

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

**HEARING** April 30, 2014

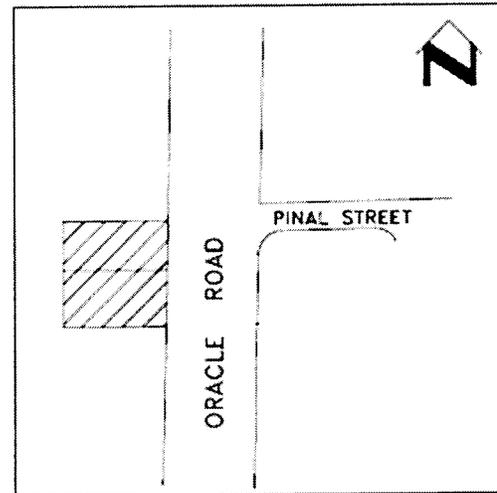
**DISTRICT** 1

**CASE** Co9-14-02 JALM Investors, LP  
N. Oracle Road Rezoning

**REQUEST** GR-1 (Rural Residential Zone)  
to CB-1 (Local Business Zone)  
1.2 acres

**OWNER** JALM Investors, LP  
3817 E. Cielo Grande Avenue  
Phoenix, AZ 85050

**AGENT** Jeffery Stanley  
PO Box 1888  
Tucson, AZ 85702



**APPLICANT'S PROPOSED USE**

A single story, 9,100 square foot Dollar General retail store is planned for the project site.

**APPLICANT'S STATED REASON**

"The addition of a retail store is expected to benefit the nearby residential areas."

**STAFF REPORT SUMMARY**

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The request is consistent with the Comprehensive Plan designation and the use should benefit the area by providing an additional local retail opportunity.

**COMPREHENSIVE PLAN**

The subject property is designated as Multifunctional Corridor (MFC) by the Pima County Comprehensive Plan. A rezoning request to the CB-1 (GZ-1) (Local Business) (Gateway Overlay Zone) zone complies with the MFC designation. The property is subject to Special Area Policy S-5, Oracle Corridor/Northern Gateway. The policy regulates development in a Gateway Overlay Zone to preserve scenic qualities along major transportation corridors. The policy states:

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

Compliance with special area policy S-5 is achieved through Design Review Committee review and approval prior to the development concept permit.

**MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)**

The subject property is located outside the MMBCLS.

**SURROUNDING LAND USES/GENERAL CHARACTER**

North	CB-1	Undeveloped & Gas Station
South	GR-1/CB-2	Developed Residential/Auto Repair Shop
East	CB-2/GR-1	Bank/Undeveloped/Legal Non-Conforming Arby's
West	RH	State Land

The immediate surrounding properties are mostly commercially developed or planned commercial uses. There are a few residentially zoned properties adjacent to Oracle Road (Highway 77), designated as a Scenic State or Interstate Highway on the Major Streets and Scenic Routes Plan. The subject property is located in Catalina on the west side of Oracle Road at the T-Intersection of Pinal Street and Oracle Road. All the nearby properties on the west side of Oracle Road are bounded by State Land. Directly north of the subject property is a defunct gasoline station with a convenience store. Adjacent to the south of the subject property is a mobile home; further south is an automotive shop. The commercial development along Oracle Road contains a wide range of services including a Circle K, bank, dentist, health care, post office, laundromat, café, restaurants, boat sales and service, flower shop, hardware store, insurance office, hair emporium, thrift shop, and golf cart sales.

Dollar General stores provide additional area services including canned and packaged foods of all types, milk, eggs, cold cuts, and over-the-counter medications, school supplies, gardening materials, and various other necessary goods that support area residents.

**PUBLIC COMMENT**

Staff has not received any comments at the time of this writing.

**PREVIOUS REZONING CASES ON PROPERTY**

There have been no previous rezoning cases on the subject property.

**PREVIOUS REZONING CASES IN GENERAL AREA**

There are no recent rezoning cases in the area. The Sun Valley Plaza offices and restaurant (.73 acres) approximately 1200 feet southwest of the subject property was rezoned in 2008 from GR-1 to CB-1.

<b>CONCURRENCY CONSIDERATIONS</b>		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes subject to conditions	Conditions recommended
FLOOD CONTROL	Yes subject to conditions	Condition recommended
WASTEWATER/ ENVIRONMENTAL QUALITY	Yes subject to conditions	Conditions recommended
PARKS AND RECREATION	N/A	N/A
WATER	Yes	None

**PLANNING REPORT**

The request is to rezone approximately 1.2 acres land from the GR-1(GZ-1) (Rural Residential) (Gateway Overlay Zone) zone to the CB-1 (GZ-1) (Local Business) (Gateway Overlay Zone) zone to allow a 9,100 square feet retail General Dollar store. The subject property is currently vacant.

The proposal demonstrates one shared access point off of Oracle Road for the Dollar Store and the existing defunct gasoline station/convenience store located to the north of the subject property. Oracle Road (Highway 77) is designated as a Scenic State or Interstate Highway on the Major Streets and Scenic Routes Plan which requires a 50-foot building setback and bufferyard Type "D". The setback is not an issue for the proposed development because the parking area and 20-foot bufferyard Type "D" is proposed along Oracle Road. The proposed development will require approval and coordination with the Arizona Department of Transportation (ADOT) for access onto the State Route. The development will benefit by the current ADOT capital improvement expansion along the Highway adding a third travel lane in each direction with a paved multi-modal path on the east side of Oracle Road.

A 20-foot building height is proposed even though the CB-1 zone allows a building height of 39 feet. Thirty two parking spaces will be provided which is consistent with the parking requirements for a "general retail use". The development will connect to the sewer and water will be provided by City of Tucson Water. A 10-foot bufferyard "D" is required and proposed along the south property line of the site because of the adjacent residential GR-1 zoning.

Staff supports the proposed use because it should be a benefit to the area by providing additional retail services in the area. Additionally, the nearby properties on the west side of Oracle Road are bounded by State Land. These properties and the subject property are not residentially compatible because of the surrounding commercial land

uses and the limitation of available land necessary to create a residential subdivision. The noise generated by the highway and the need to limit access points off of Oracle Road further demonstrate the lack of compatibility for residential uses. The area along Oracle Road has been planned for intensive development given the Multifunctional Corridor (MFC) designation by the Comprehensive Plan. The MFC designation proposes uses along major transportation corridors. The Comprehensive Plan states:

These (*MFC*) 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.

With the proper buffering, the use should not significantly affect the neighboring residential property to the south. Most of the site is intended to be graded with revegetated bufferyards avoiding disturbance of the sloping portion of the site located near the northwestern boundary. No viewsheds will be significantly impacted by the proposal. The site is not within the Maeveen Marie Behan Conservation Lands System (MMBCLS) and there are no Pima pineapple cactus, saguaros, or ironwood trees on site.

The applicant's preliminary development plan shows a proposed monument sign outside the bufferyard near the entry of the development. The sign located within a Gateway Overlay Zone shall be a component of the Design Review Committee (DRC) review and approval.

### **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 9,100 square foot Dollar General store with direct access onto Oracle Road. The access point is shared with the parcel to the north so as to align with the Pinal Street right-of-way and median opening on the east side of Oracle Road. Cross access through the parking lot to the property to the south is shown on the PDP and will be required as a condition of the rezoning. The proposed dollar store will generate approximately 520 ADT Monday – Friday and approximately 650 ADT on Saturday.

The Arizona Department of Transportation's Capital Improvements Program has planned improvements to expand Oracle Road to a six-lane divided roadway. The improvements to Oracle Road 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. A median opening is shown for Pinal Street along with a left turn lane on northbound Oracle that will be used to access this site.

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.

Pedestrian and vehicular access within and through the property will be reviewed by the DRC for compliance with the Gateway Overlay Zone. The Department of Transportation has no objection to the proposed rezoning subject conditions #7A-D.

#### **REGIONAL FLOOD CONTROL DISTRICT (RFCD) REPORT**

District staff previously reviewed the subject Site Analysis and found it complete. As such the submittal included the required Preliminary Integrated Water Management Plan (PIWMP) and as required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:

1. A letter from Tucson Water confirming that they will provide service has been included with the submittal. Tucson Water has access to renewable and potable water however the letter states that water service may not be available and that the developer is responsible for costs associated with “modifying or enhancing” the water system as needed at the time of development. The PIWMP shows the proposed connection which is immediately adjacent to the site within the Oracle Road right-of-way.
2. Per the ADWR website well registry database; <https://gisweb.azwater.gov/WellRegistry/Default.aspx>, the nearest public supply well, approximately 1/4 mile away was tested in January 2014 and depth to groundwater was 247.8'. Per ADWR maps Groundwater levels are expected to decline 10' to 20' between 2010 and 2025. Projected groundwater depth in 2025 is projected to be between 250' and 350'. The difference between the projections reflects the scale of the two maps used.
3. The site is not located within a mapped subsidence zone. The nearest subsidence zone is over 7.5 miles away.
4. The nearest Groundwater-Dependent Ecosystem associated with Sutherland Wash is an intermittent stream including shallow groundwater area and a spring is over 3.5 miles away.
5. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 3200-4800.

Pima County's Water Resources Impact Assessment finds that, under existing conditions, the proposed project will have access to renewable and potable water. Furthermore based on the WRIA & PIWMP there will not be significant water resource impacts.

The site does not include regulated floodplains or habitat, and is located within a balanced basin. It is impacted by the Erosion Hazard Setback from Big Wash as shown on the PDP and this area has been avoided. Water harvesting is proposed along Oracle Road to support landscaping and due to the proximity of Big Wash a detention waiver has been granted.

The District has no objection subject to the addition of rezoning condition #8.

#### **WASTEWATER MANAGEMENT REPORT**

Pima County Regional Wastewater Reclamation Department has no objection to the proposed rezoning and recommends the addition of rezoning conditions #12A-F.

#### **ENVIRONMENTAL QUALITY REPORT**

Pima County Department of Environmental Quality has no objection to the proposed rezoning and has the following comment:

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

#### **CULTURAL RESOURCES REPORT**

Pima County's Cultural Resources has no objection to the rezoning request and recommend rezoning condition #9.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Pima County's Natural Resources, Parks and Recreation have no comment or objection to the rezoning request.

#### **ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)**

ADOT has no comment.

#### **TUCSON WATER**

City of Tucson Water has no comment and a water availability letter stating that Tucson Water will provide water to this project is located on page 73 of the site analysis.

#### **GOLDER RANCH FIRE DISTRICT**

Golder Ranch Fire District has no comment on the rezoning request.

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. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. 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 preliminary development plan.
  - D. The rezoning site is limited to one shared access point with the property to the north onto Oracle Road.
8. Regional Flood Control District Condition: Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.

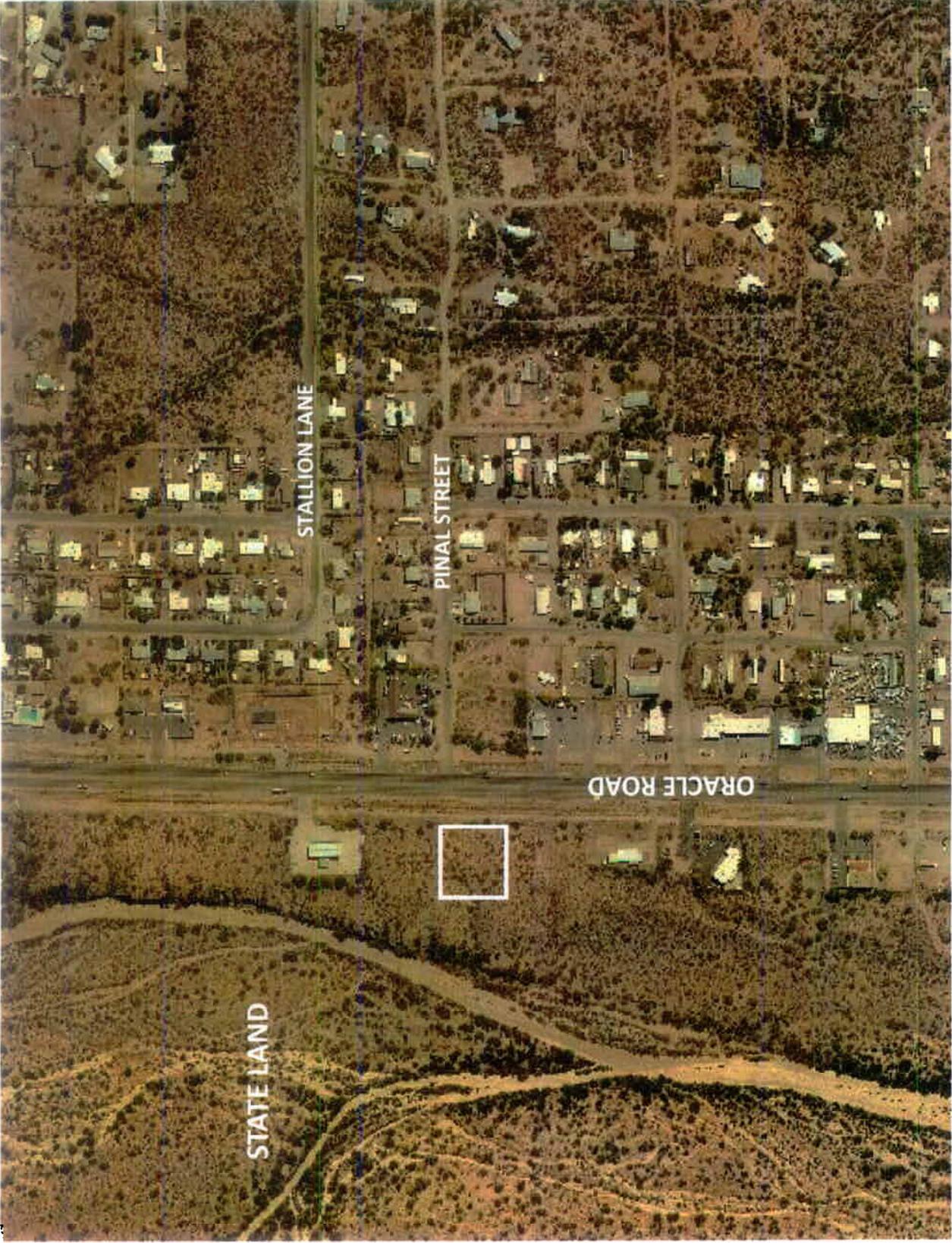
9. Cultural Resources Condition: In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
10. Adherence to the preliminary development plan as approved at public hearing.
11. Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(s)/developer(s) 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 current any future 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.
12. Regional 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 enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner/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.
13. 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.
14. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,



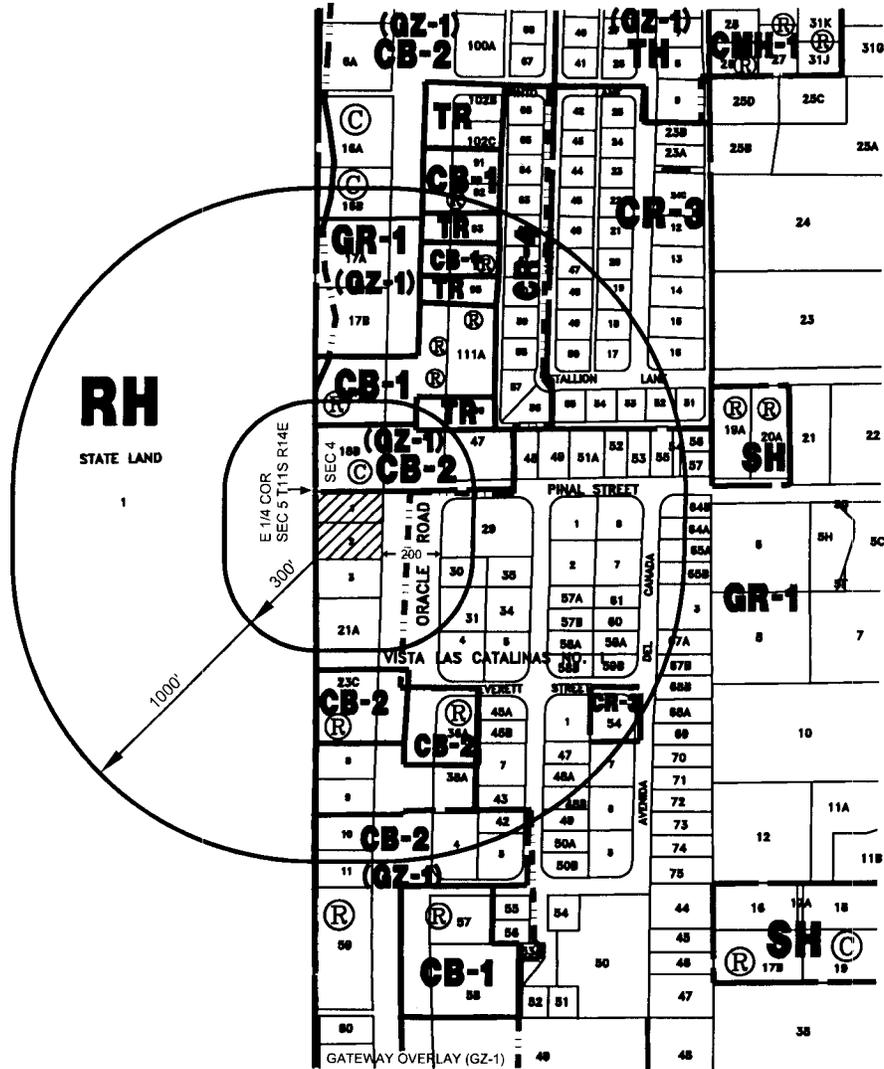
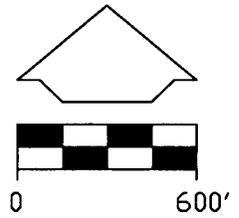
Terril L. Tillman, Senior Planner



2012

Co9-14-02 JALM INVESTORS LP — NORTH ORACLE ROAD REZONING

PIMA COUNTY COMPREHENSIVE PLAN  
(C07-00-20)



Area of proposed rezoning from

**GR-1 (GZ-1) to CB-1 (GZ-1)**

Notification area

BASE MAP 519

Notes \_\_\_\_\_

Tax codes 222-18-0180  
& 222-18-0190

Date 04/08/14  
Drafter DS

File no. C09-14-02  
JALM INVESTORS LP  
NORTH ORACLE ROAD REZONING

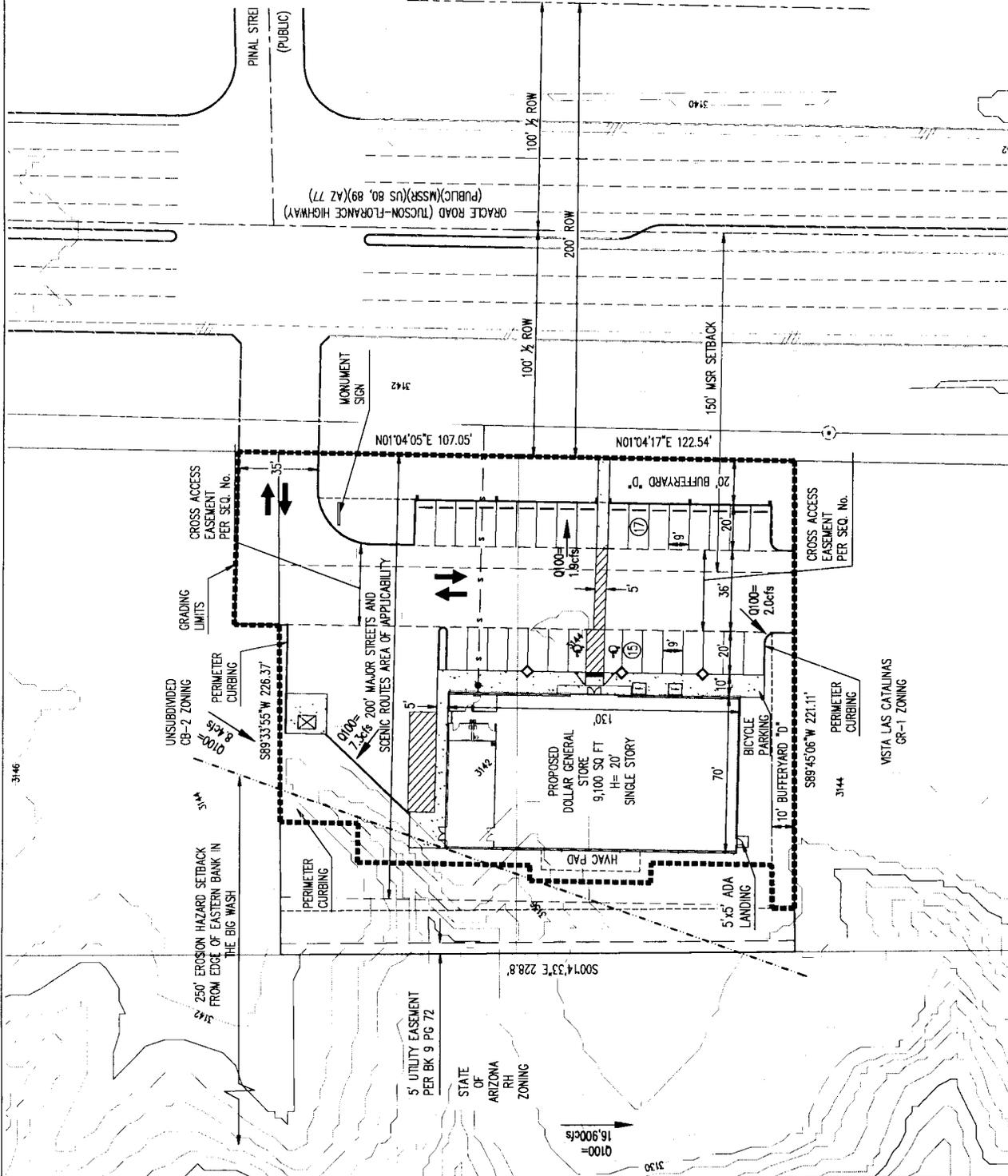
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

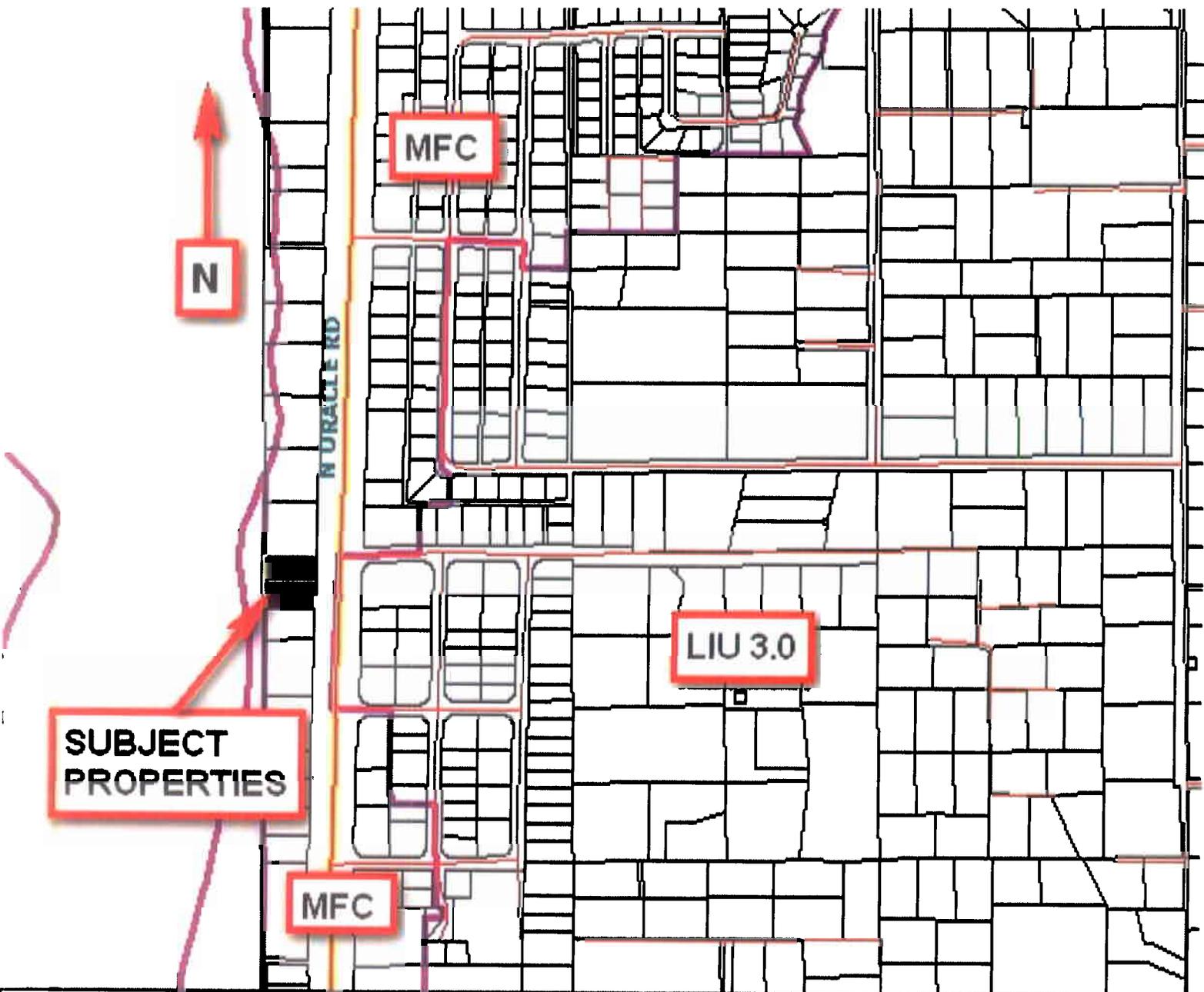
# EXHIBIT II-B.1 PRELIMINARY DEVELOPMENT PLAN

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
---	CONCRETE
---	BASIN MANAGEMENT STUDY AREA 27 MILE WASH FLOODPLAIN DELINEATION STUDY, STUDY #22 DATED 8/1/1992

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





***Pima County Comprehensive Plan  
Subregion: Northwest Subregion  
Designation: Multifunctional Corridor (MFC)  
Special Area Policy: S-5 Oracle Corridor/Northern Gateway***

**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

**Special Area Policy 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.

**DCM Development Co. LLC**

4122 E. Grant road  
Tucson, Arizona 85712  
Telephone (520) 850-6561  
Fax (520) 888-1216

4-8-14

16355 & 16341 N. Oracle Road

Dear Neighbor:

This letter was written to make you aware of a proposed re-zoning of two parcels of properties that are located within 1,000' of your property. Said properties are Pima County parcel numbers 222-18-0180 and 222-18-0190. The parcels are currently zoned GR-1, the intent is re-zone the properties to CB-1(Commercial Business), the subject parcels are located at 16355 & 16341 N. Oracle Road.

I would like to hold a meeting at 16355 & 16341 N. Oracle Road at 5:00PM on Tuesday, April 22<sup>nd</sup>, 2014. Please feel free to attend the meeting to discuss any concerns you may have regarding the proposed re-zoning. If you prefer, please call me at 850-6561 with any concerns or comments you may have.

Sincerely,

David Lechner