# BOARD OF SUPERVISORS AGENDA ITEM REPORT

**Requested Board Meeting Date:** November 20, 2018

**Title:** Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD #2 REZONING (Closure/Time Extension)

## Introduction/Background:

A. Proposal to close remaining CB-2 portion of rezoning case Co9-08-08 as required to be considered per code. B. If not closed, applicant requests a five-year time extension for the SH (Suburban Homestead) to CB-2 (General Business) rezoning which was approved by the Board of Supervisors on 10/21/08 and expired on 10/21/18.

## Discussion:

Closure must be considered prior to consideration of a time extension because it will be more than 10 years since the date of rezoning approval. Staff does not recommend closure. The TR portion of the rezoning north of River Road has a Certificate of Compliance and is now a built residential subdivision. The subject 4.11-acre CB-2 portion south of River Road is approved for office and retail/restaurant uses. The applicant indicates that the site is being marketed. This is the second time extension request and will result in a total of 15 years to complete conditions if approved. Commercial use remains appropriate for this infill site and will conform to the comprehensive plan. Concurrency of infrastructure exists, but with a Secondary Concurrency Concern related to River Road capacity. Closure of the rezoning would cause reversion to SH which would not comply with the comprehensive plan. A portion of the site is within the MMB Conservation Lands System; and, a portion of the CB-2 area has been conveyed to the County as part of CLS compliance. Staff recommends modification of a number of rezoning conditions to reflect current standard conditions and protocols and to clarify applicability.

## Conclusion:

A time extension is warranted because the proposed commercial uses remain suitable at this location. Concurrency of infrastructure exists. The rezoning remains compliant with the comprehensive plan. Reversion to SH zoning with typical low-density residential use would not conform to the CAC planned land use designation.

## Recommendation:

Staff recommends against closure and approval of a five-year rezoning time extension subject to modified conditions.

## Fiscal Impact:

N/A

## Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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Department: Development Services Department - Planning Telephone: 724-9000

Contact: David Petersen Telephone: 724-9000

Department Director Signature/Date: 10/24/18

Deputy County Administrator Signature/Date: 10/24/18

County Administrator Signature/Date: 10/24/18

PIMA COUNTY
DEVELOPMENT SERVICES

**TO:** Honorable Ally Miller, Supervisor, District 1

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

**DATE:** October 24, 2018

**SUBJECT:** **Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**

The above referenced Rezoning Closure/Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, NOVEMBER 20, 2018** hearing.

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**REQUEST:**

A. Proposal to **close** a 4.11-acre rezoning from SH (Suburban Homestead) to CB-2 (General Business). If not closed,

B. A five-year **time extension** of a 4.11-acre rezoning from SH (Suburban Homestead) to CB-2 (General Business).

**OWNERS:** Riverview Ventures, LLC
5600 E. Paseo de Manzanillo
Tucson, AZ 85750-1027

**AGENT:** Cotlow Company
Attn: Dean Cotlow
3832 E. Kleindale Road
Tucson, AZ 85716

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

**PUBLIC COMMENT TO DATE:** As of October 24, 2018, staff has received no public comment.

**STAFF RECOMMENDATION: A) AGAINST CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:** Portions of the site are located within Multiple Use Management Area and Important Riparian Area within the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DP/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

# BOARD OF SUPERVISORS MEMORANDUM



**FOR NOVEMBER 20, 2018 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 24, 2018

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING CLOSURE/TIME EXTENSION**

**A. Rezoning Closure**

**Co9-08-08** **RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**
Proposal to **close** Co9-08-08, a 4.11-acre rezoning from SH (Suburban Homestead) to CB-2 (General Business) located on the south side of River Road approximately 1,500 feet east of La Cholla Boulevard and approximately 3,200 feet west of La Canada Drive. The rezoning was conditionally approved in 2008 and will expire on October 21, 2018. Staff recommends **AGAINST CLOSURE.**
(District 1)

**B. Rezoning Time Extension**

**Co9-08-08** **RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**
Request of Riverview Ventures, LLC, represented by Cotlow Company, for a five-year **time extension** for the above-referenced rezoning from SH (Suburban Homestead) to CB-2 (General Business). The subject site was rezoned in 2008. The site is approximately 4.11 acres located on the south side of River Road approximately 1,500 feet east of La Cholla Boulevard and approximately 3,200 feet west of La Canada Drive. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 1)

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**STAFF RECOMMENDATION**

Staff recommends **AGAINST CLOSURE AND APPROVAL** of a **five-year rezoning time extension** to October 21, 2018 for the remaining 4.11 acres on the south side of River Road from SH (Suburban Homestead) to CB-2 (General Business) with modified standard and special conditions.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

~~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, Document Services.~~

~~6~~1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

~~7~~2. Transportation conditions:

A. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.

B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.

~~8~~3. Flood Control conditions:

A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.

B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.

C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.

D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.

E. A riparian mitigation plan shall be required for development in designated riparian areas.

F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

~~9~~4. Wastewater Reclamation conditions:

~~A. The owner/developer shall not construe no 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, 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 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 Pima County Regional Wastewater Reclamation Department 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 Regional Wastewater Reclamation Department PCRWRD in its capacity response letter and as specified by the Development Services Department PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~

~~E. The owner/developer shall enter into a written agreement addressing the funding, 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 rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) 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.

~~10~~5. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

~~11~~6. 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~~7. Natural Resources, Parks and Recreation conditions:

A. At a minimum, two access points from Parcel A to the river park shall be provided.

B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.

C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

~~13~~8. Environmental Planning conditions:

A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.

~~B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C~~B. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and, Pima County may enforce this rezoning condition against any future 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~~.

**Invasive Non-Native Plant Species Subject to Removal:**

| | |
|---|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitalis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |
| Pennisetum ciliare | Buffelgrass |
| Pennisetum setaceum | Fountain grass |
| Rhus lancea | African sumac |
| Salsola spp. | Russian thistle |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |
| Tamarix spp. | Tamarisk |

~~14~~9. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.

~~15~~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, and sewer facilities.

~~16~~11. 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)."

~~17~~12. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).

~~18~~13. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:

~~A.~~ Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.

~~B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.~~

~~C. Responsibilities and funding of both private and public drainage improvements.~~

~~D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.~~

~~19~~14. The following uses shall be prohibited in the TR portion of the rezoning site:

a. Temporary trailer or mobile or manufactured home
b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
c. Factory-built (modular) buildings
d. Home auto repair
e. Open storage
f. Community service agency
g. Hospital or sanatorium
h. Community storage garage

~~20~~15. The following uses shall be prohibited in the CB-2 portion of the rezoning site:

a. Auto mechanic repair
b. Automobile accessories, parts and supplies
c. Automobile lubrication and oil change operation
d. Automobile tires, batteries and accessories installation in conjunction with a department store
e. Billiard or pool hall
f. Garage for public storage only
g. Gasoline service station
h. Large-scale retail establishment
i. Laundromat, laundry and dry cleaning units
j. Mechanical and electronic games arcade
k. Shopping center, regional
l. Station: bus or stage
m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
n. Trailer rental
o. Wholesale of oil
p. Trailer or manufactured or mobile home for caretaker
q. Self-storage facility

~~21~~16. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.

~~22~~17. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.

~~23~~18. The gross density shall be a minimum of 10 residences per acre.

~~24~~19. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.

~~25~~20. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Formerly standard condition #'s 1-5 are recommended for deletion based on a recent staff decision to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for the proposed commercial development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends conditions which require recorded covenants. Pertaining to condition #'s 2 and 4, the requirements for recording of a hold harmless covenant against flooding and recording of assurances are usually associated with a subdivision plat which is not proposed for this portion of the rezoning site.

The covenant requirement is also recommended for deletion pertaining to the requirement for on-going removal of buffelgrass per renumbered condition #8B and the Proposition 207 rights disclaimer per renumbered condition #11.

Renumbered condition #'s 13B-D, regarding a development agreement pertaining to improvements for Roller Coaster Road/Oracle Jaynes Station Road and Roller Coaster Wash and other drainage improvements, are recommended for deletion as these conditions apply to the TR portion of the rezoning, have been met, and could be confused as to applying to the subject CB-2 portion of the rezoning.

New condition #3H pertaining to commitment to water conservation measures is recommended in response to policies, guidelines, and procedures adopted since the original rezoning approval.

Deletion of existing conditions and addition of new conditions under renumbered condition #4 are recommended to update Wastewater Reclamation Department conditions to current standards for the required use of sewerage. The deleted conditions are similar to the new conditions.

The recommended modifications to conditions will apply only to the subject CB-2 portion of the rezoning and do not constitute a substantial change which would require review by the Planning and Zoning Commission.

**STAFF REPORT:**

Staff recommends against closure of the rezoning; but, the code requires closure to be considered before allowing a time extension to complete conditions beyond 10 years from the date of rezoning approval, October 21, 2008. The initial time limit for approved rezonings is recommended by staff at five years; and five years is the maximum interval of staff recommended time extensions. A five-year time extension was approved for this rezoning on November 19, 2013. Because of the continued appropriateness of commercial use at the site's location, staff does not believe the case

should be closed. The applicant indicates that the property has remained undeveloped due to the weak market, but that it continues to be marketed aggressively.

Staff supports the requested second five-year time extension to October 21, 2023. The proposed CB-2 office, retail, and restaurant development (Parcel "A" on the rezoning preliminary development plan) still meets all applicable concurrency of infrastructure criteria and conforms to the site's Community Activity Center (CAC) comprehensive plan designation. There is a Secondary Transportation Concurrency Concern pertaining to River Road, between La Cholla Boulevard and La Canada Drive. This road segment is currently operating near its 33,000 average daily trips (ADT) capacity with a current count of 32,507 ADT. The original traffic estimate is 1,700 ADT. However, the site development will be infill within the Flowing Wells Focused Development Area of the Comprehensive Plan where infill development is encouraged. Therefore its traffic generation would constitute a Secondary Concurrency Concern under Concurrency Policy. Traffic on this segment of River Road has actually decreased in the five years since the previous time extension approval when the count was reported as 35,700 ADT.

The site is physically separated from other development by the Rillito River, Roller Coaster Wash and River Road, but near enough to residential uses to be reasonably accessed by pedestrians and bicyclists. River Road has sidewalks and bike lanes, and there is a path within the adjacent Rillito River linear park that includes a bridge over Roller Coaster Wash which provides linkage of the site to a new apartment complex. The proposed commercial development will provide additional services and potential employment opportunity for residents of this growing area. There are shopping centers and other commercial uses at the intersections of River Road and La Cholla Boulevard and River Road and La Canada Drive.

Overall, there has been substantial progress towards completing the rezoning conditions. A Certificate of Compliance with rezoning conditions has been issued for the larger 8.71-acre Parcel "B" TR-zoned portion of the rezoning on the north side of River Road. A subdivision plat (Riverview Commons) for 101 lots for that portion has been developed with duplexes and other multiple dwelling units. This residential component was approved by the Board of Supervisors in 2011 as a substantial change from originally planned office uses. As part of that project, $100,000 was contributed for off-site improvements to the curved intersection of Rollercoaster Road and Oracle Jaynes Station Road to satisfy condition #18.B. (Many of the existing rezoning conditions listed above are exclusive to the Parcel "B" portion of the rezoning and have been satisfied, but remain as part of the rezoning through time.)

Additionally, a 1.78-acre portion of the subject CB-2 area has been conveyed to Pima County adjacent to the Rillito River linear park as required per renumbered condition #7B. This is the cross-hatched area on the preliminary development plan. That area will be re-vegetated as required per renumbered condition #'s7C and 8A. The set-aside and re-vegetation of this area, adjacent to the Important Riparian Area of the Rillito River, was the solution toward satisfying the Maeveen Marie Behan Conservation Lands System (CLS) elements of the subject Parcel "A". The elements include Multiple Use Management Area, which covers most of Parcel "A" and a small portion of Important Riparian Area. A portion of Parcel "A" is outside of the CLS. None of Parcel "B" is within the CLS. Parcel "A" has substantial disturbance of natural vegetation.

The site is located on the south side of River Road, between La Cholla Boulevard and La Canada Drive. The subject CB-2 portion of the rezoning was conditionally approved for 43,800 square feet of commercial space. Denial of the time extension will cause the rezoning case to be closed and

site to revert to unrestricted SH (Suburban Homestead) zoning. SH does not conform to the site's CAC plan designation. Closure of the rezoning would not preclude the possibility of a similar future rezoning.

**SURROUNDING LAND USES/GENERAL CHARACTER:**

| | | |
|---|---|---|
| North: | SH | Roller Coaster Wash |
| South: | SH | Rillito River Linear Park/Rillito River |
| East: | TR | River Road, Multi-family Residential |
| West: | SH | Roller Coaster Wash/Rillito River |

There has been no change in zoning in the vicinity of the site since the initial rezoning approval; however, a portion of the Riverside Crossing Specific Plan at the southeast corner of River Road and La Cholla Boulevard and extending east along River Road to the Roller Coaster Wash has been nearly built-out with the aforementioned apartments and other uses, including a corporate headquarters office, a call center, a bank, and other offices.

| CONCURRENCY CONSIDERATIONS | | |
|---|---|---|
| Department | Concurrency Considerations Met: Yes / No / N/A | Other Comments |
| TRANSPORTATION | Yes | No objection, secondary concurrency concern |
| FLOOD CONTROL | Yes | Subject to conditions for on- and off-site drainage improvements as required |
| WASTEWATER | Yes | Subject to Type I capacity letter verification and conditions for construction of on- and off-site sewers as necessary |
| PARKS & RECREATION | Yes | Subject to condition for landscape design and construction plan for the property conveyed to Pima County that was a portion of Parcel A |
| WATER | Yes | Information from 2008 |
| SCHOOLS | N/A | |
| AIR QUALITY | Yes | |

**TRANSPORTATION DEPARTMENT REPORT:**
The Pima County Development Services Department on behalf of Pima County Department of Transportation has no objection to the time extension request. The request is for the remaining CB-2 portion of the rezoning along River Road between La Canada Drive and La Cholla Boulevard. The preliminary development plan shows approximately 16,200 square feet of office use, 22,200 square feet of retail use, and 5,400 square feet of restaurant use on this site. These uses could generate approximately 1,700 average daily trips (ADT). The primary access point for this development is located on River Road 300 feet south of the northern property line. A second access point is shown along the northern property line.

River Road is a paved, County-maintained, four-lane, urban principal arterial that includes a raised median, multi-use lanes, storm drains, curb and sidewalk. River Road is a scenic major route per the Major Streets and Scenic Routes Plan with existing right-of-way that is 150 feet and wider and a planned right-of-way of 150 feet. The most recent traffic count for River Road between La Cholla Boulevard and La Canada Drive is 32,507 ADT. The traffic capacity for River Road is 33,000 ADT.

La Canada Drive is a paved, County-maintained, four-lane, divided urban minor arterial that includes a raised median, multi-use lanes, public use trail, curb and sidewalk. La Canada Drive is a major route per the Major Streets Plan with existing right-of-way that is 150 feet, and a planned right-of-way of 150 feet. The most recent traffic count for La Canada Drive is approximately 14,639 ADT. The traffic capacity for La Canada Drive is 33,000 ADT.

La Cholla Boulevard is a paved, County-maintained, six-lane, divided urban principal arterial that includes a raised median, multi-use lanes, curb and sidewalk. La Cholla Boulevard is a major route per the Major Streets Plan with existing right-of-way that is 150 feet, and a planned right-of-way of 150 feet. The most recent traffic count for La Cholla Boulevard is approximately 26,980 ADT. The traffic capacity for La Cholla Boulevard is 49,800 ADT.

Staff recommends that conditions 18B-D be deleted from the remaining requirements of this time extension. The conditions have been previously met, and the partial Certificate of Compliance has been issued for the residential portion in which the conditions apply. Condition 18A shall remain in place.

**REGIONAL FLOOD CONTROL DISTRICT REPORT:**
The Pima County Regional Flood Control District has no objection to the request and does not recommend any new conditions or amendments to the existing conditions.

**REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:**
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and offers the following comments. The time extension is sought for the 4.11-acre CB-2 portion of the rezoning which remains undeveloped. The rezoning area is proposed for office, commercial, restaurant and retail uses. The rezoning area is located on the south side of River Road east of La Cholla Boulevard.

The rezoning area is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. The closest existing public sewer consists of an 8-inch sewer G-2012-025 serving Riverview Commons located east of the rezoning area. A Type I capacity letter must be obtained to verify that capacity exists in the downstream public sewer system for this development prior to submitting any development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review.

The PCRWRD has no objection to the request for a five-year time extension of the rezoning, but requests the existing wastewater conditions in rezoning Resolution 2014-23 be replaced with updated conditions (under renumbered condition #4 above).

**ENVIRONMENTAL PLANNING REPORT:**
A five-year extension has been requested for the above-referenced rezoning case, which was originally approved in October 2008, subject to standard and special conditions (see Resolution 2014-23). Condition no. 13.B. states: "The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist."

This condition may be removed from the list of standard and special conditions. County protocols regarding when surveys are required for certain species have changed since this condition was added. Under current protocols, surveys for western burrowing owls would not be required for this rezoning request.

**CULTURAL RESOURCES REPORT**
Any cultural resources conditions for Co9-08-08 would still apply to the rezoning.

**METROPOLITAN WATER DISTRICT:**
Metropolitan Water District has not responded to a request for comments. However, the site is within the Metropolitan Water District. The applicant has also provided letters from 2008 in which the District indicated that it will serve the site.

**NORTHWEST FIRE/RESCUE DEPARTMENT:**
Staff has not received a response to a request for comments.

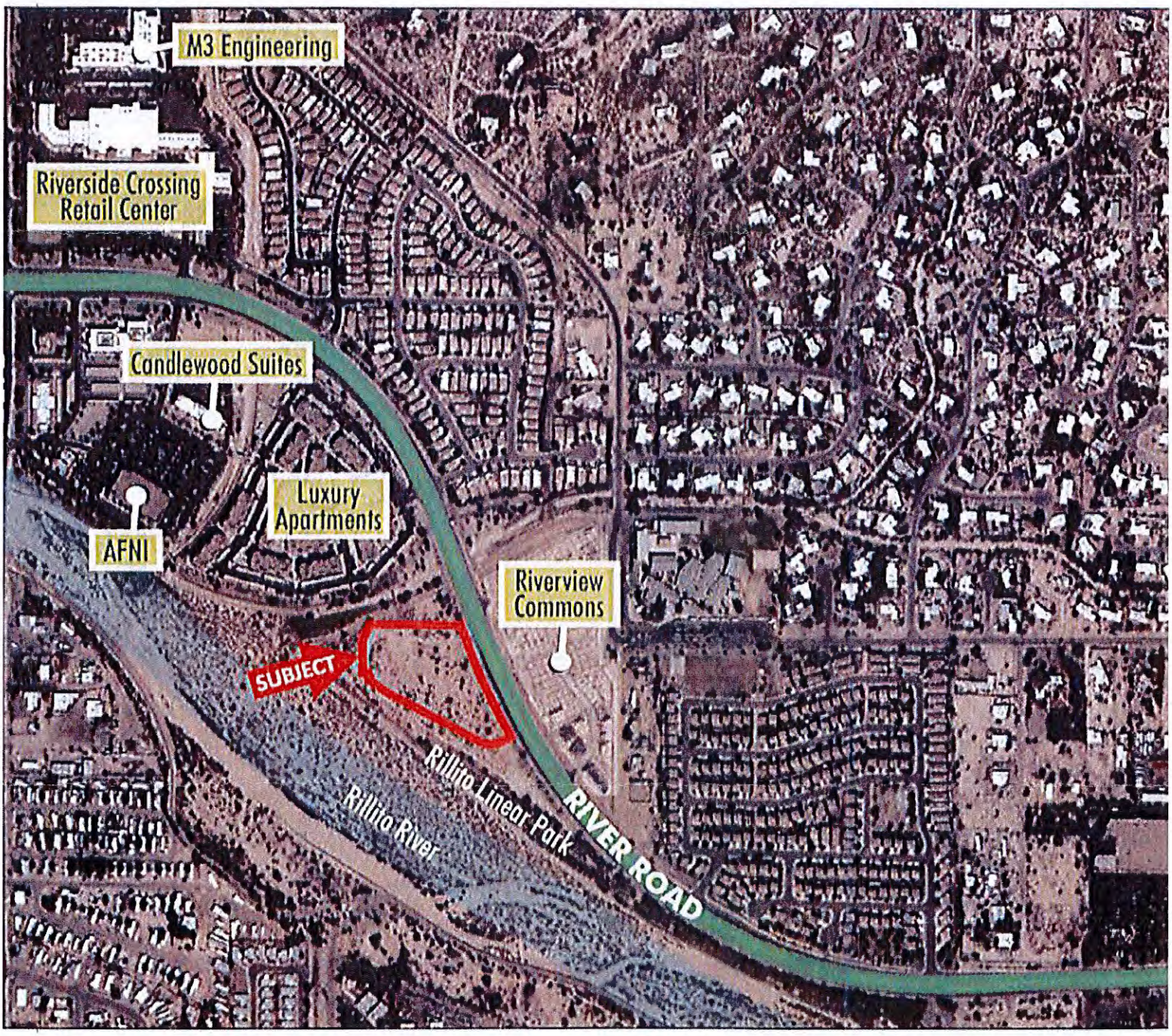
**UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:**
Staff has not received a response to a request for comments.

**PUBLIC COMMENTS:**
Notice will be mailed to property owners within 300 feet of the rezoning site. As of the writing of this report, no written public comments have been received.

TD/DP/ar
Attachments

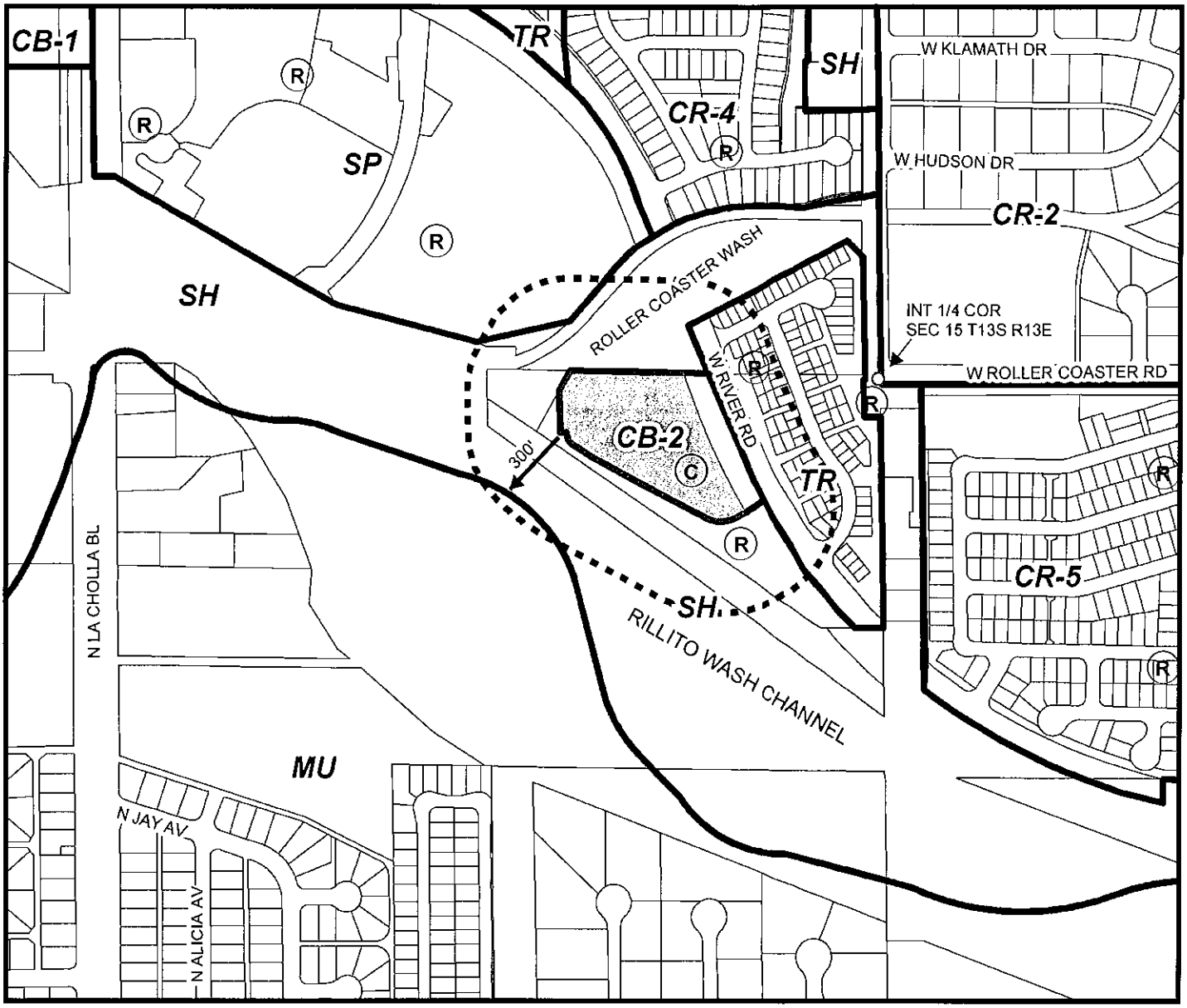
cc: Cotlow Company, Attn: Dean Cotlow, 3832 E. Kleindale Road, Tucson, AZ 85716
Tom Drzazgowski, Chief Zoning Inspector
Co9-08-08 File

1 : 5,170


M3 Engineering
Riverside Crossing Retail Center
Candlewood Suites
Luxury Apartments
AFNI
Riverview Commons
SUBJECT
Rillito Linear Park
Rillito River
RIVER ROAD

# Case #: Co9-08-08
# Case Name: RIVERSIDE ASSOCIATES, ET AL - RIVER ROAD #2 REZONING
## Tax Code(s): 104-01-104G

300' Notification Area
Subject Property
Zoning Boundary




0 220 440 880 Feet

## PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
## PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Closure/Rezoning Time Extension

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 11/20/18

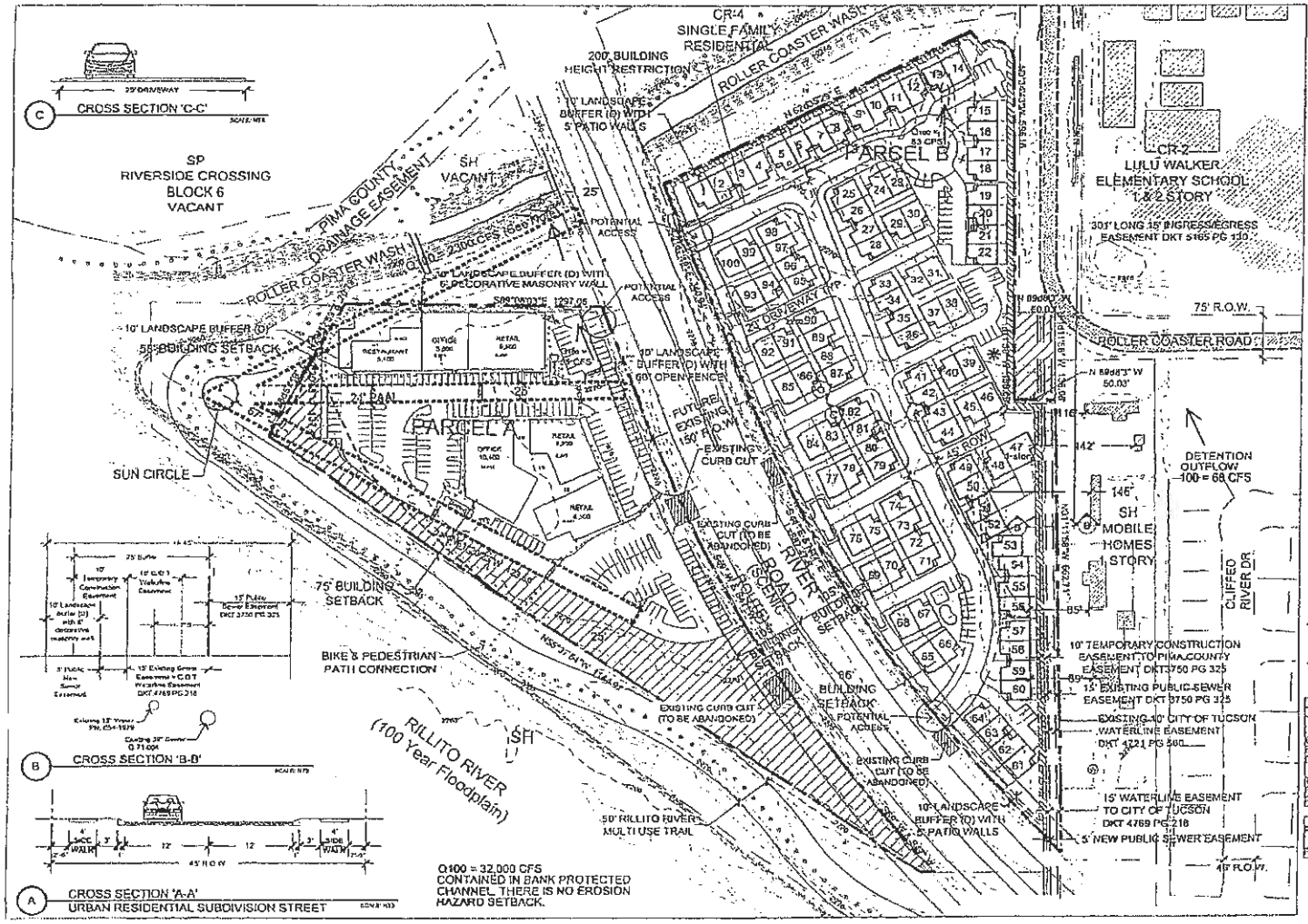
Base Map(s):45 | Map Scale: 1:6,000 | Map Date: 10/16/2018 - ds

N W E S

EXHIBIT B

PAGE 11 OF 11

## Exhibit II.B: Change of Development Plan




### LEGEND

- SITE BOUNDARY
- LANDSCAPE BUFFER
- RILLITO RIVER MULTI-USE TRAIL
- PROPOSED TRAILS
- EXISTING CURB CUTS
- LANDSCAPING
- IMPORTANT RIPARIAN AREA
- SUN PATH
- EXISTING ROLLERCOASTER ROAD
- PROPERTY TO BE DEDICATED TO PIMA COUNTY
- BUILDING SETBACK
- PROPOSED RECREATION AREAS
- SAFE ROUTE TO SCHOOL ACCESS

### NOTES

- PROJECT SITE AREA: 6.71 ACRES
- TOTAL PROJECT SITE AREA: 14.79 ACRES
- ACREAGE BREAK DOWN:
  - PARCEL A: 4.11 AC
  - PARCEL A- PARKS & RECREATION DEDICATION AREA (SH8): 1.78 AC
  - PARCEL B: 8.71 AC
  - PARCEL B -PIMA COUNTY DEDICATION (SH8) : 0.19 AC
  - PROPOSED RECREATION AREA: 0.65 ACRES
- EXISTING ZONING: SH (SUBURBAN HOMESTEAD)
- PROPOSED ZONING:
  - PARCEL A: CB-2 (COMMERCIAL)
  - PARCEL B: TR (TRANSITIONAL)
- PROPOSED USE:
  - PARCEL A: COMMERCIAL/OFFICE/ RETAIL/RESTAURANT TOTAL SQUARE FEET: 43,850 SF
  - PARCEL B: SINGLE FAMILY RESIDENTIAL TYPICAL LOT SIZE: 30'x60'
- MAX BUILDING HEIGHT
  - PARCEL A: 30 FEET
  - PARCEL B: 28 FEET
- ALL LANDSCAPING WILL BE DROUGHT TOLERANT IN ACCORDANCE WITH PIMA COUNTY LAND USE CODE REQUIREMENTS
- WEST OF RIVER ROAD THE FLOW OF THE ROLLER COASTER WASH IS CONTAINED IN THE BANK PROTECTION. THERE IS NO EROSION HAZARD SETBACK.

| PARKING PARCEL A | Sq Ft | Factor Used To Calculate Parking Requirements | Parking Required | 35% Reduction |
|---|---|---|---|---|
| Office | 16,200 | 1 SPACE / 300 SF | 54 | 35 |
| Retail | 22,200 | 1 SPACE / 285.7 SF | 78 | 51 |
| Restaurant | 5,400 (15% = 4,050) | 1 SPACE / 100 SF | 54 | 44 |
| Total SF | 43,800 | | | |
| Parking Required | | | 186 | 121 |
| Parking Provided | | | 196 | 196 |

| PARCEL B | | | |
|---|---|---|---|
| Residential | 100 Lots | 2 spaces/unit + 0.4 units/ guest parking | 225 |
| Parking Provided | | | 253 |

Co9-08-08 Revised Preliminary Development Plan Approved by BOS 8/15/11 D.P.

COTLOW
COMPANY
*It's simple. We get it done.*

RECEIVED
JUL 17 2018
By_____

July 9, 2018

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

RE: Resolution 2014-23
Zoning Case Co9-08-08 Riverside, Et Al – River Road #2 Rezoning
Tax Parcel 104-01-104G
Located on the south side of River Road, East of La Cholla Blvd.
Tucson, Pima County, Arizona

Dear Chris:

On behalf of Riverview Ventures LLC, we are requesting two concurrent five (5) year time extensions for the rezoning case referenced above. The subject site is approximately 4.10 acres. We are only requesting the extension for the 4.10 acres and not the other parcels in the Zoning Case. The parcels have remained unchanged since approval of the original rezoning ordinance.

Because of the week market over the last several years the property has remained undeveloped. We continue to market the property aggressively with new hope of potential users now on the horizon.

If you have any questions, please do not hesitate to call me. I have attached a location map for reference.

Sincerely,

Dean Cotlow

Dean P. Cotlow
President/Designated Broker

CC: Riverview Ventures LLC
C/O Greg Kaplan via email: gjk1987@yahoo.com

**3832 East Kleindale Road Tucson, Arizona 85716 (US)**
**(520) 881-8180 (Direct) (800) 831-4090 (Toll Free) (520) 241-0180 (Mobile)**
**Licensed in the State of Arizona (BR011464000)**
**www.cotlow.com (Web Site) cotlow@cotlow.com (Email Address)**

***It's better to walk alone than with a crowd going the wrong direction.* Diane Grant**

David Petersen, AICP
Senior Planner
Planning Division
Pima County Development Services Department

August 1, 2018

RE: Zoning for Co9-08-08 Rezoning Time Extension (P18SA00005)

Dear Mr. Petersen,

I am the sole and managing member of Riverview Ventures, LLC. I write to inform you that Dean Cotlow, the Cotlow Company, and all related entities to Mr. Cotlow and his business has been retained to represent us in all zoning matters.

If you have any questions, please do not hesitate to contact me. I can be reached at (858) 204-6553 or via email at gjk1987@yahoo.com

Sincerely,

Greg Kaplan

Greg Kaplan
Managing Member
Riverview Ventures, LLC

F. ANN RODRIGUEZ, RECORDER
Recorded By: L
DEPUTY RECORDER
4925

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20140730690
NO. PAGES: 11
RES 03/14/2014
15:54
PICK UP
AMOUNT PAID: $0.00

RESOLUTION **2014-** 23

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN **CASE Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**; LOCATED ON THE SOUTH SIDE OF RIVER ROAD, APPROXIMATELY 1,500 FEET EAST OF LA CHOLLA BOULEVARD AND APPROXIMATELY 3,200 FEET WEST OF LA CANADA DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF **ORDINANCE NO. 2009-10 AS AMENDED BY RESOLUTION NO. 2011-201**.

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

On April 22, 2008, the owner of approximately 14.79 acres applied for a rezoning from SH (Suburban Homestead) to TR (Transitional), CB-2 (General Business), and SH ® (Suburban Homestead Restricted);

On October 21, 2008, the Pima County Board of Supervisors approved the rezoning from SH (Suburban Homestead) to TR (Transitional) (8.71 acres), CB-2 (General Business) (4.11 acres), and SH ® (Suburban Homestead Restricted) (1.97 acres), subject to standard and special conditions;

On April 7, 2009 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2009-10, as recorded in Docket 13537 at Page 03844, rezoning the approximate 14.79 acres described in rezoning case Co9-08-08 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

On June 3, 2011 the owner of approximately 14.79 acres, applied for a modification (substantial change) of rezoning conditions #'s 17 and 19;

On August 15, 2011 the Pima County Board of Supervisors approved a modification (substantial change) of rezoning conditions #'s 17 and 19 with additional substantive modifications to condition #'s 7(A), 12(B), and 17 and additional rezoning conditions #'s 7(B), 8(F), 8(G), 9(C), 9(D), 9(E), 9(F), 23, 24, 25, and 26;

On December 13, 2011, the Pima County Board of Supervisors adopted Resolution No. 2011-201, as recorded in Sequence No. 20113610953, memorializing the approved modification (substantial change) of rezoning conditions #'s 17 and 19 with additional modifications to condition #'s 7(A), 9(A), 9(B), 10, 12(B), and 12(C), and addition of new rezoning conditions #'s 7(B), 8(F), 8(G), 9(C), 9(D), 9(E), 9(F), 23, 24, 25, and 26;

On January 8, 2013 a Certificate of Compliance was issued for the 8.71-acre TR zone portion of the 14.79-acre rezoning;

On August 21, 2013, the owner of the remaining 4.11-acre CB-2 zone portion of the rezoning applied for a time extension;

On November 19, 2013, the Board of Supervisors approved a five-year time extension for the remaining 4.11-acre CB-2 zone portion of the rezoning with modifications of rezoning condition #'s 9(A), 9(B), 9(D), and 9(E) and deletion of rezoning condition #24 and renumbering of condition #'s 25 to 24 and 26 to 25; and

Ordinance No. 2009-10, as amended by Resolution #2011-201 allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

**NOW, THEREFORE, BE IT RESOLVED,** that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2009-10, as amended by Resolution No. 2011-201, 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, Document Services.

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. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.

   B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.

8. Flood Control conditions:
   A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.

   B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.

   C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.

   D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.

   E. A riparian mitigation plan shall be required for development in designated riparian areas.

   F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

9. Wastewater Reclamation conditions:

A. The owner/developer shall not construe ~~no~~ 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, 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~~ 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 ~~Pima County Regional Wastewater Reclamation Department~~ 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 ~~Regional Wastewater Reclamation Department~~ PCRWRD in its capacity response letter and as specified by the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

E. The owner/developer shall enter into a written agreement addressing the funding, 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.

10. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

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. Natural Resources, Parks and Recreation conditions:
    A. At a minimum, two access points from Parcel A to the river park shall be provided.

    B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.

    C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

13. Environmental Planning conditions:
    A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.

B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against any future 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.

**Invasive Non-Native Plant Species Subject to Removal:**

| | |
|---|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitalis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |
| Pennisetum ciliare | Buffelgrass |
| Pennisetum setaceum | Fountain grass |
| Rhus lancea | African sumac |
| Salsola spp. | Russian thistle |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |
| Tamarix spp. | Tamarisk |

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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~~ and sewer facilities.

16. 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)."

17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).

18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:

    A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.

    B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.

    C. Responsibilities and funding of both private and public drainage improvements.

    D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.

19. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home
    b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
    c. Factory-built (modular) buildings
    d. Home auto repair
    e. Open storage
    f. Community service agency
    g. Hospital or sanatorium

h. Community storage garage

20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanic repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store
    e. Billiard or pool hall
    f. Garage for public storage only
    g. Gasoline service station
    h. Large-scale retail establishment
    i. Laundromat, laundry and dry cleaning units
    j. Mechanical and electronic games arcade
    k. Shopping center, regional
    l. Station: bus or stage
    m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
    n. Trailer rental
    o. Wholesale of oil
    p. Trailer or manufactured or mobile home for caretaker
    q. Self-storage facility

21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.

22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.

23. The gross density shall be a minimum of 10 residences per acre.

~~24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~

~~25~~ 24. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.

~~26~~ 25. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

* * *

**NOW, THEREFORE, BE IT RESOLVED**, that the Pima County Board of Supervisors hereby modifies the rezoning conditions represented in Section 2 and the time limit represented in Section 3 of Ordinance No. 2008-10, as amended by Resolution No. 2011-201, as follows:

1. Conditions 1 through ~~26~~ 25 shall be completed by October 21, ~~2013~~ 2018.

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 ~~26~~ 25 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.

**RESOLVED** by the Board of Supervisors of Pima County, Arizona,

this 11th day of March, 2014.

Sharon Bronson
Chair, Board of Supervisors MAR 11 2014

**ATTEST:**

Robin Bregodzis
Clerk, Board of Supervisors

**APPROVED AS TO FORM:**

Deputy County Attorney
**ANDREW FLAGG**

**APPROVED:**

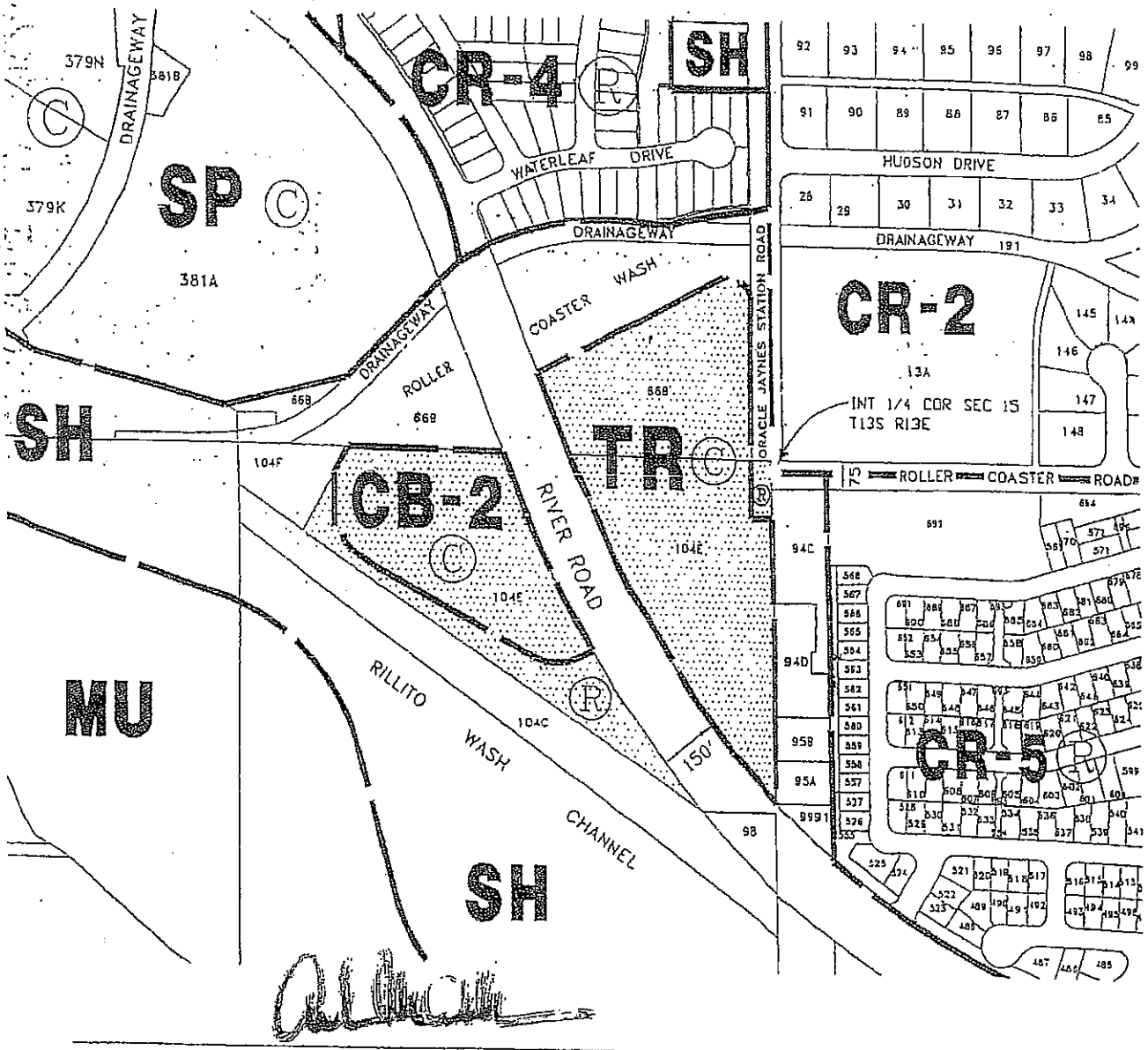
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 99 BY ORDINANCE NO. 2009-10
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, ARIZONA
PARCEL 104E AND PORTION OF PARCEL 066B LOCATED IN
THE WEST 1/2 OF SECTION 15, T13S R13E.

0 400'

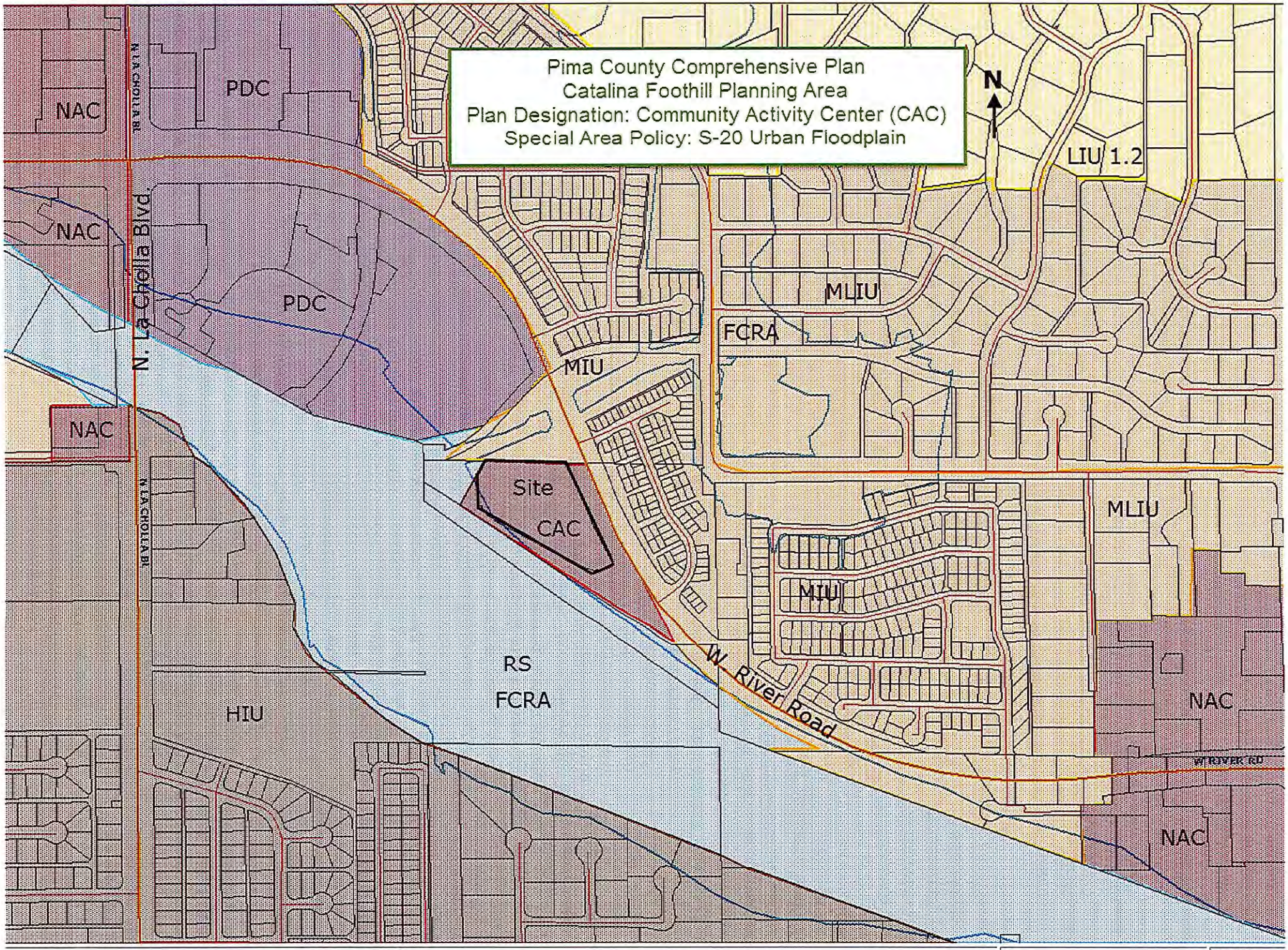
ADOPTED APRIL 7, 2009 EFFECTIVE APRIL 7, 2009




EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Co9-08-08
Co7-00-20
104-01-104E
104-01-066B(PTN)

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 14.79 ac±
ds-JANUARY 14, 2009


Pima County Comprehensive Plan
Catalina Foothill Planning Area
Plan Designation: Community Activity Center (CAC)
Special Area Policy: S-20 Urban Floodplain
N
NAC
PDC
NAC
PDC
NAC
N. La Cholla Blvd.
N. LA CHOLLA BL
N. LA CHOLLA BL
LIU 1.2
MLIU
FCRA
MIU
Site
CAC
MLIU
MIU
RS
FCRA
HIU
W. River Road
NAC
W RIVER RD
NAC
1 : 5,170

## Excerpt from Pima Prospers FINAL (as adopted 2015)

## Land Use Legend

The Land Use Intensity Legend is composed of a number of "urban/suburban", "rural" land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

### A. Urban/Suburban Intensity Categories

The following land use intensity categories shall be applied to designate planned land use within urban and suburban areas only:

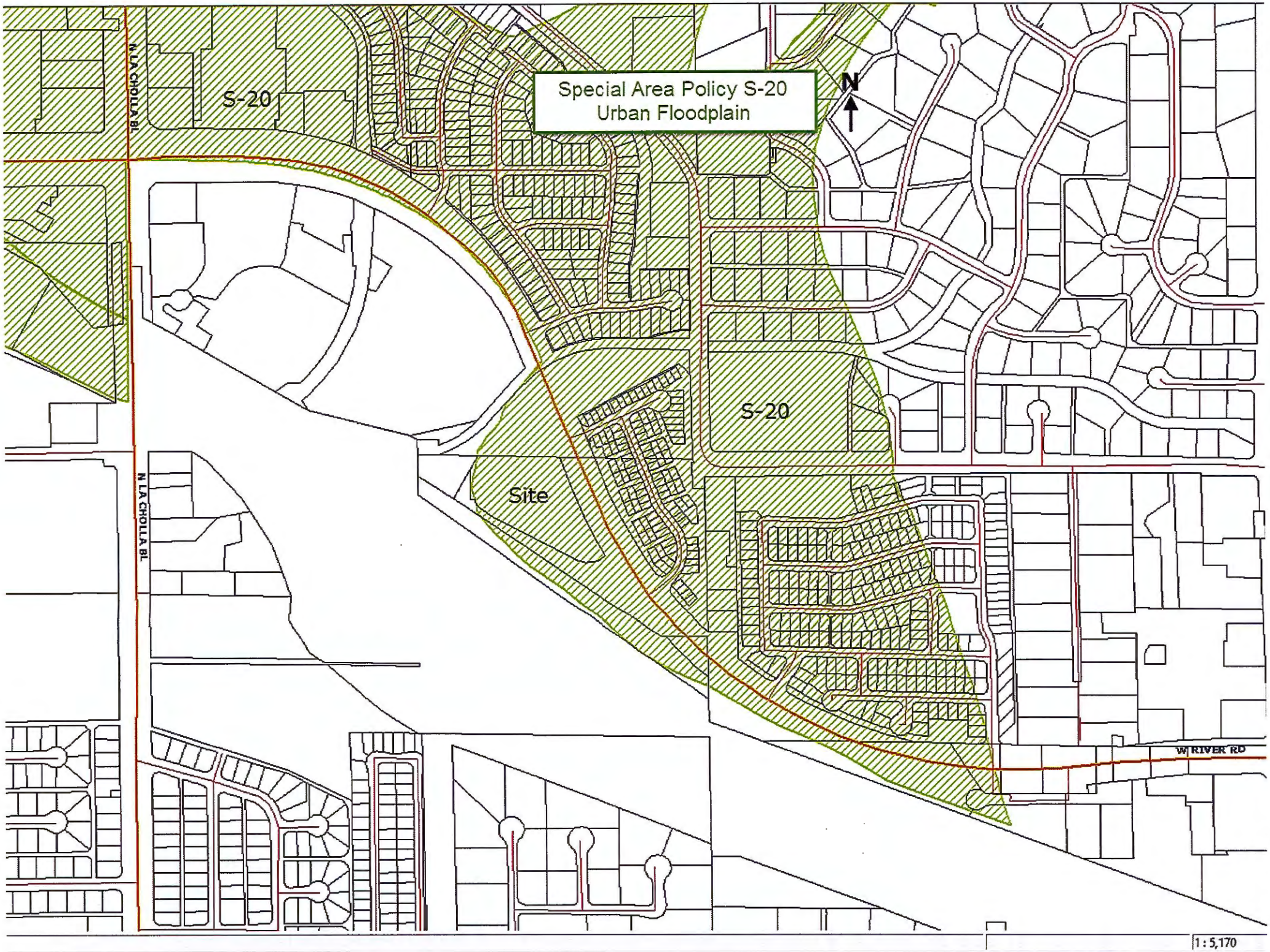
1. **Community Activity Center (CAC)**
   a. Objective: To designate medium and higher intensity mixed-use districts designed to provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; educational and institutional uses; and other similar uses as described in the Campus Park Industrial (CPI) zoning district (Section 18.49); and compatible medium to higher density housing. Individual rezoning requests do not necessarily have to be a mixed-use project; however, the application must demonstrate how it serves to create or enhance the mixed use character of the designated activity center as a whole.

      Larger centers may include a regional mall. Smaller centers may provide goods and services needed on a more frequent basis. These may include a major supermarket, discount department stores, large variety stores, or specialty stores such as hardware/building/home improvement stores. Community Activity Centers may be located on major arterial roadways with access to public transportation. All centers will have direct pedestrian and bicycle access to surrounding neighborhoods. Community Activity Centers may range from 25 acres to up to 100 acres or more in size depending on the area served and services provided.

   b. Residential Gross Density: Residential gross density, if any, shall conform to the following:
      1) Minimum – 6 RAC.
      2) Maximum - As allowed by the requested conforming zoning district.

c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

1) Minimum – 6 RAC
2) Maximum – 18 RAC.


Special Area Policy S-20
Urban Floodplain
N
S-20
S-20
Site
N LA CHOLLA BL
N LA CHOLLA BL
W RIVER RD
1 : 5,170

# Special Area and Rezoning Policies

## Chapter 9: Special Area Policies - General Location, Description and Policy

Special Area Policies (SAP) are one of the two types of mapped plan policies (along with Rezoning Policies (RP), covered in a following section of this chapter. SAPs apply to sites typically composed of multiple parcels that share a unique physical feature or location over a relatively large area. They overlay larger areas such as transportation gateways into metro Tucson, significant floodplains, or areas covering a significant portion of a planning area carried forward from a previous (rescinded) area, neighborhood, or community plan.

They are used to help guide the creation of rezoning conditions, but also may serve as general policy for the area they cover such as the Community Development Target Areas.

Special Area Policies are labeled as "S" and are numbered individually on the plan's land use maps. In parenthesis next to the policy title is the referenced map in which the special area lies.

➢ . . . . . .

## S-20 Urban Floodplain Mitigation (Multiple Maps)

### General location

FEMA 100-year floodplain at Rillito River/La Cholla Blvd., Cañada Del Oro Wash/La Cholla Blvd., Santa Cruz River/Old Nogales Hwy., Silverbell Road and Ina Road, and east of Thornydale Road and south of the North Ranch Subdivision.

### Description

These areas are currently mapped as FEMA floodplains. However, it is likely that as these areas are developed into urban uses, precise floodplain boundaries will be determined through the rezoning process based on the submittal of more accurate information or the approval of flood control projects.

## Policy

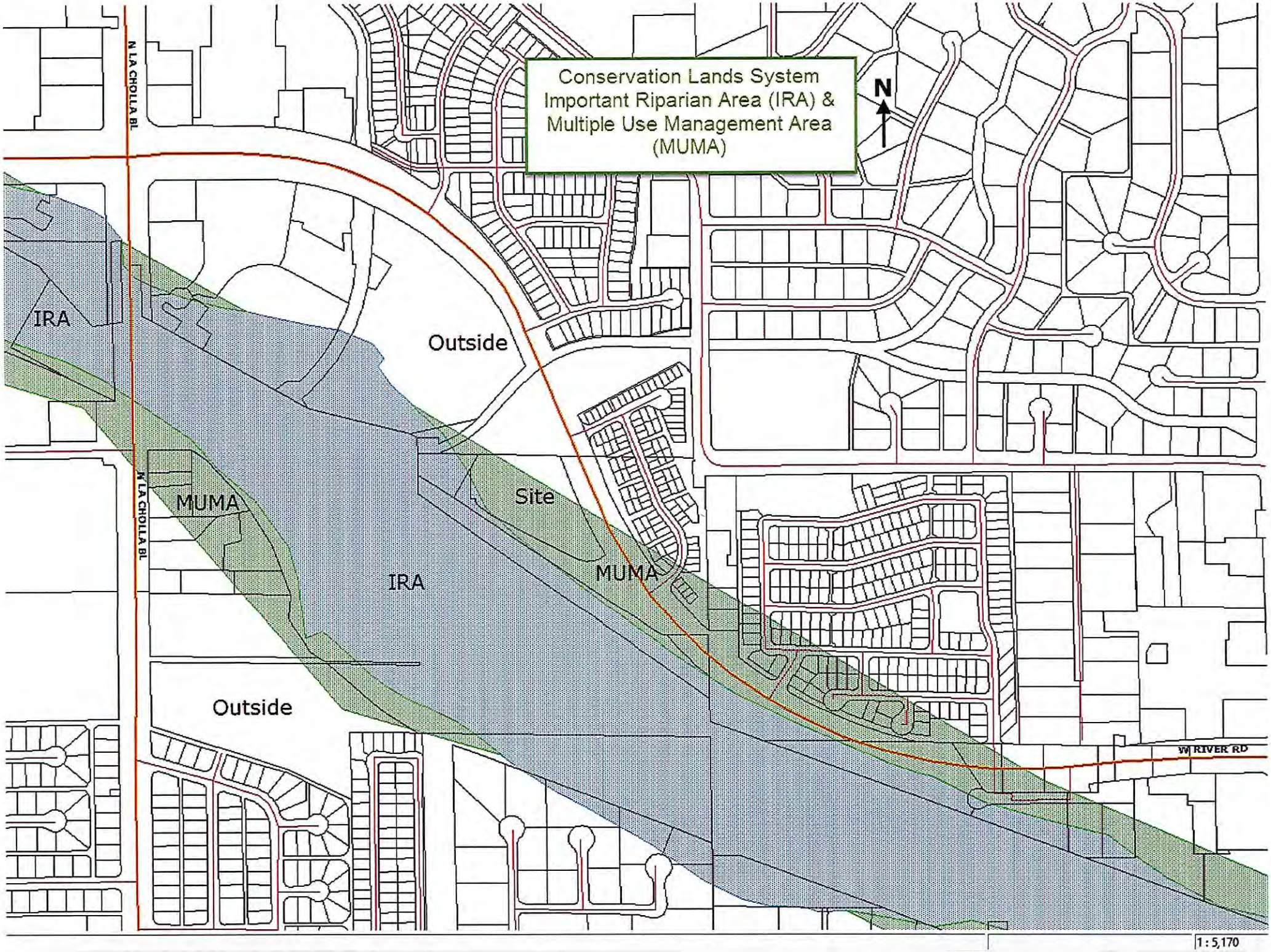
Upper Floodplain Mitigation / South of Cortaro Farms Road.

Prior to approval of any rezoning or specific plan application within this special area, the boundaries of the 100-year floodplain, as it affects the subject property, shall be established by the applicant and approved by the Regional Flood Control District (RFCD).

Required floodplain alterations or plans for such floodplain alterations, as approved by the RFCD, shall be a condition of rezoning. Notwithstanding the land use designation on the Land Use Plan, areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through implementation of plans approved by the RFCD, shall revert to Resource Sensitive (RS).

Those 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.

➢ . . . . . .


Conservation Lands System
Important Riparian Area (IRA) &
Multiple Use Management Area
(MUMA)
N
N LA CHOLLA BL
N LA CHOLLA BL
IRA
Outside
MUMA
Site
IRA
MUMA
Outside
W RIVER RD
1 : 5,170

Co9-08-08 1ST Rezoning Time Extension (CB-2 Portion)
BOS Minutes 11-19-13

C. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

13. Subdivision Review conditions:
    A. Both lots are subject to Buffer Overlay Zone performance standards, as applicable.
    B. Any additional grading, on either lot shall require a single lot native plant preservation plan that also identifies buffelgrass patches for eradication.

14. In the event the subject property is annexed, the property owner(s)/developer(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~~ and sewer facilities.

15. The property owner shall execute and record the following disclaimer regarding Prop 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. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~

~~17~~ 16. Adherence to the sketch plan as approved at public hearing.

~~18~~ 17. No construction of buildings exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.

18. Upon the effective date of the Resolution, 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.

Chris Poirier, Assistant Planning Director, provided the staff report and stated no letters of protest had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-11, with modified standard and special conditions.

22. **Rezoning Time Extension**

Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD NO. 2 REZONING
Request of Riverview Ventures, L.L.C., represented by The Planning Center, for a five-year time extension for a 4.11 acre portion of the above-referenced rezoning. The subject property was rezoned from SH (Suburban Homestead) to CB-2 (General Business) in 2008. The rezoning expiration date was October 21, 2013. The property is located on the south side of River Road, approximately 1,500 feet east of La Cholla Boulevard and 3,200 feet west of La Canada Drive. Staff

recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning request 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 Development Services Department, Document Services.
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. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
   B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
   A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
   B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
   C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
   D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
   E. A riparian mitigation plan shall be required for development in designated riparian areas.
   F. The property owner(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.
   G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
9. Wastewater Reclamation conditions:
   A. The owner/developer shall <u>not</u> construe ~~no~~ <u>any</u> 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 <u>(PCRWRD)</u> 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~~

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 ~~Pima County Regional Wastewater Reclamation Department~~ 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 ~~Regional Wastewater Reclamation Department~~ PCRWRD in its capacity response letter and as specified by the ~~Development Services Department~~ PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

E. The owner/developer shall enter into a written agreement addressing the funding, 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.

10. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

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. Natural Resources, Parks and Recreation conditions:

A. At a minimum, two access points from Parcel A to the river park shall be provided.

B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.

C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

13. Environmental Planning conditions:

A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.

B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against any future 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.

**Invasive Non-Native Plant Species Subject to Removal:**

| | |
|---|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitalis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |
| Pennisetum ciliare | Buffelgrass |
| Pennisetum setaceum | Fountain grass |
| Rhus lancea | African sumac |
| Salsola spp. | Russian thistle |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |
| Tamarix spp. | Tamarisk |

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.

15. 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~~ and sewer facilities.

16. 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)."

17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).

18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
    A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
    B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
    C. Responsibilities and funding of both private and public drainage improvements.
    D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.

19. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home
    b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
    c. Factory-built (modular) buildings
    d. Home auto repair
    e. Open storage
    f. Community service agency
    g. Hospital or sanatorium
    h. Community storage garage

20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanic repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store
    e. Billiard or pool hall
    f. Garage for public storage only
    g. Gasoline service station
    h. Large-scale retail establishment
    i. Laundromat, laundry and dry cleaning units
    j. Mechanical and electronic games arcade
    k. Shopping center, regional
    l. Station: bus or stage
    m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
    n. Trailer rental
    o. Wholesale of oil
    p. Trailer or manufactured or mobile home for caretaker
    q. Self-storage facility

21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.

22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.

23. The gross density shall be a minimum of 10 residences per acre.

~~24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~

~~25~~ 24. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.

~~26~~ 25. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Tom Coyle, Principal Planner, provided the staff report and stated no public comment had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-08-08, with modified standard and special conditions.

23. **Plat Note Modification**

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS (Lot 17)
Request of Monterra Group L.P., L.L.P., represented by Randel Jacob Design Group, P.L.L.C., for a plat note modification of administrative control note No. 20(B) to increase the area of the development envelope from 9,200 square feet to 11,000 square feet on Lot 17 of the Sabino Estates at Sabino Springs subdivision (Bk. 45, Pg. 07), a portion of the Sabino Springs Specific Plan. The subject property is approximately 5.03 acres zoned SP (BZ) (Specific Plan) (Buffer Overlay Zone) and is located on the north side of Sabino Estates Drive, approximately one third of a mile east of Bowes Road and south of the Coronado National Forest. Staff recommends APPROVAL. (District 1)

Chris Poirier, Assistant Planning Director, provided the staff report and stated no public comment had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co12-93-11.

**TRANSPORTATION**

24. **Traffic Ordinance**

ORDINANCE NO. 2013 - 58, of the Board of Supervisors, regulating parking on Sabino Canyon Road in Pima County. Staff recommends APPROVAL. (Districts 1 and 4)

A motion was made by Supervisor Elías to adopt the ordinance. The motion was withdrawn.

Supervisor Miller stated parking around the entrance to the Sabino Canyon Recreational Area had been an ongoing problem and her office had received a written complaint.

Priscilla Cornelio, Transportation Director, explained the ordinance presented was a housekeeping matter which consolidated three existing ordinances.

Co9-08-08 Modification of Rezoning Conditions Approval (TR Portion)
BOS minutes 8-15-11

21. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD NO. 2 REZONING
Request of Riverview Ventures, L.L.C. and Pima County, represented by the Planning Center, for a modification (substantial change) of rezoning Conditions Nos. 17 and 19 to allow for residential uses. Condition No. 17 requires adherence to the preliminary development plan as approved at public hearing for an office building development on Parcel "B" in the plan. Condition No. 19 prohibits certain uses including duplex, apartment or other multiple dwelling developments. The subject site is 8.71 acres zoned TR and SH® located on the east side of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Neeley and Cox-Golder were absent) to recommend APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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, Document Services.
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. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
   B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
   A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
   B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
   C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
   D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
   E. A riparian mitigation plan shall be required for development in designated riparian areas.
   F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

9. Wastewater Reclamation conditions:

A. The ~~property~~ owner~~(s)~~/developer~~(s)~~ 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~~(s)~~/developer~~(s)~~ to that effect.

B. The ~~property~~ owner~~(s)~~/developer~~(s)~~ 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~~(s)~~/developer~~(s)~~ 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 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.

10. Environmental Quality condition:

The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater ~~Management~~ Reclamation at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.

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. Natural Resources, Parks and Recreation conditions:
    A. At a minimum, two access points from Parcel A to the river park shall be provided.
    B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.
    C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the ~~PDP~~ Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
    A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
    B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
    C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against any future 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.

**Invasive Non-Native Plant Species Subject to Removal:**

| | |
|---|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitalis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains Lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |
| Pennisetum ciliare | Buffelgrass |
| Pennisetum setaceum | Fountain grass |
| Rhus lancea | African sumac |
| Salsola spp. | Russian thistle |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |

Tamarix spp. Tamarisk

14. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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.
16. 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)."
17. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
    A. Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
    B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
    C. Responsibilities and funding of both private and public drainage improvements.
    D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home
    ~~b. Duplex, apartment, or other multiple dwelling development~~
    ~~c~~ b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
    ~~d~~ c. Factory-built (modular) buildings
    ~~e~~ d. Home auto repair
    ~~f~~ e. Open storage
    ~~g~~ f. Community service agency
    ~~h~~ g. Hospital or sanatorium
    ~~i~~ h. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanic repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store
    e. Billiard or pool hall
    f. Garage for public storage only
    g. Gasoline service station
    h. Large scale retail establishment
    i. Laundromat, laundry and dry cleaning units
    j. Mechanical and electronic games arcade
    k. Shopping center, regional
    l. Station: bus or stage
    m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
    n. Trailer rental

o. Wholesale of oil
p. Trailer or manufactured or mobile home for caretaker
q. Self-storage facility

21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
23. The gross density shall be a minimum of ~~11~~ 10 residences per acre.
24. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
25. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
26. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Arlan Colton, Planning Director, provided the staff report and stated they had received five comments in opposition to the modification and one comment requesting postponement. Staff had also received two emails that were similar to the comments already received. He stated that staff recommended approval with modified standard and special conditions and requested the addition of Condition No. 25, which he read into the record as follows:

"Prior to development plan or subdivision plat approval, title to Pima County Parcel 104-01-066B shall have been transferred to Riverside Associates."

The Chairman asked if anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve Co9-08-08 with modified standard and special conditions including an additional condition that if Northwest Fire District requires access on Roller Coaster Road it will be an emergency access for emergency vehicles only with a crash gate, and to include Condition No. 25 as read by Mr. Colton.

## 22. CONTRACTS

### A. Community Services, Employment and Training

1. The Salvation Army, Amendment No. 4, to provide emergency assistance services, extend contract term to 6/30/12 and amend contractual language, Emergency Services Network Grant Fund, contract amount $16,887.00 (CT-CS-12000462)

2. The Salvation Army, to provide workforce development services for the term 7/1/11 to 6/30/12, HUD Grant Fund, contract amount $128,643.00 (CT-CS-12001029)

Co9-08-8 Rezoning Approval BOS Minutes 10-21-08

Land Management (BLM) to acquire BLM disposal lands for parks, recreation, open space and trail purposes.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-281.

8. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS**

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, RWRD System Development Fund:

A. Catalina Restaurant Group, d.b.a. Coco's Bakery Restaurant No. 176, Case No. 2008-05. Proposed settlement amount is $508.06.

B. Macayo Restaurants, L.L.C., d.b.a. Macayo's Del Norte, Case No. 2008-06. Proposed settlement amount is $508.06.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the agreements.

9. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

08-35-8957, Randy Allen Guse, Walgreen's No. 6645, 5525 E. River Road, Tucson, Series 9, Liquor Store License, Location Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

10. **DEVELOPMENT SERVICES: REZONING**

The Board, on October 7, 2008, continued this item.

Co9-08-08, RIVERSIDE ASSOCIATES, ET. AL.–RIVER ROAD NO. 2 REZONING
Request of Riverview Associates and Pima County, represented by The Planning Center, for a rezoning of approximately 14.79 acres from SH (Suburban Homestead) to approximately 8.71 acres of TR (Transitional), approximately 4.11 acres of CB-2 (General Business) and approximately 1.97 acres of SH® (Suburban Homestead) (Restricted), on property located on the east and west sides of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Richey was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.** Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS.** (District 1)

"Completion of the following requirements within five years from the date the rezoning request 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 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. Access is only allowed as shown on the Preliminary Development Plan or as approved by the Department of Transportation.
8. Flood Control conditions:
   A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
   B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.
   C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
   D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
   E. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Reclamation conditions:
   A. The property owner(s)/developer(s) 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 property owner(s)/developer(s) 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.
10. Environmental Quality condition
    The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
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. Natural Resources, Parks and Recreation conditions:
    A. At a minimum, two access points from Parcel A to the river park shall be provided.
    B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the Preliminary Development Plan prior to the approval of a Development Plan.
    C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
    A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
    B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the

project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

C. ~~The property owner(s)/developer(s) shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below:~~

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. 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 any future 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.

Invasive Non-Native Plant Species Subject to Removal:

| | | | |
|---|---|---|---|
| Ailanthus altissima | Tree of Heaven | Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Alhagi pseudalhagi | Camelthorn | | |
| Arundo donax | Giant reed | Melinis repens | Natal grass |
| Brassica tournefortii | Sahara mustard | Mesembryanthemum spp. | Iceplant |
| Bromus rubens | Red brome | Peganum harmala | African rue |
| Bromus tectorum | Cheatgrass | Pennisetum ciliare | Buffelgrass |
| Centaurea melitensis | Malta starthistle | Pennisetum setaceum | Fountain grass |
| Centaurea solstitalis | Yellow starthistle | Rhus lancea | African sumac |
| Cortaderia spp. | Pampas grass | Salsola spp. | Russian thistle |
| Cynodon dactylon (excluding sod hybrid) | Bermuda grass | Schismus arabicus | Arabian grass |
| | | Schismus barbatus | Mediterranean grass |
| Digitaria spp. | Crabgrass | Sorghum halepense | Johnson grass |
| Elaeagnus angustifolia | Russian olive | Tamarix spp. | Tamarisk |

14. Design conditions:
    A. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
15. 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.
16. 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)."
17. Adherence to the preliminary development plan as approved at public hearing.
18. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:
    A. Offsite improvements to River Road as required by the Department of Transportation, which may include, but may not limited to, additional pavement, right turn lanes, relocations of multiuse lanes, curbs and sidewalks.
    B. Offsite improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.
    C. Responsibilities and funding of both private and public drainage improvements.
    D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.
19. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home
    b. Duplex, apartment, or other multiple dwelling development
    c. Temporary manufactured or mobile housing: in accordance with Section 18.17.020A2
    d. Factory-built (modular) buildings
    e. Home auto repair
    f. Open storage
    g. Community service agency
    h. Hospital or sanatorium
    i. Community storage garage
20. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanical repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store

e. Billiard or pool hall
f. Garage: for public storage only
g. Gasoline service station
h. Large scale retail establishment
i. Laundromat, laundry and dry cleaning units
j. Mechanical and electronic games arcade
k. Shopping center, regional
l. Station: bus or stage
m. Tire store: including incidental repair of shocks and brakes with no outdoor storage or display
n. Trailer rental
o. Wholesale of oil
p. Trailer or manufactured or mobile home for caretaker
q. Self-storage facility

21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses."

Tom Hudson, Zoning Administrator, stated the property met all concurrent criteria. It conformed to the Comprehensive Plan. A portion was within the Conservation Lands System. Much was part of a land swap with the County to improve the River Park. The west parcel will have office, retail and restaurant uses. The east parcel will be office use. The County will trade a 3.57 acre parcel that comprised Parcel B's northern portion for contributions for planned Flood Control improvements and 1.97 acres. The bulk of the property to be acquired was by the River Park along Rillito Wash in Parcel A. The remaining portion was for the Roller Coaster Road improvements near Lulu Walker School. The applicant and school district will collaborate to improve existing parking. Additional Condition Nos. 19, 20, 21 and 22 were agreed upon concerning area usage and access.

In reply to Supervisor Day, Mr. Hudson stated that Condition No. 18 addressed the development agreement. She queried the scope of work and the schedule for Roller Coaster Wash and the La Canada Road Project. Suzanne Shields, Regional Flood Control District Director, stated confusion existed about work on the two sites. Replacing the existing undersized box culvert with a capacity-increasing structure was the only work relevant to the rezoning.

Ms. Shields verified that the project did not include soil cementation but channelization, e.g., rock riprap or vegetation trimming. An overgrown 50-foot drainageway now existed.

Mike Grassinger, The Planning Center, applicant's representative, stated this project had no downside and benefited all parties. He agreed with all the conditions and appreciated that the neighbors got involved at last Thursday's public meeting.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Sue Clark, Pima Trails
2. Michael Toney

Comments included the following:

A. Any concreting of washes encouraged graffiti, trash and vagrants.
B. Communication from Flood Control would have eliminated distress created from last Thursday's statement about concreting Roller Coaster Wash.
C. Pima Trails did not oppose the rezoning.
D. Pima Trails supported widening Roller Coaster Wash, a master plan trail.

E. Riparian habitats needed to be maintained.
F. The sole focus of Pima Trails was channelization of Roller Coaster Wash.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning, subject to standard and special conditions, amending Condition No. 13 and adding Condition Nos. 19, 20, 21 and 22.

## 11. DEVELOPMENT SERVICES: REZONING

Co9-08-15, INA BUSINESS CENTER, L.L.C.–CAMINO DE LA TIERRA NO. 3 REZONING
Request of Ina Business Center, L.L.C., represented by Craig Courtney, for a rezoning of approximately 3 acres from TR (Transitional) to CB-2 (General Business), on property located on the northwest corner of Ina Road and Camino de la Tierra. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Membrila were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

"Completion of the following requirements within **five** years from the date the rezoning request 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 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 condition:
   The property owner shall construct improvements, as required by the Department of Transportation, along frontage and within the site, including but not limited to pavement, curb and sidewalk.
8. Wastewater Management conditions:
   A. The owner(s)/developer(s) 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(s)/developer(s) 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(s)/developer(s) 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.
9. Environmental Quality Condition:
   The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
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.
11. 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)."

1190

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: JLW
DEPUTY RECORDER
1541 PE6

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

DOCKET: 11945
PAGE: 768
NO. OF PAGES: 2
SEQUENCE: 20022390288
12/12/2002
RES 11:24

PICKUP

AMOUNT PAID $ 0.00

**RESOLUTION NO. 2002- 310**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 6 ACRES IN SECTION 15 OF TOWNSHIP 13 SOUTH, RANGE 13 EAST, IN THE NORTHWEST SUBREGION.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use classification for approximately **6 acres**, as referenced in Co7-02-19 (a portion), located on the southwest side of River Road between La Cholla Boulevard and La Canada Drive, as shown on the map attached hereto as Exhibit A and incorporated herein by this reference, from **High Intensity Urban (HIU)** to **Community Activity Center (CAC).**

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this resolution.

PASSED AND ADOPTED this 19th day of November, 2002, by the Board of Supervisors of Pima County, Arizona.

ATTEST:

Lori Godoshian
Clerk, Board of Supervisors
November 19, 2002

BOARD OF SUPERVISORS

Raymond Bloomser
Chair, Board of Supervisors
November 19, 2002

APPROVED AS TO FORM:

K. Richter
Deputy County Attorney

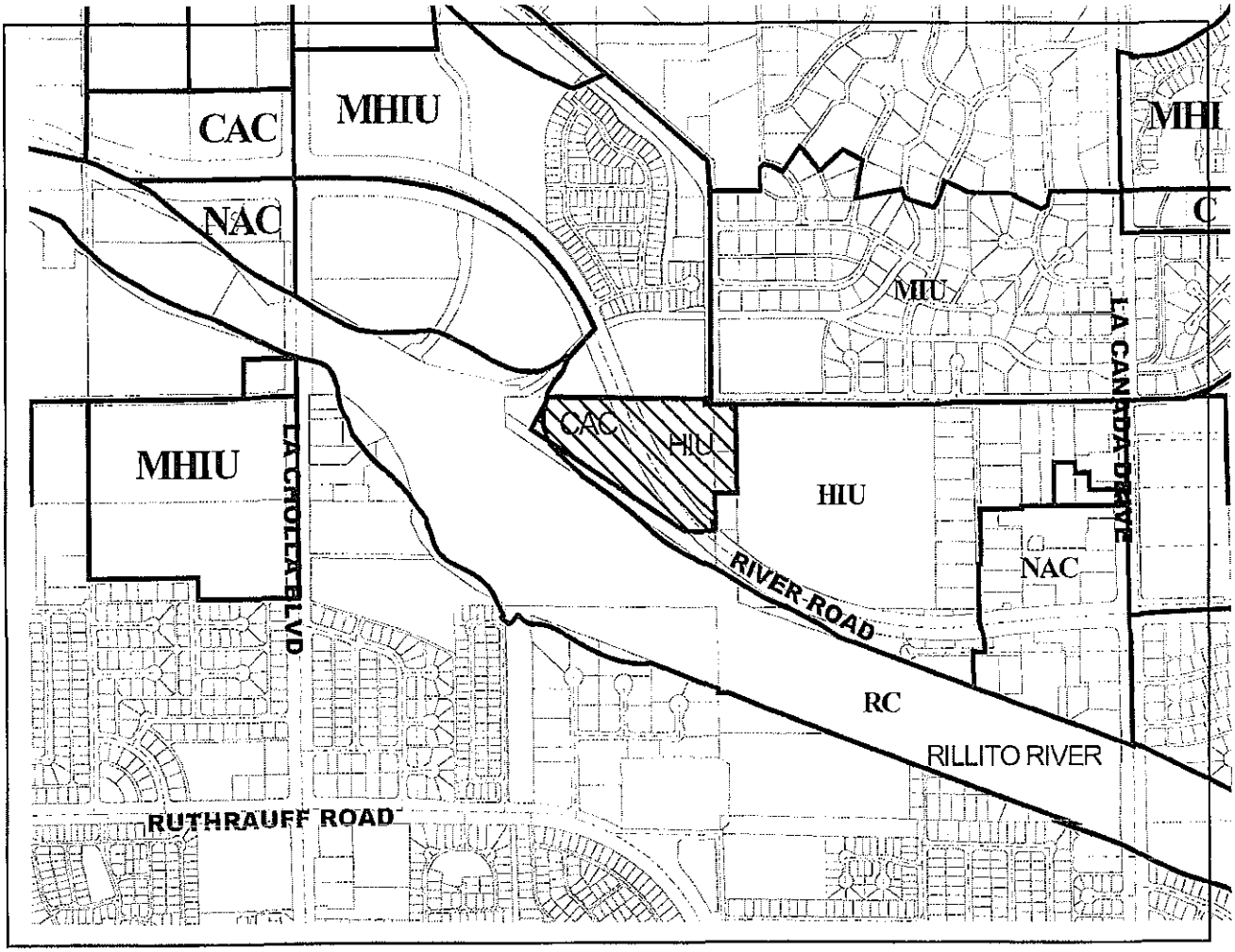
APPROVED:

J. Marquez
Executive Secretary
Planning and Zoning Commission

3236.02

# Exhibit A

## Comprehensive Plan Amendment - Planned Land Use




N

Amendment area
From: HIU (6 ACRES)
To: CAC

Subregion Map: NORTHWEST

| | | |
|---|---|---|
| Tax Codes: 104-01-104E | Date: November 19, 2002 | File No.: Co7-02-19<br>Riverside Associates -<br>W. River Rd. |

Pima County Development Services Department
Planning Division