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## Legal Action Report – Meeting Minutes Design Review Board (DRB)

Members of the Design Review Board (DRB) held a meeting, which was open to the public on:

**Date and Time: Friday, November 17, 2023, 7:30 a.m.**

**Location: Meeting was held virtually using Microsoft Teams**

- |                                     |                |
|-------------------------------------|----------------|
| <b>1. Call to Order / Roll Call</b> | <b>7:32 AM</b> |
| Paige Anthony                       | Present        |
| Rosemary Bright, Vice Chair         | Present        |
| Caryl Clement                       | Present        |
| Susannah Dickinson                  | Present        |
| Nathan Kappler                      | Present        |
| Grace Schau                         | Present        |
| Chris Stebe, Chair                  | Present        |

**A quorum was established.**

- 2. Review and Approval of the 10/20/2023 LAR and Meeting Minutes** **Action Taken**  
Motion was made by Member Kappler to approve the LAR and draft minutes of October 20, 2023. Motion was duly seconded by Member Anthony. All in favor. Motion passed 7-0.
- 3. Call to the Audience**  
No observers present.
- 4. Activity # [DP22-0173](#)**  
**Related Activity # [TP-PRE-0323-00160](#)**  
**[2101 N Oracle Rd](#) (Parcel # [115150330](#))**  
**Associated Board of Adjustment Case # C10-23-10**  
**C-2 Zoning** **Action Taken**

The applicant provided the following clarifications in response to DRB questions:

- Building plans have not been created yet, but considering staying under 20 feet in height to limit impact on residential properties to the north and can do a shade study;
- The allowed setback to the north property line is zero, but there is a requirement for a landscape border due to the adjacent residential property; could place the required landscaping in that

- adjacent property to help mitigate any impact;
- c) There is a required setback and streetscape along south property line;
- d) The residential properties to the north are setback about 12 feet from their south property line;
- e) The existing fence along the north property line is a 5-foot-high corrugated metal fence and it would most likely be replaced with a 5-foot-high CMU wall;
- f) Proposed building is wide enough to accommodate double-loaded storage units;
- g) No windows are proposed on the north side of the building;
- h) Could explore with property owner the installation of a mural on the north wall of the building.

Staff provided the following clarifications in response to questions posed by the DRB:

- a) The allowed setback to the north property line is zero, per C-2 zoning standards;
- b) The DRB's purview is related to variance requested for the deletion of the north landscape border, and relocating the required trees into other landscaping borders on site;
- c) The Board of Adjustment uses UDC Section 3.10.3.K "Findings for Approval" to assess compliance; item 3 of the "Findings for Approval" is getting at is if the board were to grant a variance or variances in their request, the board would not be granting something like a special favor, or granting a special privilege;
- d) The DRB does have an option to continue this case to a future meeting, which would involve the Board of Adjustment public hearing being continued as well; if the case was to be continued, and the applicant came back with slight modifications, they could move forward to the Board of Adjustments; if project ends up with significant modifications, it may involve the need to issue new notices and a new neighborhood meeting.

Motion was made by Vice Chair Bright to recommend to the Board of Adjustment denial, finding the project not in compliance with the criteria established in UDC Section 3.10.3.K. The motion was duly seconded by DRB Member Dickinson. Motion passed by a voice vote of 7-0. Motion passed unanimously.

## **5. Staff Announcements**

### **Informational**

The City Clerk's Office has put out new guidelines for holding hybrid meetings with the various Boards, Commissions and Committees. At the next DRB meeting, DRB members will need to vote on holding future meetings in person or in a hybrid format. If the DRB decides to hold hybrid meetings, members will need to inform staff if they will be attending virtually at least 48 hours in advance and have their cameras on during the meeting.

Staff is expecting a project from the Diocese of Tucson coming in regarding solar carports in the parking lot of the Cathedral in downtown.

## **6. Adjournment**

Meeting adjourned at 8:58 AM.