ANZONA

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 16, 2021

Title: P20RZ00008 SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING

Introduction/Background:

The applicants request to rezone approximately 8.13 acres from CB-2 (General Business) and TR (Transitional) to the TH (Trailer Homesite) zone, located 200 feet west of the intersection of E. Benson Highway and S. Columbus Boulevard.

Discussion:

The applicants propose the rezoning to develop an RV park on vacant land (former recreation area for the adjacent townhouse complex) on Benson Highway.

Conclusion:

Benson Highway has been identified as an area needing infill and redevelopment, is designated a Comprehensive Plan Revitalization Opportunity Corridor, has been identified as a Community Development Target Area, and the rezoning conforms to the Comprehensive Plan Multi-Functional Corridor (MFC) land use designation.

Recommendation:

Staff and the Planing and Zoning Commission recommend APPROVAL subject to standard and special conditions.

Fiscal Impact:

N/A

Board of S	upervisor Distric	t:			
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Departmen	t: Development Se	ervices, Planning	Division Te	elephone: <u>724-</u> 880	00
Contact:	Mark Holden, Al	CP, Principal Pla	nner Te	elephone; <u>724-66</u>	19
Departmen	t Director Signatui	re/Date:	00	7/16/21	
Deputy Cou	unty Administrator	Signature/Date			7/19/2021
County Adr	ministrator Signatu	ıre/Date: (Cilalu	Hours 7	419/21



TO:

Honorable Dr. Matt Heinz, Supervisor, District 27

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning Division

DATE:

July 26, 2021

SUBJECT:

P20RZ00008 SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' MONDAY, AUGUST 16, 2021 hearing.

REQUEST:

For a **rezoning** of approximately 8.13 acres from the CB-2 (General Business) and

TR (Transitional) to the TH (Trailer Homesite) zone, located 200 feet west of the intersection of E. Benson Highway and S. Columbus Boulevard, addressed as

4180, 4200, and 4240 E. Benson Highway.

OWNER/

SB Ventures I, LLC

AGENT:

Attn: Steven Blair

10533 Beech Avenue, Suite B Fontana, CA 92337-1304

DISTRICT:

2

STAFF CONTACT: Mark Holden, AICP, Principal Planner

<u>PUBLIC COMMENT TO DATE</u>: As of August 2, 2021, staff has received one comment from legal counsel for the Ray Water Company (August, 2020) in opposition to the rezoning.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS (8-0, Commissioners Maese and Membrila were absent)

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS

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

TD/MH/ds Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P20RZ00008

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RAZGOUSKI

FOR AUGUST 16, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning Division

DATE:

July 26, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P20RZ00008 SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING

SB Ventures I, LLC, requests a **rezoning** of approximately 8.13 acres from the CB-2 (General Business) and TR (Transitional) zones to the TH (Trailer Homesite) zone, located 200 feet west of the intersection of E. Benson Highway and S. Columbus Boulevard, on parcel codes 140-35-2030, 140-35-206B and a portion of 140-35-407A, addressed as **4180**, **4200**, and **4240** E. Benson Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor and Medium Intensity Urban. On motion, the Planning and Zoning Commission voted to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS (8-0, Commissioners Maese and Membrila were absent). Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS.

(District 2)

Planning and Zoning Commission Public Hearing Summary (May 26, 2021)

Due to the ongoing COVID-17 pandemic, the public hearing was held entirely remotely via Microsoft Teams; the applicants participated by phone.

The case was continued from its original August 26, 2020 Planning and Zoning Commission hearing date upon request of the applicants. Staff presented information on the rezoning case. Of note, staff changed the recommendation from denial to approval, as the applicants have stated their intention to establish a public water system for their proposed RV park, rather than be supplied by the established water provider for that area, Ray Water Company.

A commissioner asked for clarification about the location of the rezoning and the change in recommendation to approval regarding provision of water. Staff responded that the RV park will be in the former 8-acre recreation area for the townhouse development to the west, and that approval subject to provision of an approved water system has been added as a rezoning condition.

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The applicants addressed the commission. They explained that they had discussed provision of water with the Ray Water Company, but the Arizona Corporation Commission informed them that they could establish their own public water system, which they have begun.

A commissioner asked if the applicant wanted to provide additional information about the proposed rezoning. The applicant responded that they had provided plans to staff, which are currently about 90 percent complete.

A commissioner asked about the proposed central water feature cited in the site analysis. The applicant responded that there was a pond in the former recreation area, but that it will be moved.

A commissioner provided an explanation of the role of the commission and requested the applicant provide more detail about the requested rezoning, the proposed project, and benefit to the community. The applicant stated that they had considered adding additional townhouses on the former recreation site but it did not seem economically feasible, so they are instead proposing a 142-unit RV park that uses much of the existing facilities on-site.

The commission opened the public hearing. No one requested to speak and the commission closed the public hearing.

A commissioner asked staff for a clarification about the applicant's statement about 90 percent completion, and the public water system. Staff stated they were unsure about the 90 percent complete statement, but that the recommendation for the rezoning was changed to approval, conditioned on the approval of the proposed public water system using their wells on-site.

Commissioner Hook made a motion to recommend **APPROVAL SUBJECT STANDARD AND SPECIAL REZONING CONDITIONS** provided in the May 11, 2021 memo to the commission; Commissioner Matter gave second.

The commissioners discussed the completion of the proposed public water system, working with the existing water provider, and the ability of the applicant to request further continuances, and the need for redevelopment on Benson Highway. The applicants provided additional information about the provision of water from on-site wells for the RV park, and that the plans for the water system are 90 percent complete. Staff provided additional information that the applicants would have 5 years to meet all rezoning conditions, including approval of the public water system.

Upon a roll call vote, the motion to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL REZONING CONDITIONS passed (8-0, Commissioners Maese and Membrila were absent).

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

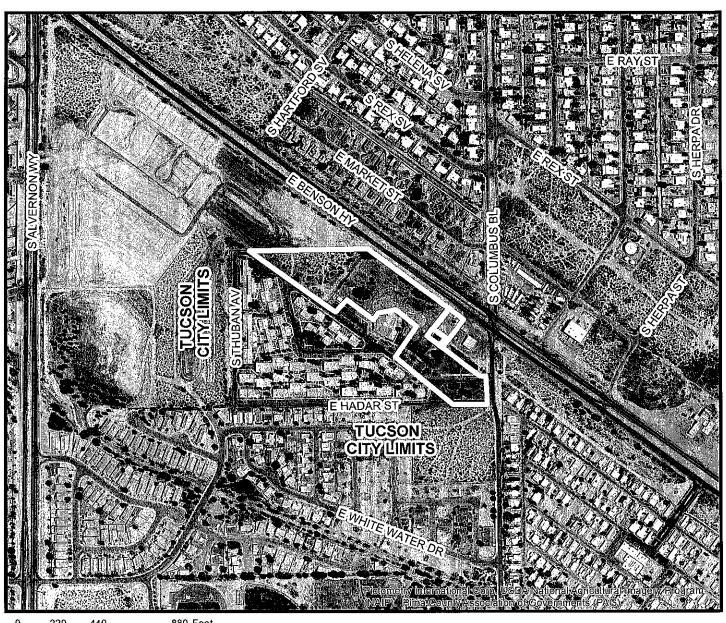
Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

- 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 Development Plan approval, written proof of coordination with the City of Tucson is required.
 - B. A Traffic Memorandum shall be provided with the Development Plan submittal. The

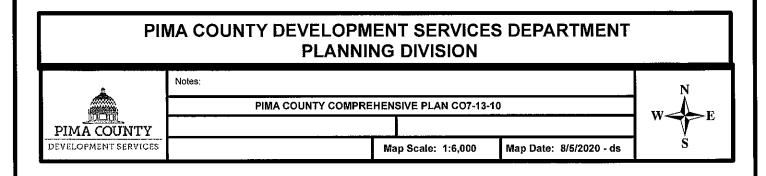
Case #: P20RZ00008

Case Name: SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING

Tax Code(s): 140-35-2030, 140-35-206B & a portion of 140-35-407A



0 220 440 880 Feet



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Traffic Memorandum should include the turn lane warrant analysis for the site subject to this rezoning and the adjacent site to the south. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.

- Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- 4. Wastewater Reclamation 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) 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.
- 5. Upon the effective date of the Ordinance, the owner(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. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the

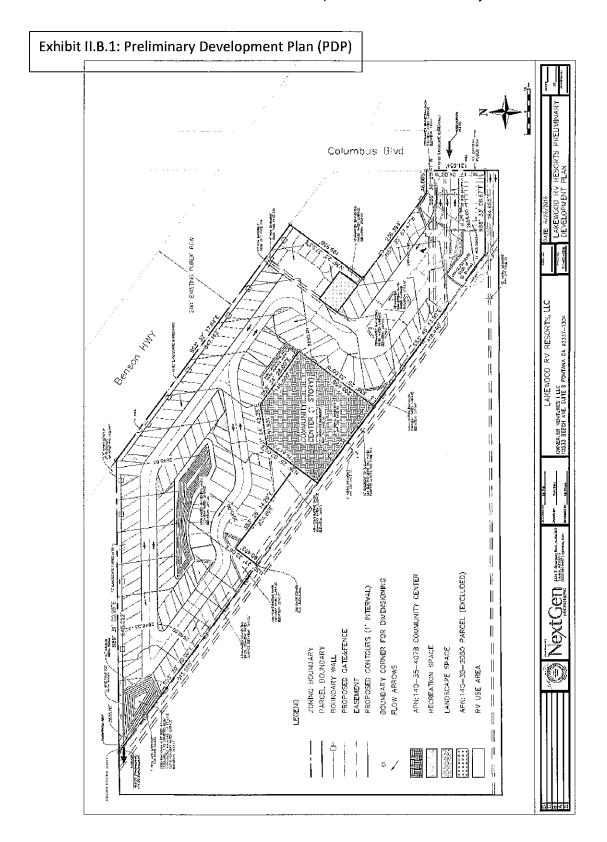
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repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

- 7. Adherence to the preliminary development plan as approved at public hearing.
- 8. All RV lots shall provide full connections for water, power and wastewater; no 'dry' parking of RVs shall be permitted.
- 9. To reduce impacts on surrounding residential neighborhoods, park activities and noise (e.g. running RV generators, outdoor social activities) shall be prohibited between the hours of 9:00 PM and 7:00 AM. All lighting in the vicinity of adjacent residential development shall be shielded and angled away from residences.
- 10. The owner/applicant shall provide documentation of connection to a water system approved by the Arizona Department of Water Resources and Rural Metro Fire at the time of development.
- 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)."
- 12. 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.

TD/MH/ds Attachments

c: SB Ventures I, LLC, Steven Blair & Jorge Contreras, 10533 Beech Avenue, Suite B, Fontana, CA 92337-1304



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

HEARING August 26, 2020

DISTRICT 2

CASE P20RZ00008 SB Ventures I, LLC -

E. Benson Highway Rezoning

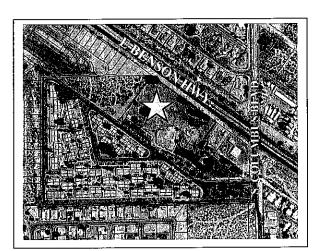
REQUEST Rezone from CB-2 (General

Business) and TR (Transitional) zones to TH (Trailer Homesite) zone

(8.13 acres)

OWNER / SB Ventures I, LLC
APPLICANT Attn: Steven Blair

10533 Beech Avenue, Suite B Fontana, CA 92337-1304



APPLICANT'S PROPOSED USE

"This report has been prepared per Pima County's Site Analysis requirements for the proposal of a Recreational Vehicle (RV) Resort located along Benson Highway, approximately 1.25 miles from the Alvernon Way entrance/exit of Interstate 10 (I-10) and 1.25 mile from the Valencia entrance/exit of [I-10] in Township 15 South, Range 14 East, Section 10 in Pima County, Arizona."

APPLICANT'S STATED REASON

"The proposed land use is ideally located along Benson Highway near supporting or similar land uses; consisting of other RV Parks and RV service centers. Additionally, the new Kino Sports Complex South (within 3 miles), Kino Sports Complex (within 4 miles), Davis Monthan Air Force Base (within 9 miles), and the Air and Space Museum (within 3 miles) serve as major attractions for the intended transient, short-term tourist."

STAFF REPORT SUMMARY

The Development Services Department recommends **DENIAL** of the proposed rezoning. As of the submittal of this staff report, the applicant has not adequately addressed the issue of concurrency for supplying potable water to the site. However, should the Planning and Zoning Commission choose to recommend approval of the rezoning request, staff requests inclusion of the standard and special rezoning conditions listed below.

PUBLIC COMMENT

As of the writing of this report, staff has received phone calls of inquiry but no written public comments.

COMPREHENSIVE PLAN

The Pima County Comprehensive Plan land use designations on the rezoning site are Multifunctional Corridor (MFC) and Medium Intensity Urban (MIU). MFC designates areas for integrated development of complementary uses along major transportation corridors, such as commercial and non-residential uses, research and development, and medium to high density residential clusters in linear configuration.

MIU designates areas for a mix of medium density housing types (attached dwellings, garden apartments, single family) as well as non-residential uses such as office, medical office and hotel – this designation covers the southeast corner of the rezoning site and is only proposed for access to the proposed RV resort and the existing townhome development.

The site is located along Benson Highway, which is covered under Special Area Policy S-34 Revitalization Opportunity Development Corridors, to promote investment along older, more visibly distressed, urban commercial corridors and rural main streets. Areas along these corridors should promote public-private collaboration to attract private-sector investment to grow jobs and commerce; expand the tax base; and, support the mixed-use revitalization of corridors and stabilization of adjacent neighborhoods as safe, vibrant and sustainable.

The site is also associated with the larger Tucson International Airport / Interstate 10 (I-10) Focused Development Investment Area, state-mandated growth areas in county comprehensive plans to make circulation, infrastructure expansion and land development patterns more rational and efficient; conserve natural areas and open space outside of urban cores; and, promote public-private construction of sound infrastructure expansion.

The Benson Highway area is also designated as a Community Development Target Area (CDTA) by the county's Community Development and Neighborhood Conservation Department. CDTAs are eligible to receive HUD Community Development Block Grant funding for community revitalization and economic development activities, and are designated as Focused Development Investment (growth) Areas under the comprehensive plan. Comprehensive plan policies that support the rezoning include focusing redevelopment and revitalization on commercial corridors in CDTAs and encouraging reuse of historic or otherwise unique or significant buildings.

SURROUNDING LAND USES/GENERAL CHARACTER

North: CB-2 / R-2 County / city single family residential

South/West: TR Townhome community

East: CB-2 Manufactured home parks, undeveloped land

The rezoning site is located south of Tucson on Benson Highway between S. Alvernon Way and S. Swan Road, south and west of I-10. The region is located southeast of downtown Tucson, with a mix of high-density single-family residential subdivisions, mobile home parks, RV resorts, basic retail services, and mixed industrial uses. Benson Highway is also lined with old motor courts and remnants of other businesses from when it was once part of US Route 80, one of the nation's early major transcontinental highways (the Ocean-to-Ocean Highway) – this section of the highway fell into disuse when I-10 was routed just to the north.

There have been some recent improvements in the Benson Highway region. The Bridges, University of Arizona's mixed-use development (tech park, commercial, entertainment, and hospitality), is developing northwest of I-10 and Kino Parkway, and Pima County has recently completed the first phase of the 150-acre Kino South Sports Complex located southeast of I-10 and Kino Parkway along Benson Highway. The City of Tucson is also considering a number of rezonings for commercial and mixed-use developments in the vicinity of the sports complex. The Julian Wash Greenway section of the Chuck Huckelberry Loop also passes just north of Benson Highway.

PREVIOUS REZONING CASES ON PROPERTY

The rear 90 feet of the site was rezoned from CR-3 to CB-2 under rezoning Co9-60-096. No rezoning conditions apply to this portion of the site.

PREVIOUS REZONING CASES IN GENERAL AREA

The townhome property to the south and west (Lakewood Townhomes) was rezoned from CR-3 to TR under the same 1960 rezoning as above. The property to the southeast on Benson Highway (Town and Country Manufactured Home Community) was rezoned from CR-3 to TH under case Co9-70-046. Other requested rezonings in the region were closed or annexed into the City of Tucson, and property along Benson Highway in the county retains its original CB-2 and CR-3 zoning.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM

The rezoning site is outside the Maeveen Marie Behan Conservation Lands System (MMBCLS).

PLANNING REPORT

The rezoning request proposes an RV resort between the Lakewood Townhome community and Benson Highway. The park would include 142 commercial spaces, and two-story office and storage building, with ingress and egress to the park from S. Columbus Boulevard to the east. The application states that the park would provide short-term acommodations for various tourist attractions in the region.

The site appears to have once been part of a larger recreation area for the townhome community. The RV resort will be constructed around the existing 1-acre community center. About 1½ acres of the remaining viable recreation area to the southeast of the community center will be developed for the RV resort; the remainder of the recreation area appears to be no longer maintained and is otherwise undeveloped. There are remnant mature trees on the site (palms and pines) but little other exant vegetation.

A number of comprehensive plan policies support revitalization and redevelopment to help improve distressed corridors and stabilize adjacent neighborhoods, and Benson Highway is specifically identified for redevelopment. The RV resort would provide new commercial infill development along a distressed corridor, have access to a number of attractions in the region, and would be served by a SunTran bus route on Benson Highway and the Huckelberry Loop Trail about a half-mile to the north.

The preliminary development plan shows RV spaces within twenty feet of single family residences in the Cantera subdivision to the north, and forty to fifty feet from the Lakewood Townhomes to the southwest. A fifteen-foot-high masonry wall is proposed along the northern and Benson Highway boundaries of the site, to be reduced to five feet on the southwestern boundary abutting the townhomes. Rezoning conditions #8 and #9 below are to reduce potential impacts to surrounding neighborhoods: full connections will ensure all RV spaces provide all needed services, especially electricity (negating the need for RVs to run generators); restrictions on light and noise will also help to reduce other potential nuisances to neighbors.

The site analysis states that there is no existing potable water on the rezoning site, but there are two wells on the property – one will be the primary well, once it it brought up to potable standards, and the second will be a backup. The site analysis further states that fire flow has not been calculated as part of demand, because it is being engineered to meet current standards. However, the Arizona Community Water System map shows the rezoning site within the Ray Water Co. service provider area. Unless approved to use on-site wells by the Arizona Department of Water Resources (ADWR), the proposed development will be required to connect to their designated water provider. Legal counsel for Ray Water Co. submitted a letter on opposition to the proposed rezoning, or to postpone until the applicant and company can reach an agreement to ensure water adequacy issues are met (water provider report and letter are provided below).

STAFF REPORT Page 3 Because the applicant has not demonstrated concurrency to provide an ADWR-certified water supply to the site, staff is recommending **DENIAL** of the proposed rezoning. Should the Commission choose to recommend APPROVAL to the Board, rezoning condition #10 requires the owner/applicant to provide documentation of connection to an ADWR-certified water supply.

Concurrency of Infrastructure

There are outstanding issues regarding concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS					
Department/Agency	Concurrency Considerations Met: Yes / No / N/A	Other Comments			
TRANSPORTATION	Yes	No objection subject to conditions			
FLOOD CONTROL	Yes	No objection subject to condition			
WASTEWATER	Yes	No objection subject to conditions			
ENVIRONMENTAL QUALITY	N/A	No comment			
PARKS AND RECREATION	N/A	No objection			
RAY WATER COMPANY	No	Concerns regarding required connection, drinking water quality and adequate fire flow			

TRANSPORTATION REPORT

The proposed rezoning site is directly adjacent to Benson Highway to the north and Columbus Boulevard to the east. There is no proposed access along Benson Highway. Valencia Road is approximately 2,200 feet to the south and Alvernon Way is approximately 1,000 feet to the west. Roadways in the vicinity of the site are within Pima County and City of Tucson jurisdiction.

Benson Highway is a paved four-lane roadway maintained by the County with medians, dedicated left-turn lanes and multiuse paths. Benson Highway is a 45-MPH posted speed limit roadway with 200 feet of existing right-of-way. Benson Highway is a Medium Volume Arterial with a planned 150 feet right-of-way per the Pima County Major Streets Plan. The most recent traffic counts for Benson Highway in the site vicinity is 7,217 ADT with an approximate capacity of 35,820 ADT.

Columbus Boulevard between Benson Highway and Valencia Road is a paved two-lane roadway not maintained by the County and it is within Pima County and City of Tucson jurisdiction. Columbus Boulevard is a 25-MPH posted speed limit roadway with a right-of-way that varies between 50 feet to 90 feet. There are no available traffic counts for Columbus Boulevard but the approximate capacity is 10,360 ADT. Development density along Columbus Boulevard indicates that this roadway should be functioning below capacity.

Based on available traffic counts and level of service, the adjacent roadways are functioning below capacity but due to roadway shared jurisdiction, coordination with the City of Tucson regarding the traffic impact to their roadway system is required.

The proposed preliminary development plan is for 142 RV spaces with a 5,500-sq.-ft. office building and is adjacent to a 201-lot townhome development that is currently functioning with two 24-foot-wide driveways. The proposed rezoning site will convert one of the two existing driveways as its own exclusive access point, thus leaving the existing development with one 24-foot-wide driveway. Therefore, a Traffic Memorandum shall be done to analyze the turn lane warrants as well as driveway separation requirements found in the 2016 Pima County Subdivision and Development Street Standards.

Considering that the roadways are under capacity, the proposed site will not significantly impact the surrounding roadways. There are no transportation concurrency concerns with this request. The Department of Transportation recommends approval subject to conditions #2A-B.

FLOOD CONTROL REPORT

District staff have reviewed the Site Analysis, conducted the water resources analysis and offers the following comments:

- 1. Nether regulatory floodplains or habitat impact the site.
- 2. The site is served by a private well.
- 3. There are no shallow groundwater areas within a mile of this well and the depth to bedrock is over 4800 feet. A condition is recommended below to ensure compliance with the Water Policy of the Comprehensive Plan.

In conclusion, the District has no objection subject to condition #3.

WASTEWATER RECLAMATION REPORT

The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. Capacity for the proposed development is currently available within the 8" public sewer M-476, downstream from manhole 5520-09 (Type I 2019-141, dated June 28, 2019). The Type I letter is not an approval of point and method of connection. Allocation of capacity is made by the Type III Capacity Response.

The PCRWRD has no objection to the proposed rezoning, but offers conditions #4 A-F.

ENVIRONMENTAL PLANNING REPORT

The site is located outside of the MMBCLS and is not within a Critical Landscape Linkage. Rezoning condition #5 addresses long-term removal of buffelgrass on the site.

CULTURAL RESOURCES REPORT

The Cultural Resources Division has no objection, subject to rezoning condition #6.

ENVIRONMENTAL QUALITY REPORT

Environmental Quality had no comments.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

There are no trails, trailheads or access points identified on the rezoning site in the *Pima Regional Trail System Master Plan* (May 2012).

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service have no comment

RURAL METRO FIRE DEPARTMENT

The Rural Metro Fire Department Fire Chief has reviewed the above-mentioned rezoning request and offers the following comments:

- 1. Civil plans shall be submitted for review and permit for Fire Department access, fire flow, fire lanes and fire hydrant locations.
- 2. Architectural plans shall be submitted for review and permit for the new office/storage building to determine Fire Code compliance.
- 3. All new gated entries shall be submitted for review and permit to determine Fire Code compliance.
- 4. Any changes to the existing community center shall require plans to be submitted for review and permit to determine Fire Code compliance.

The submitted plan is too small in print size and is very difficult to read. Some details cannot be made out at this time.

RAY WATER COMPANY

Moyes Sellers & Hendricks, legal representation for Ray Water Company, the designated water provider for the rezoning site, expressed concerns about the on-site wells proposed for use. They cite Arizona Corporation Commission requirements to connect to the water provider's system within the service area; ADWR groundwater pumping regulations; and, provision of safe drinking water and adequate fire flow. The company is in opposition to the rezoning request, and asks the case be postponed until the applicant comes to an agreement with the water provider to ensure adequacy requirements are met.

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 condition:
 - A. Prior to Development Plan approval, written proof of coordination with the City of Tucson is required.
 - B. A Traffic Memorandum shall be provided with the Development Plan submittal. The Traffic Memorandum should include the turn lane warrant analysis for the site subject to this rezoning and the adjacent site to the south. Offsite improvements determined necessary as a result of the Traffic Memorandum shall be provided by the property owner.
- 3. Flood Control District condition: at the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- Wastewater Reclamation 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) 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.
- 5. Upon the effective date of the Ordinance, the owner(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. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
- 7. Adherence to the preliminary development plan as approved at public hearing.
- 8. All RV lots shall provide full connections for water, power and wastewater; no 'dry' parking of RVs shall be permitted.
- 9. To reduce impacts on surrounding residential neighborhoods, park activities and noise (e.g. running RV generators, outdoor social activities) shall be prohibited between the hours of 9:00 PM and 7:00 AM. All lighting in the vicinity of adjacent residential development shall be shielded and angled away from residences.
- 10. The owner/applicant shall provide documentation of connection to a water system approved by the Arizona Department of Water Resources.
- 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)."

12. 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.

Respectfully Submitted,

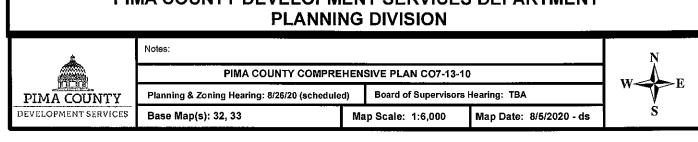
Wash Submitted,

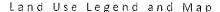
Mark Holden, AICP Principal Planner

cc: Steven Blair, SB Ventures I, LLC - sblair@fmservicesgroup.com

Jorge Contreras - jcontreras@fmservicesgroup.com

Case #: P20RZ00008 Case Name: SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING Tax Code(s): 140-35-2030, 140-35-206B & a portion of 140-35-407A Subject Area 300' Notification Area E RAY S EBENSON HY S ALVERNON WY TUCSON TH 0 220 440 880 Feet Area of proposed rezoning from CB-2 & TR to TH PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION Notes: PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10







Comprehensive Plan Land Use Designations

Multifunctional Corridor (MFC)

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

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

Medium Intensity Urban (MIU)

Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

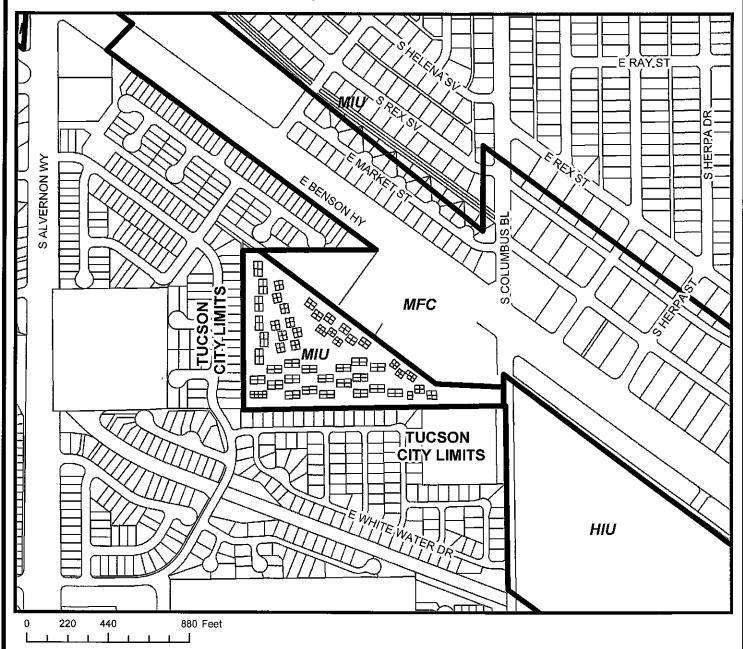
- Residential Gross Density: Minimum 5 RAC; Maximum 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum 5 RAC; Maximum 10 RAC

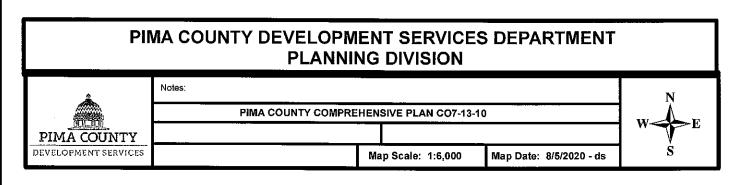
Case #: P20RZ00008

Case Name: SB VENTURES I, LLC - E. BENSON HIGHWAY REZONING

Tax Code(s): 140-35-2030, 140-35-206B & a portion of 140-35-407A

Comprehensive Plan Exhibit





Mark Holden

From:

Kathy Chavez

Sent:

Tuesday, August 11, 2020 2:04 PM

To:

Mark Holden

Subject:

RE: Benson Hwy RV park rezoning & Ray Water Co

You can ask if ADWR has approved their System Water Plan or if they have submitted one to ADWR. http://infoshare.azwater.gov/docushare/dsweb/Get/Document-10017/SystemWaterPlanGuidancefinal.pdf

From: Mark Holden <Mark.Holden@pima.gov> Sent: Tuesday, August 11, 2020 11:28 AM To: Kathy Chavez <Kathy.Chavez@pima.gov>

Cc: Colby Bowser <Colby.Bowser1@pima.gov>; Greg Saxe <Greg.Saxe@pima.gov>; Chris Poirier

<Chris.Poirier@pima.gov>

Subject: RE: Benson Hwy RV park rezoning & Ray Water Co

Thanks, Kathy. The applicant's engineer said they were going to get us some info about the water situation. Sounds like if we don't have an OK from ADWR for them to use on-site wells, they'd better go with Ray Water.

Mark

From: Kathy Chavez < Kathy.Chavez@pima.gov > Sent: Tuesday, August 11, 2020 11:09 AM
To: Mark Holden < Mark.Holden@pima.gov > Cc: Colby Bowser < Colby.Bowser1@pima.gov >

Subject: RE: Benson Hwy RV park rezoning & Ray Water Co

ADWR would make that call. They may intend to form a small community water system, but according to ADWR's Community Water System map, this parcel appears to be well within Ray Water Company's service area, so they have a strong argument.

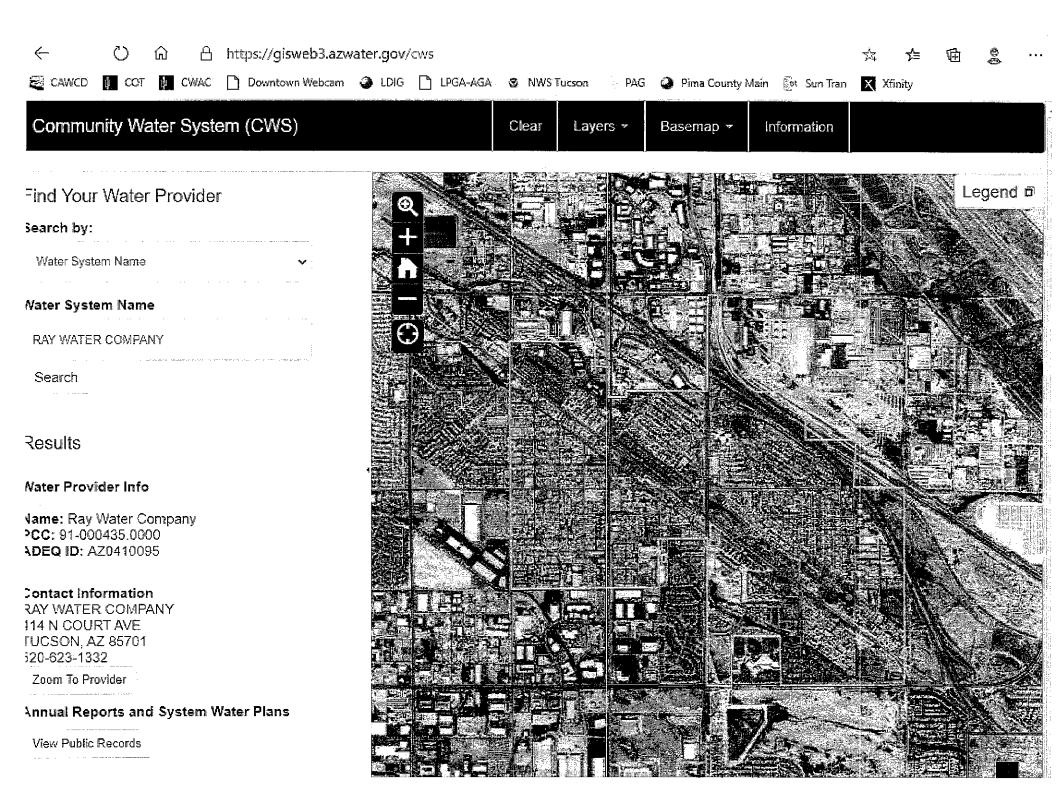
https://gisweb3.azwater.gov/cws

From: Mark Holden < Mark.Holden@pima.gov > Sent: Tuesday, August 11, 2020 9:21 AM
To: Kathy Chavez < Kathy.Chavez@pima.gov >

Subject: Benson Hwy RV park rezoning & Ray Water Co

Hi Kathy -

Can I get your professional input about something? We have a rezoning request for an RV park on Benson Hwy SE of Alvernon Way. In their rezoning site analysis, they state their intent to use wells on the site for their water supply. As part of the request for agency comments, Ray Water Co. responded saying that they are the water provider and the applicant is legally required to hook up to their water system. MapGuide shows their site is within the Ray Water Co. service provider area (map below, rezone site in yellow). Can they use their own wells or do they have to use Ray Water Co? Thanks,





STEVE WENE

August 7, 2020

VIA U.S. MAIL AND ELECTRONIC MAIL

Development Services Department, Planning Division 201 N. Stone Avenue, 1st Floor Tucson, AZ 85701 Attn: Mark S. Holden, AICP Mark.Holden@Pima.gov DSDPlanning@pima.gov

Re: P19VA00032 – SB Ventures I, LLC

Dear Mr. Holden:

Our firm represents Ray Water Company, Inc. ("Ray Water"). Ray Water is the exclusive water provider for the parcels identified in the Site Analysis dated July 7, 2020 ("Property") by virtue of its Certificate of Convenience and Necessity ("CC&N") granted nearly 70 years ago. Currently, Ray Water provides potable water to more than 3,000 residents and commercial water users in the Property's vicinity.

Although Ray Water generally supports reasonable development within its CC&N, the company **opposes rezoning** the Property at this time. We respectfully request the consideration of the Property rezoning application be **postponed** until the applicant SB Ventures I, LLC ("Applicant") reaches an agreement with Ray Water to ensure water adequacy requirements are met.

Ray Water supports reasonable growth and normally would not seek to delay a project. Unfortunately here it is necessary because the Applicant has not been forthright with either Pima County staff or Ray Water. In the Site Analysis, the Applicant states "communication[s] were started with Ray Water but have ceased due to lack of communication." This is misleading. Ray Water has reached out numerous times to engage the Applicant to discuss providing water service to the Property. The Applicant has not responded in a meaningful way. It is now apparent that the reason the Applicant refused to engage in meaningful conversation is because he is attempting to circumvent the rules and become the public water provider within Ray Water's CC&N.

The Applicant's plan violates the well-established rules of the Arizona Corporation Commission ("ACC") Arizona Department of Water Resources ("ADWR"). Additional rules regarding safe drinking water standards and fire suppression are also compromised. These issues are discussed in detail below.

ACC Rules. As a public service corporation operating under a CC&N, Ray Water has dedicated its property to public use in exchange for being granted a monopoly in its service area. *Trico Elec. Co-op Inc. v. Senner*, 92 Ariz. 373, 380-81, 377 P.2d 309 (1962). In other words, the State of Arizona has ruled that Ray Water has a monopoly to provide water service in this area. Ray Water has no intention of allowing any infringement to occur. The Applicant will need to enter into a line extension agreement with the Ray Water consistent with ACC rules to secure potable water service for the Property. Pima County should take no action in this matter until the line extension agreement is in place.

ADWR Rules. Landowners cannot simply drill a well and start pumping groundwater for public consumption – there is an entire legal framework governing the right to withdraw groundwater and replenish groundwater. The Site Analysis submitted by the Applicant simply states the Property contains Well 55-918511 and Well 55-230567. Well 55-230567 is an "exempt well" and cannot be used as a public water supply well. The Applicant does not identify a groundwater right to withdraw water from the aquifer. The Applicant does not identify how the groundwater will be replenished. Simply stated, when the superfluous verbiage is set aside, the Site Analysis simply identifies one well with an 8-inch casing on the Property – no viable backup well; no water right; and no replenishment obligation.

Drinking Water Rules. Similarly, the Site Analysis does not address safe drinking water rules. The Site Analysis states Well 55-918511 will be connected to the water system "upon bringing the well up to potable standards." In other words, the Applicant's wells are not certified for use as a public water supply well. The Applicant goes to great lengths to avoid the fact there is no agreement with a public water provider to supply safe drinking water to the Property.

Fire Flow. The fire flow requirement for this Property will likely be 1,500 gallons per minute ("gpm") for 2 hours. The Site Analysis states "fire flow has not been calculated as part of the water system demand design because it is being engineered to meet with current standards." As previously discussed, Well 55-230567 is an exempt well with a pump capacity of 35 gpm. The Applicant failed to report the capacity of Well 55-918511 to ADWR, but a well with an 8-inch casing might be able to produce approximately 300 gpm. In total, these two wells combined clearly cannot provide 1,500 gpm at any time.

In sum, the Applicant's attempt to circumvent the rules governing development raises public health and safety concerns. The Site Analysis glosses over rules fire suppression and safe drinking water rules. The Applicant ignores ADWR's rules designed to protect and conserve the aquifer. Finally, the Applicant implies that Pima County should ignore Ray Water's CC&N because Ray Water was not responsive to the Applicant, which is demonstratively untrue. Therefore, Ray Water respectfully requests that any decision on the proposed rezoning of the Property be postponed until it is clear the Applicant's attempt to circumvent the laws protecting public health and Ray Water's rights is no longer possible.

Thank you for considering Ray Water's comments. If you have any questions, or if we may be of further assistance, please give me a call.

Respectfully,

the Wene

Steve Wene



RURAL METRO FIRE DEPARTMENT PIMA COUNTY, AZ

7/29/2020

Pima County Development Services 201 N. Stone Avenue, 1st Floor Tucson, AZ 85701 Attn: Terrill Tillman

RE: P20RZ00008 SB Ventures 1, LLC- E. Benson Highway Rezoning

Dear Terri,

I have reviewed the above-mentioned rezoning request and offer the following comments:

- 1. Civil plans shall be submitted for review and permit for Fire Department access, fire flow, fire lanes and fire hydrant locations.
- 2. Architectural plans shall be submitted for review and permit for the new office/storage building to determine Fire Code compliance.
- 3. All new gated entries shall be submitted for review and permit to determine Fire Code compliance.
- 4. Any changes to the existing community center shall require plans to be submitted for review and permit to determine Fire Code compliance.
- 5. The submitted plan is too small in print size and is very difficult to read. Some details cannot be made out at this time.

If you have any questions or concerns, please let me know.

William F. Treatch

Fire Marshal/Battalion Chief

Willeam F. Truth

Ph#297-1242

Cell#981-0280

From: noreply@server.mailjol.net on behalf of allForms <noreply@server.mailjol.net>

Sent: Friday, July 10, 2020 8:56 AM

To: DSD Planning

Subject: Application For Rezoning or Specific Plan

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.

	Form Results	
Disregard	***>>> DISREGARD The message above the Form Results ROW <<<***	
Note about attachments	***>>> Pima County virus software CYLANCE automatically scans files. There IS NOT a right mouse scan this file option. Attachments are scanned by our email appliance when received, then again by Cylance when saved or opened. <<<***	
Owner Name	SB Ventures I, LLC - Steven R. Blair	
Owner Address	10533 Beech Ave	
Owner City	FONTANA	
Owner State	CA	
Owner Zipcode	92337	
Owner Phone	951-295-6644	
Owner_Email	sblair@fmservicesgroup.com	
Applicant Name		
Applicant Address		
Applicant City		
Applicant State	AZ	
Applicant Zipcode		
Applicant Phone		
Applicant_Email		
Property Address	4180, 4200, and 4240 E Benson Ave	
Property Parcel Number	140-35-407A, 140-35-2030 and 140-35-206B	
Property Acreage	8.13	
Property Present Zone	CB-2 and TR	
Property Proposed Zone	TH	

Policies	Site:MFC and MIU, N:MFC and MIU, S:City Of Tucson, E:MFC and HIU, W:City of Tucson and MIU	
FTP-Link	https://www.dropbox.com/s/z5kvfegmxssf5ht/Lakewood%20RV%20Resort%20Site%20Analysis%20%20Edited.pdf?dl=0	
Signature	I confirm the information provided is true and accurate to the best of my knowledge. I am the owner o 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.)	
Application Date	10-Jul-2020	
	More Information about this submission and submitter	
Submission ID	11446613	
Date & Time	10th Jul 2020 8:55 AM	
Form Location	https://web1.pima.gov/applications/rezoning/	
IP Address	70.184.74.39	
Browser info	Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/83.0.4103.116 Safari/537.36	
Predicted Country		