

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

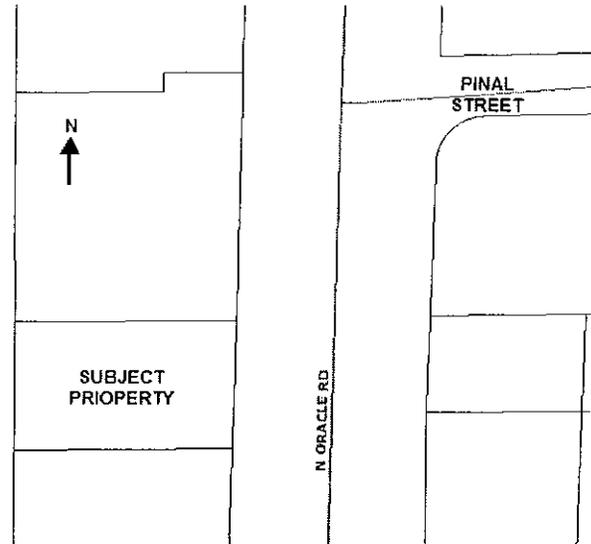
HEARING November 26, 2014

DISTRICT 1

CASE Co9-14-13 Tombo51, LLC - N.
Oracle Road Rezoning

REQUEST Rezone from GR-1 (GZ-1)
(Rural Residential - Urban
Gateway Overlay) to CB-1
(GZ-1) (Local Business -
Urban Gateway Overlay) (.61
acre)

OWNER Tombo51, LLC
4122 E. Grant Road
Tucson, AZ 85712-2511



APPLICANT Jeffrey A. Stanley, P.E.
P.O. Box 1888
Tucson, AZ 85702

APPLICANT'S PROPOSED USE

"Retail store"

APPLICANT'S STATED REASON

"Market research revealed that this is a good location."

COMPREHENSIVE PLAN DESIGNATION

The Pima County Comprehensive Plan designates the subject property as Multifunctional Corridor (MFC), which allows the proposed CB-1 zone. MFC designates areas for the integrated development of complementary uses along major transportation corridors.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CB-1	Undeveloped (Proposed Retail Store)
South:	GR-1	Manufactured Home (CB-2 Conditionally Approved in 1970)
East:	GR-1	Oracle Road/Restaurant/Vacant
West:	RH	Undeveloped State Land/Big Wash

PREVIOUS REZONING CASES ON PROPERTY

None

PREVIOUS REZONING CASES IN GENERAL AREA

Co9-14-02 Jalm Investors, LP – N. Oracle Road Rezoning (1.2 acres)

Location: Adjacent to the north of the subject property.

Action: GR-1 (GZ-1) to CB-1 (GZ-1) approved 6-3-14 for 9,100 sq. ft. retail store (proposed Dollar General). Rezoning ordinance adopted 9-2-14. Site is undeveloped.

Co9-70-59 Garner – Florence Highway Rezoning (4+ acres)

Location: Numerous parcels beginning adjacent to the south of the subject property extending approximately 961 feet to the Tortollita Street alignment (north portion) and then beginning approximately 300 feet south of that point and extending south another approximately 1,020 feet to the Mainsail Boulevard alignment (south portion).

Action: GR (former General Rural zone) to CB-2 (General Business) approved 9-21-70 for development as “business property”. Several rezoning ordinances have been adopted for individual parcel portions of the north portion of the rezoning as part of proposed commercial or office developments. An ordinance for the entire south portion has been adopted, approximately half of which is commercially developed.

Other Rezoning Activity:

The majority of the parcels fronting the west side of Oracle Road extending approximately 1.5 miles south of the Pima-Pinal County line have been rezoned from GR or GR-1 to CB-1 or CB-2 over the course of many years. Similarly, the majority of the east side frontage extending two miles south of the county line have been rezoned to CB-1, CB-2, or TR (Transitional).

STAFF REPORT

Staff recommends **APPROVAL with conditions**. The proposed .61-acre CB-1 rezoning request follows other piecemeal business-oriented rezonings of the narrow band of privately-held parcels between Oracle Road (State Route 77) and vast undeveloped State Land to the west. The narrow band of land is mostly elevated from the nearby Big Wash within the State Land. The highway location and narrow configuration of these parcels makes them best suited for office or limited commercial uses, bearing in mind the Urban Gateway Overlay status of this entrance to Pima County and the metropolitan area further south. The Board of Supervisors approved a similar CB-1 rezoning (Co9-14-02) for a retail store on June 3, 2014 for the property adjacent to the north.

The proposed 6,800 square foot retail store will serve highway users as well as the residents of Catalina where the site is located. However, the site is located across the highway from the main area of Catalina to the east, which will make pedestrian access more difficult and made more so by the widening that is underway for a third lane in each direction.

A manufactured home exists to the south. It appears to be unoccupied at present. The property on which it sits is zoned GR-1, but has conditional CB-2 approval from the 1970 rezoning noted above. A 10-foot-wide bufferyard “D” is proposed along approximately two-thirds of the south subject site boundary to ameliorate impacts to the residence. The other third is consumed by proposed paved shared and cross access easements that may

eventually benefit the property to the south should it be developed for office or commercial use per its CB-2 potential.

The western portion of the site contains 15 percent or greater slopes. A letter from the applicant's engineer representative indicates a belief that less than 1,000 square feet of the slope area will be impacted (graded or disturbed) by the project. This would be within the code allowance for exception from the maximum 80 percent grading allowance for sites which contain 15 percent or greater slopes (18.61.054B2 and Table 18.61.054-1). It appears that some fill has occurred within the site with visible mounds. The majority of the site is naturally vegetated. Contrary to the sketch plan, a bufferyard will not be required along the west site boundary, which will serve to reduce disturbance of the sloped area, despite the presence of an existing five-foot-wide utility easement.

The circumstance of the strip commercialization of the highway frontage in the Catalina area is ameliorated by the Urban Gateway Overlay standards and guidelines. The Design Review Committee reviews and approves commercial development proposals within this overlay zone including architectural building design and colors, landscaping, parking lot design, and freestanding signs. The review will occur prior to approval of the development plan. The standards and guidelines were adopted subsequent to the applicable Comprehensive Plan Special Area Policy S-5 Oracle Corridor / Northern Gateway (attached) and serve to codify the purpose of the policy to preserve the scenic quality of the transportation corridor including views of mountain ridgelines and to enhance the entry to the metropolitan area while mitigating negative impacts of strip commercial development.

Relative to the combined Gateway code standards and plan policies, notable aspects of the rezoning proposal include a proposed low maximum building height of 18 feet and proposed shared access from the highway as well as internally to properties to the north and south. (Note Transportation's and ADOT's comments requiring shared access with the property to the south.) Freestanding signage is not proposed to be shared with the retail store recently approved for the CB-1 rezoning to the north, but the signs are required to be monument style types that by nature reduce potential for visual clutter. The applicant is advised to consider a cooperative arrangement with the retail development to the north to share out-of-parking lot sidewalk pedestrian access between the two proposed stores. The proposed location of the stores on each property appears to make such an arrangement feasible and it would be good design that would serve pedestrian safety.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions

CONCURRENCY CONSIDERATIONS		
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection
PARKS AND RECREATION	N/A	No objection
WATER	No response	The site is within Tucson Water's service area.
SCHOOLS	N/A	
AIR QUALITY	Yes	

TRANSPORTATION REPORT

Concurrency considerations have been met for this site as capacity is available on the roadway network within two miles, and improvements are funded for Oracle Road. The proposed development is a 6,800 square foot retail store with direct access onto Oracle Road. Cross access to the properties to the north and south is shown on the sketch plan and will be required as a condition of the rezoning. The proposed retail building will generate approximately 300 average daily trips (ADT).

The Arizona Department of Transportation's Capital Improvements Program has planned improvements to expand Oracle Road to a six-lane divided roadway. The improvements are under construction and include an additional 12-foot wide travel lane in each direction, 10-foot wide shoulder, raised center medians and left-turn lanes, retaining walls, noise walls, traffic signal improvements, drainage improvements, a shared use path on the east side of Oracle Road, and wildlife crossing structures. The nearest median opening is shown for Pinal Street along with a left turn lane on northbound Oracle. Traffic entering and exiting this site will only be able to travel southbound on Oracle Road.

Oracle Road is a paved, five-lane wide, undivided, urban minor arterial highway maintained by the State of Arizona. Per the Pima County Major Streets and Scenic Routes Plan, Oracle Road is designated a Scenic Major Route. Oracle Road has a building setback specifically addressed in the Zoning Code, which is a 150 feet building setback from the centerline of Oracle Road per Table 18.77.030 of the zoning code. The existing and proposed right-of-way for Oracle Road is 200 feet. The most current traffic count on Oracle Road from 2005 is 26,959 ADT and the traffic capacity is 37,710 ADT.

Other major roads within the two-mile concurrency area include Golder Ranch Road (6,733 ADT, 2011); Wilds Road (963 ADT, 2011); Twin Lakes (1,281 ADT, 2008); Lago Del Oro Parkway (4,373 ADT, 2011). Twin Lakes and Lago Del Oro Parkway have capacities of 15,930 ADT, and Golder Ranch Road and Wilds Road have capacities of 13,122 ADT. These roads are all designated as urban collectors and are maintained by Pima County.

Gateway Overlay Standards require pedestrian and vehicular access within and through the property. A gateway review will need to go to the Design Review Committee prior to the approval of the development plan for this site. The Department of Transportation has no objection to the proposed rezoning subject to conditions #3A-C of the Standard and Special Conditions recommended in this report.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the application and has the following comments:

1. The site is not impacted by FEMA or locally mapped floodplains or Pima County Regulated Riparian Habitat.
2. No drainage complaints have been filed against the property.
3. No Preliminary Integrated Water Management Plan or Water Resources Impact Analysis (WRIA) is required as the site is less than 5 acres.
4. The sketch plan shows that the building is to be placed at least in part on fill where a natural drainage occurs along the northwestern edge the parcel at the very top of the slope leading down to the Big Wash geologic floodplain. Water harvesting features including first flush retention could help alleviate potential erosion issues at the outfall above the wash. Similarly situated parcels west of Oracle Road have experienced erosion and trash accumulation problems due to the steep drop-offs immediately downstream of the sites. The sketch plan indicates rip rap but the detail is unclear and we do not know if this will accomplish erosion protection. At the time of development, erosion protection may be required.

The District has found that the project meets concurrency requirements and has no objection subject to condition #4 of the Standard and Special Conditions recommended in this report.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a rezoning and offers the following comments for your use. Approval of the rezoning would allow development of retail store along the west side of Oracle Road in the Catalina area.

The rezoning site is located within the area served by Pima County's public sewer and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. The closest public sewer is an existing 12-inch sewer line (G-94-111) in Oracle Road that runs along the east property line. No Type I Response Letter has been issued for this rezoning to confirm that capacity is available in this sewer line.

The PCRWRD has no objection to the proposed rezoning request, subject to conditions #5A-F of the Standard and Special Conditions recommended in this report.

CULTURAL RESOURCES REPORT

A review of County records indicates that no archaeological or historic sites are known within the property. The adjacent Oracle Road alignment is recorded as historic site, AZ

FF:9:17(ASM), State Route 80, but because of extensive reconstruction and modification, the highway segment in this area lacks historic integrity and is not considered eligible for listing on the National Register of Historic Places. The previous reviews of adjacent and nearby parcels resulted in approvals for them to proceed.

As far as Pima County's Cultural Resources & Historic Preservation Division is concerned, it is unlikely that the proposed commercial development will have a negative effect on cultural resources. Therefore, County cultural resources requirements have been met and except for the condition below, we have no comment on this request.

A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR has no comment for or objection to this rezoning.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

The USFWS has no concerns related to the subject property per the attached comment form.

TUCSON WATER REPORT

As of the writing of this report, no response has been received to a request for comments. The site is within Tucson Water's service area.

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) REPORT

In the attached letter, ADOT states, "No Comment" regarding the rezoning, but indicates that the developer will be required to provide a Traffic Impact Statement for the proposed retail store. ADOT also will require a "Joint-Use Driveway" with the property to the south with the location at or near the southern boundary (as is depicted on the rezoning sketch plan).

STATE LAND DEPARTMENT REPORT

As of the writing of this report, no response has been received to a request for comments.

FIRE DISTRICT REPORT

As of the writing of this report, no response has been received to a request for comments from Golder Ranch Fire District.

PUBLIC COMMENT

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

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

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record a covenant holding Pima County harmless in the event of flooding.
 - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - D. Provide development related assurances as required by the appropriate agencies.
 - E. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services prior to the approval of a development plan for this site.
 - B. The owner(s) shall provide offsite improvements if determined necessary by the Arizona Department of Transportation.
 - C. Shared access with the property to the south shall be provided as shown on the sketch plan.
4. Flood Control condition:

First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
5. Wastewater Reclamation conditions:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's

- public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner/developer shall 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 PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 6. Adherence to the sketch plan as approved at public hearing.
 - 7. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and, Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
 - 8. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 - 9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Respectfully Submitted,

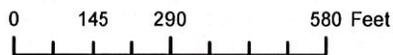


David Petersen, AICP
Senior Planner

c: Tombo51, LLC, 4122 E. Grant Road, Tucson, AZ 85712-2511
Jeffrey A. Stanley, P.E., P.O. Box 1888, Tucson, AZ 85702

Case #: Co9-14-013 TOMBO51 LLC - NORTH ORACLE ROAD REZONING

Tax Code(s): 222-18-0200



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



2014 Pictometry

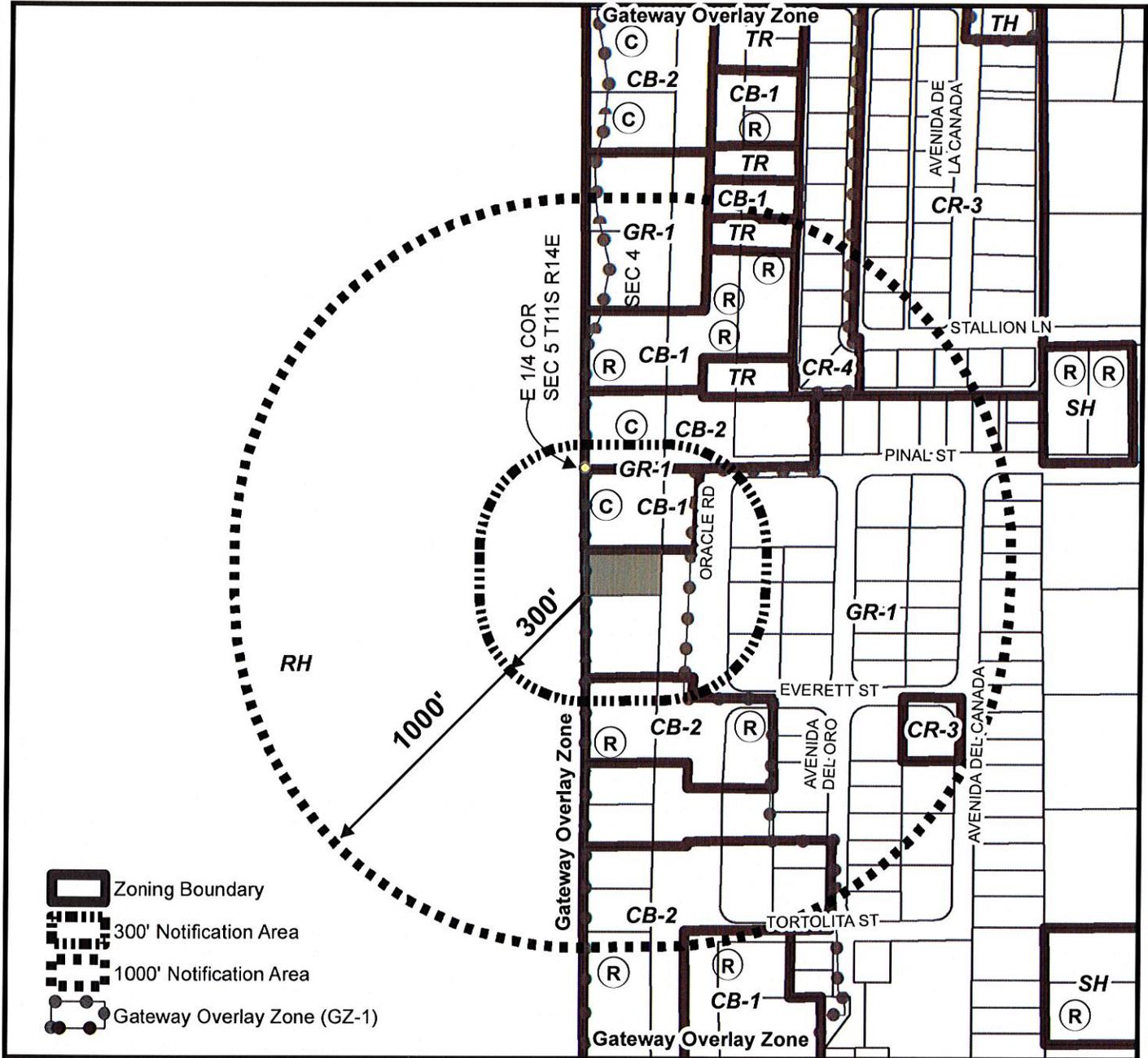
Map Scale: 1:4,000

Map Date: 11/06/2014



Case #: Co9-14-013 TOMBO51 LLC - NORTH ORACLE ROAD REZONING

Tax Code(s): 222-18-0200



- Zoning Boundary
- 300' Notification Area
- 1000' Notification Area
- Gateway Overlay Zone (GZ-1)

0 180 360 720 Feet

Area of proposed rezoning from SR (GZ-1) to CB-2 (GZ-1)

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:
Ref: Co7-00-20 Pima County Comprehensive Plan Amendment

Planning & Zoning Commission Hearing: 11/26/14 Board of Supervisors Hearing: 01/2015 (projected)

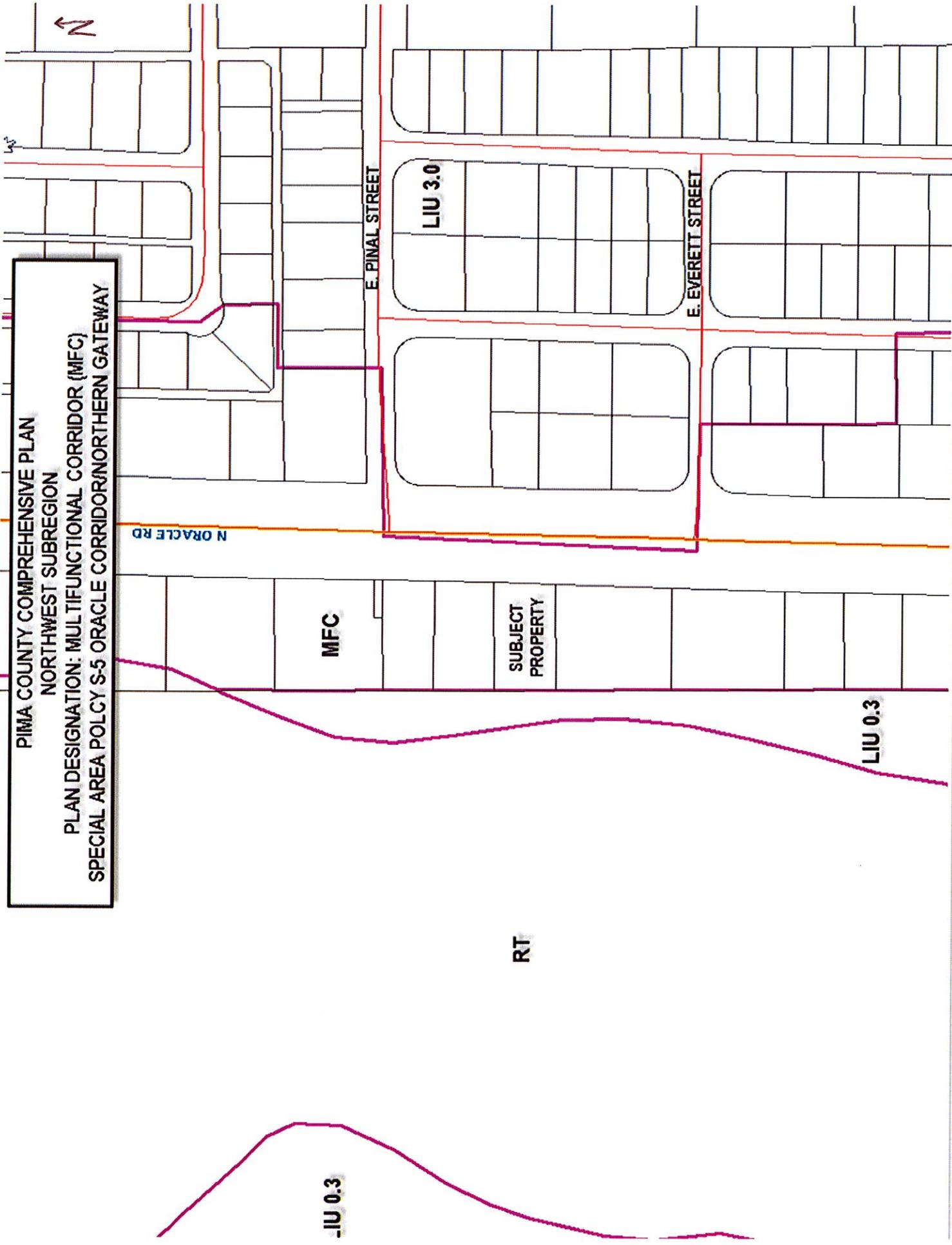
Base Map(s): 519

Map Scale: 1:5,000

Map Date: 10/30/2014



PIMA COUNTY COMPREHENSIVE PLAN
NORTHWEST SUBREGION
PLAN DESIGNATION: MULTIFUNCTIONAL CORRIDOR (MFC)
SPECIAL AREA POLICY S-5 ORACLE CORRIDOR/NORTHERN GATEWAY



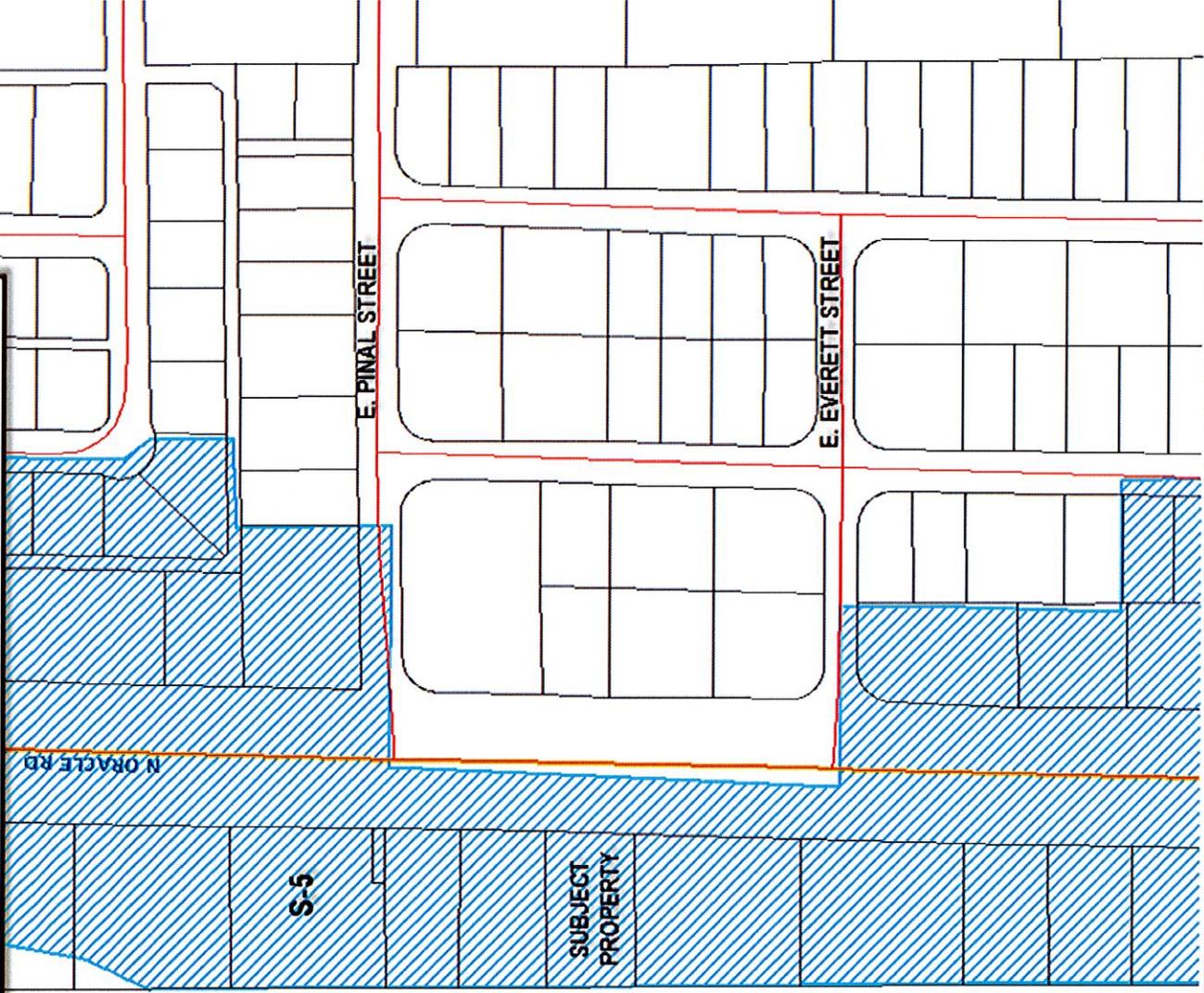
Multifunctional Corridor (MFC) Comprehensive Plan Designation

Multifunctional Corridor

'MFC' on the Land Use Plan Maps

- a. Purpose: To designate areas for the integrated development of complementary uses along major transportation corridors.
- b. Objective: These areas contain commercial and other non-residential use services and high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 44 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 6 RAC
 - 2) Maximum – 18 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) TH Trailer Homesite Zone
 - 3) CR-3 Single Residence Zone
 - 4) CR-4 Mixed-Dwelling Type Zone
 - 5) CR-5 Multiple Residence Zone
 - 6) TR Transitional Zone
 - 7) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 8) MR Major Resort Zone
 - 9) CB-1 Local Business Zone
 - 10) CB-2 General Business Zone
 - 11) CPI Campus Park Industrial Zone

**PIMA COUNTY COMPREHENSIVE PLAN
SPECIAL AREA POLICY S-5 ORACLE CORRIDOR/NORTHERN GATEWAY (NW)**



Comprehensive Plan Special Area Policy S-5

S-5 Oracle Corridor / Northern Gateway (NW) [2-07]

General location

Along both sides of N. Oracle Road in the community of Catalina, in Sections 4 and 16 of Township 11 South, Range 14 East, and Sections 25 and 36 of Township 12 South, Range 13 East.

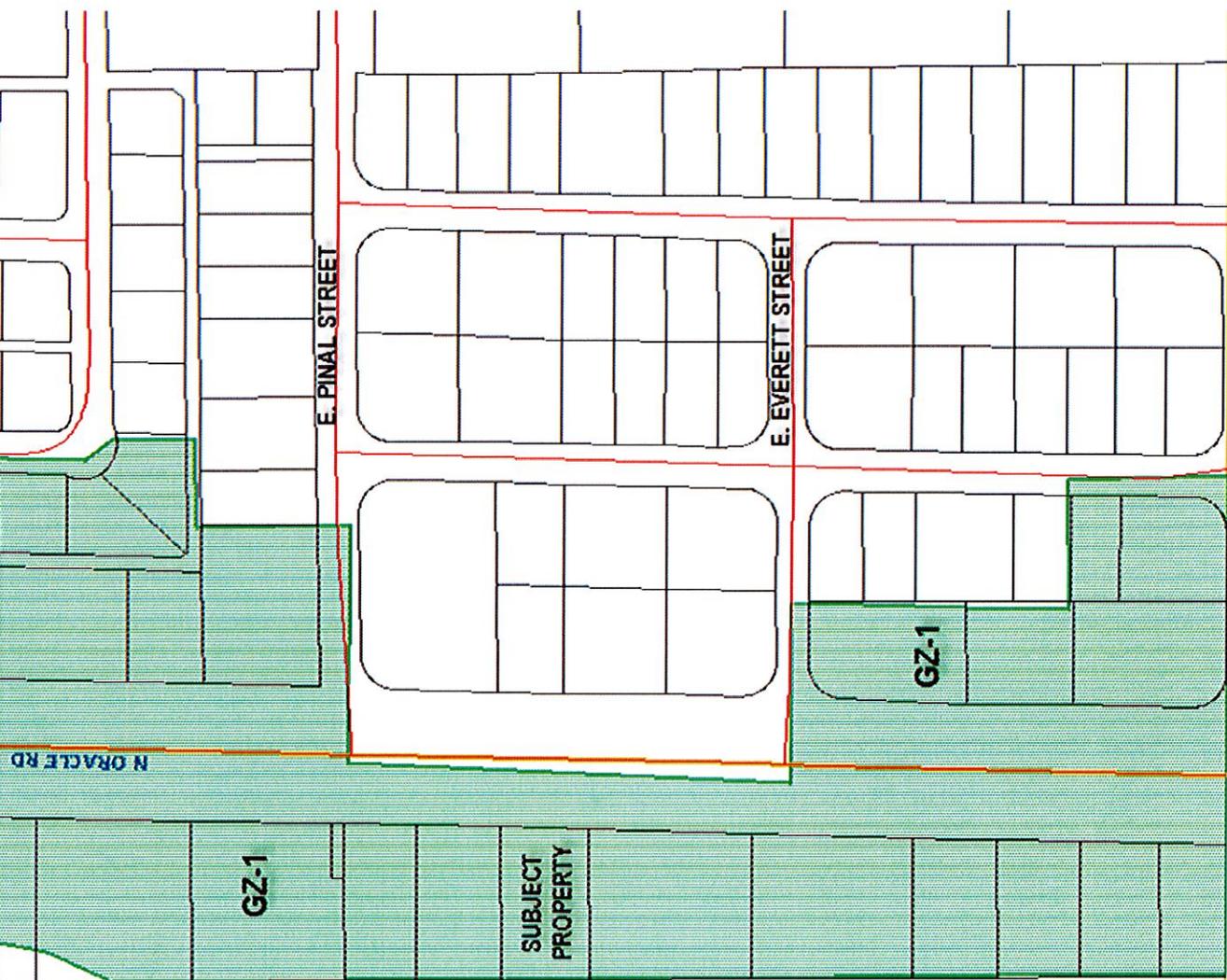
Description

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

Policies

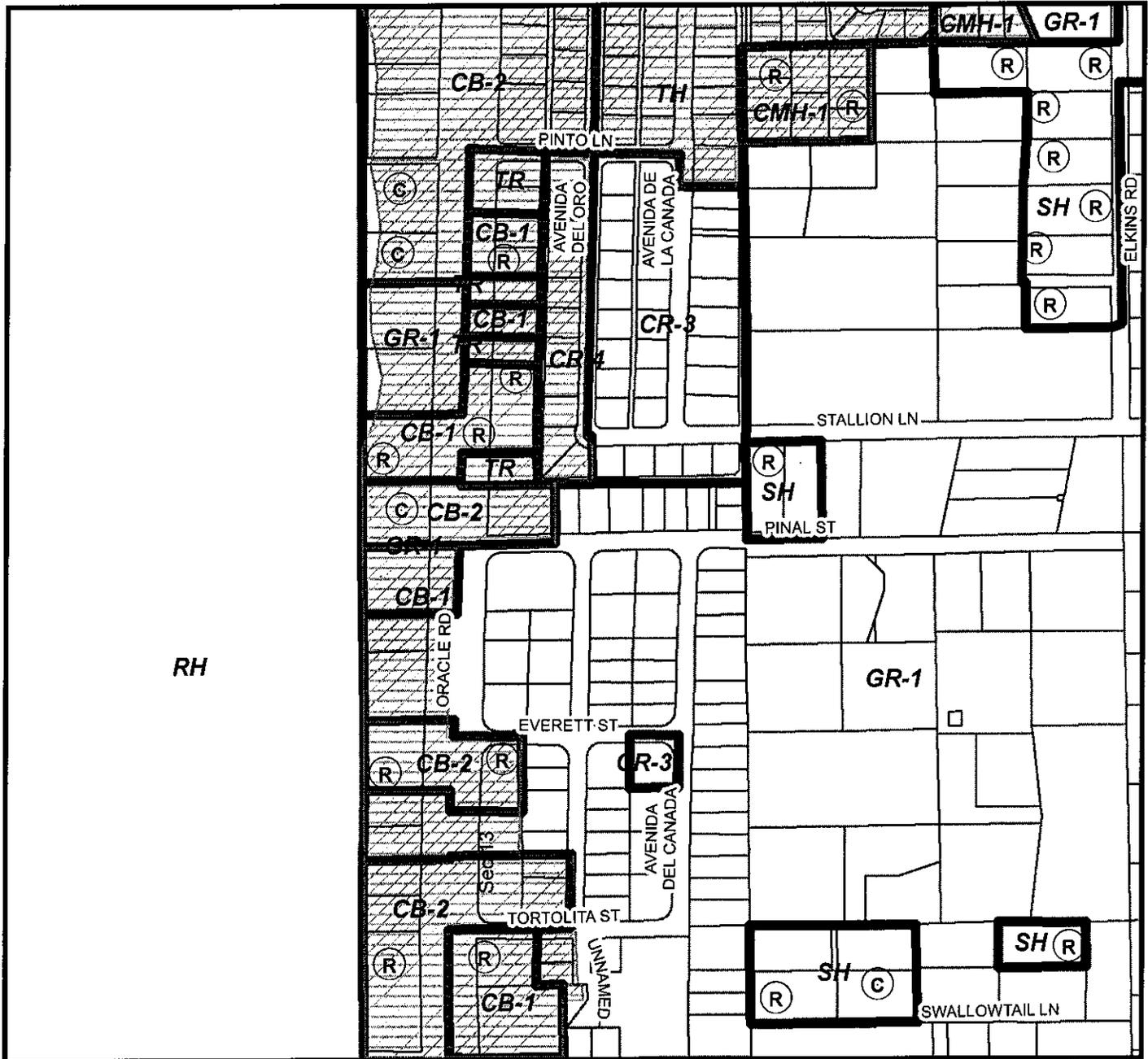
- A. Visibility of development within this area of Oracle Road shall be of low profile. No greater than 24 feet of building height shall be visible from Oracle Road.
- B. Parcels adjacent to one another but of different owners shall share access and signage in order to minimize curb cuts and minimize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

**URBAN GATEWAY OVERLAY ZONE
(GZ-1)**



Case #: Co9-14-013 TOMBO51 LLC - NORTH ORACLE ROAD REZONING

Tax Code(s): 222-18-0200



0 220 440 880 Feet

Area of proposed rezoning from SR (GZ-1) to CB-2 (GZ-1)



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:
Ref: Co7-00-20 Pima County Comprehensive Plan Amendment

Planning & Zoning Commission Hearing: 11/26/14 Board of Supervisors Hearing: 01/??/15 (projected)

Base Map(s): 519

Map Scale: 1:6,000

Map Date: 10/27/2014





DATE: September 23, 2014

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

TO: David Petersen, DSD
Senior Planner

SUBJECT: Co9-14-13 TOMBO51 – Oracle Rd Rezoning

The Regional Flood Control District (District) has reviewed the application and has the following comments:

1. The site is not impacted by FEMA or locally mapped floodplains or Pima County Regulated Riparian Habitat.
2. No drainage complaints have been filed against the property.
3. No Preliminary Integrated Water Management Plan or Water Resources Impact Analysis (WRIA) is required as the site is less than 5 acres.
4. The PDP shows that the building is to be placed at least in part on fill where a natural drainage occurs along the north western edge the parcel at the very top of the slope leading down to the Big Wash geologic floodplain. Water harvesting features including first flush retention could help alleviate potential erosion issues at the outfall above the wash. Similarly situated parcels west of oracle have experienced erosion and trash accumulation problems due to the steep drop offs immediately downstream of the sites. The PDP indicates rip rap but the detail is unclear and we do not know if this will accomplish erosion protection. At the time of development erosion protection may be required.

The District has found that the project meets concurrency requirements and has no objection subject to the following condition:

- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.

If you have any questions regarding these comments, please contact me at 724-4600.

GS/sm

cc: File



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: September 17, 2014

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: David Petersen, Senior Planner

SUBJECT: Rezoning Request for your review and comments
Case: Co9-14-13 TOMBO 51, LLC – N. Oracle Road Rezoning

USFWS

Reviewer: Scott Richardson

Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745

Phone: (520) 670-6144 x 242

E-mail: scott_Richardson@fws.gov

XX No Concerns relating to the subject property

Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

None anticipated.



Intermodal Transportation

Janice K. Brewer, Governor

John S. Halikowski, Director

Jennifer Toth, State Engineer

Robert Samour, Senior Deputy State Engineer, Operations

Dallas Hammit, Senior Deputy State Engineer, Development

Arizona Department of Transportation
Southern Regional Traffic Engineering
1221 S. 2nd Ave.
Tucson, AZ 85713

October 7, 2014

Mr. David Petersen, Sr. Planner
Pima County Development Services
201 N. Stone Ave., Second Floor
Tucson, AZ 85701

Subject: Property located on the west side of State Route (SR) 77 (Oracle Road), approx. 230 feet south of Pinal Street - Rezoning Request

Case No: Co9-14-13 TOMBO51, LLC – N. Oracle Road Rezoning

Dear Mr. Petersen:

We have reviewed your submittal for the proposed rezoning from GR-1 (Rural Residential) to CB-2 (General Business) of property located on the west side of Oracle Road approx. 230 feet south of Pinal Street in the community of Catalina (Case No. Co9-14-13). The Arizona Department of Transportation (ADOT) has "No Comment" regarding the requested rezoning.

ADOT requires the developer of this parcel to provide a Traffic Impact Statement (TIS) for the proposed use of the site (retail store). For the proposed access on Oracle Road, ADOT recommends a "Joint-Use Driveway" with the adjacent property to the south.

Joint-Use Driveways are desirable for landowners of adjacent properties. Therefore, the site access on Oracle Road shall be a 35-foot "Joint-Use Driveway" with depressed curb to be located at or near the southern boundary of the subject property. The "Joint-Use Driveway" will require a formal agreement between the subject property owner and the adjacent property owner to the south regarding joint-use and location of the driveway on Oracle Road. The "Joint-Use Agreement" shall be signed by all parties involved and must be recorded in the Pima County Recorder's Office.

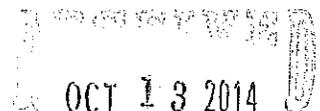
We appreciate the opportunity to review the proposed rezoning.

Sincerely,

Maria Deal

Transportation Engineering Specialist

C: Scott Beck, P.E., Southern Regional Traffic Engineer, ADOT
Steve Mishler, P.E., Tucson District Development Engineer, ADOT
Sylvia Hanna, Tucson District Permits Supervisor, ADOT



RECEIVED
SEP 16 2014

Co9- 14-13

BY:

PIMA COUNTY
REZONING IMPACT STATEMENT

Please answer the following questions **completely**; required hearings may be delayed if an adequate description of the proposed development is not provided. Staff will use the information to evaluate the proposed rezoning. Additional information may be provided on a separate sheet.

NAME (print) JEROME A. STANLEY

NAME OF FIRM (if any) JAS ENGINEERING

INTEREST IN PROPERTY AGENT (ENGINEER)

SIGNATURE [Signature] DATE 9-12-14

A. PROPOSED LAND USE

1. Describe the proposed use of the property.

RETAIL STORE

2. State why this use is needed.

MARKET RESEARCH REVEALED THAT THIS IS A GOOD LOCATION.

3. If the proposed use is residential, how many **total residential units** would there be on the property to be rezoned? Will these be detached site-built homes, manufactured homes, or another type?

Total units: N/A Type: _____

4. Will the subject property be split into additional lots? YES NO (circle one)

5. How many **total lots** are proposed to be on the property to be rezoned, and what size in acres will each lot be?

1 LOT - 0.65 ac

6. If more than **one** lot would be created by this rezoning, how will all-weather access be provided to these lots from a dedicated public road? (e.g. direct access, existing easement, new easement, etc.)

N/A

7. What is the maximum proposed building height?

18 feet and 1 stories

8. Provide an estimate of when proposed development will be started and completed.

Starting date: Aug 2014 Completion date: Feb, 2015 → Aug 1, 2015

9. If the proposed development is commercial or industrial:

a. How many employees are anticipated? 12

b. How many parking spaces will be provided? 25

c. What are the expected hours of operation? 8 AM - 8 PM

- d. Will a separate loading area be provided? YES
 e. Approximate size of building (sq. feet)? 6800

10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyards are required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

BUFFERYARD "D" (EAST & SOUTH) BUFFERYARD "D" TO WEST

- b. Describe the buffer choice that would be provided (e.g.: buffer width, use of walls, or type of plant material) to meet the Code requirement. Refer to Chapter 18.73 of the Zoning Code.

10' TO SOUTH AND WEST. 20' ALONG ORANGE RD R/W. 30" WALL ALONG R/W. PLANTS ARE PER BUFFERYARD OVERLAY ZONE (GATEWAY)

11. If the proposed development is an industrial project, state the industrial wastes that will be produced and how they will be disposed of. (Discuss the means of disposal with the Wastewater Management Department at 740-6500 or the Department of Environmental Quality at 740-3340.)

N/A

B. SITE CONDITIONS - EXISTING AND PROPOSED

1. Are there existing uses on the site? YES NO

a. If yes, describe the use, stating the number and type of dwelling unit, business, etc.

b. If no, is the property undisturbed, or are there areas that have been graded?

SOME GRADED AREA

2. If the proposed rezoning is approved, will the existing use be removed, altered, or remain as is?

THERE IS NO EXISTING USE.

3. Are there any existing utility easements on the subject property? YES NO

If yes, state their type and width, and show their location on the sketch plan.

5' WIDE UTILIM EASMT ALONG WEST BOUNDARY
IT IS SHOWN ON THE SKETCH PLAN.

4. Describe the overall topography of the subject property, and note whether any slopes of greater than 15% are present on the property. Note any rock outcropping or unusual landforms or features.

THE SITE IS RELATIVELY FLAT. SOME SLOPES EXIST ALONG WEST BOUNDARY NO ROCK OUTCROPS.

5. Note any areas of heavy vegetation on the sketch plan and describe its type and general density.

N/A

6. Conservation Land System (CLS):

a. Is the subject property within the MMB Conservation Land System (see Attachment A)?

Yes

No

b. If so, which of the following does the subject property fall within, and if more than one, provide the approximate percentage of the site within each?

Important Riparian area, Biological Core, Multiple Use, Special Species Management area, or Recovery Management area, or Existing Development within the CLS.

7. How has the plan for the rezoning met the conservation standard for the applicable category area?

N/A

8. Are there any natural drainageways (washes) on the subject property? YES NO
If yes, state whether these natural drainage patterns would be altered by the proposed development, and what type of alteration is proposed.

(NOTE: For information regarding flood control requirements, call the Regional Flood Control District, 243-1800.)

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? 0.6 Acres, or 93 percent of the land area. How much of this area is currently graded? 50%

10. Describe any revegetation proposal in areas where development would require removal of natural vegetation.

VEGETATION WILL BE WITHIN BUFFER YARDS AND AMENITY LANDSCAPE AREAS.

N/A 11. For rezonings larger than 3.3 acres (144,000 square feet) or for more than one residential unit per 3.3 acres:

a. Is the subject property elevation less than 4,000 feet?

NO YES

b. Are there any saguaros on the subject property that are eight feet or taller or that contain a woodpecker cavity? If yes, how many?

NO YES Number: Over 8 feet: _____ under 8 feet with cavity: _____

c. Are there any mesquite trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: _____

N/A

d. Are there any Palo Verde trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: _____

e. Are there any ironwood trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: _____

f. Have any Cactus Ferruginous Pygmy Owls been found on the subject property or within 1,500 feet of the proposed development project as a result of an Owl Habitat Survey?

- ___ 1) No survey has been done.
- ___ 2) No owls were found as a result of a survey performed on _____ (date).
- ___ 3) ___ (Number of) owls were found as a result of a survey performed on _____ (date).

11. Will a septic system or public sewer be used for the proposed development?

SEPTIC SEWER

If septic is to be used, state whether one currently exists on the property and, if so, whether additions to that system will be needed for this development. (NOTE: For information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

12. How will water be supplied to the property? If a water company, state which one.

TUCSON WATER - A LINE EXTENSION IS NEEDED.

C. SURROUNDING LAND USE

Describe in detail adjacent and nearby existing land uses within approximately 500 feet of the subject property in all directions.

NORTH: FUTURE RETAIL, VACANT LAND, CLOSED GAS STATION

SOUTH: VACANT (RESIDENTIAL WAS LAST USE), COMMERCIAL

EAST: OWALLE ROAD, COMMERCIAL

WEST: STATE LAND

JAS ENGINEERING

Jeffrey A. Stanley, P.E.
P.O. Box 1888
Tucson, Arizona 85702
Telephone (520) 390-7920
stanley19263@msn.com

November 5, 2014

David Petersen, AICP
Senior Planner
Planning Division
Pima County Development Services
201 North Stone Avenue
Tucson, Arizona 85702

Re: Co9-14-013 Oracle Road Rezoning
HDZ Impact

Dear David:

I have checked our site plan and concur that there are some fifteen percent (15%) or greater slopes on the west side of the project. I believe that we will fall into the Incidental Encroachment category for this project because we will impact less than 1000 square feet of the slope area and the project is a "Development Category 1" as shown in the Grading Requirements Table 18.61.054-1.

Sincerely,



Jeffrey A. Stanley, P.E.

Arizona Corporation Commission
 State of Arizona Public Access System

08/26/2014

2:24 PM

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Scanned Documents Amendments

Corporate Inquiry	
File Number: L-1770412-1	Check Corporate Status
Corp. Name: TOMBO51, LLC	

Domestic Address

4122 E GRANT RD
TUCSON, AZ 85712

Statutory Agent Information

Agent Name: THOMAS LECHNER
Agent Mailing/Physical Address:
5301 E STARHAVEN LN
TUCSON, AZ 85739
Agent Status: APPOINTED 06/20/2012
Agent Last Updated: 05/07/2014

Additional Corporate Information

Corporation Type: DOMESTIC L.L.C.	Business Type:
Incorporation Date: 06/20/2012	Corporate Life Period: PERPETUAL
Domicile: ARIZONA	County: PIMA
Approval Date: 09/12/2012	Original Publish Date:

Manager/Member Information

CHRISTOPHER B LECHNER MANAGER 7450 W INA RD TUCSON, AZ 85743 Date of Taking Office: 05/13/2014 Last Updated: 05/19/2014	DAVID LECHNER MANAGER 4551 E CAMINO DR OESTE TUCSON, AZ 85745 Date of Taking Office: 05/13/2014 Last Updated: 05/19/2014
THOMAS LECHNER	THOMAS LECHNER

MANAGER 4122 E GRANT RD TUCSON,AZ 85712 Date of Taking Office: 08/06/2002 Last Updated: 05/13/2013	MEMBER 5301 E STARHAVEN LANE TUCSON,AZ 85739 Date of Taking Office: 05/13/2014 Last Updated: 05/19/2014
DAVID LECHNER MEMBER 4551 N CAMINO DE OESTE TUCSON,AZ 85745 Date of Taking Office: 05/13/2014 Last Updated: 05/19/2014	CHRISTOPHER B LECHNER MEMBER 7450 W INA RD TUCSON,AZ 85743 Date of Taking Office: 05/13/2014 Last Updated: 05/19/2014

Scanned Documents

(Click on gray button - if present - to view document - will open in a new window.)

(If gray button is not present, please check back later.)

Document Number	Description	Date Received
03971397	ARTICLES OF ORGANIZATION	08/06/2012
04658699	AMENDMENT	05/16/2014

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Amendments

Amendment Date	Amendment Type	Publish Date	Publish Exception
05/13/2014	AMENDMENT		WAIVE

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JAS ENGINEERING

Jeffrey A. Stanley, P.E.
P.O. Box 1888
Tucson, Arizona 85702
Telephone (520) 390-7920

August 20, 2014

Environmental Planning
Pima County Development Services
201 North Stone Avenue
Tucson, Arizona 85701
VISTA LAS CATALINAS NO 1 /LOT 3 BLK A/

APPLICANT INFORMATION & SITE DESCRIPTION:

SITE:
REZONING CASE NUMBER - Co9-
PARCEL 222-18-0200
13629 NORTH ORACLE ROAD
VISTA LAS CATALINAS NO 1/LOT 3 BLOCK A
0.65 AC SEC 4-11-14

OWNER:
TOMBO51, LLC
4122 EAST GRANT ROAD
TUCSON, AZ 85712
ATTN: TOM LECHNER
(520) – 888-1212

APPLICANT:
JAS ENGINEERING
PO BOX 1888
TUCSON, ARIZONA 85702
ATTN: JEFFREY A. STANLEY
(520) 390-7920

**Re: Request for a Rezoning
Biological Impact Report**

To Whom It May Concern:

This letter is meant as a Biological Impact Report for the referenced project site. The following items were compiled based on the handout that was received at Pima County Development Services.

Landscape Resources

1. The site is outside of the Multiple Use Management Areas Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
2. The proposed project is not in the vicinity of any of the six general areas identified as Critical Landscape Linkages
3. The site is not identified as Habitat Protection Priority or Community Open Space Property for potential acquisition by Pima County.

Species Specific Information (including Pertinent Federally Threatened and Endangered Species

Cactus Ferruginous Pygmy-Owl:

1. The site is outside of the Priority Conservation Area for the cactus ferruginous pygmy-owl.
2. The site has not been surveyed for pygmy-owls. No surveys are currently planned for the future.

Western Burrowing Owl:

1. The site is outside of the Priority Conservation Area for the western burrowing owl.
2. The site has not been surveyed for western burrowing owls. No surveys are currently planned for the future.

Pima Pineapple Cactus

1. The site is outside of the Priority Conservation Area for the Federally-endangered Pima pineapple cactus.
2. No pineapple cacti have been found onsite.

3. The site has not been surveyed for Pima pineapple cactus. No surveys are currently planned for the future.

Needle-Spined Pineapple Cactus

1. The site is outside of the Priority Conservation Area for the Federally-endangered Pima Needle-Spined Pineapple Cactus.
2. No Needle-Spined Pineapple Cactus has been found onsite.
3. The site has not been surveyed for Needle-Spined Pineapple Cactus. No surveys are currently planned for the future.

This concludes the biological impact report. If you have any questions or need additional information please call me at 390-7920. I can also be reached by e-mail at stanley19263@msn.com

Sincerely,

Jeffrey A. Stanley, P.E.



EXPIRES 6-30-2014

ORACLE ROAD PARCELS 222-18-0180 &
222-18-0190 VISTA LAS CATALINAS NO 1
LOTS 1 & 2 BLK A LOCATED IN
SEC 4 T11S R14E G&SRB&M
PIMA COUNTY, ARIZONA

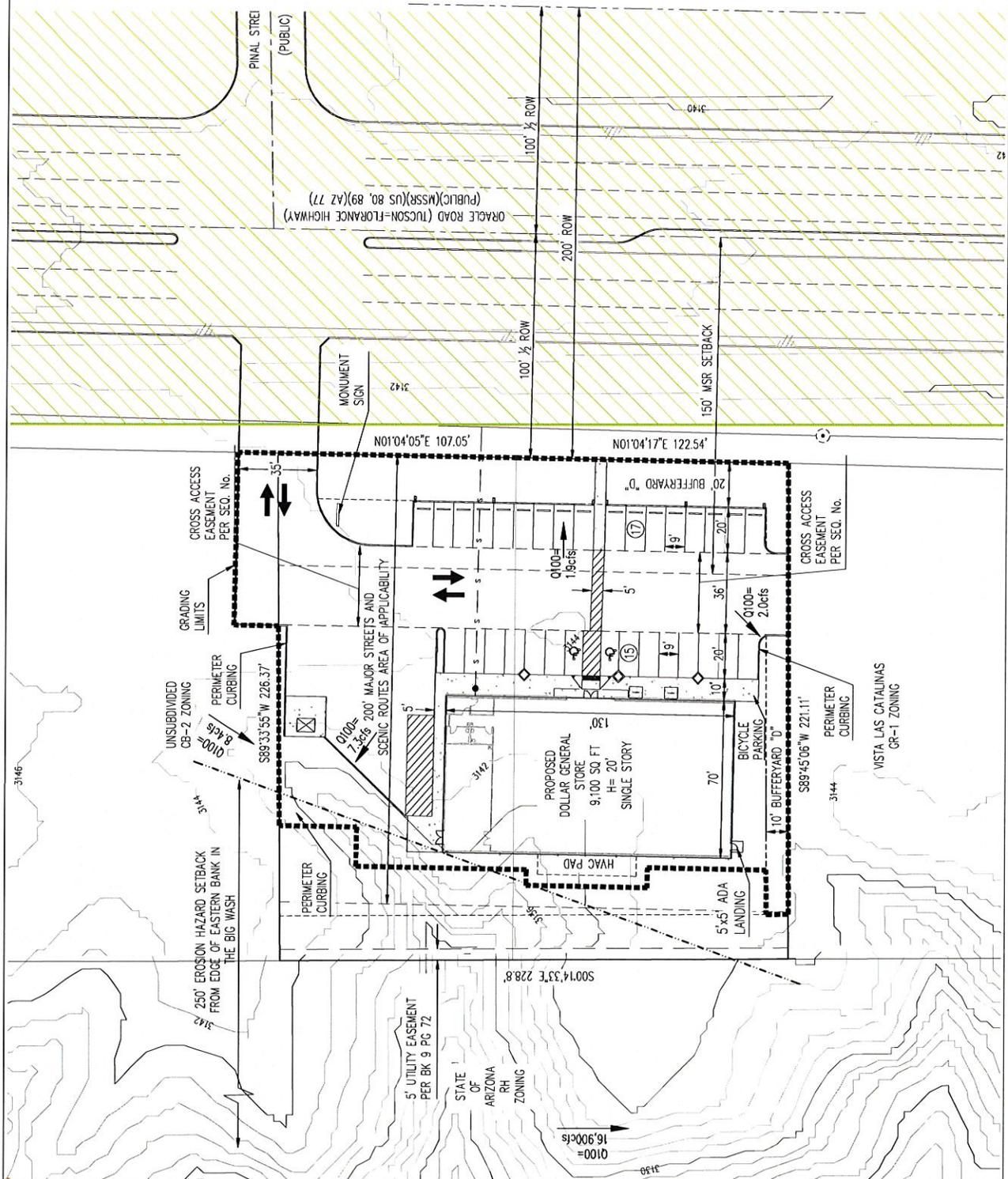
EXHIBIT II-B.1 PRELIMINARY DEVELOPMENT PLAN

ENGINEERING
PO BOX 1888
TUCSON, ARIZONA 85702
(520) 390-7329
FAX (520) 485-4804

SCALE: 1"=20'
COMMERCIAL USE:
SINGLE STORY

LEGEND	
---	PROPERTY LINE
---	SETBACK LINE
---	EASEMENT LINE
---	BUFFERYARD LINE
---	ROW LINE
---	CENTERLINE
---	GRADING LIMITS
---	EROSION HAZARD SETBACK LINE
---	EXISTING PUBLIC SEWER LINE
---	NEW SEWER LINE
3142	2' CONTOUR ELEVATIONS
---	EXISTING EDGE OF PAVEMENT
17	NUMBER OF PARKING SPACES
---	STRIPED WALKWAY
---	RIPRAP
---	CONCRETE
---	BASIN MANAGEMENT STUDY AREA 27 MILE WASH FLOODPLAIN DELINEATION STUDY, STUDY #22
DATED 8/7/1992	

PARKING CALCULATION
3.5 SPACES/1000
(9,100/1,000) x 3.5 = 32



*Co9-14-02 Preliminary Development Plan
(Property to north of subject property)*