



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/19/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

ORDINANCE: P23RZ00007 PASCUA YAQUI TRIBE – W. VALENCIA ROAD REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on March 5, 2024

***Discussion:**

The rezoning was for a food truck plaza with a 3,200-square-foot dining ramada. The rezoning site will be a part of a larger cohesive development with the three parcels to the east (currently zoned CB-2, not a part of the rezoning request) planned for an 8,500 square foot building with supporting infrastructure for retail artisan incubator spaces with a maximum height of 39 feet. The property is outside the Maeveen Marie Behan Conservation Land System.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Terrill L. Tillman, AICP, Planner III

Telephone: 520-724-6921

Department Director Signature: _____

Date: _____

7-30-24

Deputy County Administrator Signature: _____

Date: _____

8/5/2024

County Administrator Signature: _____

Date: _____

8/5/24



Subject: P23RZ00007

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AUGUST 19, 2024 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division
DATE: July 30, 2024

ORDINANCE FOR ADOPTION

P23RZ00007 PASCUA YAQUI TRIBE – W. VALENCIA ROAD REZONING

Owners: Pascua Yaqui Tribe
(District 5)

If approved, adopt ORDINANCE NO. 2024 - _____

OWNERS: Pascua Yaqui Tribe
7474 S. Camino De Oeste
Tucson, AZ 85746

AGENT: The Planning Center
Adam Call
2 E. Congress St., Ste. 600
Tucson, AZ 85701

DISTRICT: 5

STAFF CONTACT: Terrill L. Tillman, AICP, Planner III

STAFF RECOMMENDATION: APPROVAL

TD/TT
Attachments

c: Adam Call

ORDINANCE 2024 - _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.46 ACRES OF PROPERTY (PARCEL CODE 138-33-1160) FROM THE GR-1 (RURAL RESIDENTIAL) ZONE TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE P23RZ00007 PASCUA YAQUI TRIBE – W. VALENCIA ROAD REZONING, LOCATED AT THE SOUTHEAST CORNER OF W. VALENCIA ROAD AND S. CAMINO DE OESTE, AMENDING PIMA COUNTY ZONING MAP NO. 63.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 1.46 acres located at the southeast corner of W. Valencia Road and S. Camino De Oeste and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 63, is rezoned from the GR-1 (Rural Residential) to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the submittal of the development plan. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - C. Access points shall be located as shown in the preliminary development plan. The driveway on Camino de Oeste shall be aligned to the existing driveway on the west side of the road and shall be restricted to right-in and right-out movements unless full driveway movements are demonstrated by the applicant at time of permitting and as approved by the Department of Transportation.
 - D. The existing driveways on Valencia Road that will no longer be utilized shall be removed. Sidewalk and header shall be constructed along the driveway removal to Pima County standards.
 - E. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the northwest corner of the project boundary adjacent to the Valencia Road and Camino de Oeste intersection prior to development plan approval. A curve radius of twenty-five (25) feet is required.
3. Regional Flood Control District conditions:
 - A. Drainage infrastructure and open space for drainage shall be maintained by the property owner.

- B. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
- A. The owner(s) 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(s) to that effect.
 - B. The owner(s) 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 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(s) 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(s) 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(s) 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(s) 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, 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 property owner.
6. 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.

7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. Tucson Airport Authority conditions:
 - A. "According to the Federal Aviation Administration (FAA) Notice Criteria Tool, no Notice Criteria are exceeded. Applicants are therefore not required to file FAA Form 7460. However, if the use of cranes is anticipated during development and construction activities, the applicant must file FAA Form 7460 at least 45 days in advance of such use, to provide the applicant with sufficient time to respond to any concerns identified by the FAA. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>."
 - B. "An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts." Once the Avigation Easement is recorded, please send a complete copy of the recorded easement document to Tucson Airport Authority either electronically (email: srobidou@flytucson.com) or to the mailing address provided below.
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.

The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux, Manager of Planning
Tucson Airport Authority
7250 South Tucson Boulevard, Suite 300
Tucson, AZ 85756

9. 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.
10. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than March 5, 2029.

Section 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.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2024.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:

APPROVED:



Deputy County Attorney
Jacob Kavkewitz

Executive Secretary
Planning and Zoning Commission

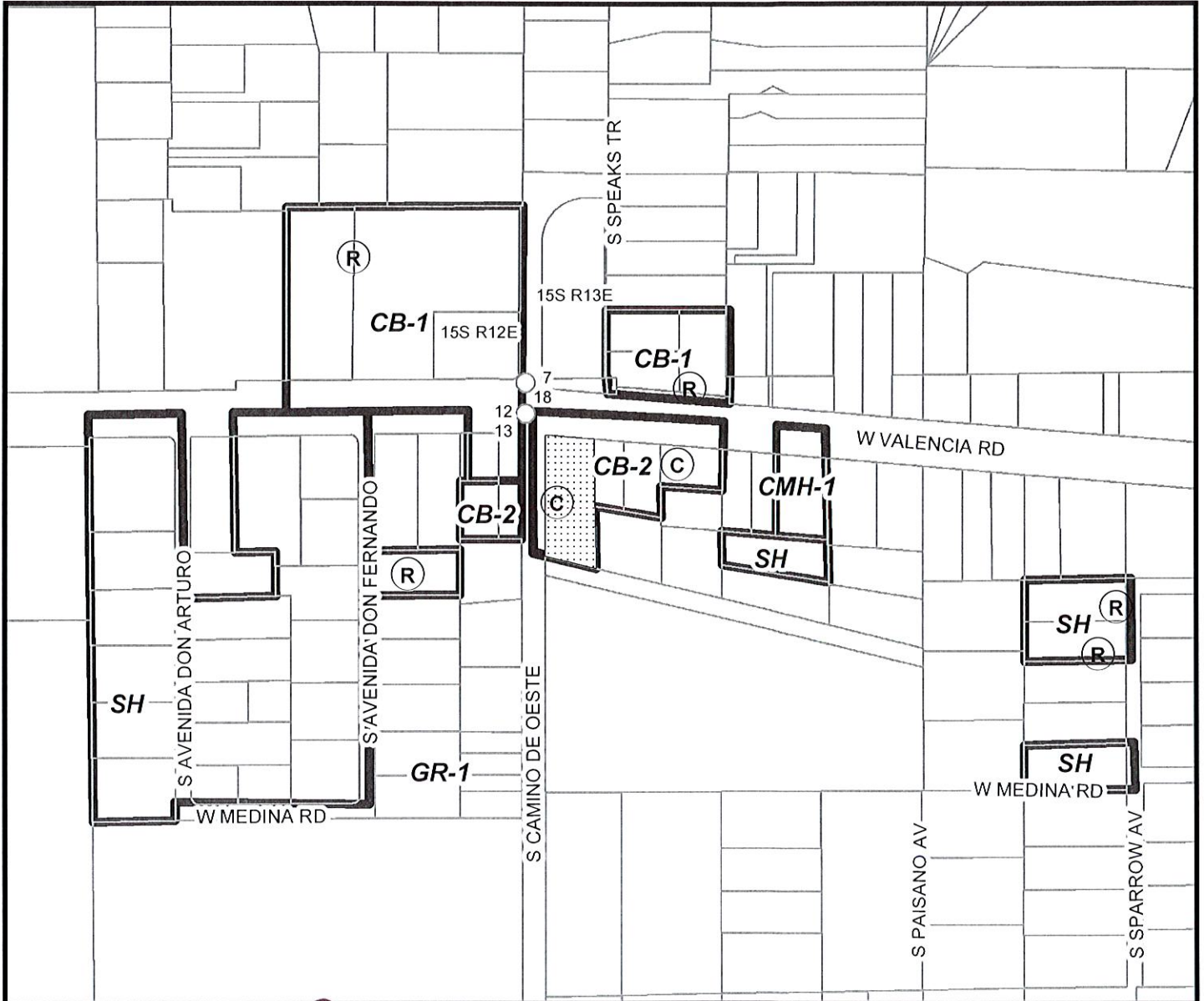
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 63 TUCSON AZ. BEING A
PART OF THE NW 1/4 OF THE NW 1/4 OF SECTION 18, T15S R13E.



0 125 250 500 Feet
[Scale bar]

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

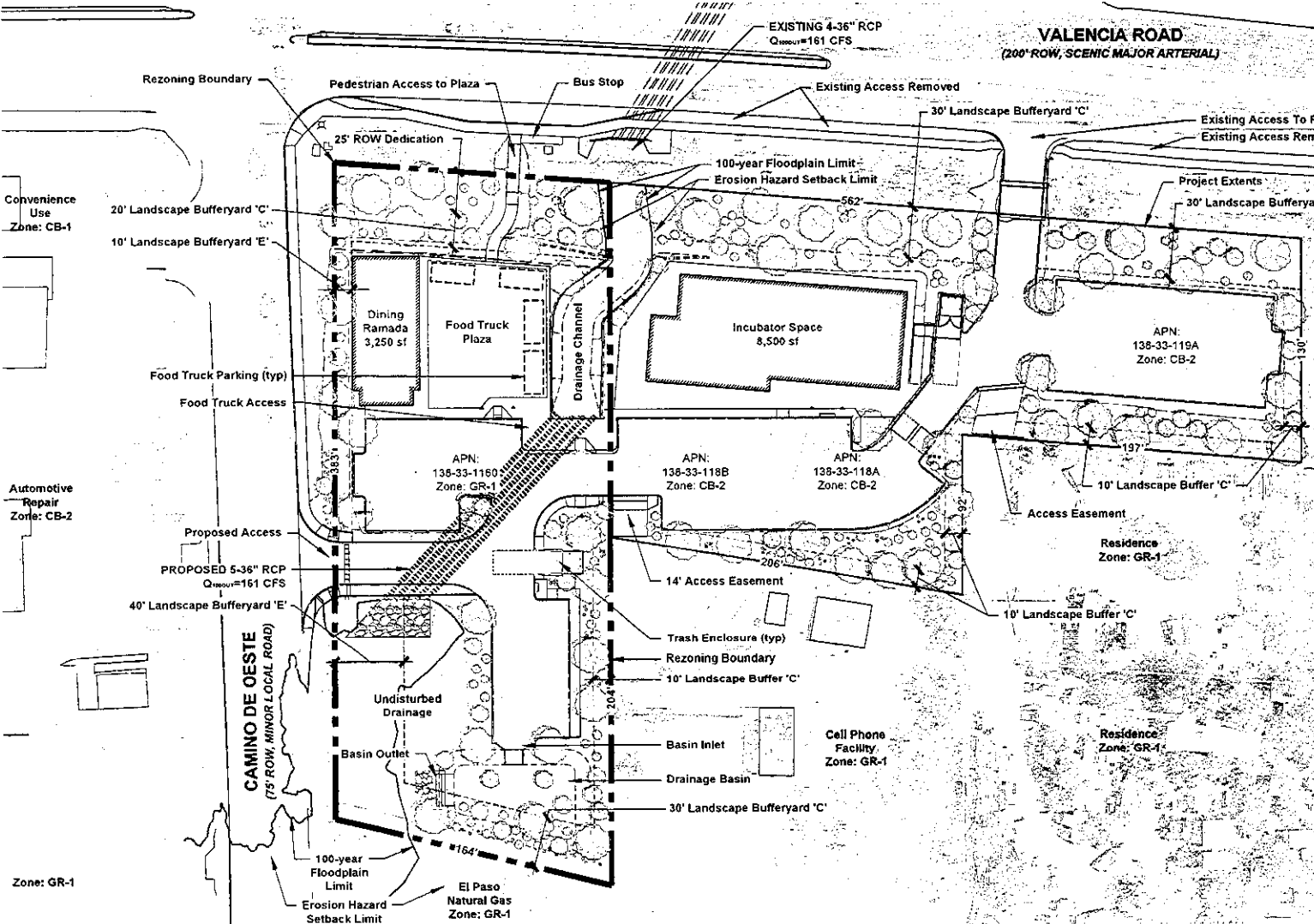
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 1.46 ac
ds-May 7, 2024

P23RZ00007
138-33-1160



Entrepreneurial Incubator Facility

Exhibit B
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GENERAL NOTES

REZONING NOTES:
 REZONING APN: 138-33-1160
 EXISTING ZONING: GR-1
 PROPOSED ZONING: CB-2
 REZONING AREA: 1.46 AC

PROJECT NOTES:
 PROJECT APNS: 138-33-118B, 138-33-118A, & 138-33-119A
 EXISTING ZONING: CB-2
 PROJECT AREA: 1.59 AC

TOTAL PROJECT AREA: 3.05 AC

FOOD TRUCK PLAZA & OPEN AIR DINING RAMADA
 PLAZA WITH VEHICULAR ACCESS FOR FOOD TRUCKS AND MOBILE VENDORS.
 3,250 SF DINING RAMADA WITH ENCLOSED RESTROOM FACILITY
 BUILDING HEIGHT: (MAX 25')

ENTREPRENEURIAL INCUBATOR FACILITY
 GROSS FLOOR AREA: 8,500 SF
 BUILDING HEIGHT: (MAX 39')

PARKING REQUIREMENTS
FOOD TRUCK PLAZA:
 REQUIREMENT: 15 SPACES FOR EVERY 1,000 SF
 3,250 SF / 1,000 * 15 = 49

INCUBATOR SPACE:
 REQUIREMENT: 4 SPACES FOR EVERY 1,000 SF
 8,500 SF / 1,000 * 4 = 34

TOTAL SPACES REQUIRED: 83
TOTAL SPACES PROVIDED: 83

FIRST FLUSH RETENTION IS REQUIRED IN LANDSCAPE AREAS

Valencia & Camino de Oeste

THIS EXHIBIT WAS CREATED USING THE MOST RECENT AVAILABLE BOUNDARIES, ROAD ALIGNMENT, AND EASEMENT DATA PROVIDED BY THE DIFFERENT GOVERNMENTAL ENTITIES AND ENGINEERING FIRMS AND IS FOR PLANNING PURPOSES ONLY. FINAL AREA TOTALS BASED ON ENGINEERED DATA MAY VARY FROM THOSE SHOWN ON THIS EXHIBIT. SITE DESIGN WAS COMPLETED BY SOLIS ENGINEERING AND A23 STUCKS.

