



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: 10/20/15

**Title:** Co9-04-17 LEE PLAZA LC - VALENCIA ROAD REZONING

**Introduction/Background:**

Resolution for a 5-year rezoning time extension granted by Board of Supervisors at their July 12, 2011 public hearing.

**Discussion:**

Rezoning was originally approved by the Board of Supervisors in 2006 but due to the weak housing market the owner has not been able to satisfy the conditions of the rezoning.

**Conclusion:**

Resolution memorializes Board of Supervisors' approval of the 5-year rezoning time extension.

**Recommendation:**

Staff recommends approval of the Resolution.

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Pima County Development Services - Planning Telephone: 724-9000

Department Director Signature/Date: [Signature] 9/28/2015

Deputy County Administrator Signature/Date: [Signature] 10/1/15

County Administrator Signature/Date: [Signature] 10/1/15



Subject: Co09-04-17

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**FOR OCTOBER 20, 2015 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Arlan M. Colton, Planning Director *AMC*  
Public Works-Development Services Department-Planning Division  
**DATE:** September 28, 2015

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**RESOLUTION FOR ADOPTION**

**Co9-04-17** **LEE PLAZA LC – VALENCIA ROAD REZONING**  
Owner: Mark Road LC  
(District 5)

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

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**OWNERS:** Mark Road LC  
PO Box 65837  
Tucson, AZ 85728-5837

**AGENT:** Presidio Engineering, Inc.  
Attn: John Wood  
4582 North 1<sup>st</sup> Avenue  
Tucson, AZ 85718

**DISTRICT:** 5

**STAFF CONTACT:** Donna Spicola

**STAFF RECOMMENDATION: APPROVAL**

CP/DS/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-04-17 File

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

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-04-17 LEE PLAZA LC-VALENCIA ROAD REZONING; LOCATED ON THE WEST SIDE OF MARK ROAD, APPROXIMATELY 600 FEET NORTH OF VALENCIA ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2006-81.**

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

1. On March 21, 2006, in case Co9-04-17, the Pima County Board of Supervisors approved the rezoning of 44.2 acres from GR-1 to CR-4 and approximately 51.2 acres from GR-1 to GR-1 @, subject to standard and special conditions.
2. On October 10, 2006, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2006-81, as recorded in Docket 12910 at Page 2899, rezoning the approximate 95.4 acres described in rezoning case Co9-04-17 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions.
3. On October 26, 2010 the owner of the 95.4 acres applied for a five-year time extension.
4. On July 12, 2011, the Board of Supervisors approved a five-year time extension for the 44.2-acre CR-4 rezoning and 51.2-acre GR-1 @ (as shown on the map attached hereto as EXHIBIT A) with deletion of rezoning conditions 9.C.2.b, 11.A, 11.B, 11.C, and 18; modification of rezoning conditions 7.A, 7.B, 7.C, 9.A, 9.B, 9.C, 9.C.1, 9.C.2, 9.C.2.c, 9.C.2.d, 9.C.2.e, 9.D, 9.E; renumbering of conditions accordingly; and addition of conditions 10.C, 11.A, 11.B, 18, 19 and 20.
5. Section 3 of Ordinance No. 2006-81 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2006-81 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. ~~A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) / developer shall provide be responsible for construction of offsite improvements as required determined necessary by the Department of Transportation to meet concurrency requirements.~~
  - B. The ~~property owner(s)~~ / developer shall dedicate 30 feet right-of-way for Mark Road.
  - C. Location of access on Valencia and Mark Roads shall require approval of the Department of Transportation. ~~Minimum driveway spacing, corner clearance and local street design of the Subdivision Street Standards (approval by Board of Supervisors in March or April, 2005) shall be adhered to when the tentative plat is submitted.~~
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and Flood Control.
  - C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on site and off site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.
9. Wastewater Management conditions:
  - A. The owner(s) / 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. The owner(s) /

developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve the rezoning area until Pima County executes an agreement with the owner(s) / developer to that effect.

B. The owner(s) / developer shall obtain written documentation from the Pima County Regional Wastewater Management– Reclamation Department that treatment and conveyance capacity for ~~the proposed development~~ 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 ~~the proposed~~ that time of development, the owner(s) / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his/her sole expense or cooperatively with others affected parties. ~~and the Pima County Wastewater Management Department~~ All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

C. The owner(s) / developer shall sewer the rezoning area as directed below:

1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the Pima County Regional Wastewater Management Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.

2. The rezoning area may be sewered using public sewers, if and only if the owner(s) / developer meets all of the following conditions:

a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.

~~b. Within one year of the rezoning, the owner(s) shall prepare a study of the sewer basin at his or her sole expense or cooperatively with other owner(s) in the area for the purposes of determining the routing and sizing of all off-site and on-site public sewers necessary to provide both capacity and service to the rezoning area and any tributary properties upstream or downstream of the rezoning area. (This requirement may be waived by the Pima County Wastewater Management Department if it determines that an acceptable study of the sewer basin has been recently completed.) The sewer basin study shall be approved by the Pima County Wastewater Management Department before the owner(s) may submit any tentative plat, development plan, sewer construction plan, or request for building permit showing a connection to Pima County's public sewer system for review.~~

~~eb. Within six months of the Pima County Wastewater Management Department's approval of the sewer basin study,~~  
†The owner(s) / developer shall enter into a sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This sewer service agreement may require the owner(s) / developer to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.

ec. The owner(s) / developer shall obtain any necessary off-site sewer easements across the adjacent properties at his/her own expense.

ed. The owner(s) / developer shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) system.

D. The owner(s) / 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 Management Reclamation Department in the required sewer service agreement, the required 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(s) / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by the applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and agreements, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for new development within the rezoning area.

10. Environmental Quality conditions:

A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.

B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ

requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.

C. The properties shall be served by either public or private sewers.

11. Environmental Planning conditions:

~~A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Results of these surveys and copies of any data collected shall be provided to Development Services.~~

~~B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cacti are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C. Within common areas, plants to be used for landscaping and revegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

~~Fountain grass (*Pennisetum setaceum*)  
Buffelgrass (*Pennisetum ciliare*)  
Johnson grass (*Sorghum halapense*)  
Giant reed (*Arundo donax*)  
Common crabgrass (*Digitaria sanguinalis*)  
Pampas grass (*Cortaderia selloana*)  
Red brome (*Bromus rubens*)  
Mediterranean grass (*Schismus spp.*)  
Tree of heaven (*Ailanthus altissima*)  
African sumac (*Rhus lancea*)  
Russian olive (*Eleagnus angustifolia*)  
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)  
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)  
African rue (*Peganum harmala*)  
Iceplant (*Mesembryanthemum crystallinum*)  
Arabian Grass (*Schismus arabicus*)~~

~~Natal Grass (Melinis repens (=Rhynchelythrum repens))~~

A. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

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

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

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

12. Natural Resources, Parks and Recreation conditions:
- A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.
- B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.

13. Cultural Resources condition:  
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.
14. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.
15. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
16. Development plans shall be submitted for review to the Design Review Committee.
17. Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.
- ~~18. No more than 50 homes shall be constructed until transportation capacity improvements are made.~~
18. In the event the subject property is annexed, the owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
19. The property owner(s)/developer(s) 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)."
20. The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.

Section 2. Section 3 of Ordinance No. 2006-81 is amended and time limit extended as follows:

1. Conditions 1 through ~~4820~~ shall be completed by March 21, ~~2014~~ 2016.
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 ~~4820~~ are satisfied and the Planning Official

issues a Certificate of Compliance.

4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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

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

ATTEST:

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

APPROVED:



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

APPROVED AS TO FORM:

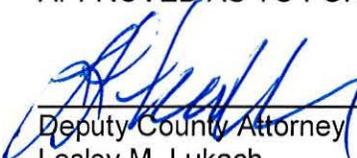
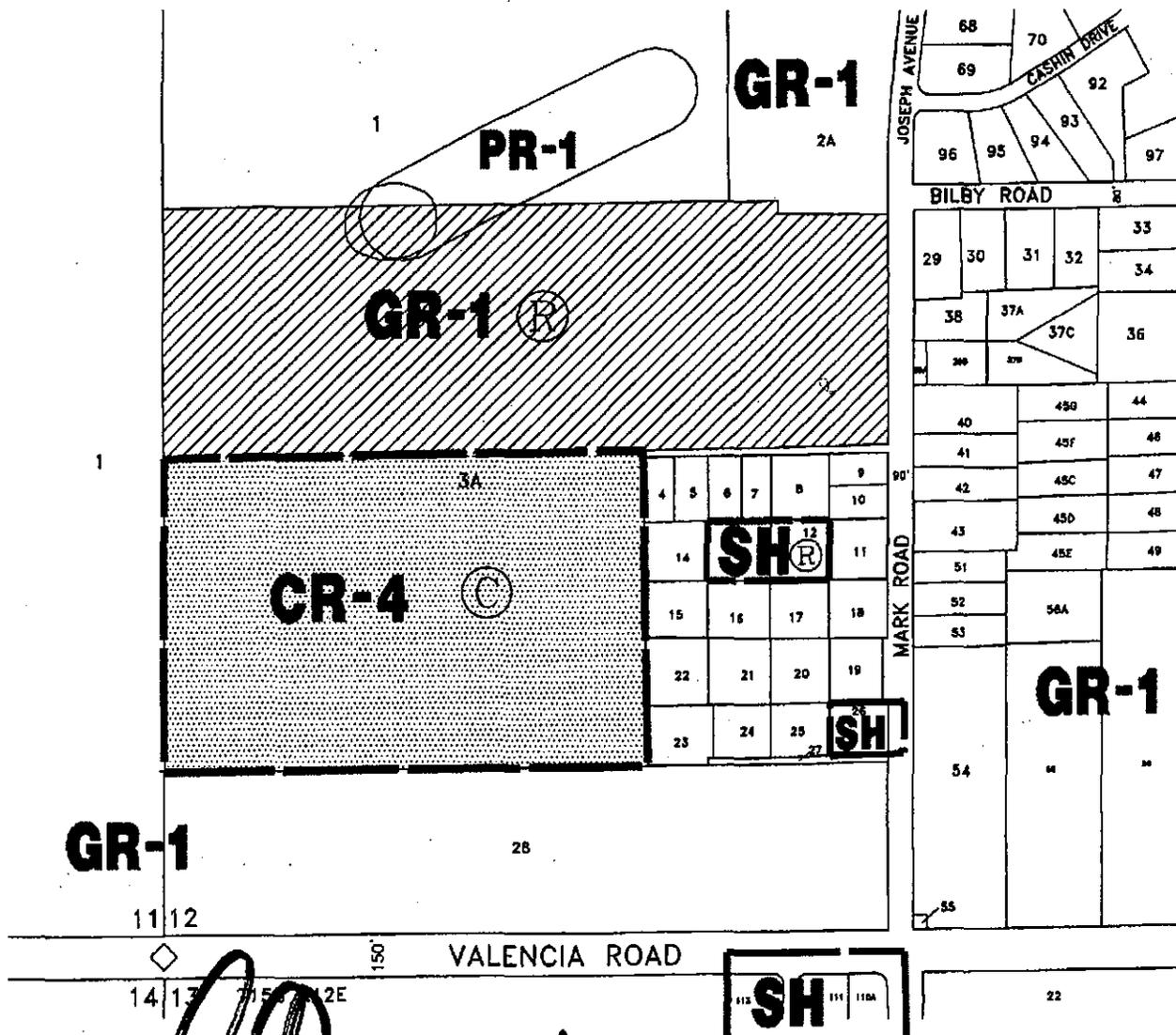
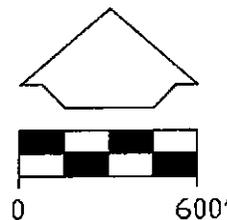
 9/18/15  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

EXHIBIT A

AMENDMENT NO's. 32, 56, 65 & 8 BY ORDINANCE NO. 2006-81  
 TO PIMA COUNTY ZONING MAP NO's. 36, 37, 63 & 64 TUCSON, AZ.  
 PARCEL 3A BEING A PART OF THE SOUTHWEST 1/4 OF  
 SECTION 12, T15S R12E.

ADOPTED OCTOBER 10, 2006 EFFECTIVE OCTOBER 10, 2006

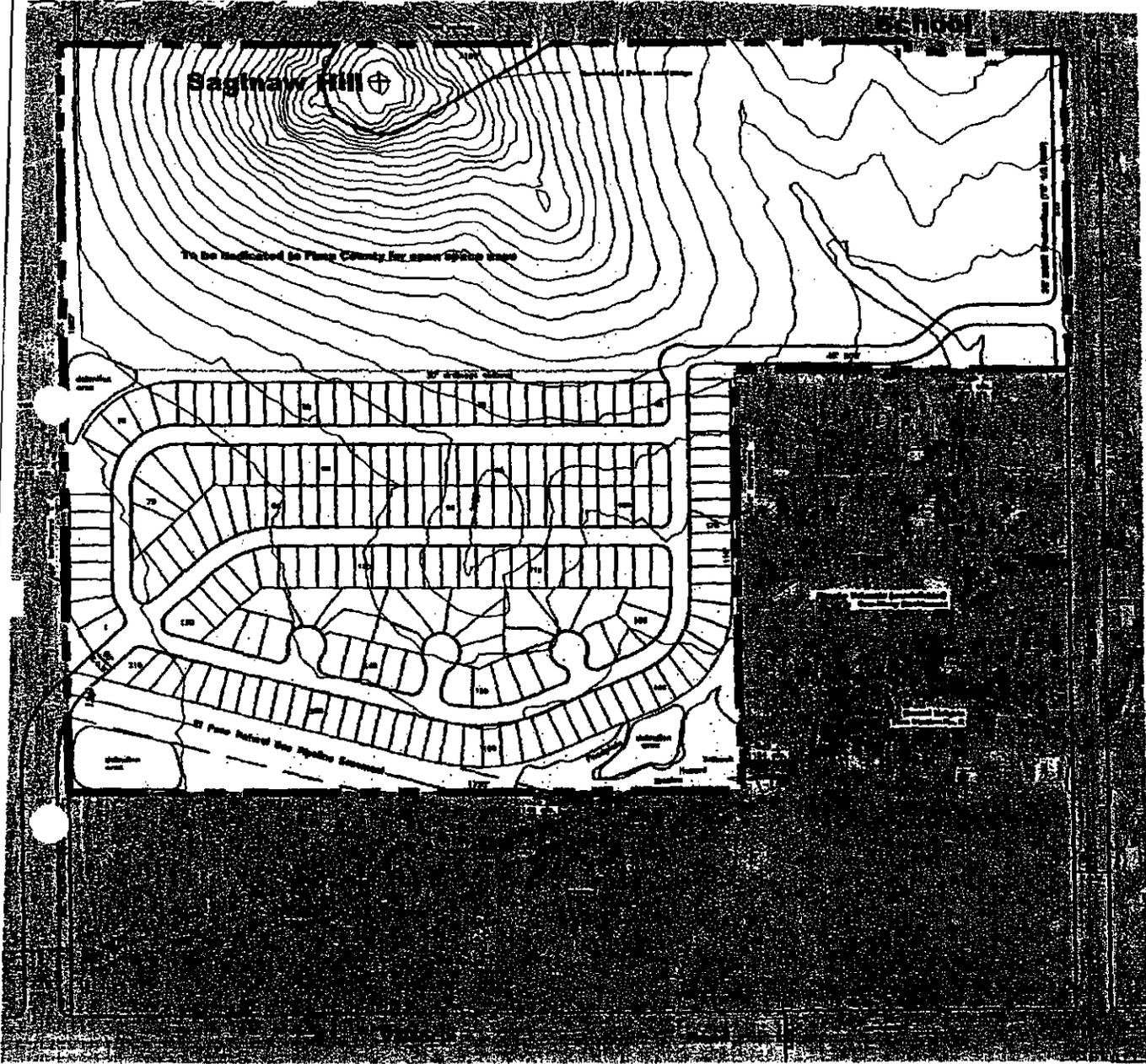


*[Handwritten signature]*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 95.4 ac± (GR-1(R) 51.2 & CR-4 44.2)  
 MA - SEPTEMBER 19, 2006

Co9-04-17  
 Co7-00-20  
 210-23-003A



# Preliminary Development Plan

**Site area: 95.45 acres**

**GR-1 51.2 acres**  
**CR-4 44.2 acres**

**210 SFD Lots (45 x 110' min.)**

**2.2 rac gross 4.7 rac net (CR-4 ar )**

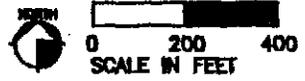
**Building Height: one and two stories**  
**(maximum of 34' as allowed in CR-4)**

*Approved preliminary development plan  
 BOS Hearing 3.2.106.*

**EXHIBIT "B"**

## Valencia / Mark

### Exhibit IIB.1 Preliminary Development Plan



**Stantec**

Planning and Landscape Group  
 201 N. Smith Ave.  
 Ypsilanti, Michigan 48197  
 Tel: (313) 786-2476  
 Fax: (313) 786-2478  
 www.stantec.com