



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 15, 2019

Title: P19CA00003 GEORGELOS REVOC TRUST - S. SAN JOAQUIN ROAD.

Introduction/Background:

This is a request for a Comprehensive Plan Amendment from Medium Intensity Rural (MIR) to Rural Crossroads (RX) on approximately 1.34 acres located at the northwest corner of the intersection of W. Bopp Road and S. San Joaquin Road. The Comprehensive Plan Amendment is to prepare for the application of a future rezoning for a neighborhood retail store.

Discussion:

The Amendment parcel is in an area of rural residential development in reasonable proximity to major roads and arterials. Several members from the surrounding residential development have expressed their concerns about dollar stores, increased traffic and proximity to existing dollar and retail stores.

Conclusion:

Amending the land use designation to Rural Crossroads provides the flexibility to allow non-residential uses.

Recommendation:

Staff and the Planning & Zoning Commission recommend APPROVAL of the Comprehensive Plan Amendment.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services, Planning Division Telephone: 724-8800

Contact: Nick Coussoulis, Planner Senior Telephone: 724-6692

Department Director Signature/Date:  9/20/19

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3
FROM: Chris Poirier, Deputy Director *Chris Poirier*
Public Works-Development Services Department-Planning Division

DATE: September 19, 2019

SUBJECT: P19CA00003 GEORGELOS REVOC TRUST – S. SAN JOAQUIN ROAD PLAN AMENDMENT

The above referenced Comprehensive Plan Amendment is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 15, 2019** hearing.

REQUEST: For a **comprehensive plan amendment** of approximately 1.34 acres from Medium Intensity Rural (MIR) to Rural Crossroads (RX), parcel 212-34-1720, located immediately northwest of the intersection of S. San Joaquin Road and W. Bopp Road.

OWNER: Georgelos Revocable Trust
C/O DCM Development Company, LLC
4122 East Grant Road
Tucson, AZ 85712

AGENT: The Planning Center
Attn.: Lexy Wellott
2 East Congress Ste 600
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Nicholas Coussoulis, Senior Planner

PUBLIC COMMENT TO DATE: As of September 19, 2019, staff has received two letters of opposition and a petition of opposition with close to 300 listed names in protest of the Comprehensive Plan Amendment.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL** (5-2; Commissioners Becker and Gungle voted Nay. Commissioners Cook, Maese and Matter were absent).

STAFF RECOMMENDATION: **APPROVAL.**

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

TD/NC/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P19CA00003

Page 1 of 3

FOR OCTOBER 15, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: September 19, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

COMPREHENSIVE PLAN AMENDMENT

P19CA00003 GEORGELOS REVOCABLE TRUST – S. SAN JOAQUIN ROAD PLAN AMENDMENT

Georgelos Revocable Trust, represented by The Planning Center, requests a **comprehensive plan amendment** of approximately 1.34 acres from Medium Intensity Rural (MIR) to Rural Crossroads (RX), parcel 212-34-1720, located immediately northwest of the intersection of S. San Joaquin Road and W. Bopp Road, in Section 29, Township 14 South, Range 12 East, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 5-2 to recommend **APPROVAL** (Commissioners Becker and Gungle voted Nay. Commissioners Cook, Maese and Matter were absent). Staff recommends **APPROVAL**.
(District 3)

Planning and Zoning Commission Public Hearing Summary (August 28, 2019)

Staff presented information from staff's report to the Commission.

A Commissioner asked for clarification as to where the nearest commercial was located from the parcel. Staff clarified that there are commercial uses 3 miles southeast on Ajo Highway and 4 miles east on Kinney Road.

The owners' agent spoke and provided in-depth additional information about the proposed amendment request and their communication with residents and property owners within the vicinity of the parcel.

A Commissioner asked for clarification regarding the 10% fresh food allocation within the Conditional Use Permit process. Staff provided clarification that a code amendment was passed for RH and GR-1 zoning with a new definition for a neighborhood market, which can be approved under a Type I Conditional Use Permit with a maximum footprint of 15,000 square feet so long as the store dedicates 10% of the sales area to the sale of fresh food. Staff further clarified that if they were able to dedicate this space, there would be no Comprehensive Plan Amendment or Rezoning required.

A Commissioner asked why the project cannot meet the 10% fresh food requirement under the Conditional Use Permit process. The applicant explained that the refrigeration equipment to store and maintain the fresh food cannot be accommodated with the other convenience foods they plan to sell.

The owners' agent spoke about residents in the area that are in support and those who oppose the Comprehensive Plan Amendment

A Commissioner asked if there would not be any requirement for fresh food in the store should they approve the amendment. Staff clarified that the applicant is pursuing the plan amendment as a precursor to the rezoning because they will not commit to the 10% requirement for fresh food, and if the commission wanted to impose a rezoning policy that would require such, they could. But doing so would defeat the purpose of what they are trying to do.

A Commissioner asked about Desert Hills RV Park and Copper Crest Active Retirement Communities and whether any of these places have golf carts for people traveling. The applicant stated that she is unaware.

A Commissioner asked if it is unusual to say the special rezoning condition for fresh food to be 6.5%. Staff declared it is unusual because this recent code change is now being brought up with this specific amendment. Staff also clarified that when the Conditional Use Permit process was researched, many dollar stores on the west side of town were studied, in which most of them commit one quarter of the square footage of the area of the store to food. Staff also clarified the definition of fresh food.

The commission opened the public hearing, at which 4 members of the public spoke in opposition of the request. Their concerns revolved around distaste for dollar stores, increase in traffic, and proximity to existing retail and grocery stores.

The owners' agent provided a rebuttal to the concerns expressed by the public.

A Commissioner asked what property lies to the south. Staff stated that it is state trust land.

The Commission closed the public hearing.

Commissioner Gungle made a motion to recommend **DENIAL** of comprehensive plan amendment, Commissioner Becker gave second.

Upon a voice vote, the motion to recommend **DENIAL** failed (5-2; Commissioners Bain, Johns, Membrila, Tronsdal, and Hook voted NAY; Commissioners Maese, Matter, and Cook were absent).

Commissioner Hook make a motion to recommend **APPROVAL** of comprehensive plan amendment, Commissioner Bain gave second.

Upon a voice vote, the motion to recommend **APPROVAL** passed (5-2; Commissioners Gungle and Becker voted NAY; Commissioners Maese, Matter, and Cook were absent), subject to the following rezoning policies:

A Pima Pineapple Cactus survey shall occur within the limits of the proposed development per direction from the United States Fish and Wildlife Service.

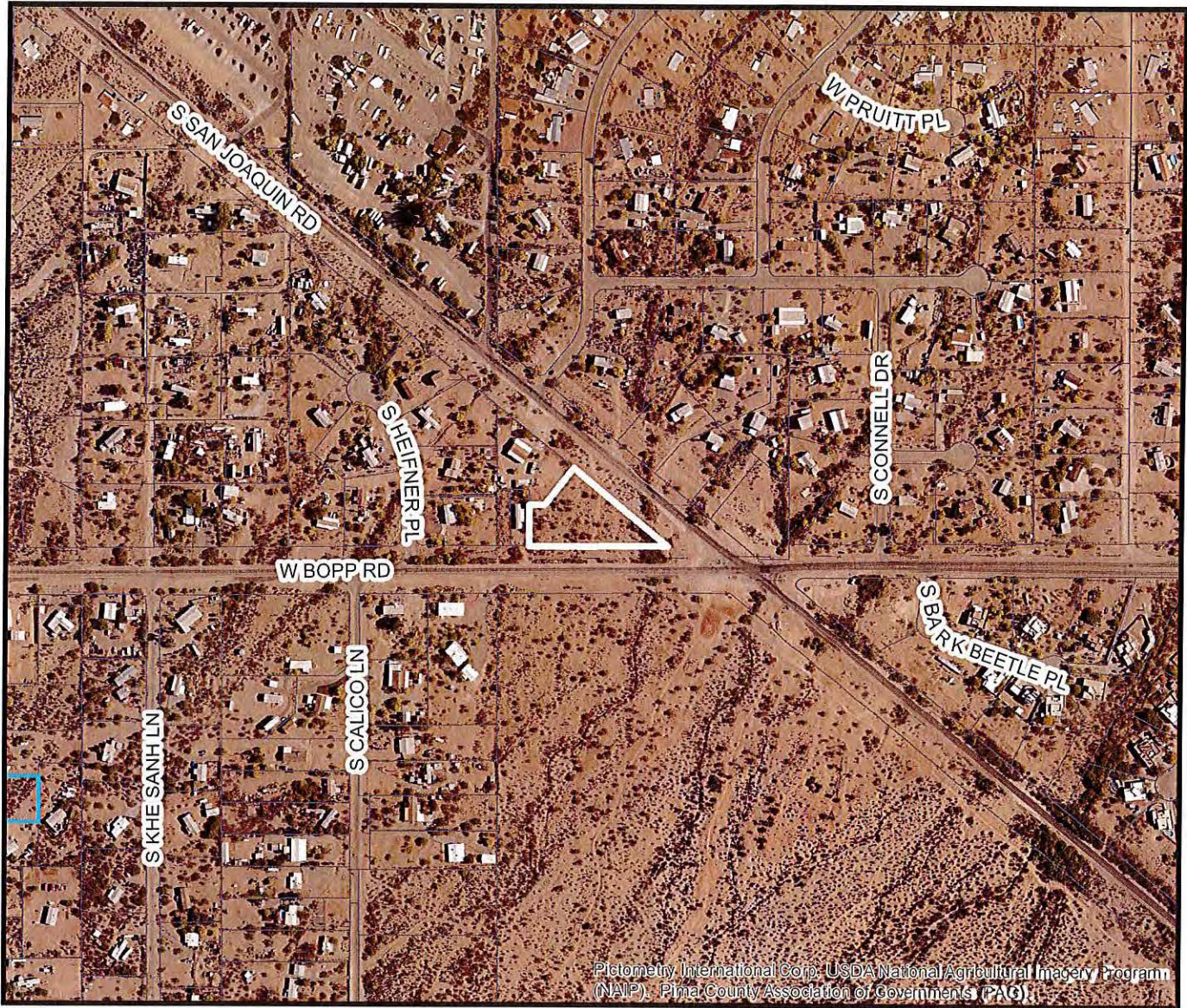
The property owner shall record the Avigation Easement which discloses the existence, and operational characteristics of the Ryan Airfield to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall document it as having title liability. The content of such documents shall be according to the form and instructions provided by Tucson Airport Authority.

TD/NC/ar
Attachments


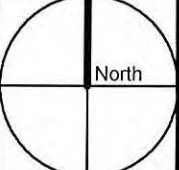
cc: Tom Drzazgowski, Chief Zoning Inspector
P19CA00003 File

COMPREHENSIVE PLAN AMENDMENT

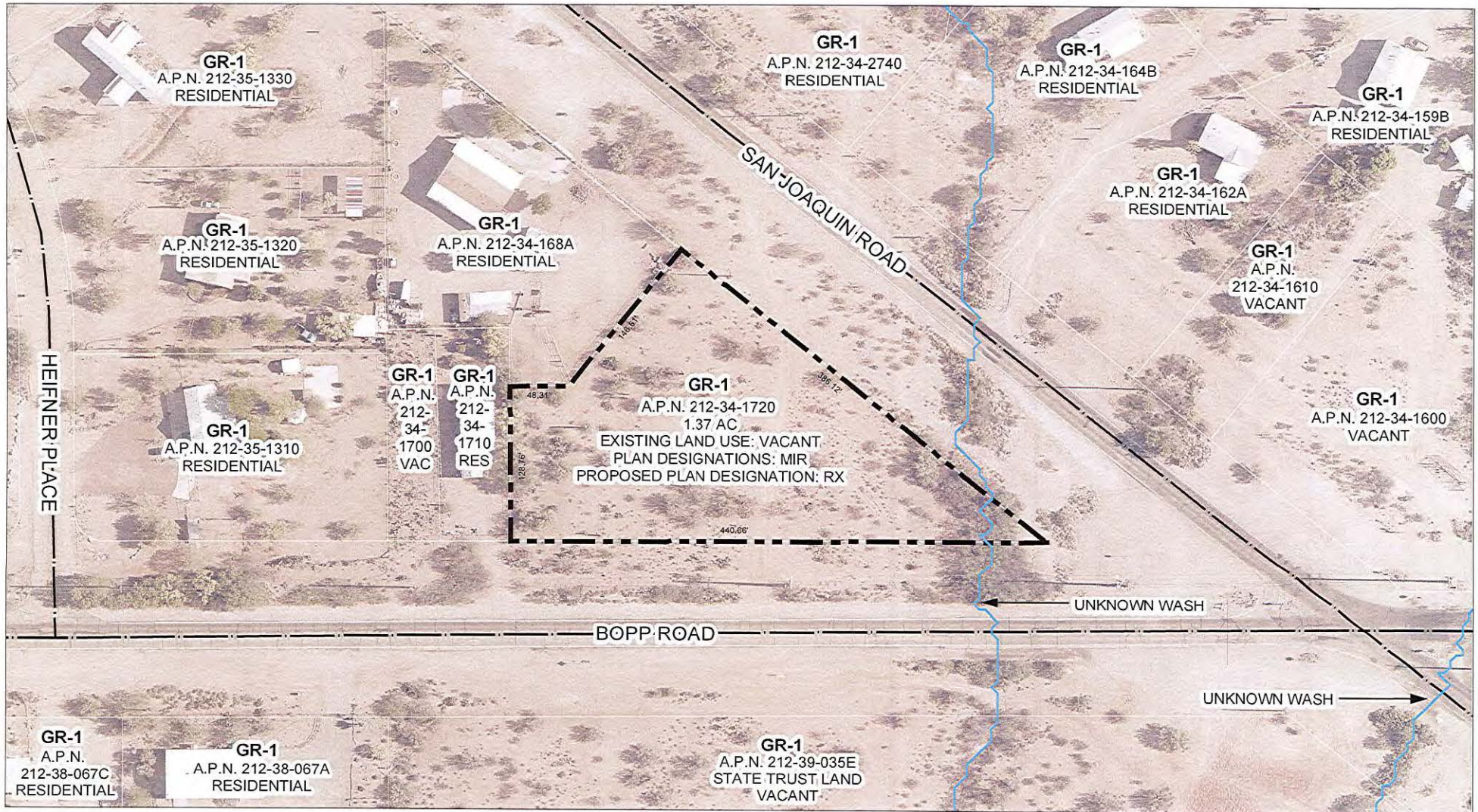
Planned Land Use



0 220 440 880 Feet

Taxcode: 212-34-1720	P19CA00003 GEORGELOS REVOCABLE TRUST - S. SAN JOAQUIN ROAD PLAN AMENDMENT		Districts 3 Location: Northwest corner at intersection of S San Joaquin Road and W Bopp Road
	Request: Medium Intensity Rural (MIR) to Rural Crossroads (RX) 1.34 Acres +/- (Special Area Policy S-29)		
	Southwest Planning Area under Pima Prospects Section 29, Township 14 South, Range 12 East		
	Map Scale: 1:6,000		
	Map Date: July 29, 2019 / dms		

SKETCH PLAN



NEIGHBORHOOD RETAIL SITE

0 37.5' 75'
 FILE NAME: LEC-02_SP.mxd
 PROJECT DATE: 4/24/2019



THE PLANNING CENTER
 a division of IPC Group, Inc.



2019 PLAN AMENDMENT PROGRAM

PLANNING AND ZONING COMMISSION STAFF REPORT



HEARING DATE	August 28, 2019
CASE	P19CA00003 Georgelos Revocable Trust – S. San Joaquin Road Plan Amendment
PLANNING AREA	Southwest
DISTRICT	3
LOCATION	Immediately northwest of the intersection of S. San Joaquin Road and W. Bopp Road
REQUEST	Medium Intensity Rural (MIR) to Rural Crossroads (RX) for approx. 1.34 acres
OWNER	Georgelos Revocable Trust – Anastasios and Kiki Georgelos
AGENT	The Planning Center – Lexy Wellott

APPLICANT'S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN:

"The subject request entails modifying the land use designation for the subject parcel from Medium Intensity Rural (MIR) to Rural Crossroads (RX). The overall intent of the proposed amendment is to allow the property owner to apply for a future rezoning for a neighborhood retail store."

STAFF REPORT:

Staff recommends **APPROVAL** of the comprehensive plan amendment to **Rural Crossroads (RX)**. The site is located outside the Maeveen Marie Behan Conservation Lands System. The site is within the vicinity of residential neighborhoods and near the 430 sun shuttle route. The site is also within the general vicinity of Ryan Airfield. Staff recommends the following Rezoning Policies:

- A Pima Pineapple Cactus survey shall occur within the limits of the proposed development per direction from the United States Fish and Wildlife Service.
- The property owner shall record the Avigation Easement which discloses the existence, and operational characteristics of the Ryan Airfield to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall document it as having title liability. The content of such documents shall be according to the form and instructions provided by Tucson Airport Authority.

Background

The site currently has Medium Intensity Rural (MIR) Comprehensive Plan land use designation, to designate areas for residential uses at densities consistent with rural settlements (at a maximum density of 1.2 residences per acre) in reasonable proximity to Rural Crossroads, arterials or suburban areas. The request is to amend the land use designation to Rural Crossroads (RX), to designate mixed use areas where basic goods and services are provided to rural

settlements and rural residents as conveniently as possible. Smaller Rural Crossroads will generally be located at collector or arterial road intersections for provision of limited commercial services.

The site is located in southwestern Tucson, north of Ajo Hwy and west of Kinney Road. The site is currently undeveloped and zoned GR-1 Rural Residential. The region also has MIR land use designation and GR-1 zoning, and has medium-density rural residential development, with the exception of about 180 acres of undeveloped Arizona State Land to the south, and a 40-acre RV park (zoned TH Trailer Homesite) to the north on San Joaquin. Tucson Mountain Park is a mile to the north and the Central Arizona Project canal is about 1¼ miles to the west. Kinney Road, the location of the nearest commercial services, is 4 miles to the east.

Plan Amendment Criteria

Staff has reviewed this plan amendment request to determine if one or more of the following criteria have been adequately met:

1a. Growing Smarter Acts

The requested amendment site is in a region of medium density rural and medium density residential development. The site also has access to limited public transportation.

1b. Comprehensive Plan Policies, Special Area Policies, and Rezoning Policies

This site is under Special Area Policy S-29 – Southwest Infrastructure Plan (SWIP). S-29 is generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O’odham Nation – San Xavier District on the south, and Sandario Road on the west. It includes several comprehensive planning policies that outline: The SWIP shall be used to guide needs, obligations funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation and other governmental facilities and proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the SWIP.

The application is generally supported by the following comprehensive plan policies:

3.1 Land Use Element

- Goal 1 : Integrate land use strategies with physical infrastructure, human infrastructure, economic development, and resource conservation to ensure the long-range viability of the region.
 - Policy 1: Promote land use patterns that support healthy people, a healthy environment, and a healthy economy.
 - Policy 4: Support land uses, densities, and intensities appropriate for the urban, suburban, and rural areas of the unincorporated County.

6.1 Economic Development Element

- Goal 2 : Align economic development strategies, programs, initiatives, and incentives with land use, transportation, infrastructure, services, and natural resource conservation decision to support the long-term viability of the region.
 - Policy 1: Ensure that all land use, transportation, infrastructure, services, and natural resource conservation decision take into consideration the short and long-range viability of the region.

1c. Maeveen Marie Behan Conservation Lands System

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

2. Oversights, Inconsistencies, or Land Use Related Inequities/Changes

The land use designation on this site has not changed since the initiation of the Comprehensive Plan.

There is a mix of several land use intensities in the region. Resource Conservation (RC), Medium Intensity Rural (MIR), Resource Sensitive (RS), Low Intensity Urban 3.0 (LIU 3.0), and Medium Low Intensity Urban (MLIU) are in the general area of the site. RX will serve as a crossroads at this site for the aforementioned land use intensities and is consistent with the objective stated in the land use intensity summary.

Small rural crossroads will generally be located at rural roadway intersections of collector or arterial road for the provision of limited commercial services to rural residents and travelers.

AGENCY/DEPARTMENT COMMENTS:

Environmental Planning Division:

The subject property is located outside of the Maeveen Marie Behan Conservation Lands System. In light of this, OSC-Environmental Planning has no comments on this proposal.

Regional Flood Control District:

The District has reviewed the site conditions and offers the following information:

1. A regulatory watercourse with 25-foot Erosion Hazard Setback is located in the eastern corner of the site. There is Pima County Regulated Riparian Habitat (PCRRH) associated with it that impacts approximately the easternmost 140 feet of the parcel. The application states the intent to avoid the habitat area.
2. Although floodplains have not been delineated for this watercourse the entire site is designated as sheet flow with depths up to one-half foot in the 100-year flood.
3. Pima Prospers Flood Control Resource Areas are concurrent with the PCRRH.

In conclusion, the District has no objection or recommended rezoning policies.

Department of Transportation:

The proposed site is located immediately northwest of the intersection of S. San Joaquin Road and W. Bopp Road. San Joaquin Road and Bopp Road east of the intersection are identified as Low Volume Arterial with a planned 90-foot right-of-way per the Pima County Major Streets Plan. San Joaquin is identified as Scenic, Major Route per the Pima County Scenic Routes Plan.

San Joaquin Road and Bopp Road are a paved, two-lane Urban Collector with an existing 150-foot right-of-way in the vicinity of the site. San Joaquin has a 50 mph posted speed limit and Bopp Road has a 45 mph posted speed limit roadway. The most recent traffic count for San Joaquin is 2,406 ADT with an approximate traffic capacity of 11,340 ADT. The most recent traffic count for Bopp Road is 3,425 ADT with an approximate traffic capacity of 11,340 ADT.

A neighborhood retail store is the proposed use for the site. Without a size of a building, it is difficult to calculate the ADT for the site. Considering that the roadways are well under capacity, the proposed site will not significantly impact the surrounding roadways.

The Department of Transportation has no objection to the requested comprehensive plan amendment.

Regional Wastewater Reclamation Department:

The plan amendment area is outside the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area; there are no current or proposed plans to sewer this area. The property will be served by private on-site sewage disposal system.

PCRWRD has no objection to the request for the plan amendment but notes that the owner(s) will need to secure approval from the Pima County Department of Environmental Quality to utilize on-site sewage disposal system at the time a development plan or request for a building permit is submitted for review.

Cultural Resources & Historic Preservation Division:

The Division reviewed the amendment request and had no comments.

Department of Environmental Quality:

Pima County Department of Environmental Quality had no comments or objections to this amendment request.

United States Fish and Wildlife Service:

There is potential for the endangered Pima Pineapple cactus to occur within the limits of the proposed development. We recommend that surveys for this species occur as a condition of the rezoning. If any Pima Pineapple cacti are located during surveys, we recommend that Pima County or the project proponents contact us to discuss the development of any necessary conservation measures or mitigation.

Bureau of Land Management:

The Bureau of Land Management had no comments.

Arizona Game and Fish Department:

Arizona Game and Fish Department had no comments.

Arizona State Land Department:

Arizona State Land Department had no comments.

Tucson Electric Power Company:

Tucson Electric Power Company had no comments.

City of Tucson Planning & Development Services:

City of Tucson Planning & Development Services had no comments.

Tucson Airport Authority:

Prior to the County's approval of this Comprehensive Plan amendment request, the property owner shall record the Avigation Easement which discloses the existence, and operational characteristics of the Ryan Airfield to future owners or tenants of the property and further conveys the right to the public to lawfully use the airspace above the property. The Avigation Easement shall document it as having title liability. The content of such documents shall be according to the form and instructions provided.

Drexel Heights Fire District:

Drexel Heights Fire District had no comments.

Tucson City Water:

Tucson City Water had no comments.

Tucson Mountain Park:

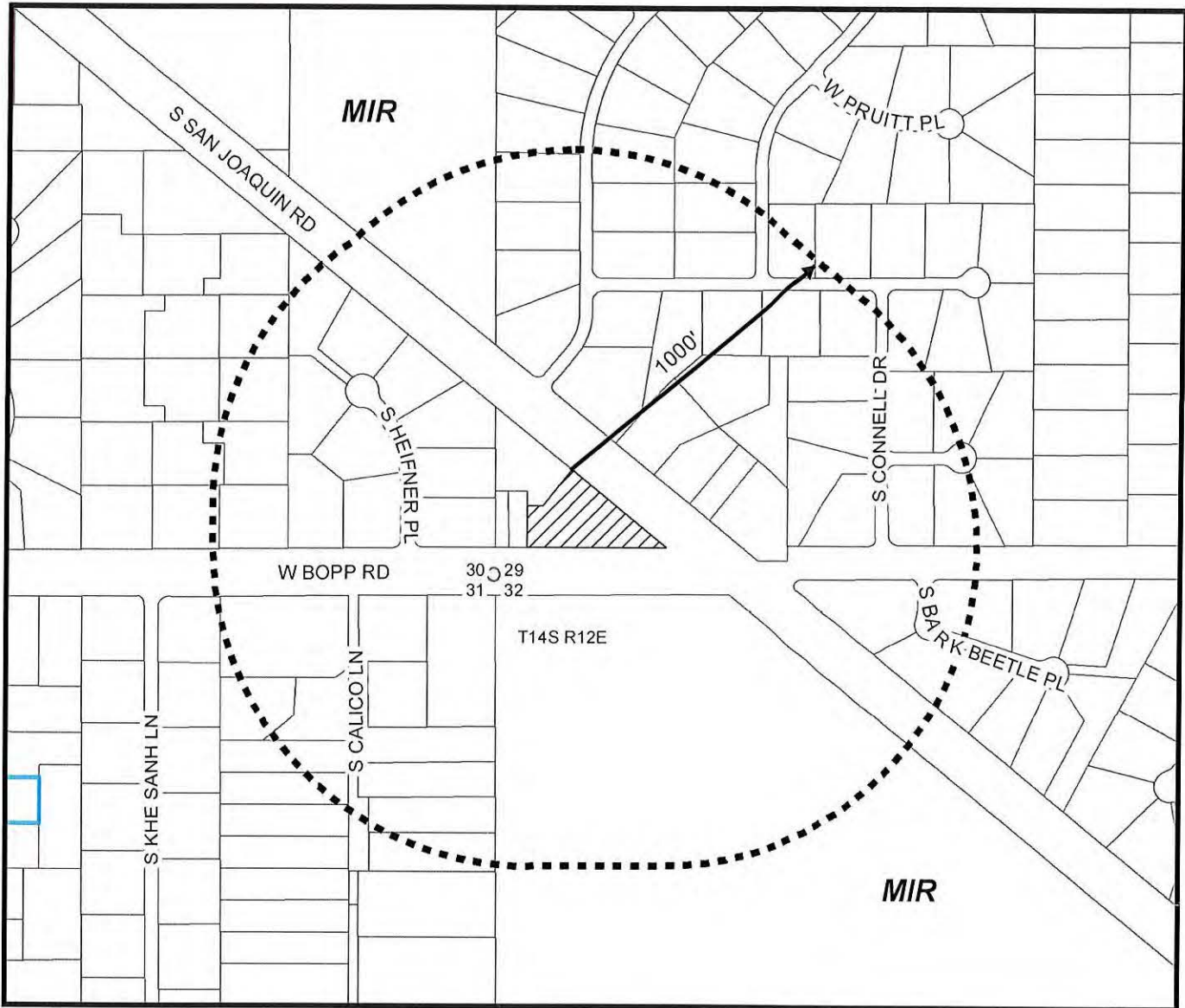
Tucson Mountain Park had no comments.

PUBLIC COMMENTS:

As of the drafting of this Staff Report (August 16, 2019), one public comment of support has been received.

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use




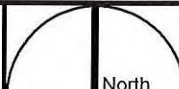
0 220 440 880 Feet

1000' Notification Area Subject Property

Taxcode: 212-34-1720	P19CA00003 GEORGELOS REVOCABLE TRUST - S. SAN JOAQUIN ROAD PLAN AMENDMENT		District 3 Location: Northwest corner at intersection of S San Joaquin Road and W Bopp Road
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	Southwest Planning Area under Pima Prospers Section 29, Township 14 South, Range 12 East		
	Planning and Zoning Commission Hearing: August 28, 2019	Map Scale: 1:6,000	
	Board of Supervisors Hearing: October 15, 2019 (projected)	Map Date: August 5, 2019 / dms	

Planned Land Use Case History



Taxcode: 212-34-1720	P19CA00003 GEORGELOS REVOCABLE TRUST - S. SAN JOAQUIN ROAD PLAN AMENDMENT		District 3 Location: Northwest of intersections of S San Joaquin Road and W Bopp Road
	Southwest Planning Area		
		Map Scale: 1:10,000	
		Map Date: August 5, 2019 / dms	



Land Use Legend and Map

Current Land Use Designation:

Medium Intensity Rural (MIR)

Objective: To designate areas for residential uses at densities consistent with rural settlements in reasonable proximity to Rural Crossroads, arterials or suburban areas.

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC

Proposed Land Use Designation:

Rural Crossroads (RX)

Objective: To designate mixed use areas where basic goods and services are provided to rural settlements and rural residents as conveniently as possible. Residential densities slightly higher than the surrounding rural neighborhoods are allowed to provide opportunities especially for certain housing types such as those serving the elderly, single, and low income residents. In more developed communities, a grocery may be the principal anchor tenant, along with other uses such as a drugstore, variety/hardware store, self-service laundry, bank, and other similar uses. Such areas will generally be less than twenty acres. Smaller rural crossroads will generally be located at rural roadway intersections of collector or arterial roads for the provision of limited commercial services to rural residents and travelers.

- Residential Gross Density: Minimum- 1.2 RAC; Maximum- 10 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.2 RAC; Maximum- 5 RAC