, 4080 E. Camino Montecello,
Tucson, AZ 85718-3436
Alleva Design Studio Architects, Attn: Anselmo Alleva, Architect, 2222 E. 3rd Street,
Tucson, AZ 85719
Chris Poirier, Assistant Planning Director
Co9-99-18 File



2014 Aerial

Case #: CO9-99-018 ALI - ORACLE ROAD REZONING

Tax Code(s): 222-26-0470 & 222-26-0480



0 180 360 720 Feet



Subject Property



300' Notification Buffer

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Notes: TIME EXTENSION

Board of Supervisors Hearing: 3/17/15

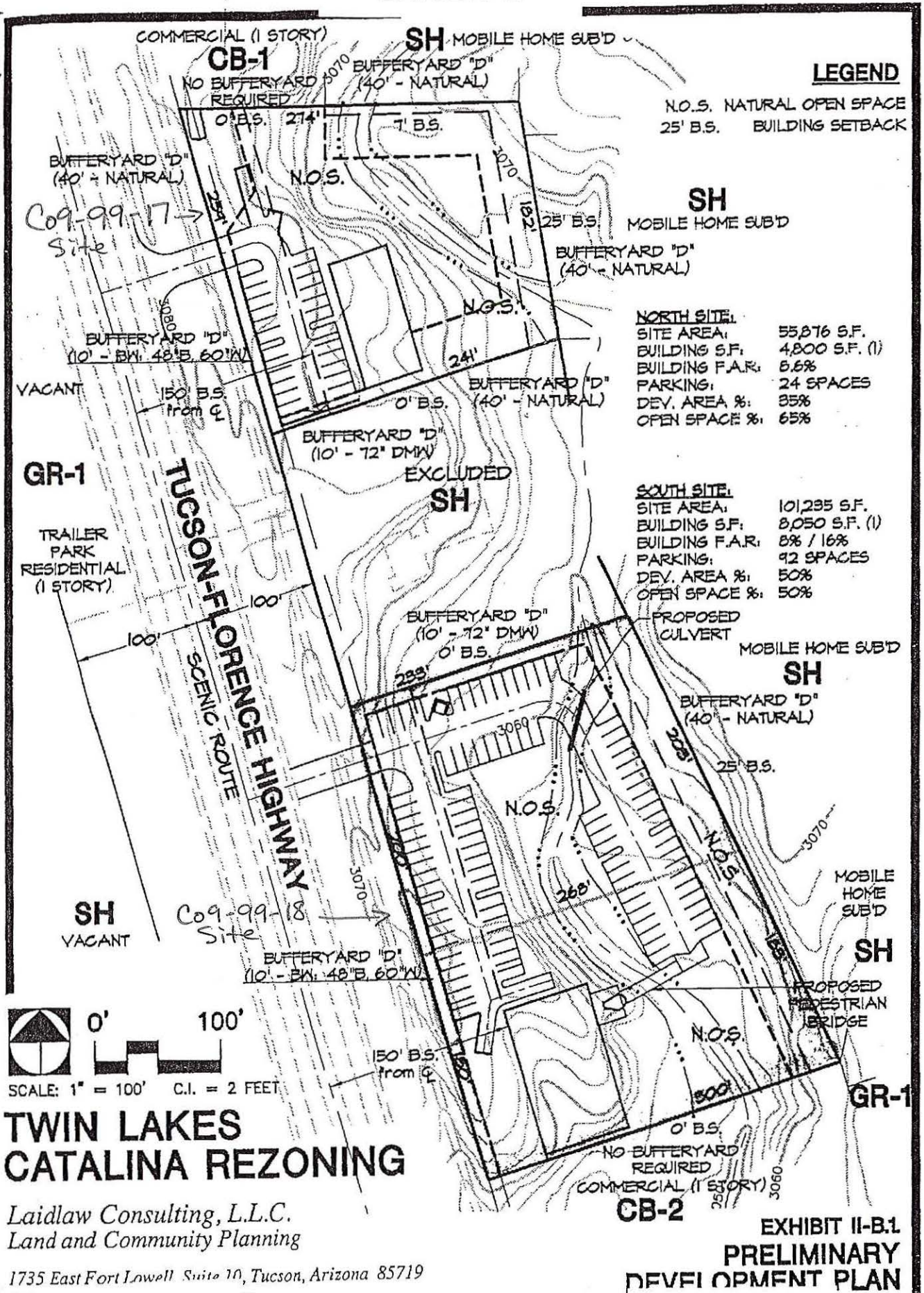
Base Map(s): 432

Map Scale: 1:5,000

Map Date: 02/10/2015



EXHIBIT B



August 05, 2014

Pima County Development Services
Planning and Zoning
201 North Stone Av. 2nd Floor
Tucson, Arizona 85701

Capt Properties
4080 East Camino Montecillo
Tucson, Arizona 85718
520-577-7164

Re: Co9-99-18 Ali et al – Oracle Road Rezoning
Tax Code # 222-26-0470 & 0480, 2.34 Acre Site
15520 & 15540 North Oracle Road
Tucson, Arizona

The above referenced property was granted a conditional approval for a rezoning on October 12, 1999. In 2005 and again in 2010 the Board of Supervisors approved a 5-year time extension for the conditional zoning. This conditional rezoning will expire on October 12, 2014 and a request for another 5 year time extension is needed due to poor economic recovery in the area.

I Cosmo Ali authorize Anselmo Alleva, Architect, to act on my behalf to cover all matters relating to the above referenced property as they relate to the rezoning extension and all other planning matters.

Thank you for your cooperation and please call if I could be of assistance.

Sincerely,

Cosmo Ali



RECEIVED
OCT 17 2014

cc. Original Aug 13th 2014
D.P.

CAPT Properties, LLC
4080 East Camino Montecillo
Tucson, Arizona 85718
520-577-7164

August 05, 2014

Pima County Development Services
Planning and Zoning
201 North Stone Av. 2nd Floor
Tucson, Arizona 85701

To Whom It May Concern:
The members of CAPT properties, LLC are as follows:

Cosmo Ali	President
Anna Ali	Vice President
Pina Collosimo	Secretary
Teresa Foley	Treasurer

Thank you for your cooperation and please call if I could be of assistance.

Sincerely,



Cosmo Ali

RECEIVED
AUG 13 2014
BY:

August 05, 2014

Pima County Development Services
Planning and Zoning
201 North Stone Av. 2nd Floor
Tucson, Arizona 85701

Capt Properties
4080 East Camino Montecillo
Tucson, Arizona 85718

Re: Co9-99-18 Ali et al – Oracle Road Rezoning
Tax Code # 222-26-0470 & 0480
2.34 Acre Site

BIOLOGICAL IMPACT REPORT

LANDSCAPE RESOURCES:

1. The project site does occur within a Conservation Lands System Category of the Important Riparian Area. (See Exhibit A).
2. The proposed development will minimize the affect on the Existing washes by maintaining the development and grading along the high levels of the natural grade. This will allow the existing vegetation and wash to remain as natural as possible. (See Preliminary Development Plan)
3. "Special Elements" of the site consist of PaloVerde/Mixed Cacti and Sonoran Riparian Scrub. (See Exhibit B)
4. The Site is near the Critical Landscape Linkage Identified as Linkage #2 on the Map Guide Through Oro Valley between Catalina and the Tortolita Mountains.

FEDERALLY LISTED THREATENED/ENDANGERED SPECIES:

Cactus Ferruginous Pygmy Owl

1. The site does not occur within the Survey Zone 1 for the Cactus Ferruginous Pygmy Owl

RECEIVED
AUG 13 2014

BY:


2. The site does not occur within the Critical Habitat or the Draft Recovery Habitat for the Cactus Ferruginous Pygmy Owl. Based on the Pima County Map Guide the site is within a Low Habitat zone.
3. The project site has not been surveyed for the Cactus Ferruginous Pygmy Owl however the intent is to conduct the surveys to accompany the development plan process.
4. Even though the site is not within the Critical Habitat Zone the proposed development will keep the natural vegetation along the wash intact in order to preserve the natural resources for nesting habits of the Cactus Ferruginous Pygmy Owl.

Pima Pineapple Cactus

1. The Site does not occur within the Modeled potential Habitat for the Pima pineapple cactus based on the Pima County Map Guide.
2. Pima pineapple cacti have not been found on the project site.
3. The site has not been surveyed for the Pima pineapple cactus. Surveys for the Pima pineapple cactus are planned in the future to accompany the development plan process.

Thank you for your cooperation and please call if I could be of assistance.

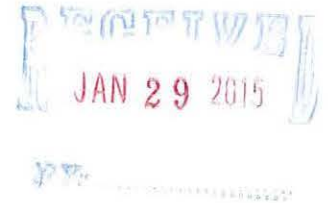
Sincerely,



Anselmo Alleva
Architect

January 23, 2015

Pima County Development Services Department
Planning Division
201 North Stone Ave., Second Floor
Tucson, AZ 85701



Att: Mr. David Petersen, AICP
Senior Planner

Re: Rezoning Time Extension for Case Number Co9-99-18, Ali et al – Oracle Road Rezoning
2.34-acre rezoning is located on the east side of Oracle Road approximately 800 feet south of
Lupine Place in Catalina.

Dear Mr. Petersen:

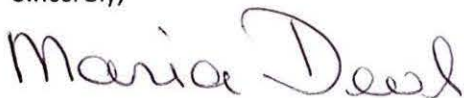
The Arizona Department of Transportation (ADOT) has "No Comments" regarding the third five-year time extension request for Case Number C09-99-18.

All Transportation Conditions listed in Resolution No. 2010 – 116 (rezoning condition 7, A through C) recorded in the Pima County Recorder's Office in Docket 13825, Page 3196 shall remain in force. As stated in the Resolution, only one (1) access point on Oracle Road shall be allowed.

ADOT may require the developer of this parcel to provide a Traffic Impact Analysis (TIA) Report. A TIA is required for all new developments that generate 100 or more trips during the morning or afternoon peak hour of the highway or during the peak hour of the generator.

We appreciate the opportunity to review the proposed third five-year time extension for this rezoning.

Sincerely,



Maria Deal
Transportation Engineering Specialist
ADOT Southern Regional Traffic Engineering
1221 S. 2nd Ave.
Tucson, AZ 85713
(520) 388-4235
Mdeal@azdot.gov

C: Scott Beck, P.E., Southern Regional Traffic Engineer, ADOT
Steve Mishler, P.E., Tucson District Development Engineer, ADOT
Corrine Garey, Tucson District Permit Technician III, ADOT

DATE: January 16, 2015

TO: David Peterson, DSD
Senior Planner

FROM: Greg Saxe, Ph.D.
Env. Plg. Mgr

SUBJECT: Co9-99-18 Ali, et al – Oracle Road Rezoning Time Extension

I have reviewed the subject Site Analysis, previously found it to be complete and have the following comments:

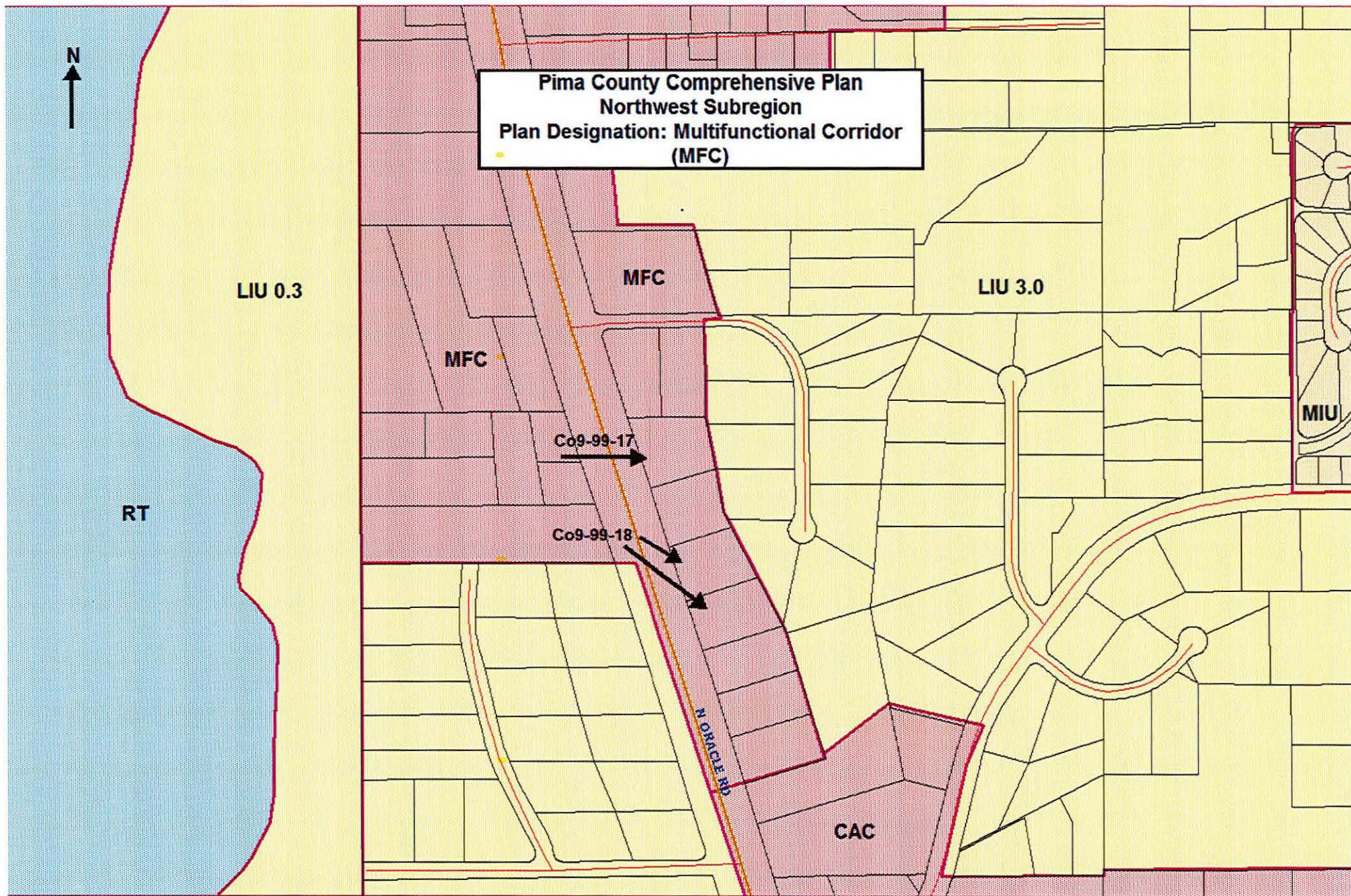
1. The site is impacted by a regulatory watercourse and there is Pima County Regulated Riparian Habitat designated as Important Riparian Area associated with it.
2. No drainage complaints have been filed against the property.
3. No Preliminary Integrated Water Management Plan is required as the site is less than 5 acres and does not require a Site Analysis.
4. Since the last time extension the District had adopted a first flush requirement.

The District has no objection subject to continuance of the existing conditions and addition of the following conditions:

- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
- b. As provided for in PCC Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.

GS/ES

Cc: File



Multifunctional Corridor MFC

a. Purpose: To designate areas for the integrated development of complementary uses along major transportation corridors.

b. Objective: These areas contain commercial and other non-residential use services and 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, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.

c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:

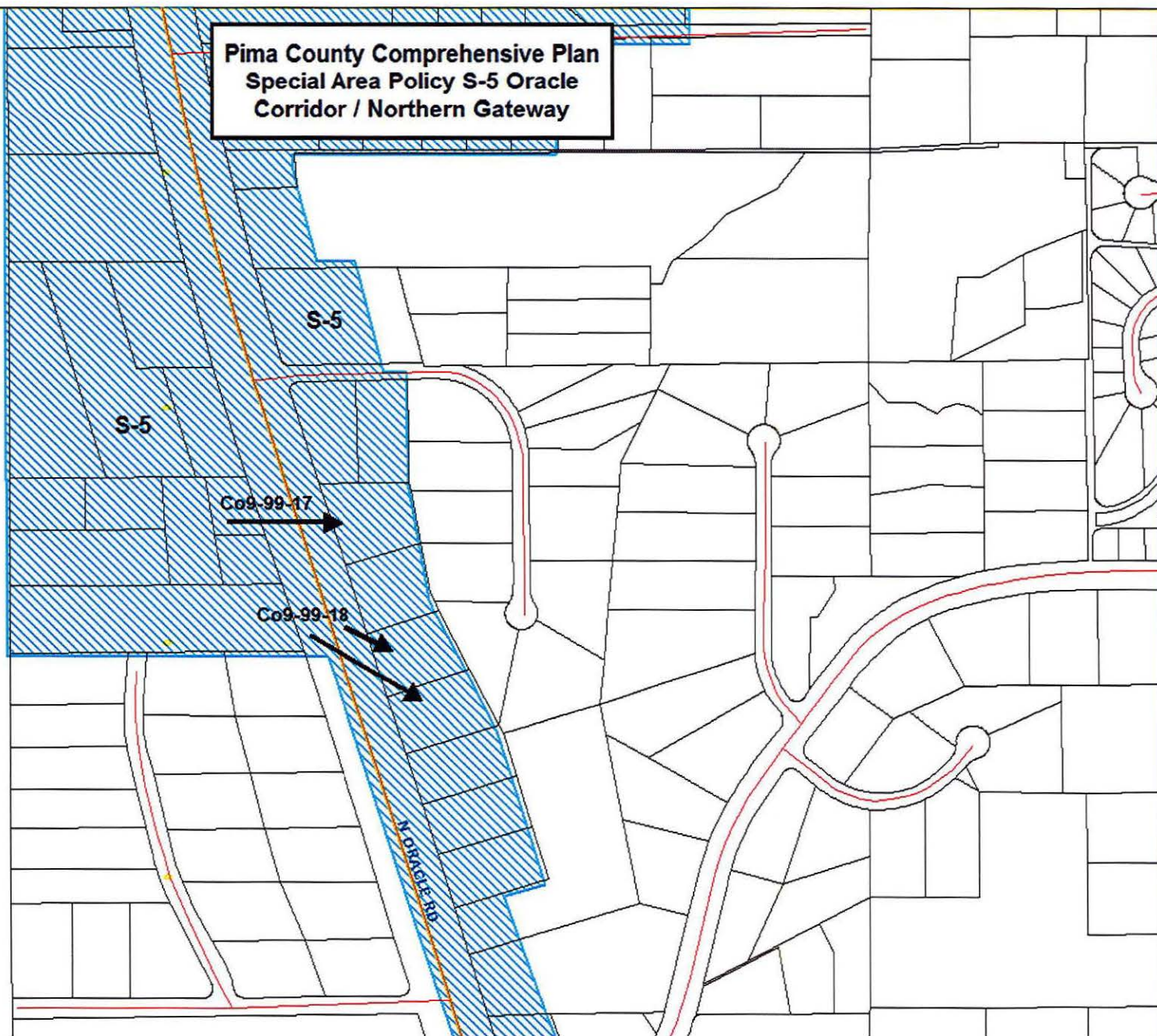
- 1) Minimum - (none)
- 2) Maximum - 44 RAC

d. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under Section 18.89.060D major resort community, Section 18.89.030A3b plan policies, or Section 18.90.030E specific plans:

- 1) GC Golf Course Zone
- 2) TH Trailer Homesite Zone
- 3) CR-3 Single Residence Zone
- 4) CR-4 Mixed-Dwelling Type Zone
- 5) CR-5 Multiple Residence Zone
- 6) TR Transitional Zone
- 7) CMH-2 County Manufactured And Mobile Home-2 Zone
- 8) MR Major Resort Zone
- 9) CB-1 Local Business Zone
- 10) CB-2 General Business Zone
- 11) CPI Campus Park Industrial Zone



**Pima County Comprehensive Plan
Special Area Policy S-5 Oracle
Corridor / Northern Gateway**



S-5 Oracle Corridor/Northern Gateway (NW)

General location: T11S, R14E, Sections 4 & 16; T12S, R13E, Sections 25 & 36.

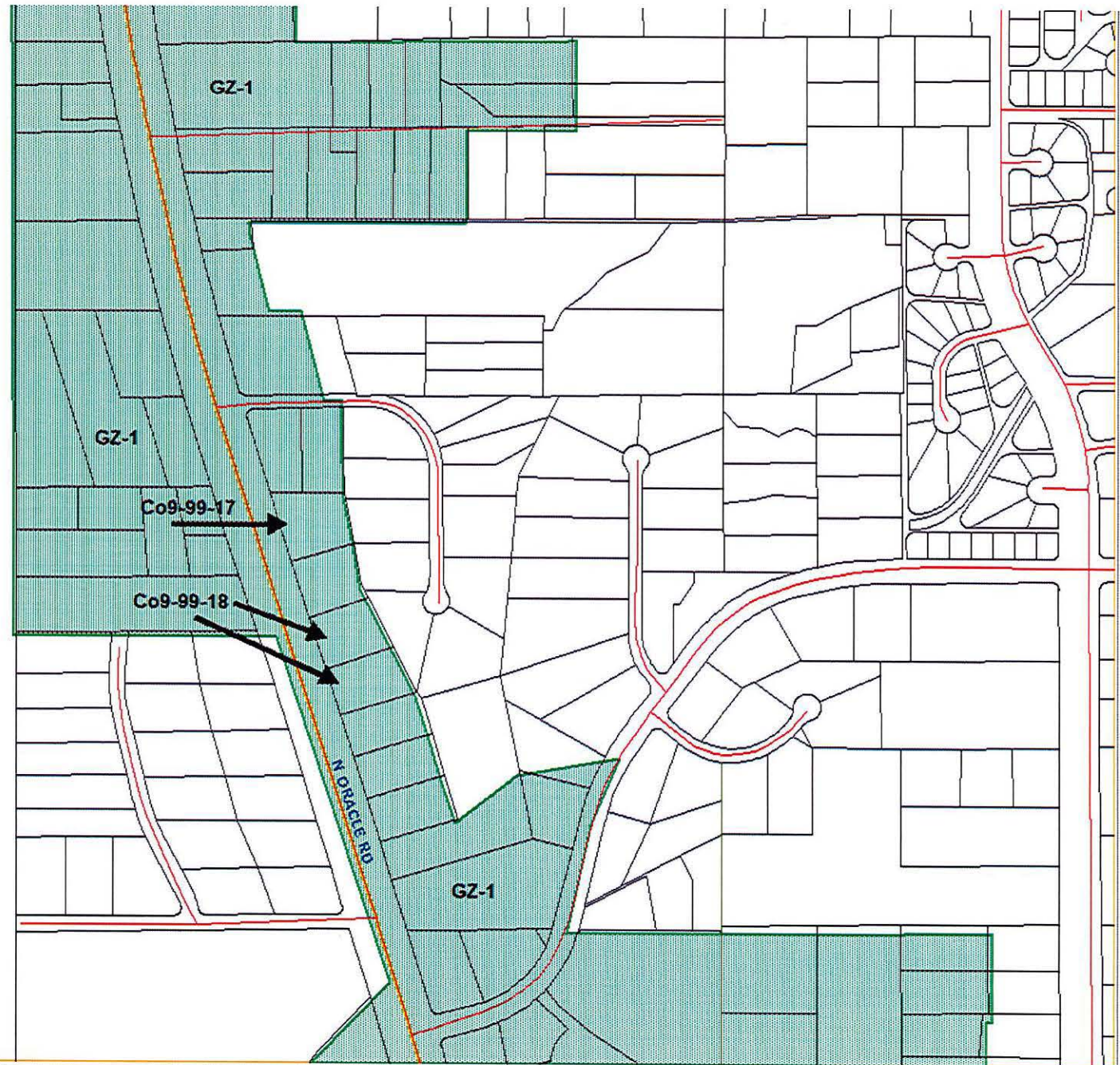
Description: Standards to preserve scenic quality along a major transportation corridor and enhance sense of entry into metropolitan area; design criteria for visual standards, preservation of viewsheds of ridge lines and preservation of native vegetation; mitigate the negative impacts of strip commercial development.

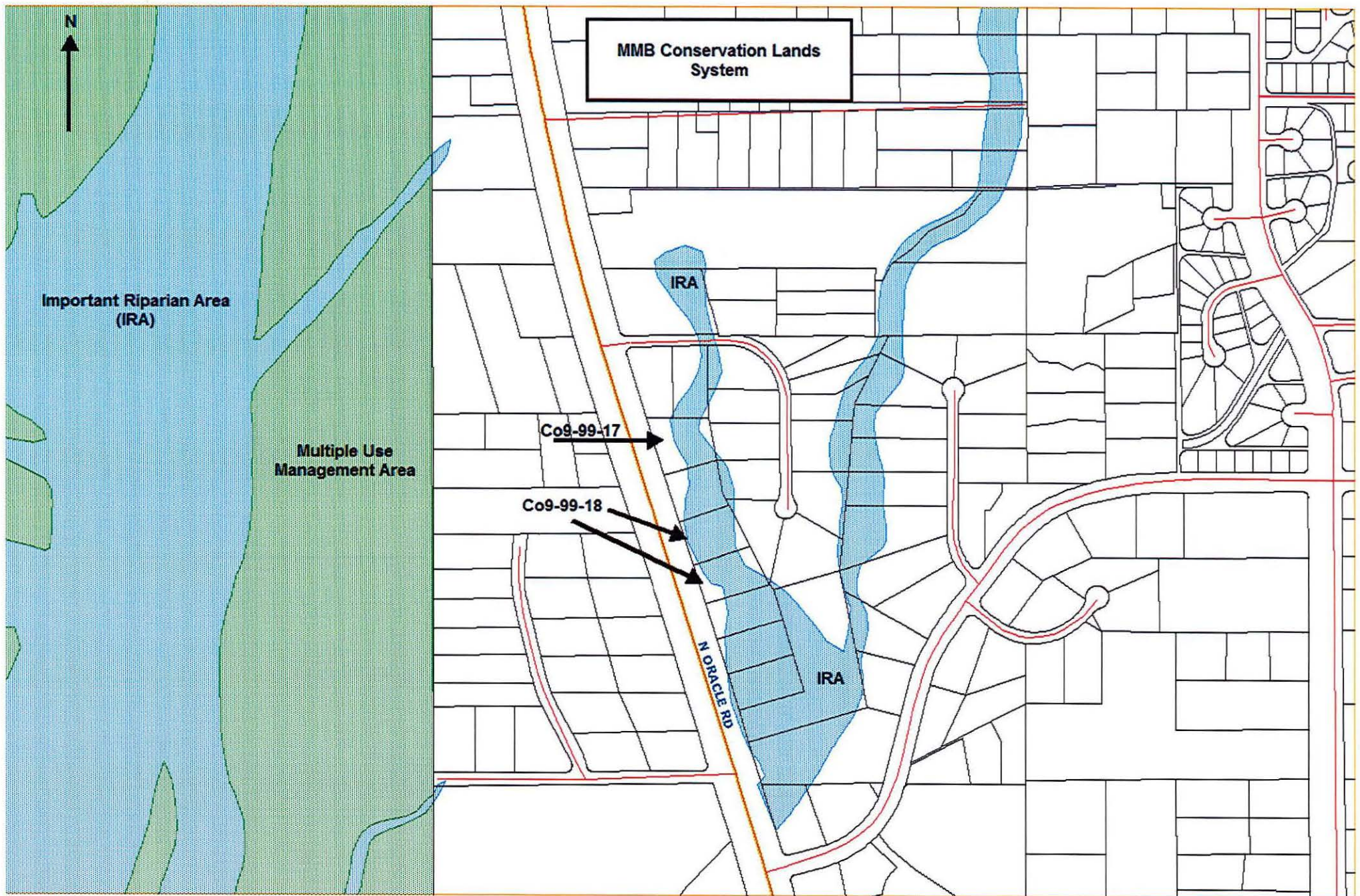
Policies:

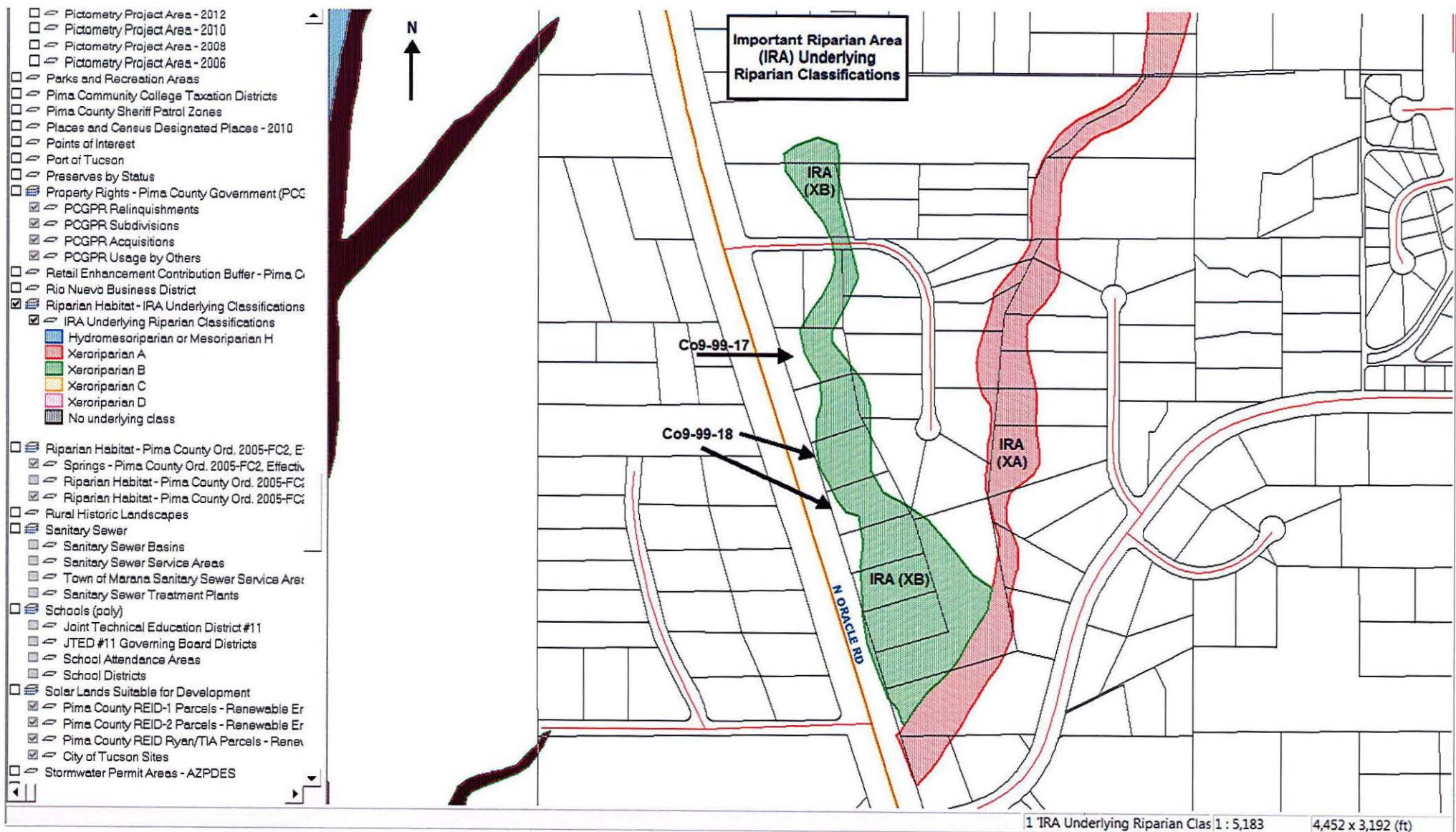
- A. Visibility of development within this area of Oracle Road shall be of low profile. No greater than 24 feet of building height shall be visible from Oracle Road;
- B. Parcels adjacent to one another but of different owners shall share access and signage in order to minimize curb cuts and minimize visual clutter;
- C. Large parcels under one ownership shall be developed as one development and shall be designed to promote internal circulation;
- D. Office, commercial and/or mixed-use developments shall be designed to promote internal circulation for pedestrians;
- E. Landscaping shall develop the transition to natural open space to office, commercial, and/or mixed-use development;
- F. Landscape buffering shall be required for all development along this section of Oracle Road; and
- G. Development within this Gateway Route Special Area shall be approved by the Pima County Design Review Committee.



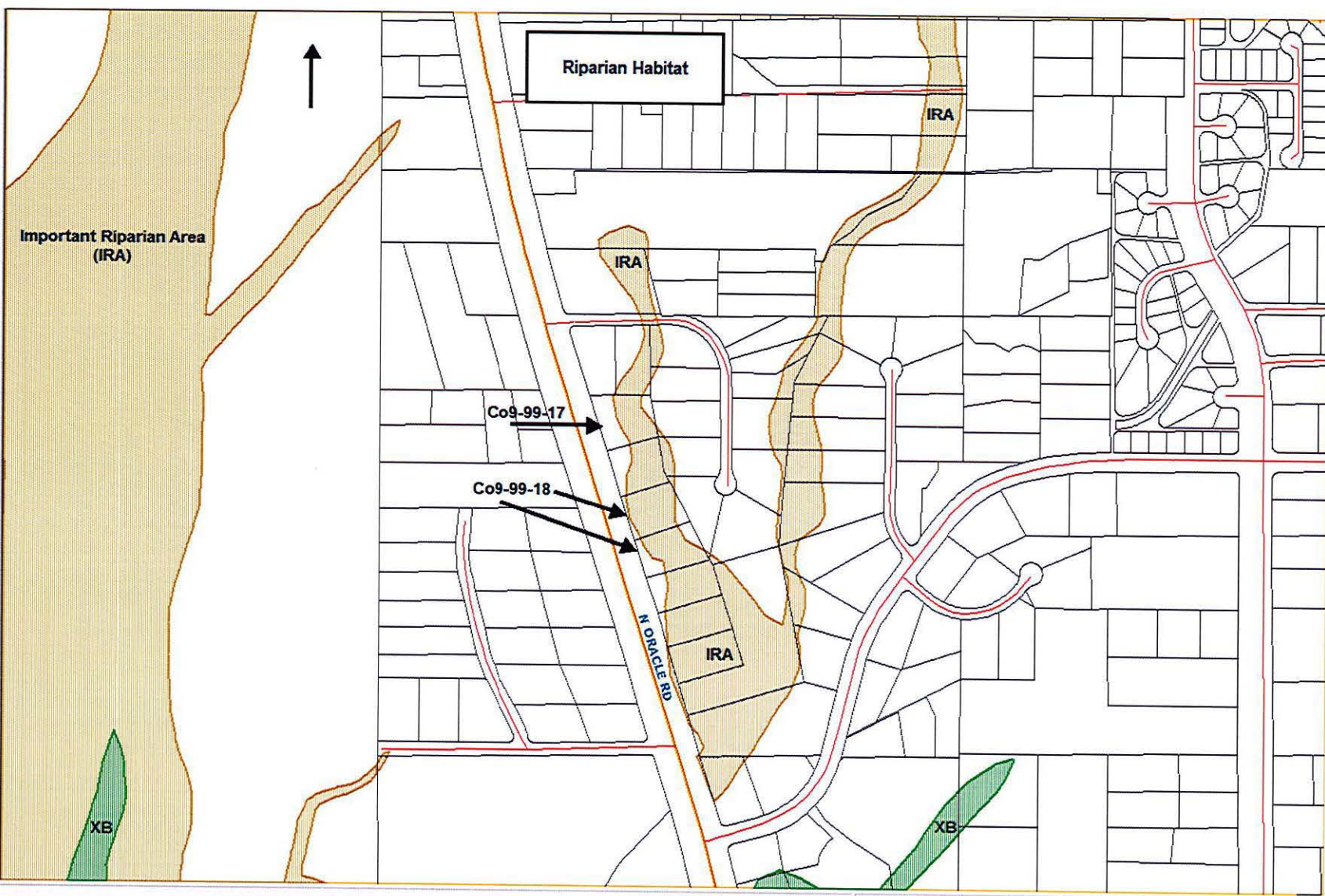
Urban Gateway Overlay
Zone (GZ-1)







- ☐ Pima County Sheriff Patrol Zones
- ☐ Places and Census Designated
- ☐ Points of Interest
- ☐ Port of Tucson
- ☐ Preserves by Status
- ☐ Property Rights - Pima County Gr
 - ☒ PCGPR Relinquishments
 - ☒ PCGPR Subdivisions
 - ☒ PCGPR Acquisitions
 - ☒ PCGPR Usage by Others
- ☐ Retail Enhancement Contribution
- ☐ Rio Nuevo Business District
- ☐ Riparian Habitat - IRA Underlying
 - ☒ IRA Underlying Riparian Clas
 - ☒ Riparian Habitat - Pima County C
 - ☒ Springs - Pima County Ord. 20
- ☐ Riparian Habitat - Pima Coun'
 - ☒ Riparian Habitat - Pima Coun'
 - ☒ Important Riparian Areas
 - ☒ Hydromesoriparian or Meso
 - ☒ Xeroriparian A
 - ☒ Xeroriparian B
 - ☒ Xeroriparian C
 - ☒ Xeroriparian D
- ☐ Rural Historic Landscapes
- ☐ Sanitary Sewer
 - ☒ Sanitary Sewer Basins
 - ☒ Sanitary Sewer Service Area
 - ☒ Town of Marana Sanitary Sev
 - ☒ Sanitary Sewer Treatment Plt
- ☐ Schools (poly)
 - ☒ Joint Technical Education Dis
 - ☒ JTED #11 Governing Board C
 - ☒ School Attendance Areas
 - ☒ School Districts
- ☐ Solar Lands Suitable for Develop
 - ☒ Pima County REID-1 Parcels
 - ☒ Pima County REID-2 Parcels
 - ☒ Pima County REID Ryan/TIA
 - ☒ City of Tucson Sites
- ☐ Stormwater Permit Areas - AZPD
- ☐ Subdivision Names
- ☐ Subdivisions
- ☐ Supervisor Districts
- ☐ Sweetwater Wash 300 ft. Buffer A
- ☐ TPD Sectors



15600-N

ANNOTATED COPY

APPROVALS

I, Elba B. Hanna, Clerk of the Board of Supervisors, hereby certify that this plat was approved by the Board of Supervisors of Pima County, Arizona, on this 22nd day of December, 1972.

Elba B. Hanna
CLERK, BOARD OF SUPERVISORS
4-12-72
DATE

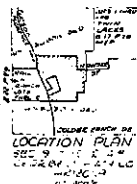
Ed J. Hanna
COUNTY ENGINEER
4-21-72
DATE

Ed J. Hanna
PIMA COUNTY PLANNING DIRECTOR
4-20-72
DATE

Ed J. Hanna
PIMA COUNTY DEPARTMENT OF SANITATION

GENERAL NOTES

1. Represents a 2" Brass Survey Monument set in concrete and stumped P.S. 178
2. Represents a 1/2 pin set, unless otherwise noted
3. U.E. defines a Utility Easement
4. U.E. Represents a curve number, see curve table
5. Gross area: 76.9 Acres
6. Miles of new streets - 116
7. Subdivision streets will be graded to minimum Pima County Standards for dirt streets prior to the issuance of any permits by the zoning inspector
8. Easements shown hereon are based on South line of SE 1/4, Sec 3, as recorded in B 11, P 27, E.M. (S 8945 32' E)
9. U.E. - Utility Easement 7'1/2 each side of lot line unless otherwise noted
10. The area between the 50 yr flood limits represent an area that may be subject to flooding from the 50 yr frequency flood and all land in this area will be restricted to uses that are comparable with flood plain management as approved by the County Engineer
11. Portion of Hawser St. to be dedicated by separate instrument - See sheet 2 of 2
12. Utilities to be located in streets for lots not serviced by utility easements



CONSENT TO DEDICATION

We, the undersigned hereby certify that we are the mortgagee under that certain mortgage recorded in Book 249, Pages 46-60 of Deeds in the office of the County Recorder of Pima County, State of Arizona and we do hereby join in the consent to the dedication to the use of the public forever of all streets and easements as hereinafter designated and shown

UNION BANK, an Arizona corporation

VICE PRESIDENT

State of Arizona
County of Pima

On this 22nd day of December, 1972, before me, _____, the undersigned officer personally appeared _____ who acknowledged himself to be the Vice President of the Union Bank, an Arizona corporation and that he, as such Vice President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as Vice President.

In witness whereof I hereunto set my hand and official seal.

Notary Public My commission expires _____

STEWART TITLE AND TRUST OF TUCSON an Arizona corporation, Deeds 3390, Pages 294-306

VICE PRESIDENT

State of Arizona
County of Pima

On this the 22nd day of December, 1972, before me, _____, the undersigned officer personally appeared Melvin J. King who acknowledged himself to be the President of Stewart Title and Trust of Tucson, an Arizona corporation and that he, as such President being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as President.

In witness whereof I hereunto set my hand and official seal.

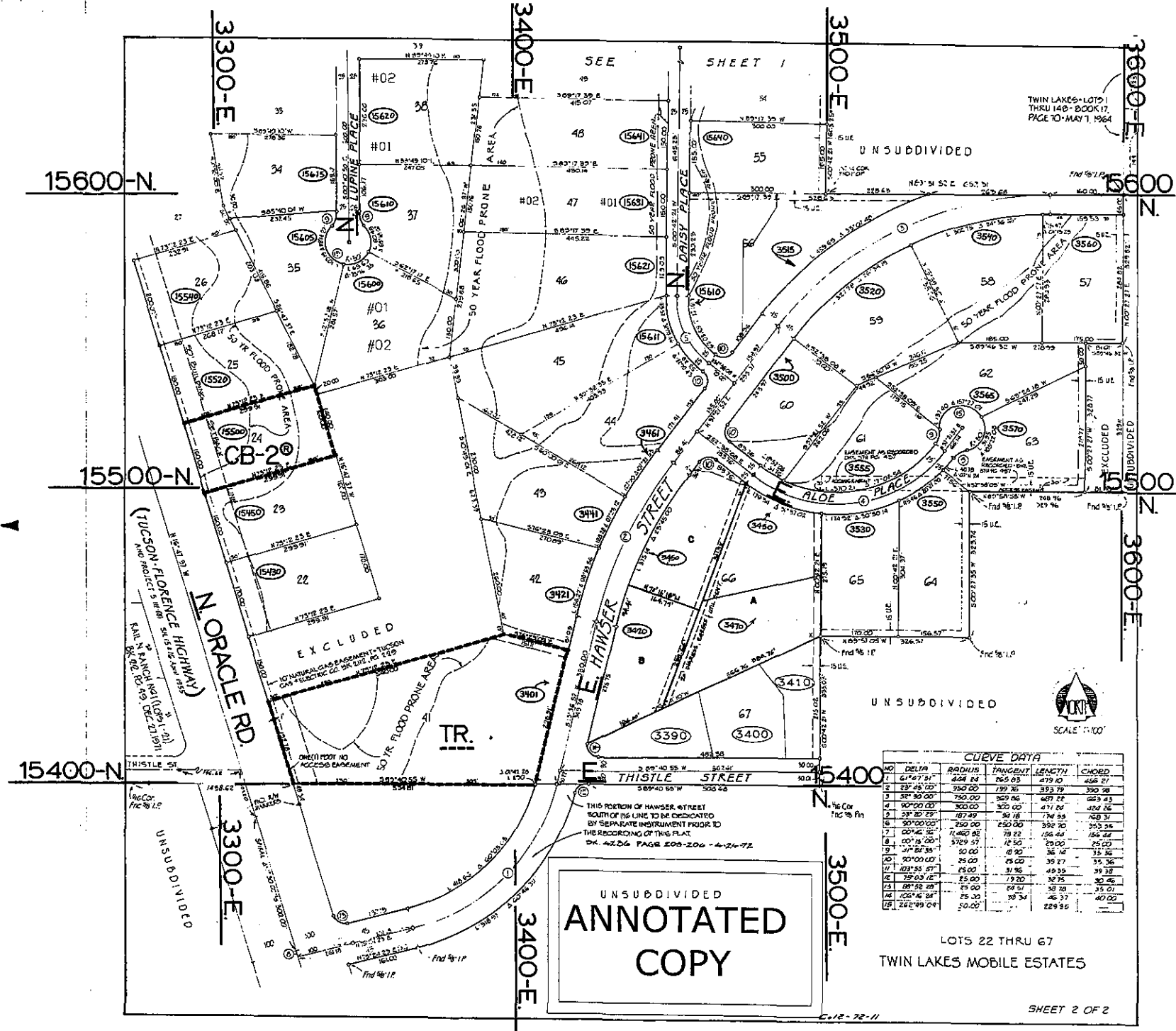
Notary Public My commission expires _____

CERTIFICATION OF SURVEY

I hereby certify that the survey of the land shown on this plat has been completed under my direction and all monuments exist as shown or that a bond has been posted for their eventual installation.

Ed J. Hanna
COUNTY ENGINEER
4-21-72
DATE

ALL RIGHTS RESERVED BY THE SURVEYOR
22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1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233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-



CURVE DATA

NO.	DELTA	RADIUS	TANGENT	LENGTH	CHORD
1	61° 57' 34"	444.84	265.03	479.10	456.21
2	23° 25' 22"	190.00	129.36	353.79	350.98
3	52° 30' 00"	750.00	569.86	607.12	653.43
4	10° 00' 00"	300.00	320.00	471.84	450.56
5	23° 25' 22"	190.00	129.36	353.79	350.98
6	50° 00' 00"	250.00	250.00	392.70	353.55
7	00° 45' 00"	11,450.00	79.22	56.49	166.42
8	00° 15' 00"	3769.57	12.50	25.00	25.00
9	1° 00' 00"	50.00	8.90	36.14	35.56
10	10° 00' 00"	25.00	25.00	35.27	35.36
11	10° 00' 00"	25.00	25.00	35.27	35.36
12	22° 00' 00"	25.00	25.00	35.27	35.36
13	89° 55' 28"	25.00	25.00	35.27	35.36
14	00° 45' 00"	25.00	25.00	35.27	35.36
15	24° 00' 00"	25.00	25.00	35.27	35.36

LOTS 22 THRU 67
TWIN LAKES MOBILE ESTATES

F. ANN RODRIGUE RECORDER
RECORDED BY: LLW
DEPUTY RECORDER
1956 PE-1

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13825
PAGE: 3196
NO. OF PAGES: 9
SEQUENCE: 20101090816
06/08/2010
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

RESOLUTION 2010-116

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE Co9-99-18 ALI - ORACLE ROAD REZONING; LOCATED ON THE EAST SIDE OF ORACLE ROAD, APPROXIMATELY 800 FEET SOUTH OF LUPINE PLACE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2000-5 AS AMENDED BY RESOLUTION NO. 2009-221.

WHEREAS, on May 28, 1999, the owner of approximately 2.34 acres applied for a rezoning from SH (Suburban Homestead) to CB-2 (General Business);

WHEREAS, on October 12, 1999 the Pima County Board of Supervisors approved the rezoning from SH (Suburban Homestead) to CB-1 (Local Business), subject to standard and special conditions;

WHEREAS, on January 18, 2000 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2000-5, as recorded in Docket 11217 at Page 665, rezoning the approximate 2.34 acres described in rezoning case Co9-99-18 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on October 29, 2004 the owner of approximately 2.34 acres applied for a five-year time extension;

WHEREAS, on March 15, 2005 the Pima County Board of Supervisors approved the five-year time extension subject to additional rezoning conditions numbered 15

through 24;

WHEREAS, on September 1, 2009 the Pima County Board of Supervisors adopted rezoning Resolution No. 2009-221, as recorded in Docket 13639 at Page 02784, memorializing the new time limit and additional rezoning conditions approved by the Pima County Board of Supervisors on March 15, 2005;

WHEREAS, on October 13, 2009 the owner of approximately 2.34 acres applied for a five-year time extension;

WHEREAS, on February 2, 2010 the Pima County Board of Supervisors denied closure of the rezoning and approved the five-year time extension subject to modification of rezoning conditions numbered 5, 9, 10, 11, 15, 17, 18, 19, 22, and 23 and additional rezoning conditions numbered 8(C) and 25; and

WHEREAS, Ordinance No. 2000-5, as amended by Resolution No. 2009-221, allows the Board of Supervisors to amend the rezoning conditions and time limits by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2000-5, as amended by Resolution No. 2009-221, 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 Development Services 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. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and 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 (ADOT) prior to any plan approvals from Pima County.
 - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - 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. A riparian mitigation plan shall be required for development in designated riparian areas.
9. ~~Wastewater Management~~ Reclamation condition:

The property owner must connect to the public sewer system at the location and in the manner specified by ~~Wastewater Management~~ Reclamation unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.
10. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site ~~will~~ shall cease, the discovery site ~~will~~ shall be secured, and the Arizona State

Museum ~~will~~ shall be immediately notified.

11. The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy ~~2-07 S-5~~, Oracle Road Corridor, Northern Gateway.
12. Building heights are restricted to 24 feet and two stories.
13. Adherence to the preliminary development plan as approved at public hearing (attached hereto as EXHIBIT B). Uses are restricted to nonresidential CB-1 uses.
14. The access driveway to Oracle Road shall be located as far away as possible from the Lazy A Mobile Home Park (Tax Code 222-21-0640) located on the west side of Oracle Road.
15. The property owner(s) shall connect to public sewer system at the location and in the manner specified by Wastewater-Management Reclamation at the time of review of the tentative plat, development plan or request for building permit.
16. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.
17. All work shall be within the area as shown on the rezoning applications.
18. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
19. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
 - Fountain grass (*Pennisetum setaceum*)
 - Buffel grass (*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 (Elaeagnus angustifolia)
 Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)
 Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda
 Love grasses (Eragrostis spp.) excluding Plains love grass (EragrostisIntermedia)
 African rue (Peganum harmala)
 Iceplant (Mesembryanthemem crystallinum)
 Arabian Grass (Schisums arabicus)
 Natal Grass (Melinis repens (=Rhynchelythrum repens))

20. 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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on site sewage disposal systems within the rezoning area.
21. The owner / developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner / developer to that effect.
22. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Reclamation 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 Reclamation Department.
23. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
 - a) Propose that all new development within the rezoning area will be connected to Pima County's public sewer system; or
 - b) Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.

24. If all new development within the rezoning area will be connected to Pima County's public sewer system, 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.
25. 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)."

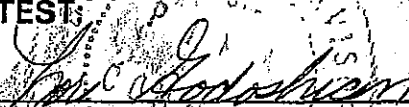
* * *

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2000-5, as amended by Resolution No. 2009-221, as follows:

1. Conditions 1 through 24 25 shall be completed by October 12, ~~2009~~ 2014.
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 Resolution until all conditions 1 through 24 25 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.


RESOLVED by the Board of Supervisors of Pima County, Arizona,
this 1st day of June, 2010.

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:


Deputy County Attorney
ANDREW FLAGG


Chairman, Board of Supervisors

JUN 01 2010

APPROVED:

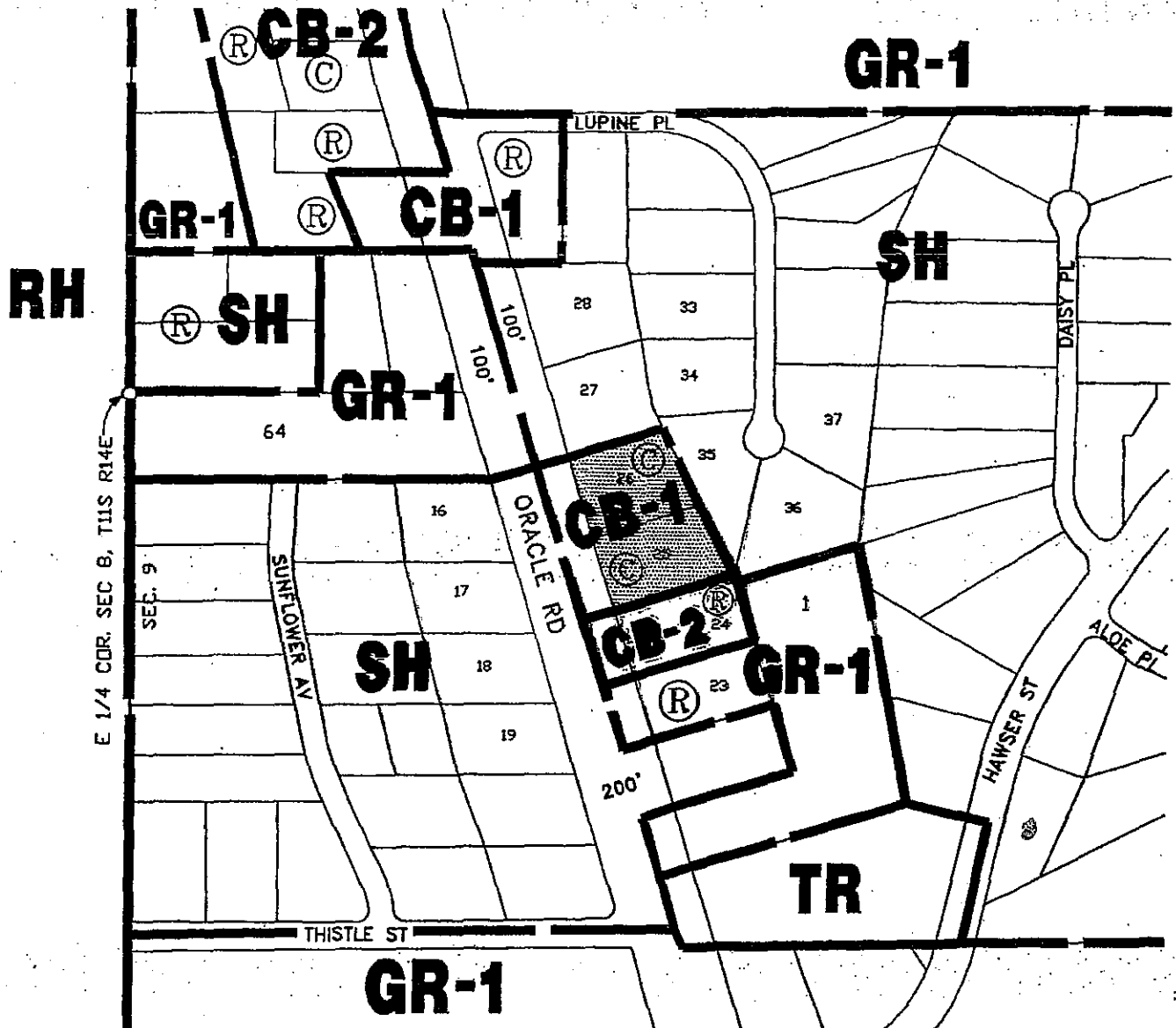

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 432 TUCSON, AZ.
 LOTS 25 & 26 OF TWIN LAKES MOBILE ESTATES
 OF SEC. 9, T11S R14E.



ADOPTED _____ EFFECTIVE _____



[Handwritten Signature]
 EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SH 1.30 ac±
 xa-DECEMBER 14, 1999

CD9-99-18
 CD7-89-2
 222-26-0470
 222-26-0480
 BK 23 PG 4

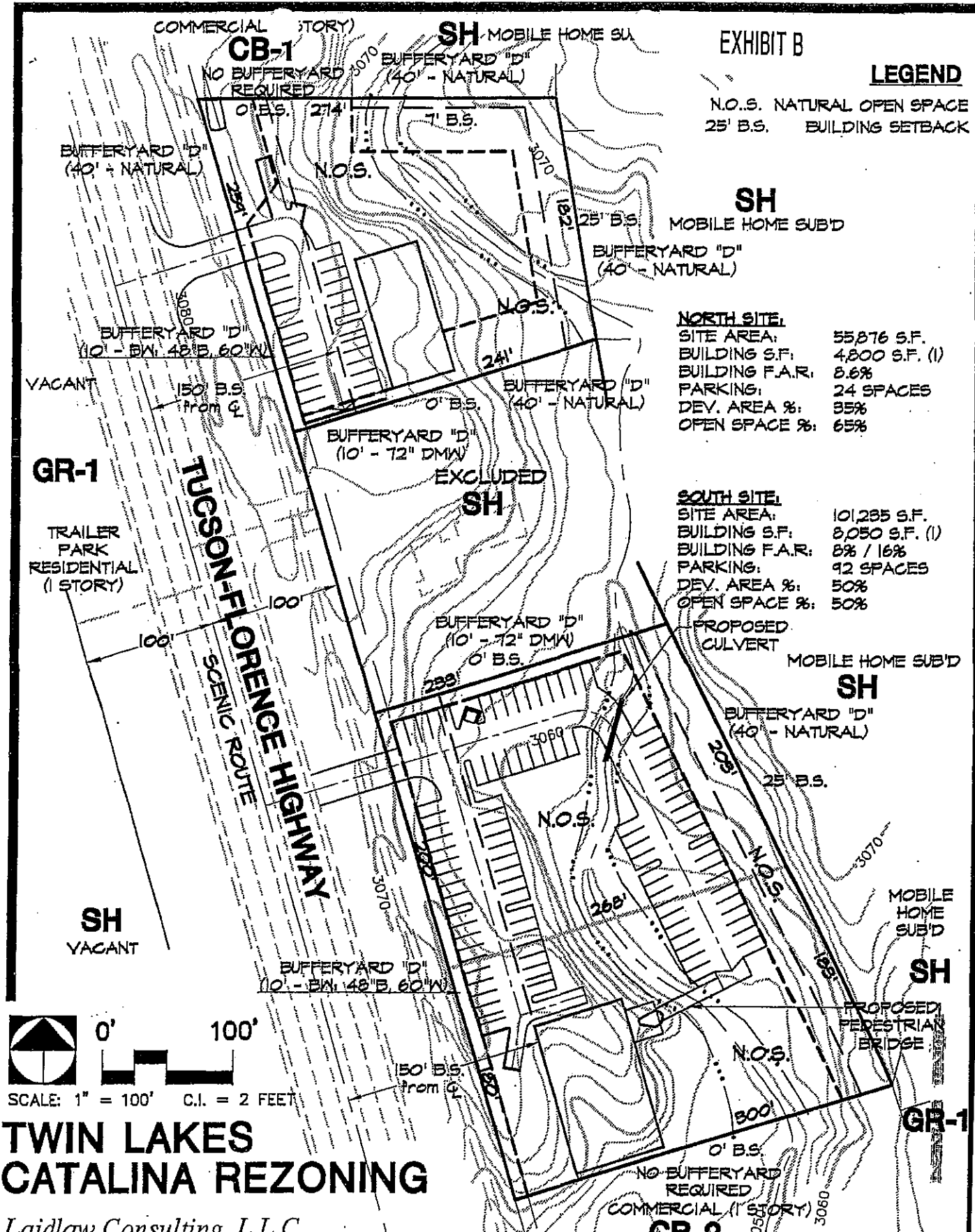


EXHIBIT B

LEGEND

N.O.S. NATURAL OPEN SPACE
25' B.S. BUILDING SETBACK

SH
MOBILE HOME SUB'D

NORTH SITE:
SITE AREA: 55,876 S.F.
BUILDING S.F.: 4,800 S.F. (1)
BUILDING F.A.R.: 8.6%
PARKING: 24 SPACES
DEV. AREA %: 35%
OPEN SPACE %: 65%

SOUTH SITE:
SITE AREA: 101,235 S.F.
BUILDING S.F.: 8,050 S.F. (1)
BUILDING F.A.R.: 8% / 16%
PARKING: 92 SPACES
DEV. AREA %: 50%
OPEN SPACE %: 50%

MOBILE HOME SUB'D
SH

MOBILE HOME SUB'D
SH

SH

GR-1

CB-2

**EXHIBIT II-B.1
PRELIMINARY
DEVELOPMENT PLAN**

**TWIN LAKES
CATALINA REZONING**

*Laidlaw Consulting, L.L.C.
Land and Community Planning*

1735 East Fort Lowell, Suite 10, Tucson, Arizona 85719
520/322-5339 Fax 520/322-9175

In conjunction with CSFA design studios

Co9-99-18 Second Rezoning Time Extension Approval BOS Minutes 2-2-10

19. Natal Grass (*Melinis repens* (=Rhynchelythrum repens))
20. 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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on site sewage disposal systems within the rezoning area.
21. The owner / developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner / developer to that effect.
22. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Reclamation 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 Reclamation Department.
23. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
- Propose that all new development within the rezoning area will be connected to Pima County's public sewer system; or
 - Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
24. If all new development within the rezoning area will be connected to Pima County's public sewer system, 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.
25. 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(I)."

Tom Hudson, Zoning Administrator, provided a staff report. He indicated that no public comments had been received regarding the time extension request.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, accept staff's recommendation against closure and approve the request for a five-year time extension with modified standard and special conditions.

22. DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION

Co9-99-18, ALI – ORACLE ROAD REZONING

- A. Proposal to close Co9-99-18, a rezoning from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business) (Urban Gateway Overlay Zone-1) of 2.34 acres located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. The rezoning was conditionally approved in 1999 and expired on October 12, 2009. Staff recommends AGAINST CLOSURE. (District 1)

- B. Request of CAPT Properties, L.L.C., represented by Anselmo Alleva, for a five-year time extension for the above-referenced rezoning from SH (Suburban Homestead) to CB-1 (GZ-1) (Local Business) (Urban Gateway Overlay Zone-1). The subject site is 2.34 acres and was rezoned in 1999. The rezoning expired on October 12, 2009. The site is located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

"If the decision is made to approve the time extension, the following standard and special conditions should be considered:

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 Development Services 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. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and 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 (ADOT) prior to any plan approvals from Pima County.
 - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - 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. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management Reclamation condition:

The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management Reclamation unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.
10. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site ~~will~~ shall cease, the discovery site ~~will~~ shall be secured, and the Arizona State Museum ~~will~~ shall be immediately notified.
11. The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07 S-5, Oracle Road Corridor, Northern Gateway.
12. Building heights are restricted to 24 feet and two stories.
13. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to nonresidential CB-1 uses.
14. The access driveway to Oracle Road shall be located as far away as possible from the Lazy A Mobile Home Park (Tax Code 222-21-0640) located on the west side of Oracle Road.
15. The property owner(s) shall connect to public sewer system at the location and in the manner specified by Wastewater-Management Reclamation at the time of review of the tentative plat, development plan or request for building permit.
16. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.
17. All work shall be within the area as shown on the rezoning applications.

18. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
19. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
 ·Fountain grass (*Pennisetum setaceum*)
 ·Buffel grass (*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 (*Elaeagnus angustifolia*)
 ·Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 ·Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 ·Love grasses (*Eragrostis spp.*) excluding Plains love grass (*Eragrostisintermedia*)
 ·African rue (*Peganum harmala*)
 ·Iceplant (*Mesembryanthemum crystallinum*)
 ·Arabian Grass (*Schismus arabicus*)
 ·Natal Grass (*Melinis repens* (=Rhynchelythrum repens))
20. 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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on site sewage disposal systems within the rezoning area.
21. The owner / developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner / developer to that effect.
22. The owner / developer shall obtain written documentation from the Pima County Wastewater Management Reclamation 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 Reclamation Department.
23. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
 - a) Propose that all new development within the rezoning area will be connected to Pima County's public sewer system; or
 - b) Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
24. If all new development within the rezoning area will be connected to Pima County's public sewer system, 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.
25. 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(I)."

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, accept staff's recommendation against closure and approve the request for a five-year time extension with modified standard and special conditions.

23. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

P21-09-033, WOSICKI – E. INTERSTATE - 10

Request of T-Mobile, (c/o Declan Murphy, applicant), on behalf of David Wosicki (property owner), on property at 22700 E. Interstate - 10, in the RH zone, for a Conditional Use Permit for a communication tower and associated on-the-ground equipment area. The property in question is a former Titan Missile installation site that has since been physically removed and the property accordingly cleared. The proposed tower height is one hundred ninety feet (190') and is of "lattice" construction. Chapter 18.97, of the Pima County Zoning Code, allows this use in the RH zone, subject to a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Creasy-Klein and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Jim Portner, Hearing Administrator, provided a staff report. He indicated that there had been no public comment concerning this case.

Supervisor Carroll asked for clarification on the height issue.

DeClan Murphy, representative of T-Mobile, explained that T-Mobile had been trying to address the gap in coverage in the Vail area for many years. The initial goal was to try to locate an existing structure that would accommodate their site, but they were unsuccessful. The alternative was to find a location suitable for a new facility that would be set back from I-10, not close to existing homes or future homes and would have minimal environmental impact. He believed they had accomplished all of those goals with the proposed application and stated that T-Mobile was able to negotiate a lease with the property owner. In addition, he commented that T-Mobile understood there were other carriers that were having difficulties in this area, with gaps in coverage, therefore the proposed tower was designed to accommodate additional carriers.

Supervisor Bronson also stated the 190 feet tower height was an issue.

Mr. Murphy requested he be allowed to come back at a later date and bring the T-Mobile engineers to discuss the height issues.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of February 9, 2010.

Co9-99-18 Rezoning Time Extension Approval

BOS Minutes 3-15-05

19. 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, or obtain authorization from the Pima County Department of Environmental Quality to utilize on-site sewage disposal systems within the rezoning area.
20. The owner/developer shall construe no action by Pima County as a commitment of capacity in Pima County's public sewer system to serve any new development within the rezoning area, until Pima County executes an agreement with owner/developer to that effect.
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 - b) Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
23. If all new development within the rezoning area will be connected to Pima County's public sewer system, 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."

- B. Co9-99-18, ALI - ORACLE ROAD REZONING
Request of CAPT Properties L.L.C., represented by Anselmo Alleva, Architect, for a five-year time extension for the above-referenced rezoning. The subject property is 2.34 acres, conditionally rezoned from SH (Suburban Homestead) to CB-1 (Local Business Zone) on October 12, 1999. The rezoning expired on October 12, 2004. The site consists of Tax Parcel Nos. 222-26-0470 and 222-26-0480 at the following locations: 15520 and 15540 North Oracle Road. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

"Staff recommends **Approval with conditions** of a five-year rezoning time extension to October 12, 2009, subject to the following conditions:

15. The property shall connect to public sewer in the manner specified by Wastewater Management.
16. Prior to grading, fencing shall be placed to delineate the wash area to be conserved.

17. All work shall be within the area as shown on the rezoning applications.
18. 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 shall 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 shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
19. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
Fountain grass (Pennisetum setaceum)
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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 (Elaeagnus angustifolia)
Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)
Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda
Love grasses (Eragrostis spp.) excluding Plains love grass
(Eragrostis intermedia)
African rue (Peganum harmala)
Iceplant (Mesembryanthemum crystallinum)
Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (=Rhynchelythrum repens))
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 - b) Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
24. If all new development within the rezoning area will be connected to Pima County's public sewer system, 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."

Chris Poirer, Zoning Administrator, stated these properties were rezoned from SH to CB-1 to allow non-residential CB-1 uses. The previous request was approved October 12, 1999, and the rezonings expired October 12, 2004. Staff recommended approval for both time extensions which would continue the expiration date to October 12, 2009. For Co9-99-17, staff recommended adding ten conditions number 14 through 23. For Co9-99-18, staff recommended these same ten conditions but these would be numbered Conditions 15 through 24. To date, there was no protest. The requests have met concurrency requirements.

Anselmo Alleva, representative for the applicant, stated he would answer any questions the Board may have.

Supervisor Day asked whether the applicant had any specific uses for these properties? Does the applicant still intend using the property for a restaurant? Are there changes to the Preliminary Development Plan (PDP)?

Mr. Alleva responded there are no changes to the PDP. The applicant still wants a small restaurant with seating inside and there would be no drive-thru service.

The Chair inquired whether anyone wished to address the Board in opposition? No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearings and approve Co9-99-17 with conditions and standard and special requirements including additional conditions numbered 14 through 23; and, Co9-99-18 with conditions including additional conditions numbered 15 through 24.

Original Rezoning Approval Co9-99-17 + Co9-99-18

Chair Bronson inquired whether anyone else wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Boyd, and carried by a four to one vote, Chair Bronson voting "Nay," to close the public hearing and approve Co9-98-54, subject to standard and special requirements including retaining Condition No. 10.

10. DEVELOPMENT SERVICES: REZONING

- A. Co9-99-17, ALI, ET. AL., - ORACLE ROAD REZONING
Request of Cosmo and Anna Ali, et. al., represented by Laidlaw Consulting, L.L.C., for a rezoning of 1.30 acres from SH (Suburban Homestead) to CB-2 (General Business), located on the east side of Oracle Road, approximately 300 feet south of Lupine Place. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 5 - 4, (Commissioners Clark, Membrilla, Hausman and Storm voted NAY; Commissioner Marcek was absent) to recommend DENIAL. Staff recommends APPROVAL FOR CB-1, subject to standard and special requirements. (District 3)
- B. Co9-99-18, ALI - ORACLE ROAD REZONING
Request of Cosmo and Anna Ali, represented by Laidlaw Consulting, L.L.C., for a rezoning of 2.34 acres from SH (Suburban Homestead) to CB-2 (General Business), located on the east side of Oracle Road, approximately 800 feet south of Lupine Place. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 5 - 4, (Commissioners Clark, Membrilla, Hausman and Storm voted NAY; Commissioner Marcek was absent) to recommend DENIAL. Staff recommends APPROVAL FOR CB-1, subject to standard and special requirements. (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

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- 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. Only one (1) access point to Oracle Road shall be allowed. The property owner(s) shall provide for internal traffic circulation and shared site access with the adjacent properties to the north and 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 (ADOT) prior to any plan approvals from Pima County.
 - C. A written certification from ADOT stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to Pima County prior to final building inspection.
 8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - 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.
 9. Wastewater Management condition:

The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management unless a waiver is received from the Pima County Department of Environmental Quality to allow use of a private on-site sewage disposal system.
 10. If during construction, materials that may be human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the site will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified.
 11. The proposed project shall be reviewed and approved by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-07, Oracle Road, Northern Gateway.
 12. Building heights are restricted to 24 feet and two stories.
 13. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to nonresidential CB-1 uses."

Jim Mazzocco, Planning Official, reported these are two rezoning requests to change from SH to CB-2. The northern site is a 1.30 acre site while the southern portion is a 2.34 acre site. The request is for general commercial, retail uses. The Planning and Zoning Commission recommends denial while Pima County Planning staff recommends approval to CB-1. There was one speaker at the Planning and Zoning Commission hearing. Staff's recommendation was based on the fact there were no named CB-2 uses and the surrounding area is a mix of commercial and residential. The planning area is a Multi-Functional Corridor that can accept a mix of

nonresidential and residential uses at both sites upon approval. The development plans would have to be reviewed by the Design Review Committee for approval.

Supervisor Boyd inquired whether CB-1 Zone allowed the placement of a restaurant?

Mr. Mazzocco responded yes.

Don Laidlaw, property owner representative, stated the property owner intends to utilize one of the sites for a restaurant that would be operated by a family member. The property owner accepts CB-1 Zoning versus CB-2 since the CB-2 request was his own gratuitous insertion. The conditions as stated in the staff report differ slightly with respect to Arizona Department of Transportation (ADOT) participation in reviewing the points of egress/ingress to the property. The property owner agrees to work with ADOT in that regard. Mr. Laidlaw stated Richard Arnold addressed the Planning and Zoning Commission and since that time, he has spoken with Mr. Arnold about his traffic safety concerns. As a result of those discussions, Mr. Laidlaw said he contacted Robert Workman, former head of Traffic Engineering at the University of Arizona, to ask whether the two-way left turn lane would potentially create a traffic hazard. Mr. Workman researched all the literature and sent a letter with his findings. Mr. Laidlaw then read some of the findings for the Board and said the property owner is just as concerned about traffic safety as Mr. Arnold. The speed limit on this section of Oracle Highway is 45 mph and added that same speed limit exists, for example, on Fort Lowell Road in the vicinity of Dodge Boulevard. Mr. Ali's restaurant is accessed by a left turn lane from a two-way left turn lane with driveways on the opposite side without creating any traffic problems. The property owner will work with ADOT so that all traffic concerns are fully addressed and resolved.

Richard Arnold, owner of Lazy A Mobile Home Park, stated his park is across from the parcels being considered for rezoning. He was present to represent not only himself, but 60 residents who reside at his mobile home park. The rezoning was denied by the Planning and Zoning Commission and one of the reasons for that denial was due to the vagueness of the proposal. He would like to keep the residential flavor of the neighborhood and referred to a map he had with him. He cited an example of a CB-2 property that had an auto shop and two residences. He urged the Board to retain the neighborhood feel of the area to State Highway 77 for safety reasons. Safety concerns in the area must be addressed and he asked the Board to deny this request for safety reasons.

Mr. Laidlaw provided photographs to the Board illustrating the character of the area. The photographs he provided indicated a variety of residential and commercial areas near the proposed site.

Supervisor Boyd inquired which of the two parcels is expected to be used for the restaurant?

Mr. Laidlaw replied the southerly parcel. The driveway to the proposed restaurant site has a 150 foot separation between the two driveways and based on an ADOT review, the driveway could be shifted almost 200 feet further to the south for safety considerations.

Chair Bronson inquired when will the restaurant be in place?

Mr. Laidlaw responded as soon as zoning, financing and development plans can be worked out. The process is a long one so the development will probably take place within two years.

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

On consideration, it was moved by Supervisor Boyd, seconded by Chair Bronson, to close the public hearing and approve the rezoning requests for Co9-99-17 and Co9-99-18, subject to standard and special requirements; in addition, the rezoning be approved for CB-1.

No vote was taken at this time.

Katharina Richter, Civil Deputy County Attorney, asked the applicant to state for the record the acceptance of the change from CB-2 to CB-1.

Chair Bronson stated the applicant did that previously in his opening remarks. She said she wanted to ensure the driveway is as far removed from the entrance to the mobile home park as possible because Mr. Arnold's point about safety is an excellent one.

Upon the vote being taken, the motion carried by a four to one vote, Supervisor Grijalva voting "Nay."

11. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT

Co7-99-01, BROWN - N. ORACLE ROAD
Request of Harvey Management, Inc., representing Joseph and Janice Brown, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood