



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ramon Valadez, Supervisor, District # 2

FROM: Arlan M. Colton, Planning Director

DATE: October 2, 2013

SUBJECT: Co9-13-07 KQ COVENANT INVESTMENTS LLC – NOGALES HWY

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 15, 2013** hearing.

REQUEST: For a rezoning of approximately 1.46 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone, on property located approximately one-third mile south of Old Vail Connection Road, on the west side of Nogales Hwy.

OWNER: KQ Covenant Investments LLC
P.O. Box 13205
Tucson, AZ 85732

AGENT: Jeff Stanley
JAS Engineering
P.O. Box 1888
Tucson, AZ 85702

DISTRICT: 2

STAFF CONTACT: Janet Emel

PUBLIC COMMENT TO DATE: As of October 2, 2013, staff has not received any written comment.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, (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/JE/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-13-07

Page 1 of 4

FOR OCTOBER 15, 2013 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: October 2, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

Co9-13-07 KQ COVENANT INVESTMENTS LLC – NOGALES HWY

Request of **KQ Covenant Investments LLC**, represented by **JAS Engineering**, for a rezoning of approximately 1.46 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone, on property located approximately one-third mile 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, Membrila, and Holdridge were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**.
(District 2)

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

Staff presented the staff report to the commission.

The applicant provided additional details of the request.

A commissioner asked if the applicant was amenable to the 20-foot building height limit. The applicant responded affirmatively.

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 standard and special conditions passed 7-0 (Commissioners Poulos, Membrila, 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 and south. 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 location of the access point shall require Department of Transportation approval.

- C. The property owner/developer shall provide the following offsite improvements:
Left turn lane serving the property from northbound S. Nogales Highway.
- 8. Regional Flood Control District condition:
 - 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 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.
 - B. Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time 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. Adherence to the sketch plan as approved at public hearing. The proposed sign in the bufferyard shown on the sketch plan will require Design Review Committee approval prior to permitting.
 - 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/JE/ar
Attachments

c: KQ Covenant Investments LLC, P.O. Box 13205, Tucson, AZ 85732
Jeff Stanley, JAS Engineering, P.O. Box 1888, Tucson, AZ 85702
Chris Poirier, Assistant Planning Director
Co9-13-07 File

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

HEARING September 25, 2013

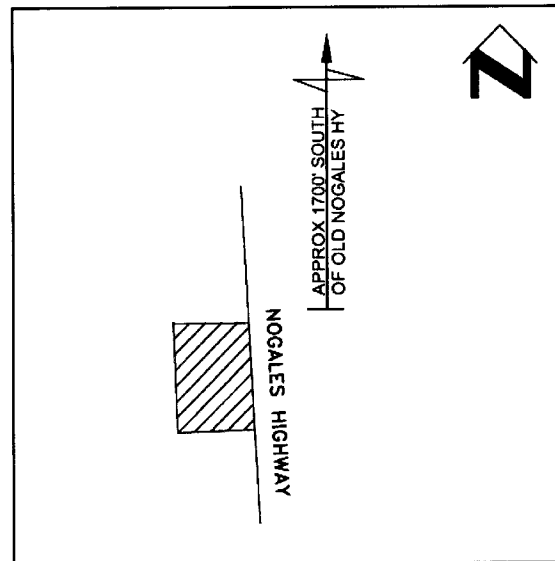
DISTRICT 2

CASE Co9-13-07 KQ Covenant
Investments LLC –
Nogales Hwy Rezoning

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

OWNER KQ Covenant Investments
LLC
P.O. Box 13205
Tucson, AZ 85732

AGENT Jeff Stanley
JAS Engineering
P.O. Box 1888
Tucson, AZ 85702



APPLICANT'S PROPOSED USE

"A 9,100 sq.ft. Dollar General retail store is planned for the project site".

APPLICANT'S STATED REASON

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

STAFF REPORT SUMMARY

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 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).

Proposed rezoning condition #8 addresses the above policy.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM CLASSIFICATION (MMBCLS)

The subject property is located outside the MMBCLS.

SURROUNDING LAND USES/GENERAL CHARACTER

North	GR-1	Single family residential
South	GR-1	Mobile home park
East	GR-1	Nogales Hwy, Railroad tracks, Single family residential
West	GR-1	Single family residential, Tohono O'Odham Nation

The immediate, surrounding properties have developed as primarily low-density single family residences (mainly mobile homes) and to the south is a mobile home park. There is a Circle K convenience store approximately 900 feet to the north of the subject rezoning site. There are additional commercial businesses along Nogales Highway including auto repair, tire sales, 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 Dollar General 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 The rezoning site is a portion of the conditionally approved rezoning case Co9-71-52. Co9-71-52 is a 27-acre rezoning from the GR (General Rural) zone (now the GR-1 zone) to the CMH-1 (County Manufactured and Mobile Home -1) zone conditionally approved by the Board of Supervisors on May 18, 1971. The proposed use is a "mobile home and trailer area". The case was approved subject to: 1) Recording of an acceptable plat which would incorporate roads, drainage and restrictive covenant requirements; 2) A suitable arrangement with the Pima County Department of Sanitation regarding sanitary facilities; and, 3) Recording a covenant holding Pima County harmless in the event of flooding." The rezoning case remains open but the owners have never followed through on the rezoning conditions to attain the use. Approval of Co9-13-07 would close that portion of the rezoning site of Co9-71-52.

PREVIOUS REZONING CASES IN GENERAL AREA

There are no recent rezoning cases in the area.

NOTE: There is a currently requested rezoning (Co9-13-11) also before the Planning and Zoning Commission from the GR-1 zone to the CB-1 zone to allow a Family Dollar store located approximately 1,200 feet north 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	N/A Proposing septic	None
PARKS AND RECREATION	N/A	N/A

PLANNING REPORT

The request is to rezone 1.46 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone to allow a retail store (Dollar General). The subject property is currently vacant.

There will be one access point off of Nogales Highway for the proposed development with the existing easement on the south side of property remaining. The easement provides access to the residential lots to the west of the subject parcel. 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 20-foot bufferyard Type "D" along Nogales Hwy.

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 1.26 miles away from the subject property). A 20-foot building height is proposed even though the CB-1 zone allows a building height of 39 feet. Thirty two parking spaces will be provided which is consistent with the parking requirements for a "general retail use". The loading zone is proposed to be set back approximately 85 feet from the northern property boundary and include the septic disposal area with a 10-foot bufferyard Type "D". The west side of the property contains a 10-foot bufferyard Type "D". No bufferyard is required along the south property line of the site because of the private easement.

The proposed use should be a benefit because the area has limited retail services with the exception of a Circle K convenience store located approximately 900 feet to the north on Nogales Highway 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 and a retention/detention basin. There are no slope issues, the site is not within the Maeveen Marie Behan Conservation Lands System (MMBCLS), there is no significant vegetation except one saguaro which will be transplanted to a bufferyard, and 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 provides a service that will serve the residents living in the area, thereby eliminating trips to services further away.

The property is located on the west side of S. Nogales Highway and north of E. Placita Del Cabillito. The property is approximately 1.5 acres, and the rezoning request is intended to develop the site as a Dollar General store. Access to the development is shown as a new driveway on Nogales Highway, approximately 35 feet south of the north property line. The property has approximately 280 feet of frontage on S. Nogales Highway.

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 major 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 520 ADT. E. Placita Del Cabillito is a private dirt road, not maintained by the county. There are no major funded improvements in this area. Improvements to S. Nogales Highway were completed in 2004 between Interstate 19 (I-19) and Los Reales Road.

The Department of Transportation has no objection to the rezoning subject to the conditions.

REGIONAL FLOOD CONTROL DISTRICT (RFCD) REPORT

- As indicated in the site analysis, the site does not include FEMA or local floodplains, however, it is immediately adjacent to and surrounded by Lee Moore Wash Basin Management Study Special Studies Floodplains.
- There is no riparian habitat on-site.
- There are no complaints or violations are on file.

RFCD – WATER RESOURCES REPORT

A Water Supply Impact Analysis has been conducted on 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 adjacent to and surrounded by the Tucson Water (TW) service area. TW does have access to a renewable and potable water supply (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. TW has indicated that they will provide water to the site.
2.	Current and Projected Depth to Groundwater and Groundwater Trend Data	The average depth to groundwater in the site area is approximately 60 feet. Groundwater at this depth is not likely to support vegetation or aquatic ecosystems. Groundwater levels have significantly recovered in the site area in the last 20 years, approximately 2.6 feet/year. Groundwater levels in the TW extraction area are projected to continue to recover over the next 15 years.
3.	Proximity to Areas of Known or Potential Ground Subsidence	The proposed plan amendment is in an area with 0 to -1 inches of subsidence 1987-2005 based upon the USGS subsidence study area.
4.	Proximity to known Groundwater-Dependent Ecosystems	There are no groundwater dependent ecosystems within five miles of the proposed plan amendment site.
5.	Location within a Hydrogeologic Basin, including Depth to Bedrock	The proposed plan amendment is located in the Upper Santa Cruz Hydrogeologic Basin. This basin has been identified as being sensitive to groundwater removal. Depth to bedrock at the subject site is more than 1000 feet.

Pima County's Water Supply Impact Analysis finds that this rezoning has **access to renewable and potable water**. Tucson Water has issued a letter of intent to serve to this site and has access to potable and renewable supplies

The current site analysis does have a Preliminary Integrated Water Management Plan (PIWMP). As described in Attachment A of the Site Analysis Requirements (March 16, 2010, p.24II-K. Water) the Site Analysis is to have a PIWMP. In addition, estimated water demand is provided. Descriptions of exterior water harvesting, and the commitment from Tucson Water to serve, is consolidated into the PIWMP. The PIWMP **does provide specific indoor and outdoor water conservation measures in Table B as part of their selected water conservation program discussed in item 5B.**

WASTEWATER MANAGEMENT REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received and reviewed the above referenced rezoning request and offers the following comments for your use.

The PCRWRD 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

No comments.

CULTURAL RESOURCES REPORT

Recommend rezoning condition #10.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

No comments.

TUCSON WATER

They state that they have no comments. Their service letter is in the second section of the appendix.

RURAL/METRO FIRE DEPARTMENT:

See attached comments.

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.
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 - A. 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.
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Left turn lane serving the property from northbound S. Nogales Highway.

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 - 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 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.
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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,



Janet Emel, Senior Planner

C: David Lechner
DCM Development
4122 E. Grant Road
Tucson, AZ. 85712



Rural/Metro Fire Department

www.rmfire.com

August 28, 2013

Pima County Development Services
Planning Division
201 N. Stone Avenue, Second Floor
Tucson, AZ 85701
Attn.: Janet Emel, Senior Planner

RE: Case Co9-13-07 KQ Covenant Investments LLC-Nogales Hwy Rezoning

Dear Janet,

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and has the following comments to the amendment:

1. As the development continues into the plan stage, the applicant will need to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other applicable fire code requirements. As of April 7, 2007 the 2003 edition of the International Fire Code shall be the applicable fire code for this project.

If I can be of any further assistance on this matter you may contact me at 981-0280.

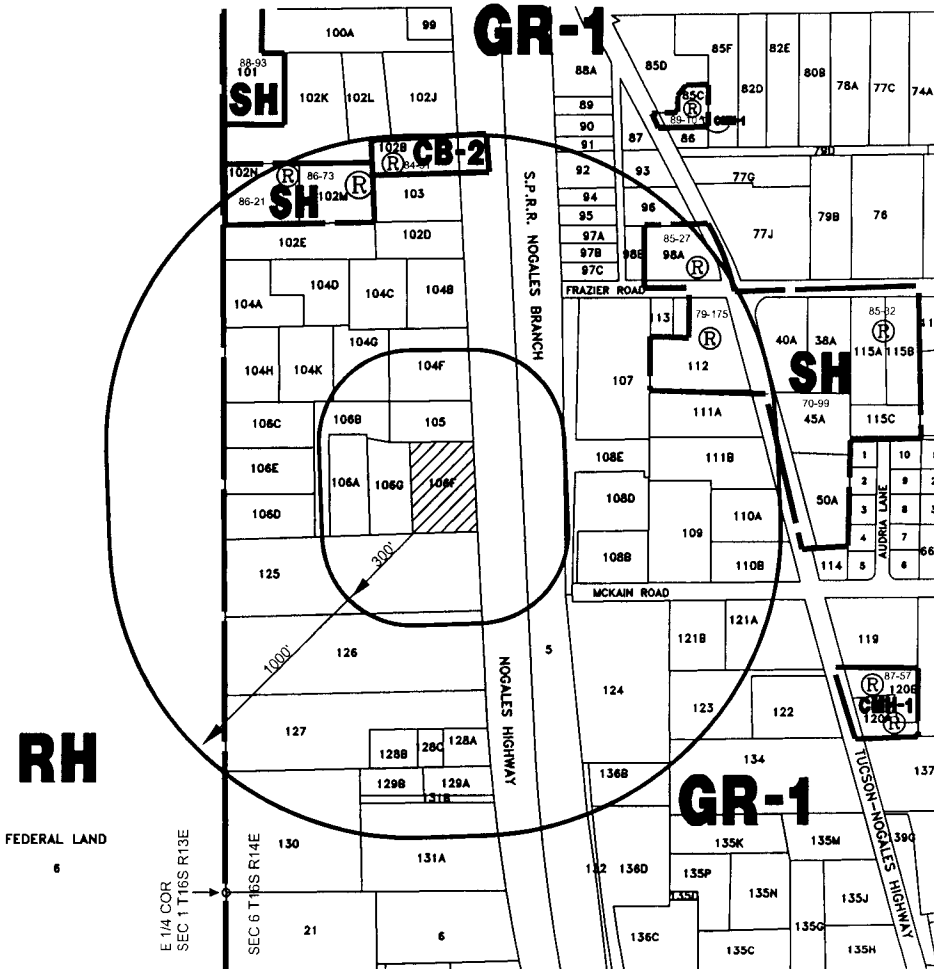
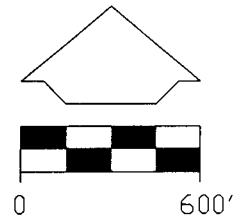
Sincerely,

William F. Trench
Deputy Fire Marshal/Battalion Chief
Rural/Metro Fire Department

490 West Magee Road Tucson, Arizona 85704
Phone (520) 297-3600 Fax (520) 797-1825
Toll Free (866) 411-7633



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 303-12-106F

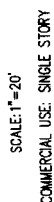
Date 08/30/13

File no. C09-13-07

Drafter DS

KQ COVENANT INVESTMENTS LLC
NOGALES HIGHWAY REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



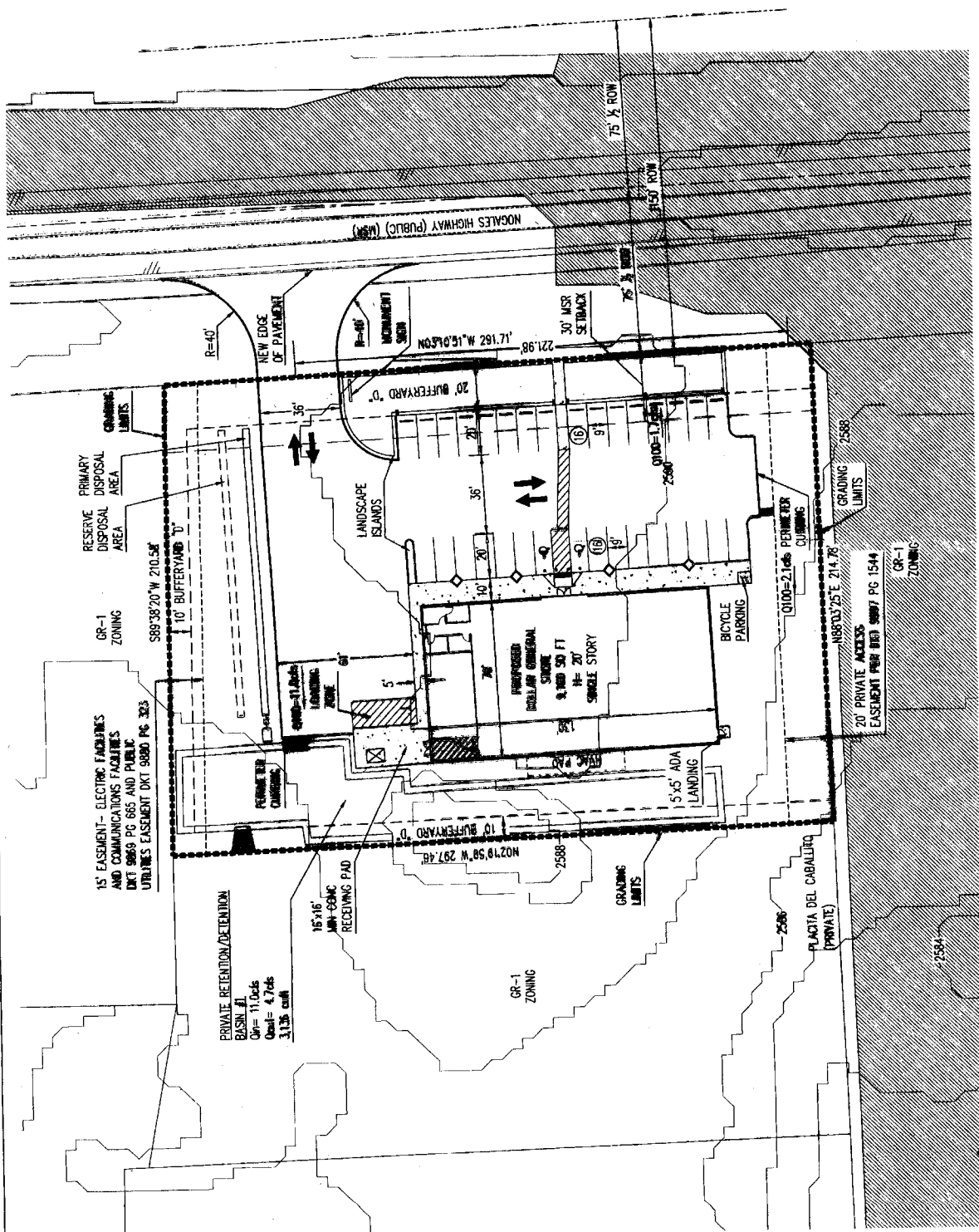
SCALE: 1"=20'

COMMERCIAL USE: SINGLE STORY

LEGEND

—	PROPERTY LINE
- - -	SETBACK LINE
- - -	EASEMENT LINE
- - -	BUFFERYARD
---	LINE
---	ROW LINE
---	CENTERLINE
-----	GRADING LIMITS
2' 2590'	2' CONTOUR ELEVATIONS
///	EXISTING EDGE OF PAVING
(16)	NUMBER OF PARKING SPACES
	STRIPED WALKWAY
	LEE MOORE WASH BASIN MANAGEMENT PLAN STUDY NUMBER 10, DATE 9/14/2009

PARKING CALCULATION

$$3.5 \text{ SPACES}/1000$$


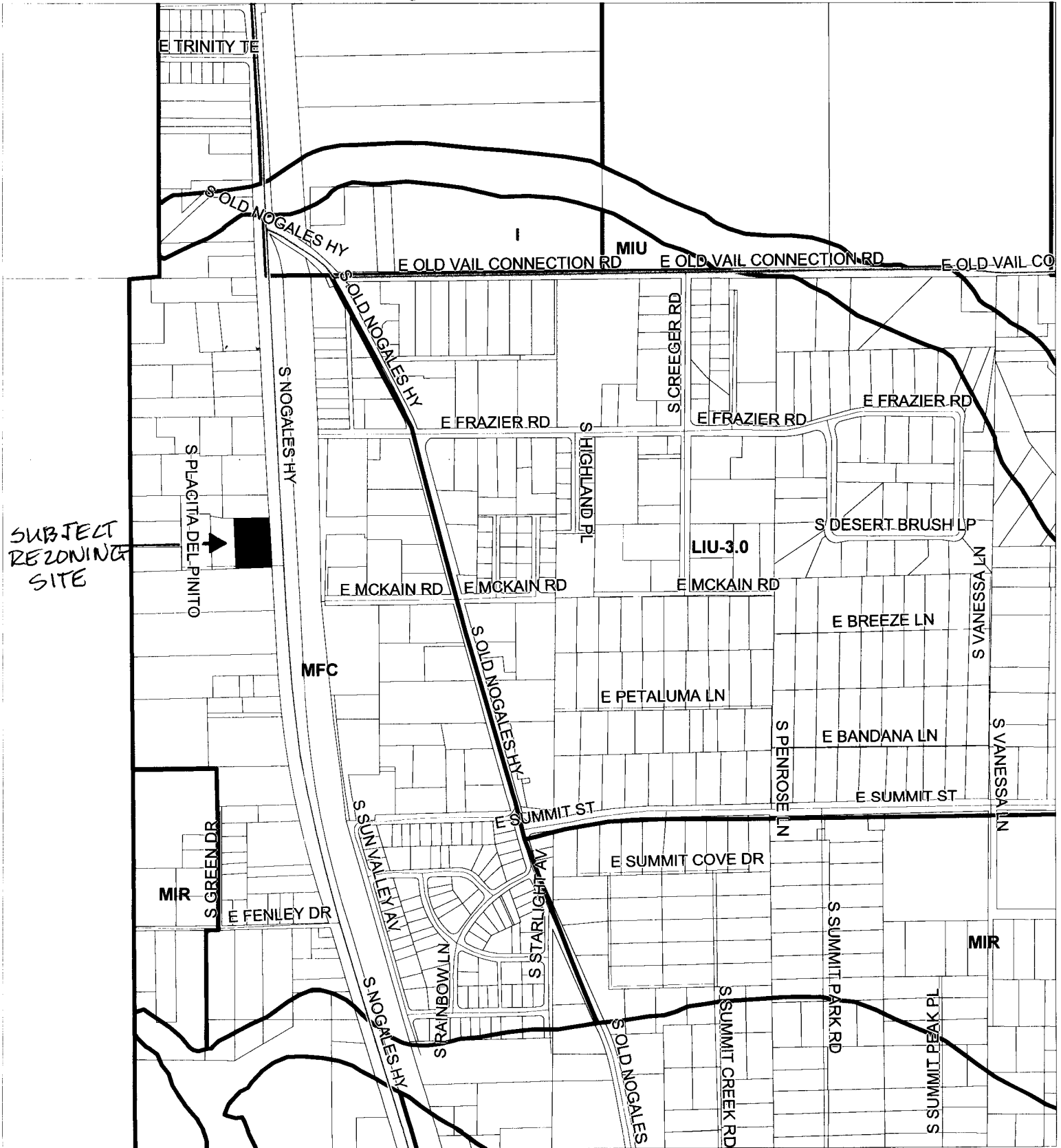
NOGALES HIGHWAY PARCEL 303-12-106F
LOCATED IN E209.29' W831.98' S305.51' N1734.90'
LOT 4 LYG W & ADJ TUC NOG HWY 1.46 AC
SEC 6-16-14 GSRM TUCSON, ARIZONA

**EXHIBIT II-B.1
PRELIMINARY
DEVELOPMENT
PLAN**



ENGINEERING
PO BOX 1000
TOMBALL, ALABAMA 35702
(904) 399-4999
FAX (820) 498-4804

COMPREHENSIVE PLAN DESIGNATION



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

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

* KQ Covenant Investments LLC P.O. Box 13205 Tucson AZ. 85732

Owner	Mailing Address	Email Address/Phone daytime / (FAX)
<u>Jeff Stanley P.E.</u>	<u>Po Box 1888 Tucson, AZ 85702</u>	<u>stanley19263@msn.com</u>
Applicant (if other than owner)	Mailing Address	Email Address/Phone daytime / (FAX)
<u>9950 S. Nogales Highway</u>		<u>303-12-106F</u>
Legal description / property address		Tax Parcel Number
<u>1.44</u>	<u>GR-1</u>	<u>CB-1</u>
Acreage	Present Zone	Proposed Zone
		<u>RSSR Rincon Southeast / Santa Rita</u>
		Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

6-14-13
Date

[Signature]
Signature of Applicant

* Proposed buyer: David Lechner DCM Development

<u>CO9-13-07</u>	FOR OFFICIAL USE ONLY				<u>HWY</u>
<u>KQ COVENANT INVESTMENTS LLC - NOGALES</u>	<u>139</u>	<u>\$5883.00</u>	<u>2</u>	<u>CO9-13-07</u>	
Case name	Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
	<u>GR-1</u>	<u>CB-1</u>			
	<u>NONE APPLICABLE</u>				
Conservation Land System category					
<u>CO9-71-5Z</u>	<u>CO7-00-20</u>	<u>RSSR</u>	<u>MFC</u>	<u>5-18</u>	
Cross reference: Co9-, Co7-, other	Comprehensive Plan Subregion / Category / Policies				

Received by _____ Date _____ Checked by JE Date 7/5/13

*File Vacant Land
New Highway*

July 11, 2013

TO: Pima County Planning Department
FROM: K.Q. Covenant Investments, LLC
RE: Rezoning Authorization

To Whom It May Concern:

As the owner of Pima County parcel number 303-12-016F, K.Q. Covenant Investments, LLC hereby authorizes DCM Development Company, LLC to seek rezoning of our parcel listed above.

Thank you,

By: K.Q. Covenant Investments, LLC


Colby H. Quilliam, Manager

Date