



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/5/2023

*= Mandatory, information must be provided

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

***Title:**

P17RZ00011 TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2 REZONING

***Introduction/Background:**

The applicant requests a five-year time extension. The 15.3-acre rezoning was from CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone, located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road. The rezoning was approved in 2018 and expired July 3, 2023.

***Discussion:**

The applicant cites the need for a five-year time extension for a neighborhood-scale commercial center within the Southwest Focused Development Investment Area to eliminate the local food desert existing in the area. A time extension will allow the project to be ready for development as soon as the market demands.

***Conclusion:**

The proposed time extension will allow for 10 years from the original Board of Supervisors approval to complete rezoning conditions for a 129,000 square-foot retail development.

***Recommendation:**

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

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ All

Department: Development Services, Planning Div.

Telephone: 724-6675

Contact: Donna Spicola, Senior Planner

Telephone: 724-9513

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



TO: Honorable Adelita Grijalva, Supervisor, District 5

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

DATE: August 15, 2023

SUBJECT: P17RZ00011 TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2 REZONING

The above referenced **Rezoning Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, September 5, 2023** hearing.

REQUEST: A **five-year time extension** for an approximately 15.3-acre rezoning (parcel code 210-15-199C and 210-15-194B) from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone. The subject site was rezoned in 2018 and expired July 3, 2023, located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road. (District 5)

OWNERS: Tucson Mountain Ranch LLC
5851 E Speedway Boulevard
Tucson, AZ 85712

AGENT: Paradigm Land Design LLC
Attn: Paul Oland
372 S. Eagle Road #284
Eagle, ID 83616

DISTRICT: 5

STAFF CONTACT: Donna Spicola, Senior Planner

PUBLIC COMMENT TO DATE: As of August 15, 2023, staff has received no written public comment.

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

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

TD/DS
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P17RZ00011

Page 1 of 8

SEPTEMBER 5, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 15, 2023

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

P17RZ00011 TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2 REZONING

Tucson Mountain Ranch LLC, represented by Paradigm Land Design LLC, requests a **five-year time extension** for an approximately 15.3-acre rezoning (parcel code 210-15-199C and 210-15-194B) from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone. The subject site was rezoned in 2018 and expired July 3, 2023, located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road. Staff recommends **APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**

(District 5)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year time extension** to July 3, 2028 for the original 15.3-acre rezoning from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone subject to modified standard and special conditions as follows:

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. The property owner/developer shall construct Wade Road north of Valencia Road as indicated on the preliminary development plan (Exhibit B) approved by the Department of Transportation at time of development plan submittal.
 - B. ~~Vehicular and pedestrian e~~Cross access shall be provided between the rezoning site and the adjacent cluster subdivision to the north, and between the rezoning site and the commercial site Block 4 in a location internal to the development.
 - C. The property shall be limited to three access points on Valencia Road and three access points on Wade Road as shown on the preliminary development plan.
 - D. The existing sculpture located on the northwest corner of Valencia Road and Wade Road intersection shall remain in place and protected.

- E. Sidewalk shall be constructed to Pima County standards from Wade Road to the western property boundary of the site along the property frontage on Valencia Road.
 - F. A Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. The traffic impact study should include the commercial site (Block 4) at the northwest corner of Valencia Road and Wade Road intersection as determined by the Department of Transportation at time of permit submittal. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
3. Regional Flood Control District conditions:
- ~~A. A CLOMR shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of the Site Construction Permit.~~
 - ~~B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.~~
 - A. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
 - B. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - C. Critical detention basin standards shall be met for on-site flows. Detention basins shall not capture and detain off-site flows.
 - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table, such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation Department conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner 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 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 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 shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
 6. Cultural Resources Division conditions:
 - A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
 7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
 8. The parking areas shall be landscaped to reduce the heat island effect by employing groupings of shade trees that create effective shade clusters. The minimum tree counts, per the Zoning Code, will be exceeded by 25% or shade structures will be constructed along pedestrian walkways and seating areas to reduce the heat island effect.
 9. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site as presented in the Site-Analysis-Appendix F, Commercial Design Manual.
 10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 11. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207~~-rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Former Transportation conditions #2A-C are renumbered to conditions #2A-F due to modification and additions to the conditions as follows: Original conditions #2A-B are recommended for modification and transportation proposes the addition of conditions #2D-F due to rezoning and current transportation and Subdivision and Development Street Standard requirements. Due to current Flood Control Policies, former Regional Flood Control conditions #3A-B are being deleted

and replaced with conditions #3A-C. Additionally, due to a policy update, a minor adjustment is being made to rezoning condition #11 previously adopted in Rezoning Ordinance 2018-32.

STAFF REPORT:

Staff supports the five-year rezoning time extension requested by the applicant, which if approved, will provide a total of 10 years from the original Board of Supervisors approval to complete the rezoning conditions. The initial time limit for an approved rezoning is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions.

This rezoning consisting of approximately 15.3 acres from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone was approved July 3, 2018, for a commercial center to provide groceries along with other goods and services.

The time extension request letter states the owner has been working with Metro Water to fortify their ability to provide potable water for developments in this important growth corridor. This neighborhood-scale commercial center is supported by the Policies of the Southwest Focused Development Investment Area and the need to eliminate the local food desert existing in the area (nearest grocery is four miles away). A time extension will provide the additional time needed for the subject site to respond to market demands.

The preliminary development plan provides for a 129,000 square-foot commercial center for grocery, strip retail, restaurant, and services with 60,000 square feet for major tenants, 49,000 square feet for shops and 20,000 square feet of pads. The northwest corner lot (Block 4 of Tucson Mountain Ranch subdivision) has been included in the preliminary development plan per a rezoning policy, however, is not included in the square feet allotment for the proposed development nor is part of this rezoning time extension due to its existing, platted CB-1 zoning. A 10-foot-wide landscape bufferyard "D" is planned for this commercial site. Landscaping within the parking areas will exceed the required number of trees by 25% to reduce the heat island effect.

Three access points are proposed onto Valencia Road and three access points are planned to connect to Wade Road, both classified as a Major Street and Scenic Route. The Scenic Route classification requires all structures located within 200 feet of the right-of-way may have a maximum height of 24 feet and be earthtone in color. A maximum height of 39 feet may be approved if a viewshed analysis demonstrating a clear view corridor for 20 percent of the Valencia Road frontage is approved. The buildings outside of the scenic route area are proposed with variable heights with a maximum height of 39 feet.

The property is relatively flat, has sparse desert scrub and has been denuded by off-road activity. Some of the native vegetation will be transplanted on-site in the proposed bufferyard/streetscape areas. The subject property is located outside of the Maeveen Marie Behan Conservation Land System (CLS).

Because of the continued appropriateness of the CB-1 rezoning along with the original and modified rezoning conditions, staff supports the time extension. The rezoning supports the goals and policies of the NAC (Neighborhood Activity Center) comprehensive plan land use designation. The objective of NAC is to provide lower intensity mixed-use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. The site also lies within a designated growth area, the Southwest Focused Development Investment Area, which encourages growth by making infrastructure expansion more economical

and provides a rational pattern of land development while conserving the nearby prominent natural resources.

Rezoning Policy RP-121, W. Valencia Road/S. Wade Road, applies to the site. Rezoning conditions #7-9 covers policies that are not met through the preliminary development plan and building code requirements. The policies will be implemented during the development review and site construction permitting. The policy is attached for your reference.

Special Area Policy S-29, Southwest Infrastructure Plan Area (SWIP) applies to the subject rezoning. Applicable portions of the S-29 policy guide the needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities. Rezoning condition #2A is guided by the SWIP policy due to the need for transportation infrastructure. The two policies are attached for reference.

Staff finds concurrency of infrastructure per reporting agencies, including new conditions required by the Department of Transportation requiring a Traffic Impact Study (TIS) to determine offsite improvements and Flood Control conditions regarding CLOMR and LOMR map revision letters, first flush retention and detention basins. The remaining conditions are essentially the same conditions as approved by Ordinance 2018-32 but updated with current language as necessary.

Denial of the time extension will cause the site to revert to conditional CMH-1 zoning per rezoning Co9-71-23. The purpose of CMH-1 zoning is intended to provide for planned mobile home developments with additional usable open space within reasonable walking distance. Closure of the rezoning would not preclude the possibility of a future CB-1 zoning.

TRANSPORTATION

The Department of Transportation has no objection to the rezoning time extension subject to modified transportation conditions. The site is located at the northwest corner of the Valencia Road and Wade Road intersection, a portion of Block 3 of the Tucson Mountain Ranch subdivision. Block 4 of Tucson Mountain Ranch plat is not part of this rezoning time extension, but the original rezoning indicates cross access between the sites, and also identified a pedestrian/bicycle path from the site to the proposed residential subdivision to the north. Condition #2B has been modified to reflect said requirement.

Valencia Road is a paved four-lane roadway with a raised median, dedicated left-turn lanes, paved shoulders, and a multiuse path on the south side of the road. East of the rezoning site, there is sidewalk on the north side of Valencia Road that will be extended to the western property boundary as part of this rezoning time extension. Valencia Road is maintained by the County and has a posted speed limit of 45 miles per hour (mph). The existing and future right-of-way width along the Valencia Road frontage is 200 feet. Valencia Road is a Scenic Route, and it is classified as an Urban Minor Arterial by its Federal Functional Classification. The most recent traffic count for Valencia Road is 15,509 average daily trips (ADT) and with an approximate capacity of 35,820 ADT.

Wade Road north of Valencia Road is a 75-foot unimproved County right-of-way that has a future right-of-way width of 150-foot per the Major Streets Plan. The existing 75-foot half right-of-way terminates north of the rezoning site and is discontinuous.

The preliminary development plan indicates access along the western, eastern, and southern property boundaries. Access to the site will remain as approved by the P17RZ00011 rezoning,

therefore, condition #2C remains. Wade Road north of Valencia Road will need to be improved to Pima County standards to provide adequate access to the site from the east.

The intersection of Valencia Road and Wade Road was built per Pima County capital improvement project number 4RTVMW as a three-way signalized intersection. The improvement included the construction of a drainage culvert, headwall, and riprap directly north of the intersection on Wade Road. Rezoning condition #2A indicates that the developer needs to extend Wade Road north of Valencia Road to their northern property boundary, as shown in the Preliminary Development Plan (PDP). The PDP indicates the west half of Wade Road to be improved, but the intersection will not be aligned with Wade Road to the south, therefore coordination with the Department of Transportation is required at time of development plan submittal and condition #2A has been modified.

There is a County commissioned sculpture located on the northwest corner of Valencia Road and Wade Road intersection that needs to remain in place and be protected as required in the added Condition #2D.

There are no transportation concurrency concerns, but a traffic impact study will be required with the development plan submittal. The traffic impact study should include the commercial site at the northwest corner of Valencia Road and Wade Road intersection and as determined by the Department of Transportation at time of permit submittal. The Department of Transportation recommends approval subject to modifications and additions to rezoning conditions #2A-F.

FLOOD CONTROL

The Regional Flood Control District (District) offers the following information:

- * The entire site is within Federal emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) with depths up to 2 feet. Specifically, SFHA Zone AO1 and Zone AO2 impact this project. When improvements are proposed within the effective FEMA SFHA, both a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading. As described therein a collector channel along Wade Road and building pads or other drainage infrastructure to be constructed by the developer will be needed to remove the "project" from the floodplain. The District and FEMA will review this mapping change during the development review process and prior to issuance of a grading permit. County drainage improvements to Valencia Road discussed are in place between Wade Road and the drainage to the west, but these improvements have not removed the site from the FEMA floodplain.
- * A regulatory wash is located along the west side of the parcel. There is a culvert along the south boundary of the subject parcel that conveys flows under Valencia Road and outlets on to the subject property. The District's approximate peak discharge is between 500 – 1000 cubic feet per second (cfs) and has an associated erosion hazard setback of 50-feet. The Preliminary Development Plan shows the regulatory wash, but it is unclear how the flow from the regulatory wash will be managed to not impact constituents patronizing the commercial center. Please be advised the regulatory flow can be routed within unlined channel but routing under the parking area will not be allowed.
- * The property is located within a Critical Basin where a 10% reduction of flow is required. It appears the PDP does not show the location of the detention basins. At the time of permitting, the detention requirement shall be addressed in the drainage report where the project will be required to provide a drainage design to collect on-site flows and provide a 10% reduction within the proposed detention basin(s).

- * First Flush retention is a requirement. Opportunities to retain First Flush throughout a project site shall be prioritized by utilizing Low Impact Development practices, including within bufferyards and other landscape areas. First Flush is also allowed to be incorporated into detention basins. Condition #3B has been provided to ensure compliance and the project will maximize First Flush Retention through LID practices and in landscape areas.
- * A Preliminary Integrated Water Management Plan (PIWMP) is required pursuant to the Pima County Comprehensive Plan for projects greater than one acre in size to be developed for nonresidential uses. This requirement was initiated by the Board of Supervisors, under the Water Resources Element in 2008 (C07-07-04, Resolution 2008-72). Please see the following link and refer Attachment A and Table B Water Conservation Measures. At the time of Development, choose enough indoor and outdoor measures from Table B to meet 15 points, provide the filled out table with said measures and indicate on the plan set any outdoor measures that will be used to meet this requirement. Condition #3D has been provided to ensure compliance with the Water Policy of the Comprehensive Plan. <https://www.pima.gov/1159/Rezoning-Application-Submittal-Guideline>

In conclusion, the District has no objection to the time extension subject to added conditions #3A-D.

WASTEWATER RECLAMATION

The Planning Unit of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to the request for the five-year rezoning time extension subject to conditions. The wastewater conditions #4A-F in Rezoning Ordinance 2018-32 do not require revision.

CULTURAL RESOURCES

Cultural Resources has no objection to the time extension subject to rezoning conditions #6A-B.

ENVIRONMENTAL PLANNING

Environmental Planning has no objection to this time extension subject to rezoning condition #5.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has no objection to the request for the time extension.

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service has concerns and provides the following comment related to the subject property:

The proposed site for rezoning falls within the range of the endangered Pima pineapple cactus (*Coryphanta sheeri* var. *robustispina*). The cumulative effects to this species as a result of ongoing urban development are substantial, and biological impact report surveys conducted in 2006 recorded the presence of Pima pineapple cactus in this location. Therefore, we strongly recommend that Pima County adds a rezoning condition which requires a survey of this site to determine the presence or absence of Pima pineapple cactus.

If Pima pineapple cactus are found during the survey, the locations should be documented and photographed, and we further recommend that Pima County enter into discussion to consider involvement in the Multi-Species Conservation Plan (MSCP), under which applicable mitigation measures under the MSCP would be applied to this site. Otherwise, we recommend Pima County coordinate further with the U.S. Fish & Wildlife Service to discuss and identify any potential conflicts related to this project and the protection and conservation of this endangered species.

WATER DISTRICT

Metro Water is certified to provide water to the referenced development and is designated as having a 100-year assured water supply. Currently, no water infrastructure exists along the frontage or adjacent to the subject parcels. It will be the financial responsibility of the owner/developer to provide all necessary on-site and off-site requirements necessary to provide domestic and fire flow water supply.

FIRE DISTRICT

Drexel Heights Fire District has no objection to the time extension. Water supply is the only concern and progress is being made to secure adequate flow.

SCHOOL DISTRICT

Tucson Unified School District has no comment.

TRICO ELECTRIC

Trico Electric has no comment.

TD/DS

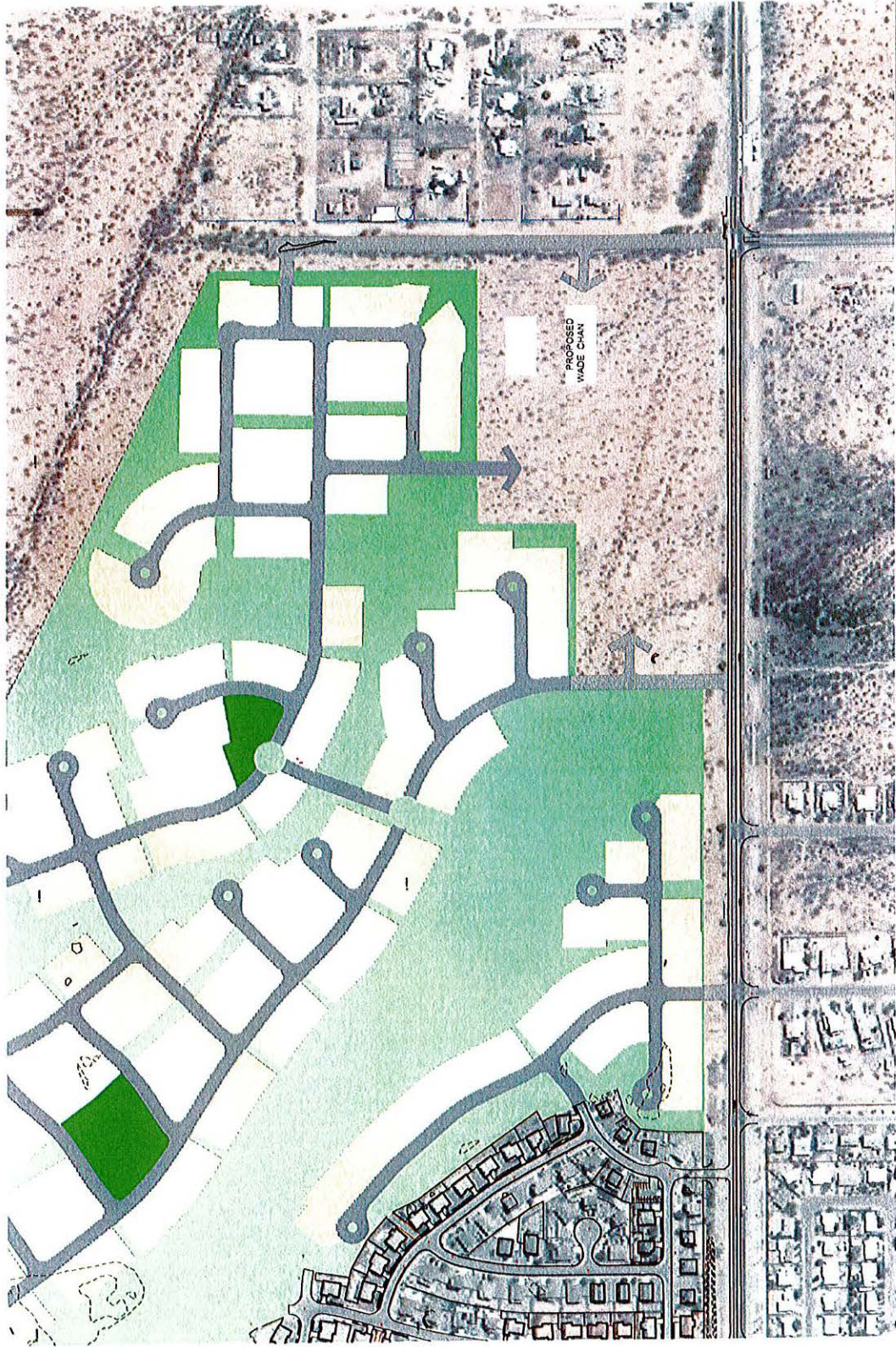
c: Paradigm Land Design LLC, Attn: Paul Oland

- ALL SURROUNDING STRUCTURES ARE 1-STORY
- TOTAL SITE AREA (NET): 667,000± S.F.
15.3± ACRES
- EXISTING ZONING: CMH-1 (15.3± ACRES)
- PROPOSED ZONING: CB-1 (15.3± ACRES)
- RETAIL AREA:

MAJORS	60,000 S.F.
SHOPS	49,000 S.F.
PADS	20,000 S.F.
TOTAL GLA	129,000 S.F.
- LOT COVERAGE: 20.0%
- PARKING PROVIDED: 650 (5.0/1000)
- THE ENTIRE SITE IS CURRENTLY MAPPED WITHIN SFHA AND WILL BE REMOVED VIA A CLOMR PRIOR TO DEVELOPMENT.
- ALL PROPOSED CURB CUTS ON WADE AND VALENCIA ARE SUBJECT TO REVIEW AND APPROVAL BY PIMA COUNTY DOT DURING THE DEVELOPMENT PLAN PHASE.
- SEE EXH. II-D-1 FOR PROPOSED SCHEMATIC DRAINAGE CONCEPT.

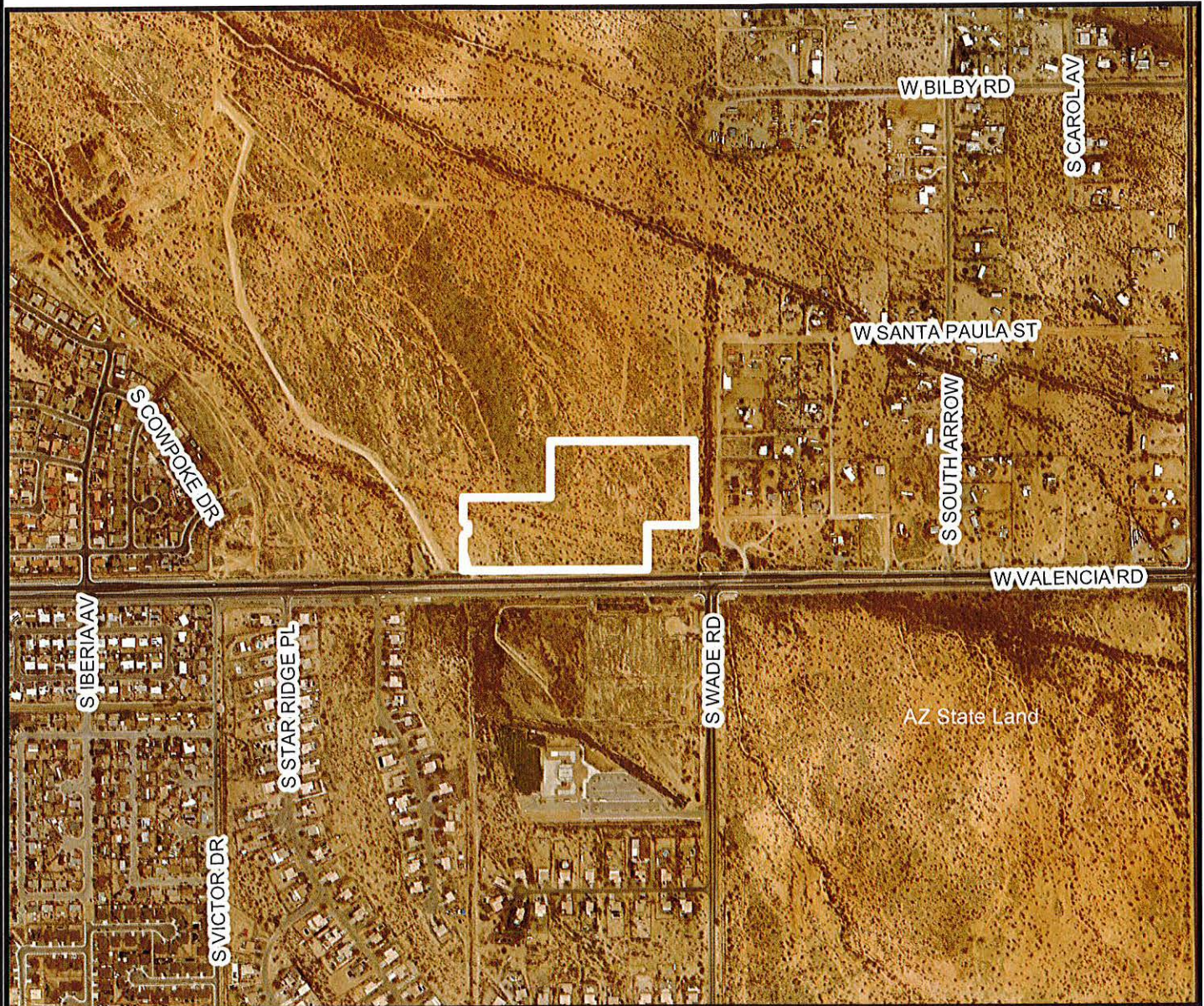


EXHIBIT II-B-1 - PRELIMINARY DEVELOPMENT PLAN





**Case #: P17RZ00011 TUCSON MOUNTAIN RANCH LLC -
W. VALENCIA ROAD #2 REZONING**
Tax Code(s): 210-15-194B & 210-15-199C

Aerial Exhibit



0 355 710 1,420 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**


	Notes:		
	Ref Case #: P23SA00003		
	Map Scale: 1:10,000	Map Date: 7/31/2023 - ds	

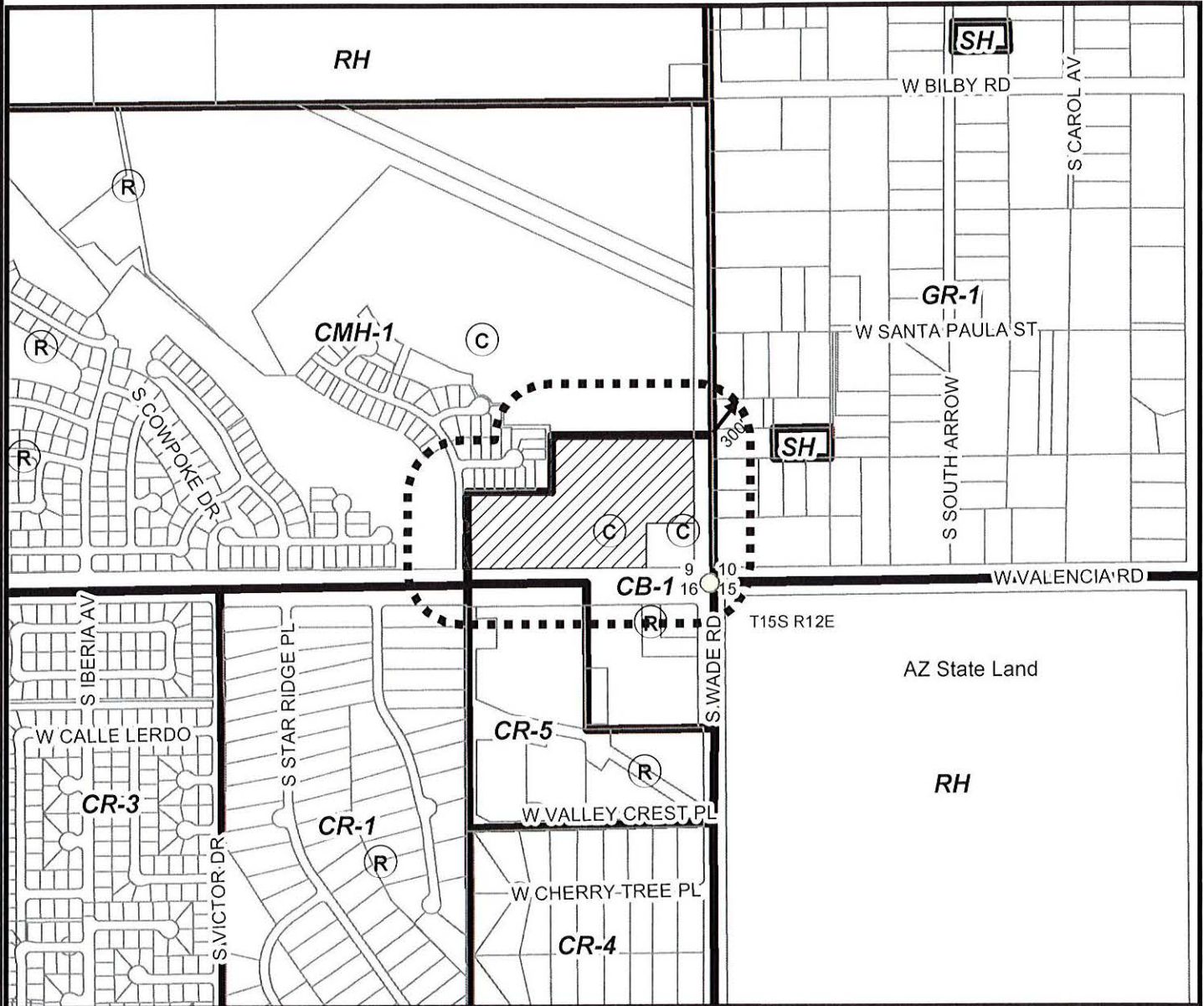
**Case #: P17RZ00011 TUCSON MOUNTAIN RANCH LLC -
W. VALENCIA ROAD #2 REZONING**

Tax Code(s): 210-15-194B & 210-15-199C

 Subject Property

 300' Notification Area

 Zoning Boundary



0 355 710 1,420 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN Co7-13-10/Co7-08-10

Board of Supervisors Hearing: 9/5/2023

Ref Case #: P23SA00003

Base Map(s): 37, 64

Map Scale: 1:10,000

Map Date: 7/31/2023 - ds





Neighborhood Activity Center (NAC)

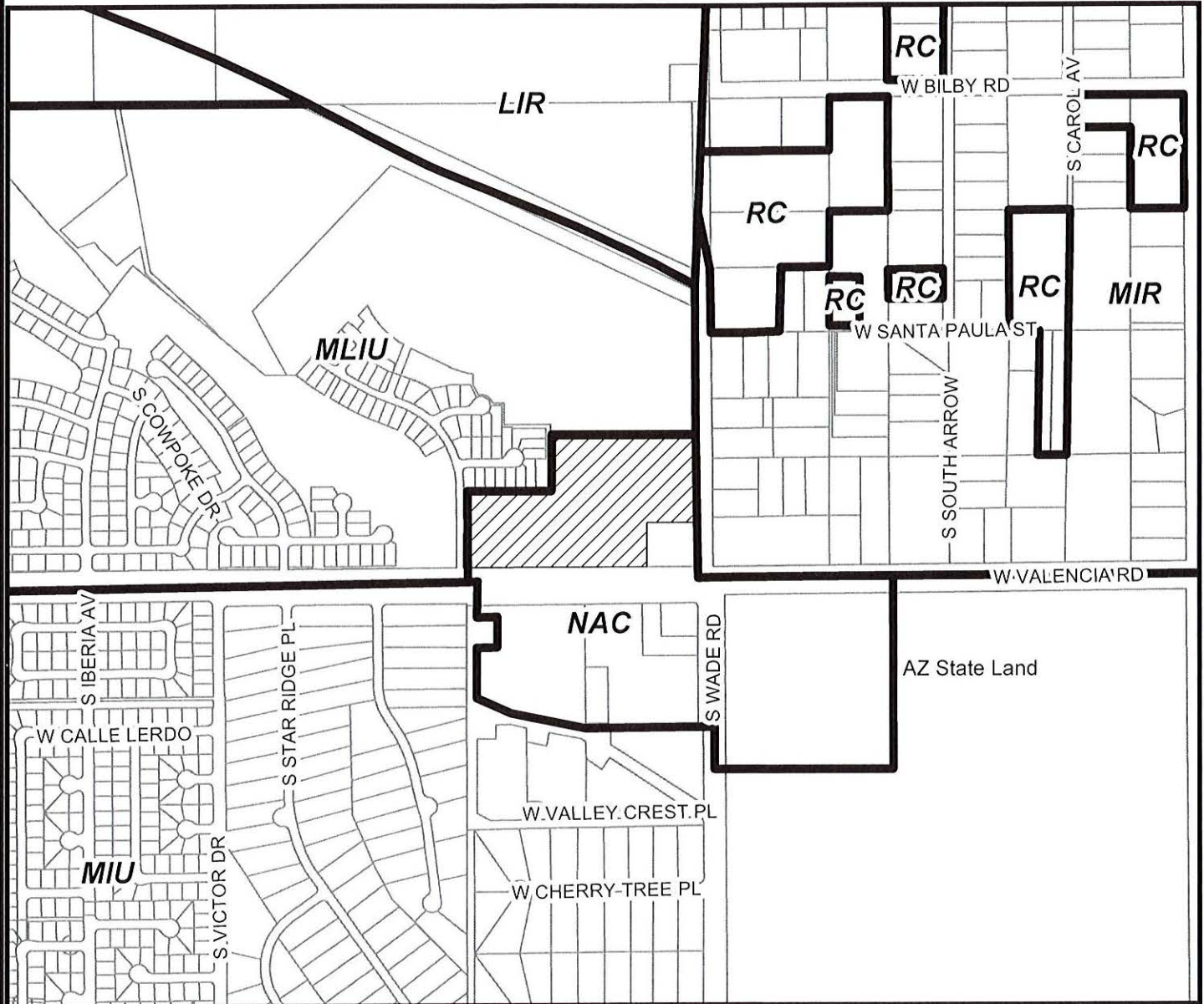
Objective: To designate lower intensity mixed use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed use centers may contain medium density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how the project serves to create or enhance the mixed use character of the designated activity center as a whole.

- Residential Gross Density: (if applicable) Minimum- 5 RAC; Maximum- 12 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 8 RAC

**Case #: P17RZ00011 TUCSON MOUNTAIN RANCH LLC -
W. VALENCIA ROAD #2 REZONING**
Tax Code(s): 210-15-194B & 210-15-199C



Comprehensive Plan Exhibit

 Subject Property



0 355 710 1,420 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

	Notes: Rezoning Time Extension		
	PIMA COUNTY COMPREHENSIVE PLAN Co7-13-10/Co7-08-10		
		Ref Case #: P23SA00003	
		Map Scale: 1:10,000	
		Map Date: 7/31/2023 - ds	

RP-121 W. Valencia Road/S. Wade Road (SW)

General location

At the northwest corner of the intersection of W. Valencia Road and S. Wade Road, in Section 9 of Township 15 South, Range 12 East (Ref. Co7-08-10).

Policies

A. Planning & Design

1. Planning and design of the subject property shall occur in such a manner so as to minimize appearance of traditional “strip” commercial development. A single, monolithic strip of buildings that is solely oriented toward Valencia Road or Wade Road is prohibited. A village design shall be promoted by non-traditional building placements, including perimeter buildings with four-sided architecture, and segmented internalized parking. However, building placements along Valencia Road and Wade Road shall comprise no more than 40 percent of each street frontage.
2. Parking lots shall be landscaped so as to reduce heat-island effect by employing groupings of shade trees that create effective shade clusters and improve the survivability and thriving of the specimens. The total number of trees placed within the parking lot shall be at least 25 percent more than that minimally required by the Zoning Code or provide an alternative site design including such things as extended creative shade structures around buildings, other pedestrian areas, and asphalt, that accomplishes a functionally equivalent reduction in heat island effect.
3. Mixed-use development is encouraged where the size of the parcel warrants it or where the property directly abuts existing residential development. Complementary lower-intensity uses such as offices, daycare centers, and the like shall be encouraged adjacent to residential areas rather than retail. Building heights shall be limited to a maximum of 20 feet within 100 feet of the boundary of existing or platted lots for single family residences, except that the height limit shall not apply within 200 feet of the edge of right-of-way for Valencia Road and Wade Road.
4. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site. All tenants shall modify and upgrade their standard prototypes so as to be consistent in character and quality with the overall architectural design concept of the project.
5. The existing CB-1 zoning at the corner of the intersection shall be included in the rezoning Preliminary Development Plan and subsequent subdivision plat or development plan.
6. The subject property shall be designed so as to employ non-traditional arrangements of the various commercial uses on the property and will ensure that same do not unilaterally

“back up” to the north or west property boundaries with minimal or no buffering, as is the case with conventional “strip commercial” developments.

7. The design of the subject property shall also provide for direct pedestrian, bicycle, and vehicular connectivity, via a landscaped linkage to the adjacent property so as to facilitate the latter’s future planning, design, and use in an integrated fashion.

B. Process Requirements

1. In addition to standard rezoning application requirements (i.e. Site Analysis, Rezoning Impact Statement, etc.), the rezoning application for the property shall also include a detailed architectural and aesthetic concept to include: a) architectural elevations for the anchor store, shop space, and free-standing pad concepts; b) character sketches and perspectives of the project; c) descriptions of proposed building materials; d) written architectural guidelines and theming requirements as appropriate; e) landscape concepts and supporting sketches for buffers, parking fields, and landscape amenity/accent elements; and f) photometric studies and a conceptual lighting design as necessary to demonstrate that the project will comply with the Outdoor Lighting Code (OLC) and will suitably recognize and respect Kitt Peak National Observatory.
2. In developing the architectural and aesthetic concept described in Item 1 above, the rezoning applicant shall meet with designated neighborhood representatives to review the project site plan, architectural design, and landscape elements so as to obtain feedback and input from the neighborhood representatives. While no formal approval rights are conferred to the neighborhood representatives in this regard, the applicant shall work in good faith to solicit and incorporate the neighborhood input and to develop a final design that balances owner/developer needs against neighborhood preferences. The rezoning applicant shall conduct and complete these required interactions with the neighborhood representatives prior to submitting the full rezoning application package. Within 30 days after a positive action on a rezoning request by the Board of Supervisors, the applicant shall memorialize and record any written agreement with the neighborhood(s) discussed or presented at the public hearing(s).
3. The applicant shall meet with staff at least once prior to submitting the full rezoning application package to ensure compliance with the rezoning policies.
4. The rezoning application will include a narrative describing the applicant’s neighborhood interactions and the neighborhood issues of particular concern. In addition to architectural design, landscaping, lighting, etc., the narrative shall also address the following project particulars and operational matters: 1) project maximum building square footage; 2) maximum single-tenant size; 3) maximum building height; 4) hours of operation; 5) trash pick-up limitations; and 6) service-delivery limitations.

5. The final architectural and aesthetic concept and neighborhood documentation shall be considered a material part of the rezoning application and shall be binding upon the owner/developer as a condition of rezoning approval. The project's subsequent formal Development Plan and Building Permit submittals to Pima County shall be reviewed by Development Services Department staff to ensure compliance and consistency with the architectural and aesthetic concepts as included in the rezoning application.
6. Prior to submitting the full rezoning application to Pima County, the applicant shall also:
 - 1) meet with the Pima County Chief Building Official to discuss the project's proposed concept lighting design and photometric analysis and to demonstrate conceptual compliance with the Outdoor Lighting Code (OLC); and 2) meet with representatives of Kitt Peak National Observatory to discuss the same proposed lighting design and to describe the activities which have occurred with the Chief Building Official and the manner in which compliance with the OLC will occur. The applicant's rezoning application package will include a narrative describing the meetings, issues, findings, and results from these interactions with Kitt Peak and the Chief Building Official.
7. Board of Supervisors approval of each plan amendment does not preclude the Board from reviewing the land use for each site in the next update of the Comprehensive Plan due to be completed in 2015. Further, if the uses as proposed have not fully developed by the kick-off of the following Comprehensive Plan update due to be completed in 2025, the planned land use for the undeveloped or partially developed site shall be reconsidered by the Board for re-planning.

C. Flood Control, Wastewater, and Water Service

1. A Master Drainage Report shall be submitted during the rezoning process for Flood Control District to identify local floodplains, 100-year water surface elevations, erosion hazard setbacks and to analyze detention/retention requirements, as well as the need for, phasing and financing of on and off-site improvements, and the maintenance and restoration of components of the wash system including riparian mitigation. The Master Drainage Report shall address the need for both FEMA and Army Corps approvals.
2. No building permits shall be issued until flood control improvements are constructed to remove proposed development from the FEMA 100-year floodplain.
3. The preservation of existing vegetation areas along the Valencia Road and Wade Road frontages shall be a priority goal. Naturalistic designs along these road frontages shall be employed, to the greatest extent possible, for any required engineered drainage facilities, subject to approval by the Pima County Regional Flood Control District, so as to appropriately enhance the aesthetic appearance of the project perimeter.
4. A letter of intent to serve from a water service provider shall be submitted as part of any subsequent rezoning application. If the letter of intent to serve is from a water service

provider that does not have access to a renewable and potable water supply, the applicant will provide documentation as to why a water service provider with access to a renewable and potable water source is not able to provide service.

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

General location

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

Policies

A. Comprehensive Planning:

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

B. Environmental Planning:

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

C. Regional Flood Control District:

1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.

2. Development shall not occur within the Black Wash Administrative Floodway.

D. Wastewater Management:

No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.

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



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: June 30, 2023

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: Donna Spicola, Senior Planner

SUBJECT: Rezoning Time Extension for P17RZ0011 Tucson Mountain Ranch LLC – W Valencia Road #2 Rezoning;
Parcel Code 210-15-199C & 210-15-194B; Accela Case #P23SA00003

USFWS

Reviewer: Brittany Garza

Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745

Phone: (469) 267 4576

E-mail: brittany_garza@fws.gov

☐ No Concerns relating to the subject property

☒ Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

Your request (P17RZ0011) for a rezoning time extension on the undeveloped 15.3-acre project site has the following concerns regarding possible impacts to endangered species:

The proposed site for rezoning falls within the range of the endangered Pima pineapple cactus (*Coryphantha sheeri* var. *robustispina*). The cumulative effects to this species as a result of ongoing urban development are substantial, and biological impact report surveys conducted in 2006 recorded the presence of Pima pineapple cactus in this location. Therefore, we strongly recommend that Pima County adds a rezoning condition which requires a survey of this site to determine the presence or absence of Pima pineapple cactus.

If Pima pineapple cactus are found during the survey, the locations should be documented and photographed, and we further recommend that Pima County enter into discussion to consider involvement in the Multi-Species Conservation Plan (MSCP), under which applicable mitigation measures under the MSCP would be applied to this site. Otherwise, we recommend Pima County coordinate further with the U.S. Fish & Wildlife Service to discuss and identify any potential conflicts related to this project and the protection and conservation of this endangered species.

Board approved minutes 7/3/18

15. Hearing - Bingo License

18-01-8034, Joel C. Keyte, Green Valley La Cañona Lions Club, 7 S. Abrego Drive, Green Valley, Class B - Medium Game.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Revenue.

16. Hearing - Permanent Extension of Premises/Patio Permit

06100068, Amy S. Nations, Fox and Hound, No. 65057, 7625 N. La Cholla Boulevard, Tucson.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

17. Hearing – Rezoning

P17RZ00011, TUCSON MOUNTAIN RANCH, L.L.C. - W. VALENCIA ROAD NO. 2 REZONING

Request of the Tucson Mountain Ranch, L.L.C., represented by The WLB Group, to rezone an approximately 15.3-acre portion of Parcel 210-15-1990 from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone, located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Neighborhood Activity Center designation. On motion, the Planning and Zoning Commission voted 6-0 (Commissioner Membrilla abstained, Commissioners Bain, Becker, Gungl and Matter were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Standard and Special 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. The property owner/developer shall construct Wade Road north of Valencia Road as indicated on the preliminary development plan.

- B. Vehicular and pedestrian cross access shall be provided between the rezoning site and the adjacent cluster subdivision to the north in a location internal to the development.
 - C. The property shall be limited to three access points on Valencia Road and three access points on Wade Road as shown on the preliminary development plan.
- 3. Regional Flood Control District conditions:
 - A. A CLOMR shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of the Site Construction Permit.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
- 4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner 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 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 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 shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
- 6. Cultural Resources conditions:
 - A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the

repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

- B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
- 7. Adherence to the preliminary development plan as approved at public hearing.
- 8. The parking areas shall be landscaped to reduce the heat island effect by employing groupings of shade trees that create effective shade clusters. The minimum tree counts, per the Zoning Code, will be exceeded by 25% or shade structures will be constructed along pedestrian walkways and seating areas to reduce the heat island effect.
- 9. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site as presented in the Site Analysis-Appendix F, Commercial Design Manual.
- ~~10. Retail stores in excess of 40,000 square feet shall be subject to the Retail Enhancement Contribution special area policy S-35.~~
- ~~11.10.~~ In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- ~~12.11.~~ The property owner shall execute 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)."

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-1 vote, Chairman Elías voted "Nay," to close the public hearing and approve P17RZ00011, subject to standard and special conditions.

18. Hearing - Lot Split

P1298-096, MOUNTAIN VIEW RANCH (LOTS 87-89)

~~Request of Four R Property, L.L.C., represented by Dynamic Civil Designs, L.L.C., for a split of Lots 87-89 of Mountain View Ranch (Bk. 54, Pg. 5) into five parcels of approximately 1.00 acre, 1.00 acre, 1.00 acre, 1.28 acres and 1.06 acres. Plat note No. 1 states that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The subject lots total approximately 5.34 acres zoned GR-1 (Rural Residential) and are located on the east side and at the terminus of E. Costello Ranch Place between N. Davidson Road and State Route 83 (S. Sonoita Highway). Staff recommends APPROVAL SUBJECT TO A SPECIAL CONDITION. (District 4)~~

Special Condition

~~All proposed lots shall maintain frontage access to the subdivision street.~~

ORDINANCE 2018- 32

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY A 15.3-ACRE PORTION OF PARCEL CODE 210-15-1990 FROM THE CMH-1 (COUNTY MANUFACTURED AND MOBILE HOME-1) TO THE CB-1 (LOCAL BUSINESS) ZONE, IN CASE P17RZ00011 TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2 REZONING, LOCATED ON THE NORTH SIDE OF W. VALENCIA ROAD APPROXIMATELY 260 FEET WEST OF THE T-INTERSECTION OF W. VALENCIA ROAD AND S. WADE ROAD, AND AMENDING PIMA COUNTY ZONING MAP NOS. 37 AND 64.

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

Section 1. The 15.3 acres located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 37 and 64, is rezoned from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner/developer shall construct Wade Road north of Valencia Road as indicated on the preliminary development plan (Exhibit B).
 - B. Vehicular and pedestrian cross access shall be provided between the rezoning site and the adjacent cluster subdivision to the north in a location internal to the development.
 - C. The property shall be limited to three access points on Valencia Road and three access points on Wade Road as shown on the preliminary development plan.
3. Regional Flood Control District conditions:
 - A. A CLOMR shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of the Site Construction Permit.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance

- capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner 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 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 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 shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
 6. Cultural Resources conditions:
 - A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
 7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
 8. The parking areas shall be landscaped to reduce the heat island effect by employing groupings of shade trees that create effective shade clusters. The minimum tree counts, per the Zoning Code, will be exceeded by 25% or shade structures will be constructed along pedestrian walkways and seating areas to reduce the heat island effect.


9. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site as presented in the Site Analysis-Appendix F, Commercial Design Manual.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
11. The property owner shall execute 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)."

Section 3. Time limits of conditions. Conditions 1 through 11 of Section 2 shall be completed no later than July 3, 2023.

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

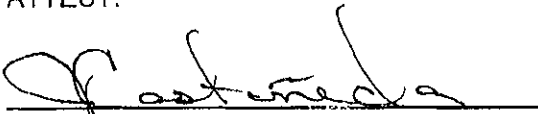
Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 6th day of November, 2018.



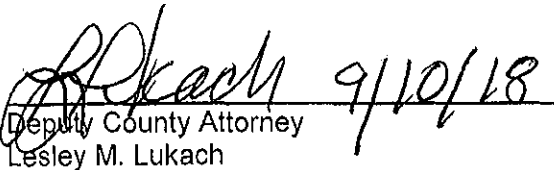
Chairman, Pima County Board of Supervisors
NOV 06 2018

ATTEST:




Clerk, Board of Supervisors

Approved As To Form:



Deputy County Attorney
Lesley M. Lukach

Approved:

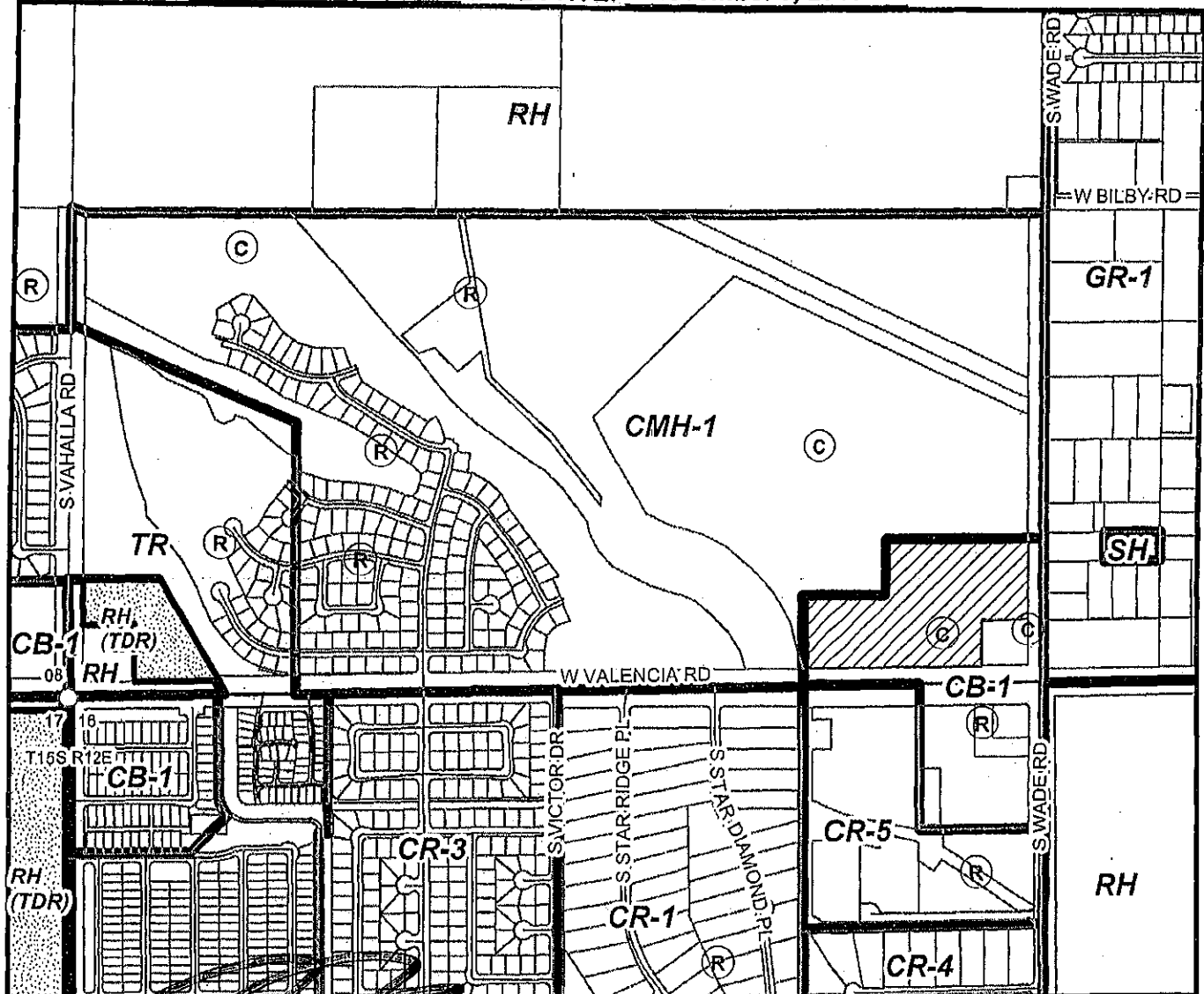


Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 58 and 10 BY ORDINANCE NO. 2018-032
 TO PIMA COUNTY ZONING MAP NO's. 37 and 64 TUCSON AZ.
 PORTION OF PARCEL 99 BEING A PART OF TUCSON MOUNTAIN RANCH BLOCK 3
 (BK 56 PG 6) LOCATED IN SEC 9 T15S R12E.

ADOPTED: November 6, 2018 EFFECTIVE: November 6, 2018



Tom Drazgowski
 EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM CMH-1 15.3 ac
 ds-August 31, 2018

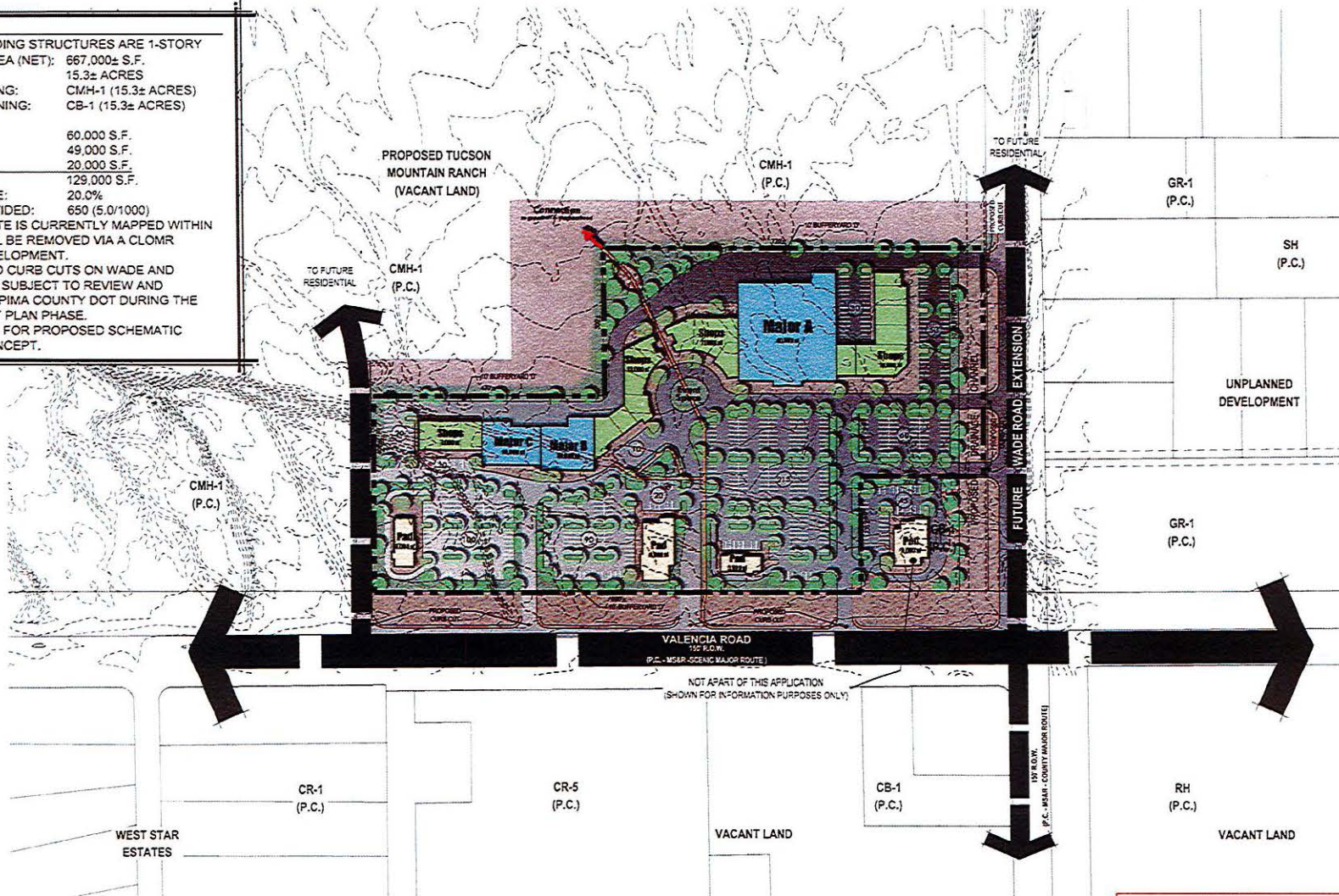


P17RZ00011
 Co7-13-10
 Ptn 210-15-1990

SITE NOTES:

- ALL SURROUNDING STRUCTURES ARE 1-STORY
- TOTAL SITE AREA (NET): 667,000± S.F.
15.3± ACRES
- EXISTING ZONING: CMH-1 (15.3± ACRES)
- PROPOSED ZONING: CB-1 (15.3± ACRES)
- RETAIL AREA:

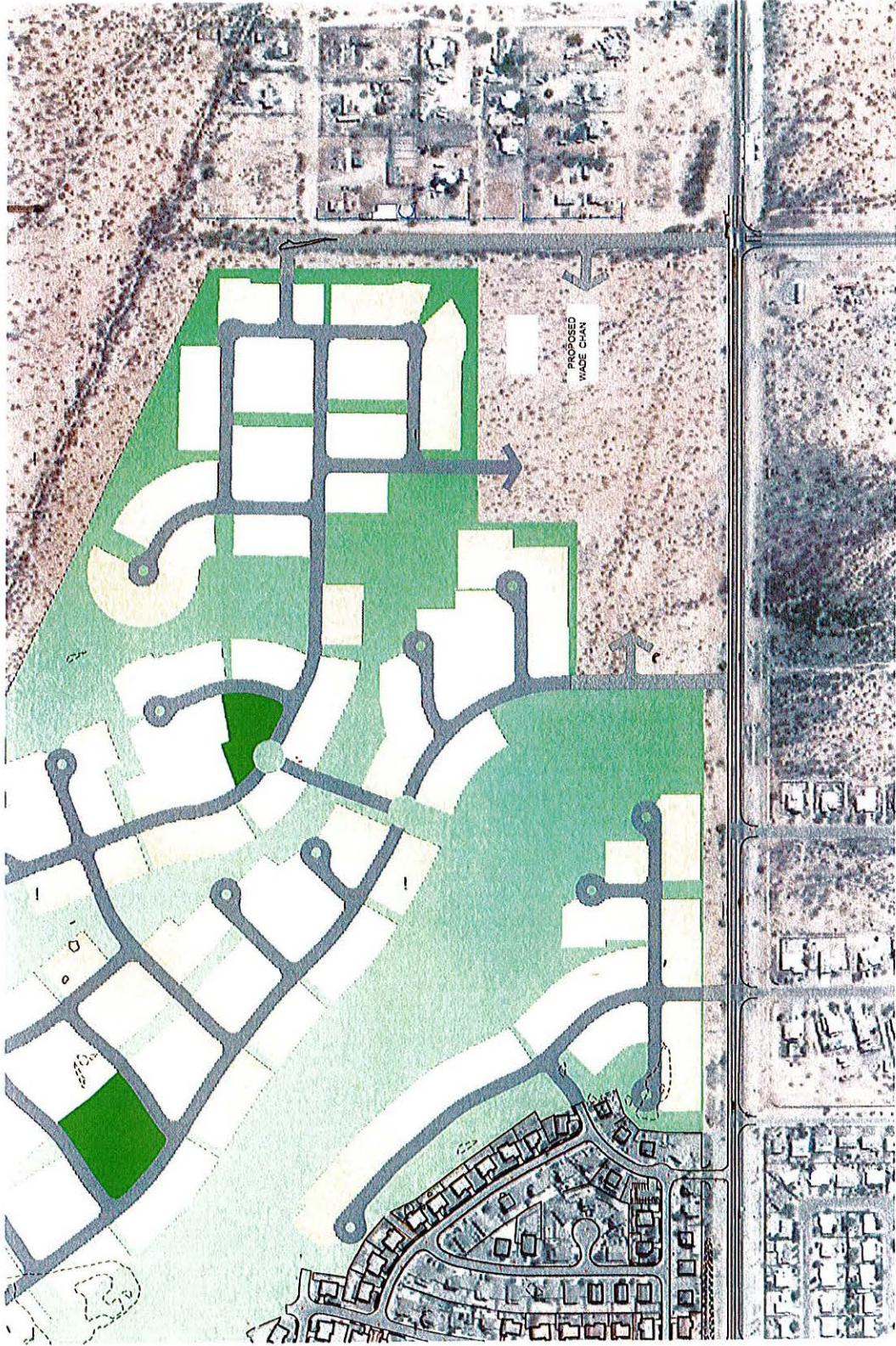
MAJORS	60,000 S.F.
SHOPS	49,000 S.F.
PADS	20,000 S.F.
TOTAL GLA	129,000 S.F.
- LOT COVERAGE: 20.0%
- PARKING PROVIDED: 650 (5.0/1000)
- THE ENTIRE SITE IS CURRENTLY MAPPED WITHIN SFHA AND WILL BE REMOVED VIA A CLOMR PRIOR TO DEVELOPMENT.
- ALL PROPOSED CURB CUTS ON WADE AND VALENCIA ARE SUBJECT TO REVIEW AND APPROVAL BY PIMA COUNTY DOT DURING THE DEVELOPMENT PLAN PHASE.
- SEE EXH. II-D-1 FOR PROPOSED SCHEMATIC DRAINAGE CONCEPT.



CONTOUR INTERVAL = 1'

EXHIBIT II-B-1 - PRELIMINARY DEVELOPMENT PLAN

Exhibit B
Page 5 of 6





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*):

Ord. 2018-32

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) **NA**
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: No
 - 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	Yes	2006	No
Needle-spined pineapple cactus	No		No

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



TO: Pima County Development Services Dept.
Via: DSDPlanning@Pima.Gov
201 North Stone Avenue
Tucson, AZ 85701

FROM: Paul Oland

DATE: 6/26/2023

PROJECT: Tucson Mtn. Ranch Commercial Rezoning (P17RZ00011 / Ord. 2018-32)
15.3 Acres / APNs 210-15-199C & 210-15-194B
Rezoning Time Extension Request

PROJECT #: 20ava01

Dear DSD Planning,

The subject property, which is owned by Tucson Mountain Ranch LLC, was rezoned nearly five years ago. Over the last several years we, along with other property owners in the vicinity, have made significant progress working with Metro Water to bolster their ability to provide potable water to the area so that developments in this important growth corridor can proceed. This property is planned to be a neighborhood-scale commercial center, which is greatly needed within the Southwest Focused Development Investment Area. Not surprisingly, as more and more homes are being built in this southwest quadrant of the Tucson metro area this property has been the subject of increasing interest from such users as a grocer, a fueling station, and a discount retailer, among others. The property owner is a multigenerational Tucson family that is particularly focused on bringing a grocer to this property to help eliminate the local food desert that exists in the area (the closest grocer is currently four miles away). We are convinced that the number of nearby residents will soon reach a point where a strong retail developer will be able to commit to developing the land as envisioned.

We respectfully request a time extension of this rezoning so that the property can continue to be ready for development as soon as the market demands. No changes are proposed to the approved Preliminary Development Plan or rezoning conditions of approval.

Thank you for your time. Please let me know if you need any additional information.

Sincerely,



Paul Oland



Building & Site Development
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701-1207

LETTER OF AUTHORIZATION

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

APNs 210-15-199C & 210-15-194B (No ADDRESS ASSIGNED)
Property Address

PERMITS EXTENSION (ORD. 2018-32 / P17RZ00011)
Type of Permit Applied for: (SFR/MF/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Secondary Dwelling/Assisted Living Home/Group Home)


Signature of Applicant

6-26-2023
Date

AUTHORIZED BY:


Signature of Property Owner

06/26/2023
Date

Per Board of Technical Registration and Registrar of Contractors regulation, Registrants and Licensed Contractors may apply for building permits without use of this form.

Tucson Mountain Ranch LLC
Members List

Fotinos Properties LLC

Fotinos Properties LLC
Members List

Ted Michael Fotinos Exempt Trust
Ivanna Marie Fotinos Exempt Trust

Ted Michael Fotinos Exempt Trust
Beneficiaries List

Ted Michael Fotinos

Ivanna Marie Fotinos Exempt Trust
Beneficiaries List

Ivanna Marie Fotinos