



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 1, 2020

**Title:** Co9-98-28 HOWELL - SANDARIO ROAD #2 REZONING (Time Extension)

### Introduction/Background:

The applicant requests two consecutive five-year time extensions for the rezoning from GR-1(GZ) (Rural Residential-Buffer Overlay Zone) to CB-1(BZ) (Local Business-Buffer Overlay Zone) for 1.07 acres. The rezoning was approved on 10/28/98, received a five-year time extension in 2004 and 2011 after the case was not closed. The rezoning expired on 12/15/13. The site is located on the west side of Sandario Road approximately one-half mile south of Picture Rocks Road.

### Discussion:

The applicant indicates that the owners have "endured numerous economic downturns" and are now ready to develop the site." During the last time extension hearing, the Board of Supervisors approved the revised development plan from the original proposal for retail uses to self-storage units. The commercial use remains appropriate and conforms to the RX comprehensive plan designation.

### Conclusion:

A time extension is warranted due to the historical economic recession. The recommended modified conditions update certain conditions to current standard language and policy treatment.

### Recommendation:

Staff recommends APPROVAL subject to original and modified standard and special conditions.

### Fiscal Impact:

N/A

### Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-8800

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date:  8/7/2020

Deputy County Administrator Signature/Date:  8/7/2020

County Administrator Signature/Date:  8/9/2020



**TO:** Honorable Sharon Bronson, Supervisor, District 3

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

*Tom Draczowski*

**DATE:** August 7, 2020

**SUBJECT:** Co9-98-28 HOWELL – SANDARIO ROAD #2 REZONING

The above referenced **Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 1, 2020** hearing.

**REQUEST:** Two consecutive five-year **time extensions** of a 1.07-acre rezoning from GR-1 (BZ) (Rural Residential – Buffer Overlay) to CB-1 (BZ) (Local Business – Buffer Overlay) zone.

**OWNERS:** Mark and Mary Lou Wright  
5020 N. Lak-A-Yucca Road  
Tucson, AZ 85743

**AGENT:** Lane Engineering, LLC  
Attn: Thomas Trimble, Civil Engineer  
5155 E. Eagle Drive, #22074  
Mesa, AZ 85277

**DISTRICT:** 3

**STAFF CONTACT:** Donna Spicola, Planner

**PUBLIC COMMENT TO DATE:** As of August 7, 2020, staff has received no public comments.

**STAFF RECOMMENDATION:** **APPROVAL** OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

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

TD/DS/ds  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

**SUBJECT: Co9-98-28**

**Page 1 of 5**

### **FOR TUESDAY, SEPTEMBER 1, 2020 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** August 7, 2020

### **ADVERTISED ITEM FOR PUBLIC HEARING**

#### **REZONING TIME EXTENSION**

#### **Co9-98-28 HOWELL – SANDARIO ROAD #2 REZONING**

Request of Mark and Mary Lou Wright, represented by Lane Engineering, LLC, for two consecutive five-year **time extensions**, one of which is retroactive to the December 15, 2013 expiration date, for the above-referenced rezoning from GR-1 (BZ) (Rural Residential - Buffer Overlay) to CB-1 (BZ) (Local Business - Buffer Overlay) zone. The rezoning was approved in 1998. The site is approximately 1.07 acres located on the west side of N. Sandario Road, approximately one-half mile south of W. Picture Rocks Road and is addressed as 6501 N. Sandario Road. Staff recommends **APPROVAL** OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.  
(District 3)

#### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of two consecutive five-year time extensions to December 15, 2023 as per the applicant's request for the original 1.07-acre rezoning from GR-1 (BZ) (Rural Residential - Buffer Overlay) to CB-1 (BZ) (Local Business - Buffer Overlay) zone for a self-storage facility use, subject to original and modified standard and special conditions 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.

61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
  - A. ~~Provision of improvements on Sandario Road as determined necessary by the Department of Transportation.~~
  - B. ~~Property owner(s) shall dedicate 25 feet of additional right-of-way for Sandario Road adjacent to the subject property.~~
  - C. One access shall be allowed and shall be located at the north property boundary.
  - D. ~~Internal access shall be provided both to the north and south.~~
83. Flood Control conditions:
  - A. ~~Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~
  - B. ~~All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.~~

At the time of development, engineering analysis is required to not only design on-site improvements to protect the new development but also ensure the new development does not cause and adverse impact to neighboring properties.
94. Environmental Quality condition:
 

As a condition of rezoning the applicant shall demonstrate that the site is suitable for the placement of an on-site wastewater disposal system, including primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria. The size of the primary and reserve areas shall be determined in accordance with Arizona Administrative Code, Title 18, Chapter 9. This demonstration shall be made during review of the Development Plan.
405. The proposed project shall be subject reviewed by the ~~Pima County Subdivision Review Committee pursuant to Comprehensive Plan Special Area Policy S-6, Picture Rocks Rural Activity Center. The focus of the review shall be on architectural issues related to Policies "B" and "C".~~
446. Adherence to the preliminary development plan as approved at the February 15, 2011 public hearing.
427. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~
8. The property owner(s) 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)."
9. 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.

Condition #'s 1-5 are recommended for deletion as they are no longer recommended as standard rezoning conditions as a measure to reduce redundant requirements and ease processes. Pertaining to condition #1, a development plan will be required per code for the proposed commercial development. Pertaining to condition #'s 2, 3, and 5, staff no longer recommends standard conditions which require an act of recordation. Pertaining to condition #'s 2 and 4, the requirements for recording of a hold harmless covenant against flooding and recording of assurances are typically associated with a development plan.

The covenant requirement is also recommended for deletion pertaining to the requirement for on-going removal of buffelgrass per renumbered condition #7. A portion of renumbered condition #2 is recommended for deletion as an update to Department of Transportation conditions for current standards. The deletion of all conditions and the addition of a new condition under renumbered condition #3 reflects an update by the Department of Flood Control.

New condition #'s 8 and 9 pertain to now standard conditions related respectively to the Proposition 207 rights disclaimer and to continued adherence to rezoning conditions upon annexation.

The aforementioned recommendations are relatively standard adjustments to the list of standard and common conditions that staff has been making for rezoning time extensions.

The recommended modifications to conditions do not constitute a substantial change which would require review by the Planning and Zoning Commission.

#### **STAFF REPORT:**

Because of the elapsed time, the applicant requests two consecutive five-year time extensions. The request letter states that the owners have "endured numerous economic downturns" over the years and are now ready to develop the site with self-storage units. Since the site was conditionally zoned to CB-1, a five-year time extension was approved in 2004. At the last board action in 2011, the board voted against closure and approved an additional five-year time extension on the site. At that time, the board also approved a revised development plan (attached) from the original proposal for retail uses to self-storage units. A recorded cross-easement (attached) has also been provided on the north boundary of the site to satisfy rezoning condition #2.

Staff supports the rezoning time extensions for self-storage units because the commercial use remains an appropriate use under the CB-1 zoning and is compatible with the Rural Crossroads (RX) comprehensive plan designation. The purpose of the RX designation is to provide mixed-use areas where basic goods and services are provided to rural residents. In addition, the Picture Rocks area needs basic commercial services to help reduce residents' need to drive to the other side of the Tucson Mountains for services. The subject site lies within an area covered by Special Area Policy S-6 (Picture Rocks Rural Activity Center) which provides design guidelines to protect the rural character and scenic quality of the area and mitigate negative impacts of strip commercial.

The subject property is located on the west side of Sandario Road, approximately one-half mile south of W. Picture Rocks Road in the Picture Rocks community. The site is undeveloped but has significant clearing, a few desert shrubs and trees are scattered on the property.

There have been rezoning approvals from GR-1 to CB-1 and CB-2 zones that have occurred in the vicinity of the subject site, primarily at or near the intersection of Sandario Road and Picture Rocks Road. These include the 3.27-acre site immediately north of the subject site (Co9-98-24 Coomer/Schneringer – Sandario Road #2 Rezoning) approved for CB-1 zoning in 1998. Additional rezonings to CB-1 were approved in 2006 and 2016. The most recent rezoning to CB-2 was conditionally approved in 2020 (P20RZ00001 Wright – N. Sandario Road Rezoning).

The Buffer Overlay Zone was expanded to the site when the Park expanded. Even though the site lies within the overlay zone, it does not apply since the rezoning predates the overlay.

Approval of the requested two consecutive five-year time extensions will provide a total of 25 years to complete rezoning conditions from the initial approval date by extending the expiration date to December 15, 2023. The site remains vacant. Denial of the time extension will cause the site to revert to GR-1 zoning which does conform to the site's RX comprehensive plan designation. Closure of the rezoning would not preclude the possibility of a future CB-1 rezoning.

**TRANSPORTATION DEPARTMENT REPORT:**

The Department of Transportation has reviewed the request for rezoning time extension. The request required the review of transportation rezoning conditions modifications dated February 15, 2011. This request requires the review of Transportation conditions 7.A, 7.B, 7.C, and 7.D. The rezoned site is directly west of Sandario Road with Picture Rocks Road approximately 1,700 feet to the north. The approved revised sketch plan and current request is for a self-storage facility on the site.

Sandario Road is a paved two-lane roadway maintained by the County. Sandario Road is a 40 mph posted speed limit roadway with 150 feet of right-of-way adjacent to the site. The Pima County Major Streets Plan designates Sandario Road as a Collector with a planned 80 feet of right-of-way. The Pima County Scenic Route Plan identifies Sandario Road as a Scenic, Major Route. The most recent traffic counts for Sandario Road is north of Picture Rock Road with 5,664 ADT with an approximate capacity of 11,340 ADT.

A self-storage facility is a low traffic generator. There are no concurrency concerns with this rezoning time extension given that Sandario Road is functioning under capacity.

Pima County Department of Transportation has no objection to the rezoning time extension subject to the following condition (also listed under renumbered condition #2 above):

One access shall be allowed and shall be located at the north property boundary.

**REGIONAL FLOOD CONTROL DISTRICT REPORT:**

The Pima County Regional Flood Control District has reviewed the request and offers the following comments:

- 1) The Picture Rocks floodplain study completed in 2011 shows that this parcel is located in a flow corridor, which is an area of significant flow.
- 2) The District has no objection subject to the revised condition (also listed under condition #3 above):

At the time of development, engineering analysis is required to not only design on-site improvements to protect the new development but also ensure the new development does not cause and adverse impact to neighboring properties.

**REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for two consecutive five-year time extensions and offers the following comments for your use.

The rezoning area is outside the PCRWRD service area.

PCRWRD has no objection to the request for the rezoning time extensions, but notes that the owner(s) will need to secure approval from Pima County Department of Environmental Quality to utilize on-site wastewater treatment facilities within the rezoning area at the time a development plan or request for a building permit is submitted for review.

**UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:**

Staff has not received a response to a request for comments.

**SAGUARO NATIONAL PARK**

Saguaro National Park has no concerns or comments.

**PUBLIC COMMENTS:**

As of the writing of this report, staff has not received any written public comments.

TD/DS/ds  
Attachments

cc: Mark and Mary Lou Wright, 5020 N Lak-A-Yucca Road, Tucson, AZ 85743  
Lane Engineering, Attn: Thomas Trimble, 5155 E. Eagle Drive #22074, Mesa AZ 85277  
Tom Drzazgowski, Chief Zoning Inspector  
Co9-98-28 File

GR-1 Undeveloped  
**SANDARIO ROAD**  
{SCENIC & MAJOR ROUTE}



TRIMBLE ENGINEERING  
2798 W. APPALOOSA ROAD  
TUCSON, AZ 85742  
{520} 850-3636  
triformusa@gmail.com

Designed By:	THH
Drawn By:	JGT
Checked By:	JBT
Revised By:	
Scale:	1" = 40'
Drawing Number:	
Project Number:	
Date:	January 13, 2011

Owner/Developer  
Mark & Mary Lou Wright  
5020 N. Lok-A-Yucca  
Tucson AZ 85743  
Tel. (520)240-5931

Gross Parcel Area = 46,492 s.f./1.07ac.  
Net Parcel Area = 40,382 s.f./0.927 ac.  
Total Bldg. Area = 13,830 s.f.  
Floor Area Ratio = 34.2%  
Total Landscape Area = 8,695 s.f.

Revised Sketch Plan Approved 2-15-11



Case #: Co9-98-28  
Case Name: HOWELL - SANDARIO ROAD #2 REZONING  
Tax Code(s): 213-07-049L

## AERIAL EXHIBIT








Pictometry International Corp. USDA National Agricultural Imagery Program (NAIP). Pima County Association of Governments (PAG).

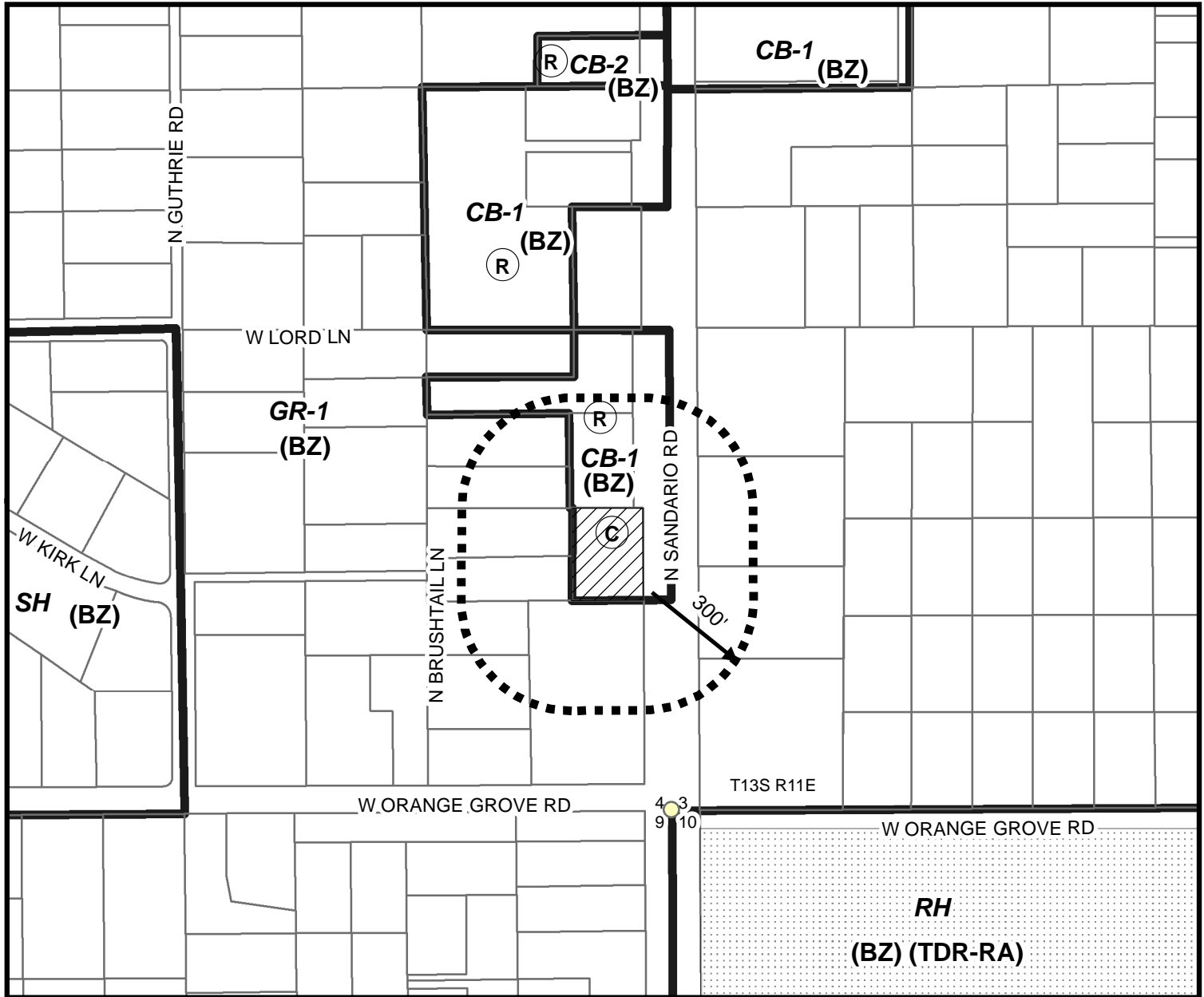
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### PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION


	Notes: <b>TIME EXTENSION</b>	<b>Case Ref #: P20SA00002</b>	
	Map Scale: 1:5,000		Map Date: 7/28/2020 - ds


**Case #: Co9-98-28**  
**Case Name: HOWELL - SANDARIO ROAD #2 REZONING**  
**Tax Code(s): 213-07-049L**

-  300' Notification Area
-  Subject Property
-  Zoning Boundary
-  Transfer Development Rights
-  Buffer Overlay Zone (BZ)



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION**

	Notes: <b>TIME EXTENSION</b>		Case Ref #: <b>P20SA00002</b>	
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Board of Supervisors Hearing: September 1, 2020			
	Base Map(s): 155	Map Scale: 1:5,000	Map Date: 7/27/2020 - ds	









## Land Use Legend and Map

### **Rural Crossroads (RX)**

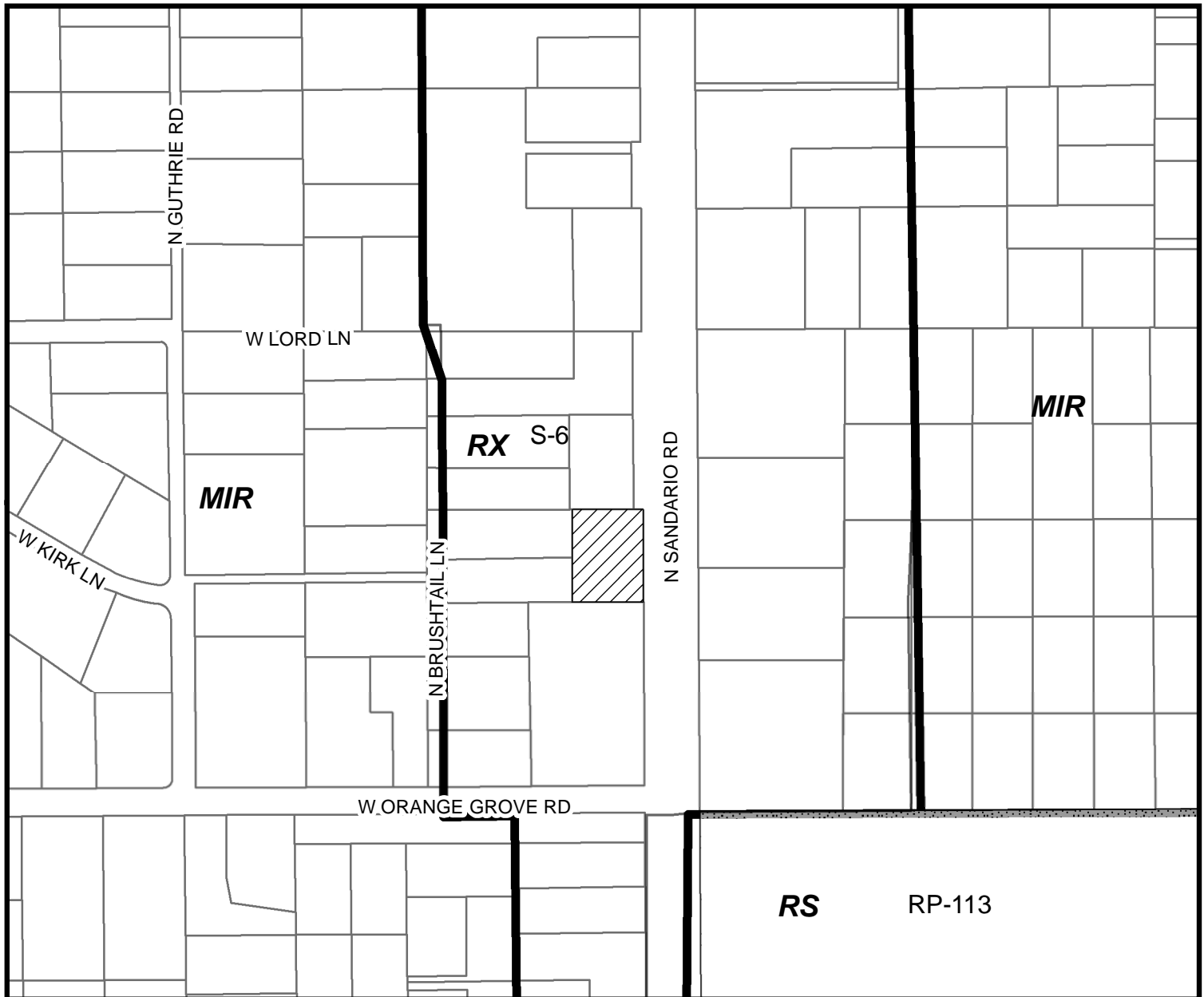
Objective: To designate mixed use areas where basic goods and services are provided to rural settlements and rural residents as conveniently as possible. Residential densities slightly higher than the surrounding rural neighborhoods are allowed to provide opportunities especially for certain housing 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

Case #: Co9-98-28  
Case Name: HOWELL - SANDARIO ROAD #2 REZONING  
Tax Code(s): 213-07-049L



-  Special Area Policy - S
-  Rezoning Policy - RP
-  Comprehensive Plan
-  Subject Property

## Comprehensive Plan Exhibit



0 180 360 720 Feet

### PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION

	Notes: <b>TIME EXTENSION</b>		
	Case Ref #: P20SA00002		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
Map Scale: 1:5,000		Map Date: 7/29/2020 - ds	



# Lane Engineering, LLC

Commitment • Integrity • Innovation

ADDRESS: 5155 E. EAGLE DRIVE, #22074

MESA ARIZONA 85277

DUSTY: (480) 319-3300 DIRECT

Tom: (520) 850-3636 Direct

March 5, 2020

Pima County Development Services

Mr. David Peterson, Planner

Public Works Building

201 N. Stone Ave.

Tucson, AZ 85701-1207

Re: Special Action Request Parcel 213-07-049L – 6501 N. Sandario Road

Dear Mr. Peterson;

This correspondence will serve as the "Letter of Action Request" for the above referenced parcel. The Parcel Owners are:

Mark & Mary Lou Wright

5020 Lak A Yucca Road

Tucson, AZ 85742

(520) 240-5931

[wright@mwci1.com](mailto:wright@mwci1.com)

The area of the Parcel is 0.928 acres, and the Assessor Parcel No. is 213-09-049L.

This Owners have owned the parcel for a number of years and have endured the numerous economic downturns are now ready to develop the parcel for Self Storage which is very much needed in the surrounding area.

The Rezoning Case No is : Co9-98-28 Howell Sandario Road #2 Rezoning.

Please also find attached the following items as outlined the Special Action Request Submittal Checklist.

1. Letter of Request – This Correspondence
2. Site Plan – Attached



3. Letter of Authorization – Attached
4. Disclosure of Ownership – Listed in This Correspondence
5. Fee- It is our understanding this will be Invoiced by Pima County to the Owner.
6. Biological Impact Report-Attached

We would appreciate your Review and Acceptance of this information and the anticipated date of the Board of Supervisors meeting date for hearing. Please let us know if you have any questions or need any additional information.

Regards;

A handwritten signature in black ink, appearing to read "Thomas H. Trimble". The signature is fluid and cursive, with the first name "Thomas" and last name "Trimble" clearly distinguishable.

Lane Engineering, LLC  
Thomas H. Trimble, Civil Engineer  
Tucson Office  
[tritomua@gmail.com](mailto:tritomua@gmail.com)  
(520) 850-3636

cc: Dusty Lane  
Mark & May Lou Wright

## Mark & Mary Lou Wright

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5020 Lak A Yucca Road – Tucson, AZ 85743 - (520) 240-5931 – [wright@mwci1.com](mailto:wright@mwci1.com)

January 28, 2020

Pima County Development Services  
Mr. David Peterson, Planner  
Public Works Building  
201 N. Stone Ave.  
Tucson, AZ 85701-1207

Re: Parcel 213-07-049L – 6501 N. Sandario Road

**Dear Mr. Peterson:**

This correspondence will serve as our Authorization to have Lane Engineering, LLC serve as our Representative on all Planning and Zoning matters on above referenced Parcel.

Please let us know if you need any additional information.

Sincerely,



**Mark Wright**



**Mary Lou Wright**

# MW SANDARIO STORAGE CENTER

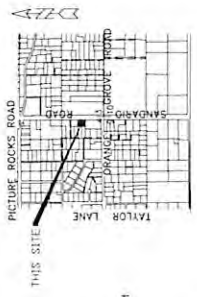
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C.L. = 1 FOOT

## General Notes

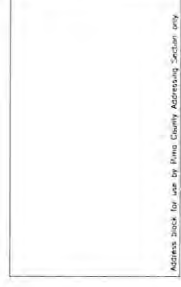
- Total Net area of this development is 0.028 acres.
- Assessor Tax Parcel No. is 213-07-049.
- The owner company that will serve this development is Arva Water Co.
- This Development Plan, when approved, will serve as the Type 2 Grading Permit for this project.
- Any relocation, modification, etc. of the existing utilities and/or public improvements required by this development will be at no expense to the public.

## Permitting Notes

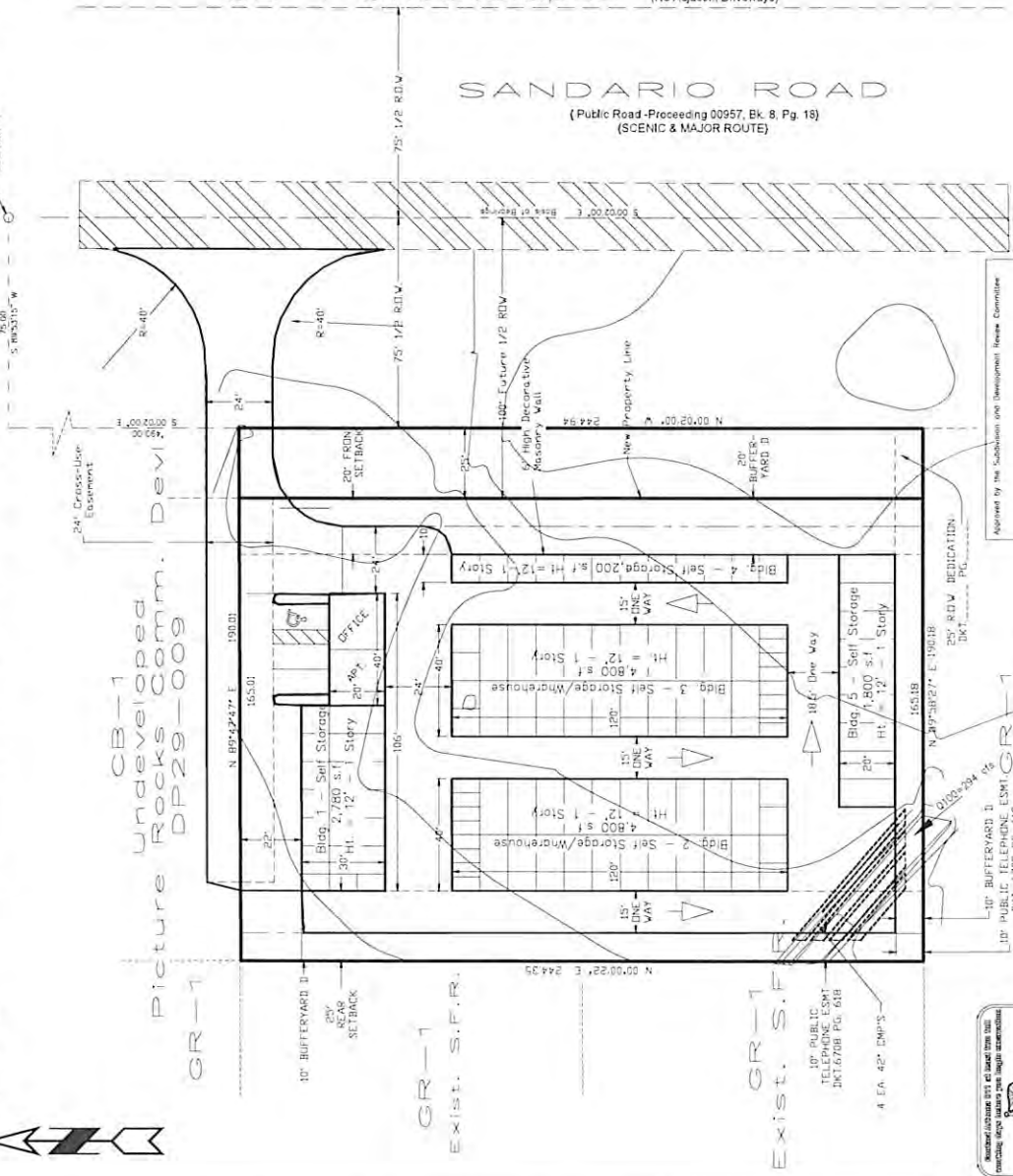
- Existing zoning is CB-1 Local Business Zone.
- The use of this project is Self Storage.
- Use is permitted in accordance with Chapter 18.03.00 of the Pima County Zoning Code.
- Areas and spaces designated for required parking shall not be used for any other purpose. It can be demonstrated that sufficient on-site parking exists.
- This project is subject to Board of Supervisors rezoning conditions found at Case Number C09-30-26, approved on February 16, 1999.
- Prior to the request for Final Inspection, a letter certifying compliance in conformance with the approved plans, sealed by a Professional Engineer or Architect must be submitted to the development review division.
- Materials within sightability triangles shall be placed so as to not obstruct the view of the intersection. The maximum horizontal line located 30 feet and 72 feet above finished grade of the roadway surface.
- There shall be no further subdividing or lot splitting of this parcel without the written approval of the Board of Supervisors.
- The proposed development will be served by on-site storage and discharge shall be submitted to PSED in order to receive a Construction Authorization.
- No building permits shall be issued until a Type 2 Grading Permit is issued.
- This project is subject to Board of Supervisors Rezoning Conditions as found at Case Number C09-30-26 as approved on February 16, 1999.



Location Map  
S.E.C. 34, 6 & 35, 13 & 14  
PIMA COUNTY, ARIZONA  
SCALE 1" = 1 MILE



Address Book for use by Pima County Addressing Section Only



## Parking and Loading Space Data

Type of use	Calculations	Requirements
Self Storage-Office	400 sq. ft. employees	1/2" x 1/2"
Employees	1 per 2 employees	400/200 = 2
Visitors/Cars	1 per 200 sq. ft.	2 spaces
Standard parking required	1 per 1-19 spaces	2 spaces
HC requirement		2 spaces
Total car parking provided		3 spaces
Bicycle parking required	2 per 1-19 car spaces	2 spaces
Bicycle parking provided		2 spaces
Notes: Locatable bicycle parking spaces to be provided inside the buildings.		
Loading spaces required	2 per 1000-2000 sq. ft.	0 spaces
Loading spaces provided		0 spaces

## Basis of Bearings

East Line of Section 4, T.13 S., R.11 E.  
bearing S 02° 02' 00" E.  
per BGS Bk. 30, Pg. 86

3150 E. LINDEN #2074  
Darryl Lanning  
Darryl@lanning.com  
(602) 937-3300

LANE ENGINEERING, LLC

Subdivision Coordinator

Date

By

Design

Scale

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Approved

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## BIOLOGICAL IMPACT REPORT

### PARCEL 214-07-049L

**Re: Co9-98-28 Howell Sandario Road #2 Rezoning**

**Owner – Mark & Mary Lou Wright**

**February 26, 2020**

This correspondence will serve as the “Biological Impact Report” in support of a Time Extension on referenced re-zoning and was prepared in accordance with *Pima County Development Services Biological Impact Report Guidelines, updates of March 2010*. Please find as follows responses to the questions set forth in the referenced guideline.

### **Biological Resources**

1. Please find attached a Map showing the Conservation Land System (CLS) including Important Riparian Areas and Special Species Management Areas. The subject parcel does not fall within the CLS.
2. The project is not within the vicinity of any of the six general areas identified as Critical Landscape Linkages.
3. Pima Pineapple Cactus:
  - a. The project site is not within the Priority Conservation Area for the Pima pineapple cactus per the SDCP Map Guide.
  - b. Pima pineapple cactus has not been found on the site.
  - c. The project site was surveyed for Pima pineapple cactus in August 2008 using the USFWS Three Tier protocol and none were found.
4. Needle-Spine Pineapple Cactus:
  - a. The project site is not within the Priority Conservation Area for the Pima needle-spine pineapple cactus per the SDCP MapGuide.
  - b. Needle-spine pineapple cactus has not been found on the site.
  - c. The project site was surveyed for needle-spine pineapple cactus in August 2008 using the USFWS protocol and none were found.

5. A. Cactus Ferruginous Pygmy-owl:

- i) The proposed project site is within the Priority Conservation Area for the cactus ferruginous pygmy-owl per the SDCP MapGuide.
- ii) The proposed project site has not been surveyed for pygmy-owls. Prior to start of construction the project site will be surveyed for pygmy-owls per the revised survey protocol that was developed by the Arizona Game and Fish Department (AGFD) and the U.S. Fish and Wildlife Service (USFWS).

B. Western Burrowing Owl:

- i) The proposed project site does occur within the Priority Conservation Area for the western burrowing owl per the SDCP MapGuide.
- ii) The proposed project site has not been surveyed for western burrowing owls. Prior to start of construction the project site will be surveyed for pygmy-owls per the survey protocol that was developed by the Arizona Game and Fish Department (AGFD) in January of 2009.

6. Using the Arizona Game & Fish Department's Heritage Data Management System the special status species that are known to occur on or within the site or it's vicinity are as follows:

Cylindropuntia x kelvinensis	(Kelvin Cholla)
Gopherus agassizii (Sonoran Population)	(Sonoran Desert Tortoise)
Heloderma suspectum suspectum	(Reticulate Gila Monster)
Mammillaria thornberi	(Thornber Fishhook Cactus)
Peniocereus greggii var.	
Transmontanus	(Desert Night-blooming Cereus)
Tucson - Tortolita - Santa Catalina	
Mountains Link	(Wildlife Corridor)
Tumamoca macdougallii	(Tumamoc Globeberry)

Please refer to the attached printout from the Arizona Game & Fish Department's Heritage Data Management System for additional information.

- 7. There are no saguaros or ironwoods on the site. It should be noted that the prior use of the site was a single-family mobile home and a considerable portion of the site had been cleared for this past usage.
- 8. The property is not within a Habitat Protection or Community Open Space priority acquisition property, as displayed on SDCP MapGuide. In addition, the proposed project site does not occur wholly or partially within any Maveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
- 9. The site does not have vegetation of scenic value, screening and/or buffering, due to the past usage of the site.



10. The vegetation community on the site is Palo Verde-mixed cacti series (BLP Code 154.12), this association is dominated by yellow Palo Verde (*Parkinsonia microphylla*) and triangle burr ragweed. Saguaros are not present, however other cacti may be present, although there are few present due to the disturbance of the site. Approximately 25% of the site is encompassed by this association, with the rest of the site being disturbed.

Prepared By: Lane Engineering, LLC  
Thomas H. Trimble  
Civil Engineer

Reviewed By: J. Dusty Lane, PE



[illegible]

Gross Parcel Area = 46,492 s.f./1.07 ac.  
Net Parcel Area = 40,382 s.f./0.927 ac.  
Total Bldg. Area = 13,830 s.f.  
Floor Area Ratio = 34.2%  
Total Landscape Area = 8,695 s.f.

Owner/Developer  
Mark & Mary Lou Wright  
5020 N. Lok-A-Yucca  
Tucson AZ 85743  
Tel. (520)240-5931

Engineer/Plan Prepared By:

TRIMBLE ENGINEERING  
2798 W. APALOOA ROAD  
TUCSON, AZ 85742  
{520} 850-3636  
tril@trimbleeng.com

Designed By:	TH1
Drawn By:	JGT
Checked By:	JBT
Reviewed By:	
Scale:	1" = 40'
Drawing Number:	
Project Number:	
Date:	January 13, 2011

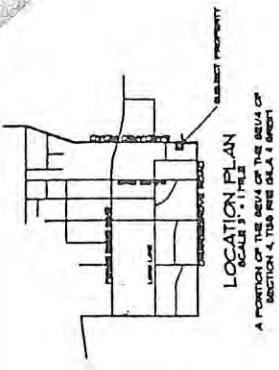
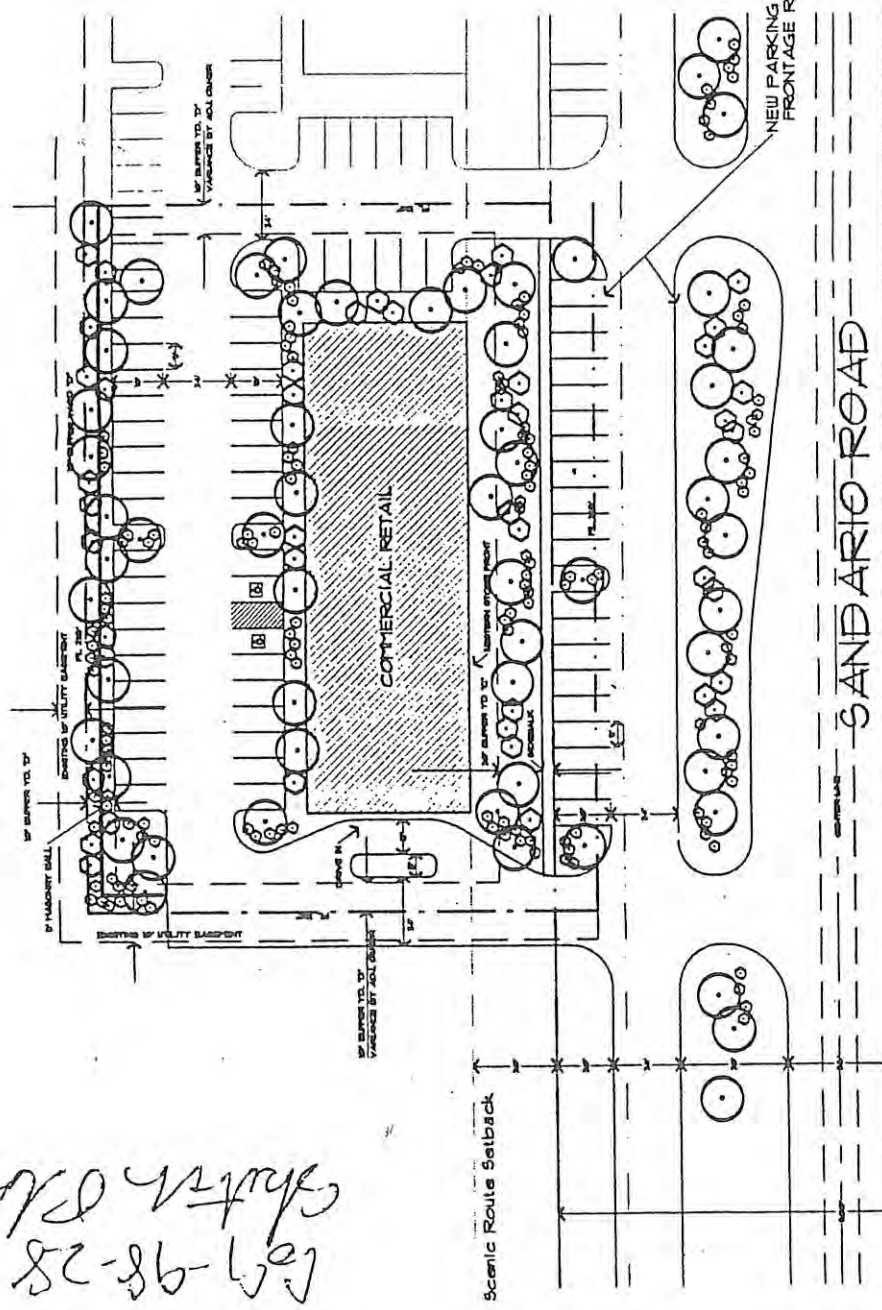
# PRELIMINARY DEVELOPMENT PLAN MW SANDARIO STORAGE CENTER

Ref: C09-98-28

Revised Sketch Plan Approved 2-15-11

# 1998 SKETCH PLAN

609-98-28  
Sketch Plan



GENERAL NOTES:  
1. TOTAL SETBACK AREA IS 43,360 SF.  
2. TOTAL SETBACK AREA OF 43,360 SF IS REQUIRED IN 40' ON SITE AND 10' OFF SITE IN PUBLIC ROW.  
3. SETBACK 10' IS REQUIRED ON THE EAST, SOUTH AND WEST SIDES OF THE BUILDING.  
4. EXISTING ZONING IS C-1. PROPOSED ZONING IS C-1.  
5. PROPOSED LAND USE IS NON-RESIDENTIAL, COMMERCIAL RETAIL.  
6. AREA OF SITE IS 43,360 SF.



609-98-28

**LUSK PROPERTY**  
Sketch Site Plan  
A portion of Sec. 4, T10S R10E  
For Mr. and Mrs. Bob Lusk  
8451 N. Sandario Road  
Tucson, AZ 85743



July 1998  
SHEET 1 OF 1

## Original Sketch Plan Approved 12-15-98

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP

PICKUP

AMOUNT PAID \$ 0.00

RESOLUTION NO. 2004- 234

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY;  
RELATING TO ZONING IN CASE CO9-98-28 HOWELL - SANDARIO ROAD  
REZONING LOCATED ON THE WEST SIDE OF SANDARIO ROAD,  
APPROXIMATELY ½ MILE SOUTH OF PICTURE ROCKS ROAD AND 1,500  
FEET NORTH OF ORANGE GROVE ROAD; AMENDING REZONING  
CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH  
IN SECTION 3 OF ORDINANCE NO. 1999-17.

The Pima County Board of Supervisors finds and declares that:

1. On July 1, 1997, the owners of .97 acres applied for a rezoning from GR-1 to CB-1;
2. On December 15, 1998, the Pima County Board of Supervisors approved the rezoning, subject to standard and special conditions;
3. On February 16, 1999, the Pima County Board of Supervisors adopted rezoning Ordinance No. 1999-17, as recorded in Docket 10992, Page 3771, rezoning the .97 acres described in rezoning case Co9-98-28 (see attachment "A");
4. On December 10, 2003, the owners of the .97 acres rezoned under Ordinance No. 1999-17 applied for a rezoning time-extension;
5. On March 16, 2004, The Pima County Board of Supervisors approved a five-year rezoning time extension subject to existing, modified and added conditions; and
6. Ordinance No. 1999-17 allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

Now, therefore, be it resolved by the Pima County Board of Supervisors that:

Section 1. The Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 1999-17 as follows:


• • • • •








1. Conditions 1 through ~~11~~ 14 shall be satisfied by December 15, ~~2003~~ 2008.
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 conditions 1 through ~~11~~ 14 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.

  
Chair, Board of Supervisors  
Date Signed: **AUG 16 2004**

Lee Goodkham  
Clerk, Board of Supervisors

APPROVED AS TO FORM:



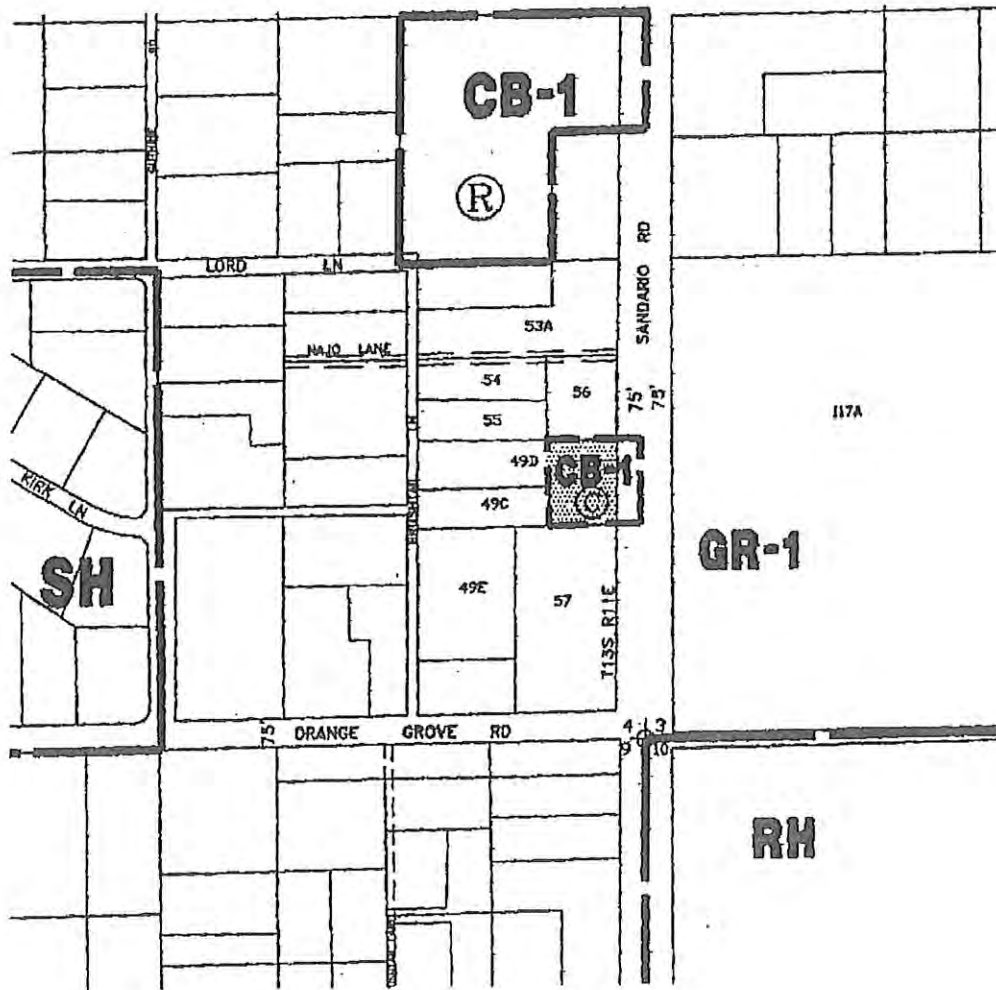
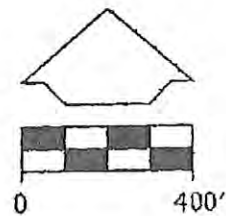
Civil Deputy County Attorney

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3	9
6	0
9	4

EXHIBIT "A"

AMENDMENT NO. 14 BY ORDINANCE NO. 1999-17  
TO PIMA COUNTY ZONING MAP NO. 155 TUCSON, AZ.  
PORTION OF PARCEL 49D BEING A PART OF THE SE1/4  
OF THE SE 1/4 OF SEC. 4, T13S R11E.

ADOPTED 2-16-99 EFFECTIVE 2-16-99



*[Signature]*  
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 0.97 ac±  
xa-JANUARY 6, 1999

C09-98-28  
C07-89-2  
PORTION OF  
213-07-049D

TUCSON, ARIZONA

# Rezoning Time Extension Approval (5-Years)

## Co9-98-28 BOS Minutes 2-15-11

which would be open to the public and anyone would be able to make remarks or share ideas about how the Development Plan may be improved. The committee would send their recommendation to the County.

The Chairman inquired if anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve the Modification (Substantial Change) of Specific Plan and Lot Split with one condition.

### 13. DEVELOPMENT SERVICES: Rezoning

#### Co9-10-02 FAITH COMMUNITY CHURCH, INC. – ORANGE GROVE ROAD REZONING

Request of Faith Community Church, Inc., represented by The Planning Center, for a rezoning of approximately 16.10 acres from SR (Suburban Ranch) to CR-5 (Multiple Residence Zone) and approximately 7.60 acres from SR (Suburban Ranch) to SR® (Suburban Ranch-Restricted), on property located on the south side of Orange Grove Road approximately 1/2 mile east of Shannon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Membrila and Richey voted Nay; Commissioners Steimbrenner and Spendiarian were absent) to recommend **DENIAL**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of March 15, 2011.

### → 14. DEVELOPMENT SERVICES: Rezoning Closure/ Rezoning Time Extension

#### Co9-98-28, HOWELL – SANDARIO ROAD NO. 2 REZONING

- A. Proposal to close a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) of approximately 1.07 acres located on the west side of Sandario Road, approximately 1/2 mile south of Picture Rocks Road. The *rezoning was first approved in December 1998, received a time extension in 2004, and expired in December 2008*. Staff recommends **AGAINST CLOSURE** of the five-year rezoning time extension. (District 3)

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elias to close the public hearing and do not close the five-year rezoning time extension.

- B. Request of Mark and Mary Lou Wright, represented by Tom Trimble, for a five-year time extension for a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) of approximately 1.07 acres located on the west side of Sandario Road, approximately 1/2 mile south of Picture Rocks Road. The rezoning was first approved in December 1998, received a time extension in 2004, and expired in December 2008. The proposed rezoning conforms to the Pima County



Comprehensive Plan, Co7-00-20. Staff recommends **APPROVAL** of a five-year rezoning time extension. (District 3)

Staff recommended AGAINST CLOSURE and APPROVAL of a five-year rezoning time extension to December 15, 2013, subject to the following revised and added conditions:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, ~~Document Services~~.
6. There shall be no further subdividing or lot splitting of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. ~~Provision of all necessary access improvements, including provision for left turn facilities, on Sandario Road as determined necessary by the Department of Transportation. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.~~
  - B. Property owner(s) shall dedicate 25 feet of additional right-of-way for Sandario Road adjacent to the subject property.
  - C. One access shall be allowed and shall be located at the north property boundary. ~~A maximum of two (2) access points to Sandario Road shall be allowed. The two access points shall be shared (joint use access) with the adjacent properties to the north and south. There shall be provision made for future internal site access and traffic circulation with adjacent properties to the north and the south.~~
  - D. Internal access shall be provided both to the north and south.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.
9. Environmental Quality condition:  
~~Subsurface sewage disposal shall not exceed 1,200 gallons per day.~~  
As a condition of rezoning the applicant shall demonstrate that the site is suitable for the placement of an on-site wastewater disposal system, including primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and the system shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9. This demonstration shall be made during review of the Development Plan.
10. The proposed project shall be reviewed by the Pima County Design Subdivision Review Committee pursuant to Comprehensive Plan Special Area Policy S-6, Picture Rocks Rural Activity Center. The focus of the review shall be on architectural issues related to Policies "B" and "C".
11. Adherence to the preliminary development plan as approved at the February 15, 2011 public hearing.
12. ~~The property owner or his agent shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the proposed rezoning.~~
13. ~~Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area.~~



Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (*Pennisetum setaceum*)  
Johnson grass (*Sorghum halapense*)  
Common crabgrass (*Digitaria sanguinalis*)  
Red brome (*Bromus rubens*)  
Tree of heaven (*Ailanthus altissima*)  
Russian olive (*Eleagnus angustifolia*)  
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)  
Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (Eragrostis intermedia)  
Buffelgrass (*Pennisetum ciliare*)  
Giant reed (*Arundo donax*)  
Pampas grass (*Cortaderia selloana*)  
Mediterranean grass (*Schismus* spp.)  
African sumac (*Rhus lancea*)

Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

14. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the five-year rezoning time extension with modified and special conditions.

#### ~~15. DEVELOPMENT SERVICES: Modification (Substantial Change) of Rezoning Conditions~~

##### ~~Co9-86-46, PHELPS – ORACLE ROAD REZONING~~

~~Request of Phelps Family, L.L.C., represented by MJM Consulting, Inc., for a modification (substantial change) of the following rezoning conditions:~~

- ~~• No. 12(B), which limits access to the subject property from Oracle Road to one location. The applicant requests to modify this condition to allow two access locations from Oracle Road.~~
- ~~• No. 15, which requires adherence to the preliminary development plan as approved at public hearing which depicts an auto sales use and vacant area. The applicant requests to modify this condition to allow adherence to a revised~~

# Rezoning Time Extension Approval (5-Years) Co9-98-28 BOS Minutes 3-16-04

Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)  
Buffelgrass (Pennisetum ciliare)  
Giant reed (Arundo donax)  
Pampas grass (Cortaderia selloana)  
Mediterranean grass (Schismus spp.)  
African Sumac (Rhus lancea)

15. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department."

Jim Mazzocco, Planning Official, reported this was a request for a five year time extension on 3.27 acres from GR-1 to CB-1 for retail/restaurant/self storage that was originally rezoned in 1998. Staff recommended approval noting Condition No. 11 would address architectural issues of the Special Area Policy known as "B" and "C." There was no protest on this case.

The Chair inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elías, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-98-24, for a five year time extension subject to revised and additional conditions.

## 30. DEVELOPMENT SERVICES: TIME EXTENSION

### Co9-98-28, HOWELL - SANDARIO ROAD NO. 2 REZONING

Request of Mark and Mary Lou Wright for a five-year time extension for the above referenced rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) for 0.97 acres. The subject site was rezoned in 1998. The rezoning expired in 2003. The site is located on the west side of Sandario Road approximately 1/4 mile south of Picture Rocks Road. Staff recommends **APPROVAL WITH REVISED AND ADDITIONAL CONDITIONS.** (District 3)

"Staff recommends **APPROVAL** of a five-year rezoning time extension to December 15, 2008, subject to the following revised and added conditions:

10. Adherence to all requirements of The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy 2-09 S-6, Picture Rocks Rural Activity Center.

12. The property owner or his agent must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the proposed rezoning.
13. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas will establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:  
Fountain grass (Pennisetum setaceum)  
Johnson grass (Sorghum halapense)  
Common crabgrass (Digitaria sanguinalis)  
Red brome (Bromus rubens)  
Tree of heaven (Ailanthus altissima)  
Russian olive (Eleagnus angustifolia)  
Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)  
Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda  
Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)  
Buffelgrass (Pennisetum ciliare)  
Giant reed (Arundo donax)  
Pampas grass (Cortaderia selloana)  
Mediterranean grass (Schismus spp.)  
African sumac (Rhus lancea)
14. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department."

Jim Mazzocco, Planning Official, reported this was a request for a five year time extension from GR-1 to CB-1 on 0.97 acres for indoor retail uses. Staff recommended approval noting Condition No. 10 would address architectural issues of the Special Area Policy known as "B" and "C." There was no protest on this case.

The Chair inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elías, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-98-28, subject to revised and additional conditions.

31. DEVELOPMENT SERVICES: TIME EXTENSION

Co9-97-53, ALI, ET. AL. - ORACLE ROAD REZONING  
Request of Assunta Ali, et. al., represented by Frank

# Rezoning Approval Co9-98-28

## BOS Minutes 12-15-98

~~22. Self storage units shall be set back a minimum of 25 feet from the rear property line.~~

~~23. All storage within the self storage units shall consist of household and personal property with no commercial transactions permitted other than the rental of storage units."~~

★ ★ ★

### REZONING TIME EXTENSION

#### Co9-88-40, WPL PROPERTIES - WETMORE ROAD REZONING

Request of Daniel Fitzgerald, represented by Planning Resources, for a one-year time extension on the above referenced rezoning from TR to CB-2. The subject parcel is 4.46 acres, rezoned to CB-2 in 1988, and is located on the south side of Wetmore Road, approximately 700 feet east of Fairview Avenue and 1,600 feet west of Oracle Road. Staff recommends APPROVAL. (District 3)

If approved, pass and adopt:

RESOLUTION 1998- 273

Jim Mazzocco, Planning Official, reported these two are a rezoning condition/substantial change request, and a rezoning time extension request. The rezoning occurred in 1988 from TR to CB-2 on 4.46 acres and it was for an auto sales lot. The substantial change that the petitioner is requesting is to change from auto sales to manufactured home sales.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Eckstrom, and carried by a five to zero vote, to close the public hearing; to pass and adopt Resolution No. 1998-272, and Resolution No. 1998-273, subject to standard and special conditions.

#### 17. DEVELOPMENT SERVICES: REZONINGS

#### Co9-98-28, HOWELL - SANDARIO ROAD NO. 2 REZONING

Request of Robin Howell, represented by Jim Miller and Associates, for a rezoning of 0.97 acres from GR-1 (Rural Residential) to CB-1 (Local Business), located on the west side of Sandario Road, approximately  $\frac{1}{2}$  mile south of Picture Rocks Road. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 5 - 1 (Commissioner Spendiarian voted NAY; Commissioners Grijalva, Marcek, Matter and Rickles were absent) to recommend APPROVAL. Staff recommends APPROVAL, subject to standard and special conditions. (District 3)



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

Completion of the following requirements  
within five years from the date of rezoning approval  
by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
6. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. Provision of all necessary access improvements, including provision for left-turn facilities, on Sandario Road. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property.
  - B. Property Owner(s) shall dedicate 25 feet of additional right-of-way or Sandario Road adjacent to the subject property.
  - C. A maximum of two (2) access points to Sandario Road shall be allowed. The two access points shall be shared (joint use access) with the adjacent properties to the north and south. There shall be provisions made for future internal site access and traffic circulation with adjacent properties to the north and the south.
8. Flood Control Conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to the Flood Control District.
9. Environmental Quality condition:  
Subsurface sewage disposal shall not exceed 1,200 gallons per day.
10. Adherence to all requirements of Comprehensive Plan Special Area Policy 2-09, Picture Rocks Rural Activity Center.
11. Adherence to the preliminary development plan as approved at public hearing."

~~CG2-88-24. COOMER/SCHNERINGER - SANDARIO ROAD NO. 2 REZONING Request of Dan Coomer and Janice Schneringer, represented by Jim Miller and Associates, for a rezoning of 3.27 acres from GR-1 (Rural Residential) to CB-1 (Local Business), located on the west side of Sandario Road, approximately 1/4 mile south of Picture Rocks Road. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 5 - 1 (Commissioner Spendiarian voted NAY; Commissioners Grijalva, Marcek, Matter and Rickles were absent) to recommend~~



57 115000  
F. ANN RODRIGUEZ, RECORDER  
RECORDED BY: D\_K  
DEPUTY RECORDER  
7864 PE1

REZMS  
EZ MESSENGER ATTORNEY SERVICE  
EZ-CHANDLER  
PICKUP



DOCKET: 12406  
PAGE: 5045  
NO. OF PAGES: 22  
SEQUENCE: 20041981286  
10/13/2004  
EASMNT 18:00  
PICKUP

AMOUNT PAID \$ 26.00

## DECLARATION OF EASEMENTS

This Declaration of Easements (the "Declaration") is made and entered into this 7 day of October, 2004 by and between Danny Coomer, a single man, ("Coomer") and Mark H. Wright and Mary Lou Wright, husband and wife, ("Wright") (collectively referred to as the "Parties").

### RECITALS

- A. Coomer is the owner of certain parcels of real property legally described in Exhibit A attached hereto and made a part hereof ("Coomer Property");
- B. Wright is the owner of a certain parcel of real property legally described in Exhibit B attached hereto and made a part hereof ("Wright Property");
- C. Exhibit C attached hereto and made a part hereof shows the relative locations and configurations of portions of the Coomer Property and Wright Property; and
- D. The Owner (as defined herein) wishes to provide for cross-access of vehicular and pedestrian traffic between the Parcels for the use and benefit of each Owner and its Permittees (as defined herein).

### AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements contained in this Declaration and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties hereby agree as follows:

104100 0000410

1. **Definitions.** For purposes hereof:

(a) The term "Owner" or "Owners" shall mean those persons who have entered into this Declaration and any and all successors or assigns of such persons as the owner of owners of fee simple title to all or any portion of the real property that is the subject of this Declaration, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise. The term "Owner" or "Owners" shall not, however, include the holder of any monetary lien or monetary encumbrance on such real property until such holder acquires fee simple title to such real property.

(b) The term "Parcel" or "Parcels" shall mean each separately identified parcel of real property constituting a part of the real property that is the subject of this Declaration, meaning each of the Coomer Property and the Wright Property, plus any future subdivisions thereof.

(c) With respect to each Owner or Parcel, the term "Permittees" shall mean the tenant(s) or occupant(s) of a Parcel, and the respective employees, agents, contractors, customers, invitees and licensees of (i) such tenant(s) or occupant(s) of the Parcel, or (ii) the Owner of the Parcel.

(d) The term "Cross-Access Driveway" shall mean the driveways for cross access of vehicular and pedestrian traffic located one-half on the Coomer Property and one-half on the Wright Property and legally described as Parcel 1 and Parcel 2 on Exhibit D attached hereto.

2. **Grant of Reciprocal Easements.** Except as otherwise provided herein, each owner of a Parcel grants to every other Owner of a Parcel, its successors and assigns, for the use and benefit of such other Owner, its Permittees and its Parcel, a non-exclusive, perpetual, reciprocal easement over and across the Cross-Access Driveway, as presently or hereafter constructed, so as to allow such other Owners and their respective Permittees to walk, park or drive across and between all portions of the Driveway of each parcel intended for pedestrian or vehicular traffic, and all abutting streets or rights-of-ways that provide access to and from the respective Parcels. The location of the Cross-Access Driveways may be relocated as necessitated by development considerations so long as equivalent access is maintained and the parties hereto consent to the relocation.

3. **Scope of the Easement.** The easement granted herein shall be used and enjoyed by each Owner of a Parcel and its Permittees in such a manner as to not unreasonably obstruct, delay or otherwise interfere with the conduct and operation of the business of any other Owner or its Permittees at any time conducted or operated on the Parcels, including, without limitation, public access to and from such business, and the receipt or delivery of merchandise in connection with the business.

4. **Common Area Damage or Destruction.** Each Owner shall be responsible for maintaining and repairing the Driveway on and adjacent to its Parcel. In the event of any damage to or destruction of any portion of the Driveway on any Parcel, the Owner of such Parcel shall, with due diligence and at the sole cost and expense of such Owner, repair, rebuild

and otherwise restore such portion to the condition prior to the damage or destruction, or with such changes as shall not conflict with this Declaration. Notwithstanding the foregoing, the Owner of a Parcel shall not be responsible for maintaining and repairing the Driveway on its Parcel to the extent that such maintenance or repair is necessitated by the negligence, recklessness or willful misconduct of any other Owner or any of the tenants, agents, contractors or employees of such Owner ("Damaging Owner"), or necessitated by the improper use or misuse of the Driveway by such Damaging Owner. In any such event, the Damaging Owner shall be solely responsible for the maintenance and repair of the Driveway necessitated by such damage or destruction. The Owner of any Parcel with driveway access to or from any public road shall at all times and at the sole cost and expense of such Owner, operate, maintain or cause to be operated or maintained such driveway.

5. **Construction of the Cross-Access Driveways.** The Cross-Access Driveways shall be constructed at the bidding and direction of Coomer by a reputable and duly licensed contractor to be designated at Coomer's discretion. Coomer shall pay the cost of the initial construction of the Driveway.

6. **Remedies.** In the event of a breach by any Owner or its Permittees of any of the terms or provisions hereof, any other Owner shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due as a result of such breach and including specific performance. Notwithstanding anything to the contrary herein

contained, no breach hereunder shall entitle any Owner to cancel, rescind or otherwise terminate this Declaration, or shall defeat or render invalid the lien of any mortgage or any deed of trust upon all or any portion of the Parcels, granted in good faith for value, but the easements, covenants, conditions and restrictions contained herein shall be binding upon and effective against any owner thereof whose title is acquired by foreclosure, trustee's sale or otherwise.

7. **Term.** The easements, covenants, conditions and restrictions contained in this Declaration shall be effective commencing on the date of recordation of this Declaration in the office of the Pima County Recorder and shall remain in full force and effect in perpetuity from and after said date of recordation, except as otherwise provided in Paragraph Ten (10).

8. **Notices.** Any notice or other communication to be given by any Party hereunder shall be in writing and delivered in person or by reputable overnight courier, or forwarded by certified or registered mail, return receipt requested, and addressed as follows, unless such Party has been notified in writing of a change of address:

(a) Notices to Coomer: Danny Coomer  
1253 Placita de Almas  
Tucson, AZ 85745

With a copy to: John J. Brady  
CHANDLER & UDALL, LLP  
33 N. Stone Avenue, Suite 2100  
Tucson, AZ 85701

(b) Notices to Wright: Mark H. and Mary Lou Wright  
54020 N. Lak A Yucca  
Tucson, AZ 85743



If given by persona delivery or overnight courier, any such notice or communication shall be deemed effective on the date of receipt. If given via United States mail, any such notice or communication shall be effective on the date of actual receipt as shown on the addressee's receipt or upon the expiration of three (3) business days following the date of mailing, whichever occurs first.

9. **Attorney's Fees.** In the event a Party institutes any legal action or proceeding for the enforcement of any right or obligation herein contained, the prevailing Party shall be entitled to recover from the unsuccessful Party all costs and reasonable attorneys' fees incurred in connection with such action or proceeding.

10. **Termination, Modification or Amendment.** The Parties hereby agree that this Declaration may be terminated, modified or amended only by written consent of all the Owners of record of each Parcel and any subdivisions thereof. Any such termination, modification or amendment of this Declaration shall be evidenced by a document that has been fully executed and acknowledged by all such Owners and recorded in the official records of the County Recorder of Pima County, Arizona.

11. **Waivers.** No waivers of any default or any nonperformance of an obligation by any Party hereto shall be implied from failure by the other Party to take any action with respect to such default or nonperformance.

12. **Covenants to Run with the Land.** It is intended that all easements, covenants, conditions, restrictions, rights and obligations set forth herein shall run with the land and

create an equitable servitude in favor of the real property benefitted thereby, and shall bind each holder any fee, leasehold or other interest therein and inure to the benefit of the respective Parties and their successors, assigns, heirs and personal representatives.

13. **Grantee's Acceptance.** The grantee of a fee, leasehold or other interest in any Parcel or Parcels or any portion thereof, within the meaning of A.R.S. § 33-741(2), whether from an original Party or from a subsequent Owner of such Parcel or Parcels, shall accept such deed or contract upon and subject to each and all easements, covenants, conditions, restrictions, rights and obligations set forth herein. By virtue of such acceptance any such grantee shall for himself and his successors, assigns, heirs and personal representatives, covenant, consent and agree with all the other Owners to keep, observe, perform and comply with all the covenants, conditions, restrictions and obligations set forth herein with respect to the interest so acquired by such grantee, whereupon the grantor of such interest shall be released from any obligations thereafter arising with respect to such Parcel or Parcels.

14. **Time of the Essence.** Time is of the essence of this Declaration.

15. **Entire Agreement.** This Declaration contains the complete understanding and agreement between the Parties hereto with respect to all matters referred to herein, and all prior representations, understandings, negotiations and understandings are superceded by the provisions hereof.


16. **Governing Law and Jurisdiction.** The laws of the State of Arizona shall govern the interpretation, validity, performance and enforcement of this Declaration. The

Parties irrevocably consent to the Jurisdiction and venue of Pima County and agree not to attempt or remove or transfer any action properly commenced in the State of Arizona.

17. **Captions.** The captions and headings used herein are for convenience and reference only, and should not be used in interpreting any provision of this Declaration.

18. **Counterparts.** This Declaration may be executed in several counterparts and the counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have duly executed this Declaration on the date and year first written above.

By:   
Danny Coomer

Date: 10-7-04

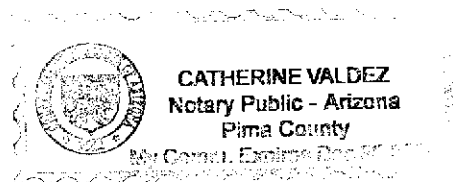
By:   
Mark H. Wright

Date: 10-07-04

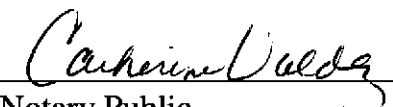
By:   
Mary Lou Wright

Date: 10-07-04

STATE OF ARIZONA     )  
  )ss.  
County of Pima         )

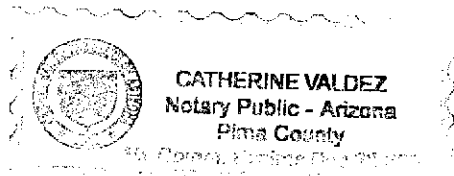


The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2004 by Danny Coomer.

  
Notary Public

STATE OF ARIZONA     )  
                                      )ss.  
County of Pima         )

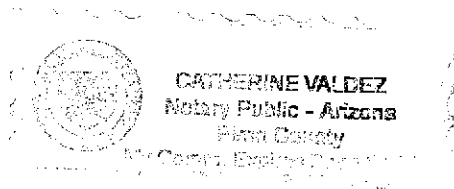
The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2004 by Mark H. Wright.



Catherine Valdez  
Notary Public

STATE OF ARIZONA     )  
                                      )ss.  
County of Pima         )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2004 by Mary Lou Wright.



Catherine Valdez  
Notary Public

## **EXHIBIT A**



## LEGAL DESCRIPTION

### Parcel I:

That portion of the Southeast Quarter of the Southeast Quarter, Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 4;

Thence South 89 deg. 53 min. 15 sec. West, a distance of 75 feet to the West right-of-way line of Sandario Road;

Thence South 00 deg. 02 min. 00 sec. East, along the West right-of-way line of Sandario Road, a distance of 245.00 feet to the True point of beginning;

Thence continuing South 00 deg. 02 min. 00 sec. East, a distance of 245.00 feet;

Thence South 89 deg. 53 min. 15 sec. West, a distance of 190.00 feet;

Thence North 00 deg. 02 min. 00 sec. West, a distance of 245.00 feet;

Thence North 89 deg. 53 min. 15 sec. East, a distance of 190.00 feet to the point of beginning.

Except all coal and other minerals as reserved in the Patent from the United States of America.

### Parcel II:

An easement for utilities and ingress and egress along the West 20 feet of the Northeast quarter of the Southeast quarter of the Southeast quarter of said Section 4 and for ingress and egress along the East 20 feet of the Northwest quarter of the Southeast quarter of the Southeast quarter of said Section 4 and for utilities along the West 20 feet of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 4.

### Parcel III:

An easement for utilities and ingress and egress along the South 30.00 feet of the North 245.00 feet of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

EXHIBIT "A"

Q693 1960

1240606055

That portion of the Southeast Quarter of the Southeast Quarter of Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows;

BEGINNING at the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 4;

THENCE South  $89^{\circ}53'15''$  West, a distance of 75 feet to the West right of way line of Sandario Road;

THENCE South  $00^{\circ}02'00''$  East, along the West right of way line of Sandario Road a distance of 490.00 feet;

THENCE South  $89^{\circ}53'15''$  West, a distance of 190.00 feet to the TRUE POINT OF BEGINNING;

THENCE continue South  $89^{\circ}53'15''$  West, a distance of 398.48 feet;

THENCE North  $00^{\circ}03'00''$  West, a distance of 122.50 feet;

THENCE North  $89^{\circ}53'15''$  East, a distance of 398.51 feet;

THENCE South  $00^{\circ}02'00''$  East, a distance of 122.50 feet to the POINT OF BEGINNING.

TOGETHER WITH easements for utilities and for ingress and egress along the West 20 feet of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 4, and for ingress and egress along the East 20 feet of the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of said Section 4, and for utilities along the West 20 feet of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 4.

ALSO with an easement for utilities and ingress and egress along the South 30.00 feet of the North 245.00 feet of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona.

EXCEPT all coal and other minerals as reserved in the Patent from the United States of America.

12421  
6050

## **EXHIBIT B**

Order No. 223768

That portion of the Southeast quarter of the Southeast quarter, Section 4, Township 13 South, Range 11 East, Gila and Salt River Base and Meridian, Pima County, Arizona, described as follows:

BEGINNING at the Northeast corner of the Southeast quarter of the Southeast quarter of said Section 4;

THENCE South 89 degrees, 53 minutes, 15 seconds West, a distance of 75 feet to the West right-of-way line of Sandario Road;

THENCE South 00 degrees, 02 minutes, 00 seconds East, along the West right-of-way line of Sandario Road, a distance of 490 feet to the TRUE POINT OF BEGINNING;

THENCE Continue South 00 degrees, 02 minutes, 00 seconds East, a distance of 245 feet;

THENCE South 89 degrees, 53 minutes, 15 seconds West, a distance of 190 feet;

THENCE North 00 degrees, 02 minutes, 00 seconds West, a distance of 245 feet;

THENCE North 89 degrees, 53 minutes, 15 seconds East, a distance of 190 feet to the POINT OF BEGINNING.

(JV Arb 518)

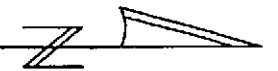
SUBJECT to an easement for utilities over the South and West 10 feet thereof.

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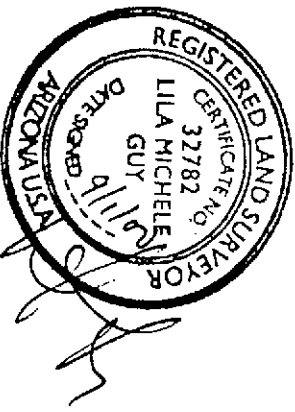
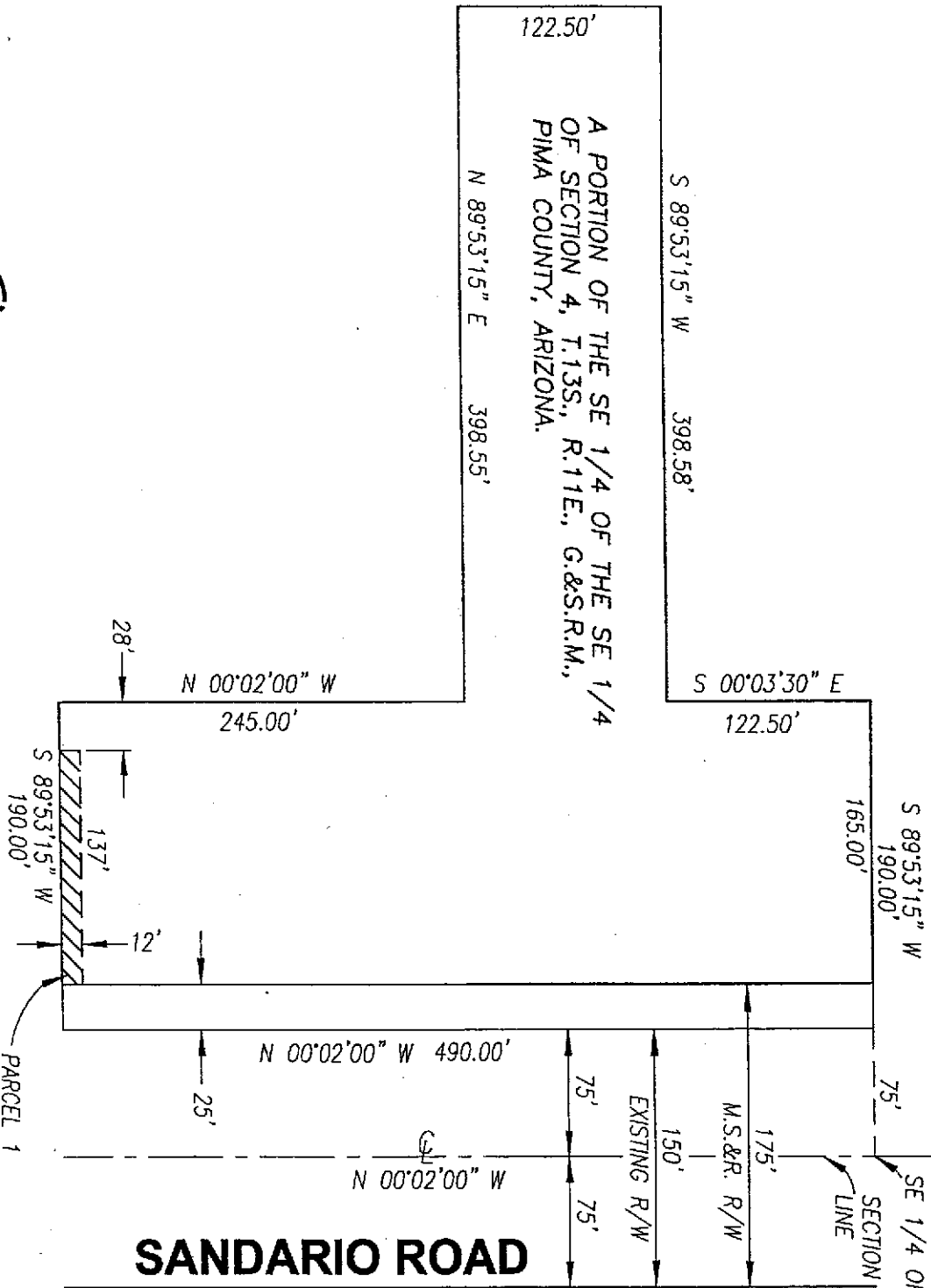
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**EXHIBIT C**  
**Part 1**

NE CORNER OF SE 1/4 OF  
SE 1/4 OF SECTION 4



Scale: 1"=100'



CENTERLINE OFFSET, INC.

242 N. 2nd Ave  
Tucson, AZ 85705  
Tel: (520) 740-0284  
email: lmguy0@aol.com

CIVIL ENGINEERING  
LAND SURVEYING

JOINT ACCESS EASEMENT

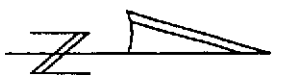
DATE: 8/30/00	JOB NO: 00034
SCALE: 1"=100'	APPROVED: LMG



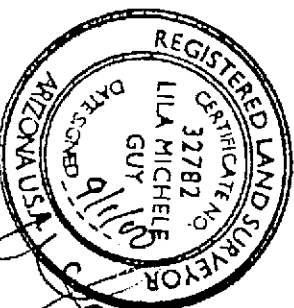
**EXHIBIT C**  
**Part 2**

NE CORNER OF SE 1/4 OF  
SE 1/4 OF SECTION 4

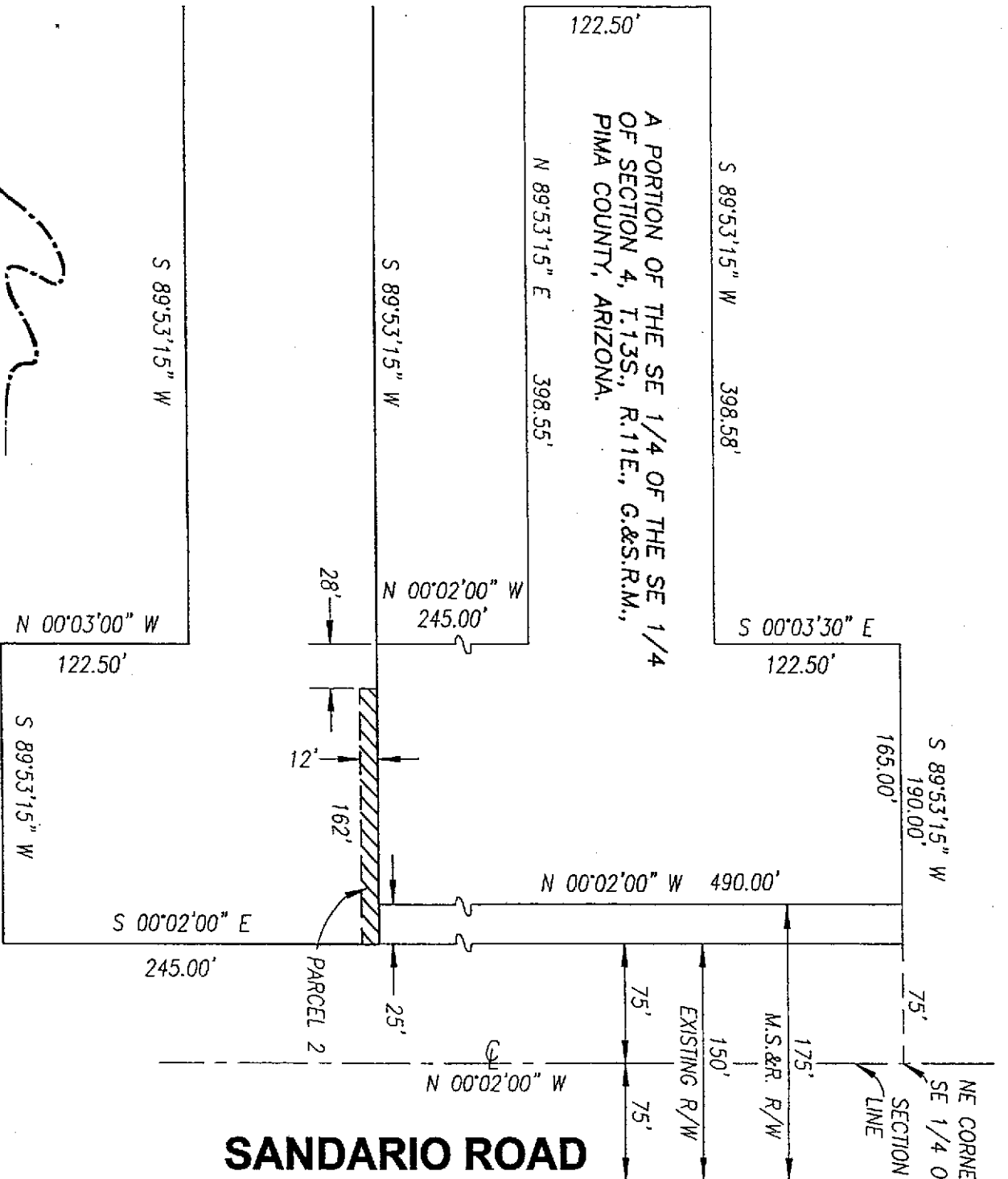
SECTION  
LINE



Scale: 1"=100'



# SANDARIO ROAD



A PORTION OF THE SE 1/4 OF THE SE 1/4  
OF SECTION 4, T.13S., R.11E., G.&S.R.M.,  
PIMA COUNTY, ARIZONA.

CENTERLINE OFFSET, INC.

242 N. 2nd Ave  
Tucson, AZ 85705  
tel: (520) 740-0284  
email: lmguy0@aol.com

CIVIL ENGINEERING  
LAND SURVEYING

## JOINT ACCESS EASEMENT

DATE: 8/30/00	JOB NO: 00034
SCALE: 1"=100'	APPROVED: LMG

**EXHIBIT D**  
**Part 1**

**LEGAL DESCRIPTION**

**JOINT ACCESS EASEMENT**

**Parcel 1**

A Joint Access Easement lying in the Southeast Quarter of the Southeast Quarter of Section 4, Township 13 South, Range 11 East, Gila and Salt River Meridian, Pima County, Arizona and more particularly described as follows:

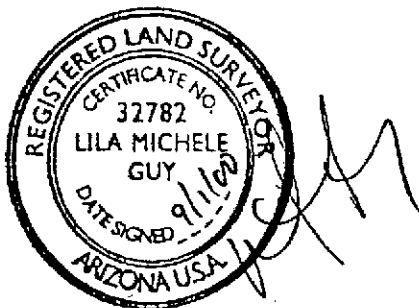
**COMMENCING** at the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 4;

**THENCE** S.89°53'15"W., a distance of 75 feet;

**THENCE** S.00°02'00"E., a distance of 490.00 feet;

**THENCE** S.89°53'15"W., a distance of 25 feet to the **TRUE POINT OF BEGINNING** of a 12 foot wide strip of land lying northerly of and coincident with the following described line:

**THENCE** continuing S.89°53'15"W., a distance of 137 feet to the **POINT OF TERMINUS**.



**CENTERLINE OFFSET, INC.**

242 N. 2nd Avenue

Tucson, AZ 85705

520-740-0284

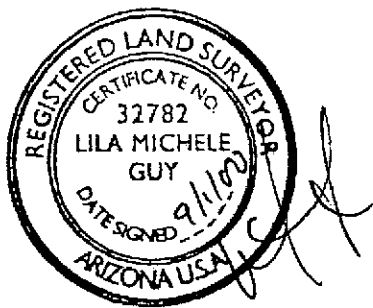
Job Number 00034

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## Parcel 2

**THENCE S.89°53'15"W., a distance of 162 feet to the POINT OF TERMINUS.**



Job Number 00034

050050 60421