



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 5, 2021

Title: RESOLUTION: Co9-99-43 RIVROAD ASSOCIATES LLC - RIVER ROAD REZONING

Introduction/Background:

On October 6, 2020, the Board of Supervisors voted against closure, approved a five-year rezoning time extension and modification (substantial change) of rezoning condition #11 subject to original and modified standard and special conditions to allow for a 30-lot townhouse development.

Discussion:

The rezoning conditions in Section 2 and the time limits in Section 3 of Ordinance No. 2001-27, as amended by Resolution 2009-194 may be modified by resolution.

Conclusion:

The resolution reflects the Board of Supervisors' approval.

Recommendation:

Approval

Fiscal Impact:


N/A

Board of Supervisor District:

- 1
- 2
- 3
- 4
- 5
- All

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

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

Department Director Signature/Date:  12/14/2020

Deputy County Administrator Signature/Date:  12/14/2020

County Administrator Signature/Date:  12/14/20



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-99-43

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JANUARY 5, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division
DATE: December 15, 2020

RESOLUTION FOR ADOPTION

Co9-99-43 **RIVROAD ASSOCIATES LLC – RIVER ROAD REZONING**
Owners: Underdown Gary Revoc. Trust, et al.
(District 3)

If approved, adopt RESOLUTION NO. 2021 - _____

OWNERS: Underdown Gary Revoc. Trust, et al.
4161 E La Paloma Drive
Tucson AZ 85718-1505

AGENT: Lazarus & Silvyn, P.C.
Attn: Keri Silvyn
5983 E. Grant Road, Suite 290
Tucson, AZ 85712-2365

DISTRICT: 3

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

STAFF RECOMMENDATION: APPROVAL

TD/TT
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-99-43/P20SA00008 File

RESOLUTION 2021-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-99-43 RIVROAD ASSOCIATES, LLC – RIVER ROAD REZONING; LOCATED ON THE NORTH SIDE OF RIVER ROAD, APPROXIMATELY ONE-FOURTH OF A MILE EAST OF LA CANADA DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2001-27 AS AMENDED BY RESOLUTION NO. 2009-194.

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

1. On November 26, 1999, the owner of approximately 2.35 acres applied for a rezoning from SH (Suburban Homestead) to TR (Transitional).
2. On October 17, 2000 the Pima County Board of Supervisors approved the rezoning subject to standard and special conditions.
3. On February 20, 2001, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2001-27, as recorded in Docket 11499 at Page 1608, rezoning the approximate 2.35 acres described in rezoning case Co9-99-43 (as shown on the map attached as EXHIBIT A) and memorializing the standard and special conditions.
4. On October 12, 2005, the owner of approximately 2.35 acres, applied for a five-year rezoning time extension.
5. On December 6, 2005 the Pima County Board of Supervisors approved a five-year time extension with modified standard and special conditions.
6. On August 4, 2009, the Board of Supervisors adopted rezoning Resolution 2009-194, as recorded in Docket 13621 Page 3658, memorializing the modified standard and special conditions of Section 2 and the time limits set forth in Section 3.
7. On July 16, 2020, the owner of approximately 2.35 acres applied for two consecutive five-year time extensions and a substantial change of rezoning condition #11 to allow for a revised preliminary development plan for residential townhouse development.
8. On October 6, 2020, the Pima County Board of Supervisors approved two consecutive five-year time extensions and the modification of rezoning condition #11 subject to original and modified standard and special conditions.
9. Section 3 of Ordinance No. 2001-27 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 2: The rezoning conditions in Section 2 of Ordinance 2001-27 as amended by Resolution 2009-194 are restated and modified as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- 6-1. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
- 7-2. Transportation conditions:
 - A. Provision of all necessary access improvements to Hansen Avenue River Road as determined during the plan review process. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.
 - B. Access to River Road shall only be allowed to this site at the west and/or east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties prior to development plan approval. ~~Access shown midway on the PDP shall not be allowed.~~
- 8-3. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts that are needed as a result of the proposed development shall be constructed at no cost to the District.
 - C. 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.
- 9-4. Wastewater Management conditions:
 - A. The owner(s)/developer shall construe no action by Pima County as a commitment to provide sewer service of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer to that effect.
 - B. ~~The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~ The owner(s)/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Management 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)/developer shall enter into a written agreement addressing have 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, Pima County Wastewater Management Department.

- C. ~~The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit. 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/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements. 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)/developer shall fund, design and construct all the 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)/developer 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.
- ~~10.5. An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements. 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.~~
- 11.6. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office townhouse development (EXHIBIT B).
- 12.7. ~~Site shall comply with all the fire code regulations. The property owner shall provide written documentation demonstrating compliance with Sun Tran for the augmentation of~~

the River Road bus stop adjacent to the property with Americans with Disabilities Act (ADA) accessibility.

~~4.8.~~ In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable zoning 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.

~~4.9.~~ 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. ~~recommend the following Special Condition: Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~

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

~~10.~~ 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. The time limit in Section 3 of Ordinance 2001-27 as amended by Resolution 2009-194 is amended and extended as follows:

1. Conditions 1 through 4~~10~~ shall be completed by October 17, 2010~~2020~~.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 4410 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

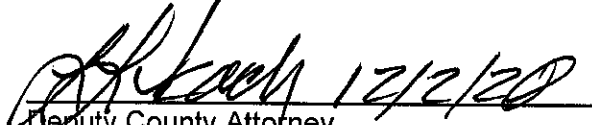
Passed and adopted, this _____ day of _____, 2021.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

APPROVED:



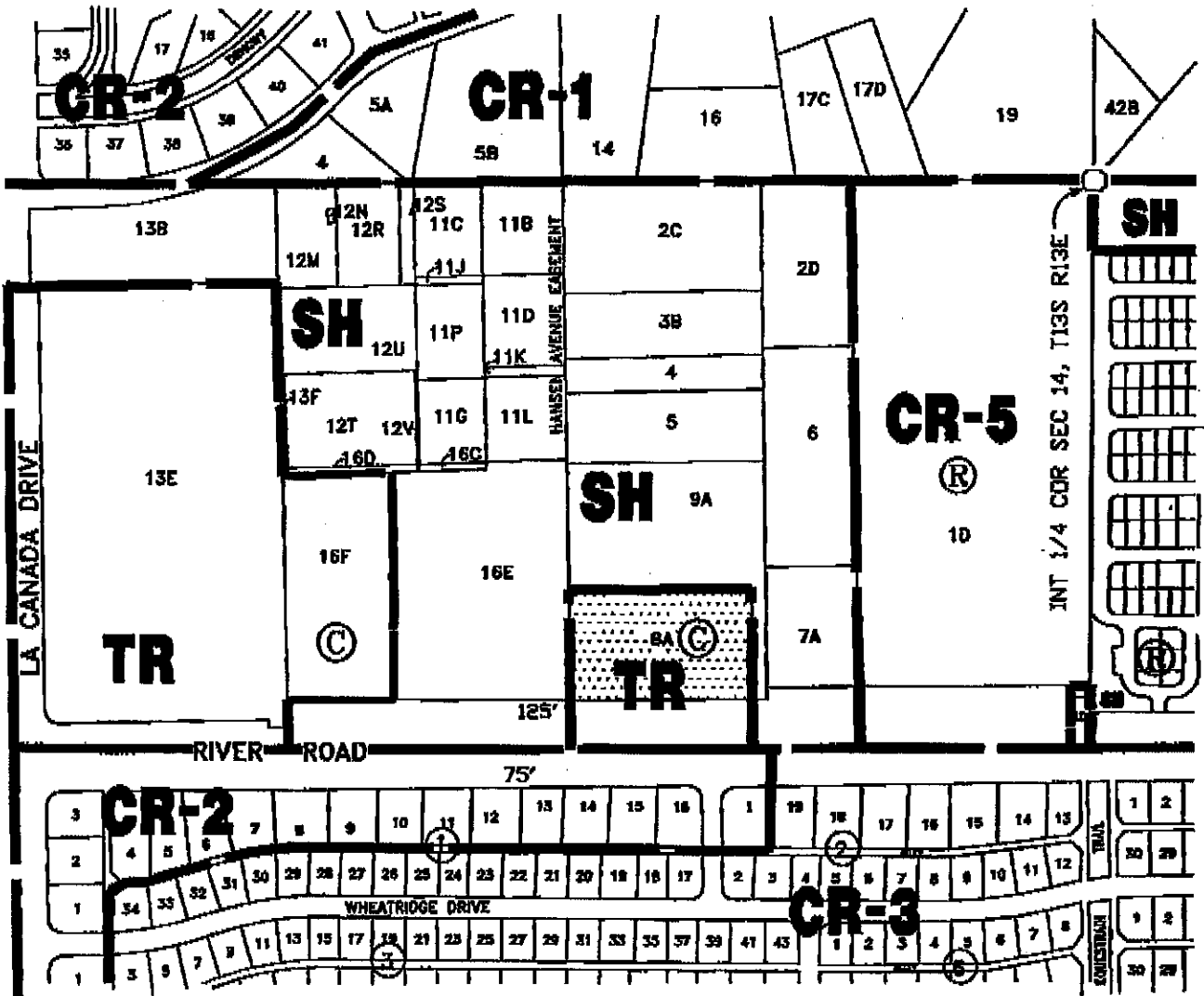
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 82,72 BY ORDINANCE NO. 2001-27
TO PIMA COUNTY ZONING MAP NO. 45 & 46 TUCSON, AZ.
PARCEL 8A BEING A PART OF THE NE 1/4 OF THE SW 1/4 OF
SEC. 14, T13S R13E,



ADOPTED 2-20-01 EFFECTIVE 2-20-01



[Signature]
EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 2.35 ac±
x0-JANUARY 12, 2001

CO9-99-43
CO7-89-2
CO7-94-27
105-07-008A

555

PARCEL: 105-07-009B
 (DMT. 7500, PG. 1207)
 ZONING: SH
 (1 STORY RESIDENTIAL)

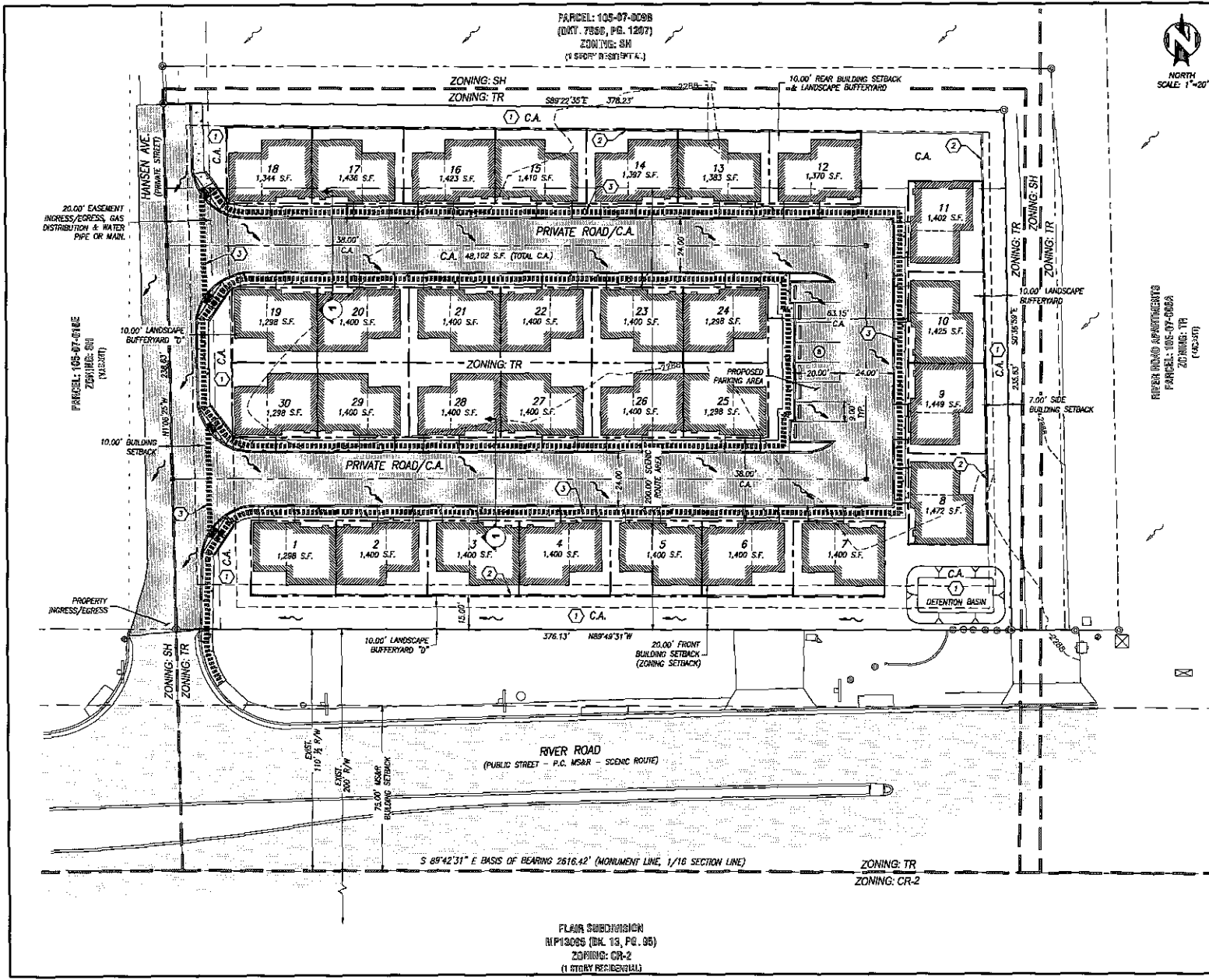


PROJECT NOTES

1. CURRENT ZONING: TR (CONDITIONAL)
2. TOTAL PROJECT AREA: 2.05 ACRES
3. PROPOSED NUMBER OF UNITS: 30
4. PROJECT DENSITY: 14.6 RAC
5. PROPOSED BUILDING HEIGHT: 24 FEET/2 STORIES
6. PARKING PROVIDED:
 60 RESIDENT SPACES (2 PER UNIT IN GARAGES)
 8 VISITOR SPACES
 68 TOTAL SPACES
7. PROJECT COMPLIES WITH PCCO SECT. 18.77.040.
 SCENIC ROUTES

KEYNOTES

- ① LANDSCAPING AREAS.
- ② NEW SITE SCREEN WALL.
- ③ SITE PEDESTRIAN CIRCULATION.



<p>GRENIER ENGINEERING, INC. Structural & Civil Engineering Consultant</p> <p>6300 E. El Dorado Plaza Suite A120, Tucson, Arizona 85710 Phone: 520.328.7082 - Fax: 520.328.7508</p>		<p>Job Number: _____ Drawn By: JR Date: 8/4/2000 Scale: N/A 1/8" = 20'</p>
<p>PRELIMINARY DEVELOPMENT PLAN</p> <p>1100 W. RIVER RD. TUCSON, AZ 85704</p>		<p>EXHIBIT B Page 7 of 7</p> <p>Sheet Number: 1</p>