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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Raymond J. Carroll, Supervisor, District # 4

**FROM:** Arlan M. Colton, Planning Director *mc*

**DATE:** May 21, 2014

**SUBJECT:** Co9-13-10 NEP #1 LLC, ET AL – HOUGHTON ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 3, 2014** hearing.

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**REQUEST:** For a rezoning of three parcels (approximately 1.12 acres) at 16393, 16405, and 16417 S. Houghton Road from the TR (Transitional) zone to the CB-1 (Local Business) zone for a retail store. The properties are a portion of Lot 32 of New Tucson Unit No. 4 subdivision (Book 17 and Page 50) located approximately one-third of a mile south of Sahuarita Road, on the east side of Houghton Road.

**OWNER:** NEP #1 LLC, et al  
PO Box 35037  
Tucson, AZ 85740

**AGENT:** STAR Consulting  
Geoff Harris  
5405 E. Placita Hayuco  
Tucson, AZ 85718

**DISTRICT:** 4

**STAFF CONTACT:** Terrill Tillman

**PUBLIC COMMENT TO DATE:** As of May 21, 2014, staff has received four letters of opposition and three letters of support of the rezoning request.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** APPROVAL WITH STANDARD AND SPECIAL CONDITIONS, (6 – 2; Commissioners Cook and Poulos voted NAY, Commissioners Membrila and Neeley were absent).

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

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside the Maeveen Marie Behan Conservation Lands Systems.

CP/TT/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co9-13-10

Page 1 of 5

## FOR JUNE 3, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: May 21, 2014

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### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING

#### Co9-13-10 NEP #1 LLC, ET AL – HOUGHTON ROAD REZONING

Request of NEP #1, et al, represented by STAR Consulting, for a rezoning of three parcels (approximately 1.12 acres) at 16393, 16405, and 16417 S. Houghton Road from the TR (Transitional) zone to the CB-1 (Local Business) zone for a retail store. The properties are a portion of Lot 32 of New Tucson Unit No. 4 subdivision (Book 17 and Page 50) located approximately one-third of a mile south of Sahuarita Road, on the east side of Houghton Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property CAC (Community Activity Center). On motion, the Planning and Zoning Commission voted 6-2 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Cook and Poulos voted NAY, Commissioners Membrilla and Neeley were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

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#### Planning and Zoning Commission Public Hearing Summary (January 29, 2014)

Staff presented the staff report to the commission.

The applicant provided additional details of the request.

One speaker addressed the commission stating that the existing business are adequate for the services the area residents need and is opposed to the rezoning request.

Three people in the audience spoke against the rezoning request. These speakers owned or worked for the Roadrunner convenience store and gasoline station expressed concerns about traffic, the level of business the store would continue to have; and maintaining employment if the rezoning were approved.

One person spoke in favor of the request and welcomed the availability of additional services.

A motion to close the public hearing was approved.

The motion to recommend approval of the request subject to standards and special conditions passed. (6 – 2; Commissioners Cook and Poulos voted NAY, Commissioners Membrila and Neeley 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. The property shall be limited to one access point as shown on the preliminary development plan.
  - B. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and south. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.

- C. The developer shall construct a 12-foot asphalt path in the Houghton Road right-of-way per detail P1101 as shown in the NRPR Park Development Standards, Specifications and Details book. The developer is responsible for all permits required for construction and shall coordinate construction with PCDOT.
8. Regional Flood Control District conditions:
- A. At the time development is proposed, the property owner shall submit to the Pima County Regional Flood Control District a drainage report that includes Hydrologic Analysis, Hydraulic Analysis, Distributary Flow Analysis, and analysis documenting compliance with the Lee Moore Wash Basin Management Study for review and approval. Based on this analysis, specific limitations may apply to the layout of the site in order to ensure that the provisions of the Ordinance are met. The applicant shall also provide an engineering analysis that demonstrates the development does not increase the water surface elevation by more than 0.1 feet or the velocity by more than 10%, as measured at property lines.
  - B. Due to existing flooding problems, the development shall meet Critical Basin detention and retention requirements.
  - C. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of development plans detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
9. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
10. Wastewater Management 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.
- 11. Adherence to the preliminary development plan as approved at public hearing.
  - 12. 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.
  - 13. 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(l)."
  - 14. 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: NEP #1 LLC, et al, PO Box 35037, Tucson, AZ 85740  
STAR Consulting, Geoff Harris, 5405 E. Placita Hayuco, Tucson, AZ 85718  
Chris Poirier, Assistant Planning Director  
Co9-13-10 File

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

**HEARING**      January 29, 2014

**DISTRICT**      4

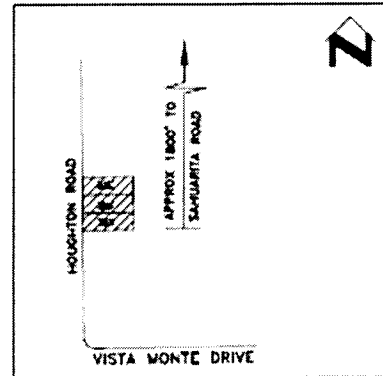
**CASE**            Co9-13-10 NEP #1 LLC, et al –  
                         Houghton Road Rezoning

**REQUEST**       TR (Transitional Zone)  
                         to CB-1 (Local Business Zone)  
                         1.12 acres

**OWNER**          NEP #1 LLC, et al  
                         PO Box 35037  
                         Tucson, AZ 85740

**APPLICANT**    Southwest General Development  
                         Beau Woodring  
                         10229 N. Scottsdale Road  
                         Scottsdale, AZ 85253

**AGENT**           STAR Consulting  
                         Geoff Harris  
                         5405 E. Placita Hayuco  
                         Tucson, AZ 85718



**APPLICANT'S PROPOSED USE**

The applicant proposes construction of a 9,221 square foot Dollar General, retail store, with associated parking and development amenities.

**APPLICANT'S STATED REASON**

The addition of a retail store is expected to benefit an underserved, remote area of Pima County.

**STAFF REPORT SUMMARY**

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. There are no significant constraints on the site, the request is consistent with the Comprehensive Plan designation, and the use should benefit the area by providing another local retail opportunity.

**COMPREHENSIVE PLAN**

The subject property is designated as Community Activity Center (CAC) by the Pima County Comprehensive Plan. A rezoning request to CB-1 (Local Business) complies with the CAC 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).

Proposed rezoning condition #8 addresses the above policy.

#### **MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM CLASSIFICATION**

The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

#### **SURROUNDING LAND USES/GENERAL CHARACTER**

North	TR & CB-1	(TR)Vacant & (CB-1)Ace Hardware
South	TR & SP	(TR)Vacant & (SP) Santa Rita Golf Course Clubhouse
East	SR & CR-3	Single-family residential
West	TR	Single-family residential

The immediate, surrounding properties to the north and south are vacant. The properties beyond those two parcels are developed, approximately 110 feet to the north is an Ace Hardware and a clubhouse for the Santa Rita Golf Course is located to the south. There are single-family residences to both the east and the west of the subject rezoning site. The nearest convenience store is, the Roadrunner Market and Gas Station, located approximately one-third of a mile away from the proposed site, on the southeast corner of Sahuarita Road and Houghton Road.

Staff found no other similar stores, with household goods and food, located within the area.

#### **PUBLIC COMMENT**

Staff has received one email letter and one traditional letter of concern from the public at the time of this writing. In the email letter, the President of the Santa Rita Foothills Community Association in Corona de Tucson cites concerns with the overall business model of Dollar General, and the associations perceived negative impacts on their community, including junk food and tobacco sales near schools. She states as President, that her members are also concerned with the treatment of employees. The author of the traditional letter reiterates the concerns of the community association. Staff has also received two emails in support of the request.

#### **PREVIOUS REZONING CASES ON**

There are no previous rezoning cases on the subject site.

#### **PREVIOUS REZONING CASES IN GENERAL AREA**

The developed properties to the north were rezoned from GR (General Rural) to CB-1(Local Business) in 1963 (Co9-63-006), and from CB-1 to CB-2 (General Business) in 1992 (Co9-92-031). The area to the east was rezoned from GR to SR (Suburban Ranch) and CR-3 (Single Residence), along with the area to the south that was also rezoned from GR to TR (Transitional) in 1963 (Co9-63-006). The area to the west was rezoned from GR to TR in 1962 (Co9-62-057).

<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	Conditions recommended
WASTEWATER/ ENVIRONMENTAL QUALITY	Yes subject to conditions	Conditions recommended
PARKS AND RECREATION	N/A	N/A

### **PLANNING REPORT**

The request is to rezone approximately 1.12 acres from the TR (Transitional) zone to the CB-1 (Local Business) zone to allow a retail store (Dollar General). The subject property is currently vacant.

The site will have direct access to north and south bound Houghton Road at the existing median opening. Houghton Road 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 landscape bufferyard Type "D" is required. The setback should not be an issue for the proposed development because parking is proposed along Houghton Road. The applicant proposes a landscape bufferyard ranging from 5 feet to 25 feet in width, along Houghton Road.

The site is proposed to be served by public sewer with no known constraints for sewer service. An 18-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 proposed use should be a benefit because the area has limited retail services. The area along Houghton Road has been planned for medium-intensity, mixed-use development, given the Community Activity Center (CAC) designation by the Comprehensive Plan. The purpose of the CAC designation is to designate medium intensity mixed-use areas designed to provide goods and services along with compatible medium to high density housing types. The Comprehensive Plan states:

These (CAC) areas provide the range of goods and services necessary to satisfy the weekly shopping and service needs of the surrounding community. The center may include a major supermarket, along with other anchor tenants such as a discount department store, large variety store, or specialty stores such as a hardware/building/home improvement store. The center includes complementary uses, such as high density housing, offices, and government services. The center has direct access to a major arterial roadway, providing access from surrounding neighborhoods. Community Activity Centers are generally less than forty acres in size.

With the proper buffering, the use should not significantly affect the neighboring residential properties. There are no slope issues, the site is not within the Maeveen Marie Behan Conservation Lands System (MMBCLS), there is no significant vegetation, and the site will be serviced by Tucson Water.

### **TRANSPORTATION REPORT**

Concurrency criteria have been met for this site, as all the roads in the area are functioning well below capacity. The request is to develop the site as a 9,221 square foot dollar store with associated parking. One access point is shown on Houghton Road. The site is located on the east side of Houghton Road approximately 1/3 of a mile south of Sahuarita Road. The proposed driveway access point onto Houghton Road aligns with an existing median opening.

In addition, a 12-foot wide asphalt trail/sidewalk is shown on the preliminary development plan. The trail is shown in the right-of-way. A right-of-way use permit will be required to construct the path in the right of way; however, DOT supports this location. The proposed development will generate approximately 520 average daily trips (ADT).

Houghton Road, south of Sahuarita Road, is a paved, 2-lane rural major collector with a raised median and is designated as a Major Route on the Major Streets and Scenic Routes Plan. There are 200 feet of existing right-of-way on Houghton Road, and the speed limit is 35 miles per hour. There are approximately 6,000 ADT on the segment of Houghton Road Adjacent to this development. Capacity on Houghton Road is approximately 44,000 ADT.

Sahuarita Road is a two lane, county maintained urban principal arterial. It is designated as a Scenic, Major Route on the Major Streets and Scenic Routes Plan. ADT on Sahuarita Road is approximately 5,000 ADT in the vicinity of this project. Capacity on Sahuarita Road is 14,900 ADT.

There are several scheduled improvements to Houghton Road planned in the next 5-years; however these improvements are all over 5-miles north of the proposed development.

The Department of Transportation recommends the rezoning conditions #7A-7C.

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

Reviewed the submittal and made the following comments:

The site is almost entirely within local floodplains identified in the Lee Moore Wash Basin Management Study Area. Furthermore the site is impacted by the Fagan Wash Erosion Hazard Setback. The applicant intends to submit a drainage report at the time of development demonstrating that these floodplains do not impact the site.

The site design proposed in the first site analysis has been revised to address District concerns about basin and building placement, and drainage. While further details and design revisions have been provided, final design may depend upon the drainage report findings.

Numerous downstream drainage complaints are on file with the District. While these do not indicate violations on the subject site they do suggest that drainage conditions in the area are problematic.

Should the Planning and Zoning Commission recommend approval the department recommends the addition of rezoning conditions 8A and 8B.

## RFCD – WATER RESOURCES REPORT

A Water Supply Impact Analysis has been conducted on the proposed rezoning. Pima County conducts a Water Supply Impact Analysis on rezonings requiring a site analysis regarding how the proposal would affect five critical issues.

PIMA COUNTY'S WATER SUPPLY IMPACT ANALYSIS		
	CRITICAL ISSUE	RESPONSE
1.	Water Service and Renewable Water Supply Options	The proposed rezoning area is within the Tucson Water (TW) service area and a will serve has been provided by TW. <b>TW does have access to a renewable and potable water supply</b> (CAP at the Pima Mine Road Recharge Facility). In this area, TW will pump a blend of CAP and groundwater from the Pima Mine Road recharge area.
2.	Current and Projected Depth to Groundwater and Groundwater Trend Data	The average depth to groundwater in this area is approximately 400 feet. <b>Groundwater at this depth is not likely to support vegetation or aquatic ecosystems.</b> Groundwater levels have declined in this area in the last 30 years as much as 1 to 1.5 feet/year. Groundwater levels are projected to decline by 15 feet over the next 15 years, according to the ADWR-TAMA model Base Case.
3.	Proximity to Areas of Known or Potential Ground Subsidence	The proposed rezoning is in an area of low subsidence, declining 0-1 inches from 1987-2005
4.	Proximity to known Groundwater-Dependent Ecosystems	The proposed rezoning area is not <b>within 5-miles of a groundwater dependent ecosystem.</b>
5.	Location within a Hydrogeologic Basin, including Depth to Bedrock	The proposed rezoning is located in the Tucson Hydrogeologic Basin area. <b>This sub-basin has been identified as being sensitive to groundwater removal.</b> Depth to bedrock in this area is estimated at greater than 5000 feet.

**Pima County's Water Supply Impact Analysis finds that, under existing conditions, the rezoning property does have access to renewable and potable water.** The area is also where groundwater has been declining and is projected to continue to decline. Wastewater from the site will flow to the Corona de Tucson Wastewater Treatment Facility for eventual recharge of an estimated 40% of the water the rezoned area will generate. In addition, Tucson Water typically provides a blend of recharged CAP and groundwater that is mixed in its distribution system for eventual potable use.

The current site analysis does have an acceptable Preliminary Integrated Water Management Plan (PIWMP) with acceptable water conservation measures. A description of the indoor and outdoor water conservation measures is included on page 61 and has a sufficient blend of indoor and exterior water conservation measures. The estimated water demand was estimated

at approximately 0.48 AF/yr. based on interior and exterior use. We suggest exterior water harvesting with integration with the landscaping plan and into multi-purpose detention/ retention.

Staff recommends the addition of rezoning condition 8C.

#### **WASTEWATER MANAGEMENT REPORT**

Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the proposed rezoning requests and the additional rezoning conditions 10A-10F.

#### **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**

Recommend rezoning condition #9.

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

No comment.

#### **CORONA DE TUCSON VOLUNTEER FIRE DEPARTMENT**

No comment.

#### **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.

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  - A. The property shall be limited to one access point as shown on the preliminary development plan.
  - B. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and south. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
  - C. The developer shall construct a 12-foot asphalt path in the Houghton Road right-of-way per detail P1101 as shown in the NRPR Park Development Standards, Specifications and Details book. The developer is responsible for all permits required for construction and shall coordinate construction with PCDOT.
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  - 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.
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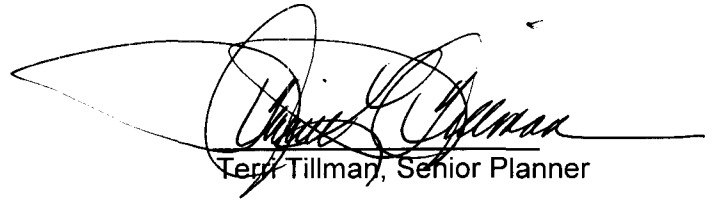
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January 29, 2014

STAFF REPORT  
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Respectfully Submitted,

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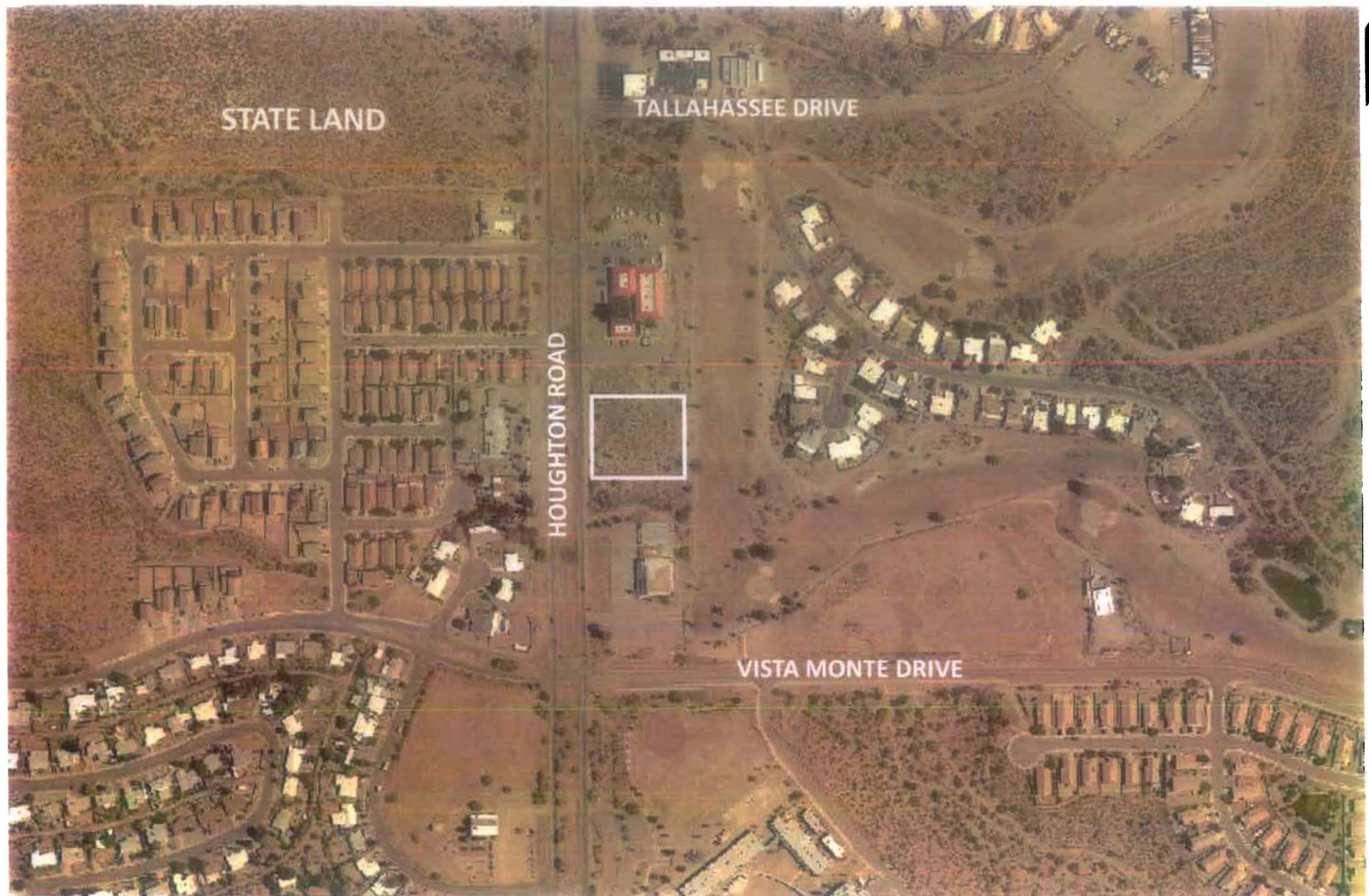
Aaron Stubbs, Graduate Intern,  
University of Arizona



Terr Tillman, Senior Planner

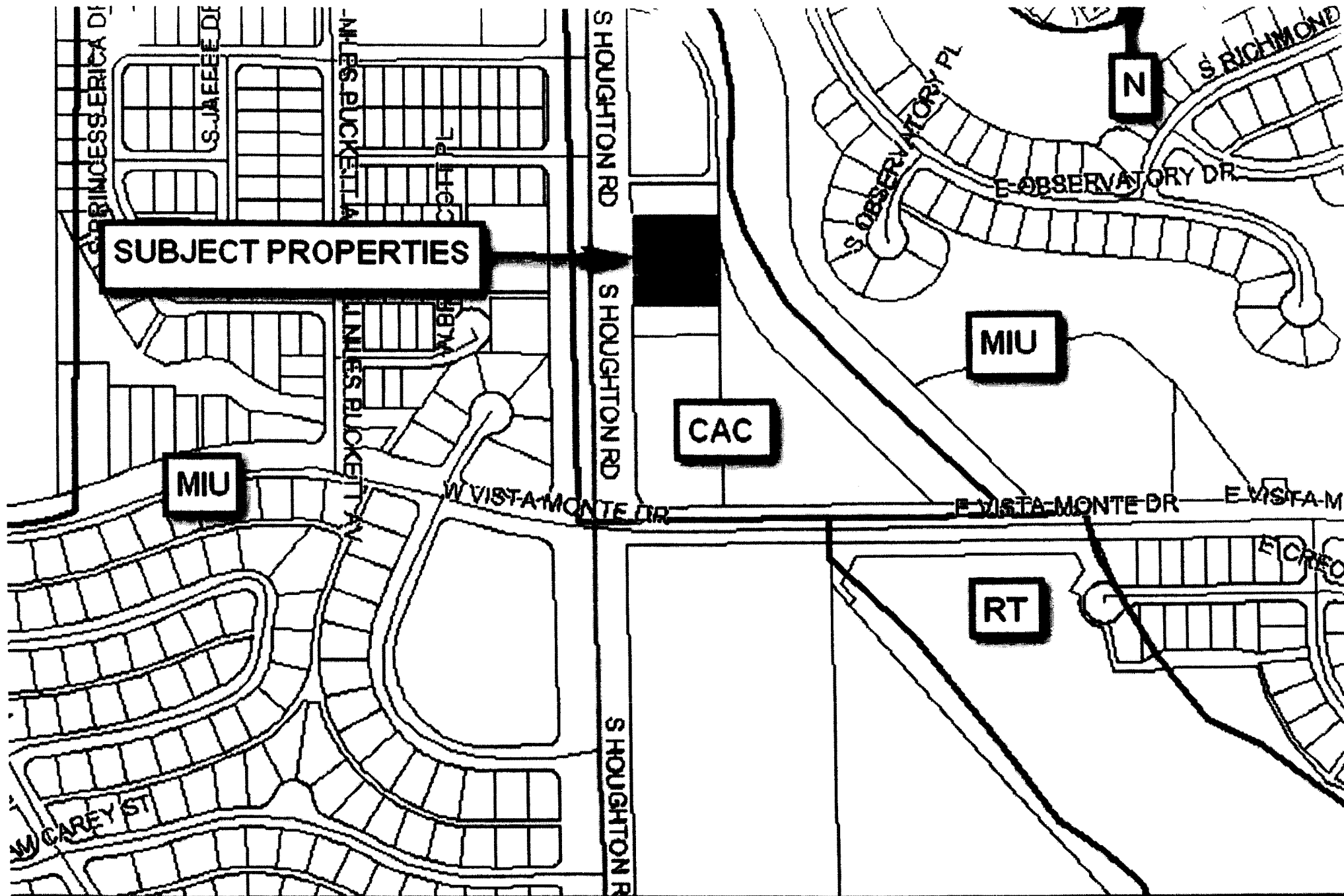
C: Geoff Harris, STAR Consulting  
5405 E. Placita Hayuco  
Tucson, AZ 85718





Co9-13-10 NEP #1 LLC, ET AL — HOUGHTON ROAD REZONING

2012



**Comprehensive Plan Land Use  
Designation - Community Activity Center (CAC)  
Subregion - Rincon Southeast/Santa Rita Subregion (RSSR)**

# NEIGHBORHOOD MEETING SUMMARY



January 10, 2014

**Rezoning Application Co9-13-10  
Dollar General at Corona de Tucson  
Neighborhood Meeting Documentation**

**Meeting Summary:**

The following is a summary of the neighborhood meeting held on January 8, 2014:

- a. At 6:20 pm I arrived and notified fire department staff of my arrival. One neighbor arrived at the same time, and by 6:30 pm additional neighbors had arrived and we had begun our discussion.
- b. The meeting was attended by STAR Consulting and approximately 10-15 neighbors. A sign-in sheet was provided, as well as copies of the PDP. I opened the meeting by describing the proposed development and describing the general steps in the rezoning process.
- c. Various concerns were brought up for discussion, including drainage, traffic, water supply, and the Dollar Store brand. There were no specific questions raised regarding the specific development proposal as described on the PDP handout. The technical issues raised by the neighbors related to existing conditions in the Corona de Tucson area...limitations on existing water supplies available from Tucson Water in the area, lack of maintenance of existing public roadways, and existing flooding problems in the subdivision downstream, west of Houghton Road.
- d. Several in attendance voiced general opposition to the Dollar General, but indicated they would support a rezoning for a different commercial user...Walgreens or Safeway, for example. Other attendees expressed support for the rezoning, while others indicated they would oppose any commercial development in the area.
- e. All in attendance were able to express their views about the proposed rezoning, and they were encouraged (by me) to provide specific concerns and comments about the proposed Dollar General development. Nothing specific was suggested, although many attendees accepted my business card for any future questions or comments.
- f. At the request of the attendees I described the rezoning process in greater detail and where we are in the process. I indicated that they could write letters to Pima County Planning Department and attend and speak at upcoming hearings by the Planning Commission and Board of Supervisor's.
- g. Mr. Janicek indicated he was considering a rezoning of his property for a restaurant nearby, and most in attendance voiced support for a restaurant.
- h. At 7:30 pm I indicated that our time was up, and all parties assisted in straightening the conference room before either departing or continuing private discussions outside the building.

We appreciate your interest in our project.

Sincerely,

Geoff W. Harris, P.E.

May 30, 2013

To: Pima County Planning Dept

From: NEP #1, LLC

RE: Rezoning Authorization

To Whom It May Concern,

As the owner of Pima County parcel numbers 305-28-032E and 305-28-032F, NEP #1, LLC hereby authorizes Southwest General Development LLC to seek rezoning of our parcels listed above.

Thank you,

By: NEP #1, LLC

A handwritten signature in cursive script, appearing to read "L. Neville", is written over a horizontal line.

L. Neville, its Manager

Date

January 13, 2014

Re: Case #C09-13-010 P/Z  
Rezoning Request of 16393, 16405, and 16417 S. Houghton Road Vail, AZ 85641

Pima County Public Works  
Development Services Department-Planning Division  
201 N. Stone Avenue  
Tucson, AZ 85701

JAN 17 2014

To Whom It May Concern:

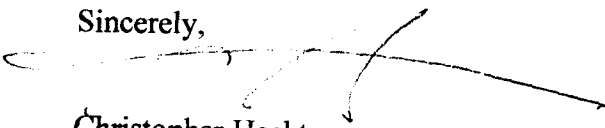
I am writing this letter in protest to the rezoning request being made by NEP #1 LLC to change the above locations from a TR zone to a CB-1 zone. I object to the zoning change. I live across the street, within 300 feet of the proposed area. It is my feeling that the original zoning of TR (Transitional) is a much better fit for the community and my neighborhood. That area should not be used for a large retail store which will significantly increase traffic, noise, and light pollution. The intended purpose of Transitional, meaning a facility such as a daycare center or health center is a much more acceptable use of that property.

The plan published by Star Consulting states the property will become a Dollar General store. This in itself raises many additional concerns. First and foremost, in December of 2012, Dollar General began selling tobacco products from its stores. In an interview in December of 2013 about the success of Dollar General's tobacco sales, CEO Richard Dreiling stated, "The addition of tobacco products has had a significant impact on growth in our customer traffic, which I continue to believe is the most important metric with regard to evaluating the success of our tobacco initiative." He continued, "We're very pleased with the progress we made in building our market share in tobacco. Going forward, we expect both traffic and transaction size to build as customer awareness of tobacco products in our stores continues to grow." I am not writing this to argue to use of tobacco, rather to raise awareness of this target market in a retail store that would sit next door to a children's dance studio and within 500 feet of two public schools which have over 1400 students.

In addition, Star Consulting states the business will add good jobs to the community. According to an evaluation by 24/7 Wall St., based on reviews from Glassdoor.com, a career community website, Dollar General is the fourth worst publicly traded company in the United States to work for. This is not a company we want in our neighborhood.

In summary, I would like to reiterate that I object to the rezoning of the above parcels. I think the land should be used for its original intention, something that would enhance our community. Please feel free to contact me with any questions or concerns

Sincerely,



Christopher Hecht  
29 W. Eric Dorman St.  
Vail, Az 85641  
Parcel 305-27-0380



with necessities. Thus taxpayers end up footing the bill for your company's poverty wages." Pima County simply cannot afford more low-wage workers on the public dole. A check of the FierceRetail website lists Dollar General as one of the worst retail employers in the country. According to *24/7 Wall St.* the company is ranked below par based on employee reviews at the career community site Glassdoor. Workers at Dollar General regularly complained they were unable to work the hours they desired, while many store managers were overworked. Workers noted, employees "are expected to have full availability, even out of season, meaning no second jobs." Obviously, this is a company with little loyalty to employee or customer.

Corona de Tucson does not have a ready supply of workers desperate enough to work under these appalling conditions. Most Dollar General stores are located in failing neighborhoods that are declining into poverty. That is not the situation in Corona de Tucson, a town that grew in size by 597% between 2000 and 2010, according to the 2010 census. Although our community suffered from a downturn in the economy along with the rest of the county, we continue to prosper. New homes are being built, 232 new homes have been sold this year, 140 previously owned homes have sold and 109 new building permits for houses have been issued. It is apparent our community is not in decline. We want and need new businesses here in Corona de Tucson; businesses that fit our life styles and our pocketbooks. Sadly, the proposed Dollar General fits neither.

Sandy Whitehouse, President

Santa Rita Foothills Community Association in Corona de Tucson

## Terri Tillman

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**From:** Marjorie Janicek <mydanzone@aol.com>  
**Sent:** Tuesday, January 21, 2014 5:38 PM  
**To:** geoff@starconsulting.com; Terri Tillman  
**Subject:** Dollar General in Corona de Tucson

Hi,

I would like to state for the record that we could really use a Dollar General here in Corona de Tucson. I am a small business owner (the Danzone) and I would really appreciate a store like Dollar General coming here for convenience sake.

Thank you,

Marjorie Janicek  
Danzone Artistic Director  
16461 S. Houghton Rd  
Corona, AZ 85641  
520.762.9895

## Terri Tillman

---

**From:** Jay Janicek <jayjanicek@aol.com>  
**Sent:** Thursday, January 23, 2014 10:00 AM  
**To:** Terri Tillman  
**Subject:** Santa Rita Foothills Community Association

Dear Mr. Tillman,

It has come to my attention that Mrs. Whitehouse has used the Santa Rita Foothills Community Association as representing a large majority of Corona de Tucson tax payers. Please see my response below to Mrs. Whitehouse as my wife and I are no longer members. I have talked to several other members of that association and it seems to me that a number of them are for the DG store and re-zoning or neutral. And yes, some are against it. I also want to bring to your attention that I have met other past members that have canceled their membership in Mrs. Whitehouse's association. I am deeply concerned that our community is being undermined and mis-represented.

I only ask that Pima County does its due diligence and without prejudice.

Thank You,  
Jay Janicek

-----Original Message-----

From: Jay Janicek <jayjanicek@aol.com>  
To: deadlass14 <deadlass14@msn.com>  
Cc: mydanzone <mydanzone@aol.com>  
Sent: Thu, Jan 23, 2014 8:21 am  
Subject: Santa Rita Foothills Community Association

Dear Sandy,

Please remove my wife and I from the Santa Rita Foothills Community Association. We thought it was a neutral party association to inform the community of the "happenings" in Corona de Tucson. It has come to our attention that the association is being used by a few members personal agenda to sway the local government. As we both feel the need to be kept informed on what is happening in and around where we live and operate our business. It was never our intention to belong to an Association that expresses the opinion of Ralph Nader or any other activist. We will listen to all the facts and make our own decisions.

A few positive facts about Dollar General that we believe would be a good fit for the community.

1. 14 jobs - we wouldn't expect this jobs to be high paying with the exception of a couple of manager/asst. managers.
2. The sale of school supplies - we feel this is good for a community with 1400 plus students.
3. Some DG stores sell fruits and vegetables - we can't make the parents or kids buy healthy products, but giving them a choice is a good thing.
4. Dollar General stores are known for their involvement in small communities.
5. They have been upgrading their stores and closing ones that no longer fit their model which we believe is why they are better than their competition.
6. This is an S&P 500 company and is listed on the New York Stock Exchange. They didn't get there by not providing the wants and needs of the small communities they serve.

For the record: we do have a financial interest in one of the 3 lots that are being requested for the re-zoning. Before we decided to sell our lot, my wife and I discussed whether we would be interested in having a DG store in the community. We feel it fits with the overall needs of the community and is an opportunity that once passed on will hurt the community for a long time. It would be in the best interest of the community to have all of the facts.

Fact: Our intent was to use the money from the sale of the lot and re-invest it to re-zone our 2 acre property (The Danzone) from transitional to CB-1 for a restaurant through the existing commercial kitchen and back Veranda/Patio area.



Eventually and hopefully getting county building permits, approvals, etc. to build an indoor restaurant located where the old golf cart building stands.

We want to be part of this community and have watched the community come together through the Danzone business. We have had so much support from the community (you included) and we are thankful everyday for what we do have.

Jay Janicek

## Terri Tillman

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**From:** Jay Janicek <jayjanicek@aol.com>  
**Sent:** Thursday, January 23, 2014 11:18 AM  
**To:** Terri Tillman  
**Subject:** Fwd: Santa Rita Foothills Community Association

Please see Sandy Whitehouse response to my e-mail. I stand corrected about our being members but still feel strongly that association is a mis-representation of the community as a whole.

-----Original Message-----

**From:** Sandy WHITEHOUSE <deadlass14@msn.com>  
**To:** Jay Janicek <jayjanicek@aol.com>  
**Sent:** Thu, Jan 23, 2014 10:14 am  
**Subject:** RE: Santa Rita Foothills Community Association

Mr. Janicek, Since your wife had not paid her dues for her membership in the Association for 2014 her name had been removed. You were never a member of the Association as the dues paid for 2013 were \$10 for an individual membership. At your wife's request your name was added to the e-mail as a courtesy.

We are sorry to see her go.

Sandy

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**To:** [deadlass14@msn.com](mailto:deadlass14@msn.com)  
**Subject:** Santa Rita Foothills Community Association  
**From:** [jayjanicek@aol.com](mailto:jayjanicek@aol.com)  
**CC:** [mydanzone@aol.com](mailto:mydanzone@aol.com)  
**Date:** Thu, 23 Jan 2014 10:21:40 -0500

Dear Sandy,

Please remove my wife and I from the Santa Rita Foothills Community Association. We thought it was a neutral party association to inform the community of the "happenings" in Corona de Tucson. It has come to our attention that the association is being used by a few members personal agenda to sway the local government. As we both feel the need to be kept informed on what is happening in and around where we live and operate our business. It was never our intention to belong to an Association that expresses the opinion of Ralph Nader or any other activist. We will listen to all the facts and make our own decisions.

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Fact: Our intent was to use the money from the sale of the lot and re-invest it to re-zone our 2 acre property (The Danzone) from transitional to CB-1 for a restaurant through the existing commercial kitchen and back Veranda/Patio area. Eventually and hopefully getting county building permits, approvals, etc. to build an indoor restaurant located where the old golf cart building stands.

We want to be part of this community and have watched the community come together through the Danzone business. We have had so much support from the community (you included) and we are thankful everyday for what we do have.

Jay Janicek

## Terri Tillman

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**From:** Beau Woodring <beau@generaldevelop.com>  
**Sent:** Thursday, January 23, 2014 3:59 PM  
**To:** Julie Miller; Jay Janicek; Dave Hammack; Geoff Harris; Terri Tillman  
**Subject:** Dollar General in Corona de Tucson  
**Attachments:** Literacy Foundation.pdf

This is the kind of community partner every place needs:

One of the good things that DG does is their literacy foundation (see attached). The founder of DG was a functional illiterate having dropped out of school at an early age. He founded the Literacy Foundation to combat the exact problem he had being illiterate. In 2013 they awarded over **\$2.5 million** by August and this only grows each month. Stores get involved also by having book drives for the schools and outreach.

--  
Beau Woodring  
Southwest General Development  
10229 N. Scottsdale Rd, ste. F  
Scottsdale, AZ 85253  
[beau@generaldevelop.com](mailto:beau@generaldevelop.com)  
646-734-2654



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# Grant Center

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## DOLLAR GENERAL LITERACY FOUNDATION

### Dollar General Literacy Foundation

#### Contact information:

100 Mission Ridge  
Goodlettsville, TN 37072  
Phone: 615 655 6208

Website: <http://www2.dollargeneral.com/dgliteracy/Pages/landing.aspx>

Type of foundation: Company-sponsored

Types of grants: Project, equipment

Description: The Dollar General Literacy Foundation supports literacy programs for children, youth, adults and families in 40 states nationwide. It makes grants in the areas of:

- Adult literacy: Grants support adult basic education, GED preparation and English language acquisition.
- Family literacy: Grants support adult education instruction, children's education, Parent and Children Together Time, and parenting classes.
- Youth Literacy: Grants support implementation of new or expansion of existing literacy programs, purchase of new technology or equipment to support literacy initiatives, purchase of books, materials or software for literacy programs.
- Summer Reading Programs: Grants go to local nonprofits and libraries to support summer reading programs for pre-K through 12th grade students.
- Beyond Words: Grants go to school libraries recovering from major disasters.

#### Sample grants:

- \$216,400 to Boys and Girls Clubs of America (Atlanta, GA) (2012).
- \$150,000 to National Coalition for Literacy (Washington, DC) (2012).
- \$90,000 to Nashville Adult Literacy Council (Nashville, TN) (2012).
- \$75,000 to Council for Advancement of Adult Literacy (New York, NY) (2012).
- \$55,000 to Western Kentucky University (Bowling Green, KY) (2012).
- \$24,000 to Minnesota Literacy Council (St. Paul, MN) (2012).
- \$20,000 to Vision of Hope (Lake Charles, LA) (2012).
- \$20,000 to Tulsa Hope Academy (Tulsa, OK) (2012).
- \$20,000 to GROWVS Literacy Council (Apopka, FL) (2012).
- \$20,000 to the Ohio Literacy Council (Columbus, OH) (2012).
- \$20,000 to the Literacy Council (Birmingham, AL) (2012).
- \$17,000 to Wayne County Joint Vocational School District (Smithville, OH) (2012).
- \$15,000 to the Consortium for Children's Services (Syracuse, NY) (2012).
- \$15,000 to /Johnny Scott Theatre Center (Austin, TX) (2012).
- \$15,000 to National Dropout Prevention Network (Clemson, SC) (2012).
- \$15,000 to Nashville Public Library Foundation (Nashville, TN) (2012).
- \$12,000 to Moab Valley Multicultural Center (Moab, UT) (2012).
- \$12,000 to Southern Sudanese Youth Connection (Gallatin, TN) (2012).
- \$10,000 to Nashville Public Television (2012).
- \$10,000 to Volunteers of America, Dakotas (Sioux Falls, SD) (2012).

## American Graduate Resources

### Grantwriting Resources

Grant Basics | By Project | Make Your Case | Trends | Policy

### Funding by Topic

Aging | Arts and Humanities | Capital/Equipment | Community Engagement | Digital Transitions | Digitization | Disability | Diversity | Dropout Prevention | Early Childhood Education | Educational Research | Emergency/Disaster | Environment | Health | Higher Education | Homeland Security | International Issues | Journalist Training | K - 12 Education | Literacy | News | Public Education & Awareness Campaigns | Region | Rural Development | Science and Technology | Social Justice | Teacher Training | Women and Girls | Workforce Development | Youth

## Federal Funding

## Foundation Funding

## Success Stories

## Grant News

## Webinars/Conference Calls

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[grantcenter@apts.org](mailto:grantcenter@apts.org)  
202.654.4207

## Contact the Grant Center Staff

- \$10,000 to Pre-Literacy Detroit (Detroit, MI) (2012).
- \$10,000 to Seeds of Literacy (Cleveland, OH) (2012).
- \$10,000 to Wisconsin Literacy, Inc. (Madison, WI) (2012).
- \$0,500 to Imbuktu Academy of Science and Technology (Detroit, MI) (2012).
- \$3,000 to Young Audiences of Louisiana (New Orleans, LA) (2012).
- \$3,000 to Youngstown State University Foundation (Youngstown, OH) (2012).
- \$2,000 to Think Through Art (Columbus, NM) (2012).

Many grants, mostly below \$5,000, went to individual schools and libraries. Numerous grants also went to Big Brothers/Big Sisters and Boys and Girls Clubs.

**Fit for public broadcasting:** The Foundation's heavy focus on literacy and reading converges with one of public broadcasting's core strengths. The Foundation may be a prospect for literacy, adult education, GED or reading programs run by stations on their own or in partnership with others. The Foundation also has some evidence of interest in dropout prevention (and certainly literacy and dropout prevention intersect). The Foundation makes grants to many small and large programs in communities nationwide (libraries, youth clubs, schools, literacy councils, workforce training programs, etc.) and may be a candidate for projects where a station partners with other community organizations.

**Eligibility:** Grants are made in **40 states**. Applications will only be accepted from eligible 501(c)(3) tax-exempt organizations and/or educational institutions (K-12 private and public schools, and colleges and universities) and/or public libraries. All applicants must be located in and provide direct services in a state in which Dollar General operates, and must be located within twenty miles of a Dollar General store. No grants to individuals, or for endowments, capital campaigns, film or video projects, the purchase of vehicles, advertising, construction or building costs, general fundraising events, or political causes or campaigns.

**Deadline:** Deadlines vary by program.

- Adult Literacy Program: February 28, 2013.
- Family Literacy Program: February 28, 2013.
- Summer Reading Grants: February 28, 2013.
- Youth Literacy Grants: May 23, 2013.

**How to apply:** Interested applicants should take the online eligibility quiz, which leads to the online application.

**Giving range:**

- Adult Literacy grants: Maximum is \$15,000.
- Family Literacy grants: Maximum is \$15,000.
- Youth literacy grants: Maximum is \$4,000.
- Summer Reading grants: Maximum is \$3,000.


**Assets:** \$12,549,349 (2012)

**Total giving:** \$12,575,824 (2012)

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The Grant Center is not a grantmaking organization. We maintain a clearinghouse of available federal and foundation funding opportunities, and our services are open to all CPB-qualified public television and radio stations.

## WEBINARS/CONFERENCE CALLS

### January 2014 Webinars

There are two webinars in January that will offer tips for securing funding.

#### Insight into the 2013 Rural Digital Grant Competition

Listen to this conference call from August 8, 2013, to hear about the 2013 Rural Digital grant competition from experts at the USDA.

## NEWSLETTERS

### Grant Center Funding Newsletter – December 2013

[Read the Grant Center's December 2013 newsletter.](#)

### Grant Center Funding Newsletter – September 2013

[Read the Grant Center's September 2013 newsletter.](#)

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## Terri Tillman

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**From:** Allison Berryman <allie\_berryman@elitemail.org>  
**Sent:** Friday, January 24, 2014 3:58 PM  
**To:** Terri Tillman  
**Subject:** Thoughts regarding Co9-13-10

To Whom it May Concern,

I am contacting you regarding the proposed zoning change on Houghton Road, 1/3 of a mile south from Sahuarita. That location is a growing community named Corona de Tucson. While I do not live within 300 ft. of the proposed zoning site, I do live in a growing Home Owners Association, Sycamore Canyon, not far from the site.

Our community is growing by leaps and bounds. We've actually outgrown our elementary school and are having to juggle new busing arrangements for the upcoming school year. Residents of the area are looking forward to having commercial and retail stores open up close by. The neighborhood gossip chain has wished for a grocer, maybe a Starbucks (everyone wants good coffee!), and some kind of dining option. Retail along these lines would do well out in our neighborhood. Classy stores with high quality goods. That's what will thrive in our neighborhood. That's what we need.

I shudder to think of a Dollar General coming to Corona de Tucson. When I think of Dollar General, I think of declining neighborhoods that are coming close to poverty. For instance, we have a family friend that lives near Drexel and Alvernon. Even my husband feels cautious entering this neighborhood. One of the stores in that neighborhood is, you guessed it, a Dollar General. As a homeowner, I'm concerned about the impact of a Dollar General on our area property taxes. The right kind of retail will go a long way in continuing the growth of our community. A Dollar General (or a store like it) does not meet our needs and we do not want them to build in our neighborhood.

However, if Trader Joe's would like to build in that same location, by all means, please change the zoning requirements!

Thank you for your consideration.

Sincerely,

Allison Berryman  
Corona de Tucson resident



Terri Tillman  
Tucson Development Service  
201 N. Stone  
Tucson, AZ 85701

Tim Roelike  
16692 S. Saguaro View Lane  
Vail, AZ 85641-6551  
250-7358

Dear Ms. Tillman,

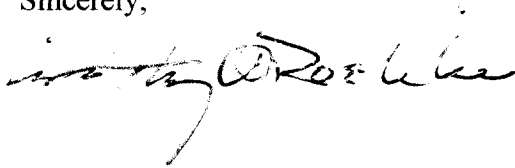
I recently heard that a firm has intentions to put a Dollar General store near the corner of S. Houghton and Sahuarita Roads and is requesting rezoning for that area (Co9-13-10 NEP #1 LLC). I have lived in this area for about ten years and am very much opposed to this action.

It is my understanding that businesses such as this typically result in devaluation of the property in the surrounding areas and general decay of the affected neighborhoods. This is very much a thriving neighborhood, with new building permits being issued and new building going on.

I do not object to development, but I think it should be of the type that improves the area and adds to the value of the people who have invested in it. I don't think that a business of this type would be popular, and I certainly will not be a customer.

I will be attending the public hearings and hope to have input into your decision to issue this permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Roelike", with a stylized flourish at the end.

C09-13-10

**Terri Tillman**

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**From:** Martha Koslowsky <mru825@aol.com>  
**Sent:** Tuesday, May 20, 2014 5:03 PM  
**To:** Terri Tillman; "starconsultingaz.com. deadlass14"@msn.com  
**Subject:** Case #C09-13-010 P/Z, Rezoning Request of 16393, 16405 and 16417 S. Houghton Rd, Vail AZ 85641

We are residents in the area of the proposed Dollar General store referred to in the above case.

We would like to go on record as STRONGLY opposing this project for a variety of reasons. Two important ones being:

- Lowered general perception of the area, and lowered real estate values as a result of this establishment.
- Tobacco sales near schools.

We do not oppose this becoming a retail zoned property, and would support a restaurant or higher end grocery store, i.e. Fry's or Safeway.

After reading various letters to you from residents opposed to this project, we hope you will take another one into strong consideration. It seems the only posted correspondence in support of this are the current owners of the property.

Sincerely

Charles and Martha Koslowsky  
16590 S. Sycamore Ridge Trail  
Vail, AZ 85641