BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 6, 2015

Title: Co9-08-22 Reay, et al. - Sandario Road Rezoning (Time Extension) Resolution

Introduction/Background:

Resolution for a five-year time extension for the rezoning from GR-1 Rural Residential to CB-1 General Business zone of 4.68 acres at N. Sandario Road and W. Picture Rocks Road.

Discussion:

The Board of Supervisors approved the requested five-year time extension on June 16, 2015.

Conclusion:

The Resolution memorializes the Board of Supervisors' decision to approve the five-year time extension.

Recommendation:

Staff recommends APPROVAL of the Resolution.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Dept., Planning Div. Telephone: 724-9000

Department Director Signature/Date: 9/11/15

Deputy County Administrator Signature/Date: for John Bernal 9/15/15

County Administrator Signature/Date: 9/15/15

PIMA COUNTY
DEVELOPMENT SERVICES

FOR OCTOBER 6, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Public Works-Development Services Department-Planning Division

DATE: September 14, 2015

RESOLUTION FOR ADOPTION

Co9-08-22 **REAY, ET AL. – SANDARIO ROAD REZONING**
Owner: Gordon and Lois Reay Family Trust and ARCP WS Portfolio LLC
(District 3)

If approved, adopt RESOLUTION NO. 2015 - _____

OWNERS: Gordon and Lois Reay Family Trust (4.68 acres)
2100 N Kolb Road
Tucson, AZ 85715

ARCP WS Portfolio LLC (1.43 acres)
7621 Little Avenue, Suite 200
Charlotte, NC 28226-8379

AGENT: The Planning Center
Attn: Tim Craven
110 S Church Street, Suite 6320
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Mark Holden

STAFF RECOMMENDATION: APPROVAL

CP/MH/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-08-22 File

RESOLUTION **2015-_____**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING; LOCATED ON THE EAST SIDE OF SANDARIO ROAD, APPROXIMATELY 500 FEET NORTH OF PICTURE ROCKS ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-56 FOR A PORTION OF THE SITE; AND CLOSING THE REZONING FOR A PORTION OF THE SITE.

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

1. On December 17, 2008, the owner of approximately 6.11 acres applied for a rezoning from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone).
2. On April 20, 2010, the Pima County Board of Supervisors approved the rezoning from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone), subject to standard and special conditions.
3. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-56, as recorded in Docket 13903 at Page 3875, rezoning the approximate 6.11 acres described in rezoning case Co9-08-22 and memorializing the standard and special conditions.
4. On February 26, 2015 the owner of approximately 4.68 acres conditionally rezoned by Ordinance No. 2010-56 applied for a five-year time extension.
5. On June 16, 2015, the Board of Supervisors approved correction of the map attached to rezoning Ordinance No. 2010-56 as Exhibit A in rezoning case Co9-08-22 to accurately reflect the portion of parcel 213-03-219C that was conditionally rezoned in 2010.
6. On June 16, 2015, the Board of Supervisors approved closure of the rezoning on a 1.43-acre portion (also identified as parcel 213-03-219D) of the original 6.11 acres, reverting the portion back to GR-1.
7. On June 16, 2015, the Board of Supervisors approved a five-year time extension for a 4.68-acre portion of the CB-1 rezoning with deletion of rezoning condition 7A and renumbering of conditions 7B – 7D, and modification of rezoning condition 9.
8. Section 3 of Ordinance No. 2010-56 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1. The map attached to Ordinance No. 2010-56 is amended and corrected to show the portion of parcel 213-03-219C that was conditionally rezoned in 2010. The corrected map is attached as Exhibit A. The rezoning of approximately 1.43 acres of the original 6.11 acres is

closed and reverted to GR-1 zoning. A time extension for a 4.68-acre portion of the original 6.11 acres is approved.

Section 2. The rezoning conditions in Section 2 of Ordinance No. 2010-56 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

2. Recording of a covenant holding Pima County harmless in the event of flooding.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

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

7. Transportation conditions:
   ~~A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.~~
   ~~B~~A. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
   ~~C~~B. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.
   ~~D~~C. Access shall be limited to two (2) driveways on Sandario Road.

8. Flood Control conditions:
   A. Earthen perimeter channels are prohibited.
   B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
   C. A riparian mitigation plan shall be required for development in designated riparian areas.
   D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade."

E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.

9. Wastewater Management condition:
~~If the s~~ Should the project connect to the public sewer at any time in the future, the property owner/developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality condition:
The property owner / developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.

11. Cultural Resources conditions:
A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
B. 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.
C. 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.

12. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. 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.

13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.

14. In the event the subject property is annexed, the property owner(s) / developers(s) 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 to 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. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

17. No 24-hour, seven days a week businesses shall be permitted.

Section 3. Section 3 of Ordinance No. 2010-56 is amended and time limit extended as follows:

1. Conditions 1 through 17 shall be completed by April 20, ~~2015~~ 2020.

2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.

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.

Passed and adopted, this _____ day of _____, 2015.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

8/31/15
_____
Deputy County Attorney

APPROVED:

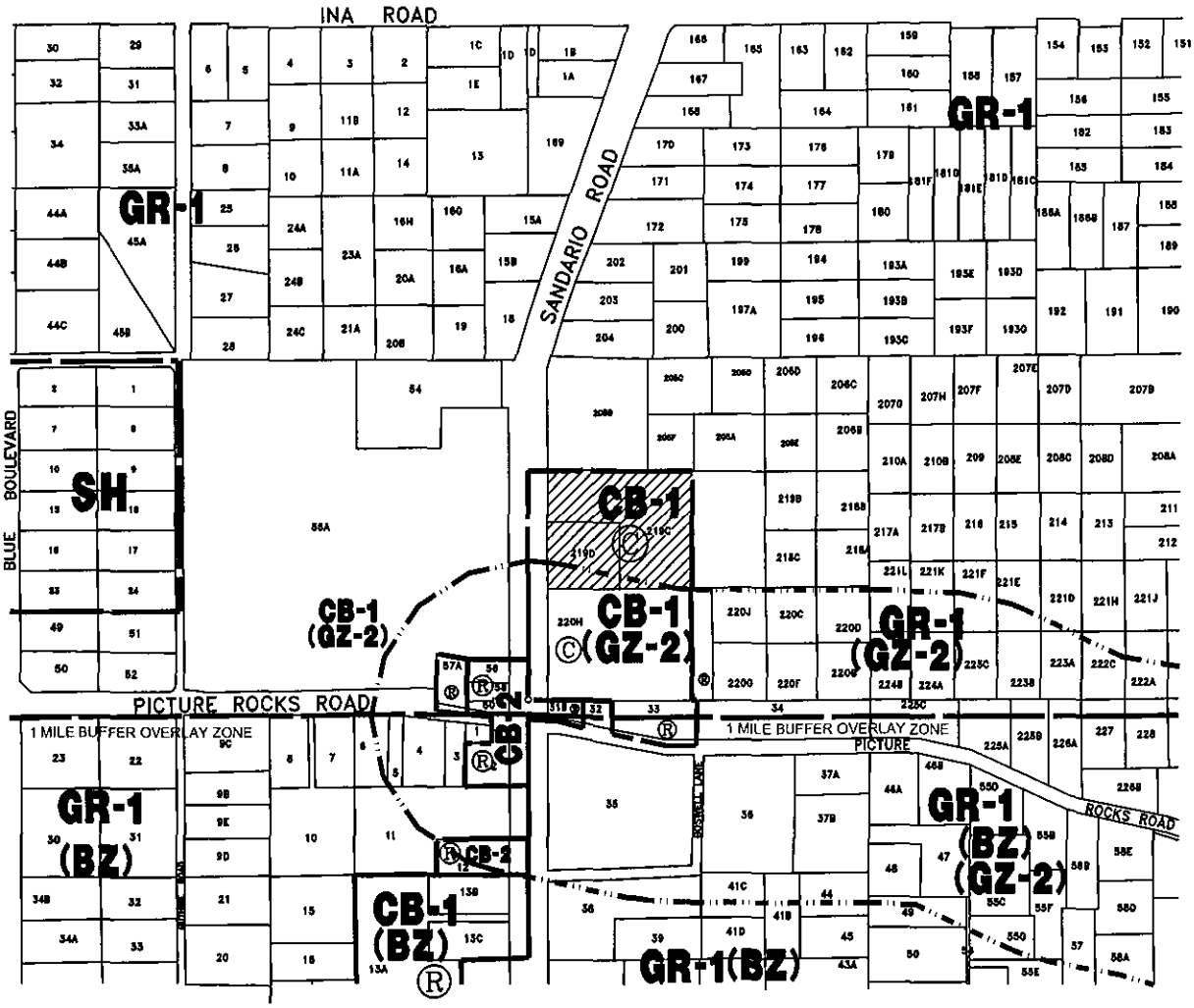
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 17 BY ORDINANCE NO. 2010-56
TO PIMA COUNTY ZONING MAP NO. 155 TUCSON, AZ. 155
PARCELS 219C & 219D LOCATED WITHIN THE SW 1/4 OF THE NW 1/4 OF SEC. 3 T3S T11E.

0 700'

ADOPTED September 21, 2010 EFFECTIVE September 21, 2010



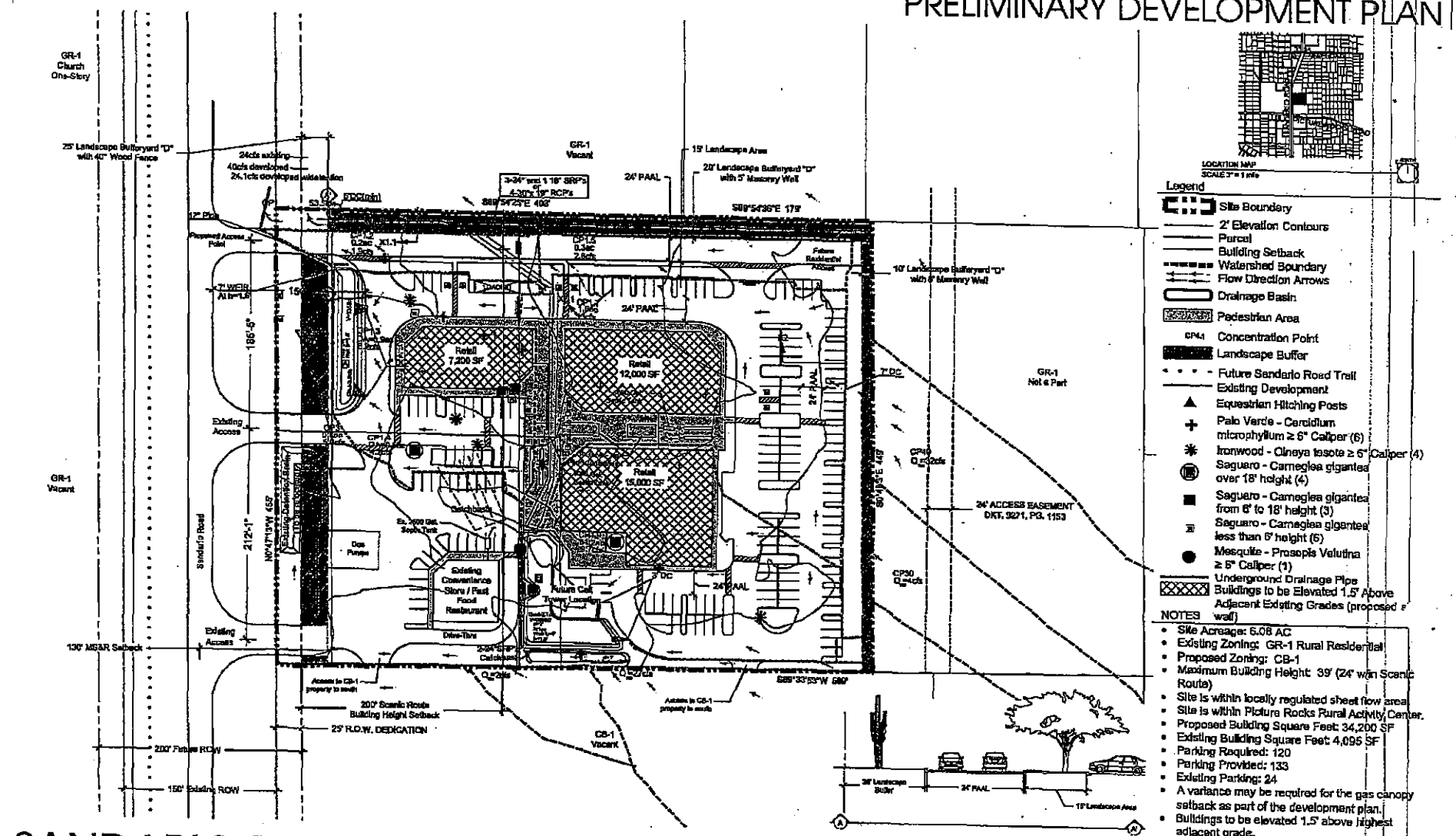
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 & GR-1 (GZ) 6.11 ac±
ds-AUGUST 4, 2010 revised August 13, 2015
Scrivenor Error correcting east boundary of CB-1 zoning

C09-08-022
C07-07-010
213-03-219C & 219D

EXHIBIT B

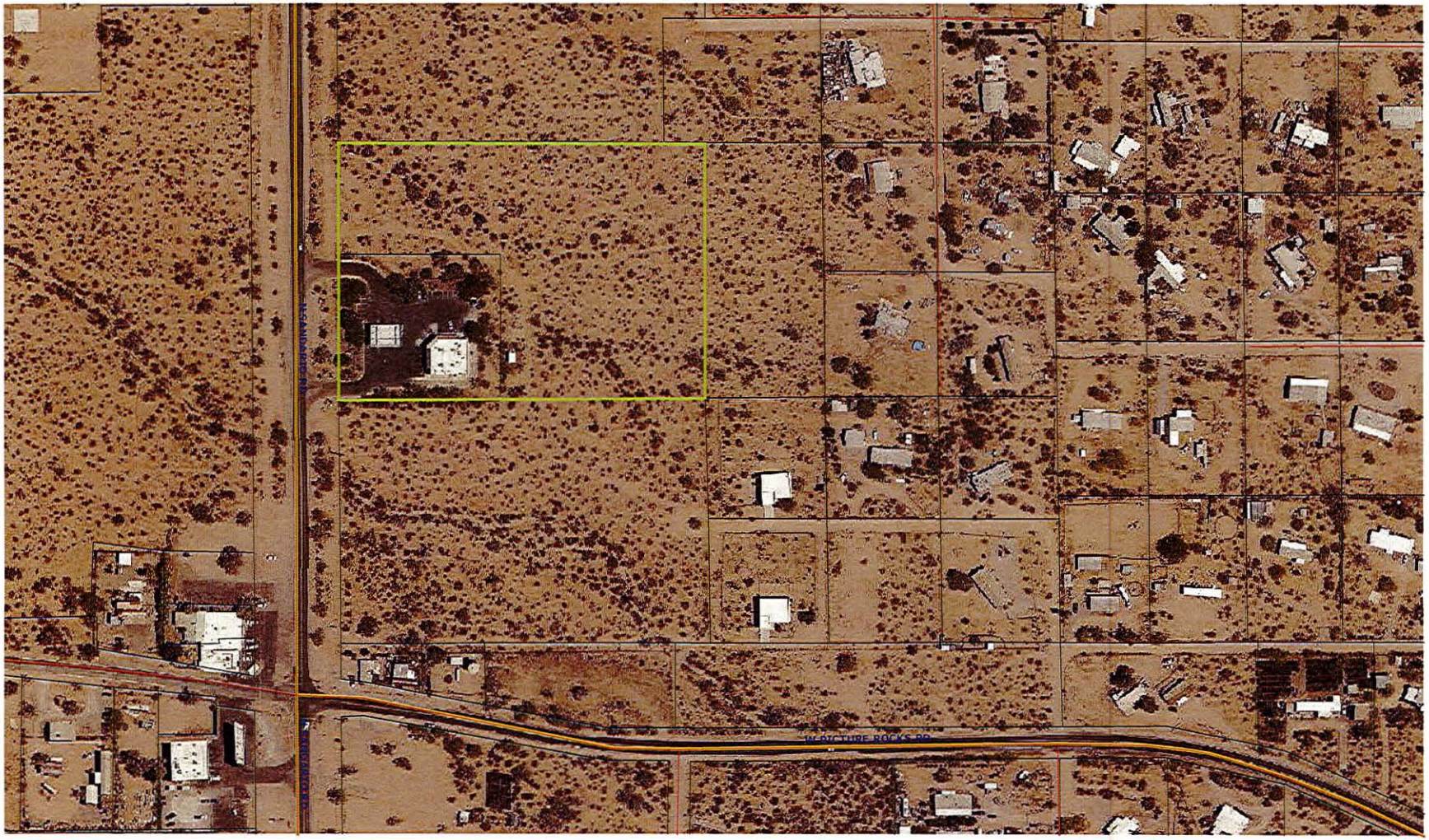
PRELIMINARY DEVELOPMENT PLAN



SANDARIO ROAD

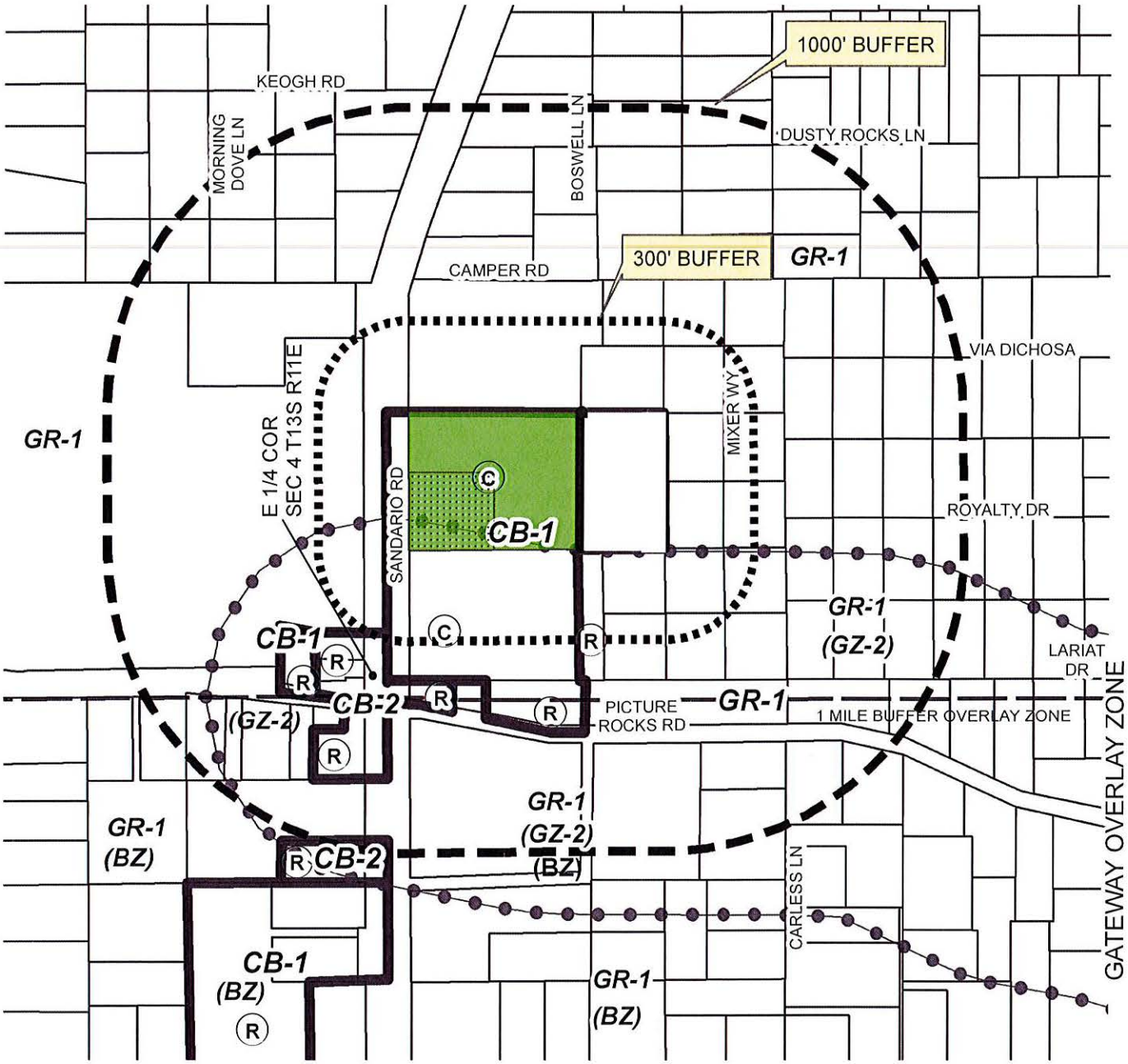
APPROVED AT PUBLIC HEARING 4/20/10

Co9-08-22 Reay, et al. – Sandario Road Rezoning (Time Extension)



N Sandario Road, about 500 feet north of W Picture Rocks Road (District 3)

Case #: CO9-08-022 REAY, ET AL - SANDARIO ROAD REZONING
Tax Code(s): 213-03-219C & 213-03-219D



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **REZONING CLOSURE/TIME EXTENSION**

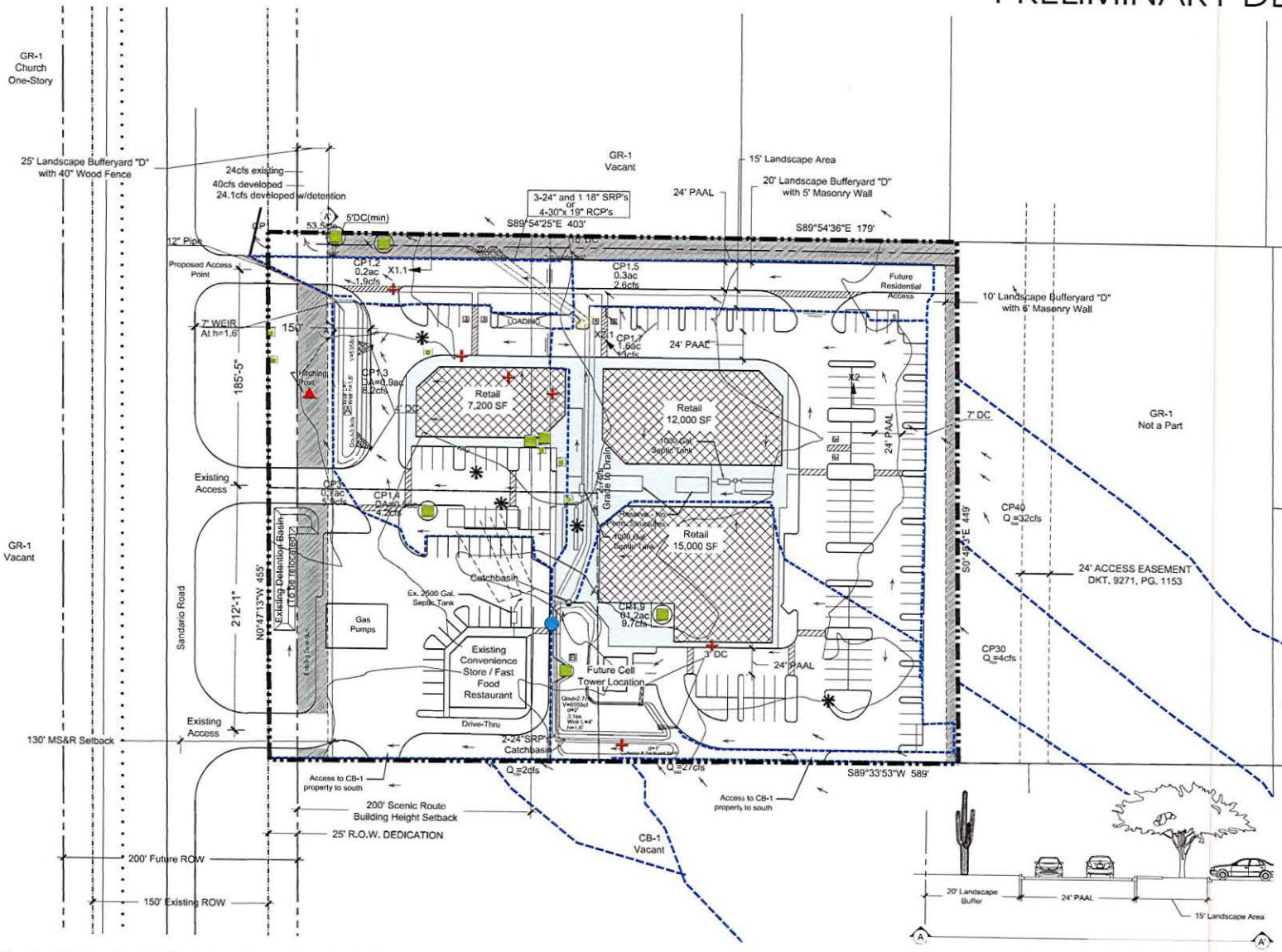
Board of Supervisors Hearing: 6/16/15

Base Map(s): 155	Map Scale: 1:6,000	Map Date: 04/30/2015

N W E S

X:_Shared Data\Rezoning and Special Actions\Time Extensions\2008 TE\Co9-08-22 Reay-Sandario Rd\GIS\CO908022_TE_Notification_map.mxd

PRELIMINARY DEVELOPMENT PLAN



Legend

- Site Boundary
- 2' Elevation Contours
- Parcel
- Building Setback
- Watershed Boundary
- Flow Direction Arrows
- Drainage Basin
- Pedestrian Area
- CP4.1 Concentration Point
- Landscape Buffer
- Future Sandario Road Trail
- Existing Development
- Equestrian Hitching Posts
- Palo Verde - Cercidium microphyllum ≥ 6" Caliper (6)
- Ironwood - Olneya tesota ≥ 6" Caliper (4)
- Saguaro - Carnegiea gigantea over 18' height (4)
- Saguaro - Carnegiea gigantea from 6' to 18' height (3)
- Saguaro - Carnegiea gigantea less than 6' height (6)
- Mesquite - Prosopis Velutina ≥ 6" Caliper (1)
- Underground Drainage Pipe
- Buildings to be Elevated 1.5' Above Adjacent Existing Grades (proposed stem wall)

NOTES

- Site Acreage: 6.08 AC
- Existing Zoning: GR-1 Rural Residential
- Proposed Zoning: CB-1
- Maximum Building Height: 39' (24' w/in Scenic Route)
- Site is within locally regulated sheet flow area.
- Site is within Picture Rocks Rural Activity Center.
- Proposed Building Square Feet: 34,200 SF
- Existing Building Square Feet: 4,095 SF
- Parking Required: 120
- Parking Provided: 133
- Existing Parking: 24
- A variance may be required for the gas canopy setback as part of the development plan.
- Buildings to be elevated 1.5' above highest adjacent grade.

NORTH

THE PLANNING CENTER

SANDARIO ROAD

For BOS June 16 , 2015

Co9-08-22 Reay, et al. – Sandario Road Rezoning

Request: A. Proposal to **close** a 1.43-acre portion of an original 6.11-acre rezoning from GR-1 GZ (Rural Residential) (Gateway Overlay) zone to CB-1 GZ (Local Business) (Gateway Overlay) zone

B. Request for a five-year **time extension** for a 4.68-acre portion of an original 6.11-acre rezoning from GR-1 GZ (Rural Residential) (Gateway Overlay) zone to CB-1 GZ (Local Business) (Gateway Overlay) zone

MMBCLS: The site is outside of the Maeveen Marie Behan Conservation Lands System.

Owners: Gordon and Lois Reay Family Trust (4.68 acres)
2100 N Kolb Road
Tucson, AZ 85715

ARCP WS Portfolio LLC (1.43 acres)
7621 Little Avenue, Suite 200
Charlotte, NC 28226-8379

Agent: The Planning Center
Attn: Tim Craven
110 S Church Street, Suite 6320
Tucson, AZ 85701

Public Comment: No public comments have been received.

Rezoning Closure / Time Extension

A. Rezoning Closure

Co9-08-22 REAY, ET AL. – SANDARIO ROAD REZONING
Proposal of **Pima County** to close the rezoning on approximately 1.43 acres owned by **ARCP WS Portfolio, LLC**. The parcel is a portion of an original 6.11-acre rezoning from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone and is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. The rezoning was conditionally approved in 2008 and expired on April 20, 2015. (District 3)

B. Rezoning Time Extension

Co9-08-22 REAY, ET AL. – SANDARIO ROAD REZONING
Request of **Gordon and Lois Reay Family Trust**, represented by **The Planning Center**, for a five-year time extension for approximately 4.68 acres of an original 6.11-acre rezoning from the

GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone. The rezoning was approved in 2008 and expired on April 20, 2015. The rezoning is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. (District 3)

Staff Recommendation

A. Rezoning Closure.
Staff recommends **APPROVAL** of closure of the rezoning on the approximately 1.43 acres of the original 6.11-acre site (parcel #213-03-219D), with the site reverting to its original GR-1 Rural Residential zoning. The existing convenience store on the site was approved under Conditional Use Permit prior to the rezoning. The 1.43 acre-site is now owned by ARCP WS Portfolio, LLC. Staff sent a letter dated March 31, 2015 (attached below) to the owner concerning the expiration of the rezoning but received no response. With no written request from the owner to participate in the rezoning time extension, staff recommends closure of this portion of the rezoning – this will have no effect on their existing use of the site.

B. Rezoning Time Extension.
Staff recommends **APPROVAL** of a five-year rezoning time extension to April 20, 2020 for 4.68 acres the original 6.11-acre site (parcel #213-03-219C) from the GR-1 (Rural Residential) zone to CB-1 (Local Business) zone with original standard and special conditions and the following staff-recommended changes listed below:

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

7. Transportation conditions:
   ~~A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.~~
   ~~B~~A. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
   ~~C~~B. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some

acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.

~~D~~C. Access shall be limited to two (2) driveways on Sandario Road.

8. Flood Control conditions:
   A. Earthen perimeter channels are prohibited.
   B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
   C. A riparian mitigation plan shall be required for development in designated riparian areas.
   D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade."
   E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
   F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.

9. Wastewater Management condition:
   ~~If the s~~ Should the project connect to the public sewer at any time in the future, the property owner/developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality condition:
    The property owner/developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.

11. Cultural Resources conditions:
    A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
    B. 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.
    C. 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.

12. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (Pennisetum ciliare) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. 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.

13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.

14. In the event the subject property is annexed, the property owner(s)/developers(s) 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 to 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. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

17. No 24-hour, seven days a week businesses shall be permitted.

Department of Transportation recommends removal of original condition #7A due to proposed changes in rights-of-way dedications in the county's Major Streets and Routes Plan 2015 update. Condition #9 is corrected for grammar.

Staff also recommends a correction of a mapping error for CB-1 zoning over the entire 8.59-acre site. The original rezoning request was for the 6.11 acres, the western portion of the properties amended to Rural Activity Center (RUAC) under Comprehensive Plan amendment Co7-07-10. The associated Rezoning Policy, RP-92, required the eastern side of the property (about 2.5 acres) remain under Medium Intensity Rural (MIR) land use designation, with the intent that the existing GR-1 zoning buffer homes to the east. Additionally, CB-1 is not an allowed zone under the MIR land use designation. The MIR-designated, GR-1-zoned portion of the site is to be surveyed and recorded as a separate parcel.

The modified conditions are not substantial changes and do not require a public hearing before the Planning and Zoning Commission.

Staff Report

A. Rezoning Closure

Staff proposes closure of the rezoning on the 1.43-acre portion of the rezoning site, to revert to GR-1 zoning. The parcel has a convenience store with a gas station and fast food franchise which was constructed prior to the rezoning around 2001 under the site's original GR-1 zoning (Type 2 Conditional Use). In early 2015 this parcel was sold to the new owner, who has not responded regarding participating in this time extension.

Department of Transportation original condition #7C states that internal access shall be provided between the existing and proposed uses, and that cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. As the existing use has been sold to a new owner, it may be difficult for the applicant to meet this condition; however, establishing cross access may ultimately be mutually beneficial to both owners.

B. Rezoning Time Extension

Staff supports the requested five-year time extension to April 20, 2020 on the vacant 4.68 acres of the rezoning site. The rezoning conforms to the Rural Activity Center (RUAC) Comprehensive Plan land use designation, and will also conform to the new proposed change of land use designation to Rural Crossroads (RX) under the 2015 Pima Prospers Comprehensive Plan update. The rezoning also meets all concurrency criteria (although staff received no comments from Avra Water Co-op), and is outside the Maeveen Marie Behan Conservation Lands System.

The applicant states there has been no market for commercial development in recent years and the time extension is necessary for the commercial market to recover. There are about 30 acres of commercially-zoned land (CB-1 Local Business and CB-2 General Business) in the Sandario / Picture Rocks region, but around 25 acres of this is vacant.

However, there are also only limited commercial services in the region: two gas station / convenience stores, a Family Dollar store, small hardware and general / feed stores, and other scattered small businesses. Some commercial uses could be conditionally permitted in the surrounding areas zoned GR-1 Rural Residential, but many restricted to a maximum floor area of 2000-4000 square feet. The next-nearest commercial services are located about 8½ miles away by road on Silverbell Road on the east side of the Tucson Mountains. This rezoned site could provide needed commercial services in a region of substantial rural residential development and reduce driving trips across the Tucson Mountains and through Saguaro National Park.

If the Board of Supervisors denies the time extension, the rezoning case will be closed and the site will revert to unrestricted GR-1 zoning. Closure of the rezoning would not preclude the possibility of a similar future rezoning. If the time extension is approved, a resolution will be forwarded to the Board of Supervisors for adoption to memorialize the new rezoning time limit and any changes in rezoning conditions.

Staff also recommends correcting the scrivener's error which shows the entire two parcels as being conditionally rezoned to CB-1 – the new map will show 4.68 acres of the site as CB-1. The change in mapped rezoning area will conform to the Comprehensive Plan land use designations on the site and the applicant's original rezoning request.

Surrounding Zoning / Land Uses & General Character

North:	GR-1	Rural Residential
South:	CB-1	Vacant Commercial
East:	GR-1	Rural Residential
West:	GR-1	Vacant

Since the initial rezoning, land use changes and development in the vicinity of the site have been minimal. A Conditional Use Permit for a cell tower was approved in 2007 and tower installed on the rezoning site in 2009. A Family Dollar store was constructed in 2012 on a 1-acre site about a quarter mile to the south on Sandario Road. The 6.45-acre property immediately to the south was also rezoned to CB-1 in 2008 (Co9-06-18) but remains undeveloped.

Concurrency Considerations		
Department	*Concurrency Considerations Met: Yes / No / N/A*	*Other Comments*
Transportation	Yes	No objection
Flood Control	Yes	No objection
Wastewater	Yes	No objection
Parks & Recreation	Yes	No comments received
Water (Avra Water Co-op)	Yes	No comments received
Environmental Quality	Yes	No comments received

Pima County Regional Flood Control District

The District has no objection to the time extension request and no requested changes to the rezoning conditions.

Pima County Department of Transportation (PCDOT)

Concurrency criteria have been met since the roadways in the area are operating below capacity. The rezoning site is located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road. The site plan approved at the time of rezoning showed the existing convenience store with a fast food drive-thru and 8 gas pumps, as well as three proposed new retail buildings with 34,200 square feet of retail space. The additional retail space could generate an estimated 1,500 ADT.

Sandario Road is a two-lane, paved, county-maintained, scenic major route, federally classified as an urban collector; it also has unpaved shoulders and a posted speed limit of 40 MPH. The most recent traffic count for Sandario Road is 5,166 ADT, well below the traffic capacity of 16,000 ADT. Sandario Road extends almost 20 miles continuously between Ajo Highway and Avra Valley Road – as such, this is the main continuous north-south roadway in the Avra Valley area.

Sandario Road currently has a mostly continuous 150-foot wide right-of-way; its designated future right-of-way per the current Major Streets and Scenic Routes Plan is 200 feet. However, the proposed 2015 update to the Major Streets and Routes Plan will re-classify Sendario Road as Medium Volume Arterial with a planned future right-of-way of 150 feet. During the original rezoning review, PCDOT required a 25-foot right-of-way dedication of for Sandario Road. Due to the proposed Plan update, this condition can be deleted. The Plan also requires a 105-foot building setback, measured from future centerline, which applies along Sandario Road frontage. Offsite improvements may be required on Sandario Road as well, including pavement overlay, left and right turn lanes, drainage and widening.

Picture Rocks Road is a two-lane, paved, county-maintained, urban collector, with unpaved shoulders and a posted speed limit of 40 MPH. The most recent traffic count for Picture Rocks Road east of Sandario Road is 6,000 ADT, with a traffic capacity of 16,000 ADT. It is a scenic, but not major, route per the Major Streets and Scenic Routes Plan; the proposed Plan update would change Picture Rocks Road to a Low Volume Arterial with a planned future right-of-way of 90 feet. Because the rezoning site is not directly adjacent to Picture Rocks Road, no right-of-way dedication will be required.

PCDOT recommends deletion of original condition 7A, but retaining conditions 7B-7D as approved.

Pima County Regional Wastewater Reclamation Department
The Department notes that there is currently no public sewer available to the subject property. The Department has no objection to the time extension request and requested no changes to the rezoning conditions – the existing wastewater condition in rezoning Co9-08-22 adopted September 21, 2010 by the Board of Supervisors is concurrent and does not require revision.

Pima County Department of Environmental Quality
No comments were received.

Pima County Natural Resources, Parks & Recreation
No comments were received.

Pima County Cultural Resources and Historic Preservation Division
No comments were received.

TRICO Electric Cooperative, Inc.
Trico states that the rezoning site is within their certified service area, and that they have no objection to the requested time extension.

Saguaro National Park
The Chief of Science and Resources Management states that the Park has no comment regarding the proposed time extension.

Avra Water Co-op
No comments were received.

Picture Rocks Volunteer Fire Department
No comments were received.

Public Comments
Property owners within 1,000 feet of the rezoning site have been mailed notice of the proposed time extension. To date, no written public comments have been received.

MH/ar

THE PLANNING CENTER
a division of TPC Group, Inc

February 26, 2015

Chris Poirier
Assistant Planning Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject: **Co9-08-22 Reay Et Al – Sandario Road Rezoning**
GRI-04

Dear Chris:

On behalf of the Gordon and Lois Reay Family Trust, we are requesting a 5-year time extension for rezoning Case #Co9-08-22, Sandario Road Rezoning. The subject site is approximately 6.1 acres on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road, and located in Township 13 South, Range 11 East, Section 03, on County Assessor's Parcel numbers 213-03-219C and 213-03-219D. See enclosed location map.

These parcels have remained unchanged since the approval of the original rezoning, and because there has been no market for commercial development in recent years, a 5-year time extension is necessary for the commercial market to recover.

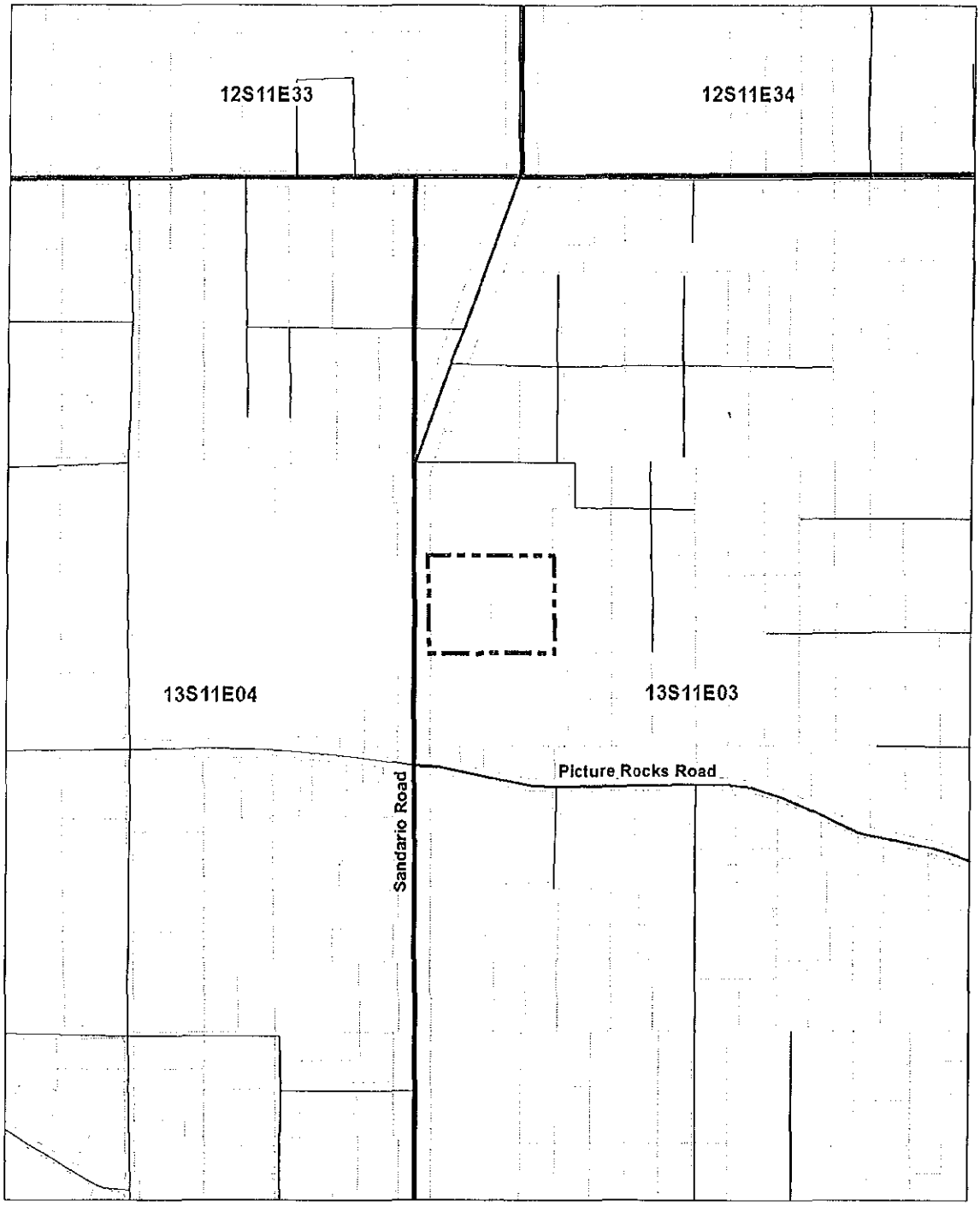
If you have any questions, please don't hesitate to contact me.

Sincerely,
THE PLANNING CENTER

Tim Craven
Planner

FEB 26 2015

a 110 s church ste 6320 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com



LEGEND

- Site Boundary
- Parcels
- Township, Range & Section

NOTES:

Project Location:
Parcel # 213-03-219C, -219D
Township 13S, Range 11E, and Section 03
Site Acreage: Approximately 6.1

NORTH

0' 350' 700'

FILE NAME: GRI_04_6x8_Location
SOURCE: Pima County GIS, 2014

THE PLANNING CENTER
a division of HDC Group Inc

February 11, 2015

Pima County Development Services Department-Planning Division
Public Works Building, 201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

RE: Co9-08-22 Reay Et Al – Sandario Road Rezoning

To Whom It May Concern:

As the property owner of the approximately 6.1-acre property (Parcels # 213-03-219C, 213-03-219D) located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road, I hereby authorize The Planning Center to act on our behalf in planning related matters including the rezoning time extension of this site in Pima County.

The parcels are situated in Pima County, Arizona and are located in Township 11 South, Range 10 East, Section 34, Gila and Salt River Base and Meridian.

Sincerely,

Gordon Reay

Gordon Reay
Gordon & Lois Reay Family Trust

SUMMARY OF THE TRUST - GORDON & LOIS REAY FAMILY TRUST

Effective Date of Trust
March 17, 2000

Grantors
GORDON M. REAY
LOIS L. REAY

Trustees and Trust Location
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

Type of Trust
Revocable

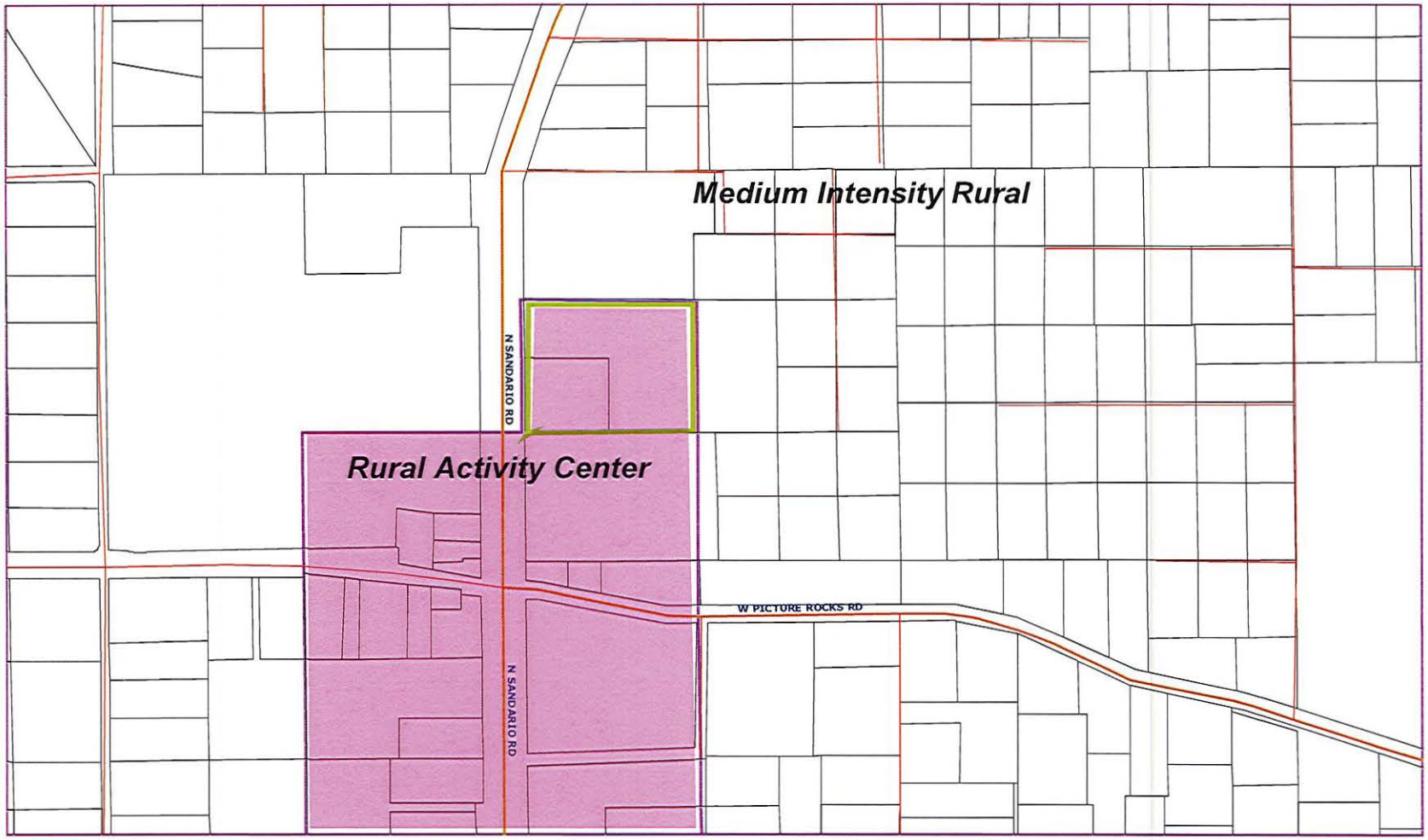
Name of Trust
GORDON & LOIS REAY FAMILY TRUST,
UA dated March 17, 2000, as amended

Names and Address of Beneficiaries
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

The above is a list of the primary beneficiaries of the Trust. Additional contingent beneficiaries are also provided for in such Trust. The above list sets forth the names and addresses of all current beneficiaries of the Trust.

4. On the following pages are selected trust provisions which disclose the powers reserved by the Grantors, the Trustee provisions and the powers of the Trustees:

Co9-08-22 Reay, et al. – Sandario Road Rezoning (Time Extension)



Pima County Comprehensive Plan Land Use Designations

PIMA COUNTY
REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

March 26, 2015

TO: Mark Holden, Senior Planner
Planning Division
Pima County Development Services Department

FROM: Mirela Hromatka
Mirela Hromatka, Program Manager
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: **Rezoning Time Extension for Co9-08-22 Et Al – Sandario Road Rezoning**
Tax Parcels #213-03-219C & 219D; 6.1 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a five year time extension for the above referenced rezoning case and offers the following comments for your use. The 6.1-acre rezoning site is located on the east side of Sandario Road approximately 500 feet north of Picture Rocks Road. The site is currently zoned CB-1 (local business) for commercial and retail uses. There is currently no public sewer available to the subject property.

The PCRWRD has no objection to the 5 year extension of the rezoning. The existing wastewater condition in rezoning Co9-08-22 adopted September 21, 2010 by the Board of Supervisor is concurrent and does not require revision.

If you wish to discuss the above conditions, please contact me at 724-6488.

MH
Copy: Project

PIMA COUNTY

DEPARTMENT OF TRANSPORTATION
201 NORTH STONE AVENUE, FOURTH FLOOR
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.
DIRECTOR

(520) 724-6410
FAX (520) 724-6439

Memorandum

Date: March 26, 2015
To: Mark Holden, Principal Planner, Pima County Development Services
From: Jeanette DeRenne, AICP, Principal Planner, Pima County Department of Transportation
Subject: Co9-08-22 Reay, et al-Sandario Road Rezoning Time Extension

Concurrency criteria have been met since the roadways in the area are operating below capacity. The rezoning site is located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road. The site plan approved at the time of rezoning showed the existing convenience store with a fast food drive-thru and 8 gas pumps, as well as 3 new retail buildings with 34,200 square feet of retail space. The additional retail space could generate about 1,500 ADT.

Sandario Road is a two lane, paved, county maintained, scenic major route, extending many miles between Ajo Highway and Avra Valley Road. There is a continuous right-of-way, mostly 150 feet wide and this is the only main continuous north south roadway in the Avra Valley area. Currently, the designated future right-of-way per the Major Streets and Scenic Routes Plan is 200 feet. Proposed changes to the major streets and routes plan will classify Sendario Road as medium volume arterial with a planned future right-of-way of 150 feet. During the original rezoning review, DOT required a dedication of 25 feet of right-of-way for Sandario Road. Due to the proposed changes in the Major Streets and Scenic Routes Plan, this condition can be deleted.

There is a Major Streets and Scenic Routes Plan building setback that applies along Sandario Road frontage and is 105 feet measured from future centerline. The most recent traffic count for Sandario Road is 5,166 ADT, well below the traffic capacity of 16,000 ADT. The posted speed limit on Sandario Road is 40 mph and there are unpaved shoulders. The federal classification for Sandario Road is an urban collector. Offsite improvements may be required on Sandario Road, including pavement overlay, left and right turn lanes, drainage and widening.

Picture Rocks Road is a two lane, paved, County maintained, urban collector. It is a scenic, but not major, route per the Major Streets and Scenic Routes Plan; however, the proposed update to the Major Streets and Scenic Routes Plan adds Picture Rocks Road as a Low Volume Arterial with a planned future right-of-way of 90 feet. Because the rezoning site is not directly adjacent to Picture Rocks Road, no right-of-way dedication will be required. The posted speed limit is 40 mph and there are unpaved shoulders. The most recent traffic count east of Sandario Road is 6,000 ADT and the traffic capacity is 16,000 ADT.

The Department of Transportation recommends the deletion of condition 7.A. Conditions 7. B-D should remain as approved.

RE: Co9-08-22 Reay-Sandario rezoning 5-yr time extension request

Greg Saxe
Sent: Thu 03/05/2015 10:03 AM
To: Mark Holden

No new comments or conditions.

Greg Saxe
Environmental Planning Manager
Floodplain Management Division
Pima County Regional Flood Control District
97 East Congress Street
Tucson, AZ 85701
(520)724-4600

From: Mark Holden
Sent: Thursday, March 05, 2015 9:01 AM
To: David Petersen
Subject: Co9-08-22 Reay-Sandario rezoning 5-yr time extension request

Attached please find information for a request for a 5-year time extension for a rezoning on approximately 6 acres at the northeast corner of N Sandario Road and W Picture Rocks Road.

Please provide me comments and any updated rezoning conditions by **Friday, March 27, 2015**.

Thank you,

Mark Holden
Principal Planner

RE: Co9-08-22 Reay-Sandario rezoning 5-yr time extension request

Frank Gonzales fgonzales@trico.coop

Sent: Thu 03/05/2015 10:28 AM
To: Mark Holden

Mr. Holden,

Trico Electric Cooperative, Inc. ("Trico") confirms the referenced project is located within the certificated service territory of Trico. We have no objections to the request for a 5-year time extension for the rezoning of approximately 6 acres referenced herein as the Reay-Sandario Rezoning project code Co9-08-22. Please let me know if you have any questions of Trico or if you need more information concerning our facilities. Thank you.

Frank Gonzales
Supervisor of Distribution Design
Trico Electric Cooperative, Inc.
8600 W. Tangerine Road
Marana, Arizona 85658
Phone: (520)744-2944, Ext-1350
Mobile: (520)429-4016
E-mail: fgonzales@trico.coop

Trico Electric Cooperative is an equal opportunity provider and employer.

From: Mark Holden [mailto:Mark.Holden@pima.gov]
Sent: Thursday, March 5, 2015 9:01 AM
To: David Petersen
Subject: Co9-08-22 Reay-Sandario rezoning 5-yr time extension request

Attached please find information for a request for a 5-year time extension for a rezoning on approximately 6 acres at the northeast corner of N Sandario Road and W Picture Rocks Road.

Please provide me comments and any updated rezoning conditions by **Friday, March 27, 2015**.

Thank you,

Mark Holden
Principal Planner

Jocelyn & Brian Johnson
7025 N Boswell Lane
Tucson, AZ 85743
520-975-0106
briansticker@gmail.com

Mimi Battin
7015 N Sandario Road
Tucson, AZ 85743
520-404-0219
battinmimi@gmail.com

June 10, 2015

RE: Co9-08-22 REAY, ET. AL. – SANDARIO ROAD REZONING

This letter is in protest to the proposed extension of the 2010 rezoning of parcels 213-03-219C and 213-03-219D from GR-1 to CB-1. The proposed development of a 34,000sf multi-tenant retail center is not consistent with the rural character of the Picture Rocks Community.

When this development project was originally proposed 5+ years ago the Planning and Zoning Commission voted 6-2 to recommend DENIAL of the rezoning. Their reasons at the time were that the project was speculative and that there were no guarantees that the future businesses that would occupy the buildings would necessarily be of service to the community. The applicant's representative, Kelly Lee of the Planning Center, admitted at the public hearing before the Board of Supervisors on April 20, 2010 that she could not specify the proposed commercial uses stating that market forces would influence what businesses would ultimately go into the proposed retail spaces.

That was exactly our concern, as well as the concern of some of our neighbors, at the time because of the problematic traffic in the area from Marana High School. Although community efforts, along with the cooperation of MUSD officials, have abated the problem with the students somewhat, there are new concerns that the proposed I-11 through the Avra Valley would also bring unwanted traffic and commercial development to Sandario Road.

The provisions of the Picture Rocks Rural Activity Center (Special Area Policy S-6) call for commercial development to be more of the freestanding, single user, 'Main Street' type as opposed to the multi-tenant 'mall' style which this development plan calls for.

To add to the uncertainty of the businesses that would occupy the retail spaces proposed, the convenience store and fueling station on parcel 213-03-219D was sold by the Reay family as part of a portfolio of 24 of their stores to American Realty Capital Properties (ARCP WS PORTFOLIO I LLC) of Charlotte, NC. The new owner is a REIT (Real Estate Investment Trust) that is leasing the property to Western Refineries. Neither of these companies is in the business of developing new multi-tenant retail space so their cooperation in the effort to proceed with the current plan is not assured or even anticipated.

Modifications to the existing plan would not necessarily require a public hearing and community input, which is another reason to deny this extension. Market conditions and ownership that effect

development are different today than they were 5 years ago. The desire to preserve the rural character of the Picture Rocks Community, though, has not changed which is why we are opposing this extension of the rezoning.

Jocelyn & Brian Johnson
Mimi Battin