



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

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

DATE: November 6, 2013

SUBJECT: Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2
REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **NOVEMBER 19, 2013** hearing.

REQUEST: A five-year time extension of a rezoning from SH (Suburban Homestead) to CB-2 (General Business) (4.11 acres). The site is located on the south side of River Road, approximately 1,500 feet east of La Cholla Boulevard and 3,200 feet west of La Canada Drive.

OWNER: Riverview Ventures, LLC
5600 E. Paseo de Manzanillo
Tucson, AZ 85750-1027

AGENT: The Planning Center
Attn: Kelly Lee, Project Manager
110 S. Church Ave., Ste. 6320
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of November 6, 2013, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: Portions of the site are located within Multiple Use Management Area and Important Riparian Area within the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/DP/ar
Attachments




Board of Supervisors Memorandum

Subject: Co9-08-08

Page 1 of 12

FOR NOVEMBER 19, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director 
Development Services Department-Planning Division

DATE: November 6, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING

Request of Riverview Ventures, LLC, represented by The Planning Center, for a five-year **time extension** for a 4.11-acre portion of the above-referenced rezoning. The subject property was rezoned from SH (Suburban Homestead) to CB-2 (General Business) in 2008. The rezoning expiration date was October 21, 2013. The property is located on the south side of River Road, approximately 1,500 feet east of La Cholla Boulevard and 3,200 feet west of La Canada Drive. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to October 21, 2018 for the remaining 4.11 acres on the south side of River Road from SH (Suburban Homestead) to CB-2 (General Business) with modified standard and special conditions.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

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, Document Services.
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 is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
 - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
 - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.

- D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
 - F. The property owner(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.
 - G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
9. Wastewater Reclamation conditions:
- A. The owner/developer shall not construe ~~no~~ any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, 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 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 ~~Pima County Regional Wastewater Reclamation Department~~ PCRWRD.
 - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the ~~Regional Wastewater Reclamation Department~~ PCRWRD in its capacity response letter and as specified by the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

- E. The owner/developer shall enter into a written agreement addressing the funding, 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.
- 10. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.
- 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. Natural Resources, Parks and Recreation conditions:
 - A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.

- C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
- A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
- B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
- C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against 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.
- Invasive Non-Native Plant Species Subject to Removal:**
- | | |
|------------------------|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitialis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |

Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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~~ and sewer facilities.
16. 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)."
17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
 - A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
 - B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.

- C. Responsibilities and funding of both private and public drainage improvements.
 - D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
- a. Temporary trailer or mobile or manufactured home
 - b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
 - c. Factory-built (modular) buildings
 - d. Home auto repair
 - e. Open storage
 - f. Community service agency
 - g. Hospital or sanatorium
 - h. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
- a. Auto mechanic repair
 - b. Automobile accessories, parts and supplies
 - c. Automobile lubrication and oil change operation
 - d. Automobile tires, batteries and accessories installation in conjunction with a department store
 - e. Billiard or pool hall
 - f. Garage for public storage only
 - g. Gasoline service station
 - h. Large-scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional
 - l. Station: bus or stage
 - m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental
 - o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.

23. The gross density shall be a minimum of 10 residences per acre.
24. ~~The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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.~~
- 25 24. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
- 26 25. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

STAFF REPORT:

Staff supports the requested five-year time extension to October 21, 2018. The proposed CB-2 office, retail, and restaurant development (Parcel "A" on the rezoning preliminary development plan) still meets all applicable concurrency of infrastructure criteria and conforms to the Community Activity Center (CAC) comprehensive plan designation of the site. There is a minor transportation concurrency concern pertaining to River Road being over capacity by about 2,700 vehicles per day for the segment between La Cholla Boulevard and La Canada Drive; however, the site is considered infill and is within the Flowing Wells Growth Area where development is encouraged.

Although there are commercial services in the area, with shopping centers and other commercial uses at the intersections of River Road and La Cholla Boulevard and River Road and La Canada Drive, the proposed commercial use will aid desirable locational dispersion of additional services and potential employment for residents within existing and developing residential areas in the vicinity. The proposed uses also remain compatible with surrounding land uses. The site is physically separated from other development by the Rillito River, Roller Coaster Wash and River Road, but near enough to residential uses to be reasonably accessed by pedestrians and bicyclists. River Road has sidewalks and bike lanes in addition to a path within the adjacent Rillito River linear park that includes a bridge over Roller Coaster Wash which provides indirect linkage of the subject site to a new apartment complex.

Overall, there has been substantial progress towards completing the rezoning conditions. A Certificate of Compliance with rezoning conditions has been issued for the larger 8.71-acre Parcel "B" TR-zoned portion of the rezoning on the north side of River Road. A subdivision plat (Riverview Commons) for 101 lots has been recorded for that portion and construction of duplexes and other multiple dwelling units has commenced. This residential component was approved by the Board of Supervisors in 2011 as a substantial change from originally planned office uses. As part of that project, \$100,000 was contributed for off-site improvements to the curved intersection of Roller Coaster Road and

Oracle Jaynes Station Road to satisfy condition #18(B). (Many of the existing rezoning conditions listed above are exclusive to the Parcel "B" portion of the rezoning and have been satisfied, but remain as part of the rezoning through time.)

Additionally, a 1.78-acre portion of the subject CB-2 area has been conveyed to Pima County adjacent to the Rillito River linear park as required per condition #12(B). This is the cross-hatched area on the preliminary development plan. That area will be re-vegetated as required per condition #'s 12(C) and 13(A). The set-aside and re-vegetation of this area, adjacent to the Important Riparian Area of the Rillito River, was the solution toward satisfying the Maeveen Marie Behan Conservation Lands System (CLS) elements of the subject Parcel "A". The elements include Multiple Use Management Area, which covers most of Parcel "A" and a small portion of Important Riparian Area. A portion of Parcel "A" is outside of the CLS. None of Parcel "B" is within the CLS. Parcel "A" has substantial disturbance of natural vegetation.

In explaining the need for the time extension, the applicant states that, "...there has been no market for commercial development in recent years". The additional residential development within the Parcel "B" portion of the rezoning, coupled with the (post rezoning approval) development of a 304-unit apartment complex to the northwest of the site and the build-out of a medium-density subdivision to the east should help the marketability of the site.

Staff recommends some modifications to the existing rezoning conditions, including to Wastewater Department conditions under #9 as an update to the latest versions pertaining to requirements for usage of the public sewerage system. Condition #24, pertaining to contributions to the affordable housing trust fund, is recommended for deletion due to a change in County policy related to monetary exactions.

The site is located on the south side of River Road, between La Cholla Boulevard and La Canada Drive. The rezoning was approved on October 21, 2008. The subject CB-2 portion of the rezoning was conditionally approved for 43,800 square feet of commercial space. Denial of the time extension will cause the rezoning case to be closed and the site to revert to unrestricted SH (Suburban Homestead) zoning. SH does not conform to the site's CAC plan designation. Closure of the rezoning would not preclude the possibility of a similar future rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	SH	Roller Coaster Wash
South:	SH	Rillito River Linear Park/Rillito River
East:	TR	River Road, Multi-family Residential (under construction)
West:	SH	Roller Coaster Wash

There has been no change in zoning in the vicinity of the site since the initial rezoning approval; however, a portion of the Riverside Crossing Specific Plan at the southeast corner of River Road and La Cholla Boulevard and extending east along River Road to the Roller Coaster Wash has been nearly built-out with the aforementioned apartments and other uses, including a corporate headquarters office, a call center, a bank, and other offices.

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection, minor concurrency concern
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS & RECREATION	Yes	No objection
WATER	Yes	Information from 2008
SCHOOLS	N/A	No response
AIR QUALITY	Yes	No objection

TRANSPORTATION DEPARTMENT REPORT:

This is a request for a time extension for the CB-2 portion of the above referenced rezoning. This portion of the rezoning site is located on the south side of River Road, between La Cholla Boulevard and La Canada Drive. The preliminary development plan shows approximately 16,200 square feet of office use, 22,200 square feet of retail use, and 5,400 square feet of restaurant use on this site. These uses could generate approximately 1,700 average daily trips (ADT). The primary access point for this development is located on River Road approximately 300 feet south of the northern property line. A second access point is shown along the northern property line.

River Road is a paved, County maintained, four-lane, urban principal arterial that includes a raised median, multi-use lanes, storm drains, outside curbs, and sidewalks. These improvements were completed with impact fees and 1997 Transportation Bond funds in 1999. It is also a scenic major route per the Major Streets and Scenic Routes Plan with existing right-of-way that is 150 feet and wider, with a planned right-of-way of 150 feet. The most recent traffic count for River Road, between La Cholla Boulevard and La Canada Drive, is 35,700 ADT. The traffic capacity for River Road is 33,000 ADT; therefore, this segment is operating over capacity.

La Canada Drive, south of River Road, is a paved, County maintained, four-lane, divided urban minor arterial. It is designated a Major Route per the Major Streets and Scenic Routes Plan. The most current traffic count for La Canada is 16,000 ADT. Improvements to La Canada between Ina and River are currently underway. The improvements include converting La Canada into a four-lane arterial street with raised medians, paved bike lanes, curb and sidewalk, public use trail, and drainage improvements. Dedicated turning lanes and signalized intersections will be built. The capacity upon completion will be 33,000 ADT.

La Cholla Boulevard, north of River Road, is a paved, County maintained, six-lane-wide, divided urban principal arterial. It is also designated a Major Route per the Major Streets and Scenic Routes Plan. The most current traffic count on La Cholla Boulevard between River Road and Rudasill Road is 26,000 ADT, and between River and Ruthrauff is 19,500 ADT. The Regional Transportation Authority recently improved La Cholla, south of River Road, including a new six-lane bridge over the Rillito River. Travel lanes were increased to six lanes with a landscaped raised median. The capacity is 49,800 ADT; therefore, La Cholla Boulevard is functioning with adequate capacity.

The recommended conditions from the original rezoning case stemmed from an approved Traffic Impact Study. Staff does not recommend any changes to the rezoning conditions at this time. Although there is a minor transportation concurrency concern due to the over capacity of River Road, this is an infill project in a developed area which should be encouraged.

REGIONAL FLOOD CONTROL DISTRICT REPORT:

The Pima County Regional Flood Control District has no objection to the request and does not recommend any new conditions or amendments to the existing conditions.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:

The Pima County Regional Wastewater Reclamation Department has no objection to the five-year rezoning time extension but offers the above modified conditions.

DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT:

On behalf of PCDEQ, the Rezoning Time Extension request has been reviewed for compliance with PCDEQ requirements for on-site sewage disposal and air quality.

The Department has no objection to the proposed Rezoning Time Extension provided the property is served by public or private sewer.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT REPORT:

PCNRPR has no objection to the time extension request.

METROPOLITAN WATER DISTRICT:

Metropolitan Water District has not responded to a request for comments. However, the northern portion of the site is within the Metropolitan Water District. The applicant has also provided letters from 2008 in which the District has indicated that it will serve the site.

TUCSON WATER DEPARTMENT:

In the attached comments, Tucson Water indicates that it would be unable to serve the site unless a pre-annexation development agreement is approved.

NORTHWEST FIRE/RESCUE DEPARTMENT:

The Northwest Fire/Rescue District reports "no objection" to the rezoning time extension in the attached comments.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:

Staff has not received a response to a request for comments.

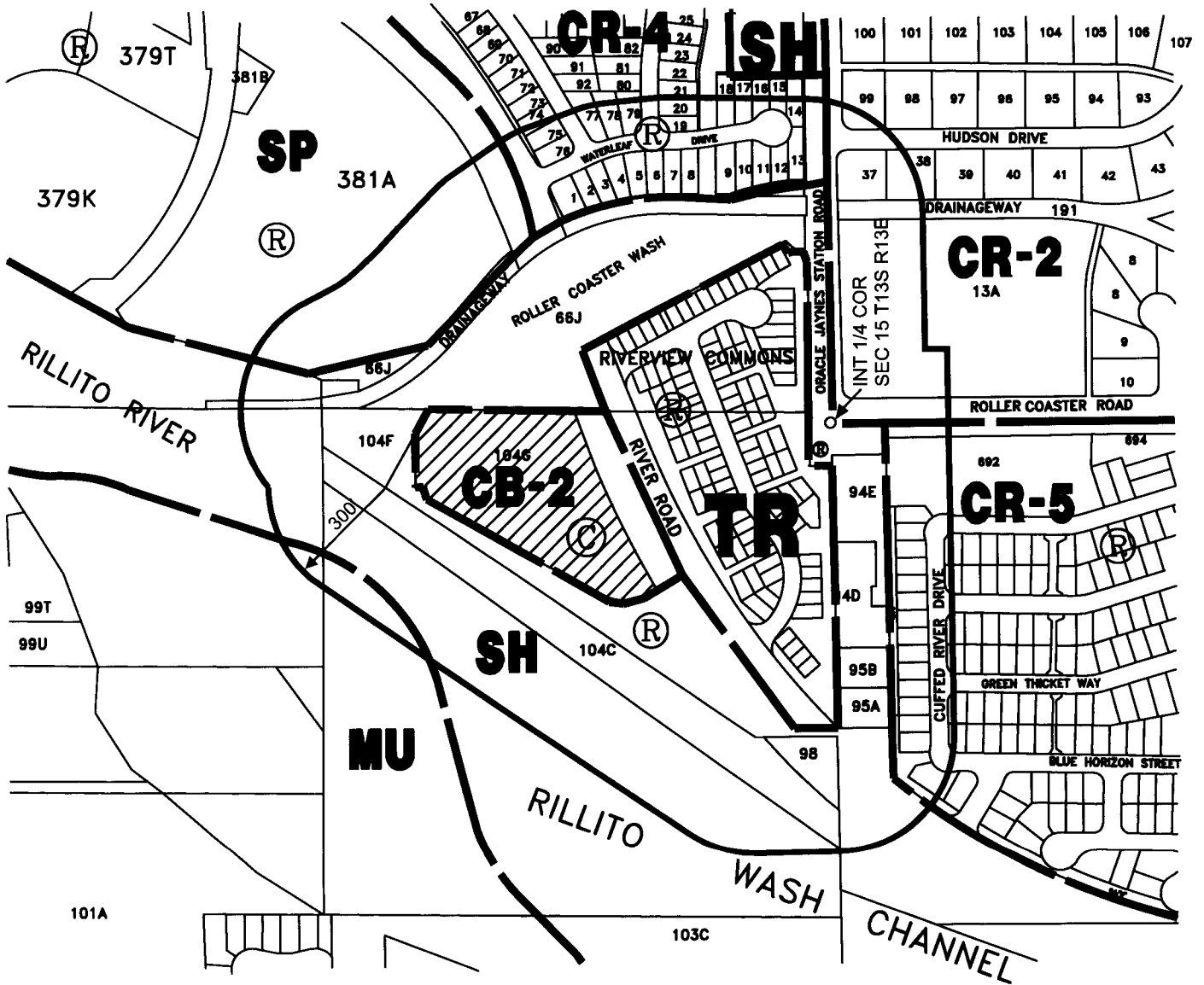
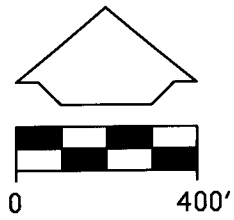
PUBLIC COMMENTS:


To date, no written public comments have been received.


CP/DP/ar
Attachments

- c: Riverview Ventures, LLC, 5600 E. Paseo de Manzanillo, Tucson, AZ 85750-1027
The Planning Center, Attn: Kelly Lee, Project Manager,
110 S. Church Ave., Ste. 6320, Tucson, AZ 85701
Chris Poirier, Assistant Planning Director
Co9-08-08 File





Petition area 

Notification area 

BASE MAP 45

Notes REZONING TIME EXTENSION

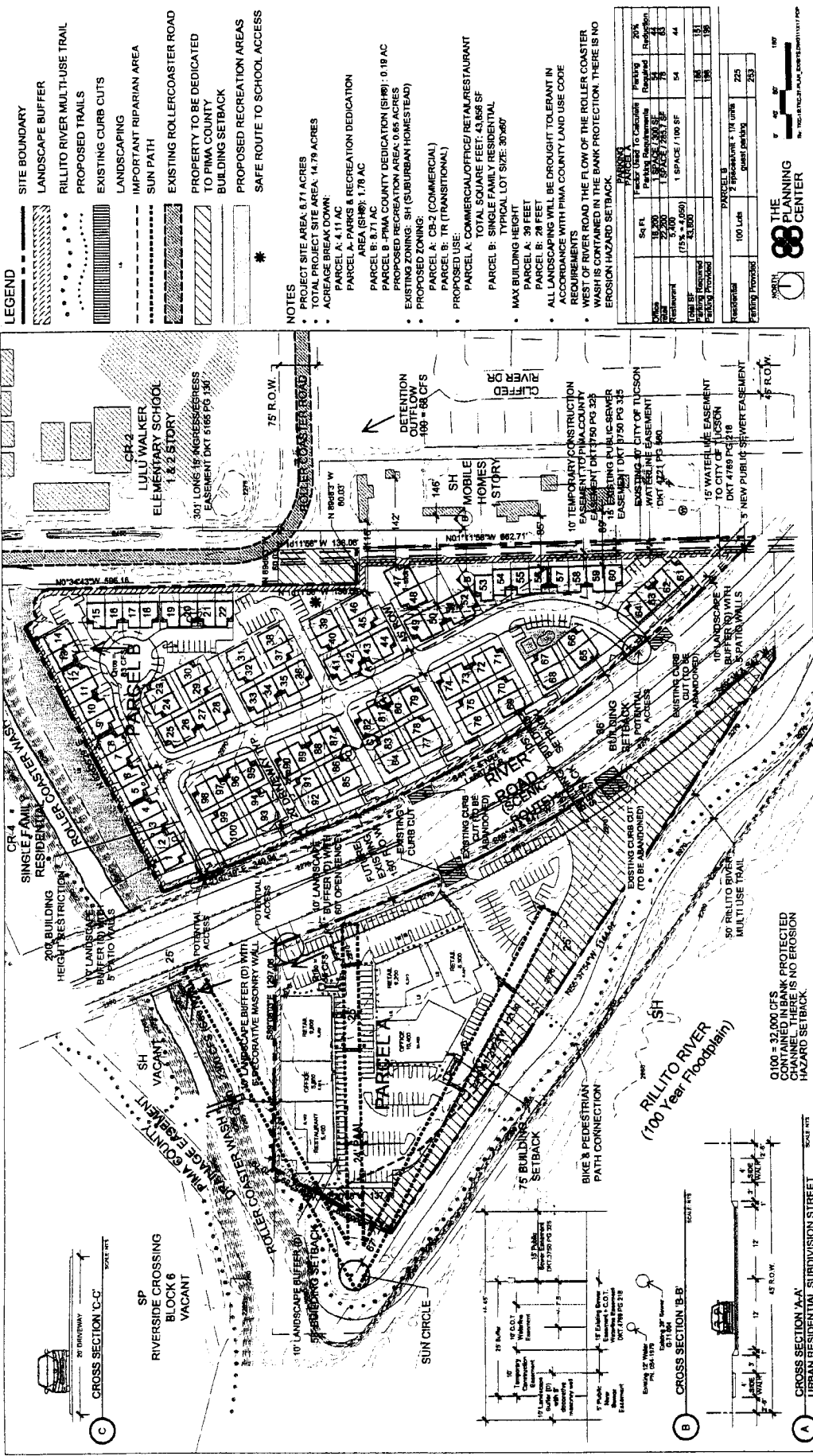
Tax codes 104-01-104G

Date 10/11/13
 Drafter DS

File no. C09-08-08
RIVERSIDE ASSOCIATES, ET AL
RIVER ROAD #2 REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

Exhibit II.B: Change of Development Plan



Co9-08-08

Revised Preliminary Development Plan
Approved 8/5/11 D.P.



August 20, 2013

Chris Poirier
Assistant Planning Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject: **C9-08-08 Riverside Associates LLC- River Road #2 Rezoning**
OBH-01

Dear Chris:

On behalf of the property owner, we request a 5-year time extension for rezoning Case #C9-08-08. The subject site is approximately 4.11 acres at River Road, 2,000 feet east of La Cholla Boulevard. The original rezoning included 14.79 acres on both sides of River Road; known as Parcel A and Parcel B. Parcel A (subject property) is 4.11-acres located west of River Road adjacent to the Rillito River. Parcel B is 8.71 acres located on the east side of River Road at Roller Coaster Road, and is currently under construction for residential development. See enclosed location map. This parcel is still vacant, and since there has been no market for commercial development in recent years, a 5-year time extension is necessary for the commercial market to recover.

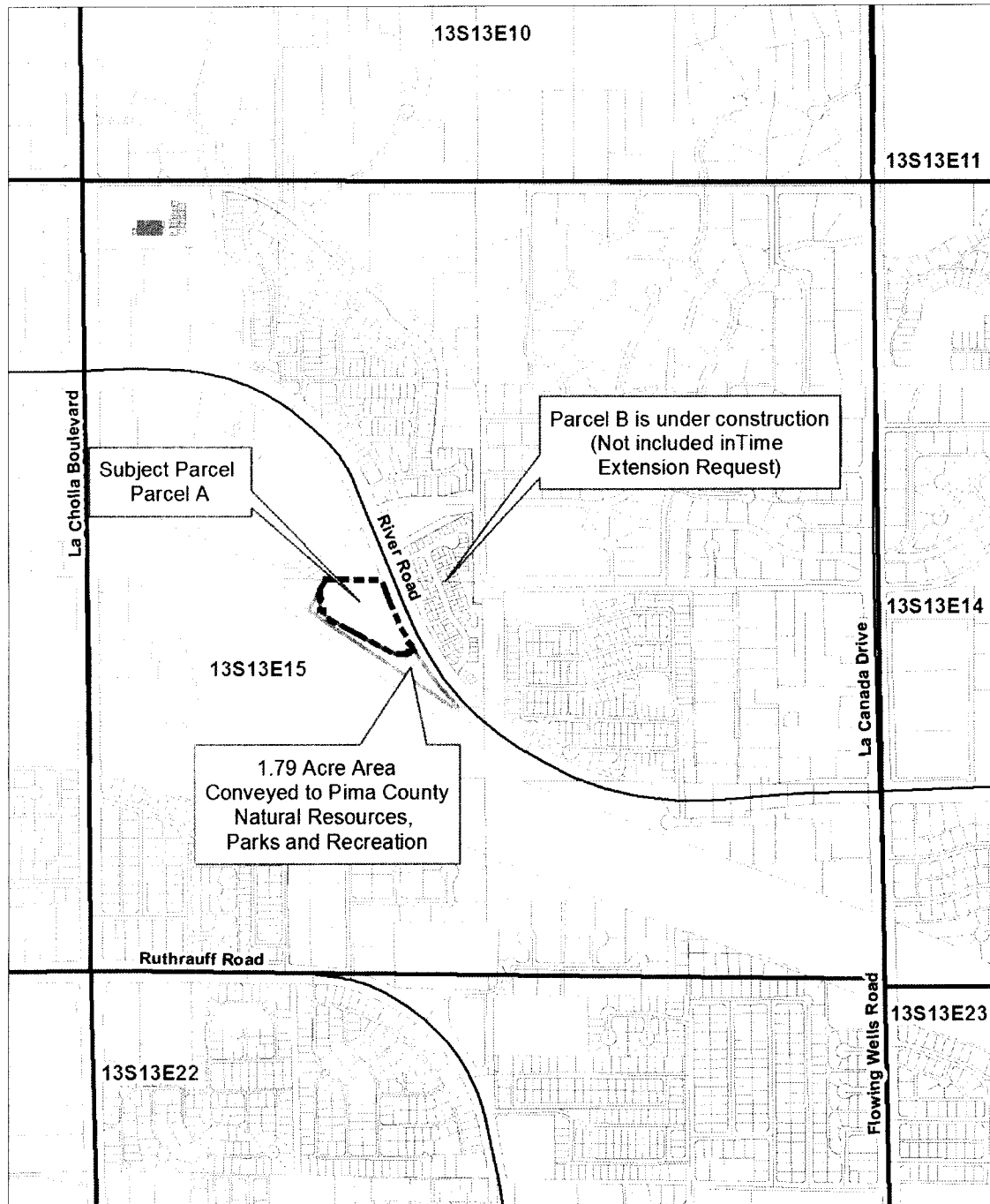
As part of this rezoning, approximately 1.97 acres (located adjacent to the Rillito River Park) has been dedicated to Pima County Natural Resources, Parks and Recreation for incorporation into the Rillito River Park. Other improvements include contribution of \$100K made to the Rollercoaster Road/Oracle Jaynes Station Roadway project.

If you have any questions, please don't hesitate to contact me.




Sincerely,
THE PLANNING CENTER

Kelly Lee
Project Manager

cc: Greg Kaplan, Obedin Associates



LEGEND

-  Subject Parcel
-  1.79-Acre Area Conveyed to NRPR
-  Parcel B Under Construction

NORTH 0' 500' 1000'

FILE NAME: location_6x8.mxd
SOURCE: Pima County GIS, 2013



August 5, 2013

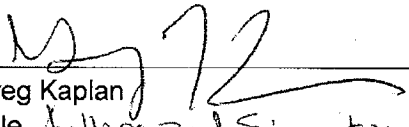
Pima County Development Services
Planning and Zoning Division
201 North Stone, 2nd Floor
Tucson, AZ 85701

Subject: **River Road #2 Rezoning, C09-08-08**
Assessor's Parcel Number: 104-01-104G
OBH-01

To Whom It May Concern:

As owner of the above-mentioned parcel, I hereby authorize The Planning Center to act as our agent for the rezoning time extension application process.

Very Truly Yours,



Greg Kaplan
Title *Authorized Signatory, Manager per ACC*
Riverview Ventures, LLC

*Please list members of the LLC

Obedin Holdings LLC

David Petersen

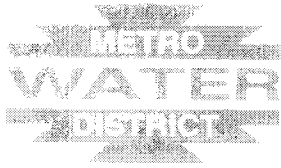
From: Kelly Lee <klee@azplanningcenter.com>
Sent: Friday, September 20, 2013 9:24 AM
To: David Petersen
Subject: FW: River Road Time Extension

Dave,

The membership for the River Road Time Extension property is as follows:

Joyce Obedin, Managing Member
Gregory Kaplan, Managing Member
Obedin Family Trust, Member

Thanks
Kelly Lee



P.O. Box 36870
Tucson, Arizona 85740
**METROPOLITAN
DOMESTIC
WATER
IMPROVEMENT
DISTRICT**
(520) 575-8100
(520) 575-8454 fax
www.metrowater.com

March 25, 2008

Kelly Lee
The Planning Center
110 S. Church, Suite 6320
Tucson, AZ 85701

**Re: Water Availability Letter
±13 Acres on River Road East of La Cholla Blvd. (TKC-15)
CAP08-02**

Dear Ms. Lee:

The Metropolitan Domestic Water Improvement District (MDWID) is certified to provide water to the above referenced development and is designated as having a 100-year assured water supply.

Any onsite or offsite requirements deemed necessary to provide the domestic and fire flow water supply will be determined at the time of improvement plan submittal or whenever application for water service is received. The MDWID will need to be provided the fire flow requirements for the proposed development to determine these requirements. Pipe sizing and system augmentation, if necessary will be based on calculated demand for both domestic and fire flows as needed to adequately supply this area.

If you have any questions or if I can be of further assistance regarding this matter, please call me at 575-8100.

Sincerely,

A handwritten signature in dark ink, appearing to read "Timothy Dinkel".

Timothy Dinkel
Development Supervisor

c. Charlie Maish, District Engineer - Capacity Response File
Signature File



CITY OF
TUCSON
TUCSON WATER
DEPARTMENT

September 3, 2013

The Planning Center
110 S Church Ave, Ste 6320
Tucson, AZ 85701

Attn: Kelly Lee

SUBJECT: Water Availability for project: Riverside Associates - River Rd Rezoning C09-0808, APN: 10401104G, Case #: WA1356, T-13, R-13, SEC-15, Lots: 9999, Location Code: UN1, Total Area: 4.1ac.

The parcel(s) which you have requested water service are located within the City's water service "expansion area". Due to the City's water service area policy, water service is unable to be granted to parcels within the "expansion area" until a pre-annexation development agreement (PADA) is approved by the City Mayor and Council.

If you wish to proceed with the processing of a PADA to obtain water service, or have any questions regarding the PADA submittal process and associated time frames, please contact the Mike Czechowski with the City's Annexation office at 837-4058. For questions relating to the City's obligated water service area policy, please contact me at 791-4718.

Sincerely,

Scott Schladweiler, P.E.
Engineering Manager
Tucson Water Department

SS:mg

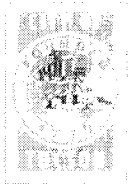
cc: File

Mike Czechowski, City of Tucson - Annexations



NEW DEVELOPMENT • P.O. BOX 27210 • TUCSON, AZ 85726-7210
(520) 791-4718 • FAX (520) 791-2501 • TTY (520) 791-2639 • www.cityoftucson.org





CITY OF
TUCSON
Tucson Water
Department

February 15, 2008

The Planning Center
110 S. Church, Ste 6320
Tucson, AZ 85701

Subject: Water Availability for project: River Road and La Cholla Rezoning, APN
10401104E, 10401104B, Case #: TKC-15, T-13, R-13, Sec-15, Location Code: PC.
Total Area: 17.4ac

Thank you for your letter dated January 9, 2008, requesting water assurance for the
subject parcels.

After review of your request, Tucson Water has determined that approximately half
of the requested parcels lie within Metropolitan Water. Existing agreements preclude
Tucson Water from expanding into Metropolitan Water's registered service area.

The current service options for these parcels are to either have both water providers
service the parcels, Metro Water service the north half and Tucson Water service the
south half, or to enter discussions with both water providers jointly to determine a
service decision. As parcels serviced by multiple water providers have the potential
to cause future maintenance confusion, Tucson Water suggests coordination between
both water providers before a service decision is reached.

If you have any questions please do not hesitate to contact Joe Olsen at 791-5080 ext.
1316.

Sincerely,

Joseph G. Olsen, P.E.
Engineering Manager
New Development Unit

JGO:jgo

CC: File



STREET ADDRESS: 100 N. GAVILAN BLVD. • P.O. BOX 27210 • TUCSON, AZ 85726-7210
PHONE: (520) 791-5080 • FAX: (520) 791-5088 • TOLL FREE: 1-800-487-2670 • www.cityoftucson.org





NORTHWEST FIRE/RESCUE DISTRICT

SERVING RESIDENTS OF THE NORTHWEST FIRE DISTRICT, THE FLOWING WELLS
COMMUNITY AND THE TOWN OF MARANA
ADMINISTRATION/LIFE SAFETY SERVICES 5225 W. MASSINGALE RD. TUCSON AZ 85743
PHONE: (520) 887-1010 FAX: (520) 887-1034 www.northwestfire.org

September 3, 2013

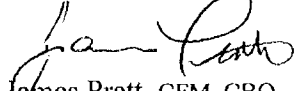
Mr. David Petersen
Pima County, Development Services Department
Planning Division
201 N. Stone Avenue, Second Floor
Tucson, Arizona 85701

Reference: Rezoning Time Extension for Co9-08-08 Riverside Associates, et al. – River
Road #2 Rezoning; Tax Parcel 104-01-104G. Northwest Fire District review
comment letter.

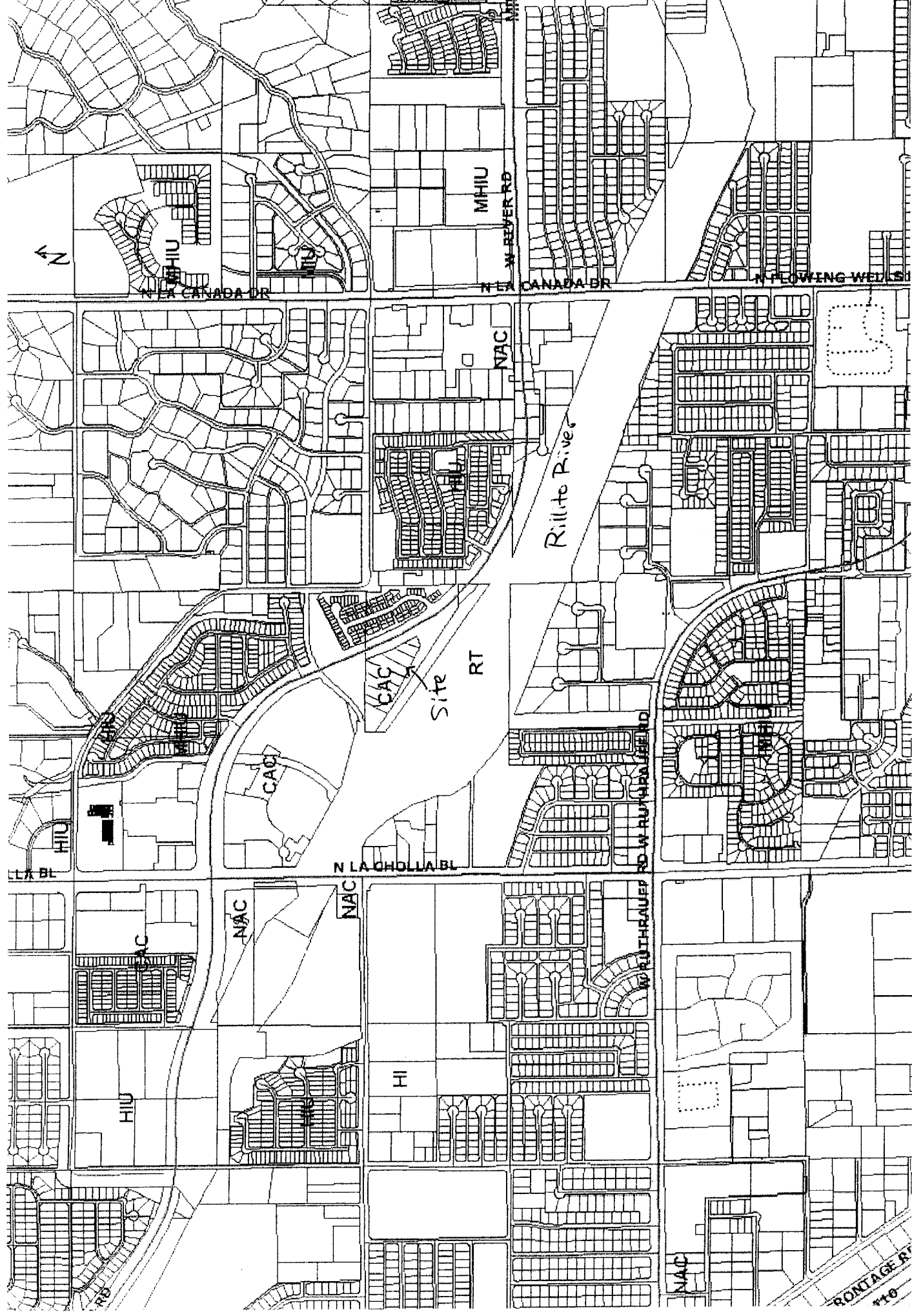
Dear Mr. Petersen:

Northwest Fire District in review of the above time extension request has no objection to
approval of this request by the Pima County Board of Supervisors. In the event you have
questions or concerns please contact the undersigned at 520-887-1010 extension 5003 or via
email at jpratt@northwestfire.org. Thank you.

Yours in fire and life safety


James Pratt, CFM, CBO
Fire Plans Examiner



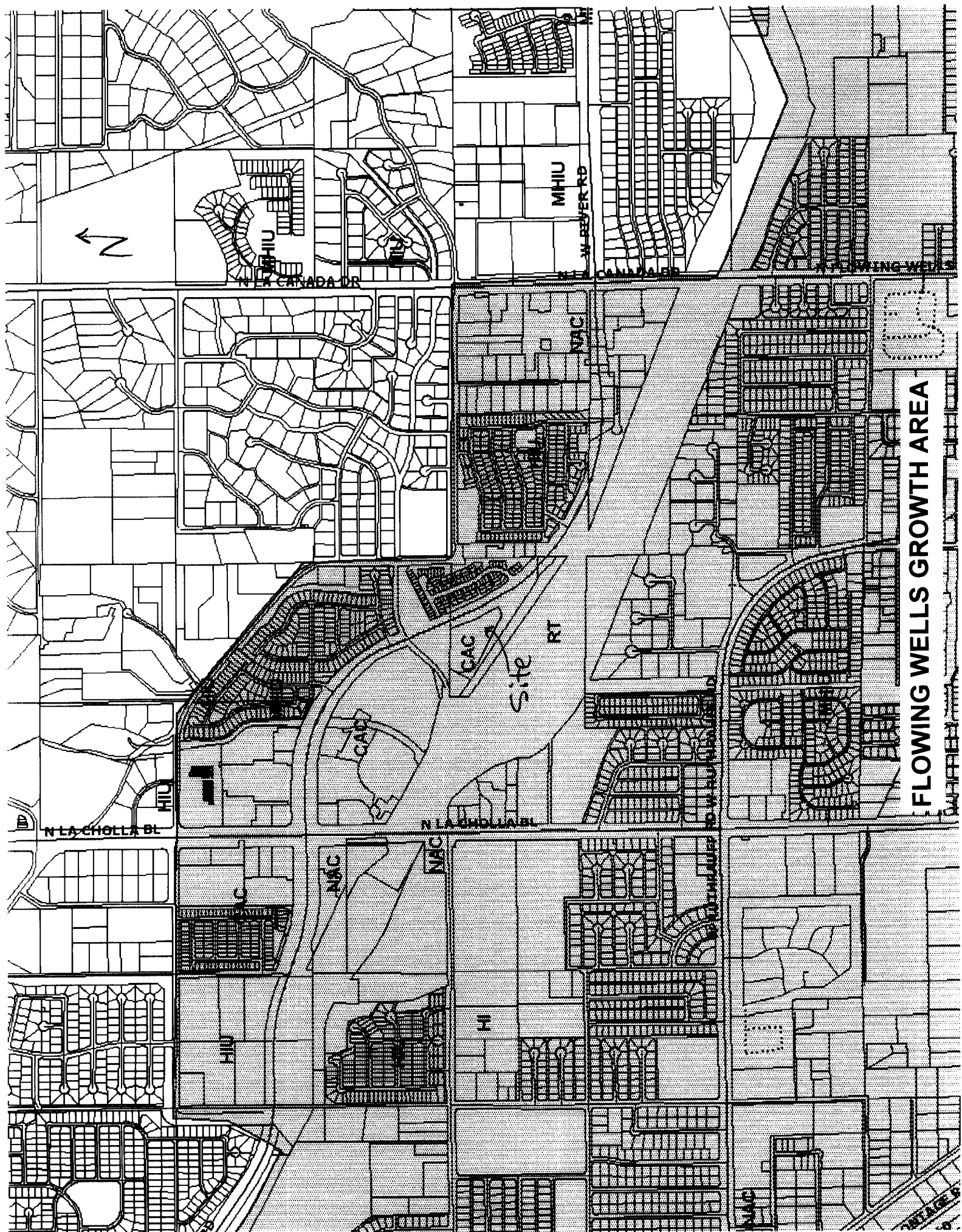


Pima County Comprehensive Plan – Northwest Subregion
Plan Designation – Community Activity Center
Flowing Wells Growth Area
Special Area Policy S-20 Urban Floodplain Mitigation

Community Activity Center

'CAC' on the Land Use Plan Maps

- a. Purpose: To designate medium intensity mixed-use areas designed to provide goods and services needed generally on a weekly basis along with compatible medium to high density housing types.
- b. Objective: The center provides the range of goods and services necessary to satisfy the weekly shopping and service needs of the surrounding community. The center may include a major supermarket, along with other anchor tenants such as a discount department store, large variety store, or specialty stores such as a hardware/building/home improvement store. The center includes complementary uses, such as high density housing, offices, and government services. Public transit provides direct access to these centers as well as connections to regional activity centers. The center has direct access to a major arterial roadway, with pedestrian and bicycle paths providing access from surrounding neighborhoods. Community Activity Centers are generally less than forty acres in size.
- 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 - 24 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 – 12 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) CR-2 Single Residence Zone
 - 2) CR-3 Single Residence Zone
 - 3) CR-4 Mixed-Dwelling Type Zone
 - 4) CR-5 Multiple Residence Zone
 - 5) TR Transitional Zone
 - 6) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 7) MR Major Resort Zone
 - 8) CB-1 Local Business Zone
 - 9) CB-2 General Business Zone
 - 10) CPI Campus Park Industrial Zone



FLOWING WELLS GROWTH AREA

5. GROWTH AREA ELEMENT REGIONAL PLAN POLICIES

- A. Mixed use planning shall be encouraged in designated growth areas and areas with community-wide commercial activity that have opportunities for multimodal transportation.
- B. The current growth area profile shall be reviewed during the review of a development proposal. Infill and redevelopment proposals within a growth area shall attempt to create a mix of uses most beneficial to encourage multimodal transportation opportunities and be coordinated with any current or planned transit stop locations.
- C. Development proposals shall be evaluated for their potential to increase the mix of uses within the growth area and create a demand for residential density and a commercial base that supports a multimodal transportation option.
- D. Development proposals shall be reviewed for potential pedestrian and bicycle access opportunities among surrounding land uses.
- E. Development proposals shall be designed to add architectural attractiveness to the area and to protect the character and privacy of adjoining existing residential areas.
- F. A residential proposal shall attempt to increase densities to not less than eight residences per acre within an evolving mixed use area and provide a variety of housing types, costs, and ownership concepts.
- G. A commercial proposal's design may support a local and community customer base and shall create multimodal transportation options within the growth area.
- H. The City of Tucson shall be designated as a growth area of Pima County.

S-20 Urban Floodplain Mitigation [3-06]

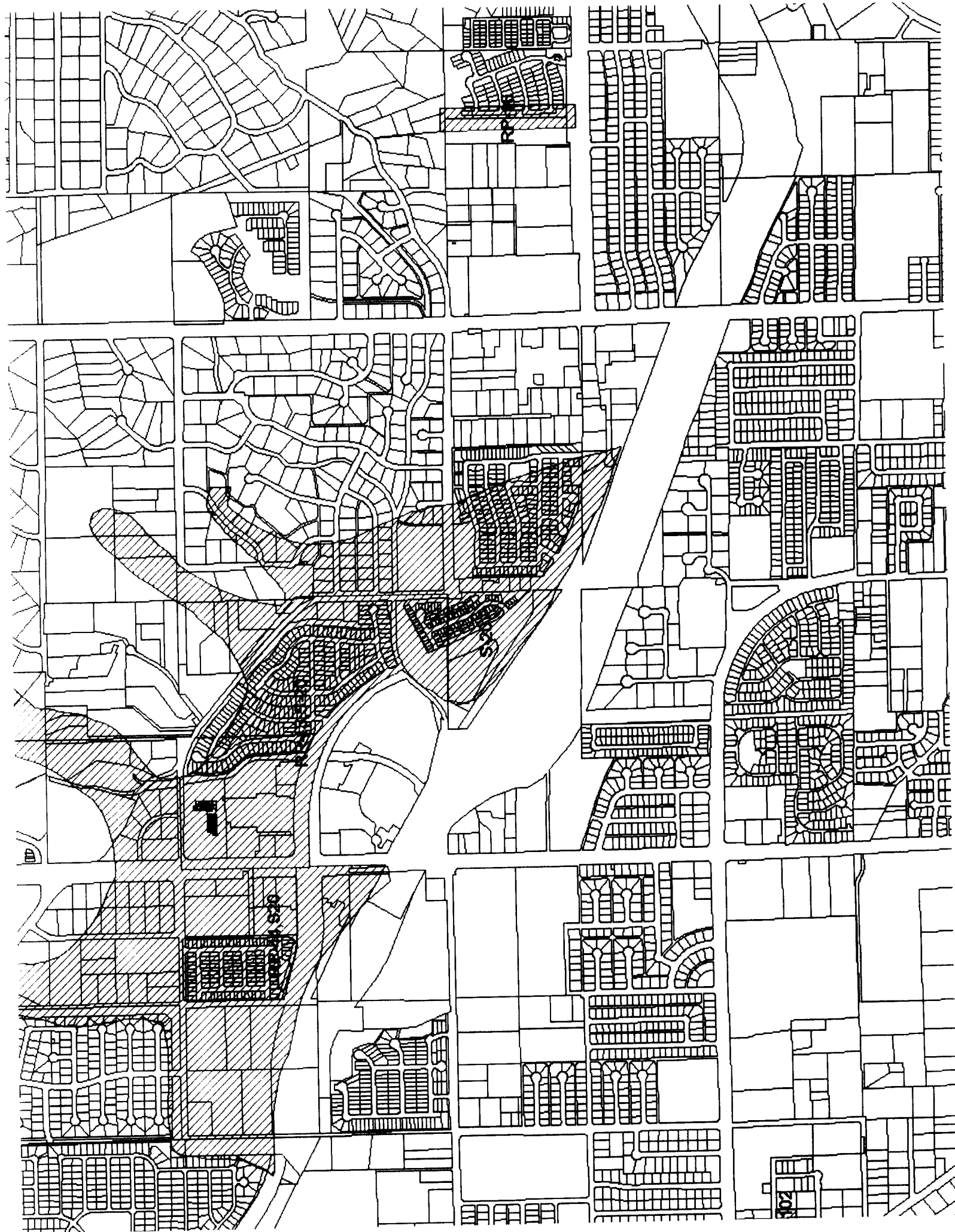
General location: FEMA 100-year floodplain at Rillito River/La Cholla Blvd., Cañada Del Oro Wash/La Cholla Blvd., Santa Cruz River/Old Nogales Hwy., Silverbell Road and Ina Road, and east of Thornydale Road and south of the North Ranch Subdivision.

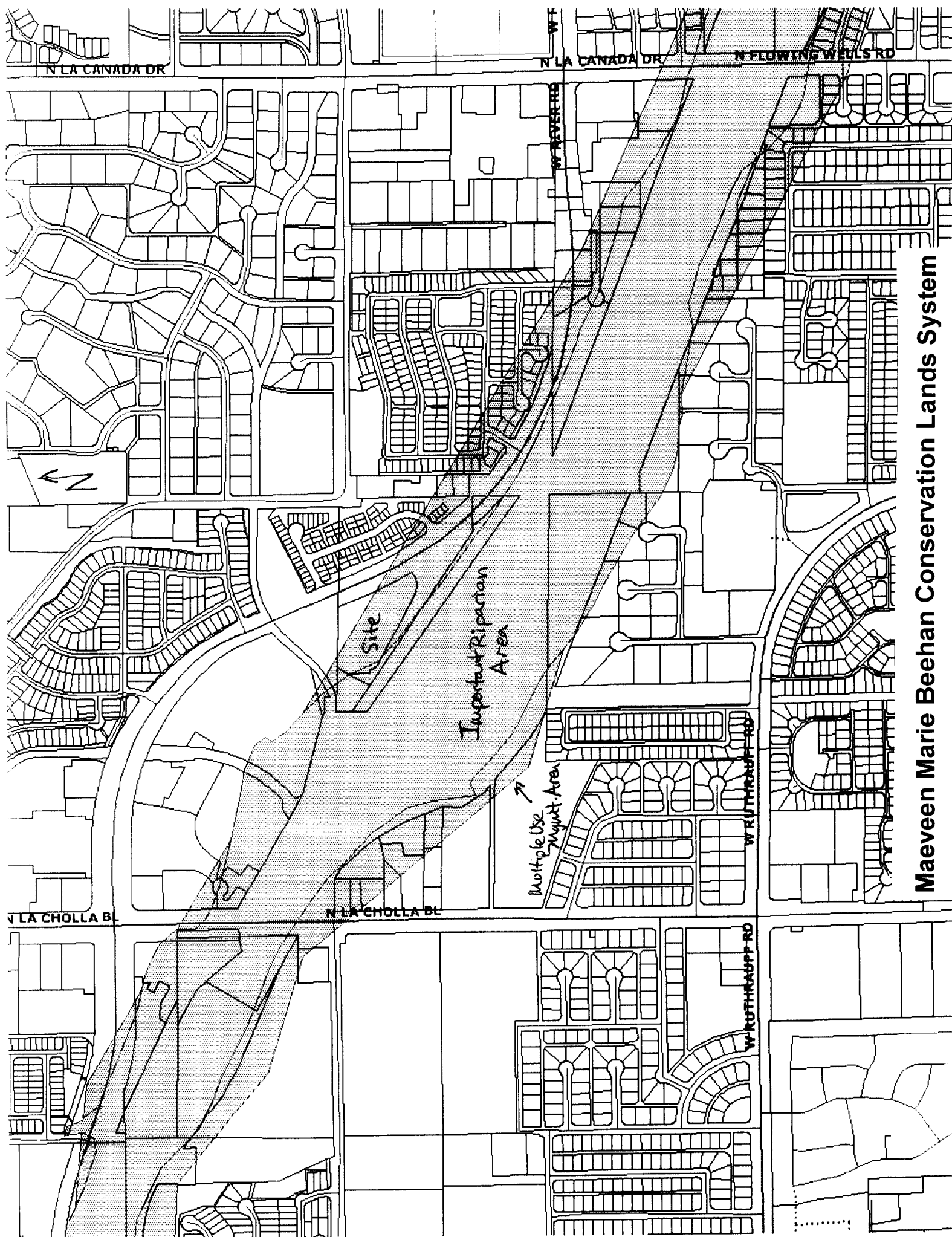
Description: These areas are currently mapped as FEMA floodplains. However, it is likely that as these areas are developed into urban uses, precise floodplain boundaries will be determined through the rezoning process based on the submittal of more accurate information or the approval of flood control projects.

Policy: Upper Floodplain Mitigation/South of Cortaro Farms Road.
Prior to approval of any rezoning or specific plan application within this special area, the boundaries of the 100-year floodplain, as it affects the subject property, shall be established by the applicant and approved by the Pima County Flood Control District (PCFCD).

Required floodplain alterations or plans for such floodplain alterations, as approved by the PCFCD, shall be a condition of rezoning. Notwithstanding the land use designation on the Land Use Plan, areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through implementation of plans approved by the PCFCD, shall revert to Resource Conservation [or "Resource Transition" per Regional Plan Policy 1(A)(4)(d)].

Those areas determined to be outside the 100-year floodplain or which will be outside the 100-year floodplain prior to development through implementation of plans approved by PCFCD shall retain the land use designation shown on the Land Use Plan.





Maeveen Marie Beehan Conservation Lands System



SEQ	ICE:	20113610953
NO.	PAGES:	11
RES		12/27/2011
		18:00
PICK UP		
AMOUNT PAID:		\$0.00

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

RESOLUTION 2011- 201

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN **CASE Co9-08-08 RIVERSIDE ASSOCIATES – RIVER ROAD #2 REZONING**; LOCATED ON THE ON THE EAST SIDE OF RIVER ROAD AT ROLLER COASTER ROAD, APPROXIMATELY 2,000 FEET EAST OF LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF **ORDINANCE NO. 2009-10**.

WHEREAS, on April 22, 2008, the owner of approximately 14.79 acres applied for a rezoning from SH (Suburban Homestead) to TR (Transitional); CB-2 (General Business), and SH ® (Suburban Homestead Restricted);

WHEREAS, on October 21, 2008, the Pima County Board of Supervisors approved the rezoning from SH (Suburban Homestead) to TR (Transitional) (8.71 acres), CB-2 (General Business) (4.11 acres), and SH ® (Suburban Homestead Restricted) (1.97 acres), subject to standard and special conditions;

WHEREAS, on April 7, 2009 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2009-10, as recorded in Docket 13537 at Page 03844, rezoning the approximate 14.79 acres described in rezoning case Co9-08-08 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on June 3, 2011 the owner of approximately 14.79 acres, applied for a modification (substantial change) of rezoning conditions #'s 17 and 19;

WHEREAS, on August 15, 2011 the Pima County Board of Supervisors approved a modification (substantial change) of rezoning conditions #'s 17 and 19 with deleted, modified, and additional rezoning conditions;

WHEREAS, Ordinance No. 2009-10 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2009-10 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, Document Services.
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 is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
 - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.

8. Flood Control conditions:

- A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
- B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
- C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
- D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
- E. A riparian mitigation plan shall be required for development in designated riparian areas.
- F. The property owner(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.
- G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

9. Wastewater Reclamation conditions:

- A. The ~~property~~ owner(s)/developer(s) 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(s)/developer(s) to that effect.
- B. The ~~property~~ owner(s)/developer(s) 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(s)/developer(s) 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 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.

10. Environmental Quality condition:

The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by ~~Wastewater Management~~ Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

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. Natural Resources, Parks and Recreation conditions:
- A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.
 - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
- A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
 - B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against 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.
- Invasive Non-Native Plant Species Subject to Removal:**
- Ailanthus altissima Tree of Heaven

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

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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.
16. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).

18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
- A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
 - B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
 - C. Responsibilities and funding of both private and public drainage improvements.
 - D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
- a. Temporary trailer or mobile or manufactured home
 - ~~b. Duplex, apartment, or other multiple dwelling development~~
 - ~~e b.~~ Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
 - ~~d c.~~ Factory-built (modular) buildings
 - ~~e d.~~ Home auto repair
 - ~~f e.~~ Open storage
 - ~~g f.~~ Community service agency
 - ~~h g.~~ Hospital or sanatorium
 - ~~i h.~~ Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
- a. Auto mechanic repair
 - b. Automobile accessories, parts and supplies
 - c. Automobile lubrication and oil change operation
 - d. Automobile tires, batteries and accessories installation in conjunction with a department store
 - e. Billiard or pool hall
 - f. Garage for public storage only
 - g. Gasoline service station
 - h. Large scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional

- l. Station: bus or stage
 - m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental
 - o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
23. The gross density shall be a minimum of 10 residences per acre.
24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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.
25. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
26. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

* * *

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the Rezoning conditions set forth in Section 2 of Ordinance No. 2009-10 as follows:


- 1. Conditions 1 through 22 26 shall be completed by October 21, 2013.
- 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 22 26 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.


RESOLVED by the Board of Supervisors of Pima County, Arizona,
this 13th day of December, 2011.


Chairman, Board of Supervisors
DEC 13 2011

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:

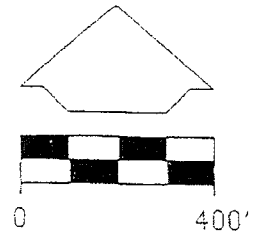

Deputy County Attorney
ANDREW FLAGG

APPROVED:

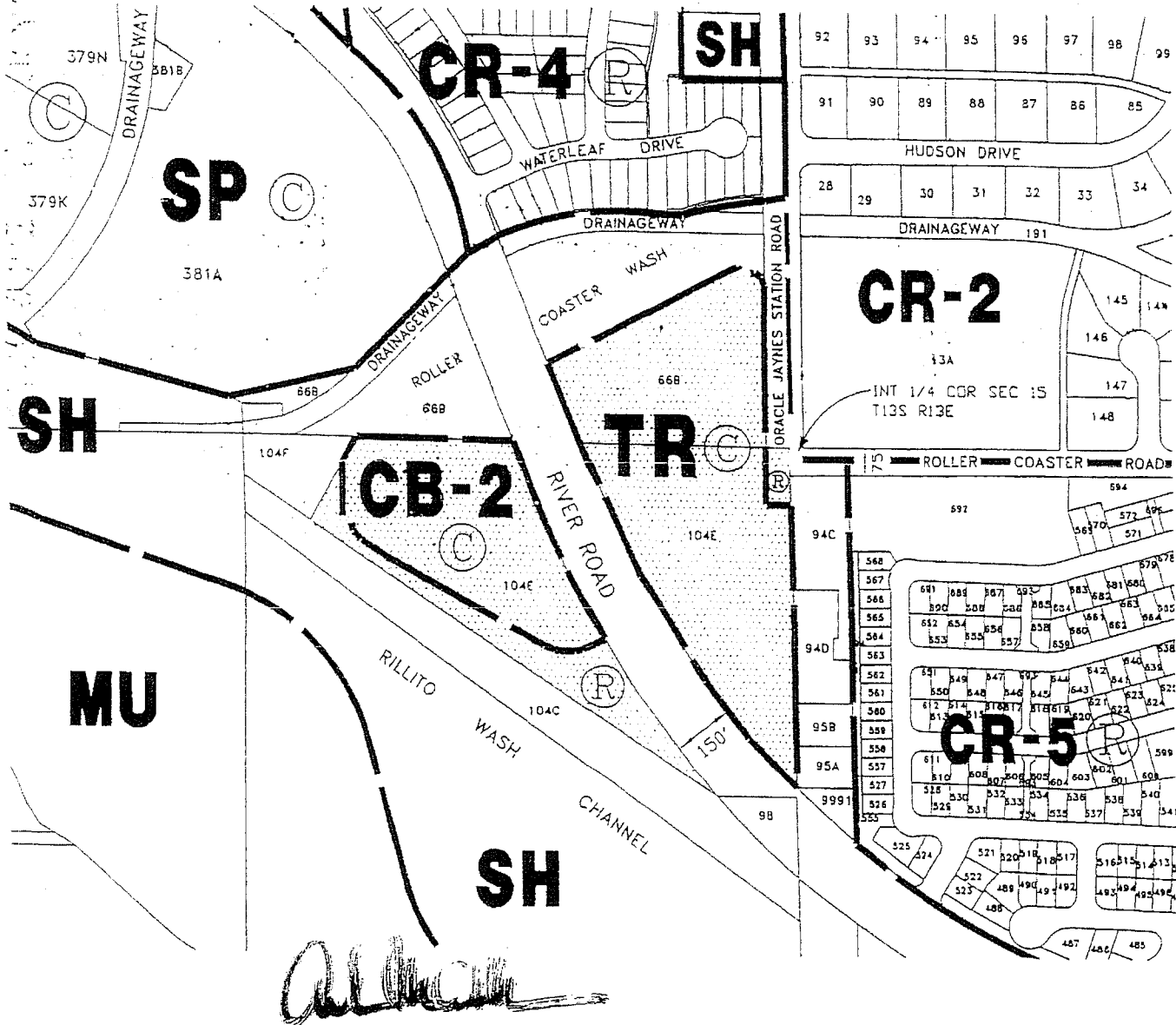

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 99 BY ORDINANCE NO. 2009-10
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, ARIZONA
PARCEL 104E AND PORTION OF PARCEL 066B LOCATED IN
THE WEST 1/2 OF SECTION 15, T13S R13E.



ADOPTED APRIL 7, 2009 EFFECTIVE APRIL 7, 2009



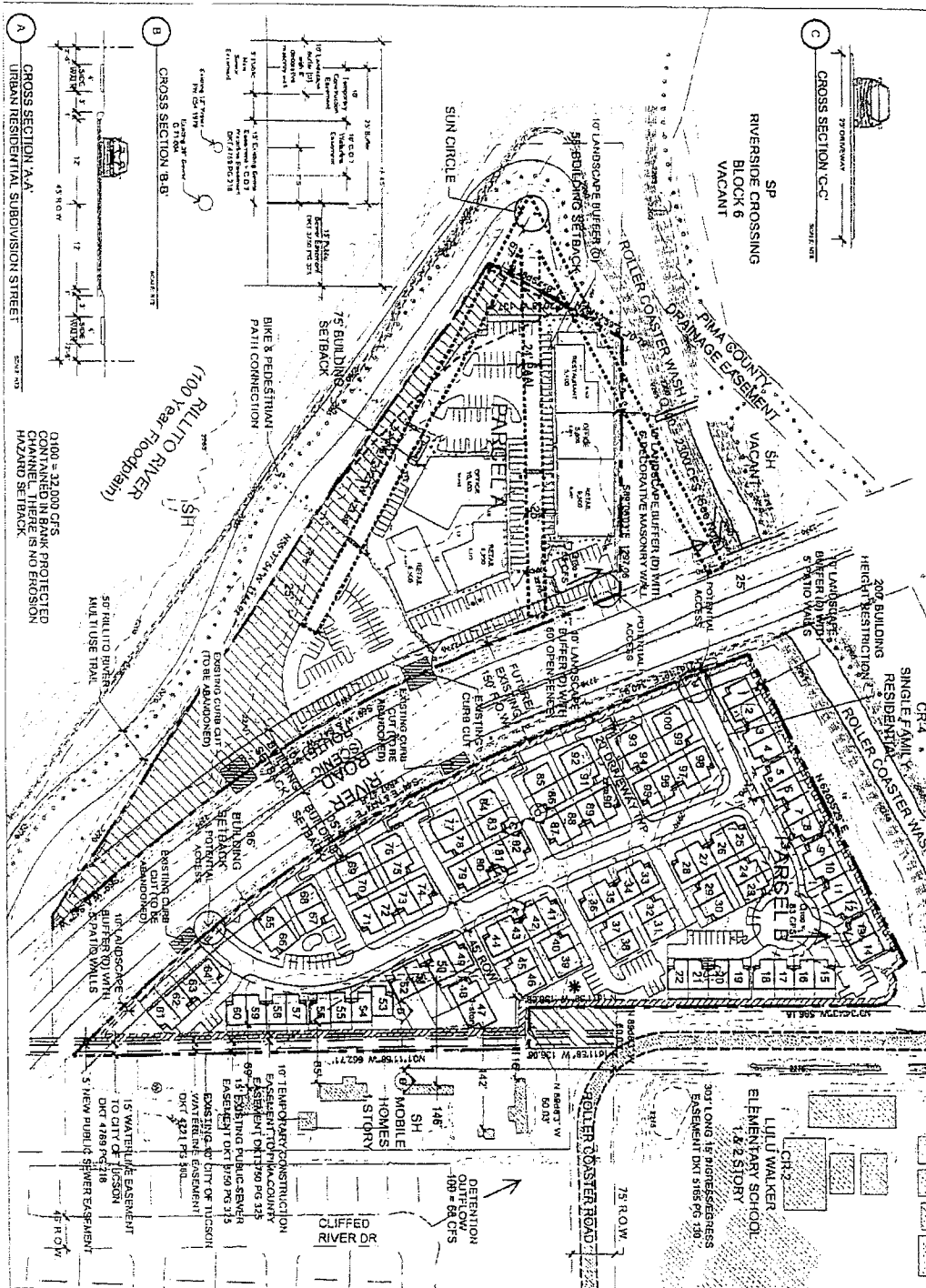
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 14.79 ac±
ds-JANUARY 14, 2009

PAGE 10 OF 11

Co9-08-08
Co7-00-20
104-01-104E
104-01-066B(PTN)

Exhibit II.B: Change of Development Plan

[illegible]

Co9-08-08 Rezoning Approval BOS Minutes 10-21-08

Land Management (BLM) to acquire BLM disposal lands for parks, recreation, open space and trail purposes.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-281.

8. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, RWRD System Development Fund:

- A. Catalina Restaurant Group, d.b.a. Coco's Bakery Restaurant No. 176, Case No. 2008-05. Proposed settlement amount is \$508.06.
- B. Macayo Restaurants, L.L.C., d.b.a. Macayo's Del Norte, Case No. 2008-06. Proposed settlement amount is \$508.06.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the agreements.

9. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE

08-35-8957, Randy Allen Guse, Walgreen's No. 6645, 5525 E. River Road, Tucson, Series 9, Liquor Store License, Location Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

10. DEVELOPMENT SERVICES: REZONING

The Board, on October 7, 2008, continued this item.

Co9-08-08, RIVERSIDE ASSOCIATES, ET. AL - RIVER ROAD NO. 2 REZONING

Request of Riverview Associates and Pima County, represented by The Planning Center, for a rezoning of approximately 14.79 acres from SH (Suburban Homestead) to approximately 8.71 acres of TR (Transitional), approximately 4.11 acres of CB-2 (General Business) and approximately 1.97 acres of SH@ (Suburban Homestead) (Restricted), on property located on the east and west sides of River Road at Rolier Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"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 is only allowed as shown on the Preliminary Development Plan or as approved by the Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
 - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
 - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Reclamation conditions:
 - A. The property owner(s)/developer(s) 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 property owner(s)/developer(s) 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.
10. Environmental Quality condition
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
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. Natural Resources, Parks and Recreation conditions:
 - A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the Preliminary Development Plan prior to the approval of a Development Plan.
 - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
 - A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
 - B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the

project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

- C. ~~The property owner(s)/developer(s) shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below:~~
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. 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 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.
Invasive Non-Native Plant Species Subject to Removal:
- | | | | |
|------------------------|--------------------|-----------------------|----------------------|
| Ailanthus altissima | Tree of Heaven | Eragrostis spp. | Lovegrass (excluding |
| Alhagi pseudalhagi | Camelthorn | E. intermedia, | plains lovegrass) |
| Arundo donax | Giant reed | Melinis repens | Natal grass |
| Brassica tournefortii | Sahara mustard | Mesembryanthemum spp. | Iceplant |
| Bromus rubens | Red brome | Peganum harmala | African rue |
| Bromus tectorum | Cheatgrass | Pennisetum ciliare | Buffelgrass |
| Centaurea melitensis | Malta starthistle | Pennisetum setaceum | Fountain grass |
| Centaurea solstitialis | Yellow starthistle | Rhus lancea | African sumac |
| Cortaderia spp. | Pampas grass | Salsola spp. | Russian thistle |
| Cynodon dactylon | Bermuda grass | Schismus arabicus | Arabian grass |
| (excluding sod hybrid) | | Schismus barbatus | Mediterranean grass |
| Digitaria spp. | Crabgrass | Sorghum halepense | Johnson grass |
| Elaeagnus angustifolia | Russian olive | Tamarix spp. | Tamarisk |
14. Design conditions:
- A. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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.
16. 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. Adherence to the preliminary development plan as approved at public hearing.
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
- A. Offsite improvements to River Road as required by the Department of Transportation, which may include, but may not limited to, additional pavement, right turn lanes, relocations of multiuse lanes, curbs and sidewalks.
- B. Offsite improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
- C. Responsibilities and funding of both private and public drainage improvements.
- D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
- Temporary trailer or mobile or manufactured home
 - Duplex, apartment, or other multiple dwelling development
 - Temporary manufactured or mobile housing; in accordance with Section 18.17.020A2
 - Factory-built (modular) buildings
 - Home auto repair
 - Open storage
 - Community service agency
 - Hospital or sanatorium
 - Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
- Auto mechanical repair
 - Automobile accessories, parts and supplies
 - Automobile lubrication and oil change operation
 - Automobile tires, batteries and accessories installation in conjunction with a department store

- e. Billiard or pool hall
 - f. Garage: for public storage only
 - g. Gasoline service station
 - h. Large scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional
 - l. Station: bus or stage
 - m. Tire store: including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental
 - o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses."

Tom Hudson, Zoning Administrator, stated the property met all concurrent criteria. It conformed to the Comprehensive Plan. A portion was within the Conservation Lands System. Much was part of a land swap with the County to improve the River Park. The west parcel will have office, retail and restaurant uses. The east parcel will be office use. The County will trade a 3.57 acre parcel that comprised Parcel B's northern portion for contributions for planned Flood Control improvements and 1.97 acres. The bulk of the property to be acquired was by the River Park along Rillito Wash in Parcel A. The remaining portion was for the Roller Coaster Road improvements near Lulu Walker School. The applicant and school district will collaborate to improve existing parking. Additional Condition Nos. 19, 20, 21 and 22 were agreed upon concerning area usage and access.

In reply to Supervisor Day, Mr. Hudson stated that Condition No. 18 addressed the development agreement. She queried the scope of work and the schedule for Roller Coaster Wash and the La Canada Road Project. Suzanne Shields, Regional Flood Control District Director, stated confusion existed about work on the two sites. Replacing the existing undersized box culvert with a capacity-increasing structure was the only work relevant to the rezoning.

Ms. Shields verified that the project did not include soil cementation but channelization, e.g., rock riprap or vegetation trimming. An overgrown 50-foot drainageway now existed.

Mike Grassinger, The Planning Center, applicant's representative, stated this project had no downside and benefited all parties. He agreed with all the conditions and appreciated that the neighbors got involved at last Thursday's public meeting.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

- 1. Sue Clark, Pima Trails
- 2. Michael Toney

Comments included the following:

- A. Any concreting of washes encouraged graffiti, trash and vagrants.
- B. Communication from Flood Control would have eliminated distress created from last Thursday's statement about concreting Roller Coaster Wash.
- C. Pima Trails did not oppose the rezoning.
- D. Pima Trails supported widening Roller Coaster Wash, a master plan trail.

- E. Riparian habitats needed to be maintained.
- F. The sole focus of Pima Trails was channelization of Roller Coaster Wash.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, subject to standard and special conditions, amending Condition No. 13 and adding Condition Nos. 19, 20, 21 and 22.

11. DEVELOPMENT SERVICES: REZONING

Co9-08-15, INA BUSINESS CENTER, L.L.C.-CAMINO DE LA TIERRA NO. 3 REZONING
Request of Ina Business Center, L.L.C., represented by Craig Courtney, for a rezoning of approximately 3 acres from TR (Transitional) to CB-2 (General Business), on property located on the northwest corner of Ina Road and Camino de la Tierra. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Membrilla were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"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 condition:
The property owner shall construct improvements, as required by the Department of Transportation, along frontage and within the site, including but not limited to pavement, curb and sidewalk.
8. Wastewater Management conditions:
 - A. The owner(s)/developer(s) 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(s)/developer(s) 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(s)/developer(s) 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.
9. Environmental Quality Condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
10. 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.
11. 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(f)."

21. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD NO. 2 REZONING
Request of Riverview Ventures, L.L.C. and Pima County, represented by the Planning Center, for a modification (substantial change) of rezoning Conditions Nos. 17 and 19 to allow for residential uses. Condition No. 17 requires adherence to the preliminary development plan as approved at public hearing for an office building development on Parcel "B" in the plan. Condition No. 19 prohibits certain uses including duplex, apartment or other multiple dwelling developments. The subject site is 8.71 acres zoned TR and SH@ located on the east side of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Neeley and Cox-Golder were absent) to recommend APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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, Document Services.
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 is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
 - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
 - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
 - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
 - F. The property owner(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.

- G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
9. Wastewater Reclamation conditions:
- A. The ~~property~~ owner(s)/developer(s) 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(s)/developer(s) to that effect.
- B. The ~~property~~ owner(s)/developer(s) 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(s)/developer(s) 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 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.
10. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management Reclamation at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
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. Natural Resources, Parks and Recreation conditions:
 - A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.
 - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
 - A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
 - B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against 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.

Invasive Non-Native Plant Species Subject to Removal:

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

Tamarix spp.

Tamarisk

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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.
16. 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)."
17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
 - A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
 - B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
 - C. Responsibilities and funding of both private and public drainage improvements.
 - D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
 - a. Temporary trailer or mobile or manufactured home
 - ~~b. Duplex, apartment, or other multiple dwelling development~~
 - c. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
 - d. Factory-built (modular) buildings
 - e. Home auto repair
 - f. Open storage
 - g. Community service agency
 - h. Hospital or sanatorium
 - i. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
 - a. Auto mechanic repair
 - b. Automobile accessories, parts and supplies
 - c. Automobile lubrication and oil change operation
 - d. Automobile tires, batteries and accessories installation in conjunction with a department store
 - e. Billiard or pool hall
 - f. Garage for public storage only
 - g. Gasoline service station
 - h. Large scale retail establishment
 - i. Laundromat, laundry and dry cleaning units
 - j. Mechanical and electronic games arcade
 - k. Shopping center, regional
 - l. Station: bus or stage
 - m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
 - n. Trailer rental

- o. Wholesale of oil
- p. Trailer or manufactured or mobile home for caretaker
- q. Self-storage facility
- 21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
- 22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
- 23. The gross density shall be a minimum of 44 10 residences per acre.
- 24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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.
- 25. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
- 26. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Arlan Colton, Planning Director, provided the staff report and stated they had received five comments in opposition to the modification and one comment requesting postponement. Staff had also received two emails that were similar to the comments already received. He stated that staff recommended approval with modified standard and special conditions and requested the addition of Condition No. 25, which he read into the record as follows:

"Prior to development plan or subdivision plat approval, title to Pima County Parcel 104-01-066B shall have been transferred to Riverside Associates."

The Chairman asked if anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve Co9-08-08 with modified standard and special conditions including an additional condition that if Northwest Fire District requires access on Roller Coaster Road it will be an emergency access for emergency vehicles only with a crash gate, and to include Condition No. 25 as read by Mr. Colton.

~~22.~~ **CONTRACTS**

A. Community Services, Employment and Training

- 1. The Salvation Army, Amendment No. 4, to provide emergency assistance services, extend contract term to 6/30/12 and amend contractual language, Emergency Services Network Grant Fund, contract amount \$16,887.00 (CT-CS-12000462)
- 2. The Salvation Army, to provide workforce development services for the term 7/1/11 to 6/30/12, HUD Grant Fund, contract amount \$128,643.00 (CT-CS-12001029)