

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

HEARING October 29, 2014

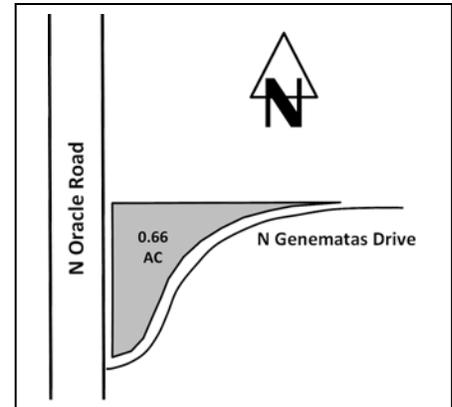
DISTRICT 1

CASE Co9-00-12 Read – Oracle Road Rezoning

REQUEST Modification (substantial change)
of rezoning condition (#10) to allow
limited additional uses on the site

OWNER T. Read Holdings, LLC (Tamara Read)
5185 N. Genematas Drive
Tucson, AZ 85704

AGENT Bruce Read
7389 N. Camino Sin Vacas
Tucson, AZ 85718



APPLICANT'S REQUEST

The applicant requests **modification (substantial change)** of rezoning condition #10, which states:

“Adherence to the revised sketch plan as approved at public hearing, including depicted augmentation of natural areas. Uses are restricted to tea room, café which is comparable in type, scale and intensity, or a single detached residence. Any further change in use is a substantial change which first shall require a Comprehensive Plan amendment to Neighborhood Activity Center.”

The applicant wishes to broaden uses allowed on the site, to the limited retail / commercial uses approved per Comprehensive Plan amendment (Co7-14-05) rezoning policy at Board of Supervisors hearing on September 16, 2014.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the modification (substantial change) of rezoning condition #10 and a minor modification to rezoning condition #11 to remove specific reference to the tea room structure on the site, as follows:

10. Commercial uses on the site will be restricted to the following: tea room / café; apparel store; art gallery or store; beauty shop / salon; florist shop; gift, curio or novelty shop; interior decorator; jewelry store; business, professional or semi-professional office; or, Pilates / yoga studio. Any other uses on the site will require, at a minimum, a public hearing before the Board of Supervisors. ~~Adherence to the revised sketch plan as approved at public hearing, including depicted augmentation of natural areas. Uses are restricted to a tea room, café which is comparable in type, scale and intensity, or a single detached~~

~~residence. Any further change in use is a substantial change which first shall require a Comprehensive Plan amendment to Neighborhood Activity Center.~~

11. The ~~tea room~~ building shall maintain a residential appearance. The proposed project shall be reviewed and approved by the Design Review Committee relative to building material, colors, and architectural design, project layout including location and screening of trash receptacles, landscaping, and all aspects of signage.

COMPREHENSIVE PLAN

The applicant requested a Comprehensive Plan amendment on the site in 1998 (Co7-98-08) from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC), to be followed by a rezoning from CR-1 Single Residence Zone to CB-1 Local Business Zone to open a tea room. Rather than amend the land use designation on the site, the Board of Supervisors approved a policy to allow rezoning of the site to CB-1 under MIU for a tea room only. A condition of the subsequent CB-1 rezoning states that any other uses on the site would require a Comprehensive Plan amendment to change the land use from MIU to NAC.

The applicant is considering expanding uses on the site, and has requested the required Comprehensive Plan amendment of the land use designation on the site from MIU to NAC. The amendment (Co7-14-05) was approved by the Board of Supervisors in September 2014 with a new rezoning policy that restricts uses on the site.

The subject property is also subject to Special Area Policy S-2 Catalina Foothills, which limits the height of structures to 24 feet.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM

The subject property is outside of the MMBCLS.

SURROUNDING LAND USES / GENERAL CHARACTER

North:	CR-4 Mixed-Dwelling Zone	Undeveloped land,
	CR-5 Multiple Residence Zone	Catalina Foothills Lodge
South:	O-3 Office Zone (City of Tucson)	Undeveloped land
East:	O-3 Office Zone (City of Tucson)	Undeveloped land
	CR-1 Single Residence Zone	Single-family residential
West:	TR Transitional Zone	Office /
	C-1 Commercial Zone (City of Tucson)	Commercial

The subject property is located in a region of commercial, retail, office and high-density residential uses along Oracle Road, and medium- to low-density residential development further from Oracle Road. The site abuts properties to the north and east which are part of the Oracle Foothills Estates #2 subdivision, which was platted in 1949.

PREVIOUS REZONING CASES ON PROPERTY

The property was rezoned from CR-1 to CB-1 in 2000 (Co9-00-12). Rezoning Condition #10 states, in part: "Uses are restricted to tea room, café which is comparable in type, scale and intensity, or a single detached residence. Any further change in use is a substantial change which first shall require a Comprehensive Plan amendment to Neighborhood Activity Center." The applicant is requesting a modification of this condition to allow additional commercial or retail uses on the site.

PREVIOUS REZONING CASES IN GENERAL AREA

The Oracle Foothills Estates subdivision is also covered under the Catalina Foothills Zoning Plan (Co13-59-04). Areas immediately north of the site were rezoned to CB-1 and CR-4 in 1954; the site of the Catalina Foothills Lodge was rezoned to CR-5 in 1963.

PLANNING REPORT

The subject property is located at the northeast corner of the intersection of N. Oracle Road and N. Genematas Drive, about a quarter-mile north of the intersection of Oracle and River Roads. The site is two adjoining parcels (105-03-006C and -006D) that equal about 0.66 acres in area. The current use on the site is the Chantilly Tea Room.

The applicant's request is for a modification (substantial change) of rezoning condition #10. The applicant is proposing new uses on the subject property; the structure, parking and other site elements would remain unchanged. The required Comprehensive Plan amendment (Co7-14-05) to amend the land use designation on the site to NAC included the following rezoning policy to address changes in use: "Commercial uses on the site will be restricted to the following: tea room / café; apparel store; art gallery or store; beauty shop / salon; florist shop; gift, curio or novelty shop; interior decorator; jewelry store; business, professional or semi-professional office; or, Pilates / yoga studio. Any other uses on the site will require, at a minimum, a public hearing before the Board of Supervisors." Staff also recommends a minor change to rezoning condition #11 to remove reference to the tea room building specifically.

The applicant coordinated with the adjacent Oracle Foothills Neighborhood Association for the Comprehensive Plan amendment process to generate a list of mutually-agreeable commercial / retail uses for the site. The neighbors' main concern regarding the tea room has been traffic generated by special events on-site. The expanded uses are of similar or less intensity than the existing tea room, may change peak hours of business, and will likely not generate the same event-driven traffic, with a few possible exceptions (e.g., art opening, special yoga class). Also, the additional uses may provide services to the adjacent neighborhood and increase the marketability of the property.

CONCURRENCY CONSIDERATIONS		
<i>Department</i>	<i>Concurrency Considerations Met:</i>	<i>Other Comments</i>
Flood Control	n/a	
Transportation	yes	

CONCURRENCY CONSIDERATIONS		
Wastewater	n/a	Site on septic system
Parks and Recreation	n/a	

REGIONAL FLOOD CONTROL DISTRICT

The District reviewed the proposed modification of rezoning condition and has no comment or concerns.

TRANSPORTATION DEPARTMENT

Oracle Road (State Hwy 77) is a paved six-lane urban principal arterial with a 200-foot existing right-of-way, maintained by the Arizona Department of Transportation. The Pima County Major Streets and Scenic Routes Plan has designated Oracle Road a Scenic Major Route. Oracle Road has a 150-foot building setback from the centerline of Oracle Road, per Pima County Zoning Code (Table 18.77.030). The current traffic count on Oracle Road is 39,500 ADT (2009) and full capacity is 59,900 ADT. Pima Association of Governments forecasts a future volume of 45,525 ADT on Oracle Road by 2040.

Genematas Drive is a paved two-lane county-maintained road. Traffic counts are unknown on Genematas although they are estimated to be low due to the low density development east of the subject property.

Generally, proposed uses would likely not generate more traffic than the existing tea room. Trip generation for the proposed uses vary but can typically be categorized as office uses generating approximately 10-15 ADT per 1,000 square feet; retail uses generating approximately 20-50 ADT per 1,000 square feet; or, restaurants (no drive-through) generating about 80-150 ADT per 1,000 square feet. Of the existing and proposed uses, the café (current use) would generate the most traffic. The applicant is not requesting to change the access at this time.

The Department of Transportation does not object to this rezoning condition modification request and does not request any changes to the previously approved transportation conditions.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT

The Department notes that the property is currently served by a septic system and no connection to the private sewer is proposed. The Department has no objection to the requested modification of the rezoning condition.

NATURAL RESOURCES, PARKS and RECREATION DEPARTMENT

The Department reviewed the proposed modification of rezoning condition and has no comment or objection.

CULTURAL RESOURCES and HISTORIC PROTECTION DIVISION

The Division reviewed county cultural resources records for Comprehensive Plan amendment case Co7-14-05. The subject parcels have not been surveyed for cultural resources, but no archaeological or historic sites are recorded within the property. With the exception of one known site discovered along the Oracle Road alignment during recent surveys, no other sites are known in the area. The Sonoran Desert Conservation Plan identifies this area to have low archaeological sensitivity, in spite of the relative proximity to the Rillito River, approximately ½ mile to the south. The site is fully developed with an existing building and paved parking, and requested uses will not affect cultural resources because no ground-disturbing actions are required and no modifications resulting in adverse visual effect are proposed. The Office of Sustainability and Conservation has no objection to the proposed changes in use on the property.

ARIZONA DEPARTMENT OF TRANSPORTATION

The Arizona Department of Transportation (ADOT) states that the potential change in use on the site will not generate a significant number of additional trips to and from the site. Since no change in the existing building, on-site parking, access and other site features is anticipated, the potential change in use should not adversely affect traffic operations at the Oracle Road / Genematas Drive or Oracle Road / River Road intersections. ADOT requests that the subject property have no direct access onto Oracle Road, and that ingress and egress be from Genematas Drive. Additionally, it will be the responsibility of the developer to meet requirements for improvements within ADOT right-of-way as a result of any change in use of the site, including improvements at the Oracle Road / Genematas Drive intersection and improvements to existing drainage facilities.

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department has no comment or objection regarding the request.

CITY OF TUCSON

The City Planning Department has no comment or objection regarding the request.

NORTHWEST FIRE DISTRICT

The District has no comment or objection regarding the request.

PUBLIC COMMENT

Staff has received no public comments regarding the rezoning condition modification.

Respectfully submitted,



Mark Holden
Senior Planner



Co9-00-12 READ — N. ORACLE ROAD REZONING

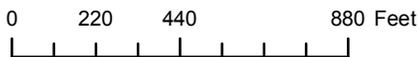
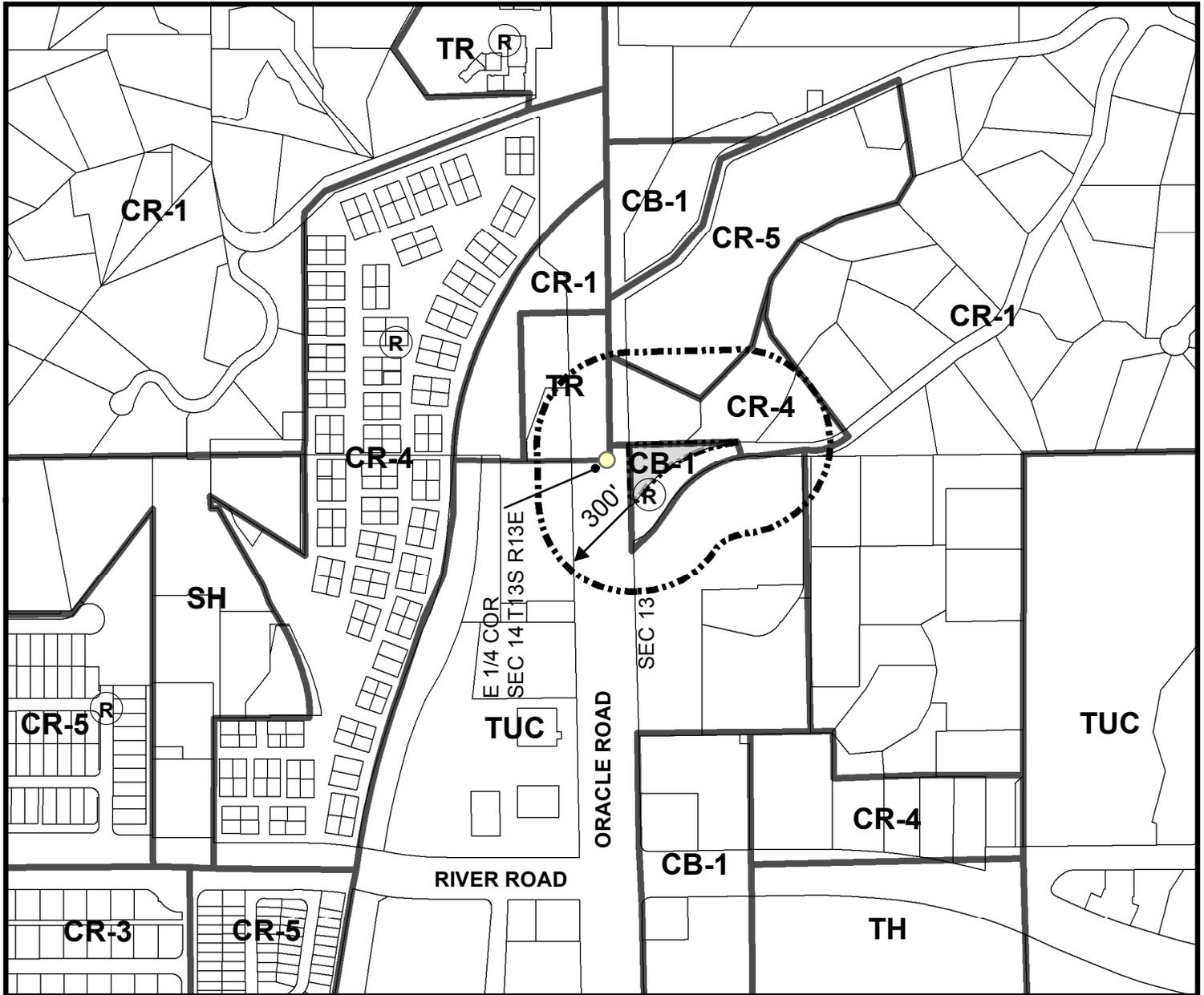
2014

MODIFICATION OF REZONING CONDITIONS (SUBSTANTIAL CHANGE)

Case #: CO9-00-12

Case Name: READ - ORACLE ROAD REZONING

Tax Code(s):105-03-006C & 105-03-006D



Petition Area



Notification Area



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

Notes: MODIFICATION OF REZONING CONDITIONS (SUBSTANTIAL CHANGE)
Ref: Co7-98-08 and Co7-14-05 Comprehensive Plan Amendments

Planning & Zoning Hearing: 10/29/14

Board of Supervisors Hearing: 11/18/14 (scheduled)

Base Map(s): 46

Map Scale: 1:6,000

Map Date:09/29/14



**Co9-00-12 Read - Oracle Road Rezoning
Modification (Substantial Change) of Rezoning Condition**

Comprehensive Plan Land Use Designation

Neighborhood Activity Center ('NAC' on the Land Use Plan Maps)

Purpose: To designate low intensity mixed-use areas designed to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs.

Objective: The center provides commercial services that do not attract vehicle trips from outside the immediate service area. A grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, church, and bank. The center may include a mix of medium density housing types. Neighborhood Activity Centers are generally less than fifteen acres in size.

Comprehensive Plan amendment (Co7-14-05) changed Land Use Designation on site from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC), subject to the following policies:

- A. Commercial uses on the site will be restricted to the following:
- Tea room / café
 - Apparel store
 - Art gallery or store
 - Beauty shop
 - Florist shop
 - Gift, curio or novelty shop
 - Interior decorator
 - Jewelry store
 - Office: business, professional or semi-professional
 - Pilates / yoga studio

Any other uses on the site will require, at a minimum, a public hearing before the Board of Supervisors.

- B. Structures will maintain a residential appearance.
- C. No regular late night (after 10:00 pm) or early morning (midnight to 6:00 am) hours of operation. This does not include use of the site when the business is closed or an occasional special event.
- D. No liquor license.
- E. No amplifiers or public address system will be allowed; no excessive noise or sound beyond the site.
- F. Lighting shall not be directed toward the residential lots.
- G. Dumpsters will be fully screened and located in the parking area.

REQUEST LETTER

TO: Pima County Development Services Dept.- Planning Division

RE: Rezoning Case #Co9-00-12 Read-Oracle Road Rezoning

Property Owner: T. Read Holdings LLC (Tamara J. Read)
7390 E. Valley Lights Place, Tucson, AZ 85750
520-444-1824
520-408-7033 (FAX)

Applicant: Bruce Read
7389 N. Camino Sin Vacas, Tucson, AZ 85718
520-444-1824
520-408-7033 (FAX)

SitusAddress: 5185 N. Genematas Drive, Tucson, AZ 85704
(NE Corner of Oracle & Genematas Dr.- ¼ mile north of River Rd.)

Tax Code No.: 105 03 006C, 105 03 006D

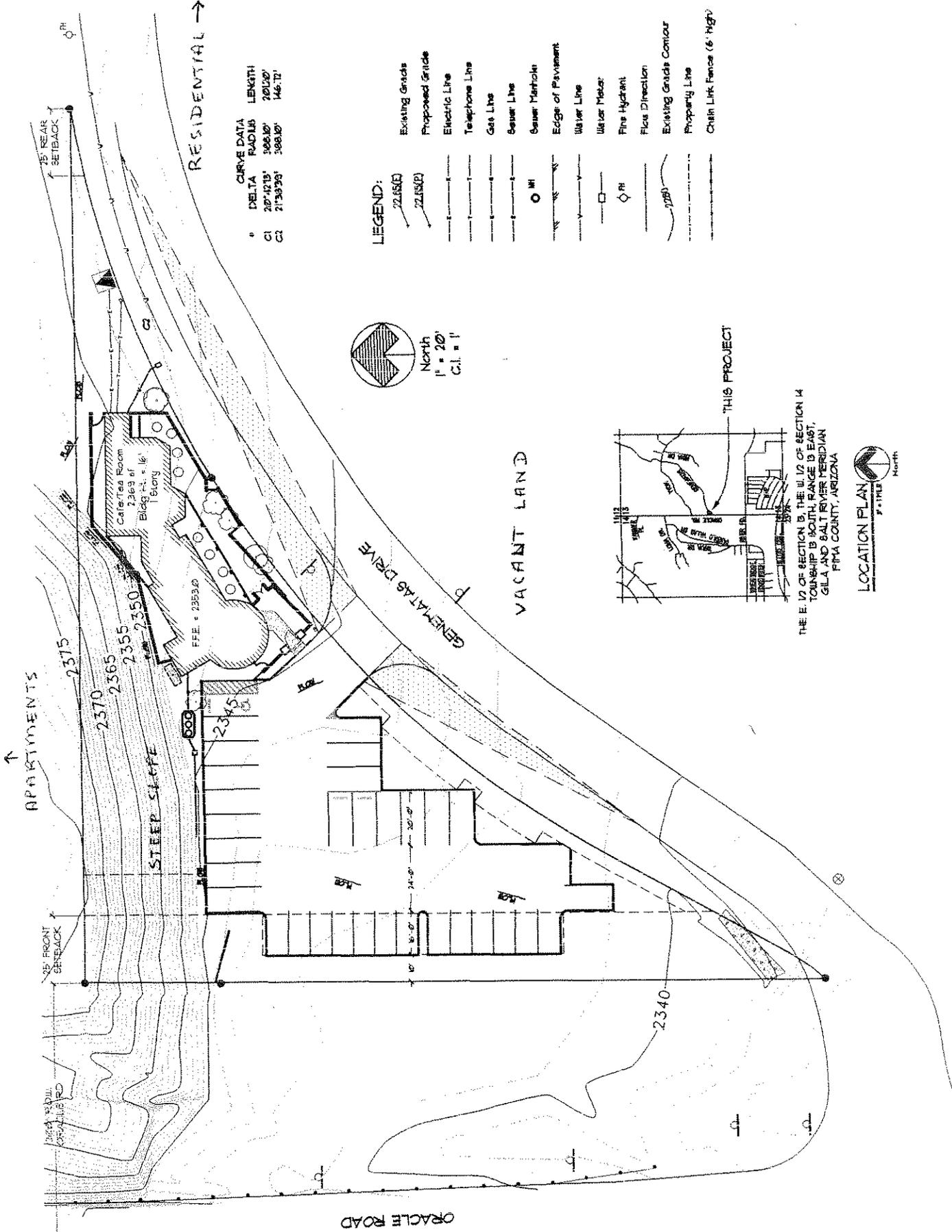
Explanation/
Justification: Applicant/Owner proposes new uses of similar or lower intensity on the site, chosen from CB-1 Local Business Zone Permitted uses, and which have been agreed to by the local Oracle Foothills Neighborhood Association. The request is to modify Rezoning Condition #10, which restricts the use to a tea room or café; adding the limited uses, which have also been approved by the Board of Supervisors at the 9/16/14 hearing, to include:

- *Apparel Store
- *Art gallery or store
- *Beauty Shop/Salon
- *Florist shop
- *Gift, curio or novelty shop
- *Interior decorator
- *Jewelry Store
- *Office: business, professional or semi-professional
- *Pilates/yoga studio

Any further change in use will require, at a minimum, a public hearing before the Board of Supervisors.

Size (total area): 0.66 acres

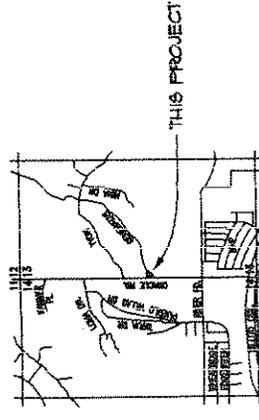
Tamara J Read
9/18/14



DELTA	CURVE DATA	RADIUS	LENGTH
C1	20°42'19"	398.16'	201.02'
C2	21°39'36"	398.16'	146.12'

LEGEND:

- Existing Grads
- Proposed Grads
- Electric Line
- Telephone Line
- Gas Line
- Santer Line
- Santer Manhole
- Edge of Pavement
- Water Line
- Water Meter
- Fire Hydrant
- Flow Direction
- Existing Grads Contour
- Property Line
- Chain Link Fence (6' High)



THE E. 1/2 OF SECTION 15, THE W. 1/2 OF SECTION 14
TOWNSHIP 15 SOUTH, RANGE 15 EAST,
GILA AND SALT RIVER MERIDIAN,
PIMA COUNTY, ARIZONA

LOCATION PLAN
P. 1103
North



PIMA COUNTY
 DEVELOPMENT SERVICES DEPARTMENT
 201 N. Stone Avenue, 2nd Floor
 Tucson, AZ 85702-1207

CARMINE DEBONIS, JR.
 Director

Phone: (520) 740-6800
 FAX: (520) 623-5411

LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and the party whose name is listed below is authorized to apply for a Rezoning/ Variance/ Minor Land Division – Lot Split/ Modification of Setback Requirement (circle one).

5185 N. Genematas DR, TUCSON, AZ 85704 ; 105 03 006 C, 105 03 006 D
 Property Address and/or Tax Code (Where permit is being applied for)

BRUCE READ  9/17/14
 Authorized Agent PRINT/SIGNATURE Date

AUTHORIZED BY:

TAMARA J Read
 Property Owner(s) (Please Print) Date

Tamara J Read 9/17/14
 Property Owner(s) (Signature) Date

ARTICLES OF ORGANIZATION

OF

T. Read Holdings L.L.C.
(An Arizona Limited Liability Company)

ISH
ON

pany name
ontain an
g which may be
imited liability
ompany," "limited
company," or the
abbreviations
"L.L.C.", "L.C.",
"LLC" or "LC". If
you are the holder or
assignee of a
tradename or
trademark, attach
Declaration of
Tradename Holder
form.

ARTICLE 2
May be in care of the
statutory agent.

ARTICLE 3
The statutory agent
address cannot be a
P.O. Box. It must
be a physical address
in Arizona. The
agent must sign the
Articles or provide a
consent to acceptance
of appointment.

ARTICLES 4
Complete this section
only if you desire to
select a date or
occurrence when the
company will
dissolve. If perpetual
duration is desired,
leave this section
blank.

ARTICLE 5.a.
Check which
management structure
will be applicable to
your company.

1. Name. The name of the limited liability company is:
T. Read Holdings L.L.C.
2. Registered Office. The address of the registered office in Arizona is: _____
7390 E. Valley Lights Pl.
Tucson, AZ 85750
located in the County of Pima
3. Statutory Agent. (In Arizona) The name and address of the statutory agent of the company is:
Tamara J. Read
7390 E. Valley Lights Pl.
Tucson, AZ 85750
4. Dissolution. The latest date, if any, on which the limited liability company must dissolve is N/A
- 5.a. Management.
 Management of the limited liability company is vested in a manager or managers. The names and addresses of each person who is a manager AND each member who owns a twenty percent or greater interest in the capital or profits of the limited liability company are:

 Management of the limited liability company is reserved to the members. The names and addresses of each person who is a member are:

BLISH 5.b.
ION

Name: Tamara Read

member manager member manager

Address: 7390 E. Valley Lights Pl.

City, State, Zip: Tucson, AZ 85750

Name: _____
 member manager member manager

Address: _____

City, State, Zip: _____

ARTICLE 5.b.
Depending upon your selection in 5.a., provide the names and address of the managers and members of the organization. Check the applicable title for each person. A member managed company cannot contain a manager or managers.

EXECUTED this 19th day of October, 2000.

Tamara J. Read _____
[Signature] [Signature]

Tamara J. Read _____
[Print Name Here] [Print Name Here]

PHONE _____ FAX _____

The person(s) executing this document need not be member(s) of the company.

Your fax and phone number is optional.

Acceptance of Appointment By Statutory Agent

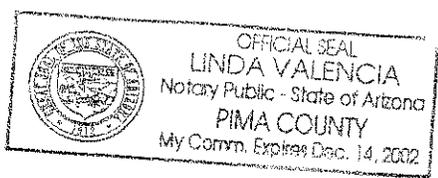
I Tamara Read, having been designated to act as Statutory Agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

Tamara J. Read _____
Signature of Statutory Agent

State of Arizona } ss
County of Pima }

Subscribed and sworn to before me this 19 day of Oct. A.D. 2000 by Tamara J. Read

Linda Valencia
Notary Public





PIMA COUNTY

REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

October 2, 2014

TO: Mark Holden, Senior Planner
Planning Division
Pima County Development Services Department

FROM: *Mirela Hromatka*
Mirela Hromatka, Program Manager
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: **Co9-00-12 Read - Oracle Road Rezoning**
Modification of Rezoning Condition
Tax Parcels #105-03-006C & 006D; 0.66 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a modification of rezoning Condition #10 to allow additional retail uses on the site. The property is located northeast of the Oracle Road and Genematas Drive intersection and is currently served by septic. No connection to the public sewer is proposed.

The PCRWRD has no objection to the requested modification of rezoning condition.

If you wish to discuss the above comment, please contact me at 724-6488.

MH
Copy: Project

September 29, 2014

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

Att: Mark Holden, Senior Planner

Subject: SR 77 (Oracle Road) at Genematas Drive, MP 72.27
Co9-00-12. Read – Oracle Road Rezoning

Dear Mr. Holden:

We have reviewed the application for a modification of Rezoning Condition #10 to allow additional limited uses on the site that is currently occupied by the Chantilly Tea Room. The site is located at the northeast corner of the SR 77 (Oracle Road)/Genematas Drive intersection. The following comments are offered:

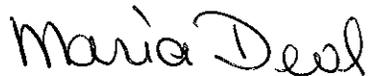
1. The potential change in use from a tea room/cafe (current use: Chantilly Tea Room) to allow other commercial uses on the site (potential commercial uses: apparel store; art gallery or store; beauty shop/salon; florist shop; gift, curio or novelty shop; interior decorator; jewelry store, business, professional or semi-professional office; or Pilates/yoga studio) will not generate a significant number of additional trips to and from the site. Since no change in the existing building, on-site parking, access or other site features is anticipated, the potential change in use should not adversely affect traffic operations at the Oracle Road/Genematas intersection or at the Oracle Road/River Road intersection.
2. The subject property shall have no direct access onto Oracle Road. Ingress and egress to the property will be on Genematas Drive.
3. It will be the responsibility of the developer to meet any requirements for improvements within ADOT right-of-way as a result of any change in use of the site. This may include improvements at the Oracle Road/Genematas Drive intersection and improvements to existing drainage facilities.

RECEIVED
OCT 02 2014

Mr. Mark Holden
September 29, 2014
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We appreciate the opportunity to comment on the Rezoning Case #Co9-00-12 Read-Oracle Road Rezoning.

Sincerely,

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

Maria Deal
Transportation Engineering Specialist
Southern Regional Traffic Engineering
1221 S. 2nd Ave.
Tucson, AZ 85713
Phone #: 520-388-4235

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