



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/7/2023

*\*= Mandatory, information must be provided*

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

**\*Title:**

Co9-11-04 HENNESSY TR – MISSION ROAD REZONING

**\*Introduction/Background:**

A. Proposal to close rezoning case Co9-11-04 as required per code; B. If not closed, applicant requests a five-year time extension. The 6.1-acre rezoning was from SH (BZ) (Suburban Homestead – Buffer Overlay) to the CB-1 (BZ) (Local Business – Buffer Overlay) zone, located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. The rezoning was approved in 2012, received a time extension in 2017 and expired January 17, 2022.

**\*Discussion:**

The applicant cites the need for a five-year time extension due to the pandemic which slowed market interest. A time extension will allow time to market the property.

**\*Conclusion:**

The proposed time extension will allow for 15 years from the original Board of Supervisors approval to complete rezoning conditions and the potential uses such as retail, hardware, general store, restaurant, personal services, gallery and office uses remain suitable for the area.

**\*Recommendation:**

Staff recommends AGAINST closure and APPROVAL of a five-year time extension subject to modified standard and special conditions.

**\*Fiscal Impact:**


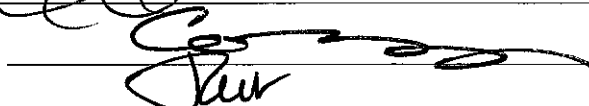

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**\*Board of Supervisor District:**

1    2    3    4    5    All

Department: Development Services, Planning Div.      Telephone: 724-8800

Contact: Tom Drzazgowski, Chief Zoning Inspector      Telephone: 724-6675

Department Director Signature: 	Date: 2/14/23
Deputy County Administrator Signature: 	Date: 2/14/2023
County Administrator Signature: 	Date: 2/15/2023



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Adelita Grijalva, Supervisor, District 5  
**FROM:** Chris Poirier, Deputy Director *EB Tom Drzyzanski for*  
Public Works-Development Services Department-Planning Division  
**DATE:** February 14, 2023  
**SUBJECT:** Co9-11-04 HENNESSY TR – MISSION ROAD REZONING

The above referenced Rezoning Closure/Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MARCH 7, 2023** hearing.

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**\*\*This case requires 2 separate motions and votes**

**REQUEST:** A. Rezoning Closure:  
A **closure** of a 6.1-acre rezoning (Parcel Codes 119-41-266L, 119-41-2710 and 119-41-274A) from the SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. The rezoning was conditionally approved in 2012, received a time extension in 2017 and expired January 17, 2022.

B. Rezoning Time Extension:  
A **five-year time extension** for a 6.1-acre rezoning (Parcel Codes 119-41-266L, 119-41-2710 and 119-41-274A) from SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone, expired January 17, 2022. The property is located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way.

**OWNERS:** Hennessy B Tr  
Attn: Michael E Hennessy TR  
1802 W Grant Road, Suite 110  
Tucson, AZ 85745

**AGENT:** Lazarus & Silvyn, P.C.,  
Attn: Robin Large  
5983 E Grant Road, Suite 290  
Tucson, AZ 85712

**DISTRICT:** 5

**STAFF CONTACT:** Donna Spicola, Senior Planner

**PUBLIC COMMENT TO DATE:** As of February 14, 2023, staff has received no written public comment.

**STAFF RECOMMENDATION: A) AGAINST CLOSURE; and B) APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** The subject property is located outside of the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS  
Attachments



**BOARD OF SUPERVISORS MEMORANDUM**

**SUBJECT:** Co9-11-04

Page 1 of 7

**MARCH 7, 2023 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Deputy Director *for* Tom Drzazgowski *for*  
Public Works-Development Services Department-Planning Division

**DATE:** February 14, 2023

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING CLOSURE/TIME EXTENSION**

**\*\*This case requires 2 separate motions and votes**

A. Rezoning Closure

**Co9-11-04 HENNESSY TR – MISSION ROAD REZONING**

Hennessy B Trust, represented by Lazarus & Silvyn, P.C., requests **closure** of a 6.1-acre rezoning (Parcel Codes 119-41-266L, 119-41-2710 and 119-41-274A) from the SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. The rezoning was conditionally approved in 2012, received a time extension in 2017 and expired January 17, 2022. Staff recommends **AGAINST CLOSURE**.  
(District 5)

B. Rezoning Time Extension

**Co9-11-04 HENNESSY TR – MISSION ROAD REZONING**

Hennessy B Trust, represented by Lazarus & Silvyn, P.C., requests a five-year **time extension**. The 6.1-acre rezoning (Parcel Codes 119-41-266L, 119-41-2710 and 119-41-274A) from SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone, expired January 17, 2022. The property is located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. Staff recommends **APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**.  
(District 5)

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**STAFF RECOMMENDATION**

Staff recommends **AGAINST** closure of the rezoning and **APPROVAL** of a **five-year time extension** to January 17, 2027 for the original 6.1-acre rezoning from the SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone subject to modified standard and special conditions as follows:

- ~~1. Submit 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.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
  - A. The property owner(s)/developer shall construct connection between interior walkways and sidewalk along Mission Road.
  - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Department of Transportation.  
A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the development plan submittal. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner/developer.
  - C. Prior to development plan approval, written proof of coordination with Sun Tran is required to determine if a new bus stop or relocation or improvement of an existing bus stop is necessary.
  - D. Prior to development plan approval, written proof of coordination with the City of Tucson is required regarding any traffic impacts to their roadway system.
83. Flood Control conditions:
 

A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.

  - A. First Flush retention shall be provided in Low Impact Development practices distributed throughout the site.
  - B. Critical detention basin standards shall be met for on-site flows. Detention basins shall not capture and detain off-site flows.
  - 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.
94. 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 plan area until Pima County executes an agreement with 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(s) 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.
405. Environmental Quality condition:  
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.
446. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
427. Environmental Planning condition:  
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*) 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.~~
438. 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.
449. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act ~~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)."

4510. The project shall incorporate 100% rooftop water harvesting.

**STAFF REPORT:**

**A. Closure**

Staff recommends against closure of the rezoning, but closure must be considered prior to consideration of a time extension. One five-year time extension was requested and subsequently granted on February 17, 2017 and expired January 17, 2022; a second five-year time extension will provide more than 10 years since the date of the rezoning approval, January 17, 2012. The Zoning Code requires closure consideration in this instance. The initial time limit for an approved rezoning is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. Because of the continued appropriateness of the proposed uses allowed within the zone ranging from retail to offices at the site's location, staff does not believe the case should be closed.

**B. Time Extension**

Staff supports the five-year rezoning time extension requested by the applicant, which if approved, will provide a total of 15 years from the original Board of Supervisors approval to complete the rezoning conditions. This rezoning consisting of approximately 6.1-acres from the SH (BZ) (Suburban Homestead – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone was approved in 2012 for uses allowed within the zone ranging from retail to offices. The request letter states "...between 2017 and January 2022, the pandemic slowed interest in the property. Recently there has been renewed interest from the development community." A time extension will allow time to market the property.

Despite adjacency to Tucson Mountain Park, the proposed commercial use of the property remains suitable at this location along Mission Road based on the existing commercial use of the site. The site contains buildings for grandfathered retail uses, a barber shop, and mobile homes that would be removed for redevelopment. A portion of the site has been cleared of natural vegetation.

The rezoning preliminary development plan depicts a cluster of five buildings surrounding a public plaza/bandshell. The buildings are surrounded by parking, which is surrounded by "enhanced open space" which will contain rainwater detention and landscape bufferyard area. The heavily vegetated portion of the site, approximately .41-acre at the southern edge of the site, is proposed for natural open space. Tucson Mountain Park is adjacent to the west. The Buffer Overlay Zone applicability relates to the site's proximity to Tucson Mountain Park and has implications for site development standards. Standards related to open space and distance setback have been approved for reduction in lieu of County acquisition of high cultural resource value property south of the site, shown as "NOS (Pima County)" on the preliminary development plan. The site's western edge is shown as enhanced bufferyard at approximately 90 feet in width. A single access point from Mission Road is proposed.

Potential uses listed on the preliminary development plan include retail, hardware, general store (gasoline), restaurant, personal services, galleries, and offices. If the clustered building design with a public plaza prevails, the site may not present a strip commercial appearance. Despite a requirement for adherence to the preliminary development plan, the actual building layout design presented could change without a special condition for that layout or similar cluster design. The site's Multifunctional Corridor (MFC) plan designation places emphasis on design to prevent potential adverse impacts of strip commercial development. Total gross floor area is approximately 51,800 square feet. Three of the buildings are shown as two stories

Because of the continued appropriateness of the CB-1 rezoning along with the original and modified rezoning conditions and site plan layout, staff supports the time extension. The rezoning supports the goals and policy of the MFC (Multifunctional Corridor) land use designation. Additionally, Special Area S-29 Southwest Infrastructure Plan also applies to the site.

Staff recommends rezoning conditions for modification, deletion or addition as follows:

As part of the current Development Services Department standard practice, conditions #1-5 as listed in Resolution 2017-49 are recommended for deletion to reduce redundant requirements and ease processes.

Former Transportation conditions #7A-B are renumbered to conditions #2A-D due to deletion, modification or addition of conditions as follows: Original condition #7A is renumbered to condition #2A. Original condition #7B is recommended for deletion and transportation proposes the addition of conditions #2B-D due to current transportation requirements along with the need for a Traffic Impact Study.

Former Regional Flood Control condition #8 is recommended for deletion. The District recommends new conditions #2A-C to reflect current flood control requirements.

Staff finds concurrency of infrastructure per reporting agencies, including conditions requiring adequate sewage treatment and conveyance capacity at the time of development. Department of Transportation requiring a Traffic Impact Study (TIS) to determine if offsite improvements are necessary, coordination with Sun Tran regarding bus stop location and proof of coordination with the City of Tucson regarding traffic impact to their roadway system. Flood Control is requiring first flush retention, critical detention basin standards and water conservation measures. The remaining conditions are essentially the same conditions as approved by Resolution 2017-49, but may be updated with current language and renumbered as necessary.

Denial of the time extension will cause the site to revert to unrestricted SH (BZ) zoning. SH zoning which provides for low-density housing and certain other uses, would not conform to the site's MFC plan designation, which requires a minimum density of six residences per acre for residential development, but is otherwise designated for commercial and other non-residential uses. Closure of the rezoning would not preclude the possibility of a future CB-1 zoning.

### **TRANSPORTATION REPORT**

The Department of Transportation has reviewed this request and is against closure of rezoning case Co9-11-04, and has no objection to the rezoning time extension for the project site located west of Mission Road approximately 2,000 feet south of Ajo Way.

The County and City of Tucson maintain Mission Road. Mission Road adjacent to the site is maintained by the County and is a paved four-lane roadway with raised medians, paved shoulders, vertical curb and sidewalks on both sides of the road. The posted speed limit of Mission Road is 45 miles per hour (mph). Mission Road is classified as an Urban Minor Arterial by its functional federal classification. The most recent traffic counts for Mission Road is 23,291 average daily trips (ADT) with an approximate roadway capacity of 35,820 ADT.

Access to the site remains as proposed on the Co9-11-04 rezoning. Traffic impacts to Mission Road shall be determined by a Traffic Impact Study (TIS) at the time of development plan submittal. Therefore, a TIS will be required as a condition of rezoning.



Sun Tran Route 23 serves Mission Road. Two bus stops are located near the project site; one approximately 1,100 feet from the proposed access drive on the west side of the road, and one approximately 550 feet from the proposed access drive on the east side of the road. The Subdivision and Development Street Standards (SDSS) requires that when a project is constructed adjacent to an existing bus stop location or along an existing bus route, coordination with Sun Tran is required to determine if a new bus stop or relocation or improvement of an existing bus stop is necessary. Therefore, coordination with Sun Tran will be required as a condition of rezoning.

There are no transportation concurrency concerns. The Department of Transportation is against closure and recommends approval subject to original, modified and additions to rezoning conditions #2A-D.

### **FLOOD CONTROL REPORT**

The Regional Flood Control District (District) has reviewed the request and offers the following information:

- \* The property is not impacted by a Federal Emergency Management Agency or local floodplain and does not have mapped Regulated Riparian Habitat.
- \* A regulatory wash is located approximately in the center of the project and outlets to an offsite culvert located within the right-of-way of Mission Road. The District's approximate peak discharge is under 500 cubic feet per second (CFS) and has an associated erosion hazard setback of 25'.
- \* The Preliminary Development Plan (PDP) shows the boundary of the floodplain associated with the regulatory wash. A requirement of the permitting process is submittal of a drainage report where an engineering analysis of the regulatory wash and associated floodplain boundary may change from what is shown on the PDP.
- \* The previous rezoning condition provided in Resolution No. 2017-49 states, "Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended." Be advised that the engineering analysis required at permitting shall address onsite regulatory and non-regulatory flows exiting the property, shall mimic existing conditions and not create an adverse impact to adjacent properties.
- \* The property is located within a Critical Basin where a 10% reduction is required and the PDP appears to show on-line detention. The District will not allow on-line detention and the applicant will be required, at the time of permitting, to revise the drainage design to have the proposed detention basin collect on-site flows prior to discharging into the regulatory floodplain. At the time of permitting, the 10% reduction through detention shall be addressed in the drainage report.
- \* First Flush retention is a requirement. Opportunities to retain First Flush throughout a project site shall be prioritized by utilizing Low Impact Development practices, including within bufferyards and other landscape areas. First Flush is also allowed to be incorporated into detention basins. A condition will be provided to ensure compliance and the project will maximize First Flush Retention through LID practices and in landscape areas.
- \* A Preliminary Integrated Water Management Plan (PIWMP) is required pursuant to the Pima County Comprehensive Plan for projects greater than one acre in size to be developed for nonresidential uses. This requirement was initiated by the Board of Supervisors, under the Water Resources Element in 2008 (Co7-07-04, Resolution 2008-72). Please see the following link and refer Attachment A and Table B Water Conservation Measures. At the time of Development, choose enough indoor and

outdoor measures from Table B to meet 15 points, provide the filled out table with said measures and indicate on the plan set any outdoor measures that will be used to meet this requirement. A condition will be provided to ensure compliance with the Water Policy of the Comprehensive Plan. [Site Analysis Rezoning Packet.pdf \(pima.gov\)](#)

In conclusion, the District is against closure and has no objection to the time extension subject to deleting condition #8 that was recorded in resolution 2017-49 and adding Flood Control District conditions #3A-C.

**WASTEWATER RECLAMATION REPORT**

The Planning Unit of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and offers the following comment:

- \* The subject property is located on the west side of S. Mission Road to the east of W. Ajo Way and has available access to the public sewer system.

PCRWRD is against closure and has no objection to the request for the five-year rezoning time extension. The wastewater conditions #9A-F in rezoning resolution 2017-49, adopted July 11, 2017 by the Board of Supervisors, do not require revision but are renumbered to conditions #4A-F.

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

The Department of Environmental Quality has reviewed the closure and time extension request and is against closure and has no objection to the time extension.

**UNITED STATES FISH AND WILDLIFE SERVICE**

The United States Fish and Wildlife Service has no concerns with the request but if it has been more than five years since the property was surveyed for Pima Pineapple Cactus they would recommend a new round of surveys.

**WATER DISTRICT**

Tucson City Water has no comment.

**FIRE DISTRICT**

Drexel Heights Fire District has no comment.

**SCHOOL DISTRICT**

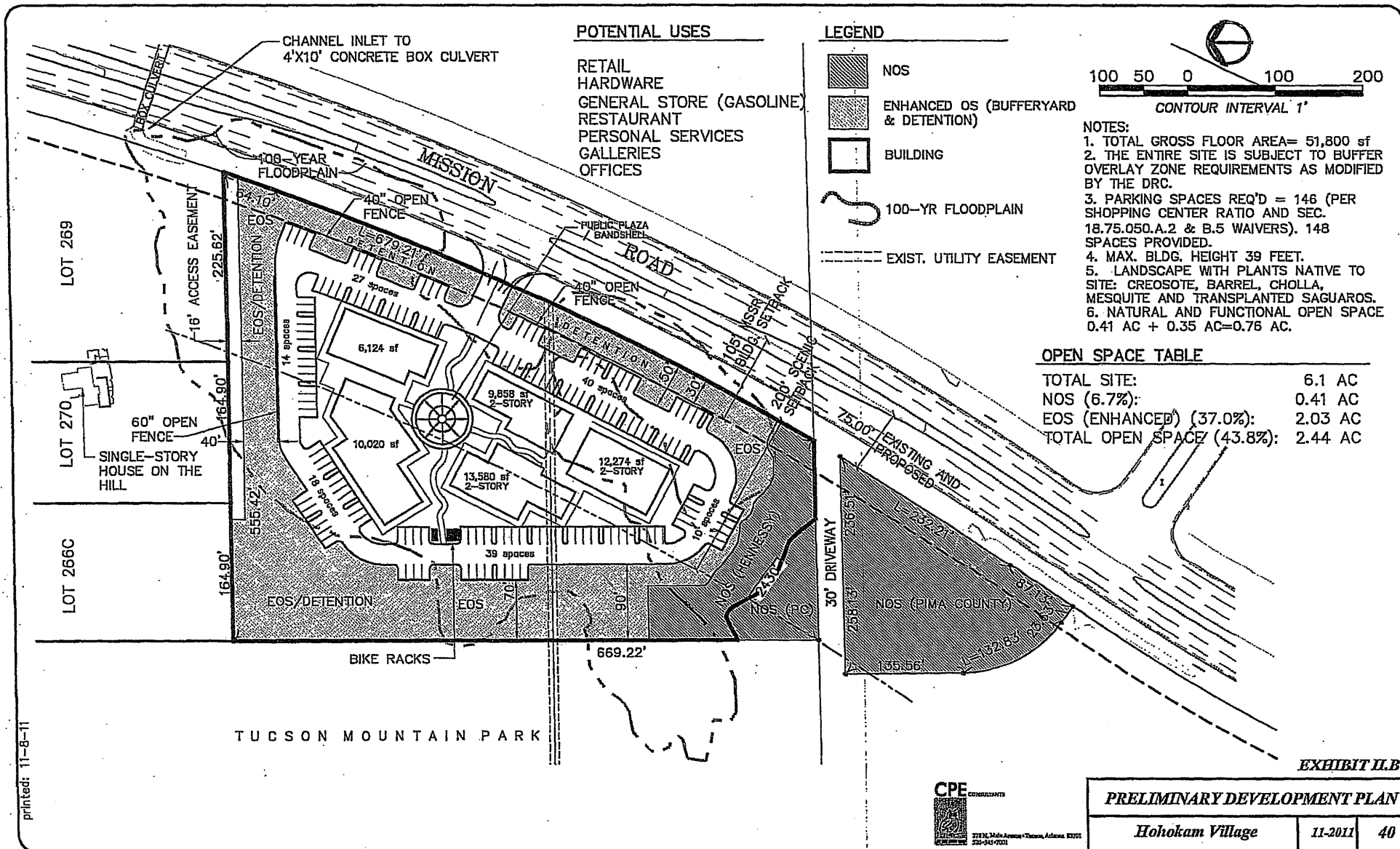
Tucson Unified School District has no comment.

TD/DS  
Attachments

c: Robin Large

Files: Co9-11-04, P16SA00014 and P22SA00006

# EXHIBIT B



### POTENTIAL USES

- RETAIL
- HARDWARE
- GENERAL STORE (GASOLINE)
- RESTAURANT
- PERSONAL SERVICES
- GALLERIES
- OFFICES

### LEGEND

- NOS
- ENHANCED OS (BUFFERYARD & DETENTION)
- BUILDING
- 100-YR FLOODPLAIN
- EXIST. UTILITY EASEMENT



- NOTES:
- TOTAL GROSS FLOOR AREA= 51,800 sf
  - THE ENTIRE SITE IS SUBJECT TO BUFFER OVERLAY ZONE REQUIREMENTS AS MODIFIED BY THE DRC.
  - PARKING SPACES REQ'D = 146 (PER SHOPPING CENTER RATIO AND SEC. 18.75.050.A.2 & B.5 WAIVERS). 148 SPACES PROVIDED.
  - MAX. BLDG. HEIGHT 39 FEET.
  - LANDSCAPE WITH PLANTS NATIVE TO SITE: CREOSOTE, BARREL, CHOLLA, MESQUITE AND TRANSPLANTED SAGUAROS.
  - NATURAL AND FUNCTIONAL OPEN SPACE 0.41 AC + 0.35 AC=0.76 AC.

### OPEN SPACE TABLE

TOTAL SITE:	6.1 AC
NOS (6.7%):	0.41 AC
EOS (ENHANCED) (37.0%):	2.03 AC
TOTAL OPEN SPACE (43.8%):	2.44 AC

printed: 11-8-11

EXHIBIT I I.B



PRELIMINARY DEVELOPMENT PLAN

Hohokam Village 11-2011 40

APPROVED AT PUBLIC HEARING  
1/17/12

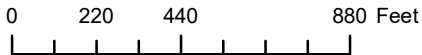
Co9-11-04

Case #: Co9-11-04

Case Name: HENNESSY TR - MISSION ROAD REZONING

Tax Code(s): 119-41-266L, 119-41-2710, 119-41-274A

AERIAL EXHBIT



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes: Closure/Time Extension




Map Scale: 1:6,000


Map Date: 1/18/2023 - ds


Case #: Co9-11-04

Case Name: HENNESSY TR - MISSION ROAD REZONING

Tax Code(s): 119-41-266L, 119-41-2710, 119-41-274A

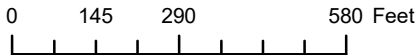
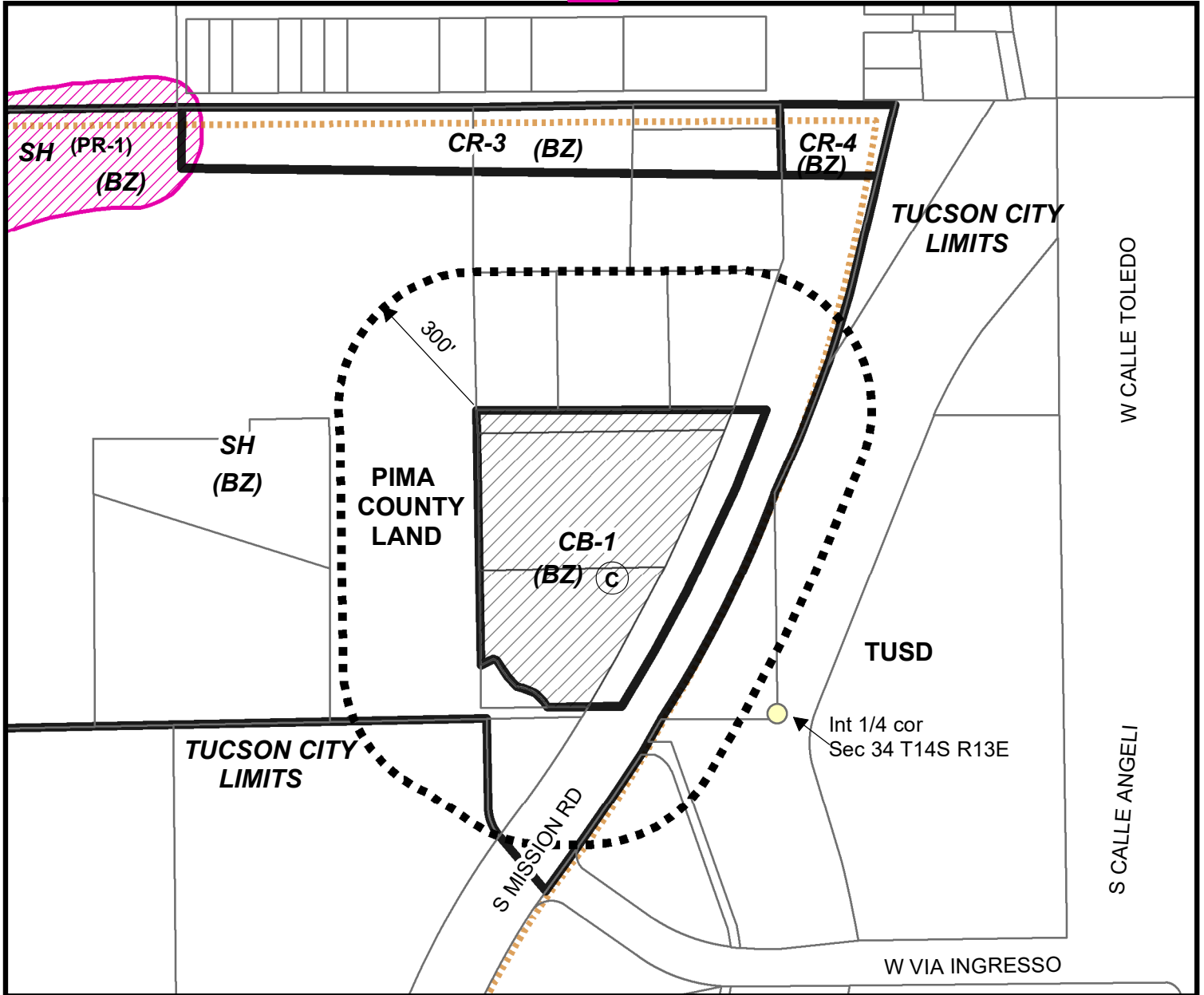
 Subject Property

 Zoning Boundary

 300' Notification Area

 Buffer Overlay Zone (BZ)

 Protected Peaks and Ridges - Level 1



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**



Notes: <b>Closure/Time Extension</b>	
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10	Accela Case #: P22SA00006
Board of Supervisors Hearing: March 7, 2023	
Base Map(s): 16	Map Scale: 1:4,000
Map Date: 1/18/2023 - ds	



## **Multifunctional Corridor (MFC)**

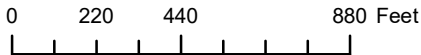
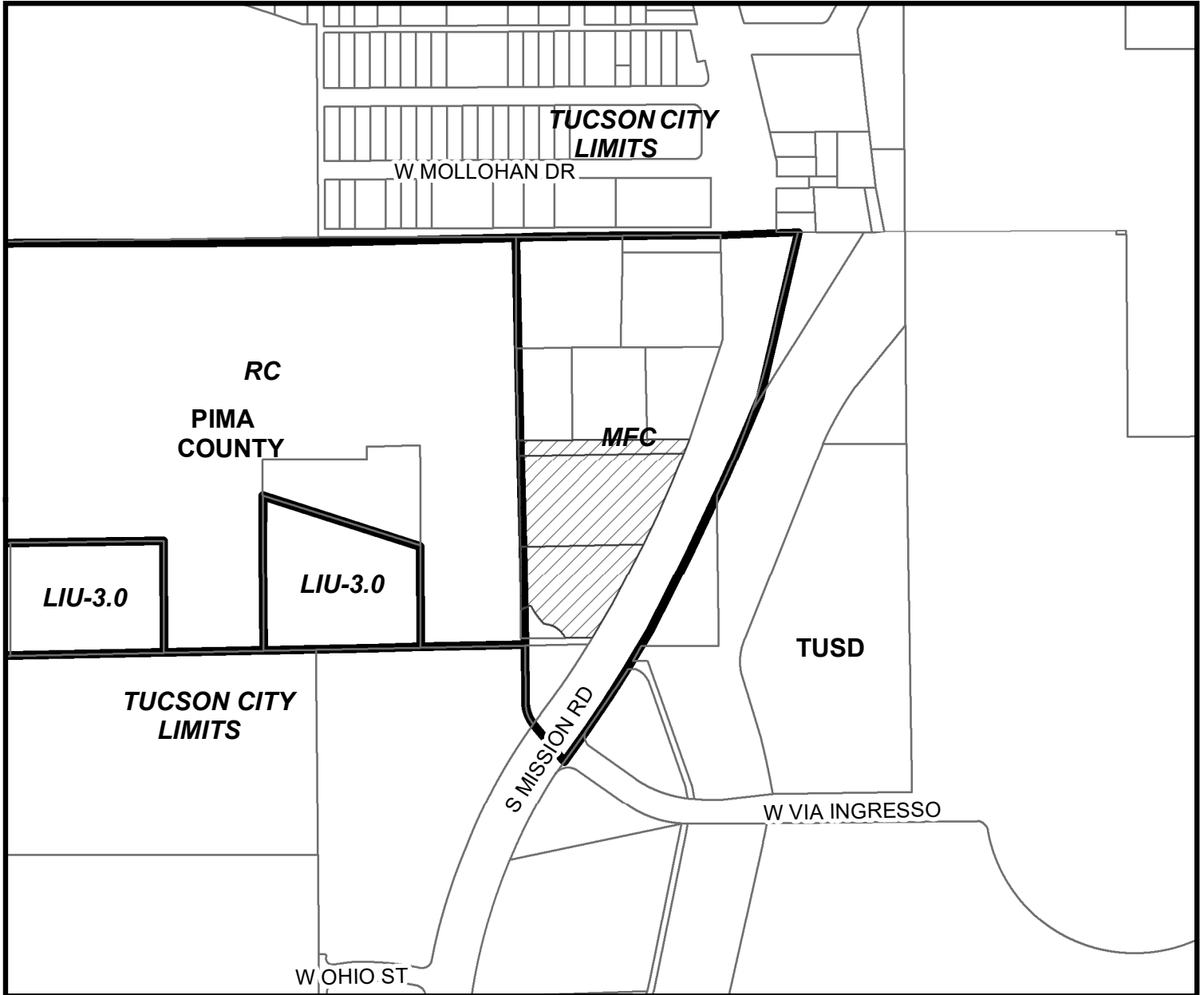
Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district) and medium to 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, in the zoning code and design manuals such as standards for access management, building setbacks, open space, signs, parking, and landscaping.

- Residential Gross Density: (if applicable) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC



Case #: Co9-11-04  
 Case Name: HENNESSY TR - MISSION ROAD REZONING  
 Tax Code(s): 119-41-266L, 119-41-2710, 119-41-274A

COMPREHENSIVE PLAN EXHIBIT

 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION

	Notes: <b>Closure/Time Extension</b>	
	PIMA COUNTY COMPREHENSIVE PLAN C07-13-10    Accela Case #: P22SA00006	
	Map Scale: 1:6,000    Map Date: 1/18/2023 - ds	

## S-29 Southwest Infrastructure Plan (SWIP) Area (SW)

### General location

Generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O'odham Nation – San Xavier District on the south, and Sandario Road on the west, in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 14 South, Range 11 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 15 South, Range 11 East; Sections 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 14 South, Range 12 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Township 15 South, Range 12 East; Sections 30, 31, 32, 33, and 34 of Township 14 South, Range 13 East; and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 15 South, Range 13 East (Ref. Co7-07-31, Resolution 2009-24).

### Policies

#### A. Comprehensive Planning:

1. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
2. New residential uses are incompatible within the one-half mile area from the bounds of the Tucson Trap and Skeet Club (Tax Code 210-12-0420). Any conflicts with policies approved under previous plan amendments shall be resolved at the time of the rezoning or specific plan.
3. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (SWIP).

#### B. Environmental Planning:

At a minimum, applicable Maeveen Marie Behan Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.

#### C. Regional Flood Control District:

1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
2. Development shall not occur within the Black Wash Administrative Floodway.

#### D. Wastewater Management:

No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an



agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.

- E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.



201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

[www.pima.gov/developmentservices](http://www.pima.gov/developmentservices)

## **BIOLOGICAL IMPACT REPORT**

*(Not applicable for rezonings that require a site analysis)*

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

**INSTRUCTIONS FOR SAVING FORM:** 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

**Project ID (case no., APN no., address, or other identifying info):**

### **Part I. Information Provided by Pima County Staff**

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
  
2. Is the project within a CLS Special Species Management Area?
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl:
  - b. Western burrowing owl:
  - c. Pima pineapple cactus:
  - d. Needle-spined pineapple cactus:

**Part II. Information Provided by the Applicant**

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property?  
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

<b>Species</b>	<b>Ever found on project site?</b>	<b>If yes, date of last observation/survey?</b>	<b>Future surveys planned?</b>
<b>Cactus ferruginous pygmy owl</b>			
<b>Western burrowing owl</b>			
<b>Pima pineapple cactus</b>			
<b>Needle-spined pineapple cactus</b>			

**Questions about this form?  
Contact the Office of Sustainability and Conservation at (520) 724-6940.**

December 15, 2022

Mr. Chris Poirier  
Planning Official  
Pima County Development Services Department  
201 N. Stone Ave.  
Tucson, AZ 85701

**SUBJECT: Request for Time Extension – Co9-11-04 Hennessy Tr – Mission Road Rezoning**

Dear Mr. Poirier:

As authorized by the current property owner, our firm represents a potential purchaser/developer of the 6.27-acre property at 4390, 4400, 4410 and 4420 S. Mission Road, Pima County Assessor Parcel No. 119-41-266L, 2710 and -274A (the “Property”). This letter serves as a request for a five-year time extension for the rezoning conditions in Pima County Rezoning Case No. Co9-11-04. This request is being made pursuant to Pima County Zoning Code (“PCZC”) § 18.91.090(A).

On January 17, 2012, the County Board of Supervisors (“BOS”) approved an application for rezoning (Co9-11-04) from SH – BZ (Suburban Homestead – Buffer Overlay Zone) to CB-1 – BZ (Local Business – Buffer Overlay Zone). On June 5, 2012, the BOS adopted zoning Ordinance No. 2012-29, which included a five-year time-period to comply with all conditions to effectuate the rezoning. The BOS granted a request for a five-year time extension in 2017, subsequently adopting Resolution 2017-49, granting that time extension and modifying the rezoning conditions. The new expiration date to meet the rezoning conditions became January 17, 2022.

Between 2017 and January 2022, the pandemic slowed interest in the Property. Recently there has been renewed interest from the development community. The Property Owner still believes this is a viable property for development. The time will allow additional time to market the Property.

As required by PCZC § 18.91.090(A)(2), enclosed is the Preliminary Development Plan that was attached to Resolution 2017-49 and a current Biological Impact Report for the Property. Also enclosed is a letter from the Property owner authorizing the Project team to request this extension on their behalf.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions or require additional information: (520) 207-4464 or via email at [RLarge@LSLawAZ.com](mailto:RLarge@LSLawAZ.com).

Sincerely,



Robin M. Large  
Senior Land Use Planner  
Lazarus & Silvyn, P.C.

Enclosures:

- 1 – Preliminary Development Plan
- 2 – Biological Impact Report
- 3 – Property Owner Authorization

cc: Mr. Michael Sarabia  
Ms. Keri Silvyn, Esq.



**LETTER OF AUTHORIZATION**

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

**4390, 4400, 4410 & 4420 S. Mission Road**

**Property Address**

**Time extension for rezoning (Co9-11-004)**

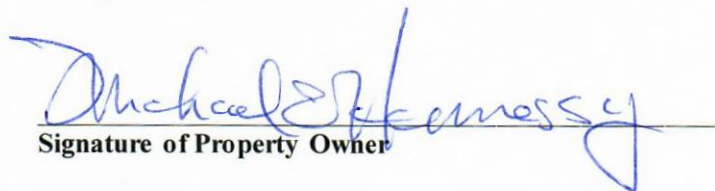
**Type of Permit Applied for:** (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)

  
**Signature of Applicant**

12/15/2022

**Date**

**AUTHORIZED BY:**

  
**Signature of Property Owner**

12/15/22  
**Date**

PIMA C  
PIMA CO CLERK OF THE BOARD  
PICKUP



SEQUENCE: 20171980676  
NO. PAGES: 7  
RES 07/17/2017  
18:00:00  
PICK UP  
AMOUNT PAID: \$0.00

RESOLUTION 2017- 49

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-11-04 HENNESSY TR – MISSION ROAD REZONING; LOCATED ON THE WEST SIDE OF S. MISSION ROAD, APPROXIMATELY 2,000 FEET SOUTH OF W. AJO WAY; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-29.**

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

1. On January 17, 2012, in rezoning case Co9-11-04, the Pima County Board of Supervisors approved the rezoning of approximately 6.10 acres located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way, as shown on Exhibit A, from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone) for approximately 6.10 acres, subject to standard and special conditions.
2. On June 5, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-29, recorded at Sequence 20121630662, rezoning the approximate 6.10 acres described in rezoning case Co9-11-04 and memorializing the standard and special conditions.
3. On November 22, 2016, the owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-29;
4. On February 7, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. Section 3 of Ordinance No. 2012-29 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2012-29 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. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road.
  - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
  - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
9. Wastewater Reclamation conditions:
  - ~~A. The owner/developer shall construe no 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 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, 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 have 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 Pima County Regional Wastewater Reclamation Department.~~
  - ~~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 Pima County Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, 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, 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.~~
- 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 plan 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(s) 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.

10. Environmental Quality condition:  
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.
11. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. Environmental Planning condition:  
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*) 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.
13. 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.
14. 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)."
15. The project shall incorporate 100% rooftop water harvesting.

Section 2. Section 3 of Ordinance No. 2012-29 is amended and the time limit extended as follows:

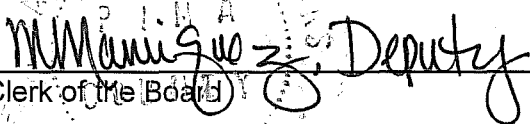
1. Conditions 1 through 15 shall be completed by January 17, ~~2017~~ 2022.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 15 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 11th day of July, 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

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

APPROVED:


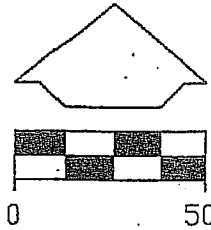
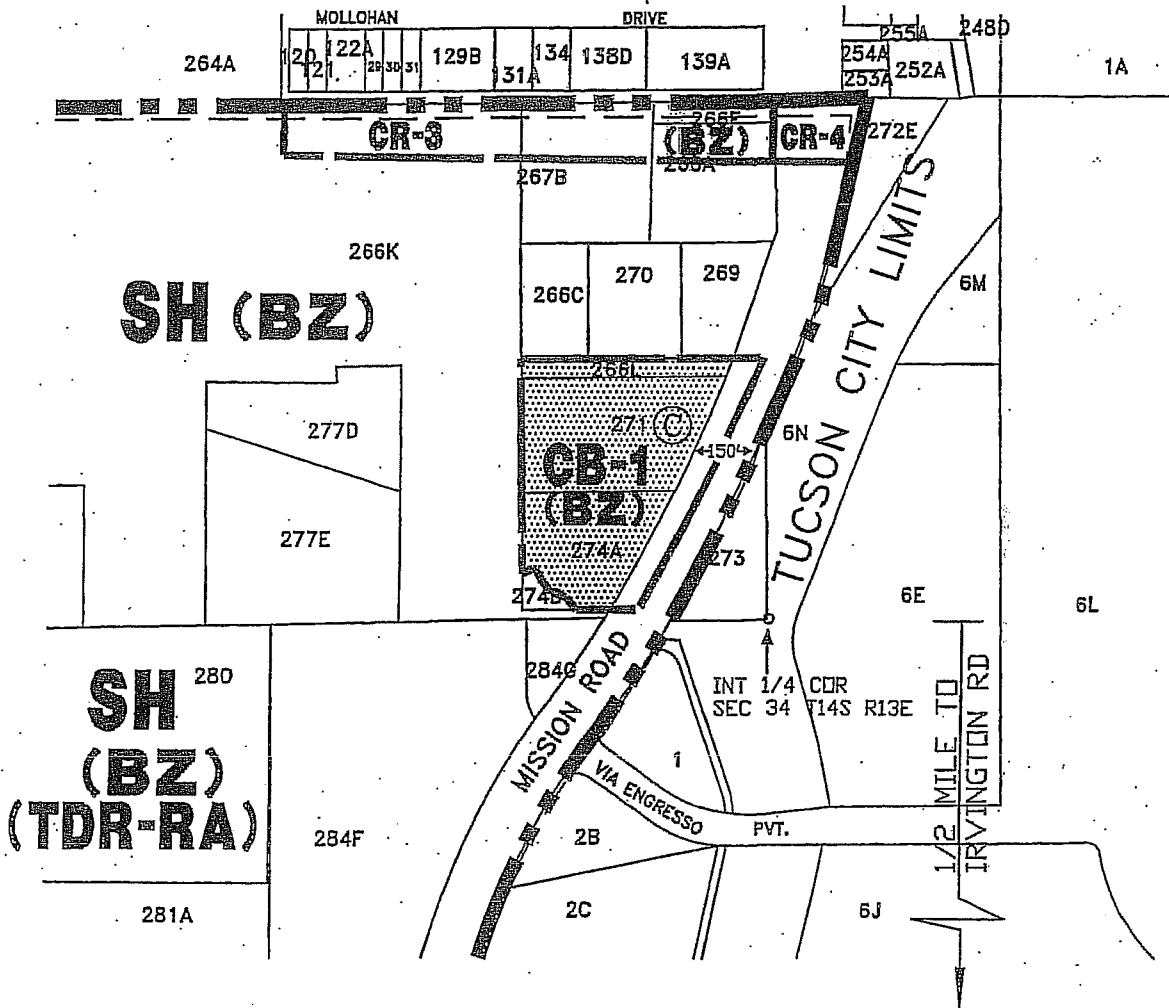
  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 5 BY ORDINANCE NO. 2012-2  
TO PIMA COUNTY ZONING MAP NO. 16 TUCSON, AZ.  
PARCELS 71, 74A & 66L LOCATED WITHIN THE SE 1/4 OF THE  
NW 1/4 OF SEC. 34, T14S R13E.



ADOPTED June 5, 2012 EFFECTIVE June 5, 2012

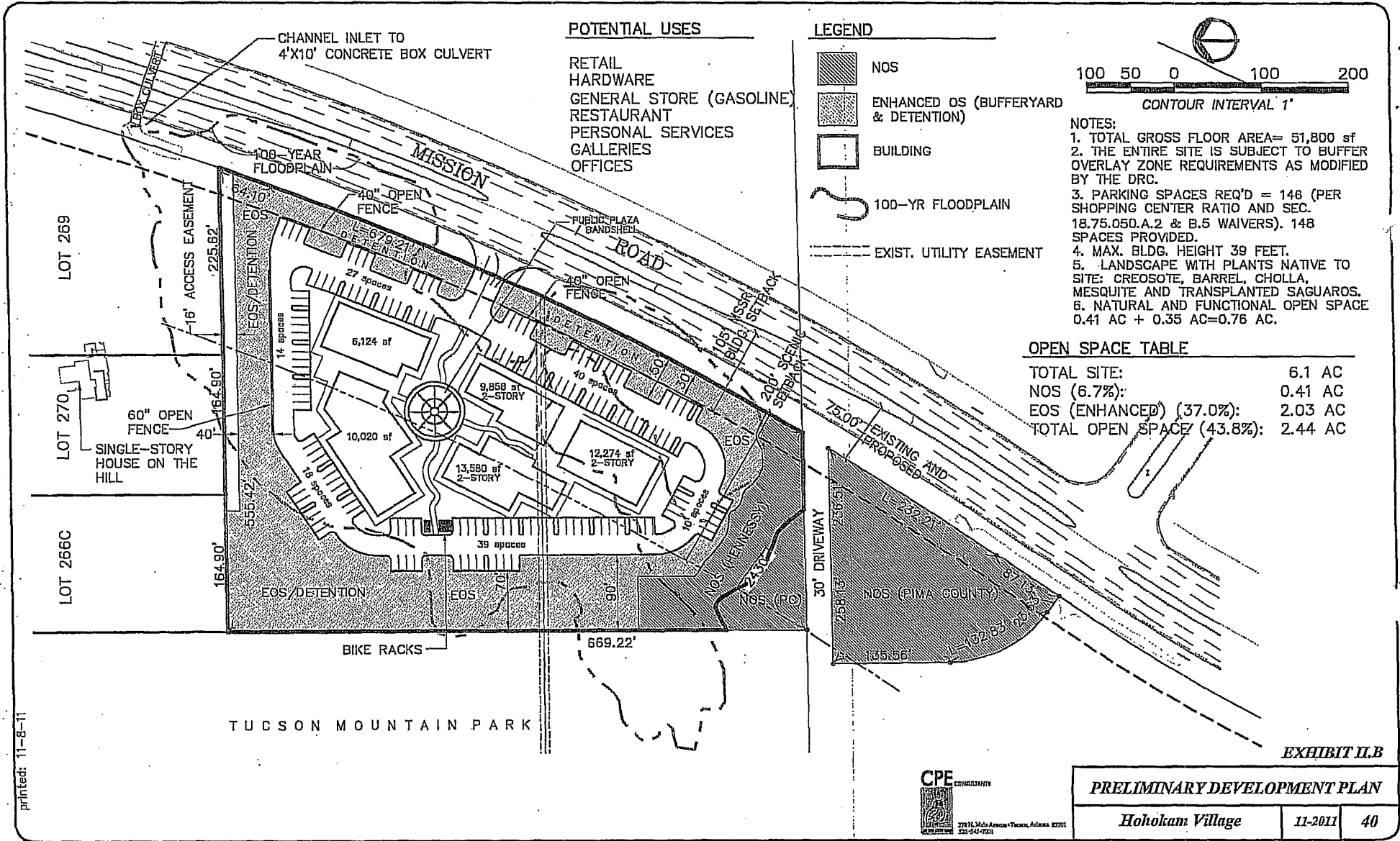


*Handwritten signature*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE C09-11-04  
FROM SH (BZ) 6.1 ac± C07-00-20  
ds-APRIL 4, 2012 119-41-2710, 274A, 266L

# EXHIBIT B

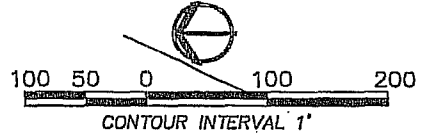


### POTENTIAL USES

- RETAIL
- HARDWARE
- GENERAL STORE (GASOLINE)
- RESTAURANT
- PERSONAL SERVICES
- GALLERIES
- OFFICES

### LEGEND

- NOS
- ENHANCED OS (BUFFERYARD & DETENTION)
- BUILDING
- 100-YR FLOODPLAIN
- EXIST. UTILITY EASEMENT



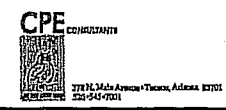
- NOTES:
1. TOTAL GROSS FLOOR AREA= 51,800 sf
  2. THE ENTIRE SITE IS SUBJECT TO BUFFER OVERLAY ZONE REQUIREMENTS AS MODIFIED BY THE DRC.
  3. PARKING SPACES REQ'D = 146 (PER SHOPPING CENTER RATIO AND SEC. 18.75.050.A.2 & B.5 WAIVERS). 148 SPACES PROVIDED.
  4. MAX. BLDG. HEIGHT 39 FEET.
  5. LANDSCAPE WITH PLANTS NATIVE TO SITE: CREOSOTE, BARREL, CHOLLA, MESQUITE AND TRANSPLANTED SAGUAROS.
  6. NATURAL AND FUNCTIONAL OPEN SPACE 0.41 AC + 0.35 AC=0.76 AC.

### OPEN SPACE TABLE

TOTAL SITE:	6.1 AC
NOS (6.7%):	0.41 AC
EOS (ENHANCED) (37.0%):	2.03 AC
TOTAL OPEN SPACE (43.8%):	2.44 AC

Printed: 11-8-11

EXHIBIT II.B



<b>PRELIMINARY DEVELOPMENT PLAN</b>		
Hohokam Village	11-2011	40

APPROVED AT PUBLIC HEARING  
1/17/12  
CO9-11-04