



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 6/7/2022

*= Mandatory, information must be provided

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

***Title:**

ORDINANCE: P21RZ00016 MARKLAND INVESTMENTS LLC, ET AL. - N. LA CHOLLA BOULEVARD REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on January 18, 2022.

***Discussion:**

The rezoning was for approximately 4.5 acres from the SR (Suburban Ranch) to the TR (Transitional) zone for a 50,000 square-foot medical/office/senior living or care facility.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

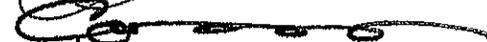
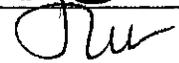
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***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature:		Date: <u>5/16/22</u>
Deputy County Administrator Signature:		Date: <u>5/17/2022</u>
County Administrator Signature:		Date: <u>5/17/2022</u>



Subject: P21RZ00016

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JUNE 7, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director 
Public Works-Development Services Department-Planning Division
DATE: May 17, 2022

ORDINANCE FOR ADOPTION

P21RZ00016 **MARKLAND INVESTMENTS LLC, ET AL. - N. LA CHOLLA BOULEVARD**
REZONING
Owners: Markland Investments LLC, et al.
(District 1)

If approved, adopt ORDINANCE NO. 2022 - _____

OWNERS: Markland Investments LLC, et al.
Attn: Mark Weinberg
7422 N. Mystic Canyon Drive
Tucson, AZ 85718

AGENT: Paradigm Land Design LLC
Attn: Paul Oland
7090 N. Oracle Road, #178-193
Tucson, AZ 85704

DISTRICT: 1

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL

TD/TT
Attachments

c: Paul Oland

ORDINANCE 2022-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 4.5 ACRES OF PROPERTY (PARCEL CODES 101-09-020A AND 101-09-1970) FROM THE SR (SUBURBAN RANCH) ZONE TO THE TR (TRANSITIONAL) ZONE, IN CASE P21RZ00016 – MARKLAND INVESTMENTS LLC, ET AL. – N. LA CHOLLA BOULEVARD REZONING, LOCATED AT THE NORTHWEST CORNER OF THE T-INTERSECTION OF N. LA CHOLLA BOULEVARD AND W. RUDASILL ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The 4.5 acres located at the northwest corner of the T-intersection of N. La Cholla Boulevard and W. Rudasill Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45, is rezoned from the SR (Suburban Ranch) to the TR (Transitional) 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. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. The TIS shall include a complete analysis of the traffic signal for any new driveway proposed at the intersection. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Drainage entering the parcel along the eastern boundary within drainage easement granted to Pima County shall leave the existing basin and outlet as shown in the Capital Improvement Plan (CIP) number 4LCRIR, or provide drainage revisions that do not increase flood plain limits, velocities downstream, and do not increase ponding upstream. The project shall provide adequate access, from the roadway or access easement within the property, to publicly maintained features.
 - C. The property shall be limited to one (1) access point on La Cholla Boulevard. Unless the existing driveway on La Cholla Boulevard north of Rudasill Road is utilized, the access shall be closed and improvements removed.
 - D. A shared private access easement between the rezoning site and the property to the south is required prior to Development Plan approval.
3. Regional Flood Control District conditions:
 - A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - B. 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.
- C. Drainage flows from existing upstream properties and infrastructure within La Cholla Boulevard shall be accepted onto the project at the same locations as in existing conditions without impacts exceeding the Regional Flood Control District (District) encroachment criteria or as directed by the Department of Transportation. Flows exiting the project shall be discharged at the same locations as in existing conditions unless infrastructure and alternate discharge points are approved by the District. Offsite grading and changes to existing infrastructure require property rights and permits.
4. Regional 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. Environmental Planning condition: 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. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the

subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

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

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 18, 2027.

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 Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2022.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

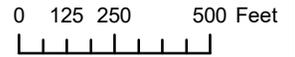
APPROVED:



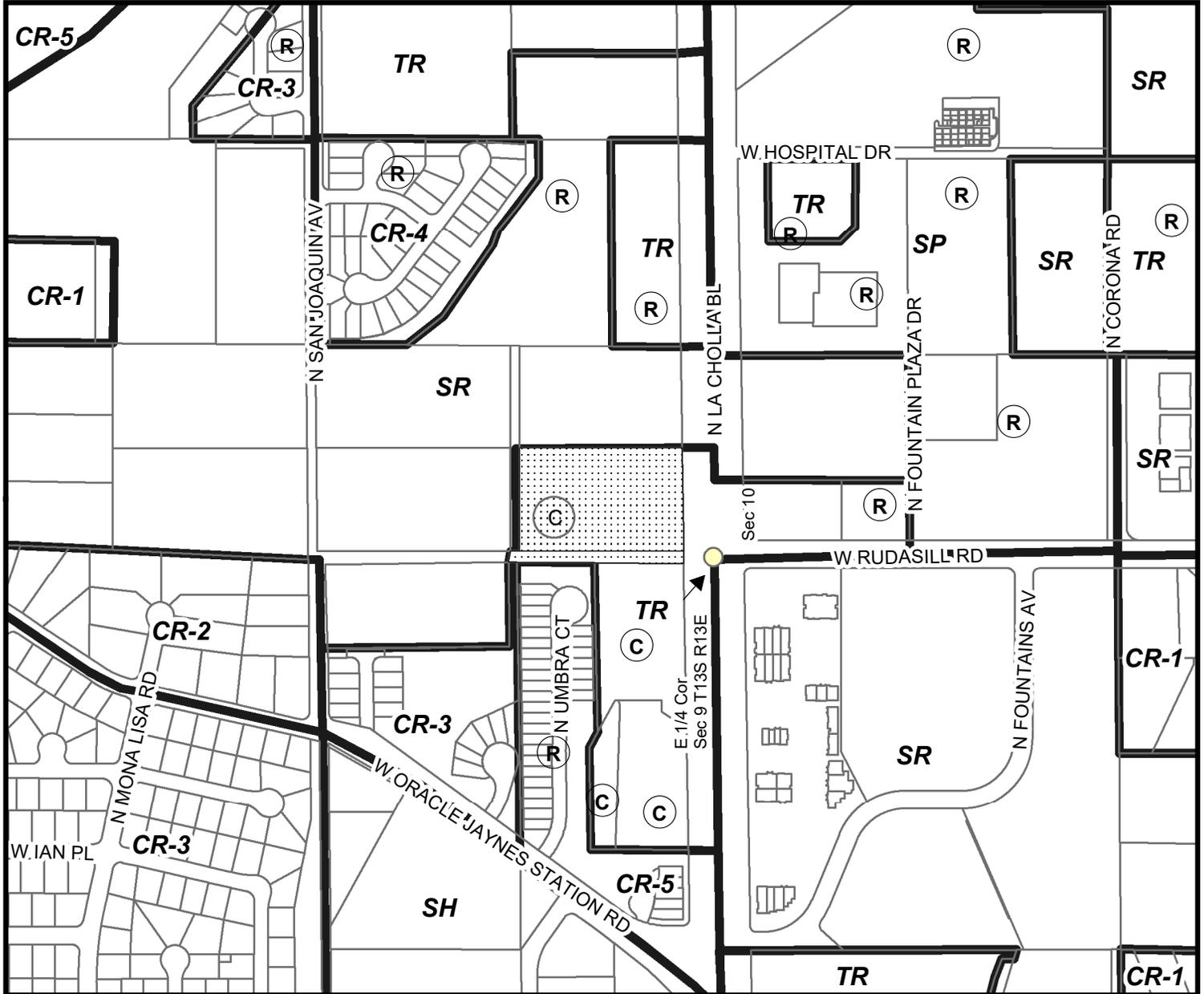
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON AZ. BEING A
PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 9, T13S R13E.



ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.5 ac
ds-March 10, 2022

P21RZ00016
10109020A, 101091970



Site Notes

- Property Area: 4.5± Ac
- Proposed Zoning: TR "Transitional"
- Proposed Building Height: 34'
- Parking Provided: 252 spaces (~5 spaces / 1,000 sq. ft.)
- Proposed Uses: Medical / Office / Senior Living / Senior Care Facilities
- Surrounding Building Heights: 1-2 Story
- Max. Disturbance per HDZ: 80%

