BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 7, 2019

Title: Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD #2 REZONING (Resolution)

Introduction/Background:

On November 20, 2018, the Board of Supervisors denied Closure this Rezoning and approved a five-year Time Extension subject to original and modified conditions.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

Conclusion:

The time limit and conditions contained in Rezoning Ordinance 2009-10, as amended by Resolutions 2011-201 and 2014-23, may be modified by resolution.

Recommendation:

Approval of the Resolution.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

APR 24 '19 PM01:07 PC CLK OF BD

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: 4/10/19

Deputy County Administrator Signature/Date: 4/11/19

County Administrator Signature/Date: C. Richard Fancy 4/12/19

PIMA COUNTY
DEVELOPMENT SERVICES

FOR MAY 7, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: April 9, 2019

RESOLUTION FOR ADOPTION

Co9-08-08 **RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**
Owners: Riverview Ventures, LLC
(District 1)

If approved, adopt RESOLUTION NO. 2019 - _____

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

STAFF RECOMMENDATION: **APPROVAL.**

CP/DP/ar
Attachments

cc: Co9-08-08 File

RESOLUTION **2019-_____**

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 EAST AND WEST SIDES OF RIVER ROAD AT ROLLER COASTER ROAD; 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 RESOLUTIONS 2011-201 AND 2014-23.

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

1. On October 21, 2008, in rezoning case Co9-08-08, the Pima County Board of Supervisors approved the rezoning of approximately 14.79 acres located on the east and west sides of River Road at Roller Coaster Road as shown on Exhibit A 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.
2. On April 7, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance 2009-10, recorded at Docket 13537 at Page 3844, rezoning the approximate 14.79 acres described in rezoning case Co9-08-08 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a modification (substantial change) of rezoning conditions 17 and 19 set forth in Section 2 of Ordinance No. 2009-10.
4. On August 15, 2011, the Pima County Board of Supervisors approved a modification (substantial change) of conditions #'s 17 and 19 subject to additional modifications to standard and special conditions.
5. On December 13, 2011, the Pima County Board of Supervisors adopted Resolution 2011-201, recorded at Sequence No. 20113610953, memorializing the modified standard and special conditions.
6. On January 8, 2013 a Certificate of Compliance was issued for the 8.71-acre TR zone portion of the 14.79-acre rezoning.
7. The owner of the remaining 4.11-acre CB-2 zone portion of the rezoning applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-10.
8. On November 19, 2013, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
9. On March 11, 2014, the Pima County Board of Supervisors adopted Resolution 2014-23, recorded at Sequence No. 20140730690, memorializing the new time limit and modified standard and special conditions.
10. The owner of the remaining 4.11-acre CB-2 zone portion of the rezoning applied for

a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-10, as amended by Resolution 2014-23.

11. On November 20, 2018, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension subject to modified standard and special conditions.

12. Section 3 of Ordinance No. 2009-10 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2009-10, as amended by Resolutions 2011-201 and 2014-23, are restated and modified as follows:

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

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

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

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

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

Section 2. Section 3 of Ordinance No. 2009-10, as amended by Resolutions 2011-201 and 2014-23, is restated and modified as follows:

1. Conditions 1 through ~~25~~20 shall be completed by October 21, ~~2018~~2023.

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 Ordinance until all conditions 1 through ~~25~~20 are satisfied and the Planning Official issues a Certificate of Compliance.

4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Passed and adopted, this _____ day of _____, 2019.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

3/25/19
Deputy County Attorney
Lesley M. Lukach

APPROVED:

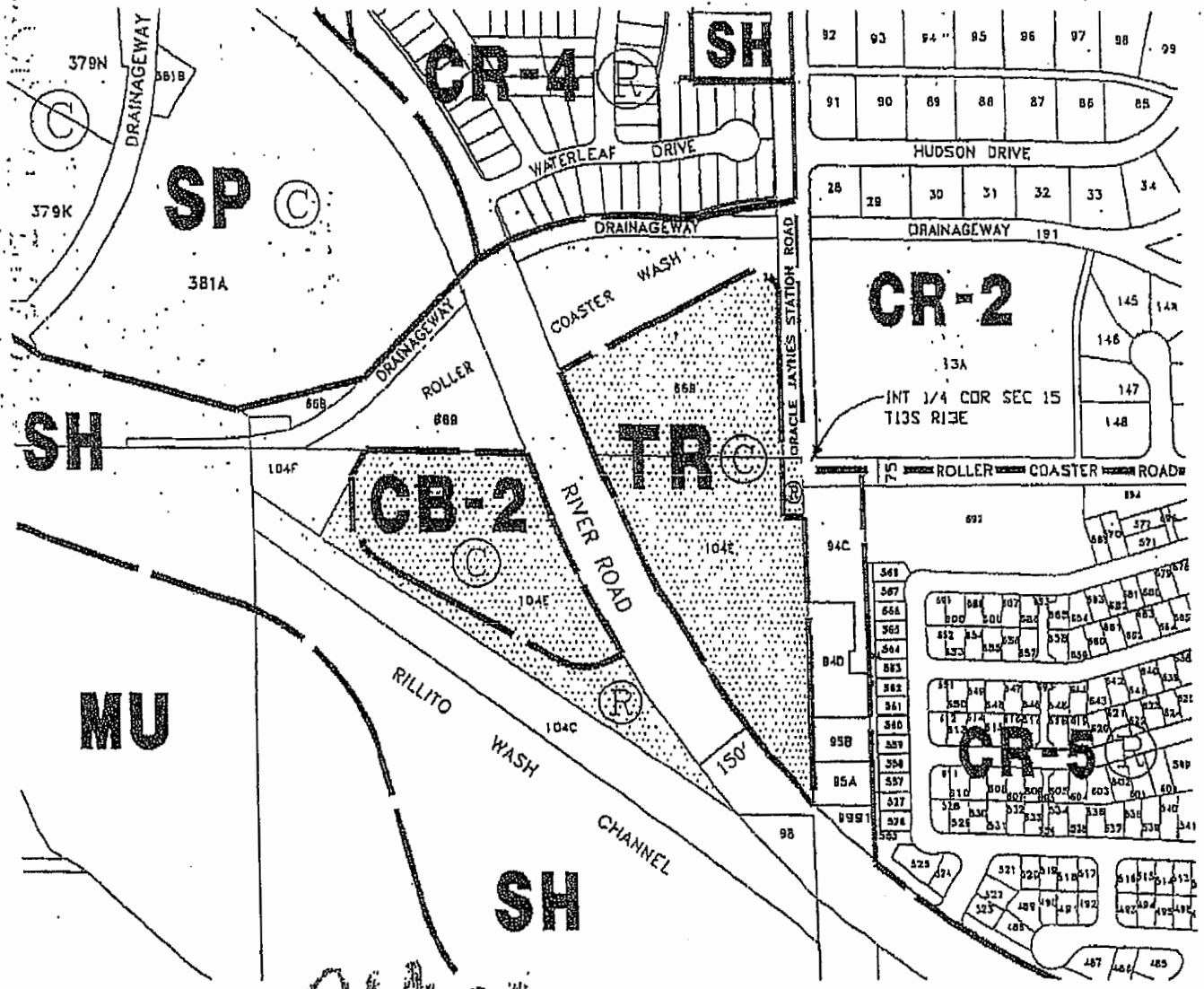
_____
Executive Secretary
Planning and Zoning Commission

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

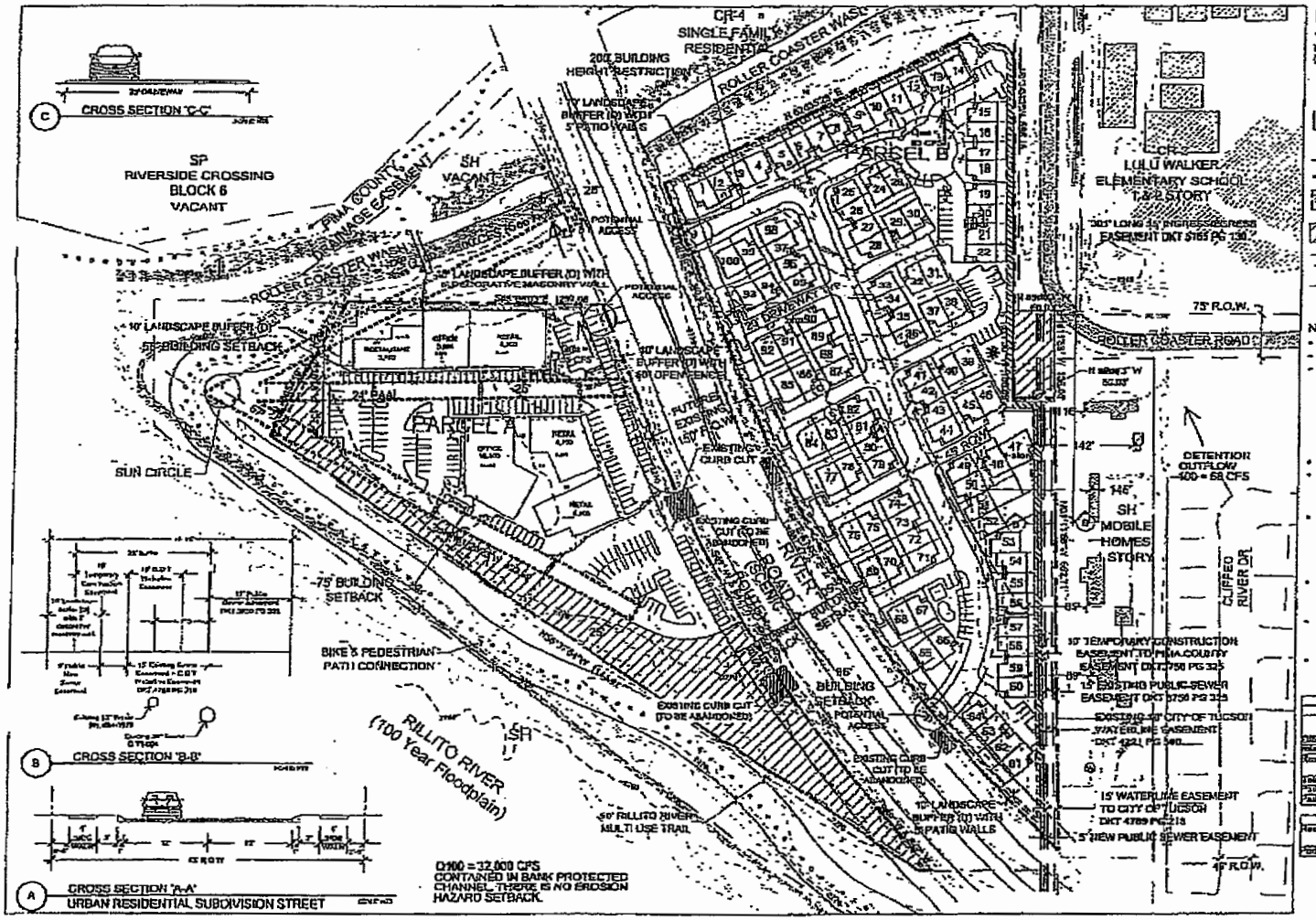
Co9-08-08
Co7-00-20
104-01-104E
104-01-066B(PTN)

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

Approved by BOS 8/15/11 B.P.

Proposed Revised Preliminary Development Plan Co9-08-08
2011

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 (S165): 1.78 AC
  - PARCEL B: 8.71 AC
  - PARCEL B -PIMA COUNTY DEDICATION (S120): 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: 43,650 SF
  - PARCEL B: SINGLE FAMILY RESIDENTIAL TYPICAL LOT SIZE: 30'x80'
- MAX BUILDING HEIGHT
  - PARCEL A: 30 FEET
  - PARCEL B: 25 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 BY THE BANK PROTECTION. THERE IS NO EROSION HAZARD SETBACK.

PARCEL A	Sq Ft	Parking Required (Per Code Parking Requirements)	Parking Provided	30% Reduction
Office	18,200	1 SPACE / 200 SF	91	64
Retail	22,200	1 SPACE / 288.7 SF	76	53
Restaurant	3,100 (25% = 1,025)	1 SPACE / 100 SF	31	22
Total SF	43,500			
Parking Required			198	139
Parking Provided			198	198

PARCEL B			
Residential	100 Lots	2 spaces/ 2" in tandem space/ parking	225
Parking Provided			253

THE PLANNING CENTER