

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 10/19/2021

*= Mandatory, information must be provided

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

*Title:

Co9-83-08 SPEER – ORANGE GROVE ROAD REZONING Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD REZONING Co9-00-35 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD #2 REZONING- MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

*Introduction/Background:

The proposed mofication of rezoning conditions is for one parcel of land containing three separate rezoning cases located at 401 W. Orange Grove Road, previously developed as Budget Car Rental and Sales to allow for an automated self-service car wash.

*Discussion:

The applicant proposes to modify the rezoning conditions to allow a revised preliminary development plan for an automated self-service car wash with hours of operation from 7 a.m. to 9 p.m., the exit tunnel open to the north or east, a reduced bufferyard to 5 feet along the western property boundary, to allow a 30-foot-high architectural feature and eliminate the requirement to grade the property downward and landscape with decomposed granite and low water use vegetation along the south 25 feet of the subject property.

*Conclusion:

The modification of rezoning conditions (substantial change) will allow a compatible commercial use and conforms to the comprehensive land use plan policies that support re-development of infill property.

*Recommendation:

Staff and the Planning and Zoning Commission recommend APPROVAL subject to Modified Standard and Special Conditions.

*Fiscal Impact:

0

*Board of Supervisor District:

Department: Development Services - Planning	Telephone: 520-724-8800		
Contact: Terrill L. Tillman, AICP	Telephone: 520-724-6921		
Department Director Signature:	7	Date:	27/21
Deputy County Administrator Signature:		Date: 9	127/2021
County Administrator Signature:		Date:	292/2021
7/14/2021		-	



TO: Honorable Rex Scott, Supervisor, District 1

FROM: Chris Poirier, Deputy Director CGO (CM / 24C Soust) Public Works-Development Services Department-Planning Division

DATE: September 28, 2021

SUBJECT: Co9-83-08 SPEER - ORANGE GROVE ROAD REZONING Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. - ORACLE ROAD REZONING SOUTHWEST FOOD SYSTEMS, INC. - ORACLE ROAD #2 REZONING

The above referenced Modification (Substantial Change) of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, **OCTOBER 19, 2021** hearing.

- **<u>REQUEST</u>**: For a modification (substantial change) of the following rezoning conditions from three rezoning cases on one parcel of land addressed as **401 W. Orange Grove Road.**
 - #15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35). These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.
 - #19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35). These three rezoning conditions require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.
 - #22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35). These three rezoning conditions require a 10-foot type "D" bufferyard adjacent to the streets, and south and west boundaries. The request is to modify the required 10-foot wide bufferyard "D" along the west boundary of the property to allow a minimum 5-foot bufferyard "D".
 - #23 (Co9-83-08), #13 (Co9-93-08), #14 (Co9-00-35). These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum height of 30 feet.
 - #24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35). These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales and rental. Car wash hours of operation are limited to 7:30 a.m. through 6 p.m. Sales and car rental hours of operation are limited to 8 a.m. through 9:00 p.m. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7 a.m. to 9 p.m. with the exit tunnel open to the north or east.
 - #18 (Co9-83-08). This rezoning condition requires that the south 25 feet of the subject property to be graded downward to the level of the adjacent property

and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

The approximately 1.64-acre property is zoned CB-2® (General Business - Restricted) and is located on the southwest corner of W. Orange Grove Road and N. Oracle Road.

OWNERS: QuikTrip Attn: Larry Dixon PO Box 3475 Tulsa, OK 74101-3475

1

AGENT: Cawley Architects Attn: D. Christopher Barta 730 North 52nd Street, Ste. 203 Phoenix, AZ 85008

<u>DISTRICT</u>:

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

PUBLIC COMMENT TO DATE: As of September 28, 2021, staff has not received any written public comment.

PLANNING AND ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS 7-2 (Commissioners Hanna and Membrila voted NAY, Commissioner Becker was absent).

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

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

TD/TT/ds Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-83-08, Co9-93-08, Co9-00-35

Page 1 of 12

FOR OCTOBER 19, 2021 MEETING OF THE BOARD OF SUPERVISORS

- TO: HONORABLE BOARD OF SUPERVISORS
- FROM: Chris Poirier, Deputy Director

DATE: September 28, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

Co9-83-08 SPEER – ORANGE GROVE ROAD REZONING Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD REZONING Co9-00-35 SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD #2 REZONING

Request of QuikTrip Corporation, represented by Cawley Architects, for a **modification (substantial change)** of the following rezoning conditions from three rezoning cases on one parcel of land addressed as **401 W. Orange Grove Road**.

- #15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35). These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.
- #19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35). These three rezoning conditions require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.
- #22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35). These three rezoning conditions require a 10-foot type "D" bufferyard adjacent to the streets, the south and west boundaries. The request is to modify the required 10-foot wide bufferyard "D" along the west boundary of the property to allow a minimum 5-foot bufferyard "D".
- #23 (Co9-83-08), #13 (Co9-93-08), #14 (Co9-00-35). These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum height of 30 feet.
- #24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35). These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales and rental. Car wash hours of operation are limited to 7:30 a.m. through 6 p.m. Sales and car rental hours of operation are

Page 2 of 12

limited to 8 a.m. through 9:00 p.m. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7 a.m. to 9 p.m. with the exit tunnel open to the north or east.

 #18 (Co9-83-08). This rezoning condition requires that the south 25 feet of the subject property to be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

The approximately 1.64-acre property is zoned CB-2® (General Business -Restricted) and is located on the southwest corner of W. Orange Grove Road and N. Oracle Road. On motion, the Planning and Zoning Commission voted to recommend APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS 7-2 (Commissioners Hanna and Membrila voted NAY, Commissioner Becker was absent). Staff recommends APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

(District 1)

Planning and Zoning Commission Public Hearing Summary (August 25, 2021)

The public hearing was held virtually. The staff, applicant and speakers presented virtually or telephonically.

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

A commissioner questioned if it was possible to go through each item and explain the changes from the previous rezoning on the property. Staff provided a lengthy explanation of the request and the modifications proposed.

The applicant's representative presented additional details regarding the request.

A commissioner asked about whether people could exit at the Orange Grove Road access. The applicant's representative explained that the two access points shown on the preliminary development plan will be utilized for ingress/egress. The commissioner questioned whether a left turn onto the Orange Grove Road thoroughfare will be allowed. The applicant's representative discussed that Orange Grove Road has a median which will prohibit left turn access.

A commissioner stated that since there were three rezonings on site that prohibited a car wash, he is curious as to why would this site be selected for that use. The applicant's representative responded by demonstrating that previous uses of the site were auto related. The applicant further added that since this location had previous uses of auto related uses, and had the potential for redevelopment of an existing property that provided good access circulation, they thought it an appropriate location for the public to get their cars washed. The commissioner asked why they want to reduce the buffer zone. The applicant's representative stated that they are only reducing the bufferyard 5 feet because of the existing conditions of the site. There is an existing wall located 5 feet from the property boundary, and they can take advantage of the existing conditions of the site. There is a large amount of vegetation in the wash adjacent to the property to the west.

A commissioner questioned what and where the noisiest part of the car wash is located. The applicant's representative stated that the noisiest part of a car wash is the car blowers located at the end of the exit tunnel that dries vehicles as they exist. The exit tunnel was designed to face

Page 3 of 12

Orange Grove Road to reduce the impact of the noise to the adjacent properties. The commissioner further questioned the amount of noise generated from the vacuums. The applicant's representative stated that the vacuum systems that generate most of the noise are located within a building to mitigate that noise. They further stated that they have a noise study that has been generated for the property which can be shared at the appropriate time. Staff further clarified that modern car washes have a centralized vacuum system located within an enclosed building and the noise that is audible is the vacuum suction at the wand location.

A commission asked about the increased height for the building and architectural elements. The applicant discussed that there is a parapet wall that extends higher than 23 feet and a 30-foot feature wall where signage is typically located. This feature will be facing Orange Grove Road.

A commissioner asked why there was only one neighborhood meeting. The applicant's representative discussed the details of the neighborhood meeting which is not required was offered. There were no attendees. The commissioner stated that there should have been another opportunity for a neighborhood meeting given the timing of the request and the fact that the meeting was held virtually and neighbors may not have access to electronic means. The applicant's representative reiterated that no public hearing was required and discussed that there was an opportunity to attend via telephone or to contact their office directly for information regarding the request. Staff clarified that virtual meetings due to the ongoing pandemic are the preferred method to hold neighborhood meetings.

A commissioner summarized the request. Staff discussed that this was a change of use.

A commissioner asked about the existing wall on the western boundary. The applicant's representative discussed that there is a gap in the wall where the previous building was located and demolished, which would be completed with this development.

A commissioner asked whether the increased height was for aesthetics. The applicant's representative discussed that is for aesthetics and visibility.

The public hearing was opened.

Speaker #1 stated that she is a neighbor to the south and is concerned about the request because this borders the Barcelona Manor Condominiums to the south and west and affects 12 bedrooms in the condominium complex. There are 38 vacuum bays adjacent to the complex and speaker believes the project will be noisy and out of place at this corner and the noise will continue through 9 pm at night. The speaker also believes the project will be dangerous for the bus stop because there is not much room to re-locate the bus stop further to the north. The speaker also questioned what will happen when there is a problem with the water and stated that there is nothing to amelioriate the impact of the development or any accident and stated that there could be more compatible uses at the site such as doctor's office, dentists, lawyers, tailors, or similar uses.

The applicant's representative discussed that he previously spoke with Speaker #1. The busstop may need some improvements and some augmentation will make it safer. The drainage and off-site catastrophies are not typical with this use; the parcel will be graded to keep storm water or water utilized within the facility on-site through retention basins and underground storm water storage pipe. The water used in the car wash will not exit the building. The applicant finished saying that the Commission may decide if the proposed hours of operation are satisfactory.

There were no other speakers and the public hearing was closed.

A commissioner questioned the change of ownership of the property. Staff clarified that the naming convention of the ownership does not change in the naming convention of the previous rezonings and the ownership is still retained by QuikTrip and has been for at least eight years. Staff further clarified that a QuikTrip gasoline and convenience store could be built on the site without any change of rezoning conditions.

A commissioner commented that the site previously was allowed to have a car wash on site along with the car rental business, so this is not a stretch for a proposed change of use.

Commissioner Matter made a motion to recommend **APPROVAL WITH ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. Commissioner Truitt gave second.

The commission voted to recommend **APPROVAL** of the modification (substantial change) of rezoning conditions, 7 - 2 (Commissioners Hanna and Membrila voted NAY, Commissioner Becker was absent) subject to the following conditions:

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

Co9-83-08

- 1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control District. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Submittal of a development plan if determined necessary by the appropriate County agencies.
- Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.
- Recording of an acceptable plat which will provide for dedication of necessary rights ofway for roads and drainage if the property is to be subdivided.
- 5. Completion of the requirements for a rezoning ordinance within three (3) years from the date of approval by the Board of Supervisors.
- 6. Recording of a covenant holding Pima County harmless in the event of flooding.
- 7. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control District.
- 8. Recording of the necessary development-related covenants as determined appropriate by the various County agencies.
- 9. Provision of development-related assurances as required by the appropriate agencies.
- 10. Recording a covenant to the effect that there will be no further lot splitting or subdividing without written approval from the Board of Supervisors.
- 11.2. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes and agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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

Page 5 of 12

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 Regional Wastewater Reclamation Department.

- C. 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.
- D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 12.3. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
 - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- 13.4. Flood Control District conditions:
 - A. The submittal of a hydrologic and hydraulic drainage study which explicitly details how Roller Coaster Wash will be contained and the effects this action will have on the developments located west of the site as well as downstream of the site.
 - B. Dedication of all rights-of-way or easements for drainage as determined by Pima County's Flood Control District.
 - C. Any channelization or encroachment would have to be planned such that it would terminate at the logical conclusion which would create no adverse flooding conditions to adjoining properties, such as diverting flow, concentrating flow, or increasing flooding potential.
 - D. If the above condition cannot be feasibly met, the applicant must obtain a hold harmless agreement, signed by all affected property owners, which indicates acceptance of drainage onto adjoining properties in the manner proposed.
- 14.5. Landscaping to consist of low water use vegetation.
- 15.6. CB-2 (General Business) zone uses are restricted to automated self-service car wash and

Page 6 of 12

the sale, rental and display of automobiles. Car washing <u>associated with fer the sale, rental</u> and display of automobiles CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.

- 16.7. A solid masonry wall on the west side of the property and an acceptable buffer as approved by the Pima County Planning Department to be provided along the east and west sides of the property.
- 17.8. Floodplain Ordinance violation must be resolved prior to the rezoning being forwarded to the Board of Supervisors.
- 18.9. The south 25 feet of the subject property will be graded-downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation.
- 49.10. Adherence to the 2020 revised preliminary development plan dated May 21, 2010 (Exhibit B).
- 20.11. Use of an outdoor sound system shall be prohibited.
- 21.12. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- 22.13. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 105-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 23.14. The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 24.15. Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or east. Car wash operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental oOffice operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- 25.16. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 26.<u>17.</u> The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 27.18. Auto service bays shall open only to the north and east.
- 28.19. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 29.20. Cultural Resources condition:

A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary

Page 7 of 12

objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Co9-93-08

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 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.
- Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
- 6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Department of Transportation, Property-Management Division.
- 7.2. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes and agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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 Regional Wastewater Reclamation Department.
 - C. 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.
 - D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - 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, 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

<u>County, and all applicable regulations, including the Clean Water Act and those</u> promulgated by Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

- 8.3. Adherence to the 2020 revised preliminary development plan-dated May 21, 2010 (Exhibit B).
- 9.4. There shall not be an outdoor sound system used on this property.
- 10.5. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- CB-2 (General Business) zone uses are restricted to automated self-service car wash and 11.6. the sale, rental and display of automobiles. Car washing associated with for the sale, rental and display of automobiles CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store; No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- 42.7. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 105-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall. The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 13.8. Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east. Car wash operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental oOffice operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- 14.9. Landscaping to consist of low water use vegetation.
- <u>15.10.</u> Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- <u>46-11.</u> The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 47.12. Auto service bays shall open only to the north and east.
- 48.13. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 19.14. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation stating satisfactory

compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.

- C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
- D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- 20.15. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Co9-00-35

- Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
- 6.1. There shall be no further lot splitting or subdividing <u>of residential development</u> without written approval from the Board of Supervisors.
- 7-2. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to development services department prior to approval of a development plan and subdivision plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
 - D. <u>A Traffic Impact Study shall be submitted for review and approval by the Department</u> of Transportation during the development plan process.
- 8.3. Flood Control District 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.
- 9.4. CB-2 (General Business) zone uses are restricted to <u>automated self-service car wash and</u> the sale, rental and display of automobiles. Car washing <u>associated with</u> for the <u>sale, rental</u> <u>and display of automobiles</u> CB-2 use shall be limited to the vehicles that are for sale or

Page 10 of 12

rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.

- 10.5. Adherence to the 2020 revised preliminary development plan dated May 21, 2010 (Exhibit B).
- 11.6. Use of an outdoor sound system shall be prohibited.
- 12.7. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- 13.8. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 105-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 14.<u>9.</u> The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 45-10. Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east. Car wash operations for the CB-2-use sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental oOffice operations for the CB-2-use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- 46.11. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- <u>17.12.</u> The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 18.13. Auto service bays shall open only to the north and east.
- 19-<u>14.</u> Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 20.15. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes and agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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

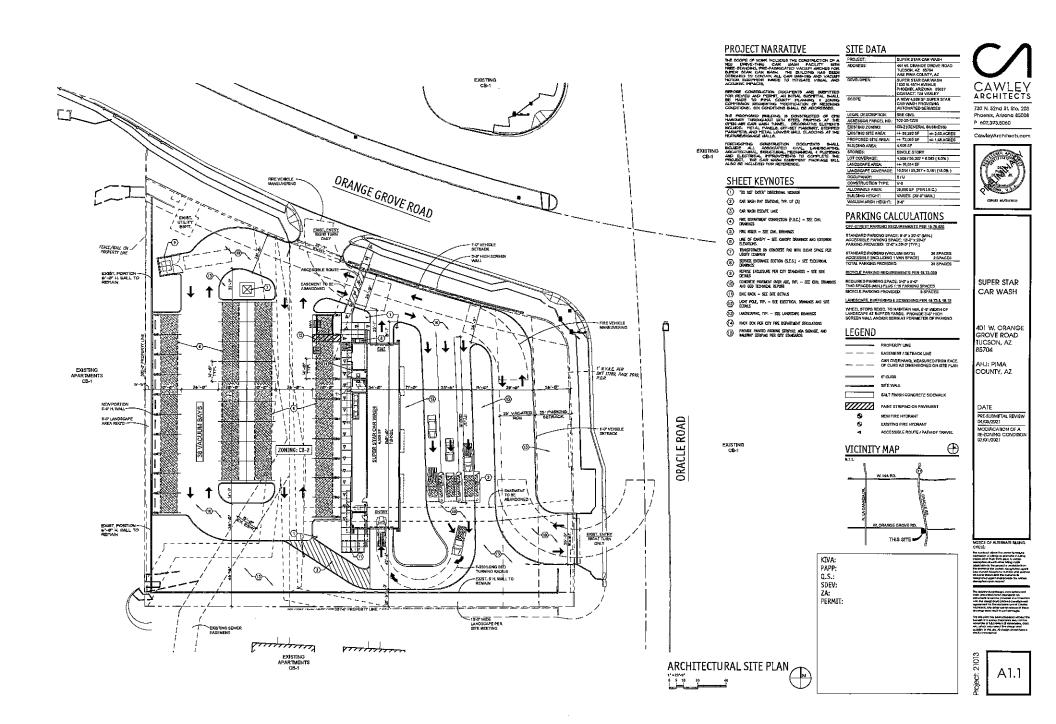
Page 11 of 12

with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

- C. 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.
- D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 21.16. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

TD/TT/ds Attachments

c: Cawley Architects, D. Christopher Barta, 730 N. 52nd Street, Ste. 203, Phoenix, AZ 85008



CO9-00-35 SOUTHWEST FOOD SYSTEMS, INC. - ORACLE ROAD #2 REZONING CO9-93-08 SOUTHWEST FOOD SYSTEMS, INC. - ORACLE ROAD REZONING CO9-83-08 SPEER - ORANGE GROVE ROAD REZONING Tax Code(s): 102-20-122B

AERIAL EXHIBIT



	PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT	
PLANNING DIVISION		

Notes: Modification of Rezoning Conditions (Substantial Change)

PIMA COUNTY DEVELOPMENT SERVICES Accela Case #: P21SA00010

Map Scale: 1:4,000 Map Date: 8/3/2021 - ds

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

- HEARING August 25, 2021
- DISTRICT 1
- CASE Co9-83-08 Speer – Orange Grove Rezoning, Co9-93-08 Southwest Food Systems, Inc. - Oracle Road Rezoning, Co9-00-35 Southwest Food Systems, Inc. - Oracle Road #2 Rezoning
- REQUEST Modification (Substantial Change) of Rezoning Conditions (1.64 acres)
- OWNER QuikTrip Attn: Larry Dixon PO Box 3475 Tulsa, OK 74101-3475
- APPLICANT Cawley Architects Attn: D. Christopher Barta 730 North 52nd Street, Ste. 203 Phoenix, AZ 85008

APPLICANT'S PROPOSAL

The applicant requests a substantial change of three separate rezoning cases for one parcel of land to change the use of the property to allow an automated self-service car wash. The current preliminary development plan demonstrates the planned automated self-service car wash. The following conditions are proposed to be amended:

- #15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35). These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.
- #19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35). These three rezoning conditions require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.
- #22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35). These three rezoning conditions require a 10-foot type "D" bufferyard adjacent to the streets, the south and west boundaries. The request is to modify the required 10-foot wide buffervard "D" along the west boundary of the property to allow a minimum 5-foot bufferyard "D".
- #23 (Co9-83-08), #13 (Co9-93-08), #14 (Co9-00-35). These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum height of 30 feet.
- #24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35). These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales



and rental. Car wash hours of operation are limited to 7:30 a.m. through 6 p.m. Sales and car rental hours of operation are limited to 8 a.m. through 9:00 p.m. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7 a.m. to 9 p.m. with the exit tunnel open to the north or east.

 #18 (Co9-83-08). This rezoning condition requires that the south 25 feet of the subject property to be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

APPLICANT'S STATED REASON

"The intent of Super Star Car Wash ownership is to redevelop the corner parcel and build a new automated car wash. This site was originally developed as fast-food restaurant, and more recently, a car rental facility. The existing site is little more than an abandoned parking lot from the previous use as the building, which originally sat on the west boundary of the property was demolished."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**. The applicant proposes to modify the above listed rezoning conditions to allow a revised preliminary development plan for an automated self-service car wash with hours of operation from 7 a.m. to 9 p.m., the exit tunnel open to the north or east, a reduced bufferyard to 5 feet along the western property boundary, to allow a 30foot-high architectural feature and eliminate the requirement to grade the property downward and landscape with decomposed granite and low water use vegetation along the south 25 feet of the subject property. The proposed additional use is a compatible commercial use and conforms to the comprehensive land use plan policies that support re-development of infill property and the efficient use of existing infrastructure.

PUBLIC COMMENT

As of August 10, 2021, no public comment has been received. The applicant noticed property owners within 300 feet of the subject property. The neighborhood meeting was held on July 28, 2021 via zoom and no members of the public attended.

COMPREHENSIVE PLAN

The 1.64-acre subject property's comprehensive plan land use designation is Community Activity Center (CAC). The objective of the CAC is to designate medium and higher intensity mixed use districts that provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; and compatible medium to higher density housing. Projects may be mixed uses, but not required and should demonstrate how it enhances the mixed use character of the designated activity center as a whole. The current CB-2 - Restricted zoning conforms to the CAC land use designation.

There are no special area policies nor rezoning policies applicable to the subject property.

SURROUNDING LAND USES/GENERAL CHARACTER

CB-1	Orange Grove Road/Commercial
CB-1	Residential Condominiums
CB-1	Oracle Road/Commercial
CB-1	Residential Condominiums
	CB-1 CB-1

Various commercial uses exist at the four corners of the intersection of Orange Grove Road and

Oracle Road and along the Oracle Road major thoroughfare. Higher density residential uses are located along the major streets to support the use. A substantial vegetated buffer exists between the site and the portion of the apartment condominium development to the west. A lesser vegetated buffer exists between the site and the portion of the apartment condominium development to the south which is located along the major thoroughfare of Oracle Road.

PLANNING REPORT

The 1.64-acre subject property is currently owned by The property owner's representative is QuikTrip. seeking a substantial change of rezoning conditions from three separate rezoning cases on behalf of Super Star Car Wash to allow the change of use to an automated self-service car wash. The most recent use of the property was for Budget car sales and rentals. The building on-site was razed and the property is currently vacant. The commission heard the same request November 25, 2020 in case P20SA00012 and recommended approval (7-0). The rezoning case was withdrawn by the applicant after the Planning and Zoning Commission hearing because they were concerned about the previously failed businesses at that locale.

Rezoning case Co9-83-08 was approved for CB-2 zoning and restricted to an auto rental use on the western 0.59 acres, Co9-93-08 was approved for CB-2 auto sales on the northeastern 0.77 acres which did not limit the uses, but required adherence to the preliminary development plan (PDP) that demonstrated the auto

sales use. Co9-00-35 was approved for CB-2 to legitimize a previous expansion of the auto sales, rental and display use on the southeastern 0.28 acres, which previously contained a CB-1 commercial use. At the time of approval of Co9-00-35, substantial changes to rezoning conditions of the other two rezonings were approved to allow for a proposed "upgrade and modernization of the facilities", which subsequently occurred. The auto rental use restriction of Co9-83-08 was expanded to the current condition allowing for sales, rentals, and display of autos, including limited car washing. The site plan adherence restriction of Co9-93-08 was modified to allow adherence to the revised PDP for the entire site. Other conditions of approval were added for consistency among the three rezonings and as measures to ameliorate potential impacts of the auto sales use on the neighboring residential use. In 2010, the Board of Supervisor's approved a substantial change to allow for additional TR (Transitional) and CB-1 (Local Business) commercial uses of the site for greater marketability. Many TR and CB-1 uses were specifically prohibited, including a self-service car wash that was added by the Board of Supervisors at public hearing. Additional prohibited uses include: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. It is important to note that rezoning case Co9-83-08 did not receive a resolution after the 2010 modification of rezoning conditions, however, both Co9-93-08 and Co9-00-35 did. The Board of Supervisor's minutes of the substantial changes to the three rezoning cases that were approved and the two subsequent resolutions that were adopted are attached for reference. In 2012, QuikTrip (QT) purchased the property intending to develop

Co9-83-08, Co9-93-08, Co9-00-35

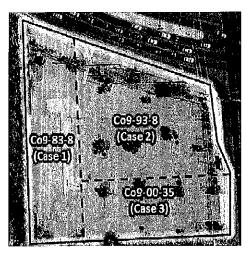


Illustration created by The Planning Center

Page 3 of 13

the property with a QT gas station and convenience store. QT discovered that an underperforming store in the Phoenix area had the same limited right-in, right-out access and decided not to develop the property.

Access to the site is planned from two existing driveways along major thoroughfares on Orange Grove Road and Oracle Road. Oracle Road is a Major Street and Scenic Route which limits the height of structures to two-stories and 24 feet unless a clear 20% of street frontage is provided. The revised PDP demonstrates compliance with this requirement. The architectural element at 30-feet high will not exceed the allowable threshold. The structures will be required to be earth tone in color and not exceed a light-reflective value of 80%. The applicant is proposing 10-foot wide bufferyards around the perimeter of the property except for along the western boundary where a 5-foot bufferyard is planned. As opposed to the apartment condominium building to the south, the apartment condominium building to the west is substantially buffered by natural vegetation associated with the Roller Coaster Wash.

The previous auto sales and rentals use restriction does not fit the intent of the Community Activity Center plan designation. The potential re-development for an automated self-service car wash provides an even greater mix of uses that will provide service opportunities for residents and workers in the area. Commercial uses exist at the other corners of this major Oracle Road and Orange Grove Road intersection and condominium apartments are located south and west of the subject site – all within the Community Activity Center. The proposed automated self-service car wash use furthers the intent of the Community Activity Center land use designation by providing a necessary service generally needed for weekly living. The necessary infrastructure to support the use exists and re-development of the site is an efficient use of such and supported by the Land Use Policies of the Comprehensive Plan, Pima Prospers.

The recommended modification, deletion, and addition to rezoning conditions are as follows: **Co9-83-08**

- 1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control District. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Submittal of a development plan if determined necessary by the appropriate County agencies.
- Dedication of necessary right of way for roads and drainage by separate instrument if the property is not to be subdivided.
- Recording of an acceptable plat which will provide for dedication of necessary rights-ofway for roads and drainage if the property is to be subdivided.
- 5. Completion of the requirements for a rezoning ordinance within three (3) years from the date of approval by the Board of Supervisors.
- 6. Recording of a covenant holding Pima County harmless in the event of flooding.
- 7. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control District.
- 8. Recording of the necessary development-related covenants as determined appropriate by the various County agencies.
- 9. Provision of development-related assurances as required by the appropriate agencies.
- 10. Recording a covenant to the effect that there will be no further lot splitting or subdividing without written approval from the Board of Supervisors.
- 11.2. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima

County executes and agreement with the owner/developer to that effect.

- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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 Regional Wastewater Reclamation Department.
- C. 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.
- D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 12. 3. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
 - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- 13.4. Flood Control District conditions:
 - A. The submittal of a hydrologic and hydraulic drainage study which explicitly details how Roller Coaster Wash will be contained and the effects this action will have on the developments located west of the site as well as downstream of the site.
 - B. Dedication of all rights-of-way or easements for drainage as determined by Pima County's Flood Control District.
 - C. Any channelization or encroachment would have to be planned such that it would terminate at the logical conclusion which would create no adverse flooding

conditions to adjoining properties, such as diverting flow, concentrating flow, or increasing flooding potential.

- D. If the above condition cannot be feasibly met, the applicant must obtain a hold harmless agreement, signed by all affected property owners, which indicates acceptance of drainage onto adjoining properties in the manner proposed.
- 14.5. Landscaping to consist of low water use vegetation.
- 15.6. CB-2 (General Business) zone uses are restricted to automated self-service car wash and the sale, rental and display of automobiles. Car washing associated with for the sale, rental and display of automobiles CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store; Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- 46.7. A solid masonry wall on the west side of the property and an acceptable buffer as approved by the Pima County Planning Department to be provided along the east and west sides of the property.
- 17.8. Floodplain Ordinance violation must be resolved prior to the rezoning being forwarded to the Board of Supervisors.
- 18.9. The south 25 feet of the subject property will be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation.
- 19.10. Adherence to the 2020 revised preliminary development plan-dated May 21, 2010 (Exhibit B).
- 20.11. Use of an outdoor sound system shall be prohibited.
- 24.12. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- 22.13. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 10-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 23.14. The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 24.<u>15.</u> Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or east. Car wash operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental oOffice operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- 25.16. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 26.17. The existing sign shall be removed and replaced with a monument sign as required by Pima County.

- 27:18. Auto service bays shall open only to the north and east.
- 28.19. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 29.20. Cultural Resources condition:

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

Co9-93-08

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 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.
- Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
- 6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Department of Transportation, Property Management Division.
- 7.2. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes and agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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 Regional Wastewater Reclamation Department.
 - C. 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.
 - D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building

permit.

- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 8.3. Adherence to the 2020 revised preliminary development plan dated May 21, 2010 (Exhibit B).
- 9.4. There shall not be an outdoor sound system used on this property.
- 10.5. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- CB-2 (General Business) zone uses are restricted to automated self-service car wash 11.6. and the sale, rental and display of automobiles. Car washing associated with for the sale, rental and display of automobiles CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store; No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- 12.7. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 405-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall. The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 43.8. <u>Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east.</u> Car wash operations for the CB-2 use <u>sale</u>, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. <u>Sale and rental oOffice operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.</u>
- 14.9. Landscaping to consist of low water use vegetation.
- 15.10. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 16-<u>11.</u> The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 47.12. Auto service bays shall open only to the north and east.

- 18.13. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 19.14. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
 - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- 20.15. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Co9-00-35

- 1. Submittal of a development plan-if-determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days)-evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
- 6.1. There shall be no further lot splitting or subdividing <u>of residential development</u> without written approval from the Board of Supervisors.
- 7.2. Transportation conditions:
 - A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to development services department prior to approval of a development plan and subdivision plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
 - D. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the development plan process.
- 8.3. Flood Control District 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.
- 9.4. CB-2 (General Business) zone uses are restricted to automated self-service car wash and the sale, rental and display of automobiles. Car washing associated with for the sale, rental and display of automobiles CB-2-use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or pool hall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- 10.5. Adherence to the <u>2020 revised</u> preliminary development plan dated May 21, 2010 (Exhibit B).
- 11.6. Use of an outdoor sound system shall be prohibited.
- 42.7. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- 13.8. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 10-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 14.9. The maximum building height shall be 15 23 feet, excluding the parapet for the CB-2 use. Architectural elements shall be limited to a maximum of 30 feet.
- 45.10. Automated self-service car wash hours of operation are from 7:00 a.m. to 9:00 p.m. with the exit tunnel open to the north or the east. Car wash operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental oOffice operations for the CB-2 use sale, rental and display of automobiles shall be limited to between 8:00 a.m. and 9:00 p.m.
- <u>46.11.</u> Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 47.<u>12.</u> The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 18.13. Auto service bays shall open only to the north and east.
- <u>19.14.</u> Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 20.15. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima

County executes and agreement with the owner/developer to that effect.

- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation department 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, 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 Regional Wastewater Reclamation Department.
- C. 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.
- D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- 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, 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 24.16. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be_notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

Other Conditions:

Staff recommends modification of rezoning conditions for the three cases. The property owner will retain the existing development rights plus the ability to develop the property with an automated self-service car wash. The strikeout and underlined versions of the rezoning conditions demonstrate the proposed change of use. The strikeouts, with exception to case Co8-08-83 rezoning condition #18 are due to updated language and process improvements that no longer necessitate these conditions. The strikeout of the above referenced condition #18 removes the requirement to grade the property downward along the southern 25 feet of the property and eliminates the prescribed landscaping with decomposed granite and low water use vegetation.

TRANSPORTATION REPORT

The site is located southwest of the intersection of Orange Grove Road and Oracle Road. Oracle Road is a paved, six-lane, median divided roadway under the jurisdiction of Arizona Department of Transportation. Orange Grove Road is a paved, two-lane roadway with a dedicated two-way left-turn lane except for the intersection with Oracle Road where Orange Grove Road becomes a four-lane, median divided roadway with dedicated left- and right-turn lanes at the eastbound and westbound approach. Directly adjacent to the site, the existing right-of-way of Orange Grove Road is 150 feet and the posted speed limit is 35 miles per hour (mph) that quickly transitions to 45 mph traveling west. The Pima County Major Streets Plan designates Orange Grove Road as a Medium Volume Arterial with a planned 150 foot right-of-way. The Pima County Scenic Route Plan identifies Orange Grove Road as a Scenic, Major Route west of Oracle Road. The most recent traffic counts for Orange Grove Road is 21,207 average daily trips (ADT) with an approximately capacity of 16,815 ADT.

The proposed preliminary development plan depicts the use of the existing driveways with no modification. Both driveways are limited to right-in and right-out only. There is an existing bus stop directly north of the Oracle Road driveway and a one-foot no access easement along the northern and eastern property line that will require abandonment and reinstatement if there are any modification or changes to the existing driveways.

Orange Grove Road is currently functioning overcapacity, but trip generation from the proposed use would not significantly contribute to the overcapacity of Orange Grove Road, therefore, there is a minor transportation concurrency concern. Since Orange Grove Road is operating overcapacity, a traffic impact study would be required.

The Department of Transportation has no objection to the proposed rezoning modifications and recommend the addition of Transportation condition "D" for all three rezoning cases which requires a traffic impact study.

FLOOD CONTROL REPORT

Regional Flood Control District has no objection to this request subject to the existing flood control conditions.

WASTEWATER RECLAMATION REPORT

Some structural and landscape elements as depicted on the submitted preliminary development plan may hinder or prevent vehicular maintenance access to the existing manholes located within the southwestern portion of the property. Ensure that all-weather maintenance access is provided for all public manholes on the property. If this is not feasible due to the current site design, then relocating the existing sewer reach between MH #9004-01 and MH #9026-05 may need to be considered. Refer to 2016 Engineering Design Standards, Section 07, for more details on public sewer easements and maintenance requirements.

Note that Pima County Regional Wastewater Reclamation Department (PCWRD) will need to evaluate the impact the proposed development will have on the downstream sewer system. For investigative approval regarding sewer service availability, submit a Type I capacity request to <u>sewer@pima.gov</u>.

PCRWRD has no objection to the request to modify rezoning conditions. Should the modification request be granted, PCRWRD requires the addition of current standard wastewater condition "F".

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to these requests.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to these requests.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

Metropolitan Water District has no comment.

FIRE DISTRICT REPORT

Northwest Fire District has no objection to the modifications. There are no fire hydrants within the required 250 foot distance from the proposed project and the construction of the proposed care wash will require the installation of at least one fire hydrant.

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)

The Arizona Department of Transportation (ADOT) has "No Comments" regarding the referenced Modification (Substantial Change) of Rezoning Conditions and the minor modifications to the preliminary development plan for the currently planned Super Star Car Wash but offers the following information:

Based on the developer's preliminary site plan as shown on the submitted documentation (a 4,509 square-foot Automated Self-Service Car Wash), ADOT will require the developer of this parcel to provide a Traffic Impact Analysis Report (TIA) by an engineering firm accredited in the State of Arizona. The TIA Report will assist us to determine if roadway improvements will be required to maintain the safety and efficiency of traffic operations on this section of Oracle Road (SR 77).

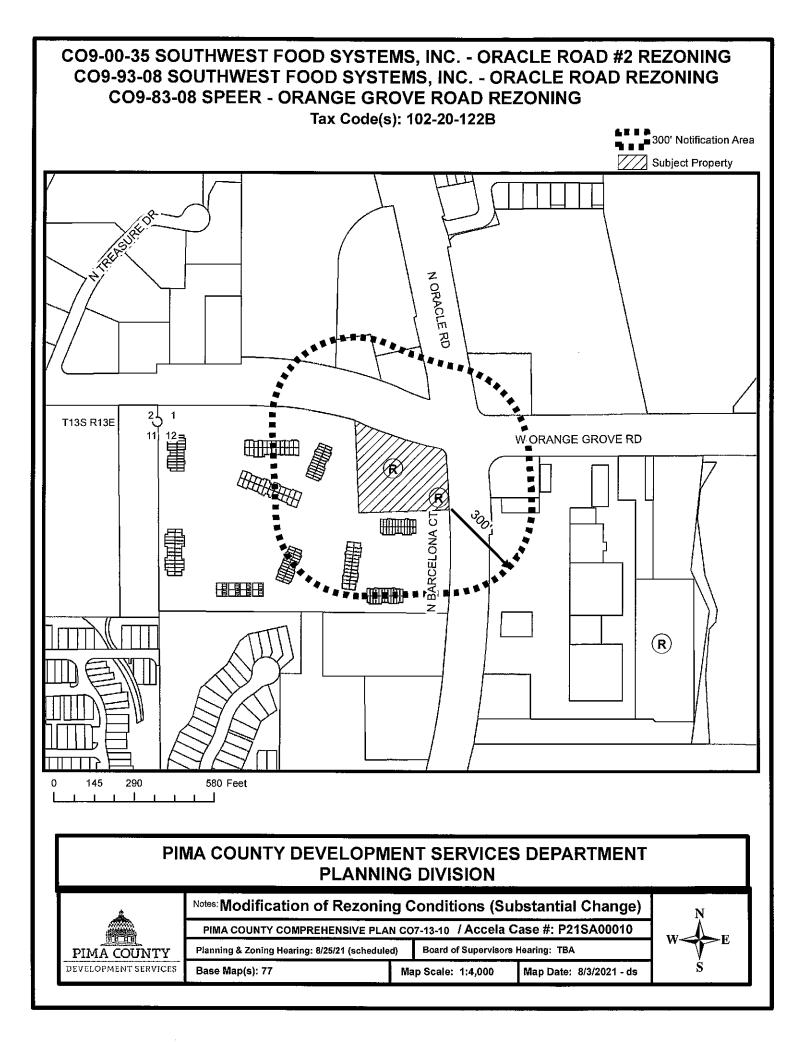
Note: Currently, ADOT is making improvements to the SR 77 corridor. The pavement preservation project includes new sidewalk, new concrete curb and gutter, highway lighting etc. in the area.

Respectfully Submitted,

Gilman

Terrill L. Tillman, AICP Principal Planner

c: Cawley Architects, D. Christopher Barta , 730 North 52nd Street, Ste. 203, Phoenix, AZ 85008





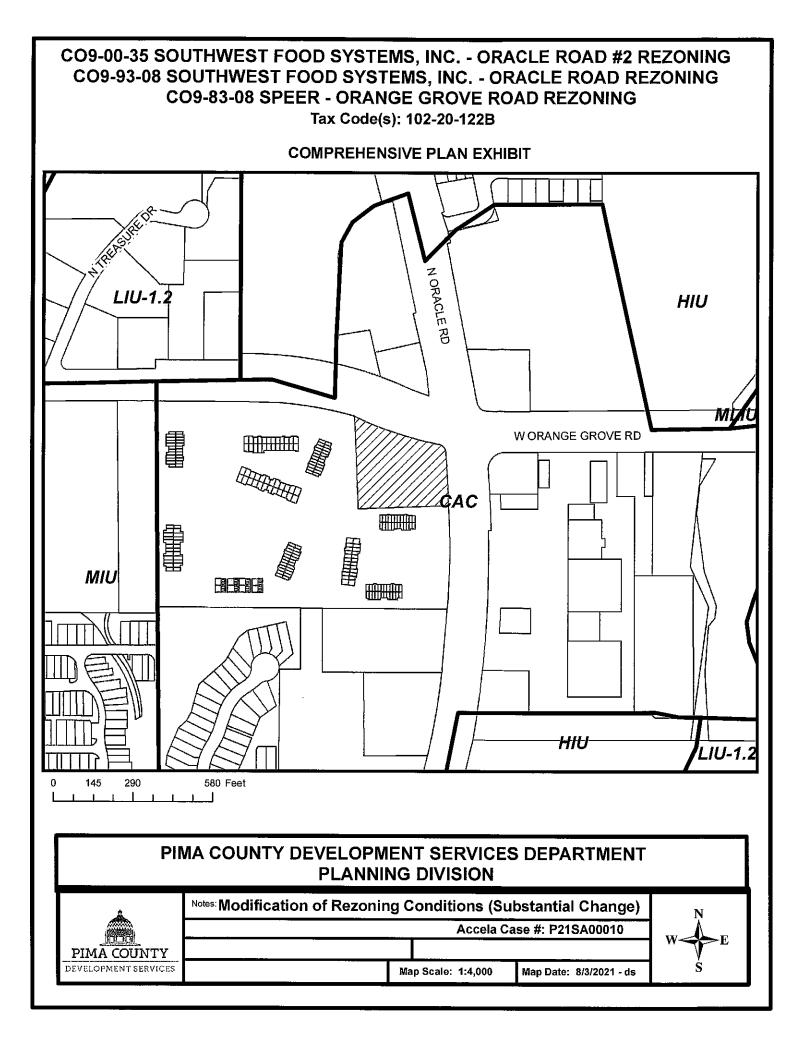
Land Use Legend and Map

Community Activity Center (CAC)

Objective: To designate medium and higher intensity mixed use districts designed to provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; educational and institutional uses; and other similar uses as described in the Campus Park Industrial (CPI) zoning district (Section 18.49); and compatible medium to higher density housing. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how it serves to create or enhance the mixed use character of the designated activity center as a whole. Larger centers may include a regional mall. Smaller centers may provide goods and services needed on a more frequent basis. These may include a major supermarket, discount department stores, large variety stores, or specialty stores such as a hardware/building/home improvement stores. Community Activity Centers may be located on major arterial roadways with access to public transportation. All centers will have direct pedestrian and bicycle access to surrounding neighborhoods. Community Activity Centers may range from 25 acres to up to 100 acres or more in size depending on the area served and services provided.

 Residential Gross Density: (if any) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district

Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC





July 14, 2021

Proposed Development: Super Star Car Wash Address: 401 W. Orange Grove Rd., Tucson, AZ 85704 Case #: P21SA00010 Parcel #: 102-20-122B

Dear Neighbor,

Super Star Car Wash would like to invite you to a neighborhood meeting to introduce our proposal for the redevelopment of the property at 401 W. Orange Grove Rd. A "Modification of Rezoning Conditions" has been submitted to Pima County Development Services, to consider a new 4,509 SF automated car wash facility, to be located at the SWC of Oracle Rd. and Orange Grove Rd. Case # P21SA00010 will be on the agenda for the Planning & Zoning Commission hearing, scheduled for August 25, 2021, at 9:00 AM.

Super Star Car Wash is an Arizona based company that is expanding into the Tucson market. This will be their first location in the Old Pueblo. They pride themselves on providing the industry best in car wash services, clean facilities and being a good neighbor. Every Super Star Car Wash features modern architecture, state of the art car wash equipment, enclosed vacuum equipment, built-in noise mitigation features, water reclamation systems, and shaded, self-service vacuum bays. Operationally, a typical Super Star Car Wash has 2-3 employees on site at peak hours. Typical business hours are 7:00 AM to 9:00 PM.

The upcoming neighborhood meeting will be held virtually on **Wednesday**, **July 28th**, **2021**, **at 6:00 PM** To join us at the meeting, please log in to Zoom and use the following information:

Website:	https://zoom.us/signin
Meeting ID:	856 7261 0703
Passcode:	232076

If you have any questions regarding this proposal, or the requested "Modification of Rezoning Conditions", you may reach me by phone at (602) 393-5060, or by email at: <u>roberte@cawleyarchitects.com</u> You may also reach out to the project manager, Christopher Barta, at: <u>christopherb@cawleyarchitects.com</u> Please reference the proposed development and case number (listed above) in your email. We look forward to hearing from you! Respectfully,

Robert "Bob" Erickson – Project Director Cawley Architects, Inc.

Attached: Modification Narrative, Architectural Renderings and Site Plan

730 North 52nd Street, Suite 203 Phoenix, Arizona 85008 P. 602 393 5060

CawleyArchitects.com



To: Pima County Development Services Land Planning and Regulation
From: D. Christopher Barta
Subject: Modification (Substantial Change) of Rezoning Conditions Co9-83-08 SPEER ORANGE GROVE ROAD REZONING Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. ORACLE ROAD REZONING Co9-00-35 SOUTHWEST FOOD SYSTEMS, INC. ORACLE ROAD #2 REZONING
Date: Thursday, July 1, 2021

NARRATIVE

This submittal is a request for a "Modification (Substantial Change) of Rezoning Conditions" for the proposed 4,509 SF Super Star Car Wash at the SWC of Oracle Rd. and Orange Grove Rd. in Pima County, Arizona. The address of the approximately 1.68 AC parcel is 401 W. Orange Grove Rd., Tucson, AZ 85704. This property was the subject of a previous, similar request in 2020, pertaining to the three case numbers listed above. Current zoning is CB-2 (General Business – Restricted).

It is the intent of Super Star Car Wash ownership to redevelop the corner parcel and build a new automated car wash. This site was originally developed as a fast-food restaurant, and more recently, a car rental facility. The existing site is little more than an abandoned parking lot from the previous use as the building, which originally sat on the west boundary of the property, was demolished. Because this property has a history of development dating back to the 1970's, a Biological Impact Report is not included with this submittal.

A typical Super Star Car Wash features an automated car wash tunnel with self-service automated pay stations and shaded vacuum parking spaces. All car wash and vacuum equipment is enclosed and the tunnel exit is directed toward the street to mitigate noise levels. Exterior vehicle drying and interior vacuuming is done by the customer. During peak hours, the facility can be operated by 2-3 employees.

On behalf of Super Star Car Wash, Cawley Architects formally requests modifications to the following rezoning conditions for the parcel of land addressed as 401 W. Orange Grove Rd.:

#15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35) These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.

#19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35) These three rezoning conditions require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.

#22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35) These three rezoning conditions require a 10-foot type "D" bufferyard adjacent to the streets, the south and west boundaries. The request is to modify the required 10-foot wide bufferyard "D" along the west boundary of the property to allow a minimum 5 foot bufferyard "D".

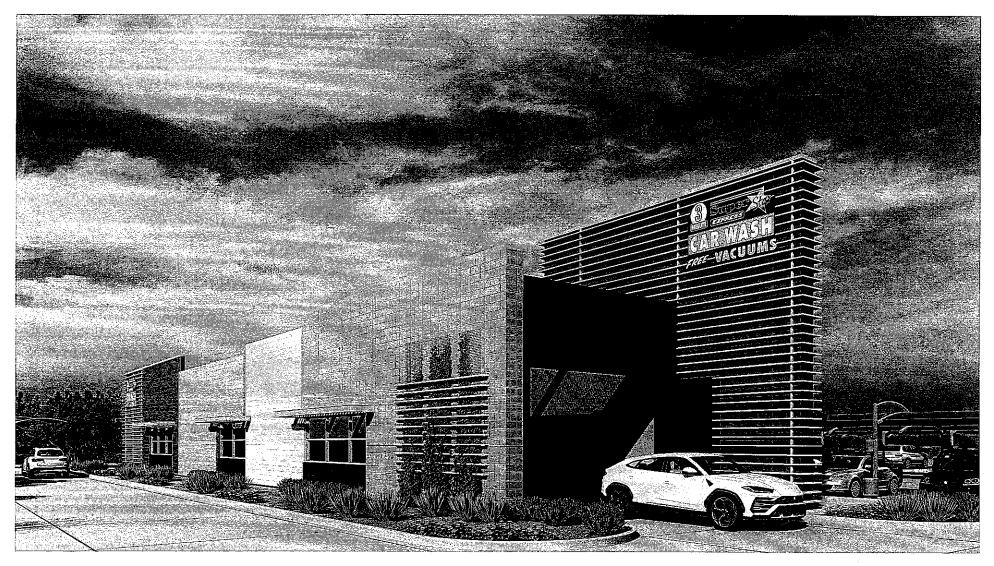
#23 (Co9-83-08), #13 (Co9-93-08) and #14 (Co9-00-35) These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum of 30 feet.

#24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35) These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales and rental. Car wash hours of operation are limited to 7:30 AM through 6:00 PM. Sales and car rental hours of operation are limited to 8:00 AM through 9:00 PM. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7:00 AM to 9:00 PM with the exit tunnel open to the north or east.

#18 (Co9-83-08) This rezoning condition requires that the south 25 feet of the subject property be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

Sincerely,

D. Christopher Barta – Senior Project Manager Cawley Architects, Inc.



Superstar Car Wash - Oracle/Orange Grove

2021.05.05

Tucson, Arizona







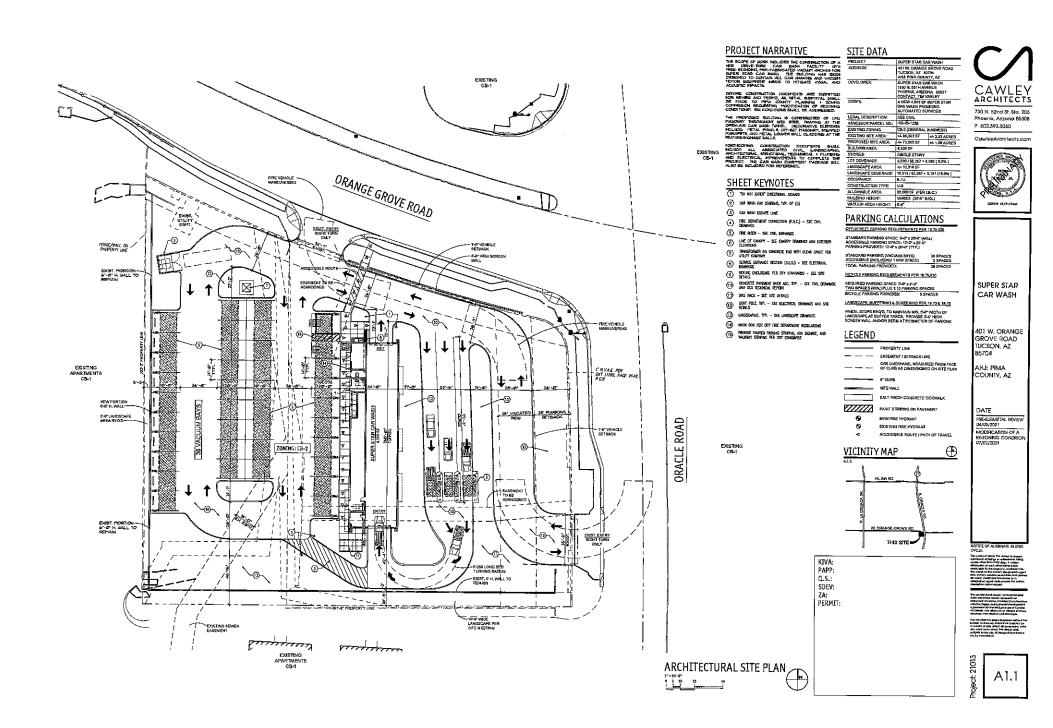
Superstar Car Wash - Oracle/Orange Grove

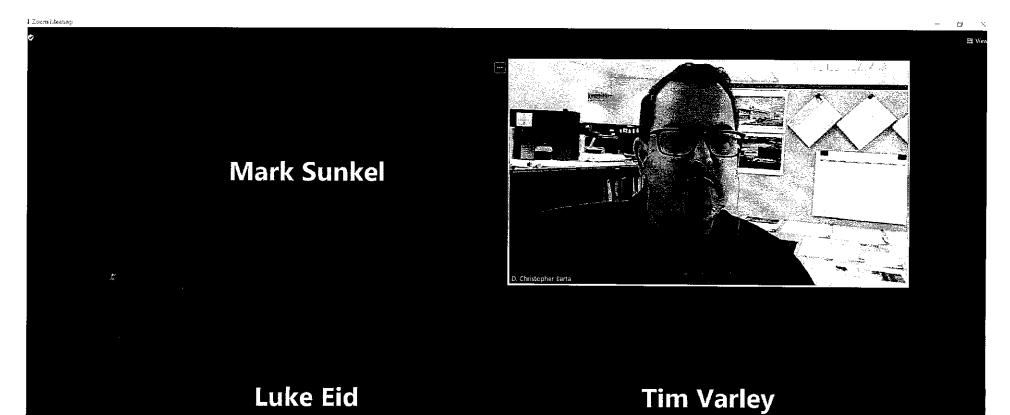
2021.05.05

Tucson, Arizona

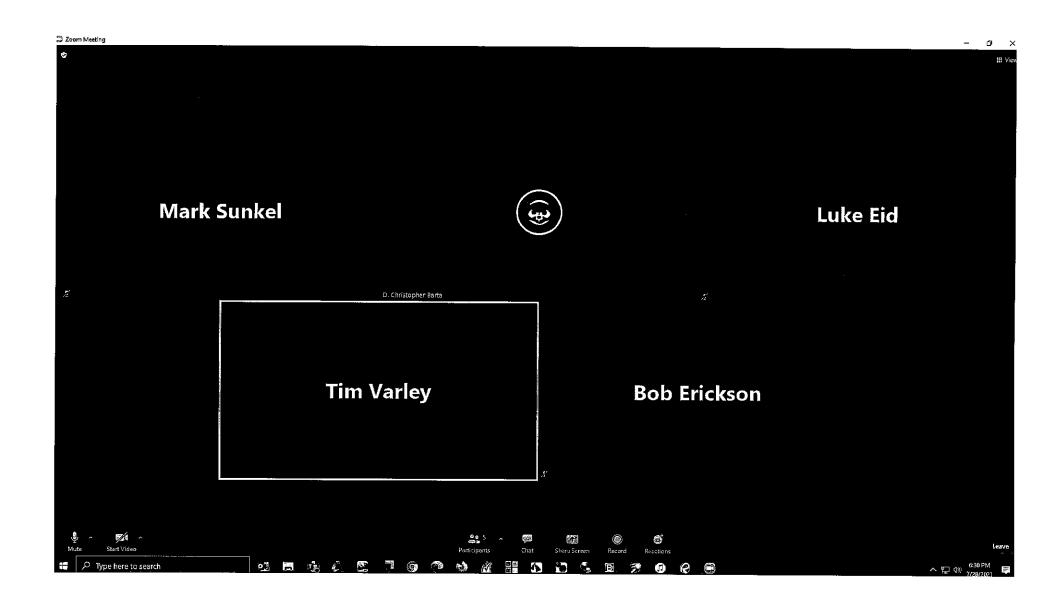


CAWLEY









follow a state contract that required qualified drug and alcohol abuse counselors to be employed at one of their centers. He understood that the creation of new jobs was important to the community but felt these may not be the best kind of jobs for the citizens to have. He stated that bringing this kind of operation into the community would potentially put the entire community at risk and felt the allegations were significant.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll, to approve Co23-04-01 with modified approval as specified in the staff report subject to the revised standard and special conditions as corrected. Upon a roll call vote being taken, the motion carried by a 4 to 1 vote, with Supervisor Elías voting "Nay."

29. DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

<u>Co9-00-35, SOUTHWEST FOOD SYSTEMS, INC. – ORACLE ROAD NO. 2</u> <u>REZONING</u>

Co9-93-08, SOUTHWEST FOOD SYSTEMS, INC. - ORACLE ROAD REZONING Co9-83-08, SPEER - ORANGE GROVE ROAD REZONING

Request of <u>John Mallo, represented by The WLB Group, Inc.</u>, for a modification (substantial change) of the following rezoning conditions:

- No. 9 (Co9-00-35), No. 11 (Co9-93-8), and No. 15 (Co9-83-8) which state: "Uses are restricted to the sale, rental and display of automobiles. Car washing shall be limited to vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal." The applicant requests to waive these conditions and proposes to allow uses permitted in the CB-2 (General Business) zone excluding ambulance service; amusement or recreational enterprises (outdoor); auction: public, auditorium or assembly hall; billboard; boats: storage or rental; cemetery or crematory; drive-in theater; fair, carnival or tent show; kennels; large scale retail establishment; lumberyard: retail; truck trailer repair; sale, rental or display of airplanes or parts, farm equipment or machinery; machinery: commercial and industrial; and manufactured or mobile homes; light manufacturing or assembling incidental to retail sales; wholesaling of products permitted in Section 18.45.030.C; building materials sales yard; contractor's equipment sales yard or plant; rental of equipment commonity used by contractors; retail lumberyard; feed yard; public utility service yard; storage of operable automobiles, boats, motorcycles, recreational vehicles, and trucks, and inhabitable manufactured or mobile homes, not intended for salvage; and all conditional uses.
- No. 10 (Co9-00-35), No. 8 (Co9-93-8), and No. 19 (Co9-83-8) which require adherence to the preliminary development plan as approved at public hearing. The applicant requests to waive these conditions.
- No. 14 (Co9-00-35), No. 13 (Co9-93-8), and No. 23 (Co9-83-8) which limit the maximum building height to 15 feet excluding the parapet. The applicant requests to waive these conditions to allow for a maximum building height of 39 feet as permitted in the CB-2 (General Business Zone).
- No. 15 (Co9-00-35), No. 14 (Co9-93-8), and No. 24 (Co9-83-8) which limit car wash operations to between 7:30 a.m. and 6:00 p.m. and automobile sales and rental operations to between 8:00 a.m. and 9:00 p.m. The applicant requests to waive these conditions.
- No. 16 (Co9-00-35), No. 15 (Co9-93-8), and No. 25 (Co9-83-8) which require that the grade and elevation
 of the site not change. The applicant requests to waive these conditions.

The subject site is 1.67 acres zoned CB-2 and is located at the southwest corner of the intersection of Oracle Road and Orange Grove Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Steinbrenner were absent) to recommend MODIFIED APPROVAL. Staff recommends MODIFIED APPROVAL. (District 1)

"Staff recommends the following rezoning conditions: Co9-00-35

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County hamless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
- 6. There shall be no further lot splitting or subdividing without written approval from the Board of Supervisors.
- 7. Transportation conditions:
 - A. The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) shall-nood written approval by the Arizona Department of Transportation prior to any plan approvals by Pima County. Allowed access to Orange Grove Road and Oracle Road shall be limited to a maximum of one access point for each road. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.
 - B. A written certification from the Arizona Department of Transportation stating satisfactory compliance of all its requirements for access to the Tucson-Florence Highway (Oracle Read) shall need to be submitted to the Pima County Department of Transportation prior to the issuance of a certificate of rezoning compliance. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Development Plan and Subdivision Plat.
 - C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
- 8. Flood Control District 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. <u>CB-2 (General Business) zone U</u>uses are restricted to the sale, rental and display of automobiles. Car washing for the <u>CB-2 use</u> shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the <u>north or</u> east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. <u>TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair, Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or poolhall; Feed store: No sales or storage of hay: Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-service car wash; Traiter rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.</u>
- 10. Adherence to the preliminary development plan <u>dated May 21, 2010</u> approved at public hearing (Exhibit "B").
- 11. Use of an outdoor sound system shall be prohibited.
- 12. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.

- 13. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 10-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 14. The maximum building height shall be 15 feet, excluding the parapet for the CB-2 use.
- 15. Car wash operations for the CB-2 use shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental office operations for the CB-2 use shall be limited to between 8:00 a.m. and 9:00 p.m.
- 16. The grade and elevation of the site shall not change. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 17. The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 18. Auto service bays shall open only to the north and east.
- 19. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 20. Wastewater Reclamation conditions:
 - A. The owner/developer shall construe no 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 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, 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 Regional Wastewater Reclamation Department.
 - C. The cwner/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.
 - D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - 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, sewer construction plan, or request for building permit.

21. Cultural Resources condition:

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

Co9-93-08

- 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. Recording a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
- 6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Department of Transportation, Property Management Division.

7. Wastewater Management Reclamation conditions:

The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat or development plan.

- The owner/developer shall construe no 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 the effect.
- The owner/developer shall obtain written documentation from the Pima County Regional <u>B</u>, Wastewater Reclamation Department 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, sewer improvement plan, or request for building permit for Should treatment and/or conveyance capacity not be available at that time, the review. 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 Regional Wastewater Reclamation Department.
- The owner/developer shall time all new development within the rezoning area to coincide with C. the availability of treatment and conveyance capacity in the downstream public sewerage system.
- The owner/developer shall connect all development within the rezoning area to Pima County's D. public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- Ε. 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, sewer construction plan, or request for building permit.
- 8. Adherence to the revised preliminary development plan dated May 21, 2010 as approved at public hearing.
- 9. There shall not be an outdoor sound system used on this property.
- Outdoor lighting shall be shielded and directed away from residential areas to the south and west. 10.
- CB-2 (General Business) zone Uuses are restricted to the sale, rental and display of automobiles. Car 11. washing for the CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the north or east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or poolhall; Feed store; No sales or storage of hay; Large scale retail establishment; Liguor store; Religious rescue mission or temporary revival; Self-service car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.
- 12. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D' bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used In the west 10-foot type "D" buffervard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 13. The maximum building height shall be 15 feet, excluding the parapet for the CB-2 use.
- Car wash operations for the CB-2 use shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and 14. rental office operations for the CB-2 use shall be limited to between 8:00 a.m. and 9:00 p.m.
- 15. The grade and elevation of the site shall not change. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- The existing sign shall be removed and replaced with a monument sign as required by Pima County. 16.
- <u>17.</u> Auto service bays shall open only to the north and east.
- 18. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.
- 19. Transportation conditions:
 - One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing А. driveways and/or any changes shall require approval from Arizona Department of Transportation and/or Pima County Department of Transportation.

6-15-2010 (35)

- B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
- C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.

20. Cultural Resources condition:

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

Co9-83-8

12.

- 1. Submittal of a complete hydraulic and hydrologic drainage report as determined necessary by the Department of Transportation and Flood Control District.
- 2. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 3. Dedication of necessary right-of-way for roads and drainage by separate instrument if the property is not to be subdivided.
- 4. Recording of an acceptable plat which will provide for dedication of necessary rights-of-way for roads and drainage if the property is to be subdivided.
- 5. Completion of the requirements for a rezoning ordinance within three (3) years from the date of approval by the Board of Supervisors.
- 6. Recording of a covenant holding Pima County harmless in the event of flooding.
- 7. Conformance with County paving policies as determined appropriate by the Department of Transportation and Flood Control District.
- 8. Recording of the necessary development-related covenants as determined appropriate by the various County agencies.
- 9. Provision of development-related assurances as required by the appropriate agencies.
- 10. Recording a covenant to the effect that there will be no further lot splitting or subdividing without written approval from the Board of Supervisors.
- 11. Wastewater Management Reclamation conditions:
 - A. A suitable arrangement with Pima County Wastewater Management Department regarding sanitary facilities.
 - B. Approval of the location and mothod of connection to the existing public sanitary sewer.
 - A. The owner/developer shall construe no 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 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, 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 Regional Wastewater Reclamation Department.
 - C. 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.
 - D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - 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, sewer construction plan, or request for building permit. Transportation conditions:
 - Provision of appropriate financial contributions towards the future improvements of Orange Grove Read in accordance with the current Pima County Escrew Policy.

6-15-2010 (36)

A. One access shall be allowed on Orange Grove Road and one on Oracle Road. The existing driveways and/or any changes shall require approval from Arizone Department of Transportation and/or Pima County Department of Transportation.

B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a development plan and subdivision plat.
 C. The property owner(s) shall provide off-site improvements to Orange Grove Road and/or

- <u>The property owner(s) shall provide off-site improvements to Orange Grove Road and/or</u> Oracle Road as determined necessary by Arizona Department of Transportation and Pima County Department of Transportation.
- 13. Flood Control District conditions:
 - A. The submittal of a hydrologic and hydraulic drainage study which explicitly details how Roller Coaster Wash will be contained and the effects this action will have on the developments located west of the site as well as downstream of the site.
 - B. Dedication of all rights-of-way or easements for drainage as determined by Pima County's Flood Control District.
 - C. Any channelization or encroachment would have to be planned such that it would terminate at the logical conclusion which would create no adverse flooding conditions to adjoining properties, such as diverting flow, concentrating flow, or increasing flooding potential.
 - D. If the above condition cannot be feasibly met, the applicant must obtain a hold harmless agreement, signed by all affected property owners, which indicates acceptance of drainage onto adjoining properties in the manner proposed.
- 14. Landscaping to consist of low water use vegetation.
- 15. CB-2 (General Business) zone Uuses are restricted to the sale, rental and display of automobiles. Car washing for the CB-2 use shall be limited to the vehicles that are for sale or rent on the site only and shall not be conducted outdoors. Car wash doors shall open only to the <u>north or</u> east. No outdoor storage of auto parts, maintenance equipment, or other materials. All waste oils and other fluids are subject to all applicable requirements for disposal. <u>TR (Transitional) zone uses and CB-1 (Local Business) zone uses are permitted excluding: Auto mechanical repair; Automobile tires, batteries and accessories installation in conjunction with a department store; Billiard or poolhall; Feed store: No sales or storage of hay; Large scale retail establishment; Liquor store; Religious rescue mission or temporary revival; Self-serve car wash; Station: Bus or stage; Trailer rental; Wholesale of oil; Trailer or manufactured home for caretaker; and Feed store: Including sales and outdoor storage of hay. The CB-1 use of Auto parking lot (with or without a building) shall be subject to the conditions related to the CB-2 use of sale, rental and display of automobiles. The Performance Standards codified for the CB-1 zone shall apply to the CB-1 uses.</u>
- 16. A solid masonry wall on the west side of the property and an acceptable buffer as approved by the Pima County Planning Department to be provided along the east and west sides of the property
- 17. Floodplain Ordinance violation must be resolved prior to the rezoning being forwarded to the Board of Supervisors.
- 18. The south 25 feet of the subject property will be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation.
- 19. Adherence to the preliminary development plan dated May 21, 2010 as approved at public hearing.
- 20. Use of an outdoor sound system shall be prohibited.
- 21. Outdoor lighting shall be shielded and directed away from residential areas to the south and west.
- 22. The 10-foot type "D" bufferyard along the street frontage shall contain the minimum plant densities required by code. A six-foot-high solid masonry wall and minimum 15-gallon trees shall be used in the south 10-foot type "D" bufferyard. The 15-gallon trees in the south bufferyard shall be of a variety which grows to less than 20 feet in height at maturity. A six-foot-high solid masonry wall shall be used in the west 10-foot type "D" bufferyard. The rear of the proposed building can be used as part of the west bufferyard wall.
- 23. The maximum building height shall be 15 feet, excluding the parapet for the CB-2 use.
- 24. Car wash operations for the CB-2 use shall be limited to between 7:30 a.m. and 6:00 p.m. Sale and rental office operations for the CB-2 use shall be limited to between 8:00 a.m. and 9:00 p.m.
- 25. The grade and elevation of the site shall not change. Building heights for CB-1 uses shall be limited to a maximum of 28 feet (including architectural elements) from the average existing grade of the property.
- 26. The existing sign shall be removed and replaced with a monument sign as required by Pima County.
- 27. Auto service bays shall open only to the north and east.
- 28. Deliveries, loading, idling, or similar operations shall not occur between 10:00 p.m. and 6:00 a.m. unless the activity occurs within a loading bay or on the street side of the building.

29. Cultural Resources condition:

A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the

discovery. State Laws ARS 41-865 and ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups."

Tom Hudson, Zoning Administrator, provided a staff report. He stated that the uses on the site would be restricted to CB-1 even though the property was zoned CB-2. He informed the Board that there had been a deletion of use of the property for a church and requested that the use be allowed. He said that the only CB-2 use that would be permitted was the current one for auto sales which would be subject to the same operating restrictions and an additional requirement would be added that stated all auto service doors would open only to the north and east. Staff received sixteen protests, but a super majority vote of the Board was not required. Staff recommended approval with the amended rezoning modifications.

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 and approve Co9-00-35, Co9-93-08 and Co9-83-08, as modified, subject to conditions as recommended by staff and with the additional condition to eliminate the use of self-service car washes.

30. DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION

Co9-99-22, MCGARRY/BAUM/EIDAL, ET. AL. - VALENCIA ROAD REZONING

- A. Proposal to close a rezoning of approximately 11.50 acres from CR-3 (Single Residence) to CB-2 (General Business) and approximately 4.32 acres from CB-2 to CB-2 (Restricted) located on the northwest corner of the intersection of Valencia Road and Benson Highway. This rezoning was conditionally approved on March 21, 2000 and received a five-year time extension in 2005. The rezoning expired March 21, 2010. Staff recommends AGAINST CLOSURE. (District 2)
- B. Request of <u>McGarry/Baum/Eidal, et. al. represented by Stantec Consulting,</u> <u>Inc.</u> for a five-year time extension for the above-referenced rezoning. The rezoning is approximately 11.50 acres from CR-3 (Single Residence) to CB-2 (General Business) and approximately 4.32 acres from CB-2 to CB-2 ® (Restricted) located on the northwest corner of the intersection of Valencia Road and Benson Highway. This rezoning was conditionally approved on March 21, 2000 and received a five-year time extension in 2005. The rezoning expired March 21, 2010. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION REQUEST WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)



To: Pima County Development Services Land Planning and Regulation

From: D. Christopher Barta

Subject: Modification (Substantial Change) of Rezoning Conditions Co9-83-08 SPEER ORANGE GROVE ROAD REZONING Co9-93-08 SOUTHWEST FOOD SYSTEMS, INC. ORACLE ROAD REZONING Co9-00-35 SOUTHWEST FOOD SYSTEMS, INC. ORACLE ROAD #2 REZONING

Date: Thursday, July 1, 2021

NARRATIVE

This submittal is a request for a "Modification (Substantial Change) of Rezoning Conditions" for the proposed 4,509 SF Super Star Car Wash at the SWC of Oracle Rd. and Orange Grove Rd. in Pima County, Arizona. The address of the approximately 1.68 AC parcel is 401 W. Orange Grove Rd., Tucson, AZ 85704. This property was the subject of a previous, similar request in 2020, pertaining to the three case numbers listed above. Current zoning is CB-2 (General Business – Restricted),

It is the intent of Super Star Car Wash ownership to redevelop the corner parcel and build a new automated car wash. This site was originally developed as a fast-food restaurant, and more recently, a car rental facility. The existing site is little more than an abandoned parking lot from the previous use as the building, which originally sat on the west boundary of the property, was demolished. Because this property has a history of development dating back to the 1970's, a Biological Impact Report is not included with this submittal.

A typical Super Star Car Wash features an automated car wash tunnel with self-service automated pay stations and shaded vacuum parking spaces. All car wash and vacuum equipment is enclosed and the tunnel exit is directed toward the street to mitigate noise levels. Exterior vehicle drying and interior vacuuming is done by the customer. During peak hours, the facility can be operated by 2-3 employees.

On behalf of Super Star Car Wash, Cawley Architects formally requests modifications to the following rezoning conditions for the parcel of land addressed as 401 W. Orange Grove Rd.:

CawleyArchitects.com

#15 (Co9-83-08), #11 (Co9-93-08) and #9 (Co9-00-35) These three rezoning conditions prohibit the use of an Automated Self-Service Car Wash. The request is to modify the conditions to allow an Automated Self-Service Car Wash.

#19 (Co9-83-08), #8 (Co9-93-08) and #10 (Co9-00-35) These three rezoning conditions require adherence to the May 21, 2010 revised preliminary development plan. The request is to modify the revised preliminary development plan to change the use and demonstrate the Automated Self-Service Car Wash use.

#22 (Co9-83-08), #12 (Co9-93-08) and #13 (Co9-00-35) These three rezoning conditions require a 10-foot type "D" bufferyard adjacent to the streets, the south and west boundaries. The request is to modify the required 10-foot wide bufferyard "D" along the west boundary of the property to allow a minimum 5 foot bufferyard "D".

#23 (Co9-83-08), #13 (Co9-93-08) and #14 (Co9-00-35) These three rezoning conditions limit the height of the buildings to 15 feet, excluding the parapet for the CB-2 use. The request is to modify the conditions to allow for a maximum building height of 23 feet and allow architectural elements to be a maximum of 30 feet.

#24 (Co9-83-08), #14 (Co9-93-08) and #15 (Co9-00-35) These three rezoning conditions limit the hours of operation for the CB-2 use of a car wash in conjunction with vehicle sales and rental. Car wash hours of operation are limited to 7:30 AM through 6:00 PM. Sales and car rental hours of operation are limited to 8:00 AM through 9:00 PM. The request is to modify the hours of operation for an Automated Self-Service Car Wash from 7:00 AM to 9:00 PM with the exit funnel open to the north or east.

#18 (Co9-83-08) This rezoning condition requires that the south 25 feet of the subject property be graded downward to the level of the adjacent property and landscaped with decomposed granite and low water use vegetation. The request is to strike/remove this condition.

Sincerely,

D. Christopher Barta – Senior Project Manager Cawley Architects, Inc.

CawleyArchitects.com



LETTER OF AUTHORIZATION

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

401 W. ORANGE GROVE FD. TUCSON, AZ 85704

Property Address

MODIFICATION OF A RE-ZONING CONDITION

Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

Signature of Applicant

06.29.2021

Date

AUTHORIZED BY:

Signature of Property Owner

 $\frac{O7/O6/2021}{Date}$

CONTRACT OF SALE OF REAL ESTATE

THIS CONTRACT is entered into effective the date it is last executed, between QUIKTRIP CORPORATION, an Oklahoma corporation ("Seller"), and SS ENTERPRISE HOLDINGS, LLC, an Arizona limited liability company ("Buyer").

Upon approval of this Contract by both Seller and Buyer, evidenced by their signatures hereto, a valid and binding contract of sale shall exist. The "Effective Date" shall be the date this Contract is last executed. The terms and conditions of which shall be as follows:

1. SALE: Seller agrees to sell and convey to Buyer by a Special Warranty Deed (the "Deed") and Buyer agrees to purchase the following-described real estate (the "Property") Parcel Number 102-20-122B, located at 401 W. Orange Grove Road, Pima County, Arizona as depicted on Exhibit "A" attached hereto, together with (i) all strips and gores of land lying adjacent to the Property which Seller owns, (ii) all rights, easements and appurtenances belonging and appertaining thereto which Seller owns, and (iii) all oil, gas and mineral rights associated with the Property, if any, which Seller owns, and (iv) all right, title and interest of Seller in and to any and all (a) roads, streets, alleys or public and private rights of way, bounding the Property and (b) any improvements thereon, if any, in their present condition. The exact size and legal description of the Property shall be determined by an ALTA boundary survey to be provided by Buyer as provided in paragraph 3 hereof.

E1481 Surplus Property Contract

[Signature Page for QuikTrip Surplus Asset E1481]

27. TIME OF ESSENCE: This Contract shall be null and void unless signed by Buyer and delivered to Seller on or before 5:00 P.M., May 7______, 2021. Time is of the essence of this Contract, and Buyer and Seller hereby agree to perform each and every obligation hereunder in a prompt and timely manner; provided, however, that if the date for the performance of any action or obligation, or any time period specified hereunder occurs on a Saturday, Sunday, days proclaimed as legal holidays by the state, city or federal government or days where the recipient party's office is closed due to natural disaster, then such date or time period shall be extended until the next business day.

APPROVED BY BUYER: This 7th day of May , 2021 .

SS ENTERPRISE HOLDINGS, LLC

By: Reza Amirrezvany Managing Member Its:

APPROVED BY SELLER: This // day of May

QUIKTRIP CORPORATION

By: Larry Dickerson

Director of Real Estate Dispositions

SELLER'S CONTRACT REVIEW: QuikTrip Corporation

By Mass Genevieve L. Schmook

Associate General Counsel

5-11-21 (Date)

E1481 Surplus Property Contract

CERTIFIED COPY OF RESOLUTION

I, Marshall J. Wells, the duly elected and acting Vice President and Secretary of QuikTrip Corporation, an Oklahoma corporation, do hereby certify that the following Resolution was duly and regularly adopted by action of the Board of Directors of QuikTrip Corporation on June 11, 2020, and that such Resolution has not been amended, modified or revoked in any respect, to-wit:

REAL ESTATE RESOLUTION

RESOLVED, this 11th day of June, 2020, that Chester E. Cadieux III, President / Chief Executive Officer; Stephen R. Fater, Vice President – Store Development; Stuart C. Sullivan, Vice President – Finance / Chief Financial Officer; Marvin C. O'Dell III, Vice President – Sales; Jeffrey T. Thoene, Vice President – Real Estate; Chad M. Stanford, Vice President – Real Estate; Kelly P. Vaughan, Regional Director of Real Estate / Assistant Secretary; and Craig D. Williams, Regional Director of Real Estate / Assistant Secretary, be and are hereby authorized to negotiate for the purchase, sale, mortgage, lease, development or improvement of real estate on behalf of QuikTrip Corporation; and

FURTHER RESOLVED, that such officers, are hereby authorized to execute contracts, deeds, leases, easements, mortgages, development agreements and any other documents relating to the purchase, sale, lease, mortgage, development or improvement of real estate, including development partnerships and other agreements which obligate QuikTrip for extended periods of time, on behalf of QuikTrip Corporation, all without the necessity of further action of the Board of Directors of QuikTrip Corporation; and

FURTHER RESOLVED, that Larry D. Dickerson, Director of Real Estate Dispositions / Assistant Secretary, is hereby authorized to negotiate for the purchase, sale, lease, development or improvement of real estate, and to execute contracts, deeds, leases, easements, development agreements and any other documents relating to the purchase, sale, lease, development or improvement of real estate, including other agreements which obligate QuikTrip for extended periods of time, on behalf of QuikTrip Corporation, all without the necessity of further action of the Board of Directors of QuikTrip Corporation; and

FURTHER RESOLVED, Troy Devos, Director of Real Estate; Joseph S. Faust, Assistant Secretary; Matthew D. Miller, Assistant Secretary; Jason Acord, Division Real Estate Manager; Jeff Hargett, Division Real Estate Manager; and Jarod Mendez, Division Real Estate Manager; are hereby authorized to execute contracts of sale or purchase, deeds and other documents relating to the purchase, sale, development or improvement of real estate, lease of real estate and/or improvements with a term not to exceed five (5) years and documents relating to easements on behalf of QuikTrip Corporation, without the necessity of further action of the Board of Directors of QuikTrip Corporation; and FURTHER RESOLVED, that any individual acting in the capacity of Real Estate Manager for QuikTrip Corporation is hereby authorized to negotiate for the purchase and sale of real estate and to execute contracts for purchase of real estate, on behalf of QuikTrip Corporation, provided such contracts are subject to corporate approval of the appropriate Director of Real Estate or Division Real Estate Manager, without the necessity of further action of the Board of Directors of QuikTrip Corporation.

Given under my hand and seal of office this 11th day of June, 2020.

allw

Marshall J. Wells Vice President / Corporate Secretary

[CORPORATE SEAL]

