



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 11/1/2022

**= Mandatory, information must be provided*

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

***Title:**

Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

***Introduction/Background:**

A. Proposal to consider closure of rezoning case Co9-10-03 as required by code; B. If not closed, applicant requests a five-year time extension for the rezoning from SR (Suburban Ranch) to TR ©(Transitional – Conditional) zone; and C. A modification of rezoning condition #11 to amend the preliminary development plan (PDP) from assisted living and medical office uses to an apartment complex located at the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue.

***Discussion:**

A. Closure must be considered prior to consideration of a time extension; B. The applicant cites the need for a five-year time extension due to the new ownership requiring time to complete the new development; C. The modification of rezoning condition #11 will allow an 18 building, 144-unit apartment complex with over 68,000 square feet of recreation area. The revised preliminary development plan provides a less intense and efficient use of an infill site.

***Conclusion:**

A. The proposed land use is suitable for the area; B. The time extension will allow a total of 15 years from the original Board of Supervisors approval to complete rezoning conditions; C. The modification of rezoning condition #11 will allow for a revised development plan.

***Recommendation:**

A. Staff recommends AGAINST CLOSURE; B. Staff recommends APPROVAL of the five-year time extension subject to original and modified standard and special conditions; C. Staff and the Planning and Zoning Commission recommend APPROVAL of a modification (substantial change) of rezoning condition #11 subject to original and modified standard and special conditions.

***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: _____

7/14/2021



TO: Honorable Rex Scott, Supervisor, District 1

FROM: Chris Poirier, Deputy Director *Tom Drargowski*
Public Works-Development Services Department-Planning Division

DATE: October 11, 2022

SUBJECT: **Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING**

The above referenced Rezoning Closure, Rezoning Time Extension and Modification of Rezoning Condition are within your district and scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 1, 2022** hearing

REQUEST: **A. Rezoning Closure:** A **closure** of a 11.55 acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**. The rezoning was conditionally approved in 2011 and expired on October 4, 2021.

B. Rezoning Time Extension: A five-year **time extension** of an 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone expired October 4, 2021. The property is located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**.

C. Modification (Substantial Change) of Rezoning Condition: A **modification (substantial change) of rezoning condition #11**, which states, "Adherence to the preliminary development plan as approved at public hearing." The applicant requests to amend the preliminary development plan from medical office and assisted living uses to allow for an apartment complex. The subject site is approximately 11.55 acres zoned TR © (Transitional - Conditional), located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**.

****This case requires 3 separate motions and votes.**

OWNER: Aerie Northwest LLC
Attn: Scott Rathbun, President CEO
6300 E. Eldorado Plaza, B150
Tucson AZ 85715

AGENT: The Planning Center
Attn: Brian Underwood, Director
2 E. Congress Street, Suite 600
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Senior Planner

PUBLIC COMMENT TO DATE: As of October 11, 2022, staff has received no public comment.

PLANNING AND ZONING COMMISSION RECOMMENDATION (FOR MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION ONLY): APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS 8 - 0 (Commissioners Hook and Gungle were absent).

STAFF RECOMMENDATION (FOR CLOSURE, TIME EXTENTION AND MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION): A) AGAINST CLOSURE; B) APPROVAL OF FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS; and C) APPROVAL OF THE MODIFICATION OF REZONING CONDITION #11 TO AMEND THE PRELIMINARY DEVELOPMENT PLAN SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

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

TD/DS
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-10-03

Page 1 of 6

FOR TUESDAY, NOVEMBER 1, 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: October 11, 2022

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE, REZONING TIME EXTENSIONS, MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

****This case requires 3 separate motions and votes**

A. Rezoning Closure

Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest LLC, represented by the Planning Center, requests a **closure** of a 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**. The rezoning was conditionally approved in 2011 and expired on October 4, 2021. Staff recommends **DENIAL OF THE CLOSURE** of the rezoning.
(District 1)

B. Rezoning Time Extension

Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest LLC, represented by the Planning Center, requests a five-year **time extension**. The 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone expired October 4, 2021. The property is located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**. Staff recommends **APPROVAL OF FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

C. Modification (Substantial Change) of Rezoning Condition

Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

Aerie Northwest LLC, represented by the Planning Center, requests a **modification (substantial change) of rezoning condition #11**, which states, "Adherence to the preliminary development plan as approved at public hearing." The applicant requests to amend the preliminary development plan from medical office and assisted living uses to allow for an apartment complex. The subject site is

approximately 11.55 acres zoned TR © (Transitional - Conditional), located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, addressed as **2050 W. Oracle Jaynes Station Road**. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION #11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS 8 - 0** (Commissioners Hook and Gungle were absent). Staff Recommends **APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION #11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (September 28, 2022)

The public hearing was held virtually and telephonically. The commission and staff members were present virtually. The applicant presented virtually.

Staff presented information from the staff report to the commission regarding the Modification (Substantial Change) of Rezoning Condition #11 with a recommendation of approval subject to original and modified standard and special conditions.

A commissioner requested clarification regarding the closure, time extension and the rezoning modification requested. Staff replied that the only action in front of the commission is the modification request. The closure and time extension will be presented to the Board of Supervisors. Every time a rezoning is approved, there is a five-year time limit and an applicant may request a five-year time extension, which was granted in 2017 but after a total of 10 years the Board, must consider a rezoning closure. Staff typically recommends against closure and recommends the Board consider an additional time extension. This procedure is customary on older rezoning cases. In this instance, an additional five-year time extension and a modification (substantial change) of rezoning condition is being requested.

The applicant's agent provided a visual presentation along with additional information for the proposed development. The applicant stated that the client has been moving forward at their own risk, and has a site construction plan and traffic statement under review by Development Services, and a Design Review Committee meeting request submitted for an HDZ exception. A neighborhood meeting was held and there was only one person in attendance, a representative from Supervisor Scott's office.

A commissioner asked the applicant for specifics on revegetation. The applicant stated that native and drought tolerant plants on the Pima County approved plant list will be used, and relocating and transplanting vegetation on-site will provide a natural look.

The public hearing was opened and there were no speakers; the public hearing was closed.

A commissioner stated that it seems odd for a significant development containing 144 units that there is no public input. Staff stated the same sentiment. Notice was double-checked and conclusively was completed. Directly to the south is a medical office complex; to the north is The Fountains, an assisted living facility; to the east are low-density homes; and, on the west side of La Cholla Boulevard is significant density. This property has been rezoned for over a decade and is fairly isolated by commercial property.

The chair allowed one member of the public to speak to the item during their discussion. The speaker stated she is the owner of the small sliver of land and the three-acre parcel directly to the east. The speaker stated that the land has been vacant for a long time and tends to be used for other things. Also, the large wash separates most of the 3.3-acre parcels directly to the east of her property. The speaker's main concern would be the security from the east border of the apartment complex and into the wash and she asked if there will be an opening for people to access and walk in the wash. The applicant stated that there is no formal path along the west bank of the wash, but a condition from the original 2011 rezoning requires an ADA connection to the Casas Adobes Wash; the applicant's client would rather not have a public connection.

A commissioner asked the applicant when construction may start on this site. The applicant stated that they would like to get the grading permit soon, as site construction permitting plans are submitted but currently waiting for this rezoning modification process and the developer would like to move forward as soon as possible.

Commissioner Matter made a motion to recommend **APPROVAL WITH ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**, Commissioner Becker gave second.

The commission voted to recommend **APPROVAL** of the Modification (Substantial Change) of Rezoning Condition 8 – 0 (Commissioners Hook and Gungle were absent) subject to the following conditions:

Completion of the following requirements within five years from the date the rezoning time extension is approved by the Board of Supervisors.

- ~~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 Services Department.~~

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

6 2. Transportation conditions:

- A. The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.
- B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.
- C. The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.
- D. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be

provided by the property owner.

7 3. Flood Control conditions:

- ~~A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.~~
- ~~B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.~~
- A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
- B. The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.
- 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.

8 4. Wastewater Reclamation conditions:

- A. The owner/developer 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/developer to that effect.
- B. The owner/developer 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 conveyance capacity not be available at that time, the owner/developer 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/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.
- D. 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 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/developer 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/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.

9 5. Environmental Quality conditions:

- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal

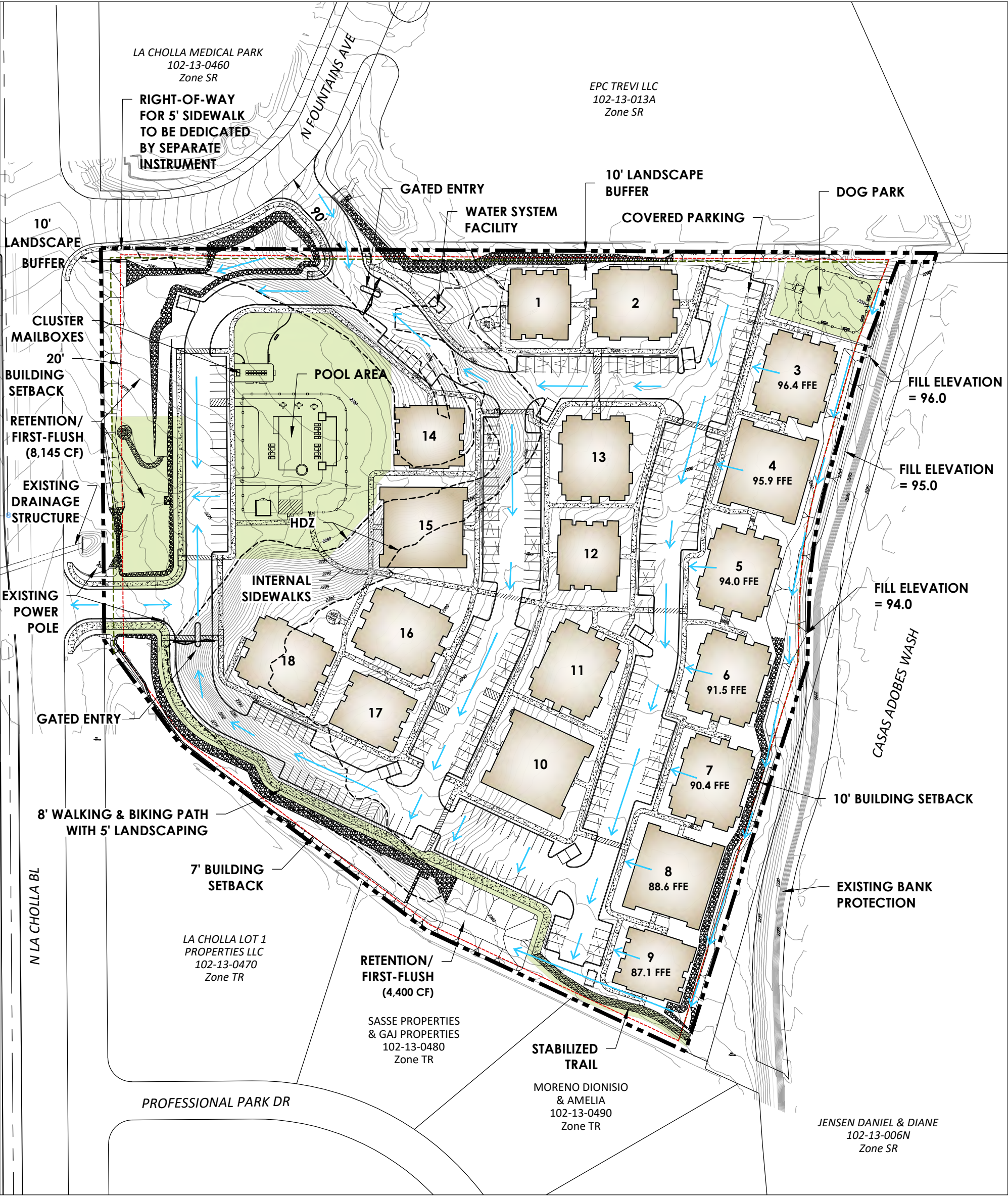
shall not be allowed.

- B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- 40 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
- 44 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
- 42 8. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
- 43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
- 44 10. 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.
- 45 11. The property owner shall execute ~~and record~~ the following disclaimer regarding the Private Property Rights Protection Act: ~~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)."
- 46 12. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
- 47 13. Upon the effective date of the Ordinance, the owner(s)/~~developer(s) of the rezoned property~~ 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(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

TD/DS
Attachments

c: The Planning Center, Brian Underwood, Director

PRELIMINARY DEVELOPMENT PLAN



NOTES

APN: 102-13-004D
Address: 2050 W Oracle Jaynes Road
Site Area: 11.55 AC (approx.)
Existing Zoning: TR
Proposed Zoning: TR

Total Number of Buildings: 18
Total Number of Units: 144
Max. Building Height: 30'

Parking Required: 248 Spaces
Parking Provided: 268
Number of Covered Parking: 148

Recreation Area Required (460 SF/ Unit): 66, 240 SF
Recreation Area Provided: 68,550 SF

Drainage basins designed to reduce peak discharge by 10%

FEMA Zone X Shaded - protected by levee (to be revised by this Project)

LEGEND

- Property Boundary
- Proposed Recreation Area
- Covered Parking
- Landscape Buffer
- Building Setback
- Flow Arrows

AERIE - LA CHOLLA MULTIFAMILY

LA CHOLLA BLVD & FOUNTAINS AVE



PRELIMINARY DEVELOPMENT PLAN



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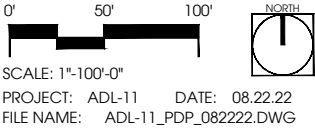
FEMA Zone X Shaded - protected by levee (to be revised by this Project)

LEGEND

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- Covered Parking
- Landscape Buffer
- Building Setback
- Flow Arrows

AERIE - LA CHOLLA MULTIFAMILY

LA CHOLLA BLVD & FOUNTAINS AVE



CO9-10-03 MOORE TR - ORACLE JAYNES STATION ROAD REZONING

Tax Code(s): 102-13-004D

Aerial Exhibit



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION



Notes: Closure/Time Extension/
Modification of Rezoning Condition (Substantial Change)
PIMA COUNTY COMPREHENSIVE PLAN C07-13-10 / Accela Case #: P22SA00002

Map Scale: 1:6,000

Map Date: 8/24/2022 - ds



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

HEARING September 28, 2022

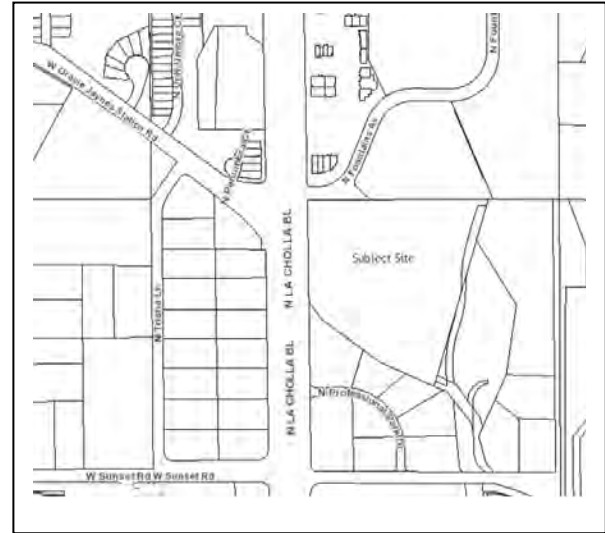
DISTRICT 1

CASE Co9-10-03 Moore TR – Oracle
Jaynes Station Road Rezoning

REQUEST A. Rezoning Closure
B. Five-Year Rezoning Time
Extension
C. Modification (Substantial Change)
of Rezoning Condition #11

OWNER Aerie Northwest LLC
Attn: Scott Rathbun, President CEO
6300 E. Eldorado Plaza, B150
Tucson AZ 85715

APPLICANT The Planning Center
Attn: Brian Underwood, Director
2 E. Congress Street, Suite 600
Tucson, AZ 85701



APPLICANT'S PROPOSAL

- A. Proposal to close Co9-10-03, an approximate 11.55-acre rezoning from SR (Suburban Ranch) to the TR © (Transitional - Conditional) zone. The rezoning was conditionally approved in 2011 and expired on October 4, 2021. *(This is a Board of Supervisors Action only.)*
- B. A five-year time extension for the rezoning from the SR to TR © zone. *(This is a Board of Supervisors Action only.)*
- C. A modification (substantial change) of rezoning condition #11, which requires adherence to the approved preliminary development plan as approved at public hearing. The applicant proposes to amend the preliminary development plan for an apartment complex instead of the medical office and assisted living uses. The proposed apartment complex will contain eighteen residential buildings, containing 144 apartment units and 68,000 square feet or more of recreation space. *(This is a Planning & Zoning Commission and Board of Supervisors action.)*

APPLICANT'S STATED REASON

The proposed use will provide "high-quality housing that is attainable for working professionals, empty nesters and others" to help address the current housing concerns. The site was originally rezoned for medical office and assisted living uses which never came to fruition.

STAFF REPORT SUMMARY

The Development Services Department recommendations are as follows:

A. Rezoning Closure

Staff recommends **AGAINST CLOSURE** of the rezoning.

B. Rezoning Time Extension

Staff recommends **APPROVAL of a five-year time extension.**

C. Modification (Substantial Change) of Rezoning Conditions

Staff recommends **APPROVAL of modification (substantial change) of rezoning condition #11** to amend the preliminary development plan from medical office and assisted living uses to allow an apartment complex. The modification conforms to the sites Medium Intensity Urban comprehensive plan land use designation and will provides a less intense and efficient use of an infill site.

PUBLIC COMMENT

As of the writing of this staff report, staff has not received and public comments.

Published and mailed notice of the proposal along with website posting of this staff report occurs prior to public hearing. The websites will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

COMPREHENSIVE PLAN

The comprehensive plan designation is Medium Intensity Urban (MIU). The site was rezoned to TR under the Medium High Intensity Urban (MHIU) designation. Under Pima Prospects, the County's update to the Comprehensive Plan, many of the land use designations were modified, and MHIU is one of the no longer utilized land use designations. The property's land use designation was updated to MIU, which designates areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. The residential gross density for MIU provides for a minimum five residences per acre (RAC) up to a maximum 13 RAC. The proposal conforms to the comprehensive plan with a 12.48 RAC.

Special Area Policy S-20 (Urban Floodplain Mitigation) exists within the southeast portion of the subject property relating to the delineation of the 100-year floodplain. Flood Control District condition #3B will implement the special area policy. There are no rezoning policies applicable to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Developed /Assisted Living & Medical Facility
South:	TR	Developed & Undeveloped Professional Offices
East:	SR/CR-1	Undeveloped & Developed Residential Property
West:	SH	Developed Residential Subdivision

Northwest Medical Center and a mix of medical and professional offices are located in the area. The Fountains, a continuing care and retirement community, is located north of the subject property. A well-established, low-density SH (Suburban Homestead) residential subdivision exists on the west side of N. La Cholla Boulevard; to the south are professional offices and vacant, platted commercial lots. East of the subject property, the majority of the parcels are vacant with scattered single-family residences on low density, 1-acre or greater property.

MAEVEEN MARIE BEEHAN CONSERVATION LANDS SYSTEM (CLS)

The subject site is located outside of the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

A. Rezoning Closure

Staff recommends against closure of the rezoning; but closure must be considered prior to consideration of a time extension because a time extension was not requested prior to the case expiration of October 4, 2021, and it has been more than 10 years since the date of rezoning approval, October 4, 2011. The Zoning Code requires consideration of closure in either of these instances. The initial time limit for approved rezonings is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. Because of the continued appropriateness of the proposed use, staff does not recommend closure.

B. Rezoning Time Extension

The applicant requests a five-year time extension. The request letter states that when the property was originally rezoned in 2011 "...the supply of properties suitable for medical offices and skilled nursing facilities in Pima County and Tucson was burgeoning, many of which were developed during the rezoning process or shortly after approval." Due to the competition, the property remained vacant. The property has transferred ownership and currently owned by Aerie Northwest LLC, who is requesting the five-year time extension and rezoning condition modification.

The 11.55-acre site is located on the southeast corner of La Cholla Boulevard and Fountains Avenue and is currently undeveloped. The property was rezoned in 2011 (Co9-10-03) from the SR to the TR zone with an expiration date of October 4, 2016. A five-year time extension was approved on January 17, 2017. Resolution No. 2017-47 was adopted which extended the expiration date to October 4, 2021.

Staff supports the requested five-year time extension, which if approved, will provide a total of 15 years to complete rezoning conditions from the original Board of Supervisors approval date by extending the expiration date to October 4, 2026.

The TR rezoning complies with the site's MIU plan designation. The site and larger areas to the north and immediate east were down-planned from the MHIU designation (from 24 RAC maximum, to 5 RAC minimum and 13 RAC maximum) as part of the Pima Prospers Plan Update

Denial of the time extension will cause the site to revert to unrestricted SR zoning. SR zoning, which provides predominantly low-density housing and certain other uses, would not comply with the site's MIU plan designation, which requires a minimum of 5 RAC for residential development. Closure of the rezoning would not preclude the possibility of a future TR rezoning.

C. Modification (Substantial Change) of Rezoning Conditions

Staff supports the request to modify condition #11, renumbered as condition #7 above, which states, "Adherence to the preliminary development plan as approved at public hearing." The request to amend the development plan from medical offices/assisted living uses to allow for an apartment complex is a substantial change of the current rezoning condition and requires a Planning and Zoning Commission recommendation and Board of Supervisors action. The plan provides a less intense and efficient use of an infill site, which is a compatible use with the adjacent developed properties. The site conforms to the Comprehensive Plan.

The revised preliminary development plan (PDP) request demonstrates a total of 18 buildings, which will provide 144 apartment units that range from one-, two-, or three-bedroom units. The maximum building height will be 30 feet. The proposal includes a recreation area of 68,550 square feet (which exceeds the minimum requirement of 66,240 square feet) to include a pool area, dog park, sidewalks throughout and a connecting eight-foot walking/biking path which leads to the Casas Adobes Wash Trail, which connects to the Loop at the Rillito River approximately one-half-mile to the south. A 10-foot wide bufferyard will be provided on the north and west

boundaries of the subject property. Two gates access points, one from La Cholla Boulevard and the other from Fountains Avenue are planned.

The 144 apartments has a proposed 12.48 RAC which conforms to the MIU land use designation that plans for a minimum of 5 RAC and a maximum 13 RAC. The proposed residential use is a less intense use than the original rezoning approval for medical offices/assisted living.

Multi-modal forms of transportation exist along La Cholla Boulevard that include a bike route with a striped shoulder and a Sun Tran bus route which provides access as far north as the Foothills Mall on W. Ina Road to the Sun Tran Tohono Transit Center near the Tucson Mall. There is convenient access to grocery stores along La Cholla Boulevard at River Road, Orange Grove Road or Ina Road. In addition, there are dining establishments, various services, medical facilities and several parks that can easily be reached by all modes of transportation.

The closest public elementary school is located within one mile southeast of the rezoning site, a middle school is located one mile to the east and the nearest public high school within the Amphitheater School District is approximately five miles northeast of the site. Additionally, two fire stations are located approximately one and one-quarter miles from the rezoning site, one located south on La Cholla Boulevard and one located northeast on Orange Grove Road.

A Federal Emergency Management Agency (FEMA) levee for the Casas Adobes Wash is currently located along the east boundary of the property. At the time of development, the site will be filled to elevate the finished grade so that the flood control infrastructure no longer serves as a levee. After all areas are filled, the Flood Control District will apply to FEMA to remove the levee designation as stated in condition #3B.

The subject property contains areas impacted by the Hillside Development Overlay Zone (HDZ). The proposal includes mass grading of the site and the disturbance of the HDZ area will require a Design Review Committee exception.

On August 11, 2022, the applicant provided a neighborhood meeting via zoom and one person representing the District 1 Board of Supervisors attended.

Staff finds concurrency of infrastructure per reporting agencies, including conditions requiring adequate sewage treatment and conveyance capacity at the time of development. Department of Transportation is requiring revised conditions for right-of-way dedication and a Traffic Impact Study and Flood Control is requiring conditions to provide for a raised elevation of the finished grade of the site so the adjacent Flood Control infrastructure no longer serves as a levee. The remaining conditions are essentially the same conditions as originally approved, but updated with current language.

The recommended modification, deletion and addition to rezoning conditions are 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 Services Department.~~
1. There shall be no further lot splitting or subdividing of residential development without the

written approval of the Board of Supervisors.

6 2. Transportation conditions:

- ~~A. The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb~~ Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.
- ~~B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.~~
- ~~C. The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.~~
- ~~D. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.~~

7 3. Flood Control conditions:

- ~~A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.~~
- ~~B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.~~
- ~~A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.~~
- ~~B. The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.~~
- ~~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.~~

8 4. Wastewater Reclamation conditions:

- A. The owner/developer 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/developer to that effect.
- B. The owner/developer 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 conveyance capacity not be available at that time, the owner/developer 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/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.
- D. 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 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/developer 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/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.

9 5. Environmental Quality conditions:

- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- 40 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
- 44 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
- 42 8. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
- 43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
- 44 10. 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.
- 45 11. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act: ~~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)."

- 46 ~~12~~. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
- 17 ~~13~~. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

Staff recommends deletion of standard conditions #'s 1 - 5 based upon policy changes to reduce redundant requirements and ease approval process. Code requirements are no longer added as rezoning conditions which eliminates the need for rezoning condition #1. Recorded covenants required by condition #'s 2 - 5 are now met through the development process and permit conditions eliminating the need for those as rezoning conditions.

The addition of renumbered condition #1 will not allow further lot splitting without Board of Supervisors approval.

Former rezoning condition #6 to be renumbered as condition #'s 2A - D. The original condition is being modified to provide for an adequate sidewalk along the site frontage of Fountains Avenue. Two additional conditions are required by DOT: one condition will limit one access point on La Cholla Boulevard and one on Fountains Avenue and the second condition will provide a Traffic Impact Study for review.

Former condition #'s 7A - B are to be deleted due to being redundant conditions that are required by code. New condition #'s 3A - C are provided by the Flood Control District to facilitate first flush retention throughout the site, provide an elevated finished grade to alleviate the need for the adjacent levee and lastly, provide water conservation measures.

Former condition #'s 8A - F, 9A - B and 10 are renumbered to condition #'s 4A - F, 5A - B, and 6 respectively.

Former conditions #11 is renumbered as condition #7 and amends the preliminary development plan to reflect the change of use to an apartment complex and requires conformance to the revised development plan.

Former condition #'s 12, 13 and 14 are renumbered to condition #'s 8, 9 and 10 respectively.

Former condition #15 to be renumbered as condition #11 with slight adjustment to wording of the condition.

Former condition #16 to be renumbered as condition #12.

Former condition #17 is renumbered to condition #13 and is amended to remove the recording of covenants that is covered within the development process.

TRANSPORTATION

The Department of Transportation is against the closure of rezoning case Co9-10-03, and has no objection to the rezoning time extension request and modification of rezoning condition #11 for

the site located southeast of N. La Cholla Boulevard and N. Fountains Avenue intersection.

La Cholla Boulevard is a County maintained paved six-lane roadway with raised medians, multi-use lanes, vertical curbs and sidewalk. The posted speed limit of La Cholla Boulevard is 45 miles per hour (mph). La Cholla Boulevard is classified as an Urban Principal Arterial by its Functional Federal Classification. The most recent traffic count for La Cholla Boulevard is 25,770 average daily trips (ADT) with an approximate roadway capacity of 53,910 ADT.

Fountains Avenue is a paved two-lane roadway maintained by the County with a posted speed limit of 25 mph. There are no available traffic counts for Fountains Avenue but the capacity of a two-lane roadway is approximately 10,360 ADT. The development intensity in the vicinity of the site indicates that Fountains Avenue is functioning below capacity.

The site is subject to original transportation rezoning condition #6 that requires the construction of sidewalk and curb on Fountains Avenue along the northern property boundary. Fountains Avenue is currently a curbed roadway, but a sidewalk has not been constructed along the rezoning site. Additionally, the existing right-of-way width from the southeast corner of La Cholla Boulevard and Fountains Avenue intersection easterly along the south side of Fountains Avenue is narrow and does not provide sufficient space to accommodate the required sidewalk. Therefore, the rezoning condition is re-written as part of this rezoning time extension and modification request. The corner spandrel right-of-way dedication shall be provided by the property owner(s) at the southeast corner of La Cholla Boulevard and Fountains Avenue (Rezoning Condition #2B). A curve radius of twenty-five (25) feet is required.

Per approved Co9-10-03 rezoning preliminary development plan (PDP), one access point on La Cholla Boulevard and one access point on Fountains Avenue will remain. The access point on La Cholla Boulevard has been relocated south from the location shown on the previously approved PDP. There is an existing county maintained drainage structure just north of the proposed driveway. The proposed driveway shall be relocated if any conflict occurs. If the site utilizes the structure for drainage purposes, the total discharge shall not exceed 72 cubic feet per second (cfs) as depicted in the La Cholla Boulevard improvement plan no. 4LCRIR.

There are no transportation concurrency concerns, but a Traffic Impact Study will be required to determine any impacts to N. La Cholla Boulevard and N. Fountains Avenue. The Department of Transportation recommends approval subject to modification and addition of renumbered rezoning condition #'s 2A - D.

FLOOD CONTROL

Regional Flood Control District reviewed the time extension request, the revised site conditions and the revised Preliminary Development Plan (PDP). The District offers the following comments:

1. This property contains Flood Control Resource Areas (FCRA) along the east boundary of the property. The project footprint will encroach minimally into the FCRA. The Pima Prospers Comprehensive Plan initiative requires appropriate avoidance of development in FCRA. The District accepts this encroachment.
2. The Casas Adobes Wash is located off-site directly adjacent to the east property boundary. A Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Zone A is associated with the Casas Adobes Wash. A FEMA accredited levee is located on the west bank of the Casas Adobe Wash and protects this site from flood. The District is responsible for operation and maintenance of the levee. At the time of development, the site will be filled so that the flood control infrastructure no longer serve as a levee. After all areas

are filled, the District will apply to FEMA to remove the levee designation. A condition will be provided to ensure the development elevates the site to remove the need for a levee.

3. This project shall meet Critical Basin detention requirements. The PDP provides a note stating the project will meet the requirement for a 10% peak discharge reduction.
4. First flush retention is a requirement. The revised PDP shows the location of the basins that will provide First Flush retention.
5. The rezoning conditions provided in Resolution No. 2017-47 are required by the Floodplain Ordinance, therefore it is the District's preference to remove the conditions and replace with the recommended conditions listed in renumbered condition #'s 3A - C.

The District has no objection to the Modification of Rezoning Condition and Time Extension request subject to rezoning conditions #'s 3A - C.

WASTEWATER RECLAMATION

The Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to either the modification of rezoning condition or the time extension request. The existing wastewater conditions in rezoning Resolution 2017-47 adopted July 11, 2017 by the Board of Supervisors do not require any revision. The conditions are reflected above as renumbered rezoning condition #'s 4A - F.

ENVIRONMENTAL QUALITY

Environmental Quality has no objection to the requests subject to renumbered rezoning condition #'s 5A - B.

CULTURAL RESOURCES

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

NATURAL RESOURCES, PARKS AND RECREATION

Natural Resources, Parks and Recreation has no objection to the requests.

UNITED STATES FISH AND WILDLIFE SERVICE

Habitat on this property may support federally listed or sensitive species such as, but not limited to, the Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*), the cactus waterferruginous pygmy owl (*Glaucidium brasilianum cactorum*), lesser long-nosed bats (*Leptonycteris curasoae yerbabuena*), the Sonoran desert tortoise (*Gopherus morafkai*), or the Tucson shovel-nosed snake (*Chionactis annulata klauberi*). Other species of potential conservation concern in this region are identified in the Pima County Multi-Species Conservation Plan at: <https://webcms.pima.gov/cms/One.aspx?pagelId=52674>, by clicking on the "Species" tab. If one or more sensitive species could be affected by this zoning action, the US Fish and Wildlife Service recommends that a survey be conducted by qualified personnel.

WATER DISTRICT

The Metropolitan Water District has no comment.

FIRE DISTRICT

The Northwest Fire District has no comment.

SCHOOL DISTRICT

The Amphitheater Unified School District has no comment.

Respectfully Submitted,





Donna Spicola

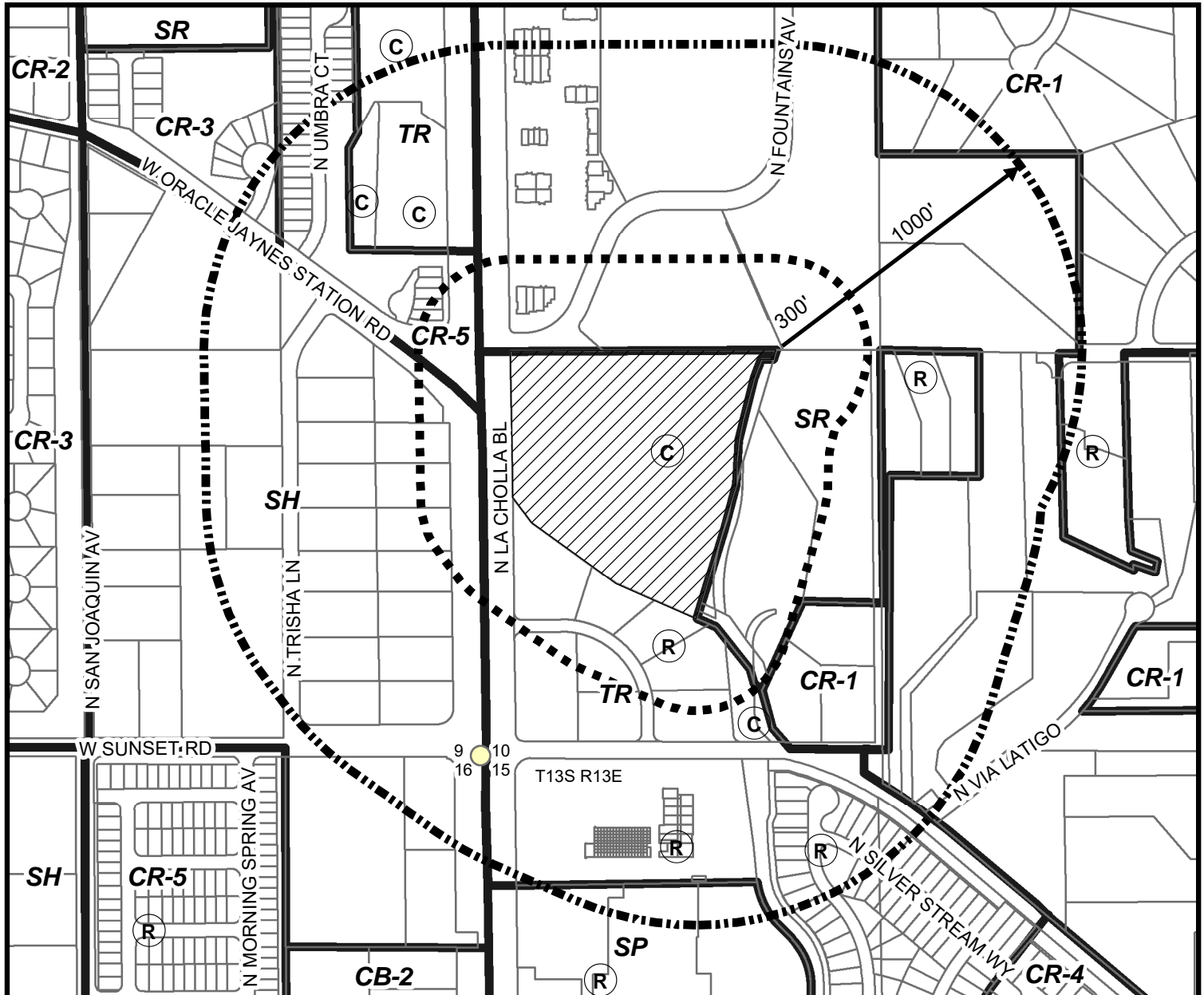
Donna Spicola
Senior Planner

c: The Planning Center, Brian Underwood, Director

CO9-10-03 MOORE TR - ORACLE JAYNES STATION ROAD REZONING



Tax Code(s): 102-13-004D

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



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

	Notes: Closure/Time Extension/ Modification of Rezoning Condition (Substantial Change)			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / Accela Case #: P22SA00002			
	Planning & Zoning Hearing: 9/28/22 (scheduled)		Board of Supervisors Hearing: TBA	
	Base Map(s): 45	Map Scale: 1:6,000	Map Date: 8/20/2022 - ds	



Medium Intensity Urban (MIU)



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

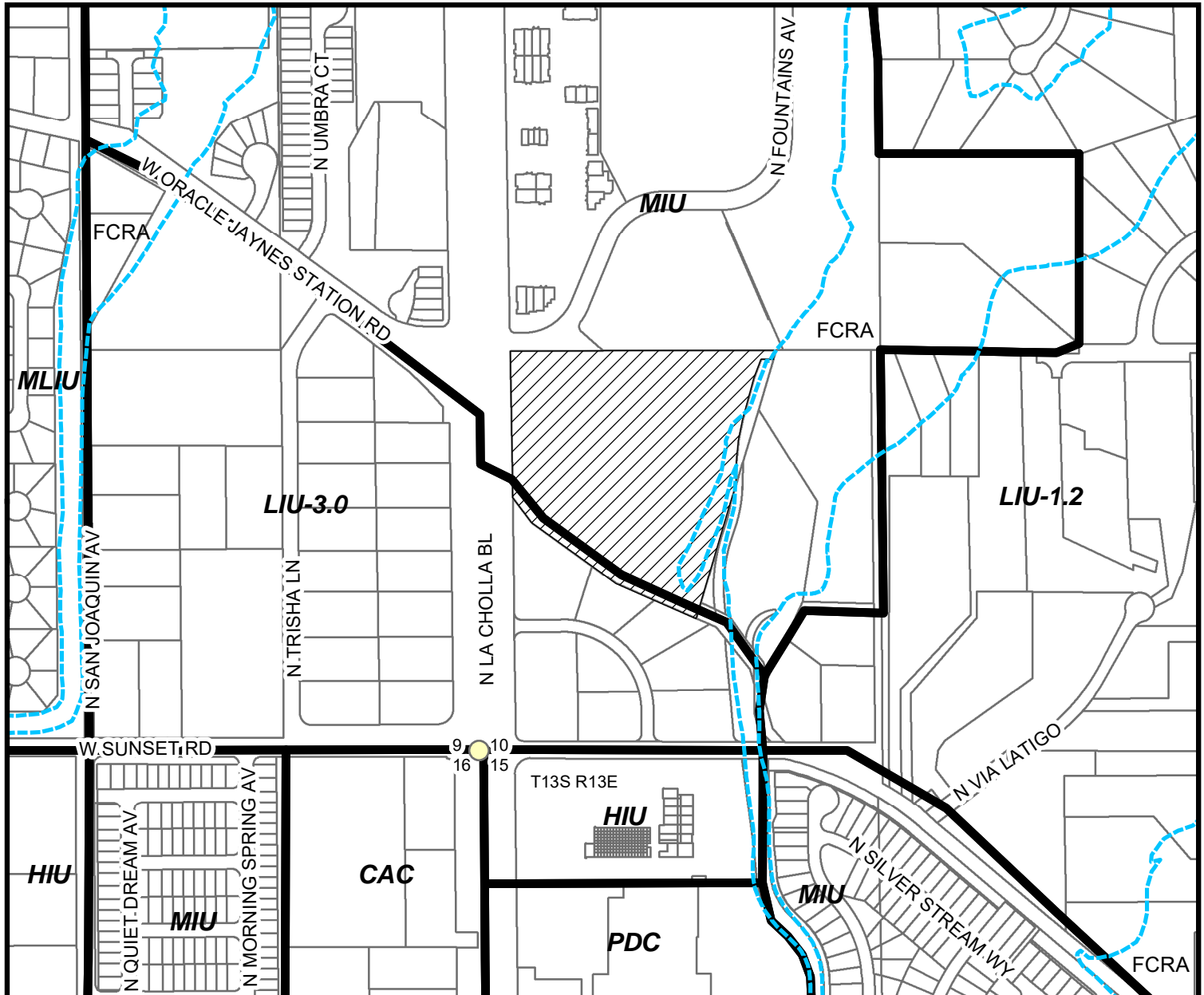
- Residential Gross Density: Minimum- 5 RAC; Maximum- 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 10 RAC

CO9-10-03 MOORE TR - ORACLE JAYNES STATION ROAD REZONING



Tax Code(s): 102-13-004D

Comprehensive Plan Exhibit

-  Flood Control Resource Area
-  Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

	Notes:			
	Closure/Time Extension/ Modification of Rezoning Condition (Substantial Change)			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / Accela Case #: P22SA00002			
	Map Scale: 1:6,000		Map Date: 8/20/2022 - ds	

July 29, 2022

Dear Neighbor,

On behalf of the property owner, Aerie Northwest LLC, we invite you to share your input regarding a proposed zoning modification request for a vacant 12-acre property in your area. The property is located at 2050 West Oracle Jaynes Station Road and is identified on the map to the right. You are receiving this letter as a neighboring property owner within 300 feet.

A former owner rezoned the property in 2011 to allow seven medical office buildings and a two-story assisted living facility. One of the conditions (#11) of that rezoning stipulates that development on the property must adhere to the approved Preliminary Development Plan (PDP) showing the layout of these medical buildings. The development never materialized, and the property has sat vacant ever since.



Earlier this year, Aerie purchased the property and plans to develop an apartment community. Although apartments are allowed under the property's established TR (Transitional) zoning, the proposed community differs from the approved 2011 Preliminary Development Plan (PDP). This means condition #11 must be modified to reference the new PDP for the proposed apartments rather than the medical buildings contemplated for the site over a decade ago. We are also asking Pima County to extend the property's 2011 TR zoning change in conjunction with the modification request. The time extension establishes October 4, 2026 as the deadline for meeting all the rezoning conditions, but Aerie is committed to meeting them much sooner to break ground as soon as possible.

Aerie proposes 144 new apartments with over 68,000 square feet of recreation space, including a pool area, dog park, and an eight-foot (8') concrete walking and biking path that transitions into an eight-foot (8') trail closer to the Casas Adobes Wash. The community will be gated, with sidewalks throughout and convenient access to the eight-foot (8') path/trail. The pool and main amenity area are the focal points upon entering the community from Fountains Avenue and La

Cholla Boulevard, showcasing the site design and landscaping to create a strong sense of arrival. The eight (8) formerly proposed medical office/assisted living buildings will be replaced by eighteen (18) residential buildings, with eight (8) apartments in each. Every apartment is either a spacious one-, two- or three-bedroom corner unit with a large balcony or patio. Most apartments will be located along or near the Casas Adobes Wash, offering scenic views and convenient access to the existing path on the west bank of the wash. The remaining units are situated close to the community's amenities.

As part of this modification and time extension request, we invite you to provide your feedback at an upcoming neighborhood meeting. We will discuss this proposal in more detail at the meeting and answer any questions you may have regarding the development or rezoning condition modification/time extension process.

Please join us:

Date: August 11, 2022

Time: 5:45 PM

Location: Zoom (follow the link below)

<https://us06web.zoom.us/j/9844761151>

Meeting ID: 984 476 1151

Dial In: +1 (669) 444-9171

Comments on this proposal may be submitted to the Pima County Development Services Department at 201 N. Stone Ave. Tucson, AZ 85701 or by phone (520) 724-9000. Additionally, comments may be made verbally and/or in writing at an upcoming Planning and Zoning Commission public hearing scheduled for 9:00 AM on the last Wednesday in August or September.

If you have any other questions or are unable to participate in the meeting, please call or email Brian Underwood at (520) 623-6146 or bunderwood@azplanningcenter.com. You may also send an email to Brian requesting a live link for the meeting. This will keep you from having to manually type the link above into your web browser.

Thank you.



13. **Hearing - Liquor License**

06100068, Amy S. Nations, Fox & Hound No. 65057, 7625 N. La Cholla Boulevard, Tucson, Series 6, Bar, Person Transfer.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

14. **Hearing - Agent Change/Acquisition of Control/Restructure**

12103500, Dominick Argenziano, Argenzianos, 16251 S. Houghton Road, Vail, Agent Change and Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

15. **Hearing - Site Analysis Policy Zoning Code Text Amendment / Manual**

Co8-16-02, SITE ANALYSIS POLICY

Proposal to amend Pima County's "Site Analysis Requirements" which are used to implement the Pima County Site Analysis Policy, adopted by Board of Supervisors Resolution in July, 1985, as last amended in March, 2010, in order to reorganize, update, and clarify the current document. The Site Analysis is a tool required to accompany most rezoning and all specific plan requests and all cluster project requests. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Cook, Gavin, and Gungl were absent) to recommend APPROVAL SUBJECT TO REVISIONS of the proposed TEXT AMENDMENT / MANUAL. Staff recommends APPROVAL SUBJECT TO REVISIONS of the proposed TEXT AMENDMENT / MANUAL. (All Districts)

Chris Poirier, Planning Director, explained one speaker, Shawn Cote, had left before the agenda item was heard but had acknowledged his support for the code text amendments.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co8-16-02, subject to revisions.

16. **Hearing - Rezoning Time Extension**

Co9-10-03, MOORE TR - ORACLE JAYNES STATION ROAD REZONING

Request of M3 Engineering & Technology Corporation, represented by T and T Engineering, Inc., for a five-year time extension for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The subject site was rezoned in 2011. The rezoning expired on October 4, 2016. The 11.55-acre site is located on

the southeast corner of La Cholla Boulevard and Fountains Avenue. Staff recommends APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff recommends APPROVAL of a five-year time extension to October 4, 2021 as per the applicant's request for the original 11.55-acre rezoning from SR (Suburban Ranch) to TR (Transitional), subject to the original, modified, and additional conditions 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 Development Services Department.
6. Transportation condition:
The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.
7. Flood Control condition:
 - A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
 - B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.
8. Wastewater Reclamation conditions:
 - A. ~~The owner/developer shall construe no 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/developer to that effect.~~
 - B. ~~The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall 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 Pima County Regional Wastewater Reclamation Department.~~
 - C. ~~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.~~
 - D. ~~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 Pima County Regional Wastewater Reclamation 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 plan, or request for building permit.~~
 - E. The owner/developer 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, sewer construction plan, or request for building permit.~~

- ~~F. The owner/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.~~
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan 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.
9. Environmental Quality conditions:
- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified

archaeological and historic sites on the subject property shall be submitted to Pima County 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. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
12. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
14. 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.
15. 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)."
16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
17. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-10-03, subject to original and modified standard and special conditions.

17. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 1, P16RZ00008, Title Security Agency of AZ TR T-203 - N. Sandario Road Rezoning. Owner: Title Security Agency of AZ TR-203.
(District 3)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.



201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID (case no., APN no., address, or other identifying info):

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)
2. Is the project within a CLS Special Species Management Area?
3. Is the project in the vicinity of any of the six Critical Landscape Linkages?
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property?
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl:
 - b. Western burrowing owl:
 - c. Pima pineapple cactus:
 - d. Needle-spined pineapple cactus:

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property?
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl			
Western burrowing owl			
Pima pineapple cactus			
Needle-spined pineapple cactus			

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.



February 22, 2022

Chris Poirier
Deputy Director
Pima County Development Services
201 North Stone Avenue
Tucson, AZ 85701

Subject: **Rezoning Time Extension Request Co9-10-03 Moore TR – Oracle Jaynes Station Road**
ADL-11 (TPC Project No.)

Dear Mr. Poirier:

On behalf of the new landowners, Aerie Northwest LLC (hereinafter referred to as “Aerie”), we are requesting a concurrent five-year time extension and modification of rezoning conditions for case #Co9-10-03, *Moore TR – Oracle Jaynes Station Road Rezoning*, which expired October 4, 2021. The subject site consists of approximately 11.55 acres at the southeast corner of North La Cholla Boulevard and North Fountains Avenue (APN: 102-13-004D). See enclosed location map.

The property was conditionally rezoned from SR (Suburban Residential) to TR (Transitional) on October 4, 2011 (Ordinance 2012-26) for the development of medical offices and skilled nursing facilities. At the time of rezoning, the supply of properties suitable for medical offices and skilled nursing facilities in Pima County and Tucson was burgeoning, many of which were developed during the rezoning process or shortly after approval. As a result of that real estate competition and development activity in the medical sector happening elsewhere, the property remained vacant until 2012, when it was purchased by M3 Engineering and Technology (M3) for an intended expansion of their corporate campus.

When M3 purchased this site, the company was experiencing rapid growth and needed to expand. Due to the downturn in the southern Arizona economy and fluctuations in the mining industry, the prior growth that they were experiencing for their services declined. As a result, their need for expansion decreased dramatically, and the site remains vacant despite being granted a time extension in 2017. Since abandoning their plans to expand their campus, M3 actively marketed the site to other medical and professional office users and was not successful. Although, M3 did receive interest from residential developers.

February 22, 2022
Chris Poirier
Rezoning Time Extension Request
Co9-10-03 Moore TR – Oracle Jaynes Station Road
Page 2

As such, M3 recently sold their property to Aerie, who plans to develop an apartment community. Given the affordability and availability challenges of the local housing market, the need for this type of development is paramount in addressing current housing concerns in the region. Being a local residential developer, Aerie understands the current residential climate. It has abundant experience catering to the community's housing needs in a timely, efficient manner with high-quality housing that is attainable for working professionals, empty nesters, and others.

Alongside this request, Aerie has been actively preparing a Development Concept/Site Construction Permit application in hopes of garnering grading permits to begin construction in Summer 2022. This time extension would grant Aerie's proposed new housing under the existing TR zoning with modifications to the conditions ahead of their permitting approvals. Details of the modification of zoning conditions request are outlined in an accompanying letter. Please review the attached documents and consider an extension of time for Aerie Northwest LLC to complete the rezoning conditions through the permitting process they already have underway.

Sincerely,

THE PLANNING CENTER



Brian Underwood
Director of Planning
2 East Congress Street, Suite 600
Tucson, AZ 85701
Office: 520-209-2628
Mobile: 928-202-8861
bunderwood@azplanningcenter.com

Aerie Northwest LLC
Scott Rathbun
President, CEO
6300 East El Dorado Plaza, B150
Tucson, AZ 85715
520-904-8327
scott@aeriedev.com

Cc:

Donna Spicola, Planner



Location Map



Legend



Subject Property
(APN: 102-13-004D)



Parcels

0 50 100
Feet





February 22, 2022

Revised May 27, 2022 and July 8, 2022

Chris Poirier
Deputy Director
Pima County Development Services
201 North Stone Avenue
Tucson, AZ 85701

Subject: **Modification of Rezoning Condition Request**
 Co9-10-03 Moore TR – Oracle Jaynes Station Road Rezoning (APN: 102-13-004D)
 TPC Project No: ADL-11

Dear Mr. Poirier:

On behalf of Aerie Northwest LLC (hereinafter referred to as “Aerie”), this letter is to respectfully request the modification of condition #11 from the above-referenced rezoning case (Pima County Ordinance 2012-26). The subject of the past rezoning is approximately 11.55 acres of vacant land located at the southeast corner of North La Cholla Boulevard and North Fountains Avenue. Condition #11 references a Preliminary Development Plan (PDP) for seven medical office buildings and a two (2)-story skilled nursing, congregate care, or long-term care facility. Aerie purchased the property this year and plans to develop an apartment community. Although apartments are allowed under the property’s TR (Transitional) zoning, the proposed community differs from the originally approved PDP, requiring modification of condition #11 to reference their new Preliminary Development Plan instead.

Aerie’s proposal will fully comply with Pima County Development Standards and the outstanding rezoning conditions stated in Ordinance 2012-26. As demonstrated in the attached PDP, Aerie proposes 144 new apartments with over 68,000 square feet of recreation space, including a pool area, dog park, and an eight-foot (8’) concrete walking and biking path that transitions into an eight-foot (8’) trail closer to the Casas Adobes Wash. The community will be gated, with sidewalks throughout and a connection to the eight-foot (8’) path/trail. The pool and main amenity area are the focal points upon entering the community from Fountains Avenue and La Cholla Boulevard, showcasing the site design and landscaping to create a strong sense of arrival.

February 22, 2022

Revised May 27, 2022 and July 8, 2022

Chris Poirier

Modification of Rezoning Condition Request Co9-10-03 Moore TR – Oracle Jaynes Station Road Rezoning (APN: 102-13-004D)

Page 2

The eight (8) formerly proposed medical office/assisted living buildings will be replaced by eighteen (18) residential buildings, with eight (8) apartments in each. Every apartment is either a one-, two- or three-bedroom spacious corner unit with a large balcony or patio. Most apartments will be located along or near the Casas Adobes Wash, offering scenic views and convenient access to the existing path on the west bank of the wash. The path along the Casas Adobes Wash continues south just over a half-mile to connect to The Loop regional trail system at the Rillito River. The remaining units are either situated close to the community's amenities or atop the central hillside.

The development will elevate the relevant portion of the project site so that the finished grade is at or above the Base Flood Elevation of the FEMA Special Flood Hazard Area (SFHA). The proposed fill elevation is shown on the PDP for the Zone X – Shaded portion of the site. Pima County RFCD is to prepare and process a Letter of Map Revision (LOMR) revising the Zone X – Shaded (protected by levee).

BACKGROUND

Comprehensive Plan

Pima Prospers designates the property as Medium Intensity Urban (MIU). The objective of the MIU land use designation is to allow a mix of medium density housing types, including apartments, and compatible non-residential uses such as medical offices and hotels. The MIU land use category emphasizes special attention during site design to assure compatibility with adjacent lower density residential uses and, where possible, encourages pedestrian and bicycle access to commercial areas, schools, institutional uses, and other similar uses.

Medical and professional offices in the La Cholla Professional Park border the property to the south, with Northwest Medical Center, surrounding medical complexes, and The Fountains continuing care retirement community immediately to the north. North La Cholla Boulevard, a divided six-lane arterial road, sits between the property and the closest homes to the west. Casas Adobes Wash separates the property from two existing residences to the southeast, assuring compatibility between lower density homes and the proposed apartments.

The internal sidewalks will provide pedestrian access to both La Cholla Boulevard and Fountains Avenue. The new path/trail that skirts the southern edge of the community will connect to Casas Adobes Wash on the east side of the development and the sidewalk and bicycle lane along La Cholla Boulevard on the west side. Continuing south along existing pedestrian and bicycle routes on the east and west sides of the community offers convenient access within a half-mile to several dining options, a grocery store, personal services, and recreational opportunities. A school is within a half-mile to the west, and several parks are located nearby.

February 22, 2022

Revised May 27, 2022 and July 8, 2022

Chris Poirier

Modification of Rezoning Condition Request Co9-10-03 Moore TR – Oracle Jaynes Station Road Rezoning (APN: 102-13-004D)

Page 3

Per *Pima Prospers*, the southeastern portion of the property is also subject to *Special Area Policy S-20 Urban Floodplain Mitigation*. This policy stipulates that areas determined to be outside the 100-year floodplain or which will be outside the 100-year floodplain prior to development through implementation of plans approved by RFCD shall retain the land use designation shown on the Land Use Plan (i.e., this property would retain its MIU designation). Areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through the implementation of plans approved by the RFCD shall revert to Resource Sensitive (RS).

The FEMA Zone X Shaded Subzone that impacts the eastern portion of the property will be revised by this project as stated previously. Therefore, the property is expected to keep its MIU land use designation.

Entitlement History

In 2006, the property was initially rezoned from SR to CR-5 (Co9-06-019) for a similar apartment proposal. Due to the housing market crash, the community was never developed, and the owners rezoned the property again in 2011. The 2011 rezoning to TR closed the previously approved CR-5 rezoning in anticipation of developing the medical complex shown on the latest approved PDP. That proposal fits similar uses in the immediate area surrounding Northwest Medical Center located less than a half-mile north, but it was never developed.

At the time of the 2011 rezoning, the supply of properties suitable for medical offices and skilled nursing facilities in Pima County and Tucson was burgeoning, many of which were developed during the rezoning process or shortly after approval. As a result of that real estate competition and development activity in the medical sector happening elsewhere, the property remained vacant until 2012, when it was purchased by M3 Engineering and Technology (M3) for an intended expansion of their corporate campus.

When M3 purchased this site, the company was experiencing rapid growth and needed to expand. Due to the downturn in the southern Arizona economy and fluctuations in the mining industry, the prior growth that they were experiencing for their services declined. As a result, their need for expansion decreased dramatically, and the site remains vacant despite being granted a time extension in 2017. Since abandoning their plans to expand their campus, M3 actively marketed the site to other medical and professional office users and was not successful. However, M3 did receive interest from residential developers and ultimately sold the property to Aerie, who is requesting another five-year time extension in conjunction with this condition modification request.

CONCLUSION



February 22, 2022

Revised May 27, 2022 and July 8, 2022

Chris Poirier

Modification of Rezoning Condition Request Co9-10-03 Moore TR – Oracle Jaynes Station Road Rezoning
(APN: 102-13-004D)

Page 4

Condition #11 stipulates, “*Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing.*” EXHIBIT B refers to the 2011 Preliminary Development Plan for medical uses. We respectfully request that our proposed Preliminary Development Plan be adopted instead as an acceptable proposal for this parcel.

Given the affordability and availability challenges of the local housing market, the need for this type of development is paramount in addressing current housing concerns in the region. Being a local residential developer, Aerie understands the current residential climate. It has abundant experience catering to the community’s housing needs in a timely, efficient manner with high-quality housing that is attainable for working professionals, empty nesters, and others. This property represents an infill development opportunity in a desirable area with tremendous views and convenient access to commercial areas, recreation, medical facilities, schools, parks, hospitality, services, and employment.

Attached to this correspondence is the new Preliminary Development Plan for the property. Please review the attached documents and consider this modification to allow Aerie Northwest LLC to expand housing choices in this area of Pima County.

Sincerely,

THE PLANNING CENTER



Brian Underwood

Director of Planning

2 East Congress Street, Suite 600

Tucson, AZ 85701

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Aerie Northwest LLC

Scott Rathbun

President, CEO

6300 East El Dorado Plaza, B150

Tucson, AZ 85715

520-904-8327

scott@aeriedev.com

Cc:

Donna Spicola, Planner





LETTER OF AUTHORIZATION

As required by Arizona Revised Statutes I hereby certify that I am the owner of the property referenced below and that the party whose name is listed below is authorized to take out Development Services permits in my name:

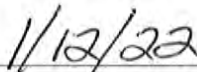
2050 W. Oracle Jaynes Station Road (APN: 102-13-004D)

Property Address

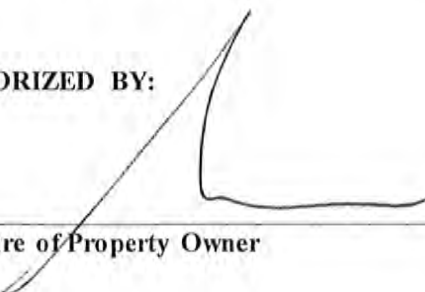
Rezoning Time-Extension / Modification of Conditions for Multifamily Development

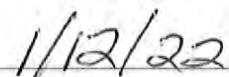
Type of Permit Applied for: (SFR/MH/Remodel/Addition/Fence or Wall/Home Occupation/Child Care/Adult Care/Secondary Dwelling/Assisted Living/Group Home)


Signature of Applicant


Date

AUTHORIZED BY:


Signature of Property Owner


Date

Disclosure of Ownership for Aerie Northwest LLC

Member and Manager:

Aerie Development LLC

Aerie Development President/CEO – Scott Rathbun