



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: November 22, 2016

Title: P16RZ00010 6500 WESTOVER AV LLC - S. WESTOVER AVENUE REZONING

**Introduction/Background:**

The applicant requests a rezoning of approximately .91 acres from GR-1(Rural Residential) to the CB-1 (Local Business) zone, located at the southwest corner of Valencia Rd. and Westover Av. for a fast-food restaurant with drive-thru. The property is currently vacant.

**Discussion:**

Current GR-1 zoning allows for one single-family residence. The Comprehensive Plan land use designates the property as Multifunctional Corridor (MFC). MFC plans for commercial and non-residential uses along major transportation corridors.

**Conclusion:**

The requested rezoning conforms to the Comprehensive Plan; the proposal is compatible with the commercial and residential uses of the surrounding properties.

**Recommendation:**

Staff and The Planning & Zoning Commission recommend approval subject to standard and special conditions.

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date: For [Signature] 11/1/16

Deputy County Administrator Signature/Date: [Signature] 11/2/16

County Administrator Signature/Date: C. [Signature] 11/2/16



**PIMA COUNTY**

DEVELOPMENT SERVICES

**TO:** Honorable Richard Elias, Supervisor, District 5

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** October 31, 2016

**SUBJECT:** **P16RZ00010 6500 WESTOVER AV LLC - S. WESTOVER AVENUE REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 22, 2016** hearing.

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**REQUEST:** For a rezoning of approximately .91 acres from GR-1 (Rural Residential) to the CB-1 (Local Business), located on the southwest corner of W. Valencia Road and S. Westover Avenue.

**OWNER:** 6500 Westover Ave., LLC  
2870 N. Swan Rd., Suite 100  
Tucson, AZ 85712

**AGENT:** The WLB Group Inc.  
Attn: Ed Roll  
4444 E. Broadway Bl.  
Tucson, AZ 85711

**DISTRICT:** 5

**STAFF CONTACT:** Tom Drzazgowski

**PUBLIC COMMENT TO DATE:** As of October 31, 2016, staff has received no written comment.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (9 – 0; Commissioner Cook was absent).

**STAFF RECOMMENDATION:** **APPROVAL SUBJECT TO 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 (MMBCLS).

TD/ar  
Attachments



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

Subject: P16RZ00010

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**FOR NOVEMBER 22, 2016 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** October 31, 2016

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING**

**P16RZ00010 6500 WESTOVER AV LLC - S. WESTOVER AVENUE REZONING**

Request of 6500 Westover Av LLC, represented by The WLB Group Inc. for a **rezoning** of approximately .91 acres from GR-1 (Rural Residential) to the CB-1 (Local Business), located on the southwest corner of W. Valencia Road and S. Westover Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property Multifunctional Corridor. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Cook was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 5)

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**PLANNING AND ZONING COMMISSION HEARING SUMMARY (September 28, 2016)**

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

The applicant presented additional information.

The public hearing was closed.

Commissioner Matter made a motion to recommend **APPROVAL** of the rezoning subject to standard and special conditions. The motion was seconded.

The commission voted to recommend **APPROVAL** of the rezoning subject to standard and special conditions. (9 – 0, Commissioner Cook was absent)

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

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
  
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
  
3. Transportation conditions:
  - A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
  - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road.
  
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 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. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
  6. Cultural Resources condition: OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.
  7. Adherence to the preliminary development plan as approved at public hearing.
  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 and record 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(l)."

The motion PASSED (9 – 0; Commissioner Cook was absent)

TD/ar  
Attachments

cc: 6500 Westover Ave., LLC, 2870 N. Swan Rd., Suite 100, Tucson, AZ 85712  
The WLB Group Inc., Attn: Ed Roll, 4444 E. Broadway Bl., Tucson, AZ 85711  
Tom Drzazgowski, Principal Planner  
P16RZ00010 File



Policies. Special Area Policy S-29, Southwest Infrastructure Plan (SWIP) and Special Area Policy S-35, Retail Enhancement Contribution Area applies to the site. The SWIP is an evaluation of the infrastructure needs for a 70-square mile area defined as Tucson Mountain Park (north), Mission Road (east), Tohono O'odham Nation (south) and Sandario Road (west). The policy also provides criteria for evaluating the sustainability of area planning efforts. The policy is more appropriate to large-scale development, and has less impact on smaller infill projects where there is adequate infrastructure. Special Area Policy S-35, Retail Enhancement Contribution Area applies to retail stores of 40,000 square feet or more. The proposed restaurant is approximately 4,300 square feet, therefore the policy is not applicable.

**MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)**

The subject property is located outside the MMBCLS.

**SURROUNDING LAND USES/GENERAL CHARACTER**

North	CB-1	Auto parts retail store
South	GR-1	Vacant
East	GR-1	Vacant
West	CB-1	Walmart

The subject property is located at the southwest corner of Valencia Road and Westover Avenue. The immediate area surrounding the property can be classified as commercial in nature. To the west is a vacant property that is also commercially zoned and a Walmart is located on the next property to the west. Properties on the north side of Valencia Road. are commercial uses with mixed grocery, restaurants and retail uses. East of the subject property is a large rural residentially zoned property. To the south, is the Valencia wash. Along the Valencia Road corridor additional commercial uses can be found. A large retail center is located on the northwest corner of Valencia Road. and Cardinal Avenue. Residential uses in the immediate area are located on properties that range in size from 5,000 square foot to 8,000 square foot.

**PREVIOUS REZONING CASES ON PROPERTY**

This property was part of a larger rezoning that dates from the early 1970's from GR-1 to CR-5. Although approved to CR-5 this property was never ordained accordingly.

**PREVIOUS REZONING CASES IN GENERAL AREA**

Numerous rezonings have occurred in the area over the years. Many properties along Valencia Rd. have been rezoned to CB-1 zone. These rezonings occurred in the 1960's to early 1970's. Residential rezonings in the area have occurred to allow increased density of homes to as small as 5,000 square foot lots.

<b>CONCURRENCY CONSIDERATIONS</b>		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No Objection, Subject to Conditions.
FLOOD CONTROL	Yes	None
WASTEWATER	Yes	No Objection, Subject to Conditions.
PARKS AND RECREATION	N/A	No Comment.
WATER	Yes	No Comment

### **PLANNING REPORT**

The request is to rezone an approximately .91-acre site from GR-1 (Rural Residential) zone to CB-1 (Local Business) zone to allow a 4,300 square feet fast-food restaurant with a drive-thru. The subject property is currently vacant.

The preliminary development plan demonstrates two access points on to Westover Avenue. The proposed access point on the north portion of the property does not meet corner clearance from Valencia Road and will need to be removed per rezoning condition #3. The applicant proposes a maximum building height of 30 feet. Valencia Road is designated as a Major Street and Scenic Route on the Major Streets and Scenic Routes Plan which limits the height to 24 feet unless a view shed analysis is provided. Prior to permit approval for the construction of the building, a viewshed analysis will be required.

The development will connect to the sewer and water will be provided by Tucson Water. A bufferyard "D" will be required along the north and east property lines that are adjacent to Valencia Road and Westover Avenue. Bufferyard "D" options range from 10 feet to 25 feet in width.

Staff supports the proposed use because it should benefit the area by providing additional restaurant options in an area that is growing with new residential development. The closest residential homes are located approximately 260 feet to the south on the east side of Westover Avenue. The property has been planned for commercial development given the Multifunctional Corridor (MFC) designation by the Comprehensive Plan. The MFC designation proposes uses along major transportation corridors. The Comprehensive Plan states:

These (MFC) areas contain commercial and other non-residential use services and 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, such as standards for



building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.

A substantial portion of the property has been previously disturbed. The eastern portion of the property from Valencia Road to the existing paved access point on the southern portion of the property is void of any vegetation. There are no Pima pineapple cactus, saguaros, or ironwood trees on site.

### **TRANSPORTATION REPORT**

This development poses a secondary transportation concurrency concern as roadways in the area are functioning above capacity; however, this project is an infill development. The site is located on the southwest corner of Valencia Road and Westover Avenue. The proposed use is a 4,300 square foot fast food restaurant. This use will generate approximately 2,130 ADT. There is an existing driveway to the neighboring Walmart Neighborhood Market that passes through the southern portion of this site.

The subdivision and development street standards will require a corner clearance and driveway separation of 150 feet. Therefore, the proposed access point on Westover Ave. will not be permitted. This site will need to utilize the existing shared access point with the Walmart that crosses through the southern portion of this site. No access will be permitted directly from this site to Valencia Rd. A shared access to the property to the west will be utilized as shown on the site plan.

Valencia Rd. is a 4-lane high volume arterial roadway as shown on the major street and routes plan. The existing right-of-way is 175 feet. The planned future right-of-way is 200 feet. A 25 foot dedication will be required as a condition of this rezoning. Valencia Rd. has a capacity of 35,820 ADT and a current traffic volume of 37,058 ADT. Cardinal Rd. is approximately 1,000 feet west of the rezoning site. Cardinal Rd. is a paved 2-lane collector road with a planned future right-of-way of 80 feet. The segment of Cardinal Rd. south of this site is a 2-lane segment that widens to a 4-lane segment near the intersection with Valencia Rd. The capacity is 29,160 ADT for the 4-lane portion of the roadway and 13,122 ADT for the 2-lane portion. The current traffic volume is 10,784 ADT.

Mission Rd. is approximately ½ mile east of the rezoning site. Mission Rd. is a two-lane, medium volume arterial on the Major Streets and Route Plan and has a planned future right-of-way of 150 feet. The existing right-of-way is 60 feet. The capacity for mission road is 15,930 ADT and the current traffic volume is 8,296 ADT. Los Reales Rd. is located approximately 1 mile south of the rezoning site. Los Reales Rd. is designated as a collector road on the Major Streets and Routes Plan with a future right-of-way of 80 feet. The capacity is 15,930 ADT and the current traffic volume is 8,229 ADT. Drexel Rd. is located approximately 1 mile north of the rezoning site. Drexel Rd. is designated as a collector road on the Major Streets and Routes Plan with a future right-of-way of 80 feet. The capacity is 15,930 ADT and the current traffic volume is 12,033 ADT.

The Pima County Department of Transportation has no objection subject to rezoning conditions 3A & 3B.

**REGIONAL FLOOD CONTROL DISTRICT (RFCD) REPORT**

Regional Flood Control District has the following comments:

As shown on the attached Flood Hazard Map the site is impacted by FEMA Special Flood Hazard Area Zone AH, indicating an area of ponding as well as overbank flows and Erosion Hazard Setbacks associated with Valencia Wash along the southern property boundary. Due to the presence of these hazards the District will be involved in reviewing the development plan and a FEMA map revision may be required.

In conclusion, the District has no objection or recommended conditions.

**WASTEWATER MANAGEMENT REPORT**

The rezoning area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Northwest Outfall sewer. The existing sewer consists of an 18-inch public sewer line in Valencia Road. Estimated flows from this development will not have significant effects on sewer system.

The PCRWRD has no objection subject to rezoning conditions #4A – #4F.

**ENVIRONMENTAL PLANNING REPORT**

Environmental Planning has no objection to this request subject to the addition of condition #5.

**CULTURAL RESOURCES REPORT**

OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.

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

**TUCSON WATER**

City of Tucson Water has no comments.

**FIRE DISTRICT**

Golder Ranch Fire District has not provided comments to date. Should comments be received they will be provided to the Commission.

**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:

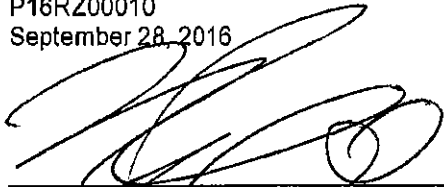
1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
  - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road.
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 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. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
  6. Cultural Resources condition: OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.
  7. Adherence to the preliminary development plan as approved at public hearing.
  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 and record 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)."

Respectfully Submitted,

P16RZ00010  
September 28, 2016

STAFF REPORT  
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Tom Drzazgowski, Principal Planner

**DATE:** September 12, 2016



**TO:** Thomas Drzazgowski, DSD  
Principal Planner

**FROM:** Greg Saxe, Ph.D.  
Env. Plg. Mgr

**SUBJECT: P16RZ00010 6500 Westover Ave LLC Rezoning**

I have reviewed the request and have the following comments:





1. As shown on the attached Flood Hazard Map the site is impacted by FEMA Special Flood Hazard Area Zone AH, indicating an area of ponding as well as overbank flows and Erosion Hazard Setbacks associated with Valencia Wash along the southern property boundary. Due to the presence of these hazards the District will be involved in reviewing the development plan and a FEMA map revision may be required.

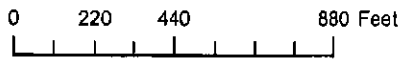
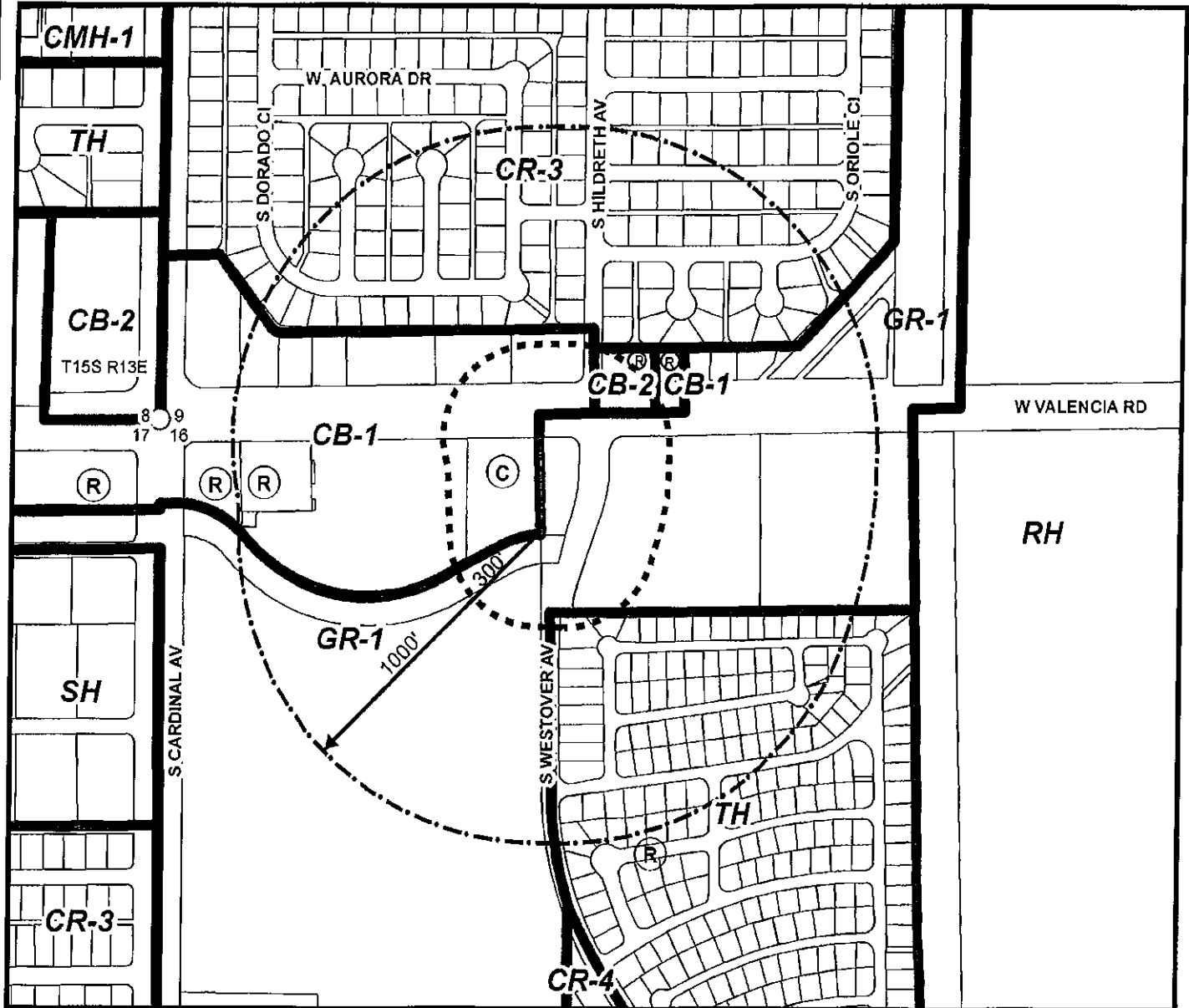
In conclusion, the District has no objection or recommended conditions.

GS

Cc: File



Case #: P16RZ00010  
 Case Name: 6500 WESTOVER AVE LLC - S. WESTOVER AVENUE REZONING  
 Tax Code(s): 138-25-5910

-  1000' Notification Area
-  300' Notification Area
-  Subject Property
-  Zoning Boundary



Area of proposed rezoning from GR-1 to CB-1 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**

 <b>PIMA COUNTY</b> DEVELOPMENT SERVICES	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Planning & Zoning Hearing: 09/28/16 (scheduled)		
	Base Map(s): 62	Map Scale: 1:6,000	

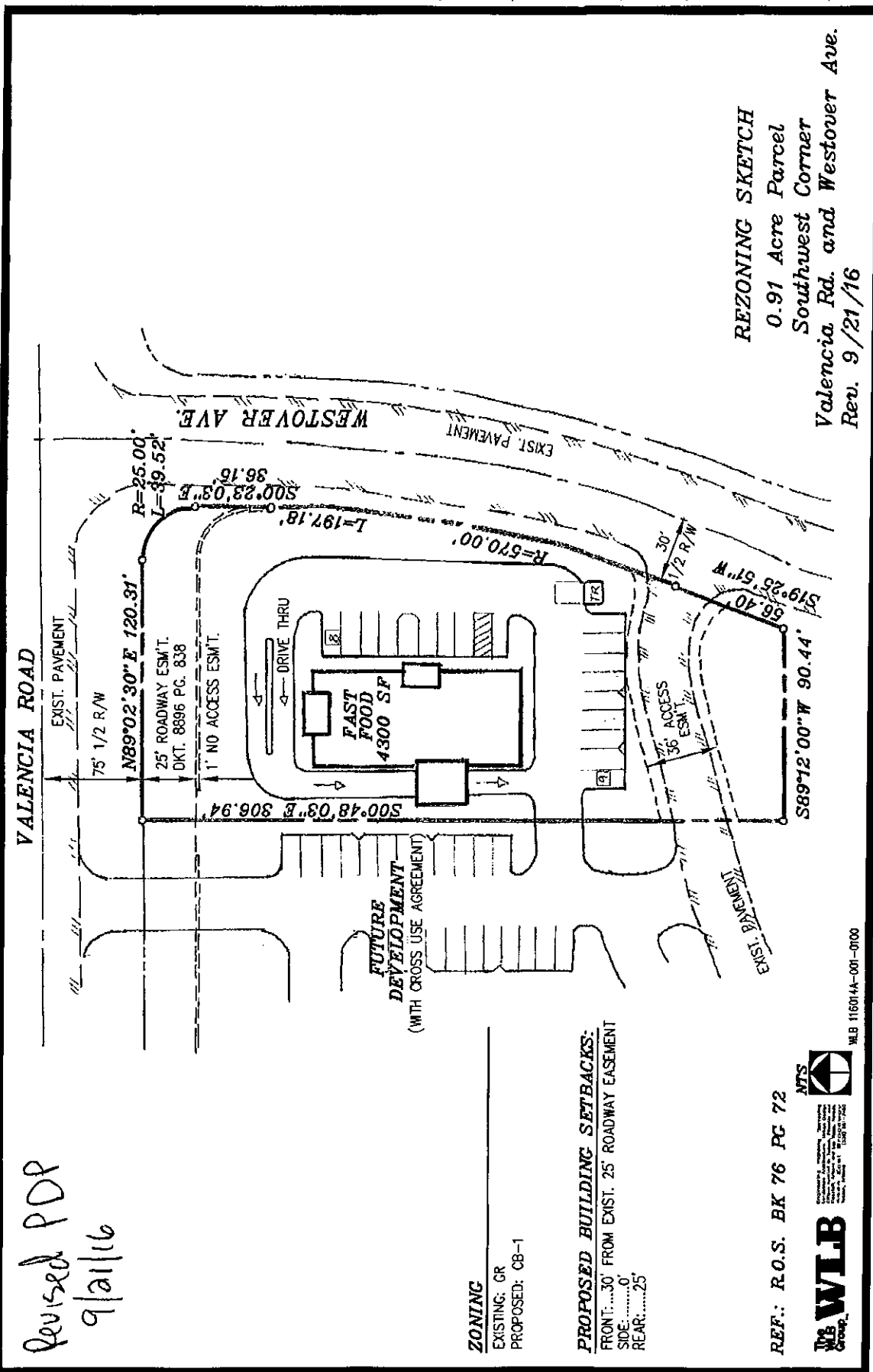




↖ N



Revised PDP  
9/21/16



**REZONING SKETCH**  
 0.91 Acre Parcel  
 Southwest Corner  
 Valencia, Rd. and Westover Ave.  
 Rev. 9/21/16

MB 1160144\001\VALENCIA & WESTOVER\CI PLANNING\04 REZONING OR CPA\MISC EXHIBITS\REZONING SKETCH

**ZONING**  
 EXISTING: GR  
 PROPOSED: CB-1

**PROPOSED BUILDING SETBACKS:**  
 FRONT: ...30' FROM EXIST. 25' ROADWAY EASEMENT  
 SIDE: .....0'  
 REAR: .....25'

REF.: R.O.S. BK 76 PG 72



**W.L.B.**  
 Group, Inc.  
 1160144-001-0100

MB 1160144-001-0100

 **PIMA  
PROSPERS** 2015 Comprehensive Plan - LAND USE LEGEND

**3. 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

**4. Multiple Use (MU)**

Objective:

To identify multiple-use areas that contain a wide range of uses, including residential, commercial and light industrial and provide standards for how these areas should develop or redevelop in the future. Proposals for new non-residential uses must show how the uses will minimize negative impacts on existing residential uses.

- 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

**5. Planned Development Community (PDC)**

- a. Objective: To designate existing approved specific plans. Specific plans comprise a unique zoning regimen within a planned community. Specific plan documents include detailed information on the intent for the community as a whole, as well as the individual planning and zoning districts within the specific plan area. Applications for amendments to individual specific plans shall be done in accordance with Section 18.90 (Specific Plans) of the Pima County Zoning Code.
- b. Exception: State Trust land in the proposed Sahuarita East Conceptual Plan is designated a PDC under Special Area Policy S-36 in Chapter 9.

**6. Higher Intensity Urban (HIU)**

Objective: To designate areas for a mix of medium to high density housing types, such as higher density single-family development, townhomes, condominiums and apartment complexes, as well as other compatible uses, such as offices, hotels, research and development, and other similar uses. These areas have direct access to major transportation corridors and other arterials and are within walking or bicycling distance from major commercial services and employment centers. They generally do not abut land in low intensity urban categories. Small-scale residential compatible retail services are allowed on the first floor of a multi-story building, provided that they are accessed from an arterial and are oriented away from lower density residential development.

**PIMA COUNTY PLANNING DIVISION  
APPLICATION FOR REZONING  
FOR PROJECTS NOT REQUIRING A SITE ANALYSIS**

6500 Westover Ave LLC	2870 N. Swan Road Suite 100, Tucson, Az. 85712	
Owner	Mailing Address	Email Address/Phone daytime / (FAX)
Ed Roll/The WLB Group, Inc.	4444 E. Broadway Blvd. Tucson, Az. 85711	eroll@wlbgroup.com 520-881-7480 520-881-7492
Applicant (if other than owner)	Mailing Address	Email Address/Phone daytime / (FAX)
6500 S. Westover Ave. Tucson, Az.	138-25-5910	
Legal description / property address	Tax Parcel Number	
0.91 Ac.	GR	CB-1
Acreage	Present Zone	Proposed Zone
	Pima Prospers/Southwest Planning Area/MU	
	Comprehensive Plan Subregion / Category / Policies	

The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with a **signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a **signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a **signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit a sketch plan in accordance with **Chapter 18.91.030.E.1.a. & b** of the Pima County Zoning Code. Submit a detailed description of the proposed project, including existing land uses, the uses proposed and to be retained, special features of the project and existing on the site (e.g., riparian areas, steep slopes) and a justification for the proposed project. Include any necessary supporting documentation, graphics and maps (all documentation should be legible and no larger than 8.5" X 11").
3. Submit three (3) copies of the Biological Impact Report.
4. Submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

August 19 2016  
Date

  
Signature of Applicant

FOR OFFICIAL USE ONLY				
6500 Westover Ave LLC - S. Westover Av.			Co9-	
GRS	CB1	4556.00	S	
Rezoning from	Rezoning to	Official Zoning Base Map Number	Fee	Supervisor District
NA				
Conservation Land System category				

Cross reference: Co9-, Co7-, other

Comprehensive Plan Subregion / Category /Policies

Received by TD Date 8/30/16 Checked by \_\_\_\_\_ Date \_\_\_\_\_



Engineering • Planning • Surveying • Urban Design • Landscape Architecture  
Offices located in Tucson, Phoenix, Las Vegas • E-mail tucson@wlbgroup.com  
4444 East Broadway • Tucson, Arizona 85711 • (520) 881-480 • FAX (520) 881-7492

**Transmittal**

To: Terri Tillman  
Pima County Planning  
201 N. Stone 2<sup>nd</sup> Floor

Date: August 22, 2016  
Job No.: 116014-A001-0104

Subject: Valencia - Westover Rezoning Application

We Transmit  Herewith  Under Separate Cover  Via Errands

**Material Format**

- Letter
- Memo
- Prints
- Sketch
- Disk
- Shop Drawing
- Clarification Drawing
- Modification Drawing
- Application
- Legal Description

**Requested Action**

- For Your Approval
- For Your Signature
- Information
- Resubmit
- As Requested
- Your Use
- Please Comment
- Make Recommendation
- Issue Construction Order

Comments: Attached for review and approval, please find:

- One (1) completed Rezoning Application for Project NOT Requiring a Site Analysis
- One (1) Letter of Authorization from the Property Owner
- One (1) copy of the Assessor's Map
- One (1) copy of the Assessor's Property Inquiry Printout
- One (1) Sketch Plan and Detailed Description of the Proposed Project
- One (1) completed Rezoning Impact Statement
- Three (3) copies of the Biological Impact Report
- One (1) check in the amount of \$4,556.00 for the Rezoning Review fee

Copies To: Ed Roll

Signed: Linda Thompson

Received By:

Date:

**David DeConcini**  
**2870 N. Swan Rd., Suite 100**  
**Tucson, AZ 85712**

August 17, 2016

Mr. Chris Poirier  
Zoning Administrator  
Pima County Planning & Zoning Department  
201 N. Stone Avenue, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

Subject: Rezoning Request  
Parcel 138-25-5910  
WLB No. 116014-A001

Dear Mr. Poirier:

I hereby authorize the WLB Group, Inc. to act as the applicant for processing the Rezoning Application for Pima County Tax Parcel 138-25-5910.

Owner: 6500 Westover Ave. LLC  
2870 N. Swan Rd., Suite 100  
Tucson, AZ 85712  
Attn: David DeConcini, Managing Member  
(520) 325-9600 Office  
(619) 405-5021 Cell

Sincerely,

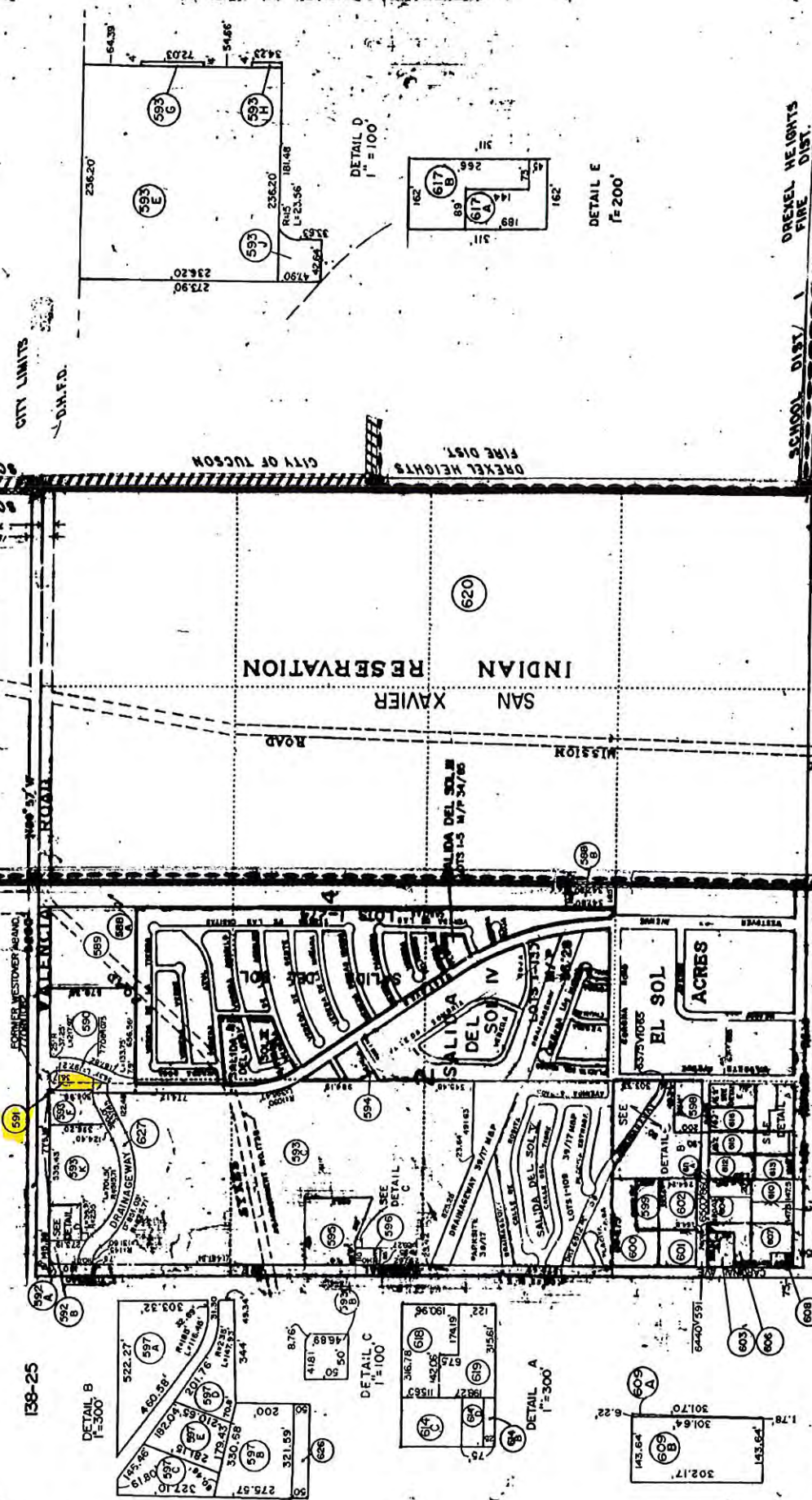


David DeConcini  
Managing Member

DD/ne

# ASSESSOR'S RECORD MAP

## SECTION 16, TOWNSHIP 15 SOUTH, RANGE 13 EAST



0 300 600 900 1200  
FEET

SEE BOOK 10, PAGE 36 R.S.  
2014-1  
SCANNED

DETAIL F  
SCALE 1"=200'

Book-Map-Parcel: **138-25-5810** [Oblique Image](#) Tax Year: Tax Area: 0102

Property Address:

Street No	Street Direction	Street Name	Location
6500	S	WESTOVER AV	Pima County

Taxpayer Information:

8500 WESTOVER AVE LLC  
 ATTN: ACCOUNTING DEPARTMENT  
 2870 N SWAN RD STE 100  
 TUCSON AZ

Property Description:

N CNTRL PTN N2 N2 NW4 & PTN ABAND WESTOVER  
 AVE .91 AC SEC 16-15-13

85712- 6303

Valuation Data:

Valuation Year	Legal Class	Assessment Ratio	Land FCV	Imp FCV	Total FCV	Limited Value	Limited Assessed
2016	Vacant/Ag/Golf (2)	15.0	\$59,856	\$0	\$59,856	\$20,243	\$3,038
2017	Vacant/Ag/Golf (2)	15.0	\$57,478	\$0	\$57,478	\$21,255	\$3,188

Property Information:

Section: 16  
 Town: 15.0  
 Range: 13.0E  
 Map & Plat: /  
 Block:  
 Tract:  
 Rule B District: 10  
 Land Measure: 39640.00F  
 Group Code:  
 Census Tract: 4309  
Use Code: 0012 (VACANT RESIDENTIAL URBAN NON-SUBDIVDED )  
 File Id: 1  
 Date of Last Change: 12/1/2014

Valuation Area:

Condo Market: 311  
 DOR Market: 51  
 MFR Neighborhood: ST\_EL\_PUEBLO\_PARK  
 SFR Neighborhood: 01002501  
 SFR District: 17

Supervisor District:

(5) RICHARD ELIAS

Recording Information:

Sequence No.	Docket	Page	Date Recorded	Type
20143020266	0	0	10/28/2014	WARRANTY DEED
20070370003	12998	10	2/23/2007	QUIT CLAIM DEED
96214116	10448	1590	12/24/1996	

Petition Information:

Tax Year	Owner's Estimate	Petition SBOE
2014	\$500	



## Pima County Geographic Information Systems

# Parcel 138-25-5910

Read the [Disclaimer](#). Information on this page is unofficial.

### Mail name and address

138-25-5910  
6500 WESTOVER AVE LLC  
ATTN: ACCOUNTING DEPARTMENT  
2870 N SWAN RD STE 100  
TUCSON AZ 85712-6303

### Legal description

N CNTRL PTN N2 N2 NW4 & PTN ABAND WESTOVER  
AVE .91 AC SEC 16-15-13

### Situs (property) address


[\(About situs addresses\)](#)

Street Address	Jurisdiction	Postal City	Zip Code	
6500 S WESTOVER AV	PIMA COUNTY	TUCSON	85746	<a href="#">ZIP+4 Lookup</a>

### Information for this parcel

- For **Assessor parcel details**, copy and paste Parcel ID **138255910** into the [Pima County Assessor's "Quick Search"](#). We cannot link directly. Also see [Assessor Record Maps](#).
- [Real Estate Property Tax Inquiry](#) and [Property Tax Statement](#) from the [Pima County Treasurers's Office](#).
- **Recorded Information** from the [Pima County Recorder's Office](#)
  - [Recorded Document](#) for Sequence Number 96214116.
  - [Voter Precinct and Districts](#)
- A **Subdivision Plat Map** is not available here because the GIS parcel record does not have subdivision Book/Page or Sequence numbers. The parcel may have an associated subdivision Book/Page or Sequence number that isn't documented here. See "Subdivision" in the ["Development" GIS overlay details group](#) results. As another option, the parcel legal description above may have a subdivision name you can search for in [Subdivision Final Plats](#).
- Pima County [Sanitary Sewer Connection Search](#) and [Connection Records Overview](#).
- **Permits** from [Pima County Development Services](#).
  - [Permit Database Search](#)
  - [Historical Permit Cards](#) - Prior to about 1998
- City of Tucson Development Activity Records are not available because the parcel is not in the City of Tucson.
- [Section Information and Maps](#) for Township 15S, Range 13E, Section 16.  
This parcel's GIS [overlay details Grids group](#) is a **more complete analysis** of sections when parcel boundaries extend outside of the listed section.
- **Floodplain Information:**



- [Parcel Floodplain Information](#). See [FEMA Digital Flood Insurance Rate Maps \(DFIRMs\)](#) for more.
- [Pima County RFCD Flood Hazard Map](#) . See [Floodplain Management](#) for more.
- [ZoomTucson services](#) and [ZoomBiz incentives](#) near this parcel from the [City of Tucson](#). These are also useful for many parcels outside of the City of Tucson.

**Over 100 parcel details from GIS overlay analysis**

Learn more about parcel GIS overlay details. See a [list of all details](#).


<a href="#">Airports</a> <a href="#">Associations</a> <a href="#">Census</a> <a href="#">Comprehensive Plan-Pima Prospers</a> <a href="#">Development</a> <a href="#">Floodplain-Defined by Pima County RFCD</a> <a href="#">Floodplain-FEMA</a> <a href="#">Governmental Districts and Areas</a>	<a href="#">Grids</a> <a href="#">Incentive Zones</a> <a href="#">Jurisdictions</a> <a href="#">Landscape Classifications</a> <a href="#">Miscellaneous</a> <a href="#">Other Regulatory Areas</a> <a href="#">Public Safety</a> <a href="#">Schools</a>	<a href="#">Sonoran Desert Conservation Plan</a> <a href="#">Transportation</a> <a href="#">Utilities</a> <a href="#">Zoning</a>
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**Parcel GIS geometry details**

Accuracy is limited to that of the GIS parcel data. All data is subject to this [disclaimer](#).

<b>Parcel centroid coordinates</b>	Approximately 32.133197 degrees latitude, -111.024546 degrees longitude.
<b>Parcel area</b>	<p><b>This is only an estimate from GIS data.</b>                  The Subdivision Plat Map, if any, may also specify parcel area. See <a href="#">Finding Parcel Areas</a>.</p> <hr/> Approximately 0.85 acres or 37,034 square feet.

**Zoom to maps of the parcel's area**

<p><b>PimaMaps</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Main map</a></li> </ul> <p><small>Autodesk</small> <b>MapGuide</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Main map</a></li> <li>• <a href="#">Orthophoto map</a></li> </ul>	<p><b>Oblique Aerial Photos</b></p> <hr/> <p>You can change the view (N,S,E,W) or pan and zoom the oblique photo.</p> <p>If the parcel centroid is outside the oblique photo area, either a flat map is shown or the page remains empty.</p> <hr/>  <p><b>PICTOMETRY</b> INTELLIGENT IMAGERY</p> <p>Pictometry Photos</p> <p>(Legacy Internet Explorer Viewer)  <a href="#">Learn more</a></p> <hr/> <p><b>bing</b> Bing Maps Photos</p> <p>If you don't see the oblique photo, pick "Bird's Eye".</p>	<p><b>Google</b> <a href="#">Area Map</a></p> <p><b>MAPQUEST</b> <a href="#">Area Map</a></p> <p><b>YAHOO!</b> <a href="#">Area Map</a></p> <p><b>bing</b> <a href="#">Area Map</a></p>
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Co9- \_\_\_\_\_


**PIMA COUNTY  
REZONING IMPACT STATEMENT**

Please answer the following questions **completely**; required hearings may be delayed if an adequate description of the proposed development is not provided. Staff will use the information to evaluate the proposed rezoning. Additional information may be provided on a separate sheet.

NAME (print) Ed Roll

NAME OF FIRM (if any) The WLB Group, Inc.

INTEREST IN PROPERTY Consultant to the Owner

SIGNATURE  DATE August 19, 2016

**A. PROPOSED LAND USE**

1. Describe the proposed use of the property.

Fast food outlet.

2. State why this use is needed.

This is a very small parcel; due to the size and the location it would be ideal for this type of use.

3. If the proposed use is residential, how many **total residential units** would there be on the property to be rezoned? Will these be detached site-built homes, manufactured homes, or another type?

Total units: N/A Type: \_\_\_\_\_

4. Will the subject property be split into additional lots? YES  **NO**  (circle one)

5. How many **total lots** are proposed to be on the property to be rezoned, and what size in acres will each lot be?

There will be one lot, approximately 0.91 Ac in size.

6. If more than **one** lot would be created by this rezoning, how will all-weather access be provided to these lots from a dedicated public road? (e.g. direct access, existing easement, new easement, etc.)

N/A

7. What is the maximum proposed building height?

30 feet and 1 stories

8. Provide an estimate of when proposed development will be started and completed.

Starting date: \_\_\_\_\_  
Completion date: Start 01/02/2017; Complete 06/05/2017

9. If the proposed development is commercial or industrial: 10 employees per shift

a. How many employees are anticipated? 17

b. How many parking spaces will be provided? \_\_\_\_\_

c. What are the expected hours of operation? 24 hours per day

- d. Will a separate loading area be provided? Yes
- e. Approximate size of building (sq. feet)? 4,300 Sq. Ft.

10. a. For commercial or industrial developments, or residential developments of three residences per acre or greater, state which bufferyards are required, according to Chapter 18.73 (Landscape Standards) of the Zoning Code.

N/A

b. Describe the buffer choice that would be provided (e.g.: buffer width, use of walls, or type of plant material) to meet the Code requirement. Refer to Chapter 18.73 of the Zoning Code.

N/A

11. If the proposed development is an industrial project, state the industrial wastes that will be produced and how they will be disposed of. (Discuss the means of disposal with the Wastewater Management Department at 740-6500 or the Department of Environmental Quality at 740-3340.)

N/A

**B. SITE CONDITIONS - EXISTING AND PROPOSED**

1. Are there existing uses on the site? YES  NO

a. If yes, describe the use, stating the number and type of dwelling unit, business, etc.

b. If no, is the property undisturbed, or are there areas that have been graded?

Disturbance in the form of a driveway along the south portion from the WalMart to Westover, has occurred.

2. If the proposed rezoning is approved, will the existing use be removed, altered, or remain as is?

The driveway will remain.

3. Are there any existing utility easements on the subject property?  YES NO

If yes, state their type and width, and show their location on the sketch plan.  
There is a 25' roadway easement along Valencia, and a 36' access easement covering the driveway from the WalMart site. See attached easement.

4. Describe the overall topography of the subject property, and note whether any slopes of greater than 15% are present on the property. Note any rock outcropping or unusual landforms or features.

The elevation of the property is roughly 2500 throughout. There are no rock outcroppings or other features. There is bank rotection at the south property line on the north side of the wash.

5. Note any areas of heavy vegetation on the sketch plan and describe its type and general density.

There is very little vegetation on site; mainly scrub brush.

6. Conservation Land System (CLS):

- a. Is the subject property within the MMB Conservation Land System (see Attachment A)?

Yes

No

- b. If so, which of the following does the subject property fall within, and if more than one, provide the approximate percentage of the site within each?

Important Riparian area, Biological Core, Multiple Use, Special Species Management area, or Recovery Management area, or Existing Development within the CLS.

7. How has the plan for the rezoning met the conservation standard for the applicable category area?

N/A

8. Are there any natural drainageways (washes) on the subject property? YES  NO  
If yes, state whether these natural drainage patterns would be altered by the proposed development, and what type of alteration is proposed.

(NOTE: For information regarding flood control requirements, call the Regional Flood Control District, 243-1800.)

9. Approximately how much of the subject property is proposed to be graded, including areas where most vegetation will be cleared? 0.91 Acres, or 100 percent of the land area. How much of this area is currently graded? Approximately 60% of the site is currently graded.

10. Describe any revegetation proposal in areas where development would require removal of natural vegetation.

N/A

11. For rezonings larger than 3.3 acres (144,000 square feet) or for more than one residential unit per 3.3 acres: N/A

- a. Is the subject property elevation less than 4,000 feet?

NO YES

- b. Are there any saguaros on the subject property that are eight feet or taller or that contain a woodpecker cavity? If yes, how many?

NO YES Number: Over 8 feet: \_\_\_\_\_ under 8 feet with cavity: \_\_\_\_\_

- c. Are there any mesquite trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

d. Are there any Palo Verde trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

e. Are there any ironwood trees on the subject property with trunks six inches or greater in diameter as measured four feet above ground? If yes, how many?

NO YES Number: \_\_\_\_\_

f. Have any Cactus Ferruginous Pygmy Owls been found on the subject property or within 1,500 feet of the proposed development project as a result of an Owl Habitat Survey?

- \_\_\_ 1) No survey has been done.
- \_\_\_ 2) No owls were found as a result of a survey performed on \_\_\_\_\_ (date).
- \_\_\_ 3) \_\_\_ (Number of) owls were found as a result of a survey performed on \_\_\_\_\_ (date).

11. Will a septic system or public sewer be used for the proposed development?

SEPTIC  SEWER

If septic is to be used, state whether one currently exists on the property and, if so, whether additions to that system will be needed for this development. (NOTE: For information on septic system requirements, call the Department of Environmental Quality at 740-3340.)

\_\_\_\_\_  
\_\_\_\_\_

12. How will water be supplied to the property? If a water company, state which one.

Tucson Water will serve the property. There is an existing 12" main in Valencia with  
with a stub to the property.

C. SURROUNDING LAND USE

Describe in detail adjacent and nearby existing land uses within approximately 500 feet of the subject property in all directions.

NORTH: Commerical and residential

SOUTH: Pima County Wash

EAST: Vacant GR-1 Property

WEST: Vacant CB-1 parcel that is part of the WalMart Neighborhood Market; DP Bk 29, Pg 3

# RECON

*An Employee-Owned Company*

August 19, 2016

Mr. Ed Roll  
Senior Project Manager  
The WLB Group, Inc.  
4444 East Broadway Boulevard  
Tucson, Arizona 85711

Reference: **Valencia Road & Westover Avenue Biological Impact Report  
(RECON 8410)**

Dear Mr. Roll:

RECON Environmental, Inc. (RECON) prepared the following Biological Impact Report, in accordance with Pima County Ordinance No. 2001-103, for 6500 S. Westover Avenue (Parcel #138255910) located on the southwest corner of Valencia Road and Westover Avenue, in Pima County, Arizona.

## ***Landscape Resources***

1. The parcel does not occur wholly or partially wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
2. The parcel does not occur in the vicinity of any of the six general areas identified as Critical Landscape Linkages identified on the Maeveen Marie Behan Conservation Lands System Map.
3. The parcel is not a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide.

## ***Species-Specific Information***

### **Cactus Ferruginous Pygmy-owl**

1. The parcel does not occur within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
2. The parcel has not been surveyed for pygmy-owls.
  - a. No future surveys for this species are planned.

**Western Burrowing Owl**

1. The parcel does not occur within the Priority Conservation Area for the western burrowing owl.
2. This parcel has not been surveyed for burrowing owls.
  - a. No future surveys for this species are planned.

**Pima Pineapple Cactus**

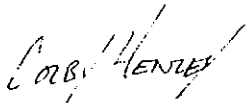
1. This parcel does not occur within the Priority Conservation Area for the Pima pineapple cactus.
2. No Pima pineapple cactus are known to have been found on the parcel.
3. The parcel has not been surveyed for Pima pineapple cactus?
  - a. No future surveys for this species are planned.

**Needle-Spined Pineapple Cactus**

1. This parcel does not occur within the Priority Conservation Area for the needle-spined pineapple cactus.
2. No needle-spined pineapple cactus are known to have been found on the parcel.
3. The parcel has not been surveyed for needle-spined pineapple cactus?
  - a. No future surveys for this species are planned.

I certify that this information correctly reflects data displayed on the Sonoran Desert Conservation Plan MapGuide on August 18, 2016.

Regards,

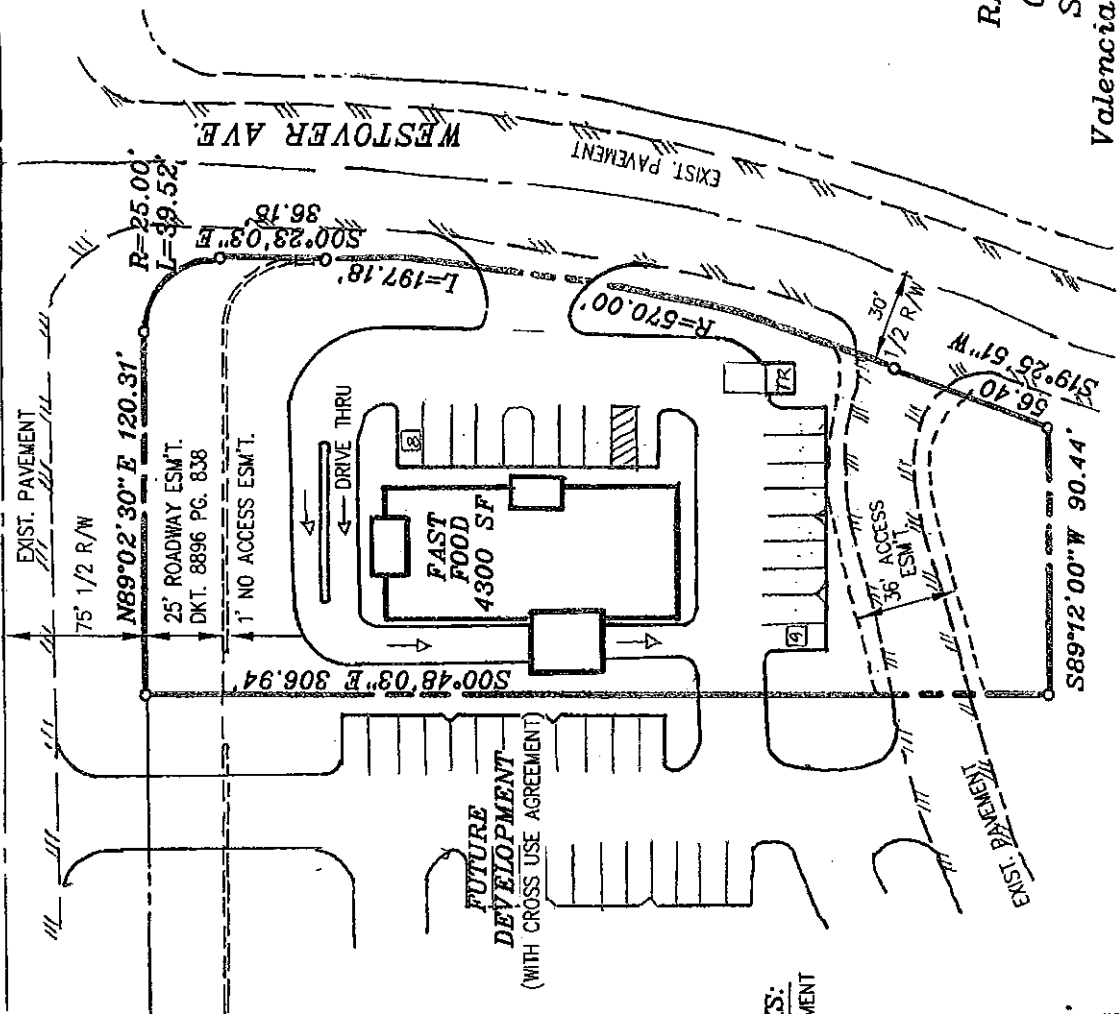


Colby Henley  
Senior Biologist/Project Manager

DCH:clp

Original PDP

VALENCIA ROAD



REZONING SKETCH

0.91 Acre Parcel  
Southwest Corner  
Valencia Rd. and Westover Ave.

PROPOSED BUILDING SETBACKS:

FRONT: 30' FROM EXIST. 25' ROADWAY EASEMENT  
SIDE: 0'  
REAR: 25'

REF.: R.O.S. BK 76 PG 72

T' = 40'



MLB 116014A-001-0100