

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 7, 2020

Title: P19RZ00008 UNISOURCE ENERGY CORP. - N. LA CHOLLA BOULEVARD REZONING

Introduction/Background:

The applicant requests a rezoning of approximately 1.74 acres from the SH (Suburban Homestead) to the CB-2 (General Business) zone for a 10,500 square foot, single-story, multi-use commercial building planned for a coffee shop, tap room, restaurant, associated outdoor patio uses, dance activities, a food truck, beauty salon, brow services, massage, and physical therapy uses connecting to the Chuck Huckelberry Loop.

Discussion:

Current SH zoning allows for four, single-family residences to be developed. The Comprehensive Plan designation of Neighborhood Activity Center (NAC) plans for the provision of services and goods providing pedestrian and bicycle access. The Resource Sensitive (RS) land use designation designates property with environmentally sensitive characteristics and emphasizes design that blends in with the natural surroundings with provision for linkages to the environmentally sensitive area.

Conclusion:

The proposed uses within the NAC and the complimentary uses adjacent to the RS areas that will be avoided conform with the Comprehensive Plan. The connectivity to the Chuck Huckelberry Loop further the intent of both Comprehensive Plan land use designations.

Recommendation:

Staff and the Planning and Zoning Commission recommend approval of the rezoning subject to standard and special conditions.

Fiscal Impact:

0						
Board of Su	Board of Supervisor District:					
⊠ 1	□ 2	□ 3	□ 4	□ 5		
Department	Development Serv	vices - Planning		Telephone: <u>520-724-8</u>	800	
Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: <u>520-724-6921</u>						
Department Director Signature/Date						
Deputy County Administrator Signature/Date:						
County Administrator Signature/Date:						



TO: Honorable Ally Miller, Supervisor, District 1

- FROM: Chris Poirier, Deputy Director (cm) Parapust (Public Works-Development Services Department-Planning Division
- DATE: March 6, 2020

SUBJECT: <u>P19RZ00008</u> <u>UNISOURCE ENERGY CORP. – N. LA CHOLLA BOULEVARD</u> <u>REZONING</u>

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, APRIL 7, 2020** hearing.

- **REQUEST:** For a **rezoning** of 1.74 acres from the SH (Suburban Homestead) to the CB-2 (General Business) zone located approximately 270 feet south of W. River Road on the west side of La Cholla Boulevard, **addressed as 5341 N. La Cholla Boulevard**.
- OWNERS: Unisource Energy Corp. Attn: Tax Director PO Box 711 Mail Stop Hqw802 Tucson, AZ 85702-0711
- AGENT: JAS Engineering Attn: Jeffrey Stanley, P.E. 3710 E. Calle Cortez Tucson, AZ 85716
- DISTRICT: 1

STAFF CONTACT: Terrill Tillman, Principal Planner

PUBLIC COMMENT TO DATE: As of March 6, 2020, staff has no public comments.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (8 – 0, Commissioners Becker and Hook were absent).

<u>STAFF RECOMMENDATION</u>: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The entire subject property is located within the Maeveen Marie Behan Conservation Lands System (CLS) classified as Important Riparian Area (IRA) and requires some in-lieu fees for new areas of disturbance.

TD/TT/ar Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P19RZ00008

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FOR APRIL 7, 2020 MEETING OF THE BOARD OF SUPERVISORS

- TO: HONORABLE BOARD OF SUPERVISORS
- FROM: Chris Poirier, Deputy Director Com Draggows() Public Works-Development Services Department-Planning Division

DATE: March 6, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P19RZ00008 UNISOURCE ENERGY CORP. – N. LA CHOLLA BOULEVARD REZONING

Unisource Energy Corp. represented by Jeffrey Stanley, requests a **rezoning** of approximately 1.74 acres from the SH (Suburban Homestead) to the CB-2 (General Business) zone located approximately 270 feet south of W. River Road on the west side of La Cholla Boulevard, **addressed as 5341 N. La Cholla Boulevard**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center and Resource Sensitive. On motion, the Planning and Zoning Commission voted 9-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Becker and Hook were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.

(District 1)

Planning and Zoning Commission Public Hearing Summary (February 26, 2020)

Staff presented information from the staff report to the commission with a recommendation of approval with conditions.

A commissioner asked about the change of ownership and the re-location of the Tucson Electric Easement (TEP). Staff clarified that the proposal is commercial and the property will be conveyed to private ownership and that all commercial development standards including parking will be made during review of a site construction permit. The re-location of the blanket easement is the preference of TEP and no special conditions are required.

The applicant's representative presented additional information for the proposed commercial development discussing the amenities of the proposal to the community and the bicycle community.

A commissioner commented that the specific parcel was unidentifiable for the public through other non-official mapping programs but that the maps provided are correct.

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A commissioner questioned why it has taken the Tucson business community so long to do a commercial project such as this along the Chuck Huckelberry Loop and thanked the applicant. The applicant agreed.

There were no speakers from the public.

The public hearing was closed.

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

The commission voted to recommend **APPROVAL** of the rezoning (8 - 0, Commissioners Becker and Hook were absent) with the following conditions:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

- 1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Transportation conditions:
 - A. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
 - B. The property shall be limited to one (1) access point as depicted on the PDP.
 - C. The design of the driveway shall be made to restrict vehicles from turning into existing southbound left-turn lane directly across from the proposed entrance.
 - D. Relocation/Removal of the existing guardrail shall be as determined by the Department of Transportation during the permitting process.
- 3. Regional Flood Control District conditions:
 - A. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
 - B. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
- 4. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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.
- 5. Environmental Planning condition: 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 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 the property owner.

Invasive Non-Native Plant Spec	ies Subject to Control
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)
<i>Digitaria</i> spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp. Lovegrass (ex	cluding <i>E. intermedia</i> , 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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

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- 6. Cultural Resources conditions: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 7. Adherence to the preliminary development plan as approved at public hearing.
- 8. 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.
- 9. The property owner shall execute 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)."

TD/TT/ar Attachments

 cc: Unisource Energy Corp., Attn: Tax Director, PO Box 711 Mail Stop Hqw802 Tucson, AZ 85702-0711
JAS Engineering, Attn: Jeffrey Stanley, P.E., 3710 E. Calle Cortez, Tucson, AZ 8571 Tom Drzazgowski, Chief Zoning Inspector P19RZ00008 File





PI	MA COUNTY DEVELOPM PLANNIN	ENT SERVICES	DEPARTMENT	
	Notes:			N
PIMA COUNTY				W
DEVELOPMENT SERVICES		Map Scale: 1:10,000	Map Date: 1/29/2020 - ds	8

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

HEARING February 26, 2020

1

- DISTRICT
- <u>CASE</u> P19RZ00008 Unisource Energy Corp. – N. La Cholla Blvd. Rezoning
- **<u>REQUEST</u>** Rezone 2.24 acres from SH (Suburban Homestead) to the CB-2 (General Business) zone
- OWNER Unisource Energy Corp Attn: Tax Director PO Box 711 Mail Stop Hqw802 Tucson, AZ 85702-0711
- APPLICANT JAS Engineering Attn: Jeffrey Stanley, P.E. 3710 E. Calle Cortez Tucson, AZ 85716



APPLICANT'S PROPOSED USE

The applicant proposes a rezoning to the CB-2 (General Business) zone on approximately 1.74 acres for a 10,500 square-foot single-story, multi-use commercial building for a coffee shop, tap room, restaurant, associated outdoor patio uses, dance activities, a food truck, beauty salon, eye brow services, massage, and physical therapy.

APPLICANT'S STATED REASON

The proposal to rezone for potential uses such as beauty salon, medical, dance activities, and restaurant with outdoor uses fits well with the public activity associated with the river park path promoting bicycle and pedestrian traffic.

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CB-2 zone for the above listed uses. The proposal conforms to the Neighborhood Activity Center and Resource Sensitive comprehensive plan land use designations and is located within the Flowing Wells Focused Development Investment Area (FDIA). The proposed uses will provide compatible commercial opportunities that support the unique character of the Chuck Huckelberry Loop, also designated as an FDIA.

PUBLIC COMMENT

As of February 10, 2020 staff has not received any written comments.

COMPREHENSIVE PLAN

The comprehensive plan designates the subject site as Neighborhood Activity Center (NAC) and Resource Sensitive (RS). The objective of the NAC is to designate lower intensity mixed use areas designed to provide goods and services near residential neighborhoods for day-to-day and

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weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services, have direct pedestrian and bicycle access to the surrounding neighborhoods which enhances the mixed use character of the activity center as a whole. This proposal furthers the intent of the Neighborhood Activity Center by providing pedestrian and bicycle access from the River Park Loop to the commercial uses to the north, currently a Circle K and enhances the mixed use character through its planned uses compatible with the Loop. There are additional planned commercial uses west of the Circle K that have not been developed, part of the Neighborhood Activity Center. Sidewalk connectivity also exists from the subject property to nearby residential uses along the La Cholla Boulevard and River Road frontages.

The objective of the Resource Sensitive plan designation is to designate parcels with environmentally sensitive characteristics. Development shall emphasize design that blends with the surrounding natural desert and provide connectivity to the environmentally sensitive linkages. The intent of the RS land use designation is met through avoidance of the natural resources, providing complimentary uses to the RS areas of the site and by providing pedestrian and bicycle connectivity. No development is planned within the RS land use designation.

There are no rezoning policies applicable to the property. There are two special area policies that apply, Special Area Policy S-18B and Special Area Policy S-20. Special Area Policy S-18B (Floodplain Management: Rillito Creek Overbank Storage) regulates proposed improvements in the designated preservation area for overbank storage; is applicable to the north side of Rillito Creek between La Cholla Boulevard and the Southern Pacific Railroad, and shall not unreasonably diminish existing overbank storage volumes. Special Area Policy S-20 (Urban Floodplain) regulates the boundaries of the 100-year FEMA mapped floodplain and is implemented at the time of rezoning. Both policies are implemented through the required 50-foot dedication from the top of the Rillito River bank (rezoning condition #3A).

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CB-1	Circle K/Fast Food/Child Care Center
South:	SH	Rillito River/Recreational Center
East:	SP	Riverside Crossing Commercial Center (Bank/Offices)
West:	SH	Rillito River

The general area is characterized by commercial uses and services along both major thoroughfares, River Road and La Cholla Boulevard. Multiple, dense residential developments, mobile home parks and apartments are within the vicinity of the rezoning request. Existing commercial uses are located north of the subject property at the intersection of N. La Cholla Boulevard and W. River Road providing grocery with a pharmacy, personal services, fast food restaurant, child care, banking, convenience store with gasoline, and restaurants.

PREVIOUS REZONING CASES ON PROPERTY

There has not been a previous rezoning on the subject site.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

The most recent rezoning activity was in 2016 for 10.3 acres by case P16RZ00001 for SR (Suburban Ranch) to CR-5 (Multiple Residence-Small Lot Option) (7.3 acres) for a 40-lot residential subdivision and to TR (Transitional) (3.0 acres) for 50,000 square-feet medical care facility located approximately three-fourths of a mile northeast of the subject property.

Past activity:

A substantial amount of properties along the River Road corridor and nearby neighborhoods have been rezoned to higher density CR-3 (Single Residence), CR-4 (Mixed-Dwelling Type), and CR-5 zoning resultant in mostly developed high density subdivisions. Properties located along the N. La Cholla Boulevard thoroughfare have been rezoned to TR, CB-1 (Local Business), and CB-2 (General Business) resulting in medical and strip commercial uses and services.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The entire subject property is located within the Maeveen Marie Behan Conservation Lands System classified as Important Riparian Area (IRA) and requires some in-lieu fees for new areas of disturbance.

PLANNING REPORT

Staff supports the request because the planned uses are compatible and complimentary to the Rillito River Park. The subject rezoning site is in a region designated by the Comprehensive Plan, Pima Prospers, as a Focused Development Investment Area (growth area) which encourages efficient infill growth. The proposed 10,500 square-feet building meets the growth area policies by increasing the appropriate mix of land uses in the area that support a balance of housing, employment, shopping, and recreation while promoting the efficient use of infrastructure. Direct access to local jobs creates walkable urban environments and reduces commute times and green-house gas emissions creating a healthier, more vibrant community.

Arizona Growing Smarter Acts are implemented through public and private cooperation to efficiently develop and encourage the use of community infrastructure; and by providing employment and other essential services with safe environments to enjoy.

The property is adjacent to, and provides access to the Rillito River segment of the Chuck Huckelberry Loop. The current northernmost access to the Loop will be relocated south of the proposed driveway. The existing southern Loop access will remain connecting the new pedestrian/bike path to the existing access for a single dedicated pedestrian/bicycle access through the property. The property will be accessed from the La Cholla Boulevard, Major Street and Route with right in- right out access. The existing conditions of the bus pull-out area and guard rail will need augmentation for the proposed driveway location. The applicant has provided preliminary drawings acceptable to Transportation demonstrating a shortened guard rail.

Even though the property is located within an Important Riparian Area, the vegetative qualities of the site are denuded due to previous areas of disturbance likely due to Tucson Electric Power (TEP) access to its overhead power line, or as a staging area for the La Cholla Boulevard improvements and stabilization of the Rillito River bank. A 50-foot dedication from the top of the bank will be given to Flood Control for bank protection and maintenance access. There are no saguaros or ironwood trees on the property nor onsite vegetation to be transplanted on site. A 10-foot wide bufferyard "B" with a 40-inch decorative masonry wall is planned adjacent to La Cholla Boulevard. No other bufferyards are required. The applicant proposes a new area of disturbance of 9,117 square feet within the IRA. On-site mitigation plantings will enhance the south landscape areas adjacent to the Rillito River Park. Currently, a TEP blanket easement encroaches on the entirety of the property. The applicant has reached out to TEP and has obtained an agreement to record the preferred 50 foot easement for the power line as demonstrated within the preliminary development plan and abandon the blanket easement.

Concurrency of Infrastructure:

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS			
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments	
TRANSPORTATION	Yes	No objection, subject to conditions	
FLOOD CONTROL	Yes	No objection, subject to conditions	
WASTEWATER	Yes	No objection, subject to conditions	
PARKS AND RECREATION	Yes	No objection	
WATER	Yes	Metro Water "will serve" letter in the site analysis	

TRANSPORTATION REPORT

The proposed rezoning site is adjacent to the Rillito River and is served directly by La Cholla Boulevard. River Road is approximately 300 feet to the north.

La Cholla Boulevard is a paved, six-lane county maintained road with a raised median, sidewalks and bike lanes. La Cholla Boulevard has a posted speed limit of 45 miles per hour (mph) and is designated as a High Volume Arterial with a 200 foot planned right-of-way per the Pima County Major Streets Plan. The existing right-of-way for La Cholla Boulevard is 200 feet. The most recent traffic count for La Cholla Boulevard is 28,044 average daily trips (ADT) (2019) south of River Rd, and the capacity of the road is 53,910 ADT.

River Road is a paved, four-lane county maintained road with a raised median, sidewalks and bike lanes. River Road is a 45 mph posted speed limit roadway. River Road is a Major Street and Scenic Route identified as Medium Volume Arterial with a 150 foot planned right-of-way per the Pima County Major Streets Plan. The existing River Road right-of-way at the La Cholla Boulevard intersection is approximately 250 feet. The most recent traffic count for River Road is 19,576 (2019) west of La Cholla Boulevard, and the capacity of the road is 35,820 ADT.

The proposed driveway is located approximately 90 feet south of an existing bus top. The driveway spacing between the proposed driveway and the Circle K driveway to the north as depicted in the preliminary development plan does not meet the requirements of the 2016 Subdivision and Development Street Standards. Furthermore, peak hour trips appear to trigger a right turn-lane into the site. An analysis should be done to determine any conflicts between the existing bus stop location, existing driveway to the north and the potential queuing of vehicles.

The existing guardrail located adjacent to the proposed driveway may need relocation or reconfiguration. Also, adjacent to the proposed driveway location is the beginning of a median opening to allow southbound left-turns onto La Cholla Boulevard for access to the shopping center on the east side of the street. Due the amount of vehicles on La Cholla Boulevard, measures shall be taken to restrict vehicles exiting the proposed driveway and entering the left-turn lane.

Based on the traffic generated from the proposed 10,500 square-foot building, and the available

capacity of La Cholla Boulevard, the proposed site will not significantly impact the surrounding roadways. There are no scheduled roadway projects in the vicinity of the site.

This development is concurrent with the Pima County roadway network. The Department of Transportation has no objection to the request subject to rezoning conditions #2A-D.

FLOOD CONTROL REPORT

Regional Flood Control District has the following comments:

- The site is adjacent to the Rillito River and includes Federal Emergency Management Agency (FEMA) 500-year floodplains although the 100-year Special Flood Hazard Area is contained by bank protection. The site is adjacent to the Rillito River, therefore per Pima County Code Section 16.36.090, dedication of 50 feet from the top of bank is required which has not been shown on the revised PDP. A condition is recommended to ensure this occurs.
- 2. The entire site is an Important Riparian Area. While the Board of Supervisors must approve mitigation plans the Floodplain Administrator has approved an in-lieu proposal for Board of Supervisors consideration at the time of development should the rezoning be approved.
- 3. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
 - a. The site is to be served by Metro Water Company, whom does provide Renewable and Potable Water.
 - b. The site is not located within a covered subsidence zone.
 - c. The site is not within one mile of a shallow groundwater area.
 - d. The site is not within an Isolated Basin

Staff finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems and furthermore that no additional conservation measures are required based upon proximity to shallow groundwater.

The District has no objection subject to the addition of rezoning condition #3A-B.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) offers the following comments:

The rezoning area is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. Capacity for the proposed development is currently available within the 8" public sewer G-2002-074, downstream from manhole 2358-01 (Type II 2019-166, dated July 29, 2019).

RWRD has no objection to the proposed rezoning request subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this rezoning request subject to rezoning condition #5.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of conditions #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no objection to this rezoning request.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

Metro Water District has committed water service to the site, a "will serve" letter is contained in the site analysis.

FIRE DISTRICT REPORT

Northwest Fire District has no comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

- 1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Transportation conditions:
 - A. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
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- C. The owner 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 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 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 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.
- 5. Environmental Planning condition: 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 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 the property owner.

Invasive Non-Native Plant Species Subject to Control		
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)	
<i>Digitaria</i> spp.	Crabgrass	
Elaeagnus angustifolia	Russian olive	
<i>Eragrosti</i> s spp.	Lovegrass (excluding <i>E. intermedia</i> , 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	
Schinus spp.	Pepper tree	
Schismus arabicus	Arabian grass	
Schismus barbatus	Mediterranean grass	
Sorghum halepense	Johnson grass	
<i>Tamarix</i> spp.	Tamarisk	

- 6. Cultural Resources conditions: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 7. Adherence to the preliminary development plan as approved at public hearing.
- 8. 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.
- 9. The property owner shall execute 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)."

Respectfully Submitted,

aill Gutman

Terrill L. Tillman Principal Planner

c: Jeffery Stanley, 3710 E. Calle Cortez, Tucson, AZ 85716





Land Use Legend and Map

Resource Sensitive (RS)

Objective: To designate key larger parcels and land holdings with environmentally sensitive characteristics in close proximity to public preserves or other environmentally sensitive areas. Development of such land shall emphasize design that blends with the surrounding natural desert and provides connectivity to environmentally sensitive linkages in developing areas.

- Residential Gross Density: Minimum- none; Maximum- 0.3 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 0.3 RAC

Neighborhood Activity Center (NAC)

Objective: To designate lower intensity mixed use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry, and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed use centers may contain medium density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how the project serves to create or enhance the mixed use character of the designated activity center as a whole.

- Residential Gross Density: (if applicable) Minimum- 5 RAC; Maximum- 12 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 8 RAC



LEGAL DESCRIPTION

A strip of land 50.00 feet in width within the Southeast Quarter of the Northeast Quarter of Section 16, Township 13 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona, the centerline of which is described as follows:

commencing at a 2 inch brass cap survey monument at the east quarter corner of said Section 16, from which a 2 inch brass cap marked RLS 37400 at the northeast corner of said Section 16 bears North 00 degrees 37 minutes 30 seconds West, 2590.42 feet;

thence North 00 degrees 37 minutes 30 seconds West, 755.27 feet along the east line of said Southeast Quarter of the Northeast Quarter;

thence North 55 degrees 37 minutes 58 seconds West, 122.07 feet to the POINT OF BEGINNING on a line 100 feet west of and parallel with the east line of said Southeast Quarter of the Northeast Quarter, being the west right-of-way line of La Cholla Boulevard;

thence North 55 degrees 37 minutes 58 seconds West, 248.50 feet to the terminus of said centerline on a line 330 feet south of and parallel with the north line of said Southeast Quarter of the Northeast Quarter, being the south line of that quitclaim deed recorded in Sequence Number 20032340712 in the Office of the Recorder, Pima County, Arizona.

The above described strip of land contains 0.285 acres, more or less.

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Telephone: 520-917-8748 Fax: 520-545-1419

January 21, 2020

Baird Builders Inc. Michael Baird, President 1600 N. Tucson Blvd. Ste 200 Tucson, Az. 85716

Dear Mr. Baird,

SUBJECT:

Confirmation of Defined Easement Rezoning of Tucson Electric Property APN 101-13-015N

Please find attached the legal description for the pending Tucson Electric Power Company (TEP) easement. This easement will be 50.00' wide 25.00' from centerline.

The intent is upon transfer of the property to your ownership, TEP will secure a 50.00' wide easement either through a reservation in the Special Warranty deed or by separate instrument. Following the conveyance of the 50.00' wide easement, TEP will release the blanket easement recorded on June 17th 1949 in Book 176 at Page 495.

If you have any questions or need additional information, please contact me at 917-8748,

Sincerely,

anter las

Renee Marruffo Right of Way Agent Supervisor Land Resources

rm

cc: Tom Nieman, PICOR Brandon Rogers, PICOR Liz Boehler, TEP



PLAZA DE LUNA

12/19/19

5341 N. La Cholla Tucson, AZ 85705

Dear Neighbor,

This letter was written to make you aware of a proposed re-zoning of a property that is located with 1,000' of your property. Said property is Pima County parcel number 101-13-015N. The parcel is currently zoned SH-1, the intent is to re-zone the property to CB-2 (Commercial Business), the subject parcel is located at 5341 N. La Cholla Tucson, AZ 85705.

I would like to hold a meeting at 5341 N. La Cholla from 1:00 – 2:00 PM on Monday January, 13th, 2020. Please feel free to attend the meeting to discuss any concerns you may have regarding the proposed re-zoning. If you prefer, please call me at 520-977-4603 with any concerns or comments you may have.

Sincerely,

Ba

Michael Baird President



PLAZA DE LUNA

2/19/19

5341 N. La Cholla Tucson, AZ 85705

Too whom it may concern,

We did not have any of the neighbors show up for the meeting at 5341 N. La Cholla from 1:00 – 2:00 PM on Monday January, 13th, 2020. The only attendees were, Michael Baird, Sean Baird and Jeff Stanley.

Sincerely,

Michael Baird President

1600 N. Tucson Blvd., Suite 200 Tucson, Arizona 85716 (p) 520.327.5100 ROC-075146

From:	noreply@server.mailjol.net on behalf of allForms
To:	DSD Planning
Subject:	Application For Rezoning or Specific Plan
Date:	Tuesday, August 6, 2019 2:08:19 PM
Attachments:	<u>11210647.zip</u>

This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

Some files had been uploaded along with this submission. To download the files visit the link provided below. You will need to supply your AllForms login e-mail and password to download the files. We store all the uploaded files in zipped format, so you will need a unzipping program like WinZip to view or extract the files. <u>Make sure you do a virus scan before trying to access these files on your system.</u>

Download (http://allforms.mailjol.net/file.php?id=6f6ae9da-11210647-3479ce8d)

	Form Results
Disregard	***>>> DISREGARD The message above the Form Results ROW <<<***
Note about attachments	***>>> Pima County virus software CYLANCE automatically scans files. There IS NOT a right mouse scan this file option. Attachments are scanned by our email appliance when received, then again by Cylance when saved or opened. <<<***
Owner Name	Michael Baird
Owner Address	1600 North Tucson Boulevard
Owner City	Tucson
Owner State	AZ
Owner Zipcode	85715
Owner Phone	520-327-5100
Owner_Email	mbaird@bairdbuildersinc.com
Applicant Name	Jeffrey A. Stanley
Applicant Address	3710 East Calle Cortez
Applicant City	Tucson
Applicant State	AZ
Applicant Zipcode	85716
Applicant Phone	520-390-7920
Applicant_Email	stanley19263@msn.com
Property Address	5341 North La Cholla
Property Parcel Number	101-13-015N
Property Acreage	1.74
Property Present Zone	SH
Property Proposed Zone	CB-2
Policies	Catalina Foothils/NAC/none
FTP-Link	i dropped off a CD

Signature	I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)	
Application Date	06-Aug-2019	
More Information about this submission and submitter		
Submission ID	11210647	
Date & Time	6th Aug 2019 2:07 PM	
Form Location	https://web1.pima.gov/applications/rezoning/	
IP Address	98.191.98.9	
Browser info	Mozilla/5.0 (Windows NT 10.0) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/70.0.3538.102 Safari/537.36 Edge/18.18362	
Predicted Country	United States	



Tucson Electric Power P.O. Box 711, Mail Stop RC 131 Tucson, AZ 85702

Telephone: 520-917-8748 Fax: 520-545-1419

February 15, 2019

Brandon Rodgers PICOR Commercial Real Estate Services 5151 E Broadway Blvd, Ste 115 Tucson, AZ 85711

Dear Mr. Rogers,

SUBJECT: Letter of Limited Authorization Rezoning of Tucson Electric Property APN 101-13-015N

Tucson Electric Power Company ("TEP") does hereby authorize Mike Baird and/or Sean Baird, the Purchasers under that certain Purchase Contract dated May 9, 2018 between TEP and Purchasers, to apply for rezoning of the TEP property, APN 101-13-015N located in the SE1/4, NE1/4, Sec 16, T13S, R13E and recorded in Book 3766-96, in the office of the Pima County Recorder (the "Parcel"). The Parcel is currently zoned SR.

This authorization is limited to rezoning the Parcel to a zoning less restrictive than SR and solely at the Purchasers cost.

Sincerely la.

Renee Marruffo ⁽ Right of Way Agent Supervisoe Land Resources

rm

cc: A. Melton S. Breslin B. Rodgers



BAIRD BUILDERS INC.

*GENERAL CONTRACTORS

February 19, 2019

JAS Engineering Jeff Stanley 4122 E. Grant Rd. Tucson, AZ 85712

RE: Rezoning Parcel #101-13-015N

To Whom It May Concern:

Michael Baird and Sean Baird hereby authorize JAS Engineering to seek rezoning of the TEP property: APN 101-13-015N. Located in the SE 1/4, NE 1/4 SEC16, T13S, R13E and recorded in Book 3766-96, in the office of the Pima County Recorder (the "Parcel"). The parcel is currently zoned SR. We would like to rezone to CB2.

Sincerely,

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Michael Baird President