



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: 10/06/2015

**Title:** Co9-09-06 REAY, ET AL. – TRICO ROAD REZONING

**Introduction/Background:**

The Board of Supervisors approved a Time Extension with modified conditions for this Rezoning on June 16, 2015.

**Discussion:**

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension and modified conditions.

**Conclusion:**

The Rezoning time limit and conditions contained in Rezoning Ordinance 2010-51 may be modified by resolution.

**Recommendation:**

Staff recommends that the Board of Supervisors approve this Resolution.

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Development Services - Planning Telephone: 520-724-9000

*for* Department Director Signature/Date: *[Signature]* 9/11/15

Deputy County Administrator Signature/Date: *[Signature]* 9/15/15

County Administrator Signature/Date: *[Signature]* 9/15/15



Subject: Co9-09-06

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**FOR OCTOBER 6, 2015 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:** September 14, 2015

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**RESOLUTION FOR ADOPTION**

**Co9-09-06** **REAY, ET AL. – TRICO ROAD REZONING**  
Owner: Gordon and Lois Reay Family Trust  
(District 3)

**If approved, adopt RESOLUTION NO. 2015 - \_\_\_\_\_**

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**OWNERS:** Gordon and Lois Reay Family Trust  
2100 N. Kolb Road  
Tucson, AZ 85715-3845

**AGENT:** The Planning Center  
Attn: Tim Craven  
110 S. Church Avenue, Ste. 6320  
Tucson, AZ 85701

**DISTRICT:** 3

**STAFF CONTACT:** David Petersen

CP/DP/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-09-06 File

RESOLUTION 2015-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-09-06 REAY, ET AL. – TRICO ROAD REZONING; LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF TRICO ROAD AND EL TIRO ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-51 FOR A PORTION OF THE SITE; AND CLOSING THE REZONING FOR A PORTION OF THE SITE.**

The Board of Supervisors of Pima County, Arizona finds that:

1. On March 16, 2010, in case Co9-09-06, the Pima County Board of Supervisors approved the rezoning of approximately 9.05 acres located on the northwest and southwest corners of Trico Road and El Tiro Road from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone), subject to standard and special conditions.
2. On August 16, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-51, as recorded in Docket 13881 at Page 2658, rezoning the approximate 9.05 acres described in rezoning case Co9-09-06 (as shown on the map attached as EXHIBIT A) and memorializing the standard and special conditions.
3. On February 3, 2015 a Certificate of Compliance was issued on a 1.0-acre portion (also identified as parcel 222-20-070C) of the original 9.05 acres for which conditions of the rezoning were completed.
4. On February 26, 2015 the owner of approximately 6.81 acres conditionally rezoned by Ordinance No. 2010-51 applied for a five-year time extension.
5. On June 16, 2015, the Board of Supervisors approved closure of the rezoning on a 1.25-acre portion (also identified as parcel 208-20-070B) of the original 9.05 acres, reverting the portion back to GR-1.
6. On June 16, 2015, the Board of Supervisors approved a five-year time extension for a 6.81-acre portion of the CB-1 rezoning with modification of rezoning conditions 10A and 12A, deletion of rezoning conditions 10B and 14, and renumbering of conditions 10C and 15-18.
7. Section 3 of Ordinance No. 2010-51 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1. The rezoning of approximately 1.25 acres of the original 9.05 acres is closed and reverted to GR-1 zoning. A time extension for a 6.81-acre portion of the original 9.05 acres is approved.

Section 2. The rezoning conditions in Section 2 of Ordinance No. 2010-51 are restated and modified as follows:

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 and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.
  - B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.
  - C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner / developer, as determined necessary by the Department of Transportation.
  - D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq. ft.) as depicted on the Preliminary Development Plan.
8. Flood Control condition:

The property owner(s) / developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. When a development plan is submitted, if the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain remains owned by the recorded owner as of March 16, 2010, the owner shall be notified and be provided a reasonable period of time to afford the owner the opportunity to comment on and approve the off-site drainage related improvements.
9. Wastewater Management conditions:

If the project should connect to the public sewer at any time in the future, the

property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality conditions:

- A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system as depicted on the preliminary development plan unless a disposal system layout is proposed that contains disposal systems entirely within each parcel. Sewer lines shall not be allowed to cross property boundaries.
- B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.
- C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.
- D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.

11. Cultural Resources conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
- C. 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.

12. Environmental Planning conditions:

- A. Upon the effective date of the Ordinance, the owner(s)/developer(s) ~~of the rezoned property~~ shall have a continuing responsibility to remove ~~buffelgrass (Pennisetum ciliare)~~ invasive non-native species 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 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.

~~B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

~~Invasive Non-Native Plant Species Subject to Control:~~

<del>Ailanthus altissima</del>	<del>Tree of Heaven</del>
<del>Alhagi pseudalhagi</del>	<del>Camelthorn</del>
<del>Arundo donax</del>	<del>Giant reed</del>
<del>Brassica tournefortii</del>	<del>Sahara mustard</del>
<del>Bromus rubens</del>	<del>Red brome</del>
<del>Bromus tectorum</del>	<del>Cheatgrass</del>
<del>Centaurea melitensis</del>	<del>Malta starthistle</del>
<del>Centaurea solstitialis</del>	<del>Yellow starthistle</del>
<del>Cortaderia spp.</del>	<del>Pampas grass</del>
<del>Cynodon dactylon</del>	<del>Bermuda grass (excluding sod hybrid)</del>
<del>Digitaria spp.</del>	<del>Crabgrass</del>
<del>Elaeagnus angustifolia</del>	<del>Russian olive</del>
<del>Eragrostis spp.</del>	<del>Lovegrass (excluding E. intermedia, plains lovegrass)</del>
<del>Melinis repens</del>	<del>Natal grass</del>
<del>Mesembryanthemum spp.</del>	<del>Iceplant</del>
<del>Peganum harmala</del>	<del>African rue</del>
<del>Pennisetum ciliare</del>	<del>Buffelgrass</del>
<del>Pennisetum setaceum</del>	<del>Fountain grass</del>
<del>Rhus lancea</del>	<del>African sumac</del>
<del>Salsola spp.</del>	<del>Russian thistle</del>
<del>Schinus spp.</del>	<del>Pepper tree</del>
<del>Schismus arabicus</del>	<del>Arabian grass</del>
<del>Schismus barbatus</del>	<del>Mediterranean grass</del>
<del>Sorghum halepense</del>	<del>Johnson grass</del>
<del>Tamarix spp.</del>	<del>Tamarisk</del>

~~CB.~~ Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:

- ~~1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.~~
- ~~2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and~~
- ~~3) Provision of evidence that the site shall remain in an undeveloped natural state.~~

13. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.

- ~~14.~~ The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
- ~~15~~14. In the event the subject property is annexed, the property owner(s) / developers(s) 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.
- ~~16~~15. 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 to 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)."
- ~~17~~16. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
- ~~18~~17. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.

Section 3. Section 3 of Ordinance No. 2010-56 is amended and time limit extended as follows:

1. Conditions 1 through ~~18~~ 17 shall be completed by March 16, ~~2015~~ 2020.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission



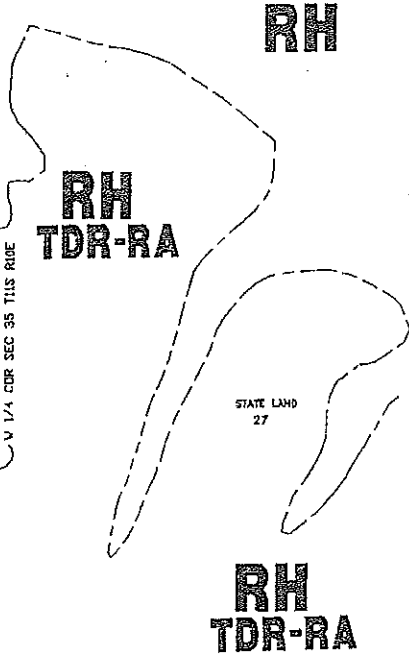
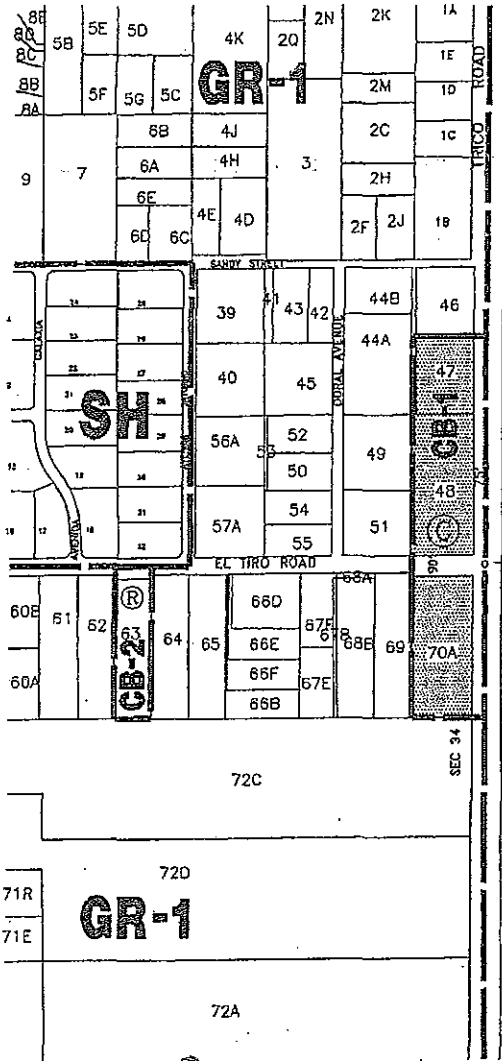
EXHIBIT A

AMENDMENT NO. 10 BY ORDINANCE NO. 2010-51  
TO PIMA COUNTY ZONING MAP NO. 273 TUCSON, AZ.  
PARCELS 47, 48 & 70A BEING A PORTION OF THE SE 1/4 OF THE  
NE 1/4 AND THE NE 1/4 OF THE SE 1/4 OF SEC. 34 T11S R13E.



0 800'

ADOPTED August 16, 2010 EFFECTIVE August 16, 2010



*[Handwritten signature]*

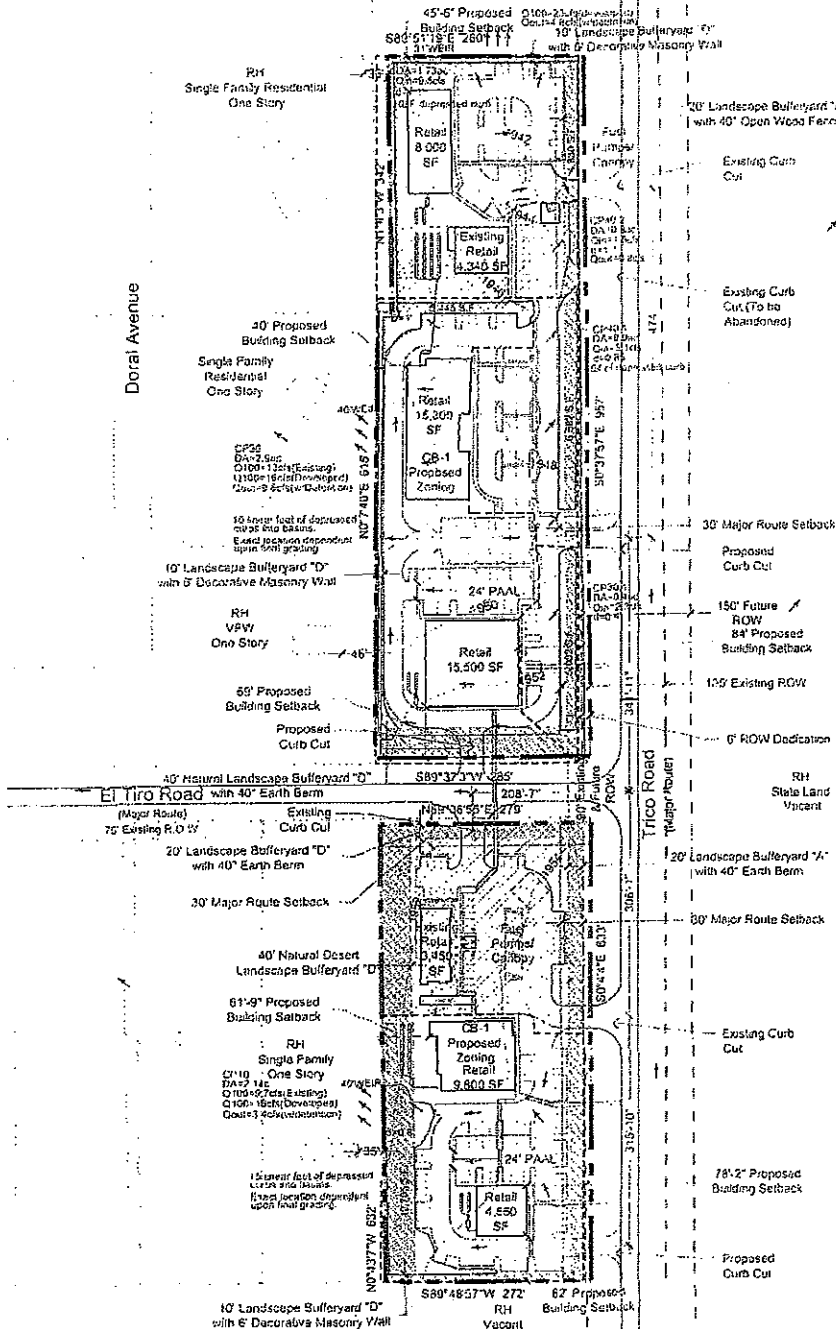
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 9.05 ac±  
ds-JUNE 18, 2010

CO9-09-006  
CO7-00-11  
208-20-0470,  
208-20-0480 &  
208-20-070A

# EXHIBIT B

Exhibit B.B.1: Preliminary Development Plan

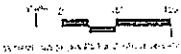


**LEGEND**

- Site Boundary
- 2' Elevation Contours
- 150' Future Right of Way
- Parcels
- Landscape Buffer
- Septic Tank and Leach Field
- Reserve Septic Tanks
- Crosswalks
- Important Riparian Area
- Flow Arrows
- Proposed Detention/Retention Basins
- Watershed Boundaries
- Existing Development

**NOTES**

- Project Acreage: 9.03 AC
- Existing Zoning: GR-1 Rural Residential
- Proposed Zoning: CB-1
- Maximum Building Height: 39'
- All proposed buildings are two-story
- Existing Building Area: 7,750
- Proposed Building Area: 51,360
- Existing Parking: 46
- Total Parking Required: 207
- Total Parking Provided: 212
- Site is outside the 100-Year floodplain
- The site is located within a multiple use management area, and a small portion is important riparian area. All required mitigation will be conducted off-site (See Section II E)



APPROVED AT BOS PUBLIC HEARING  
3/16/10 CO9-09-06