

Oro Valley
Oracle Rd. & Suffolk Dr.
Retail Center
CUP



Andrew S. Call
Thompson Thrift Retail Group
APN – 225-510-18A

December 15, 2020

Oro Valley Oracle Rd. Retail Center

Oro Valley, Arizona

Municipality

Town of Oro Valley

Planning - Milini

Simms

Division 11000

North La Cañada Drive Oro

Valley, Arizona 85737

Owner

Oracle Suffolk Owner LLC

c/o Thompson Thrift Retail Group

Andrew Call

2398 East Camelback Road, Suite 210

Phoenix, AZ 85016

Civil & Design

Cypress Civil Development

2030 East Speedway Boulevard, #100

Tucson, AZ 85719

Landscape

ARC studios, Inc.

3117 East Flower

Street Tucson, AZ

85716

Zoning Attorney

Lazarus & Silvyn

Keri Lazarus Silvyn

206 E Virginia Ave

Phoenix, AZ 85004

CUP Narrative

This proposal to rezone approximately 6.69 acres at the northeast and southeast corners of Oracle and Suffolk, APNs 225-51-018A, 225-51-4720, 225-51-0190, 225-51-0200 [the “Rezoning Parcels”) from R-S to C-1. The two parcels on the southeast corner (225-51-0190, 225-51-0200) are already developed and no modifications or improvements will occur as part of this rezoning request. The remaining parcels (225-51-018A and 225-51-4720) are currently vacant and are proposed to be a commercial development (the “Future Development”). Concurrently with the rezoning, a Conditional Use Permit (“CUP”) is requested for a single drive thru on the Future Development site at the northeast corner of Suffolk and Oracle with the drive thru positioned as far away (over 250 feet) from the Suffolk Hills neighborhood to the east.

A. Details about the type of proposed operation (including hours of operation)

The proposed operations will be have standard restaurant operations with a drive through. Hours will be limited to 5AM – 11PM. The drive thru pad is located on the southwest corner of the Future Development (or the southeast corner of Suffolk and Oracle Roads). As a Convenience Use, the Town of Oro Valley (“Town”) Zoning Code (“Town Code”) requires a CUP and demonstration that the below criteria are met. The development team is also aware the Town may adopt new noise regulations that would require a noise study to ensure noise levels will be at appropriate levels at property lines with residential uses. This project intends to comply with those regulations if adopted and a noise study will be commissioned at that time.

Relevant Town Code requirements and explanation of CUP conformance:

1. Location: “Convenience uses shall be a minimum of two hundred fifty (250) feet from any property used or intended for residential purposes.” Town Code §25.1.B.6.a.i. “The above distances shall be measured from the abutting edge of the residential district to the closest property line or lease line of the convenience use. The limit of the property line or lease line shall include all required parking, landscaping, and setbacks of the specific convenience use.” Id.

The proposed drive thru ordering area is approximately 340 feet from the proposed Rezone Parcel boundary. There is an additional 20 foot buffer (existing alley) to the edge of the residential lots, adding additional distance from the proposed ordering area. The current site plan layout is also designed with the building positioned between the ordering area and the neighborhood to the east. While the property line associated with the drive thru is approximately 230 feet from the nearest residential property line to the east, the drive thru which makes this building a convenience use, exceeds the 250-foot criteria.

Number of convenience Uses. “The total number of convenience uses shall not exceed one (1) pad per four and one-half (4.5) acres of shopping center or office park.” Town Code §25.1.B.6.a.ii

Only one drive thru/convenience use is being requested for the Rezoning Parcels and for the future development. The Rezoning Parcels and the Future Rezoning each are over 4.5 acres.

2. Access. “No convenience use shall have direct vehicular access onto any street which provides a lower level of service than a collector street. All convenience uses shall be accessed through a common driveway serving the center or office park. If traffic safety warrants, one (1) direct access per arterial frontage may be approved by the Town Engineer for an individual convenience use. All convenience uses shall provide access points to the internal circulation driveways and parking areas of the center unless otherwise approved by the Town Council.” Town Code § 25.1.B.6.a.iii.

Access for the drive thru is designed and oriented with access primarily from Oracle Rd. Oracle Rd. is classified as a Major Arterial in the Oro Valley General Plan Circulation Map and a Principle Arterial in ADOT’s Function Roadway Classification Map. Suffolk will act as a secondary access to the Center. Suffolk Dr. acts as a collector road connecting the various developments in the area but is technically designated as a local street in the General Plan. As Suffolk Dr. moves east, it begins to act as a local road serving primarily the residential communities to the east.

The proposed use will not cause unusual volume or character of traffic as outlined in the provided Traffic Study and with what is typical along Highway 77.

B. Building Details & Square Footage

The Future Development is envisioned as a retail, restaurant and office/medical business with the retail/restaurant uses positioned closer to Oracle Road and the office/medical uses to the east. The development team has been and will continue to work with the leadership of the Suffolk Hills Property Association to mitigate concerns related to this development along the eastern edge. This rezoning request and the intended uses recognize the Future Development site is adjacent to a major north/south transportation arterial roadway that is designated as State Highway 77/Oracle Road, is located at an already signalized intersection (Suffolk and Oracle), and provides a transition to an existing established neighborhood to the east.

The Future Development tentative development plan currently proposes a total of five buildings to include three retail/restaurant buildings along Oracle Road – approximately 2,600 SF, 3,500 SF and 8,750 SF multi-tenant buildings - all in Phase 1, and an approximately 4,000 SF and 6,500 SF buildings in Phase 2 (the “Project”). The 2,600 SF building will be the restaurant with a drive through requiring the CUP.

C. Type of site improvements required

The improvements are outlined within the plans provided with the application. The plans include grading, drainage, paving, lighting and landscape. The preliminary plans will be further detailed upon submittal for Construction Drawing Permit review. The Future Development site will be graded with all parking, drainage, landscaping, etc. in a single phase. The two buildings on the east may not be constructed until a later Phase II when users are identified.

D. That the granting of such CUP will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following: i. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination. ii. Hazard to persons and property from possible explosion, contamination, fire or flood. iii. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of uses permitted in the surrounding area.

- i. The Development and specifically the drive through operations will be operated as a 1st class business and built to current standards to mitigate smoke, odor, dust, vibration and illumination, very similar to the newer developments found along Oracle Rd. The building is located outside of the 250 foot requirement but the property line is outside of the code as outlined within this narrative. This design of the site plan will minimize these potential nuisances to the residential property. Our lighting will be per Town code and requirements. The provided photometric plan shows the projected foot candles at the property line. The drive through was placed along Oracle. The various building and landscaping will act as a buffer to the residential properties to the east.
- ii. All hazardous material will be properly handled and stored per all City and national requirements. The building will be properly sprinklered per code requirements. We've provided the required drainage studies showing how we plan to mitigate all drainage on the site to prevent any impact to the surrounding properties and flooding within our development.

E. That the characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

The proposed use and drive through will very similar in operations and standards as newer developments along Oracle Rd. The surrounding commercial retail along Highway 77 is a very good example of uses and businesses that will be found within our center requiring the CUP. We've oriented the site plan layout with the Drive Through on the parcel the furthest from the adjacent businesses to the north and the neighborhood to the east. Adding buffer's, landscape and screen walls to minimize the minimal impact even more.

The plan and proposed CUP is consistent with the goals and policies of the general plan. The hours of operation of the proposed use will not adversely impact the neighboring

properties.

G. If subject property is located in the Oracle Road Scenic Corridor Overlay District (ORSCOD) or Tangerine Scenic Corridor Overlay District (TRSCOD), the submittal must address the reg.

The property is not located in the ORSCOD nor the TRSCOD and this section is not applicable.

All buildings along the western portion of the Future Development and in the southern portion of the Rezoning Parcels (existing) will be open for business as part of Phase I, which will meet this requirement. Even without the southern portion, this requirement is met independently on the Future Development site.
