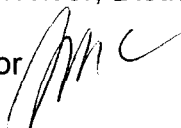




MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ramon Valadez, Supervisor, District # 2

FROM: Arlan M. Colton, Planning Director 

DATE: October 23, 2013

SUBJECT: Co9-13-11 AZ SQUARE #7 LLC - NOGALES HWY

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 5, 2013** hearing.

REQUEST: For a rezoning of **approximately .83 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone**, on a portion of property at 9770 S. Nogales Highway located approximately two hundred feet south of Old Vail Connection Road, on the west side of Nogales Hwy.

OWNER: AZ Square #7, LLC
2235 N. Fair Oaks Avenue
Tucson, AZ 85712

AGENT: Phil Williams, P.E., R.L.S.
646 W. Jasper Drive
Gilbert, AZ 85233

DISTRICT: 2

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of October 23, 2013, staff has not received any written comment.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED**, (7-0 Commissioners Poulos, Membrila, and Holdridge were absent).

STAFF RECOMMENDATION: **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar
Attachments




Board of Supervisors Memorandum

Subject: Co9-13-11

Page 1 of 4

FOR NOVEMBER 5, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director 
Public Works-Development Services Department-Planning Division

DATE: October 23, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

Co9-13-11 AZ SQUARE #7 LLC - NOGALES HWY

Request of **AZ Square #7 LLC**, represented by **Phil Williams**, for a rezoning of **approximately .83 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone**, on a portion of property at 9770 S. Nogales Highway located approximately two hundred feet south of Old Vail Connection Road, on the west side of Nogales Hwy. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 7-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Poulos, Membrilla, and Holdridge were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED**.

(District 2)

Planning and Zoning Commission Public Hearing Summary (September 25, 2013)

Staff presented the staff report to the commission.

A commissioner asked if the proposed location of the driveway is acceptable to staff. Staff responded that the proposed location of the shared driveway has some safety concerns. The applicant will not retain the property to the north.

A commissioner asked about the retention/detention waiver and the size of the property. Staff responded that the property is being split. The applicant has proposed the lot split in conjunction with the rezoning. The applicant and property owners understand that at some time in the future, the developable area of the remaining parcels to the west and north may have some additional requirements for retention/detention.

A commissioner asked for clarification of Condition #7B that requires access to the north of the property at Dusty Lane. Staff responded that a portion of Dusty Lane is on the adjacent property to the north. The condition as written would require that the access point be at Dusty Lane, however, the access would be located completely on the northern portion of the AZ Square property.

A commissioner asked if there is any concern that there will be two dollar stores located within 1,200 feet of each other. Staff responded that this area is a woefully underserved population and any availability of basic necessities is needed in the area.

A commissioner asked staff about the transportation recommendation and the location of the driveway. Staff responded that the county preference is to co-locate the access of the site with the adjacent residential properties to the north and west at the access point of Dusty Lane eliminating the proposed access point that will not meet driveway spacing. Staff re-iterated that there is a Capital Improvement Project at the intersection of Old Nogales Highway and Nogales Highway with signalization that may alleviate some traffic safety issues for properties north of the subject site. The goal is to minimize the access points off of Nogales Highway.

The applicant provided additional details of the request and discussed the possible driveway coordination with the future capital improvement project at the intersection of Old Nogales Highway and Nogales Highway.

A commissioner requested how staff would like to amend condition #7B. Staff responded that the suggested amendment of the condition will limit the driveway to one access point but allow the applicant to work with Department of Transportation to obtain approval of the driveway location.

There was no one from the audience to speak.

A motion to close the public hearing was approved.

The motion to recommend approval of the request subject to standards and special conditions as amended passed 7-0 (Commissioners Poulos, Membrilla, and Holdridge were absent).

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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north, south, and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
 - B. The property shall be limited to one access point on S. Nogales Highway. ~~The access point will be located on the north boundary of the property at the existing access point easement known as Dusty Lane.~~ subject to Department of Transportation approval and ~~This easement will serve as the only access point~~ allowed for this site, as well as for the property owner's adjacent property to the north and west.
8. Regional Flood Control District condition: First flush retention of the first 0.5 inch of rainfall shall be provided on-site for site landscaping and water harvesting.

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 sketch plan as approved at public hearing.
11. 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.
12. 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)."
13. 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.

CP/TT/ar
Attachments

c: AZ Square #7, LLC, 2235 N. Fair Oaks Avenue, Tucson, AZ 85712
Phil Williams, P.E., R.L.S., 646 W. Jasper Drive, Gilbert, AZ 85233
Chris Poirier, Assistant Planning Director
Co9-13-11 File

Case: **CO9-13-11 AZ SQUARE #7, LLC - NOGALES HWY
REZONING**

Staff recommends: **APPROVAL WITH CONDITIONS**

P&Z recommends: **APPROVAL WITH CONDITIONS AS AMENDED** (7-0;
Commissioners Poulos, Membrila, and Holdridge were absent)

Owner: AZ Square #7, LLC
2235 N. Fair Oaks Avenue
Tucson, AZ 85712

Applicant: Phil Williams, P.E., R.L.S.
646 W. Jasper Drive
Gilbert, AZ 85233

District: 2

Public Comments: None to date.

MMBCLS: The subject property lies outside the Maeveen Marie Behan
Conservation Lands Systems.

**PLANNING AND ZONING COMMISSION
Public Hearing Summary
September 25, 2013**

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hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l).”

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

HEARING September 25, 2013

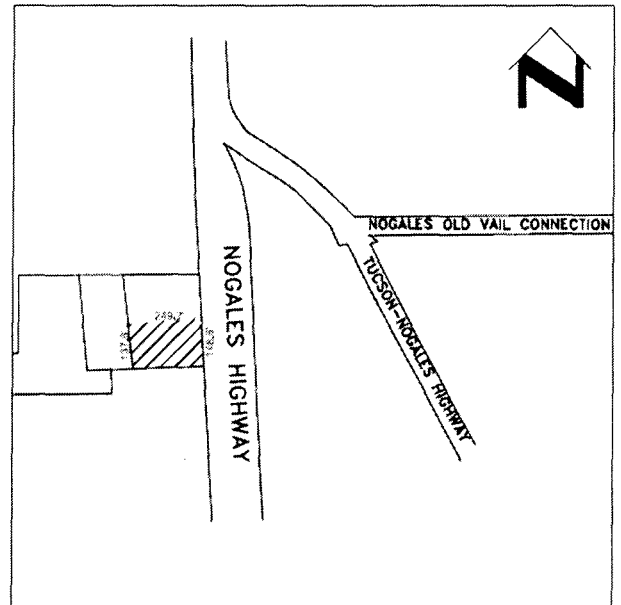
DISTRICT 2

CASE Co9-13-11 AZ Square #7, LLC
 Nogales Hwy Rezoning

REQUEST GR-1 (Rural Residential Zone)
 to CB-1 (Local Business Zone)
 .83 acres

OWNER AZ Square #7, LLC
 2235 N. Fair Oaks Avenue
 Tucson, AZ 85712

AGENT Phil Williams, P.E., R.L.S.
 646 W. Jasper Drive
 Gilbert, AZ 85233



APPLICANT'S PROPOSED USE

An 8,400 square foot Family Dollar retail store is planned for the project site.

APPLICANT'S STATED REASON

"There is a strong demand for the products carried by the Family Dollar store in this area."

STAFF REPORT SUMMARY

The Development Services Department staff support the approval of the rezoning but differ in opinion with the Department of Transportation recommendation and addition of condition #7B which limits the access of the development to Dusty Lane. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** but defers the addition/removal of condition #7B to the Planning and Zoning Commission and the Board of Supervisors. 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 zone complies with the MFC designation. The property is subject to Special Area Policy S-18 which is the Lee Moore Wash Basin Special Area Policy. The policy states:

Development shall be regulated per the Lee Moore Wash Basin Management Study. This study provides hydrology and hydraulics to ensure consistency

between land uses, identifies permanent natural flow corridors, and establishes Development Criteria in addition to those contained within Floodplain and Erosion Hazard Management Ordinances. This policy adopts by reference the entire Study including floodplain maps, flow corridor maps, flood hazard data, and development criteria as described in Development Criteria for the Lee Moore Wash Basin Management Study, as adopted by the Pima County Flood Control District Board of Directors on June 1, 2010 (Resolution 2010-FC6).

The Regional Flood Control District has addressed this policy within its report.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located outside the MMBCLS.

SURROUNDING LAND USES/GENERAL CHARACTER

North	GR-1	Single family residential/City of Tucson small water utility station
South	CB-2/GR-1	Pepe's Tire Shop/Circle K
East	GR-1	Nogales Hwy, Railroad tracks, Single family residential
West	GR-1	Single family residential, Tohono O'Odham Nation

The immediate surrounding properties are developed as primarily low-density single family residences (mainly manufactured homes) and to the far north and south are manufactured home parks. Directly south of the subject property is a tire shop and a Circle K convenience store is located south of the tire shop. There are additional commercial businesses along Nogales Highway including auto repair, feed store, pottery sales, a bar, and a large machinery sales and rental business. Off of Old Nogales Highway in the Summit Street area, there are several small, neighborhood markets, a meat store, churches, a few other unknown businesses and an elementary school.

Staff found that the Family Dollar store located on Valencia Road and west of Nogales Highway carries canned and packaged foods of all types including milk, eggs, cold cuts, and over-the-counter medications but does not carry fresh produce.

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 tire shop to the south (.83 acres) of the subject property was rezoned in 1984. To the southwest of the subject property, two separate one-acre parcel residential rezonings were approved for GR-1 (Rural Residential) to SH (Suburban Homestead) zone in 1986.

NOTE: There is a currently requested rezoning (Co9-13-07) also before the Planning and Zoning Commission from the GR-1 zone to the CB-1 zone to allow a Dollar General store located approximately 1,200 feet south of the subject rezoning site.

CONCURRENCY CONSIDERATIONS		
<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 condition	Condition recommended
WASTEWATER/ ENVIRONMENTAL QUALITY	Yes - Proposing septic	None
PARKS AND RECREATION	N/A	N/A

PLANNING REPORT

The request is to rezone approximately .83 acres of the approximately 1.6 acre parcel of land from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone to allow an 8,400 square foot retail Family Dollar store. The subject property is currently vacant. The applicant is proposing to split the 1.6 acre lot into two .83 acre parcels of land, rezoning only the portion of the property that will be used for the Family Dollar store which will be retained by separate ownership (the Hutton Company). The remaining portion of the subject parcel created by the proposed lot split is planned for future commercial development/rezoning. The current property owner (AZ Square #7, LLC) owns the adjacent residential properties to the west which may be used to provide sufficient land to meet the development criteria of any future rezoning request. No site analysis is required for this rezoning because according to policy none is required for a site that contains less than one acre.

The proposal demonstrates one shared access point off of Nogales Highway for the future parcels of land. The Department of Transportation has determined that the proposed access will not meet the Subdivision and Development Street Standards for driveway spacing which requires 230 feet of spacing from driveway centerline to centerline and therefore requests that the only driveway access point be limited to the existing access point known as Dusty Lane. Dusty Lane is located within the proposed northern parcel to be held under separate ownership when the lot split is completed by way of the rezoning.

Nogales Highway is a Major Route according to the Major Streets and Scenic Routes Plan, therefore a 30-foot building setback is required from the required right-of-way line and a bufferyard Type "D" is required. The setback should not be an issue for the

proposed development because parking is proposed along Nogales Highway. The applicant proposes a 10-foot bufferyard Type "D" along Nogales Highway.

A 26-foot building height is proposed even though the CB-1 zone allows a building height of 39 feet. Twenty nine parking spaces will be provided which is consistent with the parking requirements for a "general retail use". The development will rely on an on-site septic system due to the distance to an existing sewer connection (the nearest sewer is more than one mile away from the subject property). The septic disposal area and a 10-foot bufferyard Type "D" will be located to the west of the building and 35 feet from the west property line including a 10-foot bufferyard Type "D". No bufferyard is required along the south property line of the site because of the adjacent zoning.

The proposed use should be a benefit to the area because it has limited retail services with the exception of a Circle K convenience store located approximately 200 feet to the south on Nogales Hwy and two, small markets in the area. The area along Nogales Highway 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 properties. The entire site is intended to be graded with revegetated bufferyards. A retention/detention basin waiver was granted. There are no slope issues, the site is not within the Maeveen Marie Behan Conservation Lands System (MMBCLS) and there is no significant on site vegetation. The site will be serviced by Tucson Water.

The applicant's preliminary development plan shows a sign in the bufferyard. Placing a sign in a bufferyard requires approval from the Design Review Committee (DRC).

TRANSPORTATION REPORT

Concurrency criteria have been met for the proposed rezoning. The roadway network in the vicinity to the proposed project are operating below capacity and the proposed use will serve the residents living in the area, thereby eliminating trips to services further away.

Access to the development is shown as a new driveway on Nogales Highway, which will be shared with the remaining acreage to the north. The property will have approximately 150 feet of frontage on S. Nogales Highway if the lot is split as proposed.

Nogales Highway is a paved, two-lane, county maintained road with 150 of planned right-of-way. The existing right-of-way for S. Nogales Highway varies in this area from 110 feet at the intersection of S. Nogales Highway and Old Nogales Highway, to 150 directly adjacent to this site. Portions of S. Nogales Highway south of the proposed rezoning have existing right-of-way of 120 feet. S. Nogales Highway is designated as a scenic route on the Major Streets and Scenic Routes plan, and thus an additional 30 foot setback from the edge of the right-of-way will apply.

The current traffic count for S. Nogales Highway is 10,227 ADT (2010), and the capacity is 14,900. The proposed free standing discount store is estimated to generate 480 ADT. There are no major funded improvements in this area. Improvements to S. Nogales Highway were completed in 2004 between I-19 and Los Reales.

The Department of Transportation does not support this rezoning for the following reasons:

1. The current owner has several adjacent properties, all of which should be planned for at the same time to ensure adequate, safe, and well-designed circulation.
2. The addition of another access point on S. Nogales Highway does not meet the Subdivision and Development Street Standards, specifically, Section 8.1.1.1 Spacing, which requires 230 feet of minimum driveway spacing from centerline to centerline on S. Nogales Highway. The addition of another access point would mean four driveways are located within a 450 foot span of S. Nogales Highway. Closely spaced driveways have an adverse impact on travel speeds, capacity, and accident rates.

Should the Planning Commission be inclined to approve this request, the Department of Transportation recommends the addition of conditions #7A and #7B.

REGIONAL FLOOD CONTROL DISTRICT (RFCD) REPORT

The RFCD have reviewed the submittal and have the following comments:

1. The .83 acre rezoning site, .86 acre remainder of parcel 303-12-102 and contiguous parcels owned by the applicant are entirely within local floodplains identified in the Lee Moore Wash Basin Management Study Area. A previously submitted Building Site Construction Permit is under separate review for the portion of the site subject to the rezoning and a detention waiver has been approved based upon the site being less than one acre. It now appears that the entire 1.69 acre site owned by the applicant may be developed through a future rezoning.
2. With the Building Site Construction Permit the applicant submitted detailed topography and modeling to show that the southern portion of the site being developed is not in the floodplain as indicated in the regulatory maps. Such refinement is typical of the development process and the District has agreed that the rezoning site is topographically higher and therefore less impacted by flooding than the remainder. Future requests for the remainder, not being rezoned at this time, may be more restricted. The detailed floodplain analysis (HEC-RAS) submitted with the Building Site Permit indicating site flooding depths

and elevations has been shown on the sketch plan itself with 100 year flow rates. Because the full width of the floodplain is not shown those examining the PDP should note that the floodplain is deeper with higher flow rates immediately adjacent to and surrounding the subject site. A Flood Hazard Map is attached to show the floodplain extents. The floodplain shown has a regulatory 100 year flood rate of over 4000 cubic feet per second in the northern channel and 450 cfs in the southern. The applicant's detailed analysis will clarify the amount impacting the site during permitting. Numbers shown on the PDP should be considered preliminary.

In conclusion, the District has no objection to this request, subject to the addition of condition #8.

WASTEWATER MANAGEMENT REPORT

The Pima County Regional Wastewater Reclamation Department has no objection to the proposed rezoning but adds the following comment:

The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

ENVIRONMENTAL QUALITY REPORT

The 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

The Cultural Resources Department have 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.

TUCSON WATER

The City of Tucson Water's comment letter is attached.

RURAL/METRO FIRE DEPARTMENT

The Rural/Metro Fire Department has no objection to the rezoning request.

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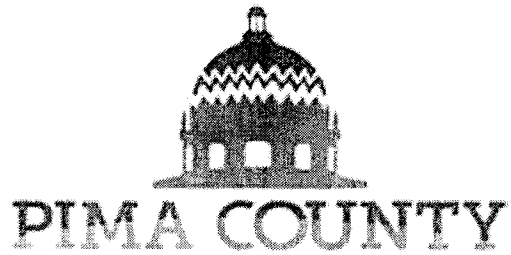
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11. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
12. 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)."
13. 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.

Respectfully Submitted,



Terrell L. Tillman, Senior Planner



**PIMA COUNTY
PLANNING AND ZONING COMMISSION
REGULAR MEETING
WEDNESDAY, SEPTEMBER 25, 2013**

Additional material

Addendum to Transportation Reports dated 9/9/13

**Co9-13-11 AZ SQUARE #7 LLC — SOUTH
NOGALES HIGHWAY**



MEMORANDUM

Department of Transportation



Date: September 18, 2013

To: Terrill Tillman, Planning Division, Development Services

From: Jeanette De Renne, Transportation Systems Division, Department of Transportation

Subject: Co9-13-11 Addendum to Transportation Report dated 9/9/13

This proposed rezoning is in the vicinity of an intersection improvements project. The project is in the early design stage, and is expected to be under construction late next year. The purpose of this project is to create a safer intersection at Old Nogales Highway and S. Nogales Highway. The project will include diverting access from four properties on the west side of S. Nogales Highway to a single access point. A fence will be constructed along the frontage of S. Nogales Highway. The access point is shown approximately 100 feet north of the parcel boundary for this rezoning. In addition to reducing the number of access point on S. Nogales Highway, a left turn lane will be constructed on northbound S. Nogales Highway.

The current access to the rezoning site is via a private easement between this property and the property to the north. In addition to the rezoning site, this easement serves four residential properties to the west. This rezoning request will split the site. The site plan for the rezoning shows a new access point on Nogales Highway, which will serve the portion of this property being rezoned at this time, as well as any future development of the northern remainder. As shown, the access point will open onto S. Nogales Highway perpendicular to the turn lane shown in the intersection improvements project.

Department of Transportation staff, as noted in our previously submitted report, believes the safest access for this project is via the existing easement/access to this property. We further recommend that the developer coordinate the access point with the intersection improvements project, and locate the left turn lane and associated access point along the existing easement. This will provide the minimum number of access points onto S. Nogales Highway, and will create the safest possible condition for existing residents and future users of this site.

Should the access point proposed in this rezoning be created, it will create a safety concern due to driveway spacing. The Subdivision and Development Street Standards require 230 feet between driveways. Access to this site for a commercial development will need a modification from the Subdivision and Development Street Standards.

We recommend the following conditions should the Planning Commission be inclined to approve this request:



CITY OF
TUCSON

TUCSON WATER
DEPARTMENT

August 20, 2013

R.B. Williams & Assoc Inc
646 W Jasper Dr
Tucson, AZ 85233

Attn: Phil Williams

SUBJECT: Water Availability for project: 9770 S Nogales Highway, APN: 30312102J, Case #: WA1341, T-16, R-14, SEC-06, Lots: 9999, Location Code: UNI, Total Area: 1.5ac, Zoning: GR-1

WATER SUPPLY

Tucson Water will provide water service to this project based on the subject zoning of the above parcels. Tucson Water has an assured water supply (AWS) designation from the State of Arizona Department of Water Resources (ADWR). An AWS designation means Tucson Water has met the criteria established by ADWR for demonstration of a 100-year water supply – it does not mean that water service is currently available to the subject project.

WATER SERVICE

The approval of water meter applications is subject to the current availability of water service at the time an application is received. The developer shall be required to submit a water master plan identifying, but not limited to: 1) Water Use; 2) Fire Flow Requirements; 3) Offsite/Onsite Water Facilities; 4) Loops and Proposed Connection Points to Existing Water System; and 5) Easements/Common Areas.

Any specific area plan fees, protected main/facility fees and/or other needed facilities' cost, are to be paid by the developer. If the existing water system is not capable of meeting the requirements of the proposed development, the developer shall be financially responsible for modifying or enhancing the existing water system to meet those needs.

This letter shall be null and void two years from the date of issuance.

Issuance of this letter is not to be construed as agency approval of a water plan or as containing construction review comments relative to conflicts with existing water lines and the proposed development.

If you have any questions, please call New Development at 791-4718.

Sincerely,

Scott Schladweiler, P.E.
Engineering Manager
Tucson Water Department

SS:mg

CC:File

NEW DEVELOPMENT • P.O. BOX 27210 • TUCSON, AZ 85726-7210
(520) 791-4718 • FAX (520) 791-2501 • TTY (520) 791-2639 • www.cityoftucson.org

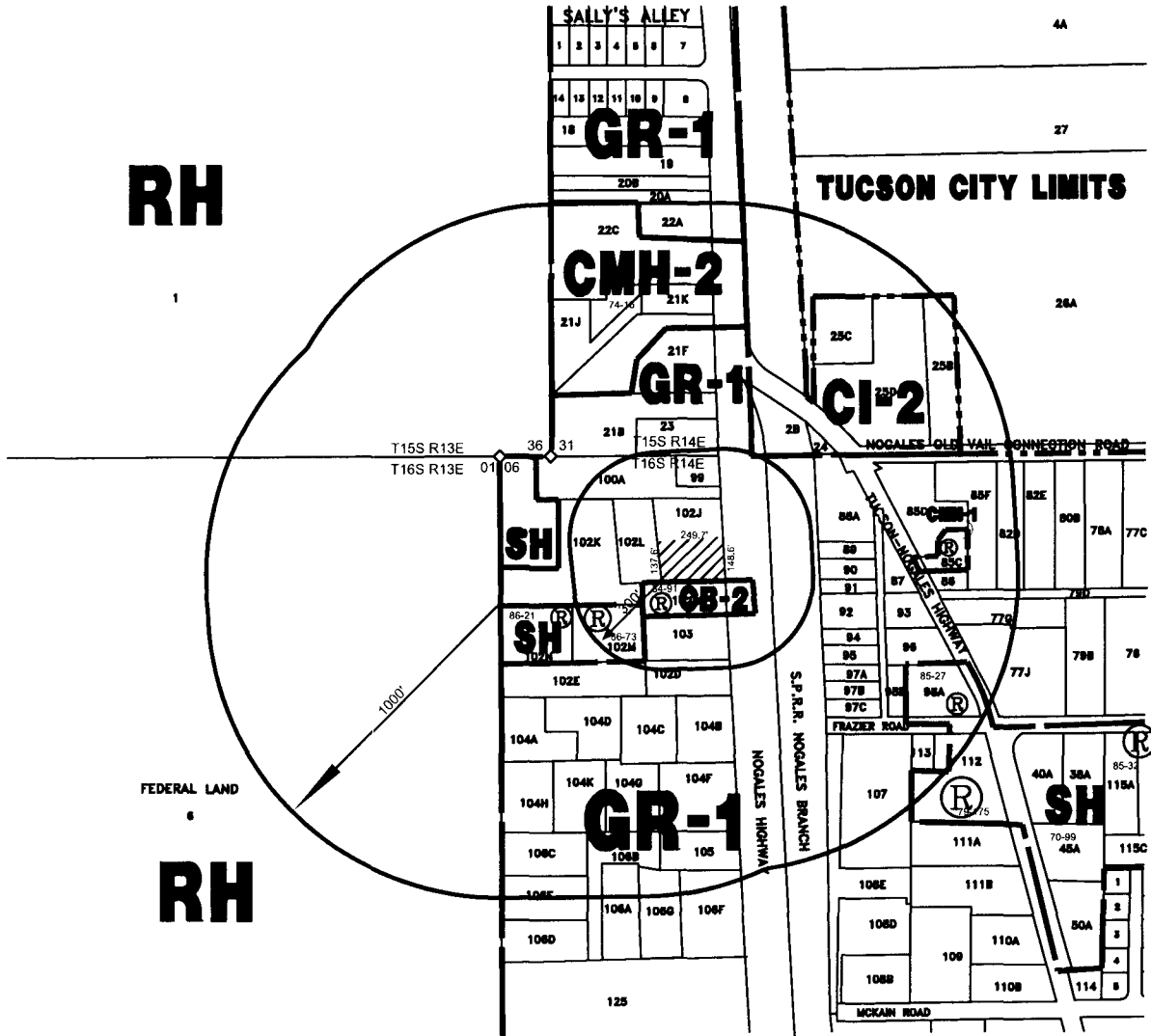
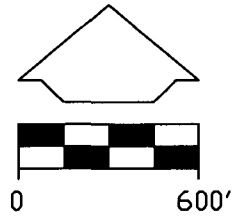




Co9-13-11 AZ SQUARE #7 LLC — NOGALES HIGHWAY REZONING

2012

PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



Area of proposed rezoning from **GR-1 to CB-1** 
 Notification area  BASE MAP 139

Notes _____

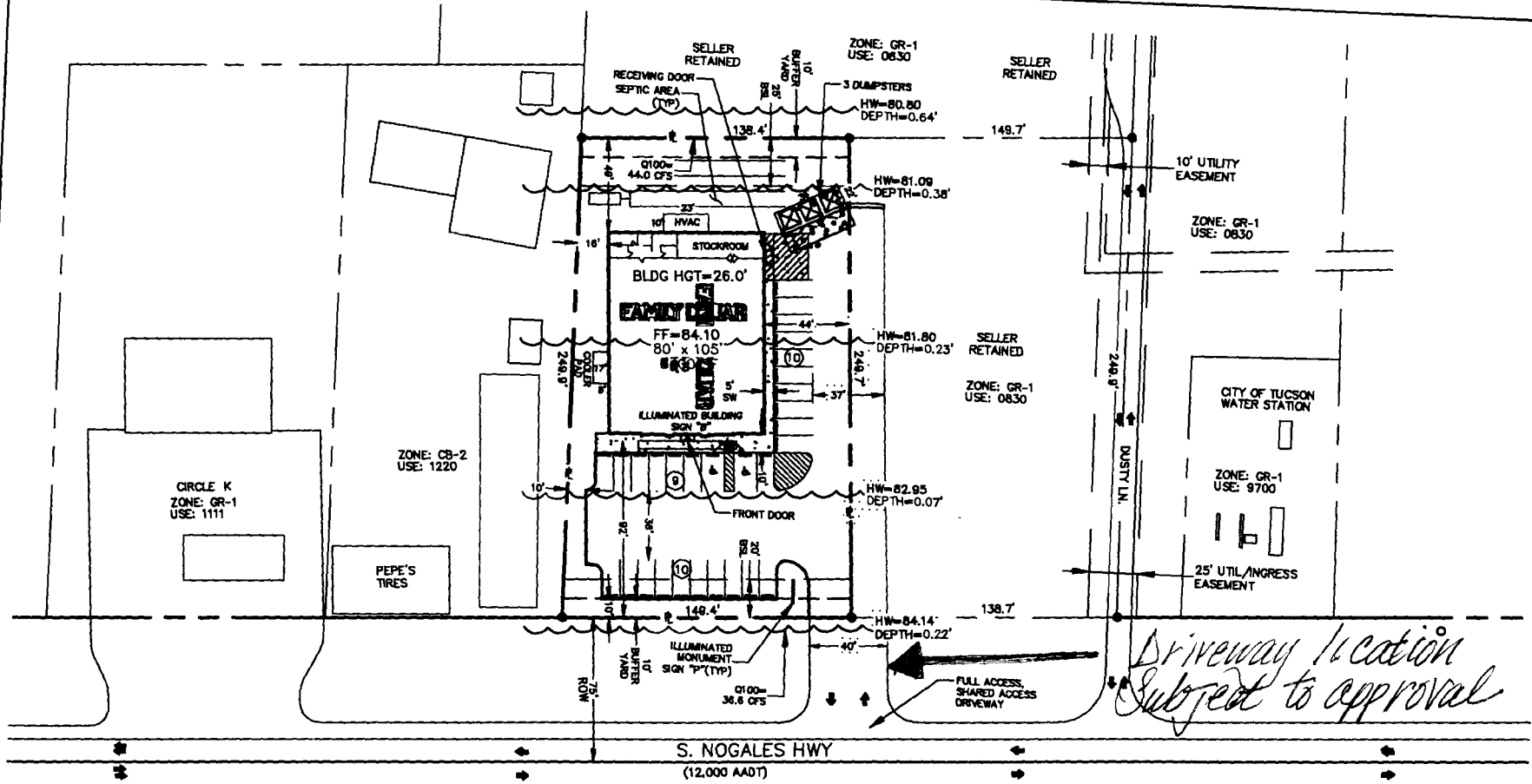
Tax codes PTN OF
303-12-102J

Date 09/06/13
 Drafter DS

File no. C09-13-11
AZ SQUARE #7 LLC
NOGALES HIGHWAY REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

SKETCH PLAN



NORTH
SCALE=1"=80'

AREA SUMMARY

	SQUARE FOOTAGE	ACREAGE
NET AREA	35,930.24 SF	0.825
PAVING AREA	20,460 SF	0.47

NOTES: ① ZONE CHANGE REQUIRED FROM GR-1 TO CB-1.

② SITE & ADJACENT PARCELS ARE ENTIRELY WITHIN REGULATORY FLOOD PLAIN, PER THE LEE MOORE WASH STUDY. HIGH WATER CROSS SECTIONS SHOWN ARE TAKEN FROM THE APPROVED HEC-RAS ANALYSIS.

③ MAX. BUILDING HEIGHT = 26.0'

PARKING SUMMARY

	TOTAL BLDG SF	REQ-D SPACES	FD PROV-D	SPACE SIZE
PROPOSED	8,400 SF	1/200 SF	29	9' x 20'

PLAN WAS PRODUCED WITH THE BENEFIT OF AN SURV YES ☒ NO ☐

LOCATION

**9770 S. NOGALES HWY
TUCSON, AZ 85756**

SCALE 1"=80'

LAT/LONG: 32.0428/-110.5731

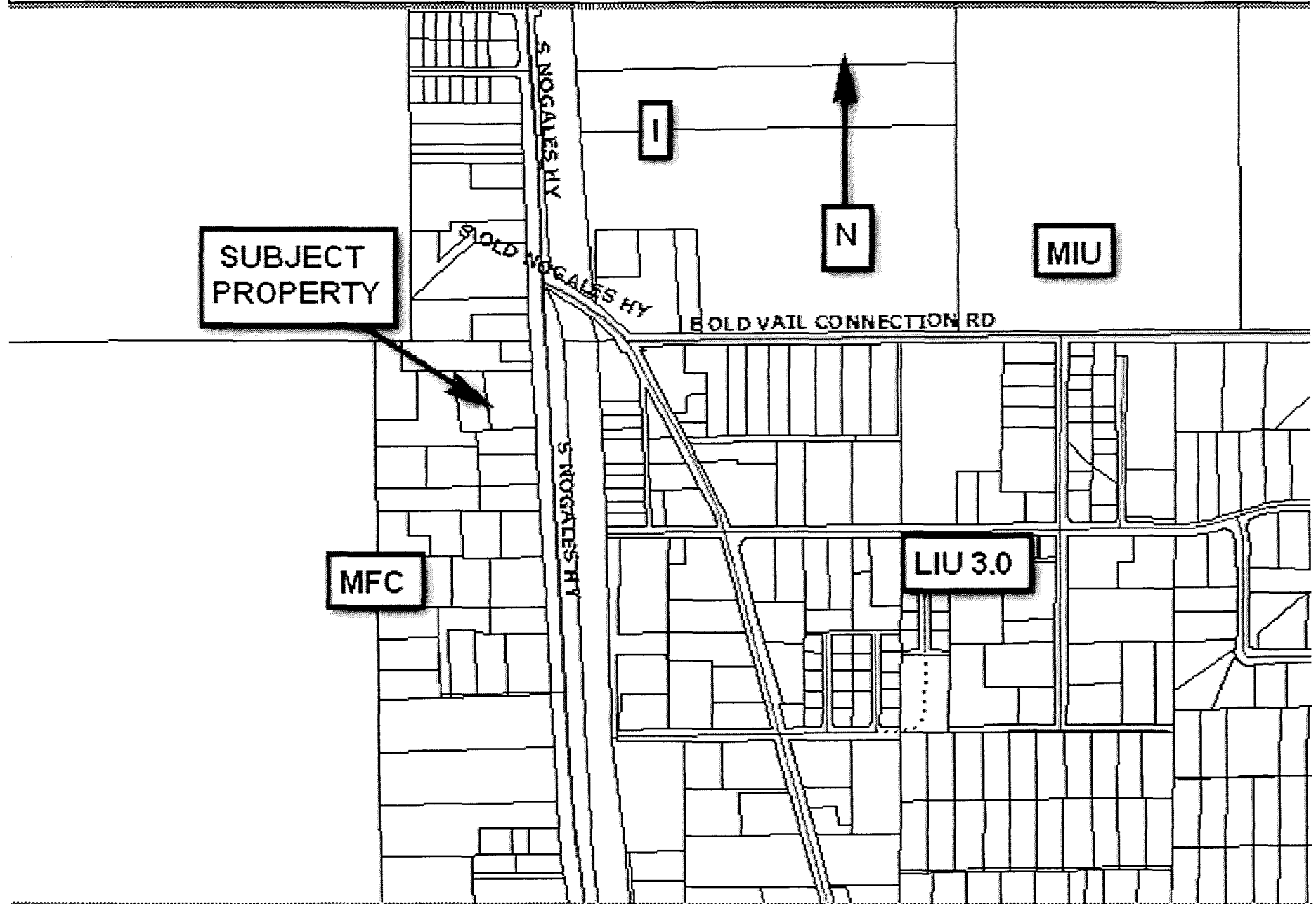
DATE **SEPT. 16, 2013**

DRAWN BY
PCW

FD SETBACKS CB-1	REQ-D	PROV-D
FRONT	20 FT	92 FT
REAR	25 FT	49 FT

Site the Hutton Company
DEVELOPMENT CONSTRUCTION REAL ESTATE

Pima County Comprehensive Plan
Land Use Designation: Multifunctional Corridor (MFC)
Subregion: Rincon Southeast/Santa Rita (RSSR)
Special Area Policy: S-18E, Floodplain-Lee Moore



Comprehensive Plan Land Use 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-18 Floodplain Management

General location

There are several sites within eastern Pima County designated as Floodplain Management Special Areas by the Pima County Flood Control District. They are: Upper Santa Cruz River (Upper Santa Cruz Valley Subregion); Rillito Creek Overbank Storage (Catalina Foothills Subregion); Cienega Creek (Rincon Southeast/Santa Rita Subregion); Wakefield and Anderson Washes (Rincon Southeast/Santa Rita Subregion) and Lee Moore Wash, including eight tributaries: Gunnery Range Wash, Sycamore Canyon Wash, Fagan Wash, Cuprite Wash, Petty Ranch Wash, Franco Wash, Flato Wash, and Summit Wash (Rincon-Southeast/Santa Rita and Upper Santa Cruz Subregions). (Rev Co7-10-03 to add section E, Lee Moore Wash, Resolution 2011-31).

Policies

- A. Upper Santa Cruz River Special Area Policy: Land use planning in the Santa Cruz River floodplain from the Santa Cruz County line downstream to the Tohono O'odham Nation shall be based on a river management study. Channelization, encroachment, development or rezoning shall not be permitted within the Santa Cruz River 100-year floodplain or erosion hazard area, whichever is greater, west of the Southern Pacific Railroad, until completion of the river management study. A landowner proposing to modify the Santa Cruz River floodplain prior to the completion of said study shall be responsible for providing a comparable study addressing impacts of the proposed development, based on a scope of work acceptable to the Flood Control District. The study scope and results shall be submitted to the District for review and approval.
- B. Rillito Creek Overbank Storage Special Area Policy: Proposed improvements in the floodplain designated to be preserved for overbank storage and located on the north side of Rillito Creek between Country Club Boulevard and Columbus Boulevard or between La Cholla Boulevard and the Southern Pacific Railroad shall not unreasonably diminish existing overbank storage volumes.
- C. Cienega Creek Special Area Policy: No channelization or bank stabilization shall be permitted along Cienega Creek upstream of Colossal Cave Road to the Empire-Cienega Resource Conservation Area. Cienega Creek's regulatory floodplain and/or erosion hazard area, whichever is greater, shall be dedicated in fee simple to the Pima County Flood Control District upon approval of any tentative plat or development plan.
- D. Wakefield and Anderson Wash Special Area Policy: The Wakefield and Anderson Washes' 100-year floodplains and/or erosion hazard areas, whichever is greater, shall be dedicated in fee simple to the Pima County Flood Control District upon approval of any tentative plat or development plan.
- E. **Lee Moore Wash Basin Special Area Policy: Development shall be regulated per the Lee Moore Wash Basin Management Study. This study provides hydrology and hydraulics to ensure consistency between land uses, identifies permanent natural flow corridors and establishes Development Criteria in addition to those contained within Floodplain and Erosion Hazard Management Ordinances. This policy adopts by reference the entire Study including floodplain maps, flow corridor maps, flood hazard data, and development criteria as described in Development Criteria for the Lee Moore Wash Basin Management Study, as adopted by the Pima County Flood Control District Board of Directors on June 1, 2010 (Resolution 2010-FC6).**

9/03/2013

RE: Rezone application narrative for the Tucson Family Dollar Store

This narrative is to describe the project called Tucson Family Dollar Store proposed for 9770 S Nogales Highway, Tucson, AZ.

The site is currently an undeveloped vacant lot adjacent to S. Nogales Highway and also adjoining Dusty Lane along the parcel's north boundary. The site is inside a local Pima County delineated floodplain and a Floodplain Use permit has been applied for. The site is surrounded by GR-1 on the North and West sides, CB-2 on the South side and is bounded by S Nogales Highway on the East. The vegetation on site consists entirely of scattered Velvet Mesquite. No protected cacti were found on site.

The surrounding area is generally zoned GR-1. The average slope of the site is less than 2% falling in a westerly direction. Said local floodplain is part of the Lee Moore wash study area, specifically along the Franco wash leg. As Franco wash passes under S Nogales Highway some 600' north of the site, floodwaters begin to form during the 100 year extreme storm event. The culvert under the Nogales Highway forms a constriction to flow and backwater expands to the north and south of Franco wash. The depth of flooding is minimal by the time the backwater reaches the subject property and deep flooding is not expected during the 100 year event. Finish floor elevation has been set above the highwater flood elevation per County drainage regulations.

The character of the area is generally rural in nature. An existing Circle K convenience store is located two parcels to the south. This is closest retail store in the area. Other uses adjacent to the site is an automobile tire replacement store adjacent to the south and residential lots on the west and northwest. North of the site is a Tucson water facility. The proposed use will change to CB-1 retail sales if approved.

A neighborhood meeting was held on August 29, 2013 with six neighborhood attendees. All attendees were in favor of the proposed Family Dollar Store project. They explained in the meeting that they currently must travel three miles to the north to the shop at similar facilities. There were no detractors present who objected to the project at the neighborhood meeting. We believe there is strong demand for products carried by the Family Dollar Store in this area.

PIMA COUNTY ARCHAEOLOGICAL SITE RECORDS SEARCH RESULTS*

**This report documents the results of an archaeological site-records check.
It does not constitute a cultural resources clearance.*

E-mail Request Received: 6/28/2013

Expedited Search Completed: 7/2/2013

Requester Name and Title: Phil Williams, PE, RLS
Company: R.B. Williams & Associates, Inc.
Address: 646 West Jasper Drive
City, State, Zip Code: Gilbert, AZ 85233
Phone/FAX/or E-mail: (480) 424-2352

Project Name and/or Number
Family Dollar Store / Parcel 303-12-102J

Project Description
Commercial development on 1.36 ac.

Project Area Location: 9770 South Nogales Highway, Pima County, Arizona.

Legal Description: a portion of the NW, NW, NW, S6, T16S, R14E, G&SR B&M, Pima County, Arizona.

Search Results: According to a search of the archaeological site files and records retained at the Arizona State Museum (ASM), the proposed project area has not been inspected for historic properties. Twenty-two archaeological inspections were completed within a mile radius of the project area between 1979 and 2012; three of those inspections occurred within the right-of-way of Nogales Highway. No historic properties are recorded within the subject parcel. Twenty archaeological properties are identified within a 1-mile radius of the project area, including SR 89, the Twin Buttes Railroad, and the Spence Site. A color orthophotograph taken of the proposed project area in 2012, enclosed, depicts what looks to be a graded parcel with secondary vegetation regrowth bounded by developed properties and Nogales Highway.

Sites in Project Area: Unknown. Without conducting an intensive archaeological inspection of the ground surface within the project area, the presence or absence of historic properties cannot be predicted.

Recommendations: Because Pima County has jurisdiction in this project area, the county will make recommendations for the development project using its own search results and it may use the ASM's search results and / or others. Should the county require additional archaeological work in this parcel, you will need to contact a qualified archaeological contractor whose name is maintained on a list posted on the ASM website at the following link: <http://www.statemuseum.arizona.edu/crservices/permits/index.shtml>.

Pursuant to *Arizona Revised Statutes §41-865 et seq.*, if any human remains or funerary objects are discovered during your project work, all work will stop within the area of the remains and Dr. Todd Pitezel, ASM assistant curator of archaeology, will be contacted immediately at (520) 621-4795.

If you have any questions about the results of this records search, please contact me at the letterhead address or the phone number or e-mail address as follows.

Sincerely,



Nancy E. Pearson
Assistant Permits Administrator
(520) 621-2096
nepearso@email.arizona.edu

- ☐ This project occurs within or close to the boundary of a known cultural resource. This project requires Pima County Office of Archaeology & Historic Preservation review.



Phil

From: Richardson, Scott [scott_richardson@fws.gov]
Sent: Monday, July 29, 2013 10:33 AM
To: phil@rbwilliams.com
Subject: Conditional Use Permit Application for Family Dollar Store on Nogales Highway

Dear Mr. Williams,

Thank you for your correspondence of July 16, 2013. This letter documents our response to your application to Pima County for a Conditional Use Permit related to the construction of a Family Dollar Store on a parcel (303-12-102J) located near on South Nogales Highway, just south of Dusty Lane in Pima County, Arizona (9770 South Nogales Highway).

Based on the information that you have provided, we believe that no endangered or threatened species or critical habitat will be affected by this project; nor is this project likely to jeopardize the continued existence of any proposed species or adversely modify any proposed critical habitat. No further review is required for this project at this time. Should project plans change or if additional information on the distribution of listed or proposed species becomes available, this determination may need to be reconsidered. We encourage you to coordinate review of this project with the Arizona Game and Fish Department.

Sincerely,

Scott Richardson
U.S. Fish and Wildlife Service
Tucson Suboffice
(520) 670-6150 x 242

BIOLOGICAL IMPACT REPORT

For Tucson Family Dollar Store

(March 2010)

With the Board of Supervisors' approval of Ordinance No. 2001-103 in July 2001, Chapter 18.91 of the Zoning Code was amended to require that a Biological Impact Report be included as part of the documentation submitted for rezoning applications, Type 2 and Type 3 conditional use permits, zoning plan plat waivers, modification to or waiver of rezoning conditions, and requests for rezoning time extensions. The Biological Impact Report is a tool which staff will use to facilitate an assessment of the proposed project's potential to impact sensitive biological resources. A project's design should, to the greatest extent possible, seek to conserve these important resources. The Biological Impact Report should, at a minimum, include responses to all the questions set forth below.

A significant amount of the information requested below is available on Pima County's MapGuide. To access the MapGuide version that displays the appropriate SDCP information, go to www.dot.co.pima.az.us/gis/maps and click on the Sonoran Desert Conservation Plan Maps under the Maps From Others section. Among the choices of maps found on that page, select the **SDCP MapGuide Map**. If you don't readily find the data layer referenced in the following questions, continue to zoom in until the desired data layer appears in the menu box.

Should you have specific questions about compiling the Biological Impact Report or any of the information being requested, please contact the Planning Division at (520) 740-6800.

Landscape Resources

1. Identify whether the proposed project site occurs wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas. Yes ☐ No ☒
2. Identify whether the proposed project occurs in the vicinity of any of the six general areas identified as Critical Landscape Linkages. (Critical Landscape Linkages are not viewable on MapGuide. Textual descriptions and general locations of these 6 general areas can be found on a hardcopy of the Maeveen Marie Behan Conservation Lands System Map; for a map and textual descriptions of Critical Landscape Connections see Attachment A.) Yes ☐ No ☒
3. If the property is a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide, identify which designation applies to the site and comment on the status of communications, if any, between the owner and Pima County regarding the County's potential acquisition of the property. ☒ N/A

Species-Specific Information (including Pertinent Federally-Threatened and Endangered Species)

Cactus Ferruginous Pygmy-owl:

1. Does the proposed project site occur within the Priority Conservation Area for the cactus ferruginous pygmy-owl? (This information is viewable on MapGuide.)
☒ Yes No This site is within a 'high' zone 2 per Pima MapGuide.
2. Has the proposed project site been surveyed for pygmy-owls?
 - a. If yes, disclose the dates when surveys were done and provide a summary of the results. Yes ☒ No
 - b. If no, are surveys planned in the future? We understand this is no longer required.

Western Burrowing Owl:

1. Does the proposed project site occur within the Priority Conservation Area for the western burrowing owl? (This information is viewable on MapGuide.) ☒ Yes No
- The site is within a 'medium' zone for the Western Burrowing Owl.
2. Has the proposed project site been surveyed for burrowing owls? Yes ☒ No
 - a. If yes, disclose the dates when surveys were done and provide a summary of the results.
 - b. If no, are surveys planned in the future? We understand this is no longer required.

Pima Pineapple Cactus:

1. Does the proposed project site occur within the Priority Conservation Area for the Pima pineapple cactus? (This information is viewable on MapGuide.) ☒ Yes No
2. Have Pima pineapple cactus been found on the proposed project site? Yes ☒ No
3. Has the proposed project site been surveyed for Pima pineapple cactus? ☒ Yes No
 - a. If yes, disclose the date when surveys were done and provide a summary of the results. 5/29/13, no cacti found, only velvet mesquite.
 - b. If no, are surveys planned in the future?

Needle-Spined Pineapple Cactus:

1. Does the proposed project site occur within the Priority Conservation Area for the needle-spined pineapple cactus? Yes ☒ No
2. Have needle-spined pineapple cactus been found on the proposed project site?
Yes ☒ No
3. Has the proposed project site been surveyed for needle-spined pineapple cactus?
☒ Yes No
 - a. If yes, disclose the date when surveys were done and provide a summary of the results. 5/29/13, no cacti found, only velvet mesquite.
 - b. If no, are surveys planned in the future?