



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 6, 2020

Title: Co9-99-43 RIVROAD ASSOCIATES, LLC - RIVER ROAD REZONING

Introduction/Background:

The applicant requests A) Rezoning Closure B) Two Consecutive Five-Year Time Extensions C) Modification (Substantial Change) of Rezoning condition #11 which requires adherence to the approved preliminary development plan (PDP) and limits the use to office development for a 30-lot townhouse development.

Discussion:

The 2.05-acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone was conditionally approved October 17, 2000 and expired October 17, 2010. If the Board of Supervisors votes against closure and approves the two consecutive five-year time extensions, action for the substantial change to modify rezoning condition #11 to allow a revised preliminary development plan that demonstrates a 30-lot townhouse development can be made.

Conclusion:

The proposed use conforms to the Comprehensive Plan designation of High Intensity Urban with a 14.63 residences per acre.

Recommendation:

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

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

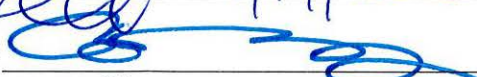
Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

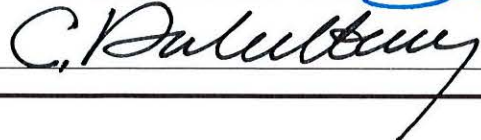
Department Director Signature/Date:

 9/14/2020

Deputy County Administrator Signature/Date:

 9/14/2020

County Administrator Signature/Date:

 9/14/20



TO: Honorable Sharon Bronson, Supervisor, District 3

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

DATE: September 11, 2020

SUBJECT: Co9-99-43 RIVROAD ASSOCIATES LLC – RIVER ROAD REZONING

The above referenced Rezoning Closure, Rezoning Time Extension and Modification of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 6, 2020** hearing.

REQUEST: A. Rezoning Closure: Proposal to close a 2.05-acre rezoning from SH (Suburban Homestead) to the TR (Transitional) zone.
B. Rezoning Time Extensions: Two consecutive five-year time extensions which are retroactive to the October 17, 2010 expiration date for the 2.05-acre rezoning from SH (Suburban Homestead) to the TR (Transitional) zone.
C. Modification (Substantial Change) of Rezoning Conditions: Modification (substantial change) of rezoning condition #11 which requires adherence to the approved preliminary development plan (PDP) and limits the use of the property to office development to allow a revised preliminary development plan for a 30-lot townhouse development.

****This case will require 3 separate motions and votes.**

OWNERS: Underdown Gary Revoc. Trust, et al.
4161 E La Paloma Drive
Tucson AZ 85718-1505

AGENT: Lazarus & Silvyn, P.C.
Attn: Keri Silvyn
5983 E. Grant Road, Suite 290
Tucson, AZ 85712-2365

DISTRICT: 3

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

PUBLIC COMMENT TO DATE: As of September 11, 2020, staff has received no public comments.

PLANNING AND ZONING COMMISSION RECOMMENDATION (FOR MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION ONLY): APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS (8-0 Commissioners Membrila and Cook were absent).

STAFF RECOMMENDATION (FOR CLOSURE, TIME EXTENTIONS AND MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS): A) AGAINST CLOSURE B) APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS; and C) APPROVAL OF THE MODIFICATION OF REZONING CONDITION #11 TO AMEND THE PRELIMINARY DEVELOPMENT PLAN AND USE FROM OFFICES TO TOWNHOME 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/TT/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-99-43

Page 1 of 8

FOR TUESDAY, OCTOBER 6, 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: September 11, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE, REZONING TIME EXTENSIONS, MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

****This case will require 3 separate motions and votes**

A. Rezoning Closure

CO9-99-43 RIVROAD ASSOCIATES LLC – RIVER ROAD REZONING

Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request a **closure** of a 2.05 acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone located on the north side of River Road approximately one-fourth of a mile east of La Canada Drive addressed as **1100 W. River Road**. The rezoning was conditionally approved in 2000 and expired on October 17, 2010. Staff recommends **DENIAL OF THE CLOSURE** of the rezoning.
(District 3)

B. Rezoning Time Extension

CO9-99-43 RIVROAD ASSOCIATES LLC – RIVER ROAD REZONING

Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request two consecutive five-year **time extensions**. The 2.05 acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone expired October 17, 2010. The property is located on the north side of River Road approximately one-fourth of a mile east of La Canada Drive addressed as **1100 W. River Road**. Staff recommends **APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 3)

C. Modification (Substantial Change) of Rezoning Conditions

CO9-99-43 RIVROAD ASSOCIATES LLC – RIVER ROAD REZONING

Underdown Gary Revoc Trust, et al. represented by Keri Silvyn, request a **substantial change of rezoning condition #11** which requires adherence to the

approved preliminary development plan and limits the use of the property to office development to allow a revised preliminary development plan for a residential townhouse development. The 2.05 acre property is conditionally zoned TR (Transitional) and is located on the north side of River Road approximately one-fourth of a mile east of La Canada Drive addressed as **1100 W. River Road**. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION #11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS** (8-0 Commissioners Membrilla and Cook were absent). Staff recommends **APPROVAL OF THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION #11 SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 3)

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

The public hearing was held telephonically and in person. The commission chairman and four staff members were present in the hearing room and eight commissioners were present telephonically. The remaining staff, applicant and speakers presented telephonically.

Staff presented information from the staff report to the commission with a recommendation of approval subject to modified standard and special conditions.

A commissioner requested clarification regarding the amended conditions. Staff replied that with process changes, many of the conditions are implemented at the time of permitting and were redundant. All other amended conditions bring the outdated language to the current standard. The conditions that were added are: Rezoning condition #7 which is related to Sun Tran augmentation of the bus stop adjacent to the site; Transportation rezoning condition #2A which requires maintenance and liability of a privately owned access driveway; and the standard Flood Control rezoning condition #3C requiring water conservation. The commissioner questioned whether the new conditions were acceptable to the applicant. Staff replied that the applicant was actively working with Sun Tran, but would defer that question to the applicant. The commissioner questioned whether there were flood plain concerns or if the mapping had changed on the property. Staff clarified that the flood control conditions were not changed, but added to because the water conservation condition is standard language reflecting current conditions.

A commissioner asked for clarification regarding the Board of Supervisors' action on the rezoning closure and time extensions. Staff stated that if the Board of Supervisors close the rezoning or do not approve the time extensions, the Commission's decision today for the substantial change will not be acted on by the Board because there will no longer be a valid rezoning case.

The applicant's agent presented additional information for the proposed development and concurred with the conditions as presented. The applicant discussed that a neighborhood meeting was not required for the substantial change; however, one was held and there was no one in attendance. The presentation online was prepared for the neighborhood meeting. This change of use supports the market analysis of today for townhomes. We understand that if the Board of Supervisors does not support the staff recommendations, the modification of the rezoning condition is moot and we hope that the Board will support the request.

A commissioner thanked the applicant for the online presentation and discussed that is helpful to see the information in advance rather than have to additional questions to bring clarity to the

The public hearing was opened. There were no speakers.

The public hearing was closed.

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

The commission voted to recommend **APPROVAL** of the rezoning (8 - 0, Commissioners Cook and Membrilla were absent) subject to the following conditions:

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

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- ~~6-1. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.~~
- ~~7-2. Transportation conditions:
 - A. Provision of all necessary access improvements to Hansen Avenue River Road as determined during the plan review process. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements. 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. Access to River Road shall only be allowed to this site at the west and/or east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties prior to development plan approval. Access shown midway on the PDP shall not be allowed.~~
- ~~8-3. 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 that are needed as a result of the proposed development shall be constructed at no cost to the District.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.~~
- ~~9-4. Wastewater Management conditions:
 - A. The owner(s)/developer shall construe no action by Pima County as a commitment to provide sewer service of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer to that effect.~~

- B. ~~The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner(s)/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Management Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer shall enter into a written agreement addressing have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD. Pima County Wastewater Management Department.~~
 - C. ~~The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~
 - D. ~~The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.~~
 - E. ~~The owner(s)/developer shall fund, design and construct all the off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.~~
 - F. ~~The owner(s)/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.~~
- 10.5. ~~An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist~~

- permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 41.6. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to ~~office~~ townhouse development (EXHIBIT B).
- 42.7. ~~Site shall comply with all the fire code regulations.~~ The property owner shall provide written documentation demonstrating compliance with Sun Tran for the augmentation of the River Road bus stop adjacent to the property with Americans with Disabilities Act (ADA) accessibility.
- 43.8. In the event the subject property is annexed ~~into the City of Tucson~~, 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.
- 4.9. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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. ~~recommend the following Special Condition:~~
~~Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
- ~~Fountain grass (*Pennisetum setaceum*)~~
 - ~~Buffelgrass (*Pennisetum ciliare*)~~
 - ~~Johnson grass (*Sorghum halapense*)~~
 - ~~Giant reed (*Arundo donax*)~~
 - ~~Common crabgrass (*Digitaria sanguinalis*)~~
 - ~~Pampas grass (*Cortaderia selloana*)~~
 - ~~Red brome (*Bromus rubens*)~~
 - ~~Mediterranean grass (*Schismus spp.*)~~
 - ~~Tree of heaven (*Ailanthus altissima*)~~
 - ~~African sumac (*Rhus lancea*)~~
 - ~~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*)~~
 - ~~African rue (*Peganum harmala*)~~
 - ~~Iceplant (*Mesembryanthemum crystallinum*)~~
 - ~~Arabian Grass (*Schismus arabicus*)~~
 - ~~Natal Grass (*Melinis repens* (*Rhynchelythrum repens*))~~
10. 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(l)."

TD/TT/ds
Attachments

cc: Lazarus & Silvyn, P.C., Keri Silvyn, 5983 E. Grant Road, Suite 290, Tucson, AZ 85712-2365

PARCEL: 105-07-009B
(DKT. 7960, PG. 1207)
ZONING: SH
(1 STORY RESIDENTIAL)

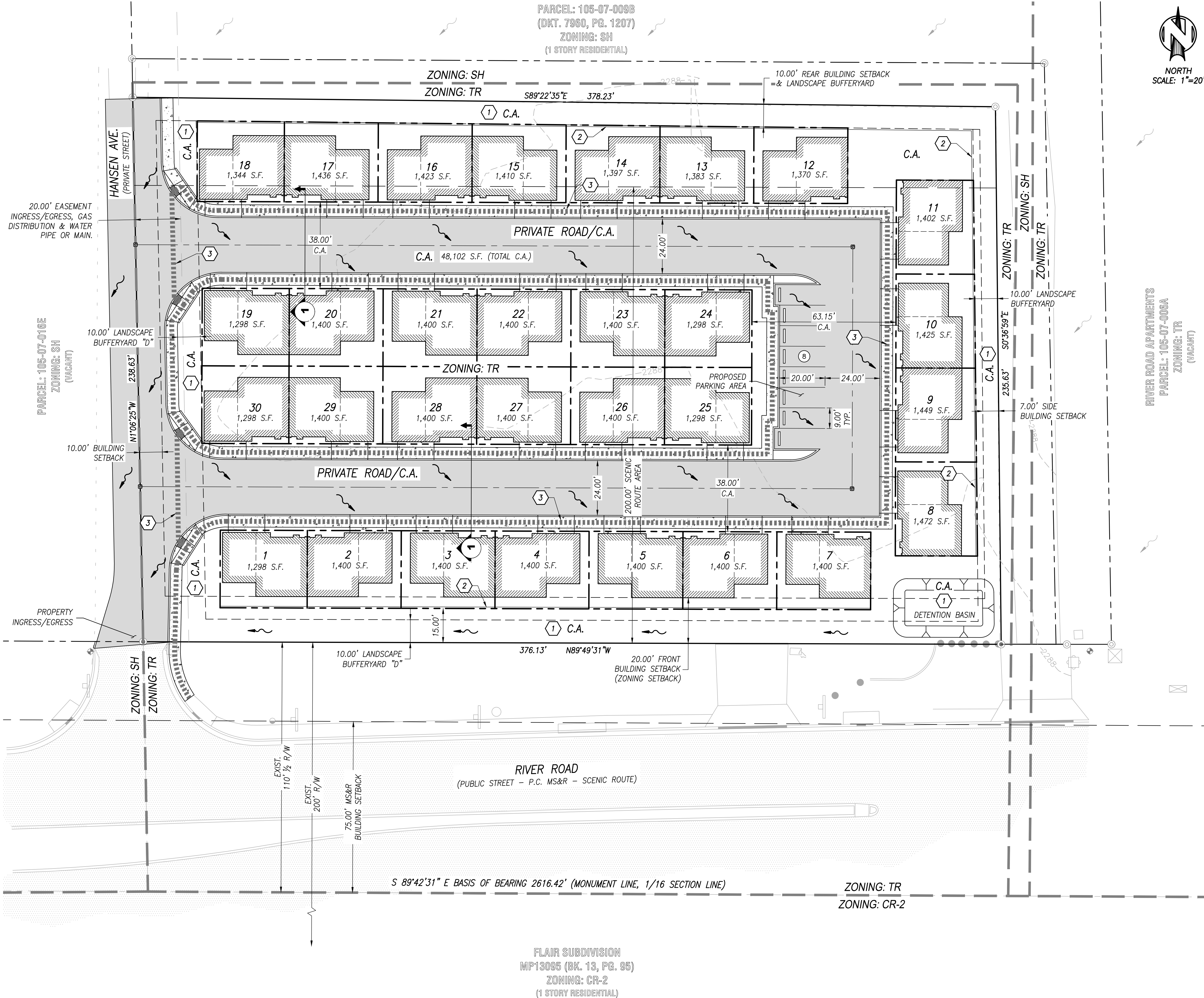


PROJECT NOTES

1. CURRENT ZONING: TR (CONDITIONAL)
2. TOTAL PROJECT AREA: 2.05 ACRES
3. PROPOSED NUMBER OF UNITS: 30
4. PROJECT DENSITY: 14.6 RAC
5. PROPOSED BUILDING HEIGHT: 24 FEET/2 STORIES
6. PARKING PROVIDED:
60 RESIDENT SPACES (2 PER UNIT IN GARAGES)
8 VISITOR SPACES
68 TOTAL SPACES
7. PROJECT COMPLIES WITH PCZC SECT. 18.77.040,
SCENIC ROUTES

KEYNOTES

- 1 LANDSCAPING AREAS.
- 2 NEW SITE SCREEN WALL.
- 3 SITE PEDESTRIAN CIRCULATION.



Rev #	Date	Description
GRENIER ENGINEERING, INC. Structural & Civil Engineering Consultant 6300 E. El Dorado Plaza Suite A120, Tucson, Arizona 85715 Phone: 520.326.7082 ~ Fax: 520.326.7508		
Job Number:		
Designed By:		AR
Drawn By:		AR
Checked By:		JEG
Date:		8/4/2020
Scale Vt: N/A		Hz: 1" = 20'
Sheet Number:		
Project		1100 W. RIVER RD. TUCSON, AZ 85704
Sheet		1 of 2

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Case #: Co9-99-43
Case Name: RIVROAD ASSOCIATES LLC - RIVER ROAD REZONING
Tax Code(s): 105-07-008B



0 220 440 880 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes: **Closure/Time Extension/Substantial Change Ref # P20SA00008**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 8/26/20

Board of Supervisors Hearing: TBA




Base Map(s): 46

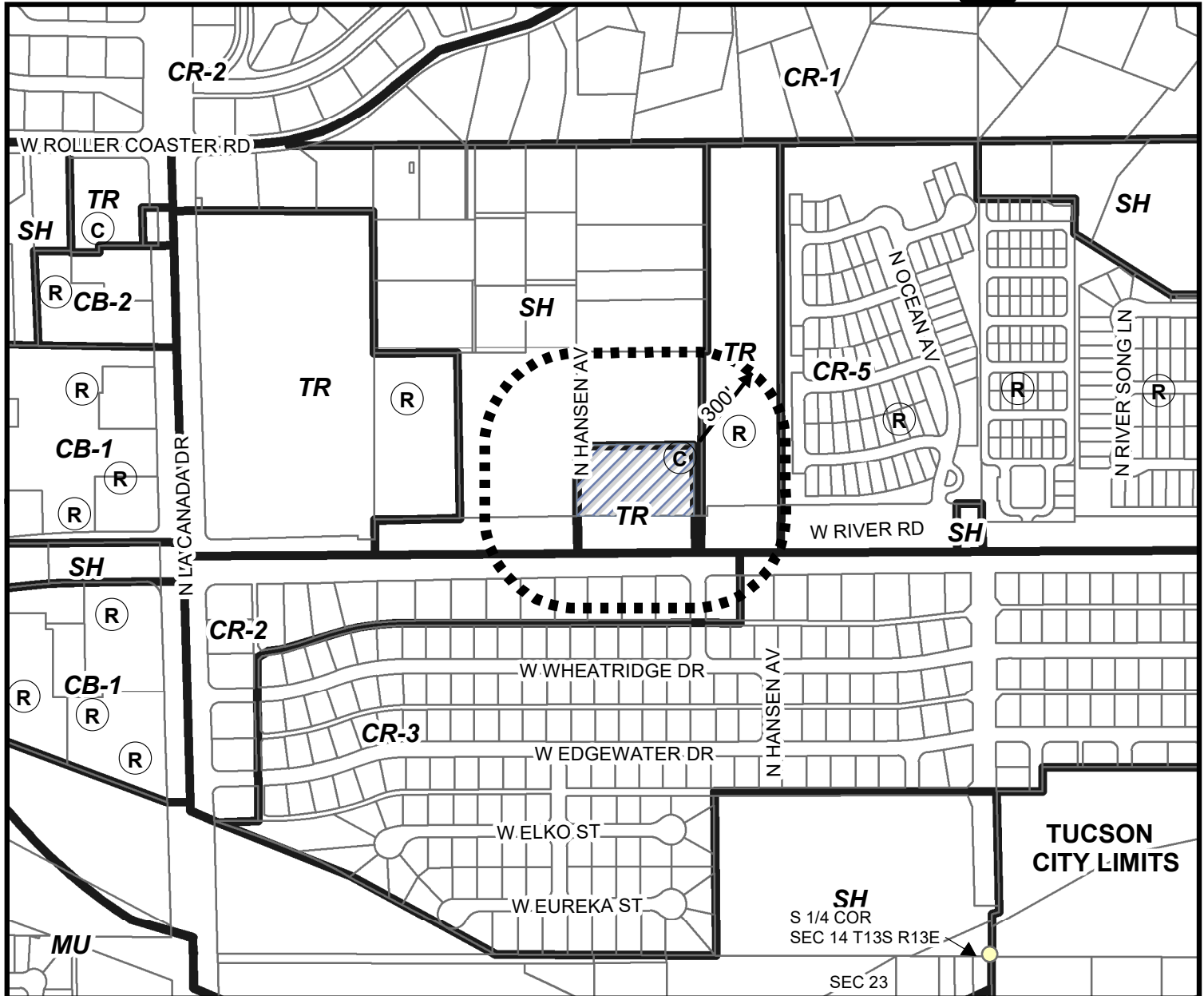
Map Scale: 1:6,000

Map Date: 8/6/2020 - ds





Case #: Co9-99-43
Case Name: RIVROAD ASSOCIATES LLC - RIVER ROAD REZONING
Tax Code(s): 105-07-008B

-  300' Notification Area
-  Subject Property
-  Zoning Boundary



0 220 440 880 Feet

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

	Notes: Closure/Time Extension/Substantial Change Ref # P20SA00008			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 8/26/20		Board of Supervisors Hearing: TBA	
	Base Map(s): 46	Map Scale: 1:6,000	Map Date: 8/6/2020 - ds	

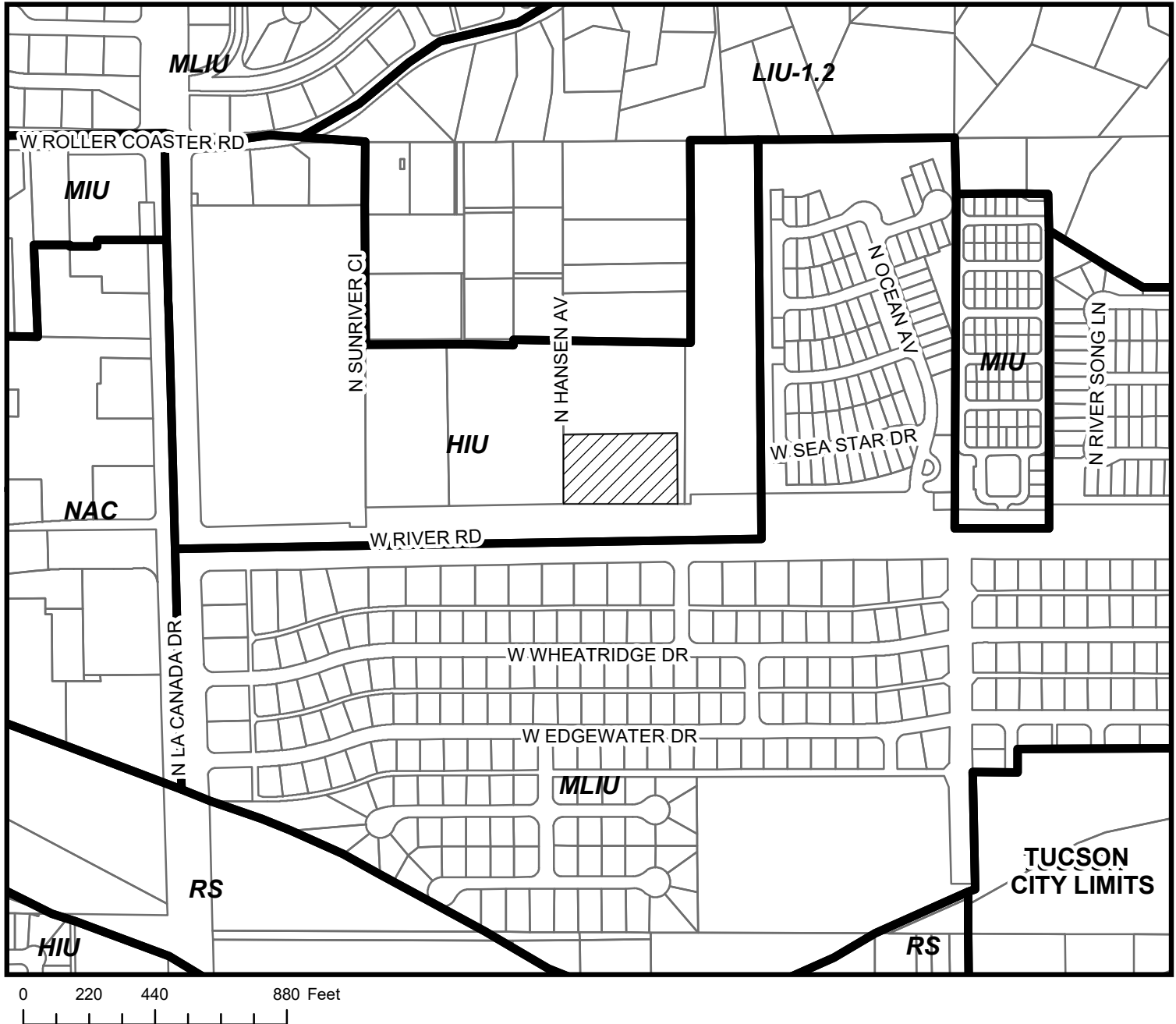
Higher Intensity Urban (HIU)

Objective: To designate areas for a mix of medium to high density housing types, such as higher density single-family development, townhomes, condominiums and apartment complexes, as well as other compatible uses, such as offices, hotels, research and development, and other similar uses. These areas have direct access to major transportation corridors and other arterials and are within walking or bicycling distance from major commercial services and employment centers. They generally do not abut land in low intensity urban categories. Small-scale residential compatible retail services are allowed on the first floor of a multi-story building, provided that they are accessed from an arterial and are oriented away from lower density residential development.



- Residential Gross Density: Minimum- 8 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 8 RAC; Maximum- 18 RAC

Case #: Co9-99-43
Case Name: RIVROAD ASSOCIATES LLC - RIVER ROAD REZONING
Tax Code(s): 105-07-008B

Comprehensive Plan Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

	Notes: Closure/Time Extension/Substantial Change Ref # P20SA00008			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 8/26/20		Board of Supervisors Hearing: TBA	
	Base Map(s): 46	Map Scale: 1:6,000	Map Date: 8/6/2020 - ds	

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

HEARING August 26, 2020

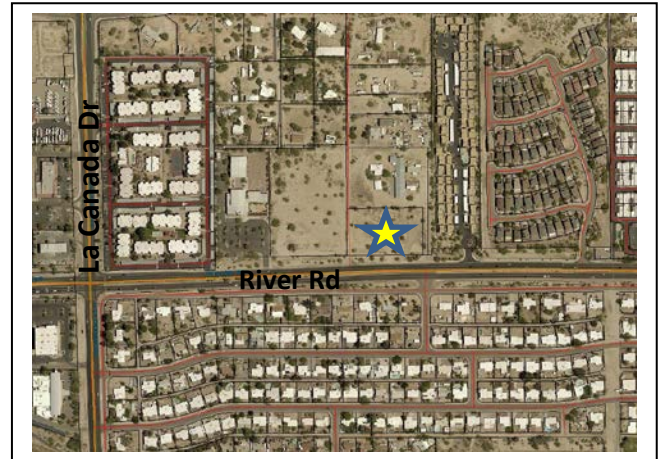
DISTRICT 3

CASE Co9-99-43 Rivroad Associates, LLC
– River Road Rezoning

REQUEST A. Rezoning Closure
B. Two Consecutive Five-Year
Rezoning Time Extensions
C. Modification (Substantial Change
of Rezoning Condition #11

OWNER Underdown Gary Revoc. Trust, et al.
4161 E La Paloma Drive
Tucson AZ 85718-1505

APPLICANT Lazarus & Silvyn, P.C.
Attn: Keri Silvyn
5983 E. Grant Road, Suite 290
Tucson, AZ 85712-2365



APPLICANT'S PROPOSAL

- A. Rezoning Closure
The applicant requests a **closure** of a 2.05 acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone located on the north side of River Road approximately one-fourth of a mile east of La Canada Drive addressed as **1100 W. River Road**. The rezoning was conditionally approved in 2000 and expired on October 17, 2010.
- B. Rezoning Time Extension
The applicant requests two consecutive five-year **time extensions**. The 2.05 acre rezoning from SH (Suburban Homestead) to TR (Transitional) zone expired October 17, 2010.
- C. Modification (Substantial Change) of Rezoning Conditions
The applicant requests a **substantial change of rezoning condition #11** which requires adherence to the approved preliminary development plan (PDP) and limits the use of the property to office development. The revised PDP demonstrates the current proposal for a 30-lot residential townhouse development.

STAFF REPORT SUMMARY

- A. Rezoning Closure: Staff recommends **AGAINST CLOSURE**. (*Board of Supervisors action only*)
- B. Rezoning Time Extension: Staff recommends **APPROVAL of two consecutive five-year rezoning time extensions**. (*Board of Supervisors action only*)
- C. Modification (Substantial Change) of Rezoning Condition: Staff recommends **APPROVAL of the request to modify rezoning condition #11** to amend the use of the project from offices to townhomes and adherence to a revised preliminary development plan.

The recommended modification, deletion, and addition to rezoning conditions are 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 Department of Transportation, Real Property Division.~~
 - ~~6.1.~~ There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
 - ~~7.2.~~ Transportation conditions:
 - A. Provision of all necessary access improvements to Hansen Avenue River Road as determined during the plan review process. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements. 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. Access to River Road shall only be allowed to this site at the west and/or east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties prior to development plan approval. ~~Access shown midway on the PDP shall not be allowed.~~
 - ~~8.3.~~ 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 that are needed as a result of the proposed development shall be constructed at no cost to the District.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
 - ~~9.4.~~ Wastewater Management conditions:
 - A. The owner(s)/~~developer~~ shall construe no action by Pima County as a commitment to ~~provide sewer service~~ of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s)/~~developer~~ to that effect.
 - B. ~~The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~ The owner(s)/~~developer~~ shall obtain written documentation from the Pima County Regional Wastewater Reclamation Management Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/~~developer~~ shall enter into a written agreement addressing have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD. ~~Pima County Wastewater Management Department.~~

- C. ~~The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~
 - D. ~~The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.~~
 - E. The owner(s)/~~developer~~ shall fund, design and construct all the off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s)/~~developer~~ shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 10-5. ~~An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.~~
- 11-6. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office townhouse development (EXHIBIT B).
- 12-7. ~~Site shall comply with all the fire code regulations. The property owner shall provide written documentation demonstrating compliance with Sun Tran for the augmentation of the River Road bus stop adjacent to the property with Americans with Disabilities Act (ADA) accessibility.~~
- 13-8. In the event the subject property is annexed ~~into the City of Tucson~~, 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.

- 4.9. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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. ~~recommend the following Special Condition: Under no circumstances shall the following exotic plant species be planted anywhere on the site:~~
- ~~Fountain grass (*Pennisetum setaceum*)~~
 - ~~Buffelgrass (*Pennisetum ciliare*)~~
 - ~~Johnson grass (*Sorghum halapense*)~~
 - ~~Giant reed (*Arundo donax*)~~
 - ~~Common crabgrass (*Digitaria sanguinalis*)~~
 - ~~Pampas grass (*Cortaderia selloana*)~~
 - ~~Red brome (*Bromus rubens*)~~
 - ~~Mediterranean grass (*Schismus spp.*)~~
 - ~~Tree of heaven (*Ailanthus altissima*)~~
 - ~~African sumac (*Rhus lancea*)~~
 - ~~Russian olive (*Eleagnus angustifolia*)~~
 - ~~Salt cedar/Tamarisk (*Tamarix portandra* & *T. ramosissima*)~~
 - ~~Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda~~
 - ~~Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)~~
 - ~~African rue (*Peganum harmala*)~~
 - ~~Iceplant (*Mesembryanthemum crystallinum*)~~
 - ~~Arabian Grass (*Schismus arabicus*)~~
 - ~~Natal Grass (*Melinis repens* (*Rhynchelythrum repens*))~~
10. 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)."

PUBLIC COMMENT

As of August 13, 2020 staff has not received any written comments.

COMPREHENSIVE PLAN

The 2.05-acre subject property's comprehensive plan land use designation was Medium High Intensity Urban (MHIU) when originally rezoned. Under Pima Prospers, the County's update to the Comprehensive Plan, many of the land use designations were sunsetted, the MHIU was one of the no longer utilized land use designations. The property's land use designation was amended to High Intensity Urban (HIU), the closest designation to the former. The HIU designates areas for high density single-family development, townhomes, condominiums, apartments, office and hotels and others similar uses located along major transportation corridors planning for bicycle and walking access to commercial services and employment. The minimum residences per acre (RAC) in the HIU designation is 8 and defers the maximum to the TR (Transitional) zoning designation which allows for 1 unit per 1,000 square feet or 89 units. The proposed townhome development conforms to the comprehensive plan with a 14.63 RAC. Bicycle and sidewalk

connectivity to River Road with access to nearby commercial services and employment further the intent of the HIU land use designation.

There are no rezoning or special area policies applicable to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	TR/SH	Vacant strip of TR land conveyed and combined with the SH Developed Residential
South:	CR-2/CR-3	Developed Residential Subdivision
East:	TR/SH	Vacant strip of TR land conveyed and combined with the SH Developed Residential
West:	SH	Undeveloped

The area contains a mix of commercial and residential uses along the major River Road corridor. The nearest major grocery/strip services/restaurant uses lie approximately 1,400 feet away at the northwest corner of River Road and La Canada Drive. Additional uses, a car wash and Walgreens pharmacy are located at the southwest corner of River Road and La Canada Drive. Apartments lie at the northeast corner of River Road and La Canada Drive. Well-established single-family residences lie to the south.

PLANNING REPORT

The property owner is seeking two, consecutive five-year time extensions to bring the rezoning current with an expiration date of October 17, 2020. The zoning code allows for a maximum extension of 10 years, hence the recommendation against closure, both requests require Board of Supervisor's action only. The modification of rezoning condition #11 to allow the change of use to townhomes is considered a substantial change and requires Planning and Zoning Commission action and recommendation to the Board of Supervisors.

The 2.05-acre property is currently undeveloped. The property was originally rezoned in 2000 (Co99-99-43) to TR zoning for office development with an expiration date of October 17, 2005. The original acreage within the rezoning was 2.35 acres. In the original Ordinance, Transportation rezoning condition #2B required a joint use access easement along the north and east boundaries of the property. The property owner conveyed the area necessary for the joint use access easement reducing the subject property size to 2.05 acres, satisfying the rezoning condition. The rezoning condition was then amended within the approved, five-year time extension Resolution with an expiration date of October 17, 2010. The zoning on the .30-acre conveyed property will remain TR.

River Road is a Major Street and Scenic Route which limits the height of residential structures to two-stories and 24 feet. The revised PDP demonstrates compliance with this requirement. The structures will be required to be earth tone in color and not exceed a light-reflective value of 80%. The applicant is proposing modified bufferyards to the north and eastern boundaries, even though no bufferyards would be required. The vegetative density will be less intense than the bufferyards required along the west and southern boundaries of the subject property. The western and southern bufferyards are proposed as 10-foot wide Bufferyard "D". Access is proposed along the western boundary of the property utilizing a shared, named access easement known as Hansen Avenue.

Staff supports the request because the planned uses are compatible with the medium and high-density residential uses in the area, conforms to the comprehensive plan; and concurrency of infrastructure exists to support the use. Multi-modal forms of transportation exist and will be enhanced with the planned augmentation to the Sun Tran bus stop adjacent to the subject

property along River Road. The proposed residential uses are a less intense use than the original rezoning approval for commercial offices generating less traffic and noise.

Other Conditions:

Staff recommends deletion of standard conditions #'s 1-5 based upon policy changes to reduce redundant requirements and ease approval process. Code requirements are no longer added as rezoning conditions which eliminates the need for rezoning condition #1. Recorded covenants required by condition #'s 2-5 are now met through the development process and permit conditions eliminating the need for those as rezoning conditions.

Former standard condition #6 will be renumbered to #1 which will not allow further lot splitting without Board of Supervisors approval. This condition will be met within the future subdivision platting process and subsequent Board of Supervisors action.

Former rezoning condition #7A-B will be renumbered to conditions #2A-B. Modification of conditions #2A-B reflects the amendment of the proposed driveway within the revised preliminary development plan and the River Road improvements that have been completed.

Former condition #8A-B will be renumbered to conditions #4A-C with the addition of rezoning condition #4C to reflect current water management requirements.

Former conditions #9A-F will be re-numbered to conditions #4A-F and updated with the current standard wastewater conditions.

Former condition #10 will be re-numbered to condition #5 and amended to reflect the removal of the four residences and the application of the standard cultural condition.

Former condition #11 will be renumbered to condition #6 and amended to reflect the change of use to townhouse development and conformance to the revised development plan.

Former condition #12 is renumbered to condition #7 and is amended to remove required compliance with fire codes, as a standard practice, Certificates of Occupancy are not issued without fire code compliance. The former condition will be replaced with a new condition that requires adherence to Sun Tran's request for augmentation to the bus stop adjacent to River Road in front of the subject property for ADA compliance.

Former condition #13 is renumbered to condition #8 and amended to the updated to the standard annexation condition.

Former condition #14 is renumbered to condition #9 and the original condition is deleted and updated with the standard invasive species control condition.

Condition #10 was added in response to Proposition 207 property rights.

TRANSPORTATION REPORT

River Road is a Major and Scenic Route identified as medium volume arterial with a planned 150 feet right-of-way and existing 200 feet right-of-way directly adjacent to the site. River Road is a paved four-lane curb roadway with raised medians and multiuse paths. The posted speed limit is 45 mph. The most recent traffic counts for River Road is 22,660 average daily trips (ADT) with an approximately capacity of 37,810 ADT.

Access to the site is off of River Road through Hansen Avenue. It appears that Hansen Ave is a

40 feet ingress/egress easement that is shared with properties to the west and the north, but without a title report it is difficult to determine. Hansen Avenue is currently unimproved. The preliminary development plan proposes two points of connection to Hansen Avenue that does not appear to not meeting driveway separation requirements. The proposed development shall comply with the 2016 Subdivision and Development Street Standards (SDSS) driveway separation requirements or shall obtain a Subdivision and Development Street Standards modification during the plan review process.

The proposed 30 townhomes will generate approximately 300 ADT and will not significantly impact River Road. Therefore, there are no concurrency concerns with this request.

The Department of Transportation has no objection to the proposed rezoning time extensions and modification request subject to modified rezoning conditions #2A-B.

FLOOD CONTROL REPORT

Regional Flood Control District has the following comments:

1. Nether regulatory floodplains nor habitat impact the site.
2. The site is adjacent to the Tucson Water Service Area.
3. Rezoning condition #3C is recommended to ensure compliance with the Water Policy of the Comprehensive Plan.

The District has no objection to these requests subject to rezoning condition #3A-B with the addition of condition 3C which ensures compliance with the Water Policy of the Comprehensive Plan.

WASTEWATER RECLAMATION REPORT

The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor (NRI). The public sewer system with potential connection points exists to the east and west of the rezoning area; the NRI runs parallel to and along the River Road's south side. Allocation of capacity in the public sewer system is made by the Type III Capacity Response.

PCRWRD has no objection to these requests subject to the modifications of rezoning conditions #4A-F to reflect revised standard conditions.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to these requests subject to modified rezoning conditions #9 A-B.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to these requests subject to modified rezoning condition #5.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

Tucson City Water has no comment.

FIRE DISTRICT REPORT

Northwest Fire District has no comment.

SUN TRAN REPORT

Sun Tran has no objection to these requests, subject to rezoning condition #7 that requires augmentation to the bus stop adjacent to River Road in front of the subject property for ADA compliance.

Respectfully Submitted,



Terrill L. Tillman, AICP
Principal Planner

c: Lazarus & Silvyn, P.C., Attn: Keri Silvyn, 5983 E. Grant Road, Suite 290
Tucson, AZ 85712-2365

P0230

PIMA CO CLERK OF THE BOARD

PICKUP



DOCKET: 13621
PAGE: 3658
NO. OF PAGES: 8
SEQUENCE: 20091560758
08/13/2009
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

RESOLUTION 2009-194

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE **Co9-99-43 RIVROAD ASSOCIATES, LLC – RIVER ROAD REZONING**; LOCATED ON THE NORTH SIDE OF RIVER ROAD, APPROXIMATELY ¼ MILE EAST OF LA CANADA DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF **ORDINANCE NO. 2001-27**.

WHEREAS, on November 26, 1999, the owner(s) of approximately 2.35 acres applied for a rezoning from SH (Suburban Homestead) to TR (Transitional);

WHEREAS, on October 17, 2000 the Pima County Board of Supervisors approved the rezoning subject to standard and special conditions;

WHEREAS, on February 20, 2001 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2001-27, as recorded in Docket 11499 at Page 1608, rezoning the approximate 2.35 acres described in rezoning case Co9-99-43 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on October 12, 2005 the owner(s) of approximately 2.35 acres applied for a five-year rezoning time extension ;

WHEREAS, on December 6, 2005 the Pima County Board of Supervisors approved a five-year time extension per modified standard and special conditions; and

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WHEREAS, Ordinance No. 2001-27 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2001.27 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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Provision of all necessary access improvements to River Road as determined during the plan review process. 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. ~~A maximum of two (2) access points to River Road shall be permitted for the property. One access point shall be located at or near the eastern boundary of the subject property and it shall be for the joint use of the adjacent property to the east and north. The location and design and joint use access agreement with the adjacent property owner(s) of said access point shall be subject to approval by Pima County at the time of development plan or subdivision plat approval~~ Access to River Road shall only be allowed to this

site at the west and east property boundaries. The property owner shall provide for, or obtain if necessary, access to neighboring properties. Access shown midway on the PDP shall not be allowed.

- G. ~~The property owner(s) shall reach a financial contribution agreement with and acceptable to the Department of Transportation and Flood Control District prior to development plan or subdivision plat approvals. Said agreement shall address the amount of a fair share financial contribution required from the property owner(s) for roadway capacity improvements to River Road.~~

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 that are needed as a result of the proposed development shall be constructed at no cost to the District.

9. Wastewater Management conditions:

- A. ~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.~~
- B. ~~The property owner must provide a public flow-through sewer at the locations designated by Wastewater Management for the upstream tributary area to the north. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Management Department.~~

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- C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction, or request for building permit.
- D. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, including obtaining all necessary off-site easements.
- E. The owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreement with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements.
11. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office development (EXHIBIT B).
12. Site shall comply with all the fire code regulations.
13. In the event the subject property is annexed into the City of Tucson, 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.
14. Environmental Planning recommend the following Special Condition:
Under no circumstances shall the following exotic plant species be planted

anywhere on the site:

Fountain grass (Pennisetum setaceum) Buffelgrass (Pennisetum ciliare)

Johnson grass (Sorghum halapense)

Giant reed (Arundo donax)

Common crabgrass (Digitaria sanguinalis)

Pampas grass (Cortaderia selloana)

Red brome (Bromus rubens)

Mediterranean grass (Schismus spp.)

Tree of heaven (Ailanthus altissima)

African sumac (Rhus lancea)

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)

African rue (Peganum harmala)

Iceplant (Mesembryanthemem crystallinum)

Arabian Grass (Schismus arabicus)

Natal Grass (Melinis repens (=Rhynchelythrum repens))

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2001-27 as follows:

1. Conditions 1 through 44 14 shall be completed by October 17, 2005 2010.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 44 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.

4th day of August, 2009.

ATTEST:

APPROVED AS TO FORM:

ANDREW FLAGG

APPROVED:



Executive Secretary
Planning and Zoning Commission

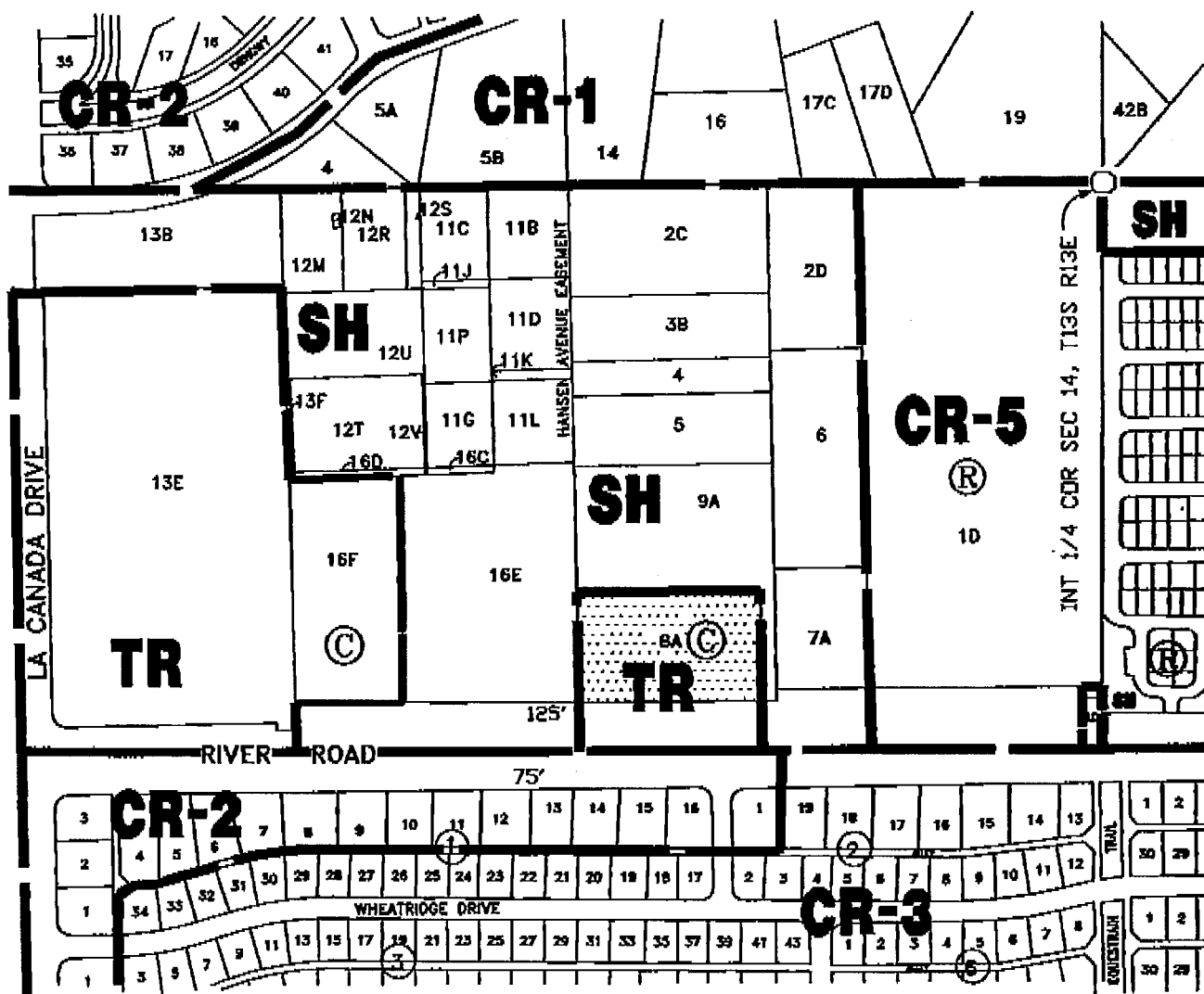
EXHIBIT A

AMENDMENT NO. 82,72 BY ORDINANCE NO. 2001-27
TO PIMA COUNTY ZONING MAP NO. 45 & 46 TUCSON, AZ.
PARCEL 8A BEING A PART OF THE NE 1/4 OF THE SW 1/4 OF
SEC. 14, T13S R13E,

ADOPTED 2-20-01 EFFECTIVE 2-20-01



0 400'



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

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 2.35 ac±
xa-JANUARY 12, 2001

CO9-99-43
CO7-89-2
CO7-94-27
105-07-008A

555

S 89° 31' 07"E 400'

136 SPACES
3 HANDICAP SPACES
TOTAL PARKING: 139 SPACES

HANSEN AVE

N 00° 51' 32"W 256.65'

PRIVATE DRIVEWAY

pdf approved by BOB
at public hearing 11-17-00

August 2000

EXHIBIT B

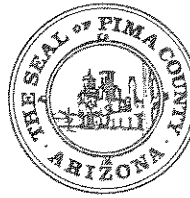
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SCALE: 1" = 60'

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RECORDED BY: LMD
DEPUTY RECORDER
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PAGE: 1608
NO. OF PAGES: 5
SEQUENCE: 20010440346
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AMOUNT PAID \$ 0.00

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PIMA CO CLERK OF THE BOARD
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ORDINANCE 2001-27

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (TAX CODE 105-17-008A) IN CASE Co9-99-43 RIVROAD ASSOCIATES, L.L.C.- RIVER ROAD REZONING; LOCATED ON THE NORTH SIDE OF RIVER ROAD, APPROXIMATELY 1/4 MILE EAST OF LA CANADA DRIVE; AMENDING PIMA COUNTY ZONING MAP NOS.45 & 46.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 2.35 acres described on the attached rezoning ordinance map, which amends Pima County Zoning Map Nos. 45 & 46 are hereby rezoned from SH to TR.

Section 2. Rezoning 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 Department of Transportation, Real Property Division.

5

- 162
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
 7. Transportation conditions:
 - A. Provision of all necessary access improvements to River Road as determined during the plan review process. 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. A maximum of two (2) access points to River Road shall be permitted for the property. One access point shall be located at or near the eastern boundary of the subject property and it shall be for the joint use of the adjacent property to the east and north. The location and design and joint use access agreement with the adjacent property owner(s) of said access point shall be subject to approval by Pima County at the time of development plan or subdivision plat approval.
 - C. The property owner(s) shall reach a financial contribution agreement with and acceptable to the Department of Transportation and Flood Control District prior to development plan or subdivision plat approvals. Said agreement shall address the amount of a fair share financial contribution required from the property owner(s) for roadway capacity improvements to River Road.
 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 that are needed as a result of the proposed development shall be constructed at no cost to the District.
 9. Wastewater Management conditions:
 - A. The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
 - B. The property owner must provide a public flow-through sewer at the locations designated by Wastewater Management for the upstream tributary area to the north.

10. An on-the-ground archaeological survey and historic resources assessment of the site shall be conducted by a qualified archaeologist prior to any ground modifications. The four existing residential dwellings shall be recorded on Historic Property Inventory forms. If significant cultural resources are found through survey, then an appropriate Mitigation Plan shall be prepared and submitted for review in accordance with the Site Analysis Requirements.
11. Adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office development.

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 11 shall be completed by October 17, 2005.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 11 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.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chair of the Board of Supervisors.

164

Passed and adopted by the Board of Supervisors of Pima County,
Arizona, this twentieth day of February, 2001.

Raul M. Grijalva
Chair, Board of Supervisors

FEB 20 2001

Date

ATTEST:

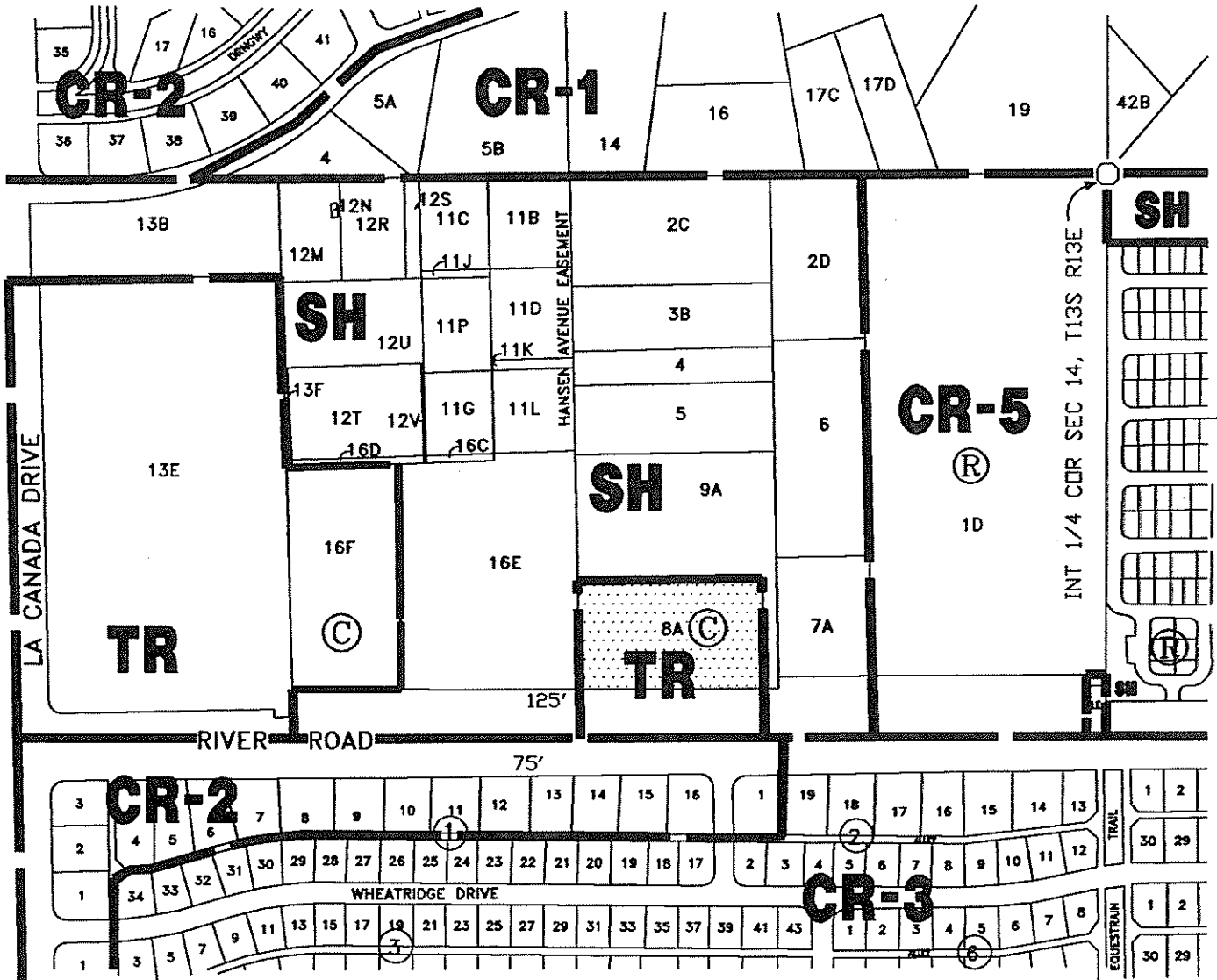
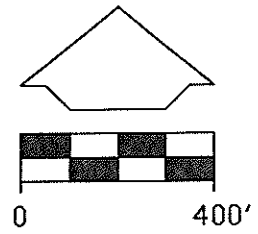
Lori Rodashian
Clerk, Board of Supervisors

K. Richter
Deputy County Attorney

J. Mezzano
Executive Secretary,
Planning and Zoning Commission

165
 AMENDMENT NO. 82,72 BY ORDINANCE NO. 2001-27
 TO PIMA COUNTY ZONING MAP NO. 45 & 46 TUCSON, AZ.
 PARCEL 8A BEING A PART OF THE NE 1/4 OF THE SW 1/4 OF
 SEC. 14, T13S R13E,

ADOPTED 2-20-01 EFFECTIVE 2-20-01



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

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SH 2.35 ac±
 xa-JANUARY 12, 2001

CD9-99-43
 CD7-89-2
 CD7-94-27
 105-07-008A



201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207
(520) 724-9000

Biological Impact Report

(Not Applicable for Rezoning that Require a Site Analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

Pima County Planning staff will provide the following information for the proposed project site, as applicable:

1. Is the project located in the Maeveen Marie Behan Conservation Lands System?
Any Special Species Management Areas?
2. Is the project in the vicinity of any of the six Critical Landscape Linkages?
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property?
4. Is the project located within the Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl
 - b. Western burrowing owl
 - c. Pima pineapple cactus
 - d. Needle-spined pineapple cactus

Part II. Information Provided by the Applicant:

1. Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property?

If yes, provide a summary of those communications: _____



2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl			
Western burrowing owl			
Pima pineapple cactus			
Needle-spined pineapple cactus			

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.

July 16, 2020

Mr. Chris Poirier
Planning Official
Pima County Development Services Department
201 N. Stone Ave.
Tucson, AZ 85701

SUBJECT: Request for Time Extension and Change of Condition at 1100 W. River Road

Dear Mr. Poirier:

As authorized by the current property owner, our firm represents a potential purchaser/developer of the 2.05-acre property at 1100 W. River Road, Pima County Assessor Parcel No. 105-07-008B (the "Property"). This letter serves as a request for two, five-year time extensions for the rezoning conditions in Pima County Rezoning Case No. Co9-99-43 and a request to amend the rezoning conditions to permit development of a multi-family/townhome project as described below. These requests are being made pursuant to Pima County Zoning Code ("PCZC") § 18.91.090(A) and PCZC § 18.91.100(A).

Time Extensions

On October 17, 2000, the County Board of Supervisors ("BOS") approved an application for rezoning from SH (Suburban Homestead) to TR (Transitional) Zone (Co9-99-43). In February 2001, the BOS adopted zoning Ordinance No. 2001-27, which included a five-year time period to comply with all conditions to effectuate the rezoning. The BOS granted a request for a five-year time extension in 2005 and subsequently adopted Resolution 2009-194, which included modified standard and special rezoning conditions. The new expiration date to meet the rezoning conditions became October 17, 2010.

Resolution 2009-194 and the time extension were granted at the beginning of an economic recession that severely crippled real estate development throughout the region and nationwide. Since then, the real estate market has largely recovered, although there has been a significant shift in preferences and land use demands. The office development proposed in 1999/2000 has not materialized, and the Property has remained vacant. This extension request is necessary to respond to current real estate market conditions.

Change of Condition Request

On February 20, 2001, the BOS adopted Ordinance 2001-27, which conditionally rezoned the Property from SH to TR Zone. The rezoning conditions required to effectuate the TR rezoning were not met for reasons discussed in the section above.

This request is for an amendment to rezoning condition #11, as listed in Resolution 2009-194, which requires *“adherence to the preliminary development plan as approved at public hearing. Use shall be restricted to office development”*. The alternative preliminary development plan (“PDP”) submitted herewith proposes a residential development featuring 30 townhomes (the “Project”) and designed in accordance with TR Zone and Scenic Corridor Zone development standards. Pursuant to condition #6, please note this is proposed as a townhome project; therefore, BOS approval of this change of condition also satisfies condition #6. The Project will comply with all other modified standard and special conditions, pursuant to Resolution 2009-194.

This Project responds to current local demands for housing opportunities outside of the traditional single-family home and apartment rentals. The housing supply that resulted from residential overbuilding in the years leading up to the housing crisis has largely been absorbed, and new housing construction is not keeping up with today’s housing demands, which are for smaller homes at attainable price points. Certain demographics, including Millennials and Baby Boomers, are seeking alternatives that are located in urbanized areas with convenient access to businesses, personal services and entertainment amenities and that are free from the maintenance burden of large homes and yards. This Project contributes to fulfilling this niche in the local housing market.

As required by PCZC § 18.91.090(A)(2) and 18.91.100(C)(1), enclosed is a current Biological Impact Report for the Property. Also enclosed is a letter from the Property owner authorizing the Project team to take actions necessary to obtain zoning entitlements and other development-related approvals.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions or require additional information: (520) 207-4464 or via email at RLarge@LSLawAZ.com.

Sincerely,



Robin M. Large
Senior Land Use Planner
Lazarus & Silvyn, P.C.

Enclosures:

- 1 – Preliminary Development Plan
- 2 – Biological Impact Report
- 3 – Property Owner Authorization

cc: Mr. Michael Sarabia
Ms. Keri Silvyn, Esq.

July 13, 2020

Pima County
Development Services Department
201 N. Stone Ave., 2nd Floor
Tucson, AZ 85701

RE: Property Owner Authorization – 1100 W. River Rd.

Dear Planning & Development Services:

The Gary Underdown Revocable Living Trust and Thomas and Peggy Foley own approximately 2.05 acres of the real property located 1100 W. River Rd, Pima County Tax Assessor Parcel Number 105-07-008B.

This letter authorizes DSW Commercial, Lazarus & Silvyn, P.C., Grenier Engineering and their respective employees and other engaged consultants to take such action required to obtain all zoning/development entitlements and related approvals for the Property, including but not limited to filing applications for time extensions, change of zoning conditions, tentative plat/development plan, grading permits and associated building permits.

Sincerely,

Gary Underdown Revocable Living Trust


By:


(NAME)
(TITLE)


and

Thomas & Peggy Foley

By:


Thomas Foley

By:


Peggy Foley