



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 4/5/2022

*= Mandatory, information must be provided

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

***Title:**

P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING

***Introduction/Background:**

The applicant requests a rezoning of approximately 2.65 acres from the CI-1 (Light IndustrialWarehousing)(1.87 acres) and the CI-1 (AE) (Light IndustrialWarehousing – Airport Environs)(0.78 acres) to the CB-1 (Local Business) (1.87 acres) and the CB-1 (AE) (Local Business – Airport Environs) (0.78 acres) zones to convert an existing hotel into apartments.

***Discussion:**

Current CI-1 and CI-1 (AE) zoning allows for the existing hotel. The proposed rezoning to CB-1 and CB-1 (AE) zoning will allow apartments, which is an appropriate use at the 1-10 Interchange and E. Irvington Road.

***Conclusion:**

The proposed rezoning conforms to the Industrial Comprehensive Plan designation.

***Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning subject to standard and special conditions.

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: _____

Date: _____

3/14/22

Deputy County Administrator Signature: _____

Date: _____

3/15/2022

County Administrator Signature: _____

Date: _____

3/16/2022



TO: Honorable Dr. Matt Heinz, Supervisor, District 2

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

DATE: March 15, 2022

SUBJECT: **P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING**

The above referenced **Rezoning** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, April 5, 2022** hearing.

REQUEST: For a **rezoning** of approximately 2.65 acres (parcel code 140-07-001B) from the CI-1 (Light Industrial/Warehousing)(1.87 acres) and the CI-1 (AE) (Light Industrial/Warehousing – Airport Environs)(0.78 acres) zones to the CB-1 (Local Business)(1.87 acres) and the CB-1 (AE) (Local Business – Airport Environs)(0.78 acres) zones on property located approximately 260 feet southeast of the 1-10 Interchange and E. Irvington Road, addressed as **3704 E. Irvington Road**.

OWNER: JOT Properties LLC
11856 Mariposa Bay Ln
Northridge CA 91326-4135

AGENT: Balwinder Riat
3704 E. Irvington Road
Tucson AZ 85713

DISTRICT: 2

STAFF CONTACT: Donna Spicola, Senior Planner

PUBLIC COMMENT TO DATE: As of March 15, 2022, staff has received four written public comments stating concerns that apartments will significantly affect the Tucson Expo Center business operations, safety and request for a separating wall/fence.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 9 - 0 (Commissioner Matter was absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

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

TD/DS
Attachments



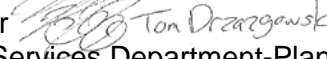
BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P21RZ00015

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FOR APRIL 5, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director 
Public Works-Development Services Department-Planning Division

DATE: March 15, 2022

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING

JOT Properties LLC, represented by Balwinder Riat, requests a **rezoning** for approximately 2.65 acres (parcel code 140-07-001B) from the CI-1 (Light Industrial/Warehousing)(1.87 acres) and the CI-1 (AE) (Light Industrial/Warehousing – Airport Environs)(0.78 acres) zones to the CB-1 (Local Business)(1.87 acres) and the CB-1 (AE) (Local Business – Airport Environs)(0.78 acres) zones on property located approximately 260 feet southeast of the 1-10 Interchange and E. Irvington Road, addressed as **3704 E. Irvington Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Industrial. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 9 – 0 (Commissioner Matter was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 2)

Planning and Zoning Commission Public Hearing Summary (February 23, 2022)

At the December 8, 2021, on motion, the commission voted to continue this case to the January 26, 2022 hearing. The motion passed 9 – 0 (Commissioner Hanna was absent).

Prior to the January 26, 2022 hearing, the applicant requested a continuance to the February 23, 2022 meeting. At the January 26, 2022 hearing and prior to making a motion, the commission allowed three speakers to speak. All speakers stated concerns related to safety, how the visual impact from the site has declined and the lack of sufficient fencing. On motion, it was voted to continue this case to the February 23, 2022 hearing. The motion passed 7 – 0 (Commissioners Truitt, Cook and Gungle were absent).

On February 23, 2022, the public hearing was held virtually and telephonically. The commission and staff members were present virtually. The applicant presented virtually.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner asked if the Red Roof Inn has been continuously used. Staff responded that the Inn has been in use and the applicant can further explain the use. The applicant responded that they took over the property in November 2020. Within the last six months they have had a contract with Pima County which will continue for four months in the housing of immigrants who have been diagnosed with Covid.

A commissioner asked why staff is considering to approve this request that is an industrial area. Staff responded that apartments are a commercial use which is allowed in the industrial zone, along with reuse of an existing building and an infill rezoning. There is significant distance from most sites with the most intense adjacent use being the adjacent Expo Center.

A commissioner stated concern that the closest school is at least a half a mile on the south side of the freeway.

Applicant one (owner) presented the case. He expounded on the Expo Center issues and stated that they have not received any notice from the Expo Center regarding their concerns. He noted that permanent residences are not going to be as disruptive to the area as temporary housing. Additionally, quotes are being received to install fencing between the Expo Center and the Red Roof Inn.

A commissioner asked if there are plans to upgrade the landscaping around the hotel when it becomes a permanent residential facility. The applicant stated that can be done if required.

A commissioner asked what it would be like to live in this location – he sees the area as a “food desert” and lacking public transit, a more car-centered development. He questioned what options people have if they do not own a car to get their needs met, such as education, healthcare, food and recreation, which are all needed for a quality of life. The applicant responded that the location is not entirely remote.

A commissioner asked what family type and target market the applicant seeks to fill the apartments. Applicant two (person interested in purchasing property) stated that he has done 88 similar hotel conversion projects in the last two years and they have been very successful for providing workforce housing. People who need this kind of housing are often living paycheck-to-paycheck with entry level jobs. These units will be studio apartments, typically for one or two individuals not families. Other properties that have been converted become a strong community because the people are like-minded. Additionally, there has been a positive effect economically on surrounding businesses because it puts workers close to where they typically work.

Applicant two also stated that finding housing is difficult and to try to build a similar structure from the ground up would have significant cost along with three years for construction. This project can be delivered quickly, provide a strong economic effect on the area and an affordable price point to allow people who are earning the least amount of income a place to live.

A commissioner asked if a price point can be provided. Applicant two stated the price point is approximately \$650 a month which includes all utilities and Wi-Fi. Applicant two also stated that he is working with the Emergency Eviction Legal Services to help people find affordable and accessible housing to benefit the local populace.

The hearing was opened to the public.

Speaker one, one of the owners of the Expo Center, stated that they have been very concerned the last few months regarding the current residents of the Inn. The gem show and gun show promoters had concerns at the Inn regarding clothes drying outside, loose dogs, trash and trespassing. The Expo Center has noise 24/7 and events bring many people. Her family purchased the building 19 years ago because it was an industrial property and is now in jeopardy of losing everything. She is also considering moving to another facility.

Speaker two, a representative of the Gem Show, stated many complaints were received from exhibitors this year, such as the unprofessional appearance of the Inn with clothes drying outside, people trespassing, graffiti and the negative impact on the show.

Staff responded to an earlier question regarding availability of public transit at the site. There is a significant Sun Tran line at Palo Verde which would provide for access to employment opportunities as far north as the JCC, and may also provide access to the airport.

Applicant two stated their intent to improve landscaping and have bike racks and lockers. Also, when removing a hotel from the market, it gives the other nearby hospitality owners an opportunity to run a more successful business. The applicant also stated, with apartments, ground rules are provided which provides the opportunity to enforce lease violations.

A commissioner asked what security measures will be put in place. Applicant two stated that a locking system will be on the property, sometimes properties are gated, and there are fob systems that locks all doors.

A commissioner asked what amenities will be provided. Applicant two stated it will have a gym, swimming pool, dog park, BBQ area, business center and a community kitchen for the larger family events.

A commissioner asked how will the hotel rooms will be retro-fitted for studio apartments. Applicant two stated that a kitchenette will be added that includes a full-sized refrigerator, cook top, microwave, and a kitchen sink; these are small micro-kitchens which is why a community kitchen will also be provided.

A commissioner stated that the staff report indicated that the property is within the flight path of the airport, and asked how renters will be informed before renting. Applicant two stated he has not had this issue on other properties but will do whatever is required.

The public hearing was closed.

A commissioner stated he will reluctantly vote for this measure because the needs of affordable housing is intense now. In the future, hopefully a better solution can be found.

A commissioner stated that the trade-off with residential use in an industrial area is that the people living in the area usually work there and normally they do not have a viable way to get to work. Also, the closer living to work is huge.

A commissioner stated he would be opposed to this request if families where the primary residents. Because the structure of the rooms does not lend to family-oriented units he will vote for the project.

A commissioner stated that this project ticks a lot of boxes, such as, affordable housing, adaptive reuse and the applicant appears willing to address the fencing issue and looks like they are trying to work in good faith with the neighbors. The commissioner hears the Expo Center's complaints, however, fails to understand how a more stable living situation for people is going to exacerbate their concerns.

A commissioner stated that he was on the fence regarding this project and thanks all of the commissioners who have spoken and provided their words of wisdom making a convincing case in support of this rezoning.

Commissioner Maese made a motion to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**, Commissioner Truitt gave second.

The commission voted to recommend **APPROVAL** of the rezoning 9 - 0 (Commissioner Matter was absent) subject to the following conditions:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

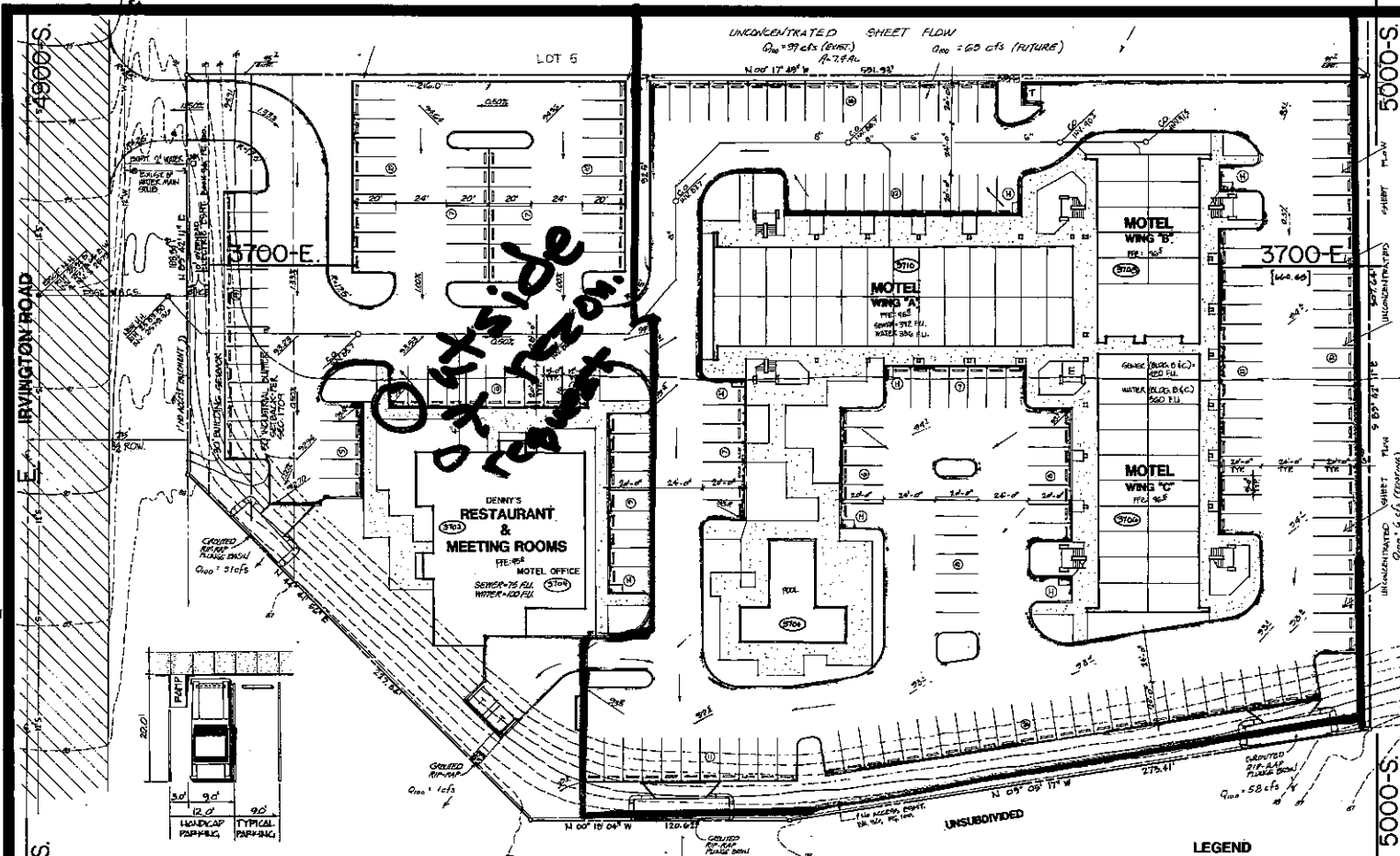
1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions
 - A. Prior to the submittal of building permits, a Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation. The TIS shall include the trip generation of the existing restaurant to the north. Offsite improvements determined by the TIS as a result of the traffic impact study shall be provided by the property owner/developer.
 - B. Prior to the TIS approval, proof of coordination with the Arizona Department of Transportation (ADOT) and the City of Tucson shall be provided to Pima County Development Services.
 - C. A right-of-way use permit is required for any work within Pima County right-of-way.
3. Regional Wastewater Reclamation Department conditions
 - A.. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

- D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
4. Adherence to the Development Plan as approved at public hearing.
 5. Tucson Airport Authority conditions
 - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
 - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature.
 6. 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.
 7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes

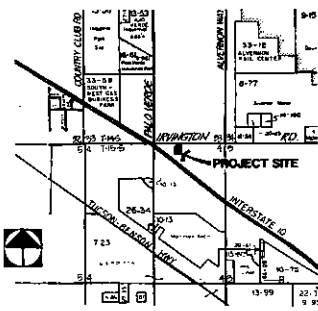
of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).”

TD/DS
Attachments

C: Balwinder Riat



Outside
Permit



LOCATION PLAN
SECTION 4, T-15-S, R-14-E, G & S.R.B. & M,
PIMA COUNTY, ARIZONA
SCALE: 3/4" = 1 MILE

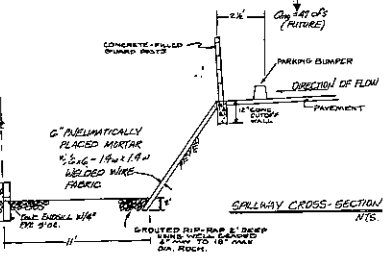
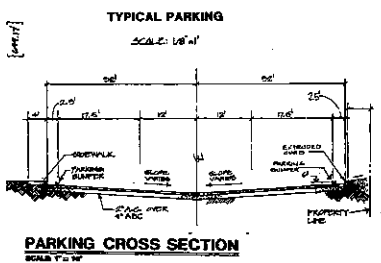
GENERAL NOTES

1. GROSS AREA = 4.00 ACRES.
2. BASIS OF ELEVATION IS THE NORTHWEST CORNER OF SECTION 4, TOP OF SURVEY MONUMENTS ASSIGNED ELEVATION 2997.5.
3. BASIS OF MEASURING: CENTERLINE OF IRVINGTON TO PROJECT NO. 2-10-5 (S) ON 11-1-17, 2010 BEARING BEING N. 89° 05' 12" W.
4. EXISTING ZONING CI-1 IS TO REMAIN.
5. ANY RELOCATION, MODIFICATION, ETC. OF EXISTING UTILITIES AND/OR TABLE ENCUMBRANCES NECESSITATED BY THE PROPOSED DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
6. METEORIC SHOWER COVER SHALL BE PROVIDED 35,000 SQUARE FEET EACH WITH A MINIMUM THROUGH TRAFFIC WIDTH OF 14 FEET. HANDICAP SPACE IS 12'x50'.
7. PARKING REGULATIONS: 1100 UNITS x 1.5 SPACES PER UNIT = 1650 + 1400 SQUARE FEET RESTROOMS (EATING & 150) = 1790. PARKING SPACES PROVIDED 2022.
8. QUALITY SHOWER COVERS WILL BE PROVIDED AND WILL BE CONSTRUCTED, OPERATED AND MAINTAINED ON A PRIVATE BASIS. THE LOCATION AND OPERATIONS OF THE SHOWER COVERS SHALL BE SUBJECT TO THE APPROVAL OF THE PIMA COUNTY WASTEWATER MANAGEMENT DEPARTMENT AT THE TIME OF SUBMITTAL OF PERMITS AND PLANS.
9. WHEN METEORIC SHOWER BARRIERS ARE PROVIDED THE PUBLIC SAFETY SHOWER SYSTEM SHALL MEET THE REQUIREMENTS OF PIMA COUNTY ORDINANCE NO. 1982-154, AS AMENDED BY PIMA COUNTY ORDINANCE NO. 1983-17.
10. SIGNAGES WILL NOT BE ALLOWED, EXCEPTED OR RESTRICTED OTHER THAN AS SHOWN UPON THIS PLAN WITHOUT THE WRITTEN APPROVAL OF THE COUNTY ENGINEER.
11. NO ALLEY WAYWAY IS HEREBY REQUESTED.
12. COVENANTS, CONDITIONS AND RESTRICTIONS FOR THIS DEVELOPMENT ARE RECORDED IN BOOK _____ PAGE _____.
13. THIS PROJECT LIES WITHIN AN AREA SERVED BY THE CITY OF TUCSON WATER DEPARTMENT AND THEREFORE HAS NO REQUIRED WATER SUPPLY.
14. THE PIMA COUNTY BOARD OF MANAGEMENT, DISTRICT NO. 2 ON JANUARY 20, 1984 GRANTED THE REQUEST TO REZONE THE 300000 SQ. FT. TO 104,240 SQUARE FEET (2.40 ACRES) FOR A HOTEL.

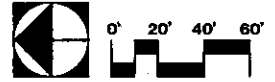
- LEGEND**
- S- SEWER LINE
 - W- WATER LINE
 - FIN. FINISH FLOOR ELEVATION
 - DIRECTION OF FLOW
 - PROPOSED EDGE OF PAVEMENT
 - EXISTING EDGE OF PAVEMENT
 - SEWER MANHOLE
 - SEWER CLEAN-OUT
 - ⊕ HANDICAPPED PARKING
 - T TRASH
 - ⊙ NO. OF PARKING SPACES

MAP 33
ZONE CI-1
Gen. Address: 3700 E. Irvington Rd.
CO 12-84-72

DEVELOPMENT PLAN FOR
DAYS INN HOTEL
A PORTION OF LOT 6 OF PALO VERDE BUSINESS PARK,
LOTS 1 THRU 18 AS RECORDED IN BOOK 38,
MAPS & PLATS, PAGE 100, AS RECORDED IN
PIMA COUNTY RECORDER'S OFFICE
OWNER/DEVELOPER:
JOURNEYS INNS OF NATCHEZ, INC.
P.O. BOX 783
NATCHEZ, MISSISSIPPI 39120
SCALE: 1" = 20'
JUNE 1984
REVISED 7/15/84 APPROVED 8/1/84
RECORDED 8/1/84



The WLB Group
WLB
Professional Surveying, Engineering, Planning, Architecture, Civil, Mechanical, Electrical, and Environmental Engineering Services
1000 N. 17th Avenue, Suite 100, Phoenix, AZ 85016
Tel: 602-998-1100



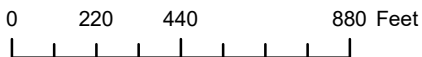
APPROVED BY THE REVIEW COMMITTEE
BY *James J. Shields*
ENGINEER IN CHARGE, PIMA COUNTY
DEPARTMENT OF TRANSPORTATION
DATE: 12/24/84

Case #: P21RZ00015
 Case Name: JOT PROPERTIES LLC - E. IRVINGTON ROAD REZONING
 Tax Code(s): 140-07-001B

Aerial Exhibit



Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAC).



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION



Notes:	
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10
Map Scale: 1:6,000	Map Date: 11/15/2021 - ds



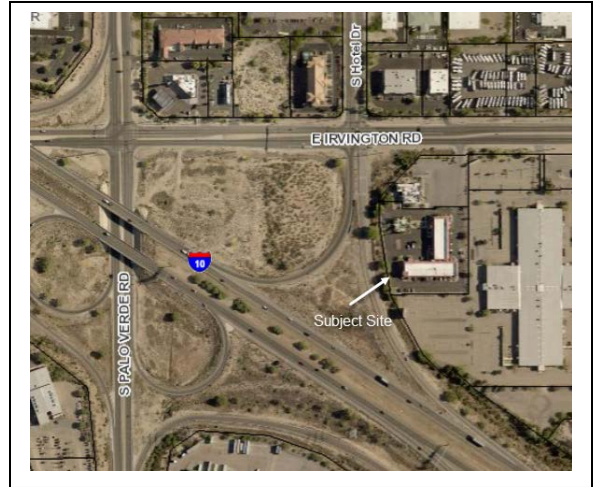
**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING December 8, 2021

DISTRICT 2

CASE P21RZ00015 JOT Properties LLC –
E. Irvington Road Rezoning

REQUEST To Rezone 2.65 acres from CI-1
(Light Industrial/Warehousing) (1.87
acres) and the CI-1 (AE) (Light
Industrial/ Warehousing – Airport
Environs) (0.78 acres) zones to the
CB-1 (Local Business) (1.87 acres)
and the CB-1 (AE) (Local Business –
Airport Environs) (0.78 acres) zones



OWNER JOT Properties LLC
11856 Mariposa Bay Ln
Northridge CA 91326-4135

APPLICANT Balwinder Riat
3704 E. Irvington Road
Tucson AZ 85713

APPLICANT'S PROPOSED USE

The applicant proposes multi-family housing by converting a hotel into affordable apartments.

APPLICANT'S STATED REASON

Existing housing and rental costs are too high. Converting the existing Red Roof Inn into pre-furnished and turn-key apartments would allow “affordable housing to renters in the low- to mid-price point.”

STAFF REPORT SUMMARY

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes to rezone the property to the CB-1 zone and convert the 118-room hotel to 115 apartments. The proposal conforms to the Comprehensive Plan land use designation of Industrial (I).

PUBLIC COMMENT

Staff has not received any written public comments as of November 19, 2021.

COMPREHENSIVE PLAN

The Pima County Comprehensive Plan designates the subject property for Industrial (I) uses, if properly located and regulated, and compatible with certain types of commercial activities. The CB-1 zoning district is allowed in the Industrial (I) designation. There are no special area or rezoning policies associated with this site.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CI-1	Developed Business
South:	CI-1	Interstate 10
East:	CI-1/COT	Developed Commercial/Industrial
West:	CI-1	Vacant / Interstate 10 ramp

The area exists of extended stays, hotels and motels with easy access to I-10. In general the surrounding area is located near commercial and industrial uses.

The nearest public schools to the site include an elementary school located with an approximate one-mile travel distance and a high school with an approximate two-mile travel distance, both located to the southeast of the rezoning site. A public middle school is located with an approximate five-mile travel distance and is located southwest of the rezoning site. The nearest police station and fire station are an approximate two and one-half miles and three miles northeast of the subject property, respectively.

Retail shopping centers to include Fry's and Food City grocery stores are located one and one-half miles west of the site. Additionally, alternate transportation to include Sun Tran Bus routes and bike routes are located near the rezoning site. Currently, the nearest Sun Tran Bus routes run along E. Irvington Road and S. Country Club Road and bike routes with a striped shoulder are located on E. Irvington Road and S. Palo Verde Road. Also, nearby activities include the Tucson Rodeo Grounds to the west, Kino Veterans Memorial Sports Complex to the north, and Gem Show activities to the east.

PREVIOUS REZONING CASES ON PROPERTY

The subject site had one prior rezoning case (Co9-82-61) being a portion of an approximate 44-acre rezoning from the CR-3 (Single Residence) to the CI-1 zone.

PREVIOUS REZONING CASES IN GENERAL AREA

In the area of the subject site, a few rezoning requests were approved between 1979 - 2004. The rezonings were to the CB-2 and CI-1 zones which resulted in commercial and industrial uses.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff has no objection to rezone to the CB-1 zone. The CI-1 zone allows hotels and motels (but no residential use), and the CB-1 rezoning is needed to use the existing hotel for residential. The proposed residential use is compatible and somewhat less intensive, as apartment complex dwellers are less transient in nature than hotel users. The rezoning request proposes no new construction or development. The proposed use complies with the Industrial (I) plan designation.

The site is fully developed with a hotel and restaurant under development plan Bk. 4, Pg. 78 approved in 1984, and located north of Interstate 10. Ingress and egress is provided from E. Irvington Road through a shared access with a restaurant. The restaurant is part of the existing commercial development but is located on a separate parcel and is not including in this rezoning request. A traffic impact study will be required due to the additional traffic generated by a multi-family complex.

Due to the size of the rezoning site, the current number of 118 hotel rooms will be reduced to 115 apartments to meet the residential density requirement for the CB-1 zone of one-thousand

square-foot average area per dwelling unit. The proposed density for the subject property is approximately 43.4 residences per acre.

The original development plan provided 222 parking spaces for the hotel and restaurant, though only 137 spaces were required, 118 for the hotel and 19 for the restaurant. The conversion to apartments requires one parking space per bedroom or studio (115 parking spaces) and one additional visitor parking space for each four dwelling units (29 parking spaces) – the original 222 parking spaces provides sufficient parking.

The current hotel is located within the Tucson Water obligated service area and is currently served by public sewer and Tucson Water.

The site is located within a Tucson International Airport Avigation Easement which requires each new tenant of a rental unit to be provided an Airport Discloser Statement to educate and notify new residents that they are living near an airport.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection subject to conditions
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection subject to conditions
PARKS AND RECREATION	N/A	N/A
WATER	Yes	No objection
SCHOOLS	Yes	No Objection

TRANSPORTATION

The proposed rezoning parcel is part of an existing commercial development located southeast of the intersection of E. Irvington Road and the I-10 north access ramps. S. Palo Verde Road is located approximately 950 feet to the west, and S. Alvernon Way is located approximately 1150 feet to the east. This rezoning would allow the conversion of hotel rooms into apartments. The existing commercial development houses an existing Denny’s restaurant. The existing restaurant lies within a separate parcel within the site and it is not part of this rezoning. The existing hotel and restaurant share existing Parking Area Access Lanes (PAALs) and one access off of E. Irvington Road.

Segments of Irvington Road, Alvernon Way and Palo Verde Road are maintained by three different jurisdictions: City of Tucson, Pima County and the Arizona Department of Transportation (ADOT). Pima County maintains approximately 1,400 feet of E. Irvington Road between the site frontage and S. Alvernon Way, and maintains approximately 6,300 feet of S. Alvernon Way north of E. Irvington Road. The county maintains S. Palo Verde Road north of E. Irvington Road and

approximately 6,300 feet south of Irvington Road. ADOT maintains approximately 2,500 feet of S. Palo Verde Road at its intersection with E. Irvington Road.

The segment of E. Irvington Road maintained by the county is a paved four-lane divided roadway with vertical curbs and raised medians with a posted speed limit of 45 miles per hour (mph). Irvington Road is classified as an Urban Principal Arterial by ADOT's Statewide Federal Functional System map. The most recent traffic counts for E. Irvington Road adjacent to the site are 15,842 average daily trips (ADT) with an approximate roadway capacity of 35,820 ADT.

The segment of S. Alvernon Way maintained by the county is a paved six-lane divided roadway with vertical curbs and raised medians with a posted speed limit of 45 mph. Alvernon Way is classified as an Urban Principal Arterial by the ADOT's Statewide Federal Functional System map. The most recent traffic counts for S. Alvernon Way are 44,810 ADT with an approximate roadway capacity of 53,910 ADT.

The segment of S. Palo Verde Road maintained by the county is a paved four-lane divided roadway with a posted speed limit of 45 mph. Palo Verde Road is classified as an Urban Minor Arterial by the ADOT's Statewide Federal Functional System map. The most recent traffic counts for S. Palo Verde Road are 24,443 ADT with an approximate roadway capacity of 35,820 ADT.

The previously approved development plan in 1984 was for a Days Inn Motel including a restaurant. Given that the average daily trips on the adjacent roadway network has changed since then, and given that the change of use to multi-family housing is a more intense traffic generator, a traffic impact study will be required.

There are no Pima County concurrency concerns. The applicant shall verify with ADOT and the City of Tucson any traffic impact to their roadway system. The Department of Transportation has no objection to the proposed rezoning and recommends approval subject to condition #'s 2A-C.

FLOOD CONTROL

The Regional Flood Control District reviewed the proposed rezoning request and has no objections or conditions.

The property is partially impacted by a FEMA Flood Hazard Zone X-Shaded Areas of 500-year floodplain. The District only regulates areas of 500-year floodplain for critical facilities (i.e. hospitals, assisted living centers).

WASTEWATER RECLAMATION

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) reviewed the rezoning submittal and notes that the property is served by an existing 12" public sewer in Irvington Road.

PCRWRD has no objection to the proposed rezoning but recommends rezoning condition #'s 3A-F.

PIMA COUNTY DEPARTMENT OF ENVIRONMENTAL QUALITY (PDEQ)

PDEQ reviewed the rezoning request and has no comments.

WATER DISTRICT

Tucson Water did not respond to a request for comments.

RURAL METRO FIRE DEPARTMENT

Rural Metro Fire Department reviewed the rezoning request and has no objection.

There could be fire code requirements if there is a change in use in occupancy type. Any changes in use will require plans to be submitted to the Rural Metro Office for review and permit.

DAVIS MONTHAN AIR FORCE BASE (DMAFB)

DMAFB reviewed the rezoning request and finds that the request should not negatively impact their mission. The rezoning site is located outside of the Approach-Departure Corridors and the height does not impact any Airfield Imaginary Surfaces restrictions.

TUCSON AIRPORT AUTHORITY (TIA)

TIA reviewed the rezoning request and finds that the site is within the Tucson International Airport Avigation Easement requirements and public disclosure area, FAA traffic pattern airspace, and FAA Part 77 Airspace.

TIA conditionally approves the rezoning request contingent upon condition #'s 5A-C.

TUCSON ELECTRIC POWER COMPANY

Tucson Electric Power has no objections to the rezoning.

SCHOOL DISTRICT

Sunnyside Unified School District reviewed the request and the schools affected by the proposed apartments (Los Ninos Elementary, Challenger Middle School and Desert View High School) all have the capacity to support any potential enrollment resulting from the apartment units.

UNITED STATES FISH AND WILDLIFE SERVICE COMMENTS:

United States Fish and Wildlife Service has no concerns related to the subject property.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions
 - A. Prior to the submittal of building permits, a Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation. The TIS shall include the trip generation of the existing restaurant to the north. Offsite improvements determined by the TIS as a result of the traffic impact study shall be provided by the property owner/developer.
 - B. Prior to the TIS approval, proof of coordination with the Arizona Department of Transportation (ADOT) and the City of Tucson shall be provided to Pima County Development Services.
 - C. A right-of-way use permit is required for any work within Pima County right-of-way.
3. Regional Wastewater Reclamation Department conditions
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional

Wastewater Reclamation Department (PCRWRD) stating that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 4. Adherence to the Development Plan as approved at public hearing.
 - 5. Tucson Airport Authority conditions
 - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
 - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential

units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature.

6. 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.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,




Donna Spicola

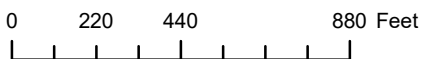
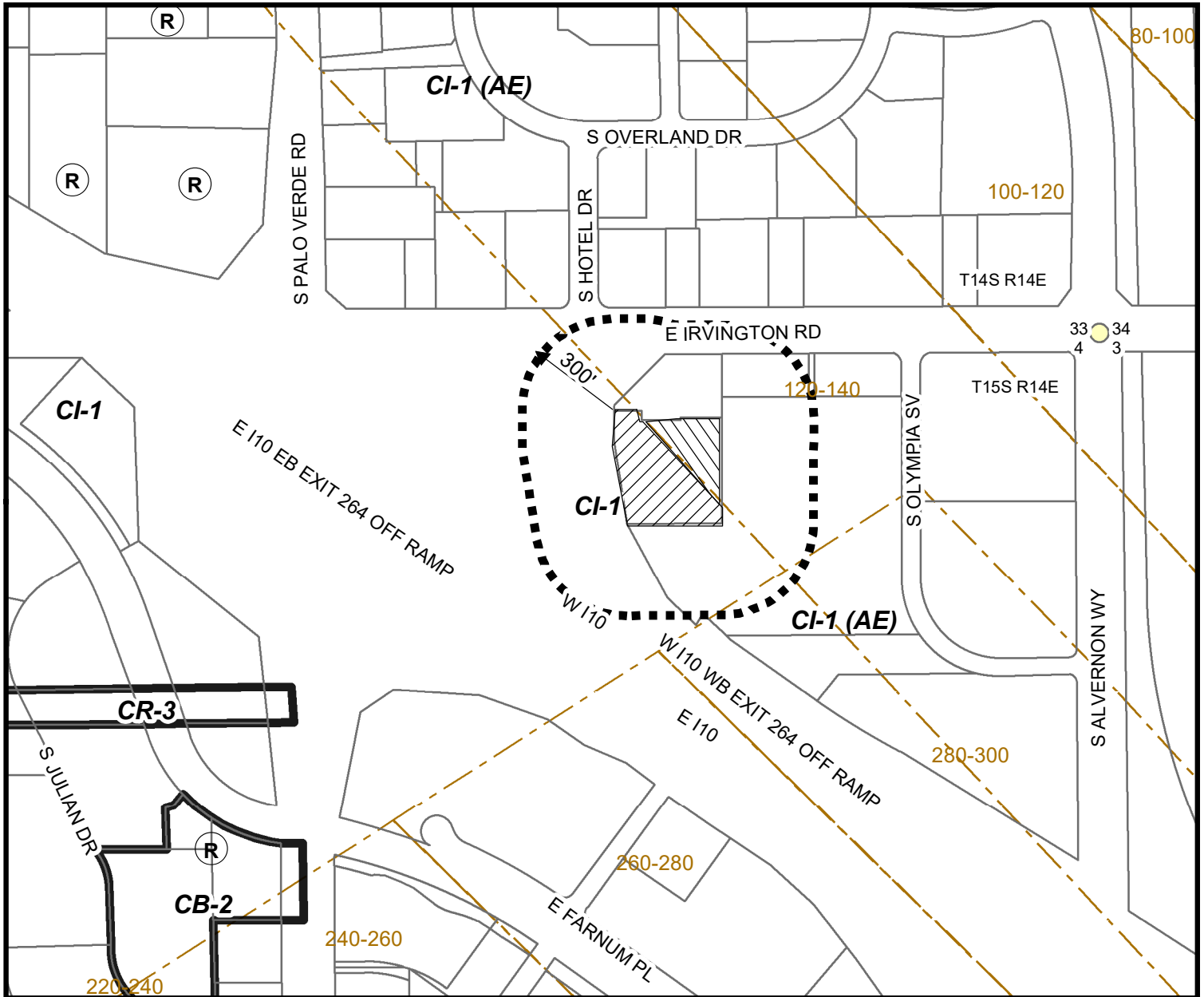
Donna Spicola
Planner


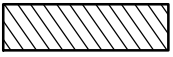
TD/DS
Attachments

c: Balwinder Riat, 3704 E. Irvington Road, Tucson, AZ 85713



Case #: P21RZ00015
Case Name: JOT PROPERTIES LLC - E. IRVINGTON ROAD REZONING
Tax Code(s): 140-07-001B

 300' Notification Area
 Zoning Boundary
 AE Height Overlay Zone



Area of proposed rezoning from CI-1 to CB-1 
Area of proposed rezoning from CI-1 (AE) to CB-1 (AE) 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 12/8/21 (scheduled)	Board of Supervisors Hearing: TBA		
	Base Map(s): 33	Map Scale: 1:6,000	Map Date: 11/5/2021 - ds	



Industrial (I)

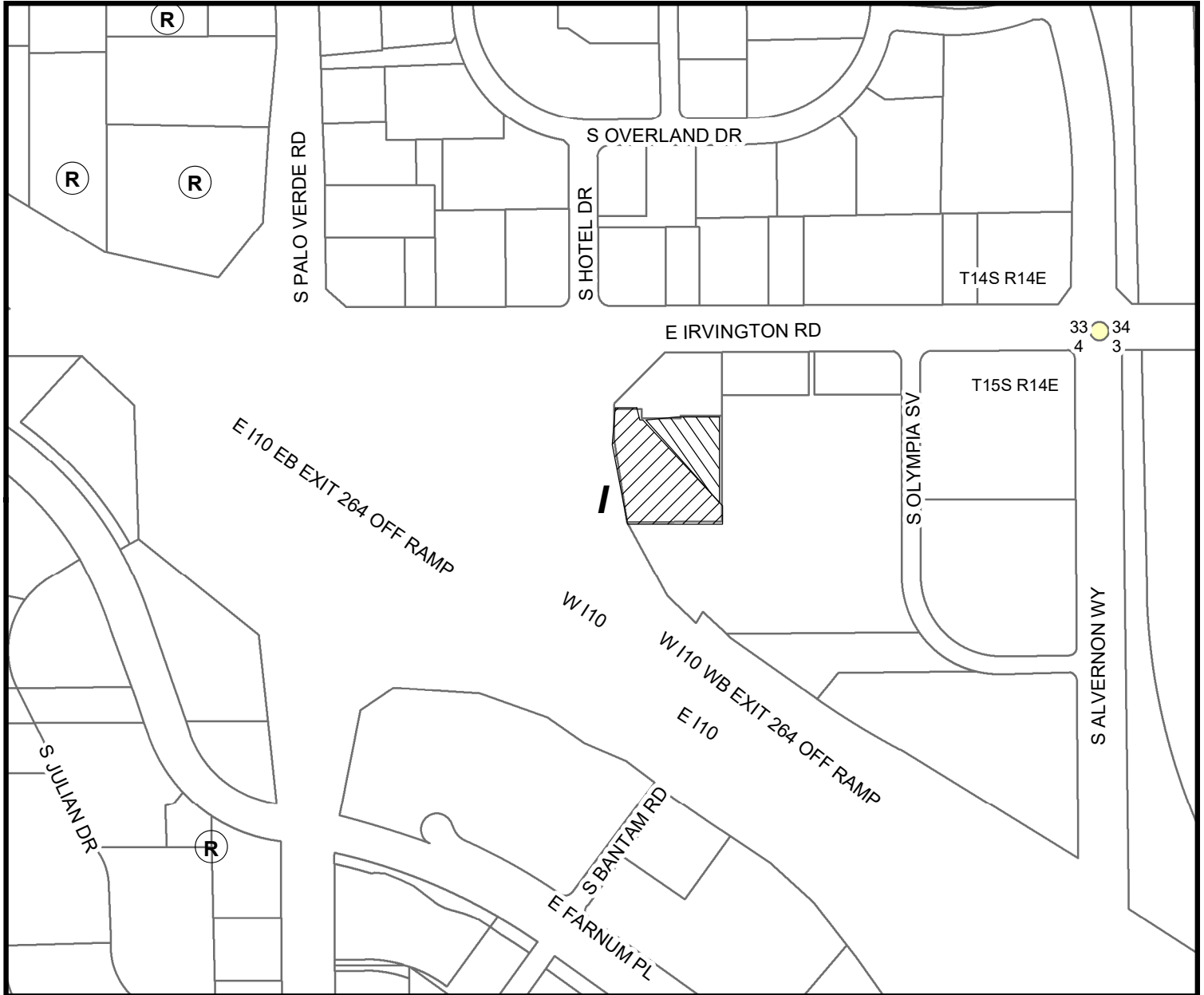
Objective: To designate adequate area for industrial uses that, if properly located and regulated, are compatible with certain types of commercial activities. Residential development is permitted within a proposed project provided that it meets the requirements of the Mixed Use Option under the CI-1 zoning district (Section 18.51.070 of the Pima County Zoning code).

▪ Zoning Districts: Only the following zoning districts shall be allowed:

1. CB-1 Local Business Zone
2. CB-2 General Business Zone
3. CPI Campus Park Industrial Zone
4. CI-1 Light Industrial/Warehousing Zone
5. CI-2 General Industrial Zone
6. SP Specific Plans



Case #: P21RZ00015
Case Name: JOT PROPERTIES LLC - E. IRVINGTON ROAD REZONING
Tax Code(s): 140-07-001B

Comprehensive Plan Exhibit



0 220 440 880 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

	Notes:	
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10	
	Map Scale: 1:6,000 Map Date: 11/15/2021 - ds	



201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

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

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

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

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

3704 E Irvington Road, Tucson AZ 85714

Part I. Information Provided by Pima County Staff

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

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
 - Important Riparian Area
 - Biological Core
 - Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: No
 - b. Western burrowing owl: Yes
 - c. Pima pineapple cactus: No
 - d. Needle-spined pineapple cactus: No

Part II. Information Provided by the Applicant

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

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



Application For Rezoning or Specific Plan

Required fields are indicated by *.

Owner Information

Owner's Name: *

Mailing Address: * City: *

State: * Zip code: * Phone: *

Owner's Email Address: *

Applicant Information *(if other than owner)*

Applicant's Name:

Applicant's Address: City:

State: Zip code: Phone:

Applicant's Email Address:

Property Information

Property Address: 3704 E IRVINGTON RD

Tax Parcel Number: * 140-07-001B

Acreage: * 2.65

Present Zone: * CI-1

Proposed Zone: * CB-1

Comprehensive Plan Subregion / Category / Policies: * AZ

Attach requested documents if applicable.

*A total of **8 MB** of files can be uploaded in a single form submission. There is no restriction on file types.*

1. Letter of Authorization: If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

No file chosen

2. Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan OR submit an electronic version of the required submittal documents as requested at the Pre-Rezoning Meeting for a Non-Site Analysis Rezoning.

No file chosen

*A total of **8 MB** of files can be uploaded to this form. If your submission exceeds 8MB please upload documents to an FTP site such as dropbox.com and paste the access link here:*

3. An ESRI Shapefile or AutoCad DWG file referenced to the Pima County GIS coordinate system for any zoning and/or land use boundary contained within a portion of a parcel or parcels that creates its own unique boundary that is not legally described.

No file chosen

Terms and Conditions

* I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Date: *

For Electronic Submittal:

A rezoning case will be opened and an email containing an invoice with the case number and instructions for making payment through the online payment portal will be sent to the applicant within 2 business days.

Attendance to a *Pre-Rezoning meeting* is a pre-requisite to rezoning application submittal. The Pre-Rezoning meeting is scheduled at 201 N. Stone Avenue, 2nd floor on the 3rd Wednesday of the month beginning at 9:00 am.

Submit

Reset



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- Website Feedback

Keith Warburton
9306 S 1300 W
West Jordan, UT 84088

September 30, 2021

PIMA County Development Services
201 N Stone Ave
Tucson, AZ 85701

Re: Request Letter for a Non-Site Analysis Rezoning

To Whom It May Concern:

We are submitting a rezoning application for the Red Roof Inn, located at 3704 East Irvington Road, Tucson, AZ 85714, to be converted into multi-family housing.

Existing housing costs are too high and rent prices have increased, making rent unaffordable for a portion of the population. However, there is an oversupply of hotels in most major cities. Rather than tearing down old hotels—which would be a huge waste and would create unnecessary environmental impacts—we plan to convert this low-demand hotel into an apartment complex that offers affordable housing to renters in the low- to mid-price point. Our units would be pre-furnished, turn-key apartments with beautiful aesthetics and a contemporary design.

We have successfully converted hotels into affordable apartments in Utah already. A good portion of our tenants are Section 8 approved or recently homeless. We work with local shelters to provide the most vulnerable members of the community a home. We also provide on-site case management with our partners to support our tenants' needs and help them succeed. Furthermore, our apartments are not only affordable, they are also modern and aesthetically pleasing. Our tenants are proud to have a beautiful home in our community.

We would like to convert the existing Red Roof Inn because re-use development is substantially more efficient than ground-up construction. We can convert an average-sized hotel into apartments and be fully leased in 6 months (while the average new construction project from purchase, permits, and construction can take 2-3 years). By converting the Red Roof Inn, we can help the community and address the housing shortage immediately.

The existing use of the property is as a hotel, but we would like to change it to multi-family housing for long-term leases. To do this, Principal Planner Mr. Mark Holden suggests that we rezone (downzone) the property from the existing CI-1 industrial zoning to CB-1 commercial zoning.

The property currently has 118 hotel rooms, which will be converted into 118 apartments.

There are 140 parking spaces.

We expect to have 2 employees on site. They will most likely work Monday to Friday 9:00 am to 5:00 pm, plus two hours on Saturday.

Water will be supplied to the property using public water, same as existing.

The property will also continue to use the public sewer.

The vegetation will be unchanged.

The height of the building is 25 feet. The building size is 37,760 sq ft.

Please see the attached sketch plan and biological impact report, as well.

Thank you for your time and consideration. We are excited to contribute affordable housing to the community and look forward to working with you throughout this application process.

Sincerely,

Keith Warburton
Owner of 3704 East Irvington Road, Tucson, AZ 85714



State of California Secretary of State

L

STATEMENT OF INFORMATION (Limited Liability Company)

Filing Fee \$20.00. If amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. LIMITED LIABILITY COMPANY NAME (Please do not alter if name is preprinted.)

JOT PROPERTIES, LLC

This Space For Filing Use Only

DUE DATE: 12-18-08

FILE NUMBER AND STATE OR PLACE OF ORGANIZATION

2. SECRETARY OF STATE FILE NUMBER
200826310011

3. STATE OR PLACE OF ORGANIZATION
California

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE 9825 Independence Avenue	CITY AND STATE Chatsworth, CA	ZIP CODE 91311
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5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (DOMESTIC ONLY) 9825 Independence Avenue	CITY Chatsworth	STATE CA	ZIP CODE 91311
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NAME AND COMPLETE ADDRESS OF THE CHIEF EXECUTIVE OFFICER, IF ANY

6. NAME	ADDRESS	CITY AND STATE	ZIP CODE
----------------	----------------	-----------------------	-----------------

NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER (Attach additional pages, if necessary.)

7. NAME BALWINDER RIAT,	ADDRESS 9825 Independence Avenue,	CITY AND STATE Chatsworth, CA	ZIP CODE 91311
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8. NAME	ADDRESS	CITY AND STATE	ZIP CODE
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9. NAME	ADDRESS	CITY AND STATE	ZIP CODE
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AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 11 must be completed with a California address. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1608 and item 11 must be left blank.)

10. NAME OF AGENT FOR SERVICE OF PROCESS
BALWINDER RIAT,

11. ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL 9825 Independence Avenue	CITY Chatsworth	STATE CA	ZIP CODE 91311
--	---------------------------	--------------------	--------------------------

TYPE OF BUSINESS

12. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY
Real property investment

13. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

BALWINDER RIAT

Managing Member

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

SIGNATURE

TITLE

DATE

October 21, 2021

Donna Spicola
Pima County Development Services
201 North Stone Avenue
Tucson, AZ. 85701

RE: P21RZ00015 JOT Properties - E Irvington Rd Rezoning; Parcel 14007001B, Received October 13, 2021

Dear Ms. Spicola,

Thank you for the opportunity to comment on P21RZ00015 JOT Properties - E Irvington Rd Rezoning; Parcel 14007001B. This rezoning request is for an approximately 2.65 acre site which is located approximately 1,300 feet southwest of the intersection of East Irvington Road and South Alvernon Way. This project proposes to change the zoning from Pima County Light Industrial Zone (CI-1) to Pima County Local Business Zone (CB-1) to support the conversion of an existing hotel to a multifamily use.

This site is within the Tucson International Airport aviation easement requirements and public disclosure area, FAA traffic pattern airspace, and FAA Part 77 airspace.

The Tucson Airport Authority conditionally approves the subject request contingent upon the following conditions of approval, as noted below. These conditions shall be included in the rezoning conditions for this particular rezoning request.

Condition of approval:

1. "An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
2. "According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>"
3. "Applicable to residential uses only

- a. The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.

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

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

Please do not hesitate to contact me if you have any questions or concerns regarding this comment letter. I can be reached by email at srobidoux@flytucson.com or by telephone at 520-573-4811.

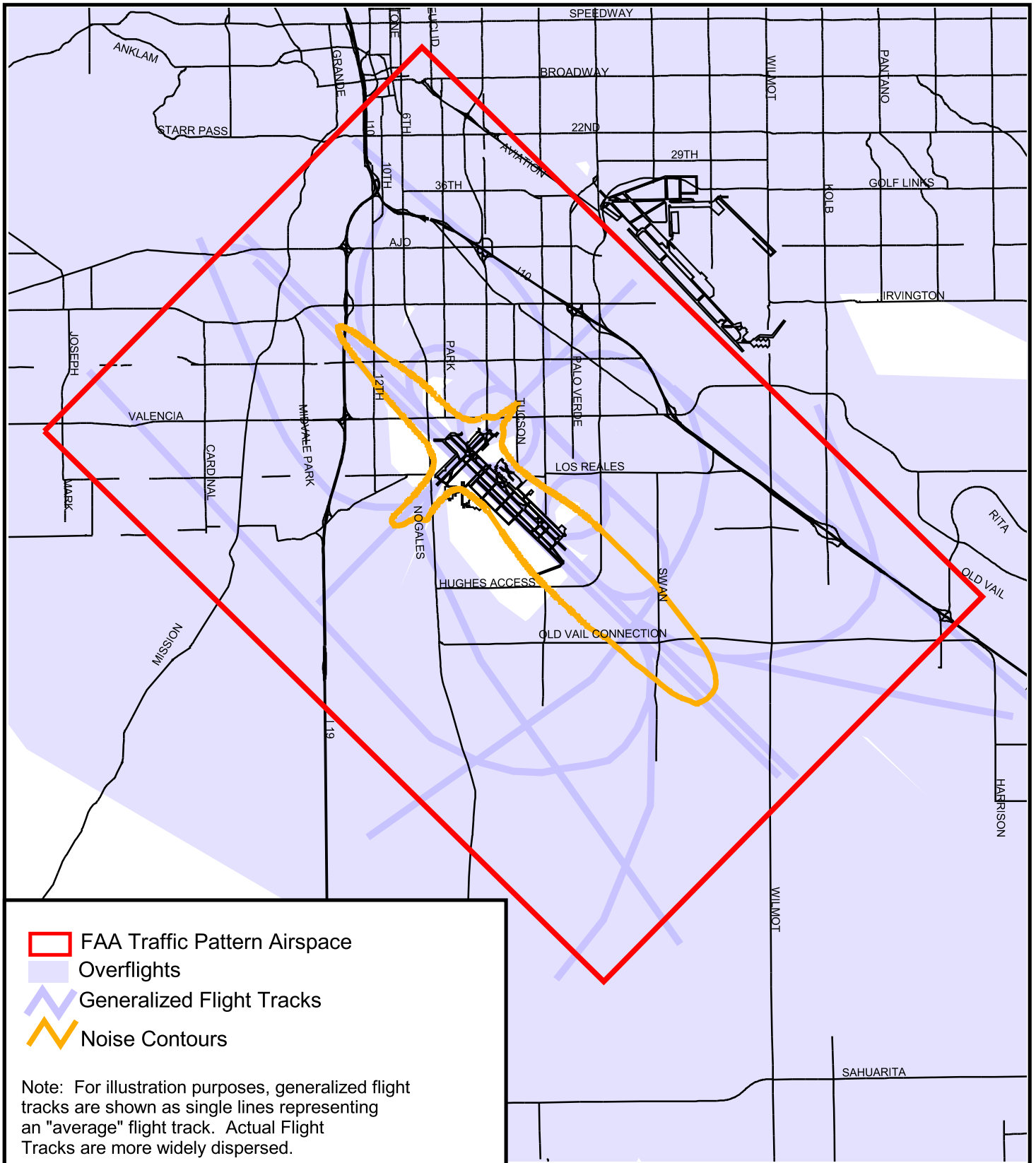
Respectfully,



Scott Robidoux,
Manager of Planning, C.M.

cc file

Tucson International Airport



AIRPORT DISCLOSURE STATEMENT

The undersigned owner(s) of a lot in the subdivision known as _____, a Pima County subdivision recorded in Book _____ at Page _____ of Maps and Plats, acknowledges that the property lies in proximity to Tucson International Airport and that the property is subject to aircraft overflight and noise that may be annoying or objectionable to some persons.

Flight patterns within 5 nautical miles of Tucson International Airport (TIA) are controlled by the Federal Aviation Administration (FAA) Air Traffic Control Tower (ATCT) according to rules and guidelines for maintaining aircraft separation. The ATCT at TIA is in operation 24 hours per day. According to FAA rules, except when necessary for takeoff and landing, aircraft may not fly below 1000 ft. above ground level in populated areas.

While air traffic may be generalized into tracks, it is, by nature, dispersed. Aircraft may approach and depart the airports from any number of directions. Flight paths vary depending on a variety of factors including origin/destination, wind conditions and other aircraft in the traffic pattern. As a result, any property in the vicinity of an airport is likely to be subject to aircraft overflight and its impacts to some degree.

As traffic approaches or departs from an airport, it is lower to the ground, more concentrated and more frequent. The area where air traffic converges as it approaches and departs the airport is represented by the FAA Traffic Pattern Airspace. This area is shown on exhibit A, attached. Lower altitudes and more frequent activity increase the impacts of aircraft on the ground within this area.

The most significant impacts occur within noise contours. Noise contours depict the area where average noise exposure over a 24 hour period is considered "significant" by FAA standards. Measures such as sound insulation of structures and land use planning to exclude noise sensitive uses are required to maintain compatibility within these areas. As explained, aircraft approach and depart the airport on dispersed paths. As a result, a property that is outside established noise contours may still be impacted by the effects of periodic aircraft overflights.

Flight patterns are apt to shift or change over time. Changes in operations may occur due to weather, changes in users, changes in aircraft type, military missions, weather conditions, etc. Similarly, TIA has a master plan that identifies plans for future expansion and development needs. These plans are updated every several years to respond to the needs of the aviation community.

The undersigned acknowledges the Owner(s) is aware of these impacts and that the Tucson Airport Authority and all persons lawfully using the Airport have the right to operate aircraft in the airspace above and near the property.

Dated this _____ day of _____, 20_____.

Owner _____ Date

Owner _____ Date

DECLARATION OF AVIGATION EASEMENT

THIS DECLARATION OF AVIGATION EASEMENT ("Declaration"), is made this _____ day of _____, 20__ by _____, a(n) _____ ("Declarant").

A. Declarant is the sole record owner in fee simple of certain real property (the "Property") located in Pima County, Arizona which is more particularly described in Exhibit "A" attached hereto; and

B. The Property is located in the proximity of Tucson International Airport (as it now exists or may hereafter be enlarged and/or developed, the "Airport"); and

C. The Property is now and in the future will be subject to noise and other effects emanating from aircraft operating at or departing from or arriving at the Airport, and changes in airport layout or operating procedures could result in increased noise influences.

NOW THEREFORE, for good and sufficient consideration, the receipt and adequacy of which Declarant hereby acknowledges, Declarant hereby covenants and declares that all of the Property shall be held, sold, used and conveyed subject to the following avigation easement, which shall run with the Property and be binding on all occupants thereof and on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, grantees, invitees and tenants.

DECLARANT HEREBY DECLARES, ESTABLISHES, GRANTS AND CONVEYS to the Tucson Airport Authority, the City of Tucson and all persons lawfully using the Airport ("Benefited Parties") the right to operate aircraft in and the right to cause in the airspace above or near the Property such noise, vibrations, fumes, vapors, smoke, deposits of dust or other particulate matter, fuel particles and all other effects as may be inherent in the operation of aircraft, now known or hereafter used, while landing on, taking off from, or operating at the Airport, as long as such operations are in compliance with applicable federal, state and local regulations concerning operation of aircraft and use of the Airport.

As used herein, the term "aircraft" shall mean any and all types of aircraft, whether not in existence or hereafter manufactured and developed, to include without limitation, jet aircraft, propeller driven aircraft, civil aircraft, military aircraft, commercial aircraft, helicopters and all types of aircraft or vehicles now in existence or hereafter developed, regardless of existing or future noise levels, for the purpose of transporting persons or property through the air.

EXHIBIT A

(Legal Description)

P21RZ00015

Public Comment

February 28, 2022

From: Tucson Expo Center <info@tucsonexpoctr.com>

Sent: Wednesday, December 8, 2021 3:12 AM

To: DSD Planning <DSDPlanning@pima.gov>

Subject: Protest for Rezoning, Hearing scheduled on December 8, 2021, P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To: Pima County Planning and Zoning Commission
Meeting scheduled on December 8, 2021 (at 9 am)
Re: P21RZ00015 JOT Properties LLC - E. Irvington Road Rezoning

From: Zhanna Brodetsky
Tucson Property Holdings, LLC.

**Protest for Rezoning P21RZ00015 - JOT Properties LLC - E.
Irvington Road Rezoning**

To Whom It May Concern,

I am writing to protest the E. Irvington Road Rezoning (Hearing on December 8, 2021, P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning).

We are owners of Tucson Expo Center (3750 E. Irvington Road, Tucson, AZ 85714), the adjacent property to the Red Roof Hotel (addressed 3704 E. Irvington Road).

We are hosting many public and private events in the Tucson Expo Center which is located right by the Red Roof property (less than 300 feet of the proposed rezoning).

When we purchased our property (Tucson Expo Center) we chose the area where the industrial zoning was in place so we would be able to plan and operate our business in the area and host the events in the Tucson Expo Center.

We strongly believe that changing the zoning and making the area right next to our property residential will significantly affect many of our business operations. We have a lot of different public, community, and trade events taking place all year round in the Tucson Expo Center such

as weddings, quinceaneras, sweet 16 events, concerts, trade shows, graduation events, charity events, and many others.

One of our largest events of the year - the JOGS Tucson Gem and Jewelry Show has taken place in the Tucson Expo Center for 18 years (semi-annual event). The main entrance to the event is located less than 50 yards from the Red Roof Hotel. During the JOGS Tucson Gem and Jewelry Show, the Red Roof hotel had been occupied by the event exhibitors (gem and jewelry dealers) and industry buyers who come to the Tucson Expo Center to conduct business.

The outdoor JOGS Gem and Jewelry show area is located right by the border between the Red Roof and Tucson Expo Center, less than 50 yards from the Red Roof Hotel. There is no wall or fence located between the properties, and the temporary JOGS Show exhibit outdoor tents are sited right next to the property line between the Tucson Expo Center and Red Roof Hotel.

If Red Roof Hotel will become a residential building we would need to have **the separating wall or strong fence to be installed by the party who is planning to update the Red Roof hotel and transform it into the residential units** so the rezoning of the area and having the residential units right by our business property will less affect our business operations and will protect the safety the new residential tenants at the 3704 E. Irvington Road and Tucson Expo Center events' attendees.

Thank you.

Sincerely,

Zhanna Brodesky
Tucson Property Holdings, LLC. member/owner
Tel: 520-750-8000
Email: info@tucsonexpocenter.com
www.tucsonexpocenter.com

From: JOGS Show <info@jogsshow.com>
Sent: Wednesday, January 26, 2022 8:27 AM
To: DSD Planning <DSDPlanning@pima.gov>
Subject: Hearing scheduled on January 26, 2022, P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning Protest for Rezoning.

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To: Pima County Planning and Zoning Commission

Re: P21RZ00015 JOT Properties LLC - E. Irvington Road Rezoning
From: Yelena Masenko, JOGS Tucson Gem and Jewelry Show director

JOGS International Exhibits, LLC., organizer of JOGS Tucson Gem and Jewelry Show

Protest for Rezoning P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning

I am reaching out to protest the E. Irvington Road Rezoning (P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning).

We are organizers of the semi-annual gem and jewelry show which takes place in the Tucson Expo Center for 18 years.

We are bringing the JOGS Tucson Gem and Jewelry Shows twice a year to the Tucson Expo Center which is located right by the Red Roof property (less than 200 feet of the proposed rezoning).

When we leased Tucson Expo Center (starting the year 2004) for our JOGS gem shows we chose the part of Tucson (Pima County) because it was located in the industrial zoning to safely host the events in the Tucson Expo Center.

The main entrance to the JOGS Tucson Gem and Jewelry Show is located less than 50 yards from the Red Roof Hotel.

The outdoor JOGS Gem and Jewelry show area is located right by the border between the Red Roof and Tucson Expo Center, less than 50 yards from the Red Roof Hotel. Our JOGS Tucson Gem and Jewelry Show exhibit outdoor tents are located right next to the property line between the Tucson Expo Center and Red Roof Hotel.

This year when we arrived to set up the JOGS Tucson Gem and jewelry show we saw that temporary residents of the Red Roof hotel were drying laundry on the metal gate next to the main show entrance (100 yards away). It does not look professional, and we already had our event dealers complaining about it.

Our JOGS Tucson Gem and Jewelry Show brings thousands of industry exhibitors from the USA and overseas annually, tens of thousands of industry buyers to the County which generates large revenues to the city of Tucson and Pima county.

We are very concerned and believe that changing the zoning and making the area right next to JOGS Tucson Gem and Jewelry Show site residential will negatively affect our business operations.

I would like to speak today at the rezoning meeting (scheduled on January 26, 2022), P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning.

Thank you.

Yelena Masenko
JOGS Tucson Gem and Jewelry Show director
Cell: 323-646-2911

From: Tucson Expo Center <info@tucsonexpocenter.com>

Sent: Wednesday, February 23, 2022 7:51 AM

To: DSD Planning <DSDPlanning@pima.gov>

Subject: Protest for Rezoning, Hearing scheduled on February 23, 2022, P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To: Pima County Planning and Zoning Commission

Meeting scheduled on February 23, 2022

Re: P21RZ00015 JOT Properties LLC - E. Irvington Road Rezoning

From: Zhanna Brodetsky

Tucson Property Holdings, LLC.

Protest for Rezoning P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning

To Whom It May Concern,

I am writing to protest the E. Irvington Road Rezoning (Hearing P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning).

I represent the owners of Tucson Expo Center (3750 E. Irvington Road, Tucson, AZ 85714), the adjacent property to the Red Roof Hotel (addressed 3704 E. Irvington Road).

We are hosting many public and private events in the Tucson Expo Center which is located right by the Red Roof property (less than 300 feet of the proposed rezoning), and the main door is located less than 100 ft from the Red Roof Hotel rooms.

We strongly believe that changing the zoning and making the area right next to our property residential will significantly affect many of our business operations and we might lose our business. We have a lot of different public, community, and trade events taking place all year round in the Tucson Expo Center such as weddings, quinceaneras, sweet 16 events, concerts, trade shows, graduation events, charity events, and many others.

Our operations will negatively affect the peace of the prospective tenants of the Red Roof property. We have been hosting large-scale

music concerts in the Tucson Expo Center where the alcohol is served, the music is very loud, and thousands of the concert attendees are leaving the property after 2 - 3 am, being very loud (people are screaming, cars honking etc). When concert promoters are preparing for their events, putting the concert floor and musical equipment together and then disassembling the events they use forklifts, other loud machinery, they test musical equipment, and in many cases the preparation and disassembling are taking place during the nighttime at the Tucson Expo Center.

We are also hosting many private events such as weddings, quinceaneras etc, and they end after midnight as well, the music is very loud, people are dancing, food and alcohol are served.

Due to the nature of our business (Tucson Expo Center is an event center), business operations will negatively affect the living conditions of prospective tenants of the Red Roof, and they will not be able to live in the normal, peaceful conditions they deserve as residents of the public housing.

We just had one of our largest events of the year - the JOGS Tucson Gem and Jewelry Show (semi-annual event) which ended on February 6, 2022. The main entrance to the event was located less than 100 feet from the Red Roof Hotel. The outdoor JOGS Gem and Jewelry show exhibit area was located right by the border between the Red Roof and Tucson Expo Center, less than 50 yards from the Red Roof Hotel. There is no wall or fence (only a separating pipe) located between the properties, and the temporary JOGS Show exhibit outdoor tents are sited right next to the property line between the Tucson Expo Center and Red Roof Hotel.

We had several complaints from the exhibitors and the promoters of the JOGS Tucson Gem and Jewelry Show. **The main complaints were that people who now occupy the Red Roof Hotel were trespassing the property, trashing the food and packaging to the exhibit tent areas, littering the exhibit areas, doing graffiti, drying laundry on the metal pipe fence separating the Red Roof and Tucson Expo Center, and others.** The promoters of the JOGS Gem show **had to hire more security** to monitor and protect the exhibit area (outside tents) sighted only 100 ft from the Red Roof rooms and hotel entrance, and protect the attendees and merchandise of the JOGS Tucson Gem Show.

Before, during the JOGS Tucson Gem and Jewelry Shows which are taking place in the Tucson Expo Center twice a year, the Red Roof hotel had been occupied by the event exhibitors (gem and jewelry dealers) and

industry buyers who come to the Tucson Expo Center during the Tucson Gem Show to conduct business.

When we purchased our property (Tucson Expo Center) 20 years ago **we chose the area where the industrial zoning was in place** so we would be able to plan and operate our business in the area and host the events in Tucson Expo Center. We have been updating and remodeling our property since the initial purchase, and have invested millions of dollars to upgrade our Event center which **brings good business and revenues to the City of Tucson and Pima County.**

We are protesting the Rezoning (case P21RZ00015) because we strongly believe it will negatively affect our business, negatively affect the living conditions of the prospective tenants due to the nature of our business operations in the Tucson Expo Center, and as a result, **we might lose our business we built and invested into** because of the proposed rezoning and residential housing project planned right by our business property (less than 300 ft).

Thank you.

Sincerely,

Zhanna Brodesky

Tucson Property Holdings, LLC. member/owner

Direct line: 818-402-2123

Email: info@tucsonexpocenter.com

www.tucsonexpocenter.com

From: JOGS Show <info@jogsshow.com>

Sent: Wednesday, February 23, 2022 8:21 AM

To: DSD Planning <DSDPlanning@pima.gov>

Subject: PROTEST for P21RZ00015 JOT Properties LLC - E. Irvington Road Rezoning

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

To: Pima County Planning and Zoning Commission

Re: P21RZ00015 JOT Properties LLC - E. Irvington Road Rezoning

Protest for Rezoning P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning

To Whom It May Concern,

I am writing to protest the E. Irvington Road Rezoning (Hearing P21RZ00015 - JOT Properties LLC - E. Irvington Road Rezoning).

We are hosting our JOGS Tucson Gem and Jewelry Shows (semi-annual events) in the Tucson Expo Center, and bring over 60 thousand attendees (exhibitors and buyers) to our JOGS Tucson events annually.

Our 2022 JOGS Tucson Gem and Jewelry Show took place at the Tucson Expo Center from January 26 to February 6, 2022. The main entrance to the event and outside exhibit area (exhibit tents) was located less than 100 feet from the Red Roof Hotel rooms.

We have been renting the Tucson Expo Center for 19 years (next year will be our 20 years anniversary Gem Show), and did not have any complaints about the property and area where our trade show was taking place.

This year we had many problems and received numerous complaints from our exhibitors and show attendees. **The residential tenants who now live in the Red Roof Hotel were trespassing our show, walking around the exhibit area, sitting on the curb, littering the exhibit areas, drying laundry on the fence. Some of our exhibit property was covered in graffiti.**

As a result, we had to hire more security to monitor and protect the exhibit areas (outside tents) and protect the attendees and merchandise during our JOGS Tucson Gem Show.

Before, during the JOGS Tucson Gem and Jewelry Shows the Red Roof hotel was always occupied by our event exhibitors and buyers who attended the Tucson Expo Center during the Tucson Gem Show.

We chose the Tucson Expo Center as an event venue for our JOGS Tucson Gem and Jewelry Show 20 years ago because it was located in the industrial part of town. Our JOGS Tucson Gem Show brings a lot of business and revenues to the Pima County and City of Tucson.

We are protesting the Rezoning (case P21RZ00015) because we strongly believe it is affecting our Gem Show, and our business operations are not suitable for the residential tenants. We have large trucks, forklifts, loud noises while exhibitors are loading and unloading the merchandise, containers, and trucks as well as thousands of cars coming to the event daily.

It is not the living conditions that have to be offered to the residential tenants and families - they have to live in the quiet and peaceful areas of town, not in industrial zones.

And we as promoters of the JOGS Tucson Gem and Jewelry Show want to make sure that we are able to continue renting the Tucson Expo Center as our event venue and that is suitable to the nature of our business operations.

Thank you.

All the best,

Yelena Masenko
JOGS Tucson Gem and Jewelry Show director