



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 8/2/2022

**= Mandatory, information must be provided*

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

***Title:**

ORDINANCE: P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on April 5, 2022.

***Discussion:**

The rezoning was for approximately 2.65 acres from the CI-1 (Light Industrial/Warehousing)(1.87 acres) and CI-1 (AE) (Light Industrial/Warehousing – Airport Environs)(0.78 acres) zones to the CB-1 (Local Business)(1.87 Acres) and CB-1 (AE) (Local Business – Airport Environs)(0.78 Acres) zones to convert the 118-room hotel to 115 apartments.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



Subject: P21RZ00015

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AUGUST 2, 2022 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director *Bob Ton Drargowski*
Public Works-Development Services Department-Planning Division
DATE: July 12, 2022

ORDINANCE FOR ADOPTION

P21RZ00015 JOT PROPERTIES LLC – E. IRVINGTON ROAD REZONING

Owner: JOT Properties LLC
(District 2)

If approved, adopt ORDINANCE NO. 2022 - _____

OWNER: JOT Properties LLC
11856 Mariposa Bay Ln
Northridge CA 91326-4135

AGENT: Balwinder Riat
3704 E. Irvington Road
Tucson AZ 85713

DISTRICT: 2

STAFF CONTACT: Donna Spicola, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

c: Balwinder Riat

ORDINANCE 2022-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 2.65 ACRES OF PROPERTY (ADDRESSED AS 3704 E. IRVINGTON ROAD PARCEL CODE 140-07-001B), FROM THE CI-1 (LIGHT INDUSTRIAL/WAREHOUSING)(1.87 ACRES) AND THE CI-1 (AE) (LIGHT INDUSTRIAL/WAREHOUSING – AIRPORT ENVIRONS)(0.78 ACRES) ZONES TO THE CB-1 (LOCAL BUSINESS)(1.87 ACRES) AND THE CB-1 (AE) (LOCAL BUSINESS – AIRPORT ENVIRONS)(0.78 ACRES) ZONES, IN CASE P21RZ00015 JOT PROPERTIES LLC - E. IRVINGTON ROAD REZONING, LOCATED APPROXIMATELY 260 FEET SOUTHEAST OF THE I-10 INTERCHANGE AND E. IRVINGTON ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 33.

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

Section 1. The 2.65 acres located approximately 260 feet southeast of the I-10 Interchange and E. Irvington Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zonings Map No. 33, is rezoned from the CI-1 (Light Industrial/Warehousing) and the CI-1 (AE) (Light Industrial/Warehousing - Airport Environs) zones to the CB-1 (Local Business) (0.78 acres) and the CB-1 (AE) (Local Business - Airport Environs) (1.87 acres) zones 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. Prior to the submittal of building permits, a Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation. The TIS shall include the trip generation of the existing restaurant to the north. Offsite improvements determined by the TIS as a result of the traffic impact study shall be provided by the property owner/developer.
 - B. Prior to the TIS approval, proof of coordination with the Arizona Department of Transportation (ADOT) and the City of Tucson shall be provided to Pima County Development Services.
 - C. A right-of-way use permit is required for any work within Pima County right-of-way.
3. Regional Wastewater Reclamation Department 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) stating 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.
- 4. Adherence to the Development Plan as approved at public hearing (Exhibit B).
 - 5. Tucson Airport Authority conditions
 - A. An Aviation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Aviation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
 - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property

owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature.

6. 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.
7. 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 7 of Section 2 shall be completed no later than April 5, 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:

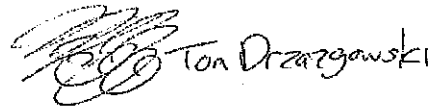
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

APPROVED:



Executive Secretary
Planning and Zoning Commission

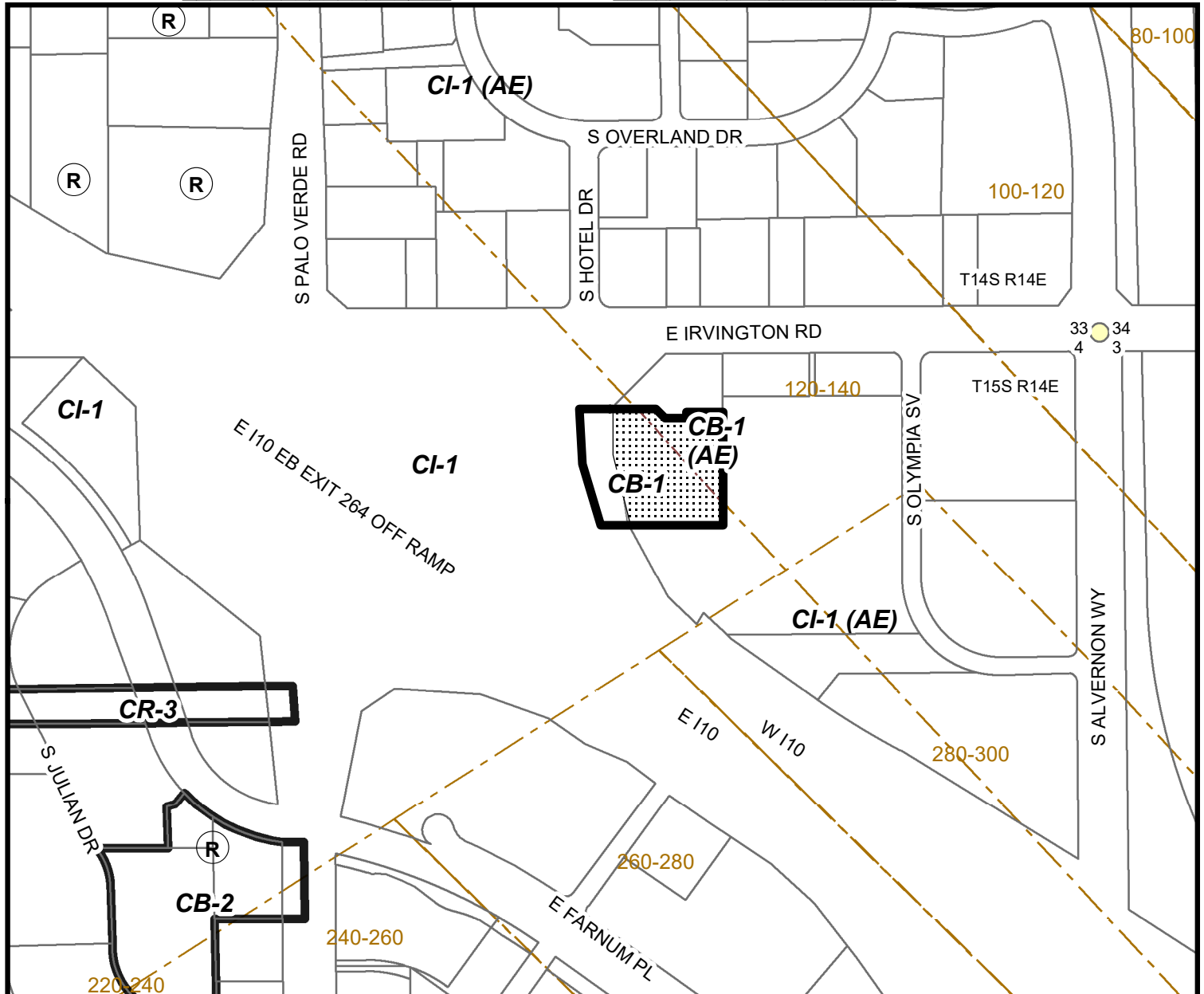
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 33 TUCSON AZ. BEING A
PART OF LOT 6 OF PALO VERDE BUSINESS PARK LOCATED IN THE
NE 1/4 OF SECTION 4, T15S R14E.



0 125 250 500 Feet

ADOPTED: _____ EFFECTIVE: _____



0 220 440 880 Feet

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

C NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CI-1 & CI-1 (AE) 2.65 ac
ds-June 2, 2022

P21RZ00015
14007001B



P21RZ00015 Jot Properties LLC - E. Irvington Road

