BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 20, 2020

Title: Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING

Introduction/Background:

A. Proposal to close a portion of rezoning case Co9-08-22 as required to be considered per code. B. If not closed, applicant requests a five-year time extension for the rezoning from GR-1 (GZ) to CB-1 (GZ) on 6.11 acres. The rezoning was approved April 20, 2010 and expired on April 20, 2020. The site is located on the east side of N. Sandario Road, approximately 500 feet north of W. Picture Rocks Road.

Discussion:

The applicant cites the need for a five-year time extension due to the lack of a market for commercial development. The balance of the property has remained unchanged since the approval of the original rezoning and the Super Stop Development Plan. Staff supports the rezoning time extension because 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 proposed retail and business service uses in conjunction with existing retail services remain a suitable land use for the area. The recommended original and modified conditions updates certain conditions to current standard language and policy treatment. The time extension will allow a total of 15 years to complete rezoning conditions.

Recommendation:

Staff recommends denial of closure and approval of a five-year time extension 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: 9/28/2020

Deputy County Administrator Signature/Date: 9/28/2020

County Administrator Signature/Date: C. Dulutburg 9/28/20

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

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

Jan Drzazgowski

DATE: September 25, 2020

SUBJECT: **Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING**

The above referenced **Rezoning Closure/Time Extension** is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 20, 2020** hearing.

****This case will require 2 separate motions and votes.**

REQUEST: A. Proposal to **close** a 4.68-acre portion of the original 6.11-acre rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to CB-1 (GZ) (Local Business – Gateway Overlay) zone. If not closed,

B. A five-year **time extension** of a 4.68-acre portion of the original 6.11-acre rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to CB-1 (GZ) (Local Business – Gateway Overlay) zone.

OWNERS: Gordon and Lois Reay Family Trust
8880 E Speedway Boulevard, Suite 210
Tucson, AZ 85710

AGENT: The Planning Center
Attn: Lexy Wellott, Project Manager
2 E. Congress, Suite 600
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of September 25, 2020, staff has received no public comments.

STAFF RECOMMENDATION: A) AGAINST CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property not within the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-08-22

FOR TUESDAY, OCTOBER 20, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

Tom Drazowski

DATE: September 25, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE /TIME EXTENSION

A. Rezoning Closure

Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING

Proposal to **close** Co9-08-22, an approximate 4.68-acre portion of the original 6.11-acre rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to CB-1 (GZ) (Local Business – Gateway Overlay) zone located on the east side of N. Sandario Road, approximately 500 feet north of W. Picture Rocks Road and is addressed as **6860 N. Sandario Road**. The rezoning was conditionally approved in 2010 and expired on April 20, 2020. Staff recommends **AGAINST CLOSURE**.
(District 3)

B. Rezoning Time Extension

Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING

Gordon and Lois Reay Family Trust, represented by The Planning Center, request a five-year **time extension** for the above-referenced rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to CB-1 (GZ) (Local Business – Gateway Overlay) zone. The subject site was rezoned in 2010. The approximate 4.68-acre portion of the original 6.11-acre site is located on the east side of N. Sandario Road, approximately 500 feet north of W. Picture Rocks Road and is addressed as **6860 N. Sandario Road**. Staff recommends **APPROVAL OF FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 3)

STAFF RECOMMENDATION

Staff recommends **DENIAL of closure** of the rezoning and **APPROVAL of a five-year time extension** to April 20, 2025 as per the applicant's request for the 4.68-acre portion of the original 6.11-acre rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to CB-1 (GZ) (Local Business – Gateway Overlay) zone 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.~~

~~6~~1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

~~7~~2. Transportation conditions:

A. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.

B. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.

C. Access shall be limited to two (2) driveways on Sandario Road.

~~8~~3. Flood Control conditions:

A. Earthen perimeter channels are prohibited.

B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

C. A riparian mitigation plan shall be required for development in designated riparian areas.

D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade."

E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.

F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.

~~9~~4. Wastewater Management condition:

Should the project connect to the public sewer at any time in the future, the property owner/developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

~~10~~5. Environmental Quality condition:

The property owner/developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.

~~11~~6. Cultural Resources conditions:

A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.

B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

~~12~~7. Environmental Planning Condition:

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.~~

~~13~~8. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel. ~~,in accordance with RP-92.~~

~~14~~9. In the event the subject property is annexed, the property owner~~(s) / developers(s)~~ 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.

~~15~~10. The property owner(s) shall execute ~~and record~~ the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

~~16~~11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

~~17~~12. No 24-hour, seven days a week businesses shall be permitted.

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.

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:

Closure

Staff recommends against closure of the rezoning, but closure must be considered prior to consideration of a time extension because a time extension was not requested prior to the case expiration date of April 20, 2020, and because it has been more than 10 years since the date of rezoning approval, April 20, 2010. The Zoning Code requires consideration of closure in either of these instances. The initial time limit for approved rezonings is recommended by staff at five years; and five years is typically the maximum interval of staff recommended time extensions. Because of the continued appropriateness of proposed commercial use at the site's location, staff does not believe the case should be closed.

Time Extension

Staff supports a second five-year time extension request, which if approved, will provide a total of 15 years to complete rezoning conditions for the remaining 4.68 acres from the initial April 20, 2010 rezoning approved by the Board. The rezoning conforms to the Rural Crossroad (RX) Comprehensive Plan land use designation. The rezoning meets all concurrency criteria (although staff received no comments from Avra Water Co-op), and is located outside of the Maeveen Marie Behan Conservations Lands System.

The applicant states, "The balance of the property has remained unchanged since the approval of the original rezoning and Super Stop Development Plan, and because there has been little market for commercial development in recent years." A five-year time extension will provide additional time needed for a market recovery and a demand for commercial use growth.

Since the original 6.11-acre site was conditionally zoned to CB-1 (GZ) in April 2010, the Board voted for closure on a 1.43-acre portion of the rezoning site and zoning reverted to GR-1 (GZ). Additionally, a five-year time extension was approved in 2015 on the remaining 4.68-acre portion of the rezoning. Since the rezoning approval, a Conditional Use Permit for a cell tower was approved and the tower was installed on the site.

Staff supports the rezoning time extension because commercial use is 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 property is located on the east side of N. Sandario Road, approximately 500 feet north of W. Picture Rocks Road in the Picture Rocks community. The site is undeveloped with

minimal clearing. The site consists of mainly desert scrub with saguaros of various sizes scattered on the property.

In the vicinity of the subject site, many rezoning approvals occurred between 1972 -1998 from GR-1 to CB-1 and CB-2 which were primarily at or near the intersection of Sandario Road and Picture Rocks Road. Recent rezonings include the 6.45-acre site immediately south of the subject site (Co9-06-18 Rose Canyon Development LLC – W. Sandario Road Rezoning) approved for CB-1 (GZ) and GR-1 (GZ) zoning in 2007. Also, south of the subject site located on the southeast corner of N. Sandario Road and W. Picture Rocks Road (P16RZ00008 Title Security Agency of AZ TR T-203 – W. Sandario Road Rezoning) was approved in 2016 from GR-1 (GZ) (BZ) to CB-1 (GZ) (BZ)

Approval of the requested five-year time extension will provide a total of 15 years to complete rezoning conditions from the initial approval date by extending the expiration date to April 20, 2025. The site remains vacant. Denial of the time extension will cause the rezoning case to be closed and the site to revert to the GR-1 (GZ) zone. GR-1 (GZ) zoning does not conform to the site's current 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 this request and is against the rezoning closure and has no objection to the time extension. There are no additional conditions or changes to the Transportation conditions listed in renumbered condition #2 A-C.

REGIONAL FLOOD CONTROL DISTRICT REPORT:
The Pima County Regional Flood Control District has reviewed this request and has no additional conditions or changes to the Flood Control conditions listed in renumbered condition #3 A-F.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT:
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for the five-year time extension and has no additional conditions or changes to Wastewater Management conditions listed in renumbered condition #4.

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

AVRA WATER CO-OP
Staff has not received a response to a request for comments.

PICTURE ROCKS VOLUNTEER FIRE DEPARTMENT
Staff has not received a response to a request for comments.

UNITED STATE FISH AND WILDLIFE SERVICE COMMENTS:
Staff has not received a response to a request for comments.

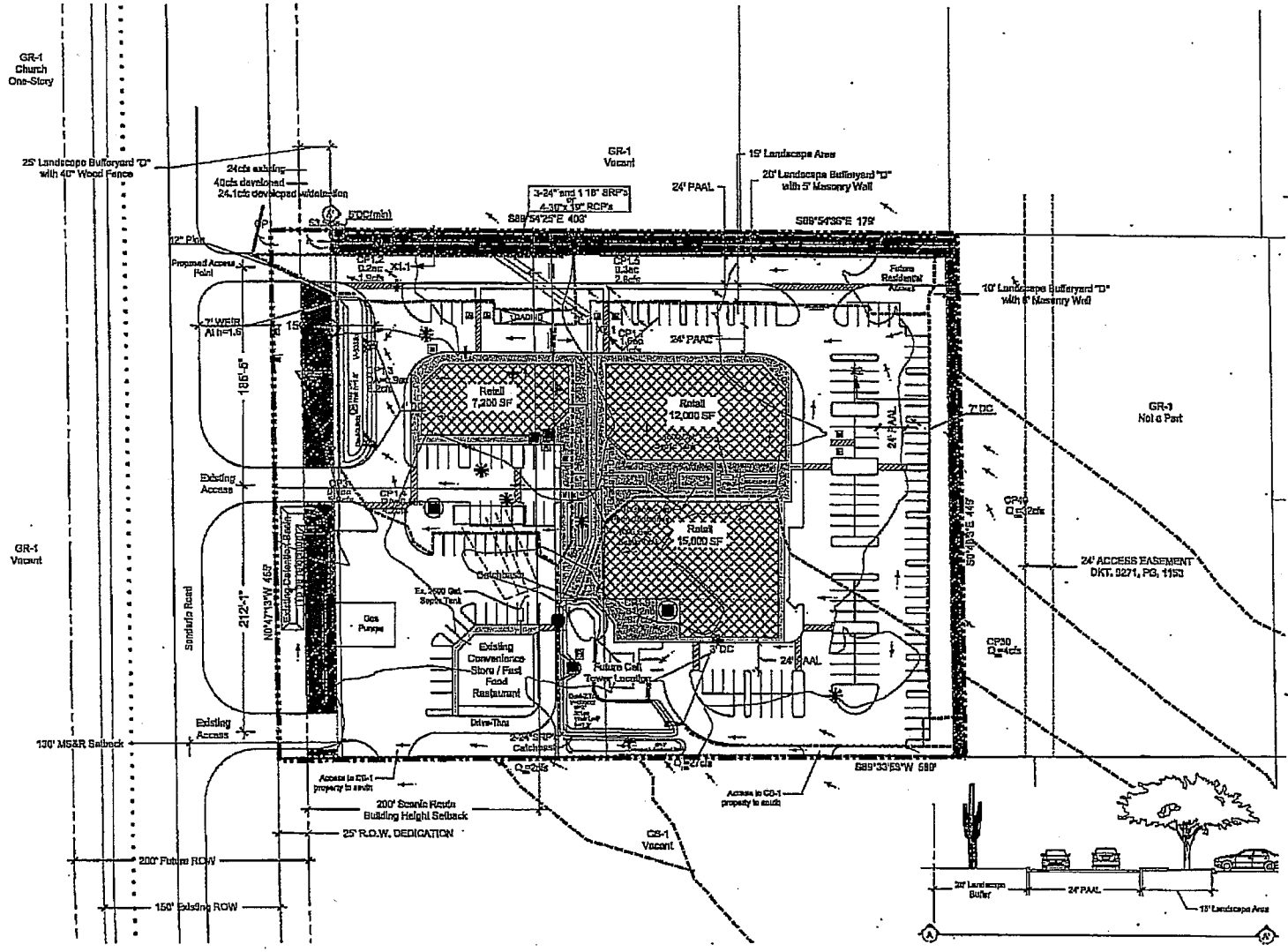
PUBLIC COMMENTS:
As of September 25, 2020, no written public comments have been received.

TD/DS
Attachments

cc: Gordon and Lois Reay Family Trust, 8880 E Speedway Bl, Suite 210, Tucson, AZ 85710
The Planning Center, Attn: Lexy Wellott, Project Manager, 2 E. Congress, Suite 600, Tucson, AZ 85701
Tom Drzazgowski, Chief Zoning Inspector
Co9-08-22 File

EXHIBIT B

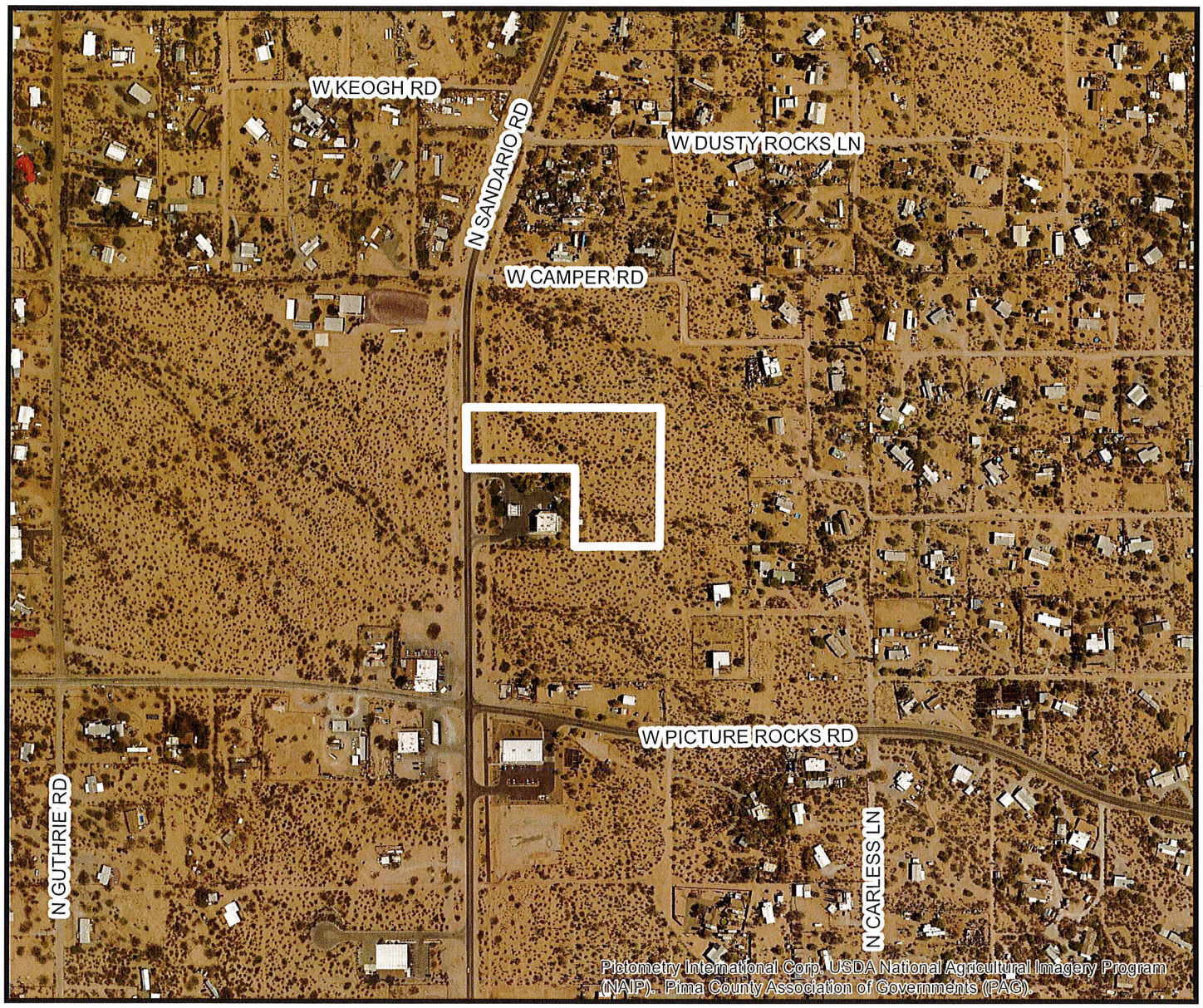
PRELIMINARY DEVELOPMENT PLAN



SANDARIO ROAD

APPROVED AT PUBLIC HEARING
4/20/10

Case #: Co9-08-22
Case Name: REAY, ET AL - SANDARIO ROAD REZONING
Tax Code(s): 213-03-219C



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

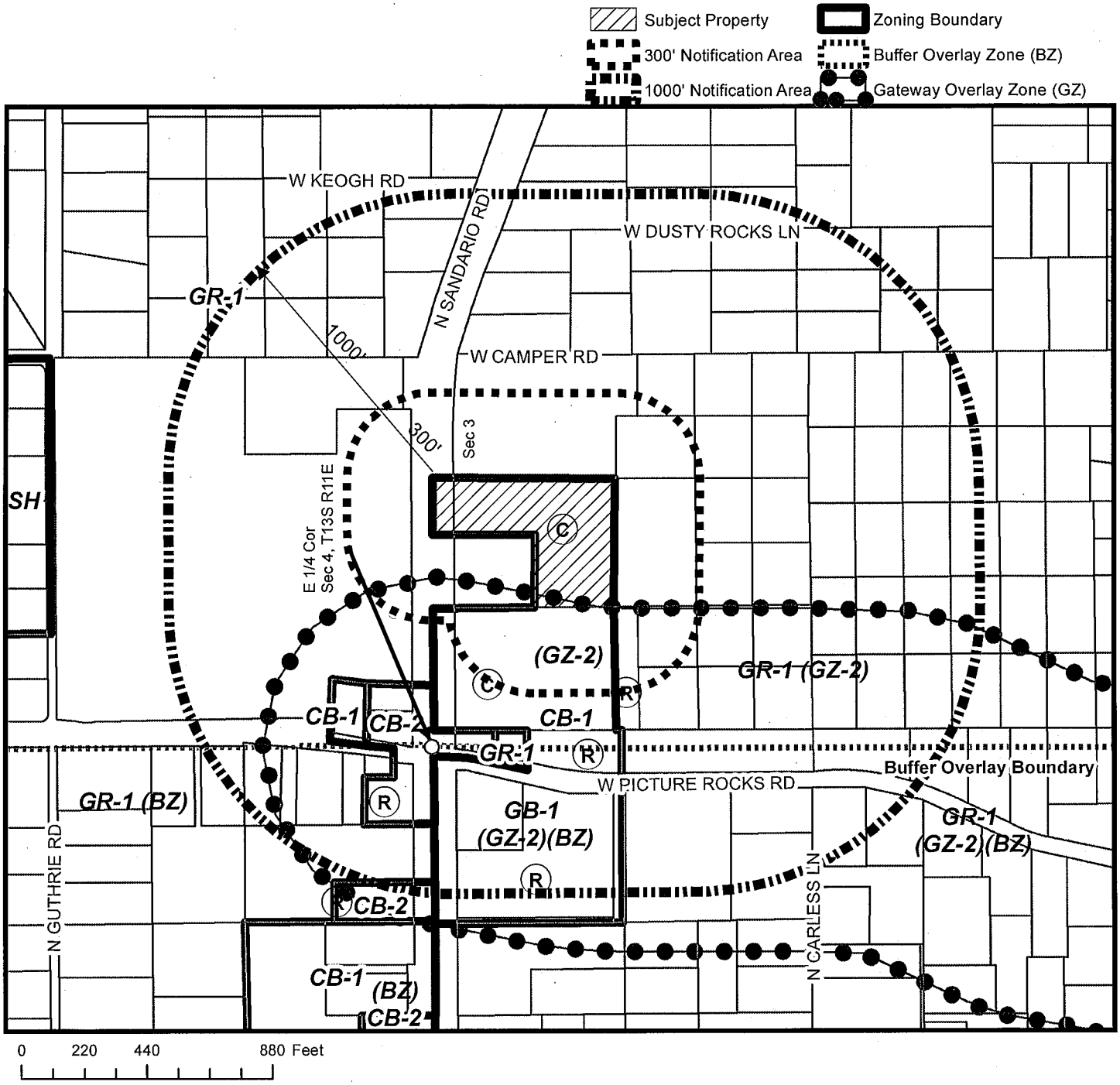
Notes: **Rezoning Closure/Time Extension**

Ref Case: P20SA00006

Map Scale: 1:6,000 | **Map Date: 9/10/2020 - ds**

N
W E
S

Case #: Co9-08-22
Case Name: REAY, ET AL - SANDARIO ROAD REZONING
Tax Code(s): 213-03-219C



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Closure/Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / CO7-07-10

Board of Supervisors Hearing: 10/20/20	Ref Case: P20SA00006	
Base Map(s): 155	Map Scale: 1:6,000	Map Date: 9/10/2020 - ds

N W E S

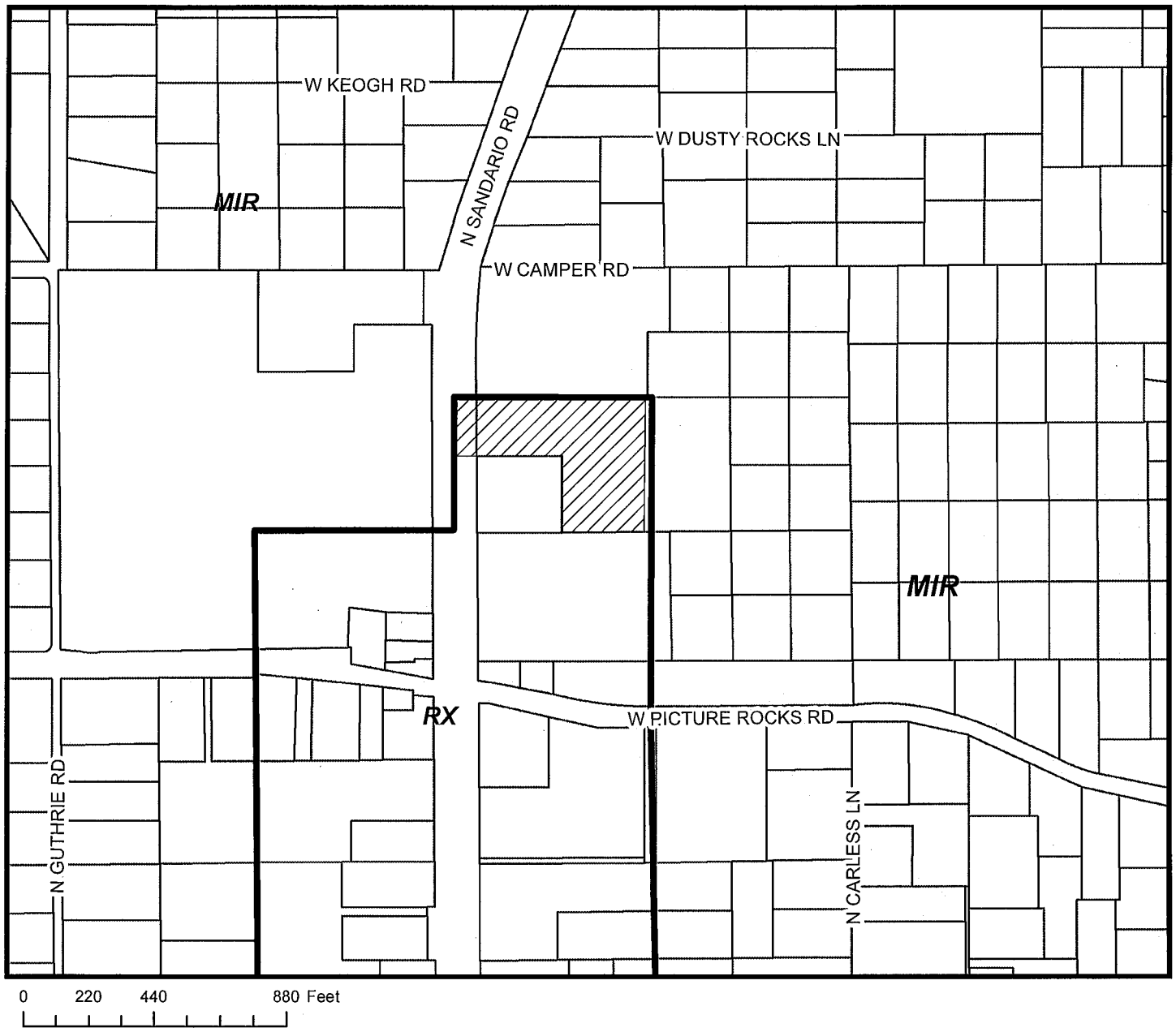
Rural Crossroads (RX)

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 #: Co9-08-22
Case Name: REAY, ET AL - SANDARIO ROAD REZONING
Tax Code(s): 213-03-219C

Comprehensive Plan Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Closure/Time Extension**

Ref Case: P20SA00006

Map Scale: 1:6,000 | **Map Date: 9/10/2020 - ds**

N W E S

THE PLANNING CENTER
a division of TPC Group, Inc.

June 23, 2020

Mr. Chris Poirier
Deputy Director
Pima County Development Services
201 North Stone
Tucson, AZ 85701-1207

Subject: **Co9-08-22 Reay et al – Sandario Road Rezone**
TPC Job No.: GRI-06

Dear Mr. Poirier:

On behalf of the Gordon and Lois Reay Family Trust, this letter serves as the formal request for a five (5)-year time extension for rezoning case #Co9-08-22, Sandario Road Rezone. The subject site is approximately 4.68 acres located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road in Township 13 South, Range 11 East, Section 03. The parcel subject to this time extension request is identified by Assessor Parcel Number (APN): 213-03-219C. See enclosed location map.

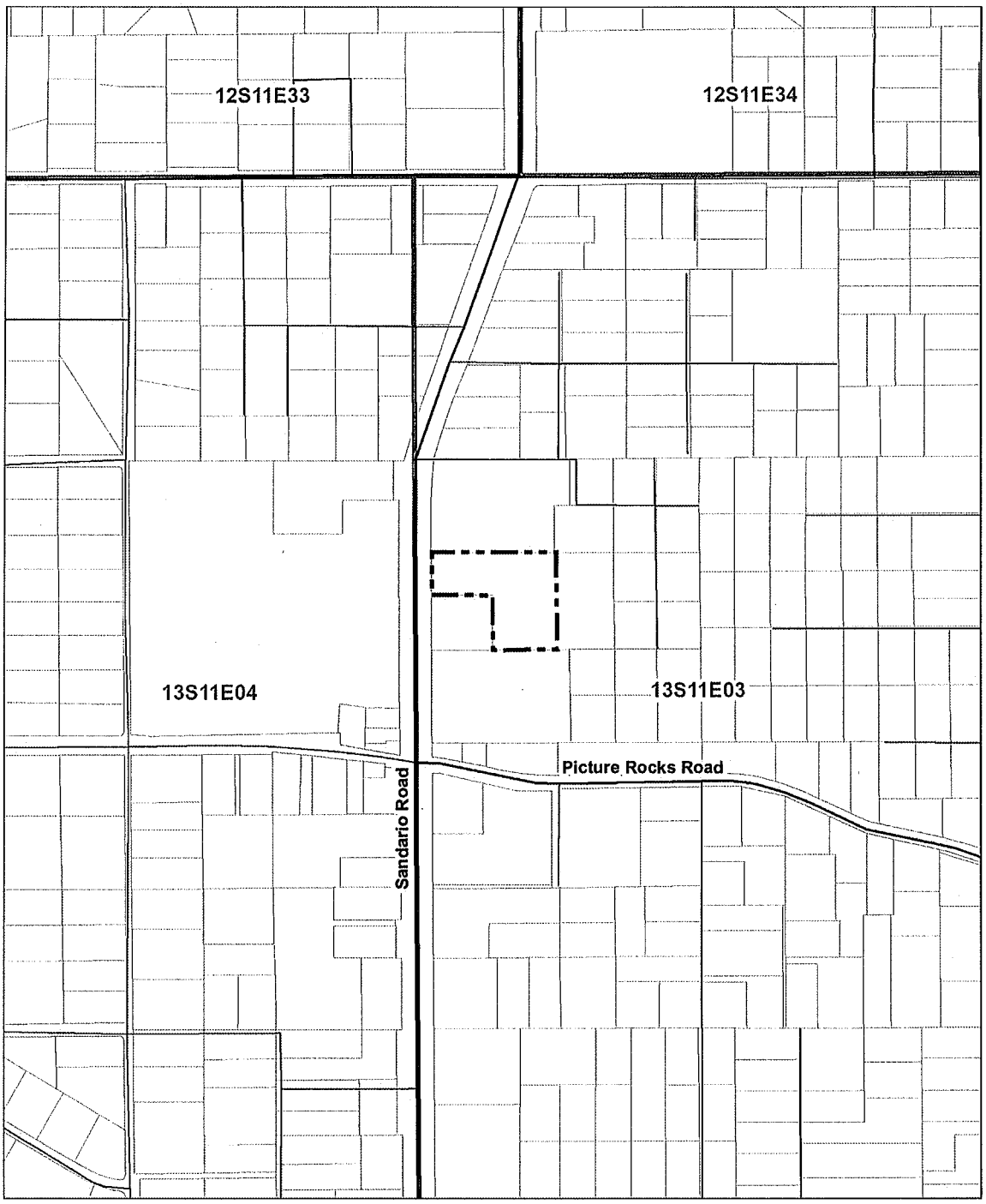
The balance of the property has remained unchanged since the approval of the original rezoning and Super Stop Development Plan, and because there has been little market for commercial development in recent years, a five (5)-year time extension is requested to allow for the demand for commercial uses in this area of Pima County to grow. No modifications to the site plan as approved during the original rezoning process are proposed with this time extension request.

If you have any questions, please don't hesitate to contact me.

Sincerely,
THE PLANNING CENTER

Lexy Wellott, AICP
Project Manager

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com



LEGEND

- Site Boundary
- Parcels
- Township, Range & Section

NOTES:

Project Location:
Assessor Parcel Number: 213-03-219C
Township 13S, Range 11E, Section 03
Time Extension Acreage: 4.68

NORTH

0' 350' 700'

FILE NAME: GRI_06_6x8_Location
SOURCE: Pima County GIS, 2019

THE PLANNING CENTER
a division of TPC Group, Inc.

March 19, 2020

Pima County Development Services Department
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona 85701

Subject: Co9-09-06 - Reay et al. – Sandario Road Rezone Time Extension
On Tax Parcel: 213-03-219C
TPC Job No.: GRI-06

To Whom It May Concern:

As the owner the above-mentioned parcel, I hereby authorize The Planning Center to act as my agent through the rezoning time extension application process.

Sincerely,

Gordon Reay

Gordon Reay
Gordon & Lois Reay Family Trust

REAY GORDON & LOIS FAMILY TR
8880 E SPEEDWAY, SUITE 210
TUCSON AZ 85710

SUMMARY OF THE TRUST - GORDON & LOIS REAY FAMILY TRUST

Effective Date of Trust
March 17, 2000

Grantors
GORDON M. REAY
LOIS L. REAY

Trustees and Trust Location
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

Type of Trust
Revocable

Name of Trust
GORDON & LOIS REAY FAMILY TRUST,
UA dated March 17, 2000, as amended

Names and Address of Beneficiaries
GORDON M. REAY
LOIS L. REAY
2100 N. Kolb
Tucson, Arizona 85715

The above is a list of the primary beneficiaries of the Trust. Additional contingent beneficiaries are also provided for in such Trust. The above list sets forth the names and addresses of all current beneficiaries of the Trust.

4. On the following pages are selected trust provisions which disclose the powers reserved by the Grantors, the Trustee provisions and the powers of the Trustees:

Somdario / Picture Rocks

PIMA COUNTY
DEVELOPMENT SERVICES

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

Biological Impact Report

(Not Applicable for Rezonings 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? Outside CLS
   Any Special Species Management Areas? No
2. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property? No
4. Is the project located within the Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl Yes
   b. Western burrowing owl Yes
   c. Pima pineapple cactus No
   d. Needle-spined pineapple cactus No

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? No

   If yes, provide a summary of those communications: _____

PIMA COUNTY
DEVELOPMENT SERVICES

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	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

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

RESOLUTION **2015-** 69

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-08-22 REAY, ET AL – SANDARIO ROAD REZONING; LOCATED ON THE EAST SIDE OF SANDARIO ROAD, APPROXIMATELY 500 FEET NORTH OF PICTURE ROCKS ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-56 FOR A PORTION OF THE SITE; AND CLOSING THE REZONING FOR A PORTION OF THE SITE.

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

1. On December 17, 2008, the owner of approximately 6.11 acres applied for a rezoning from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone).
2. On April 20, 2010, the Pima County Board of Supervisors approved the rezoning from GR-1 (Rural Residential Zone) to CB-1 (Local Business Zone), subject to standard and special conditions.
3. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-56, as recorded in Docket 13903 at Page 3875, rezoning the approximate 6.11 acres described in rezoning case Co9-08-22 and memorializing the standard and special conditions.
4. On February 26, 2015 the owner of approximately 4.68 acres conditionally rezoned by Ordinance No. 2010-56 applied for a five-year time extension.
5. On June 16, 2015, the Board of Supervisors approved correction of the map attached to rezoning Ordinance No. 2010-56 as Exhibit A in rezoning case Co9-08-22 to accurately reflect the portion of parcel 213-03-219C that was conditionally rezoned in 2010.
6. On June 16, 2015, the Board of Supervisors approved closure of the rezoning on a 1.43-acre portion (also identified as parcel 213-03-219D) of the original 6.11 acres, reverting the portion back to GR-1.
7. On June 16, 2015, the Board of Supervisors approved a five-year time extension for a 4.68-acre portion of the CB-1 rezoning with deletion of rezoning condition 7A and renumbering of conditions 7B – 7D, and modification of rezoning condition 9.
8. Section 3 of Ordinance No. 2010-56 allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1. The map attached to Ordinance No. 2010-56 is amended and corrected to show the portion of parcel 213-03-219C that was conditionally rezoned in 2010. The corrected map is attached as Exhibit A. The rezoning of approximately 1.43 acres of the original 6.11 acres is

closed and reverted to GR-1 zoning. A time extension for a 4.68-acre portion of the original 6.11 acres is approved.

Section 2. The rezoning conditions in Section 2 of Ordinance No. 2010-56 are restated and modified as follows:

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

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

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

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

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

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

7. Transportation conditions:
   ~~A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.~~
   ~~B~~A. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
   ~~C~~B. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.
   ~~D~~C. Access shall be limited to two (2) driveways on Sandario Road.

8. Flood Control conditions:
   A. Earthen perimeter channels are prohibited.
   B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
   C. A riparian mitigation plan shall be required for development in designated riparian areas.
   D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade."

E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.

9. Wastewater Management condition:
~~If the s~~ Should the project connect to the public sewer at any time in the future, the property owner/developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.

10. Environmental Quality condition:
The property owner / developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.

11. Cultural Resources conditions:
A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Environmental Planning condition:
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.

13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.

14. In the event the subject property is annexed, the property owner(s) / developers(s) 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.

15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to 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)."

16. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

17. No 24-hour, seven days a week businesses shall be permitted.

Section 3. Section 3 of Ordinance No. 2010-56 is amended and time limit extended as follows:

1. Conditions 1 through 17 shall be completed by April 20, ~~2015~~ 2020.

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 Resolution until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.

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

Passed and adopted, this 6th day of October, 2015.

Shaina Branson OCT 06 2015
Chair, Pima County Board of Supervisors

ATTEST:

Robin Brigode
Clerk of the Board

APPROVED AS TO FORM:

9/31/15
Deputy County Attorney

Co9-08-22

APPROVED:

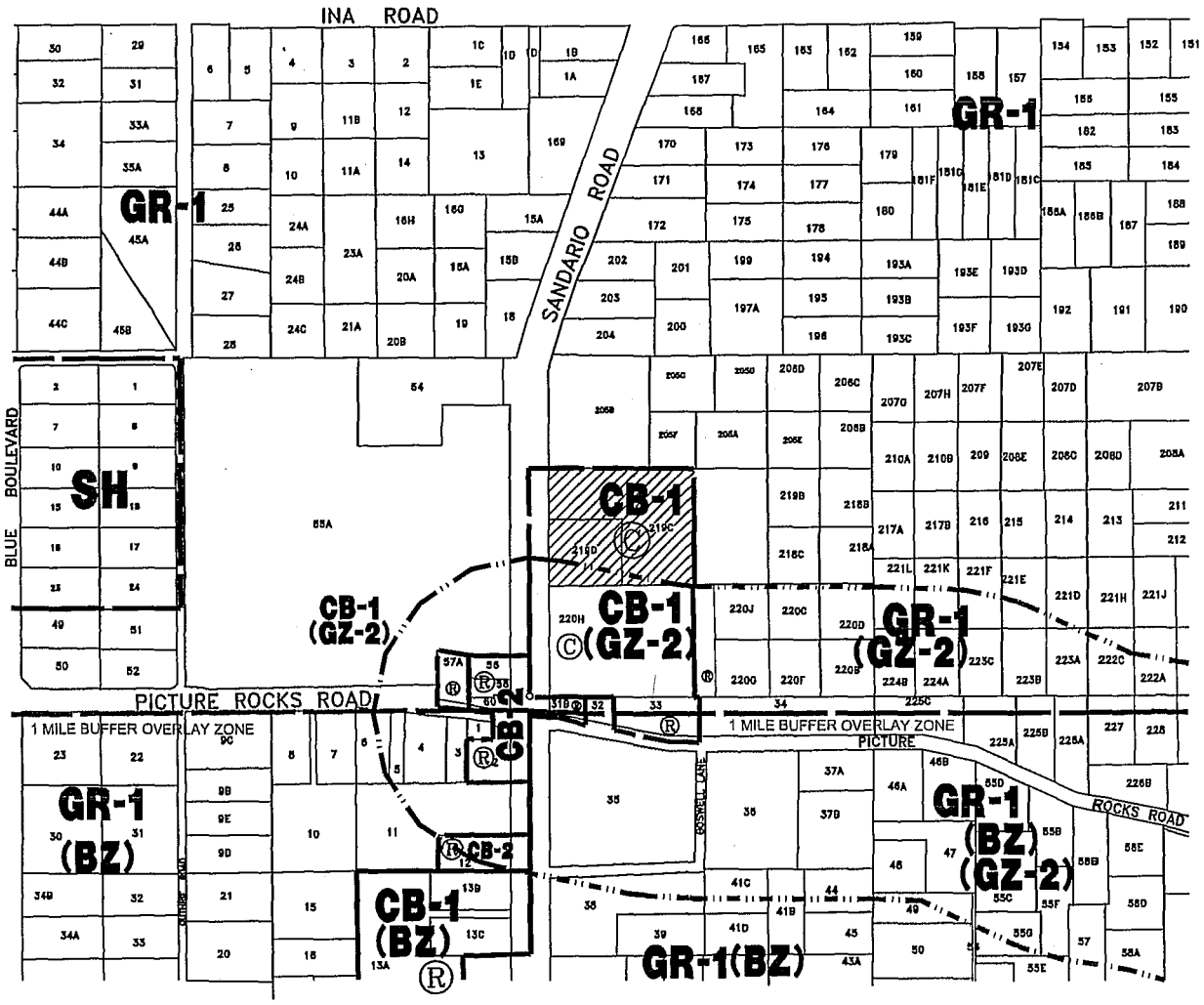
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 17 BY ORDINANCE NO. 2010-56
TO PIMA COUNTY ZONING MAP NO. 155 TUCSON, AZ. 155
PARCELS 219C & 219D LOCATED WITHIN THE SW 1/4 OF THE
NW 1/4 OF SEC. 3 T3S T11E.

0 700'

ADOPTED September 21, 2010 EFFECTIVE September 21, 2010



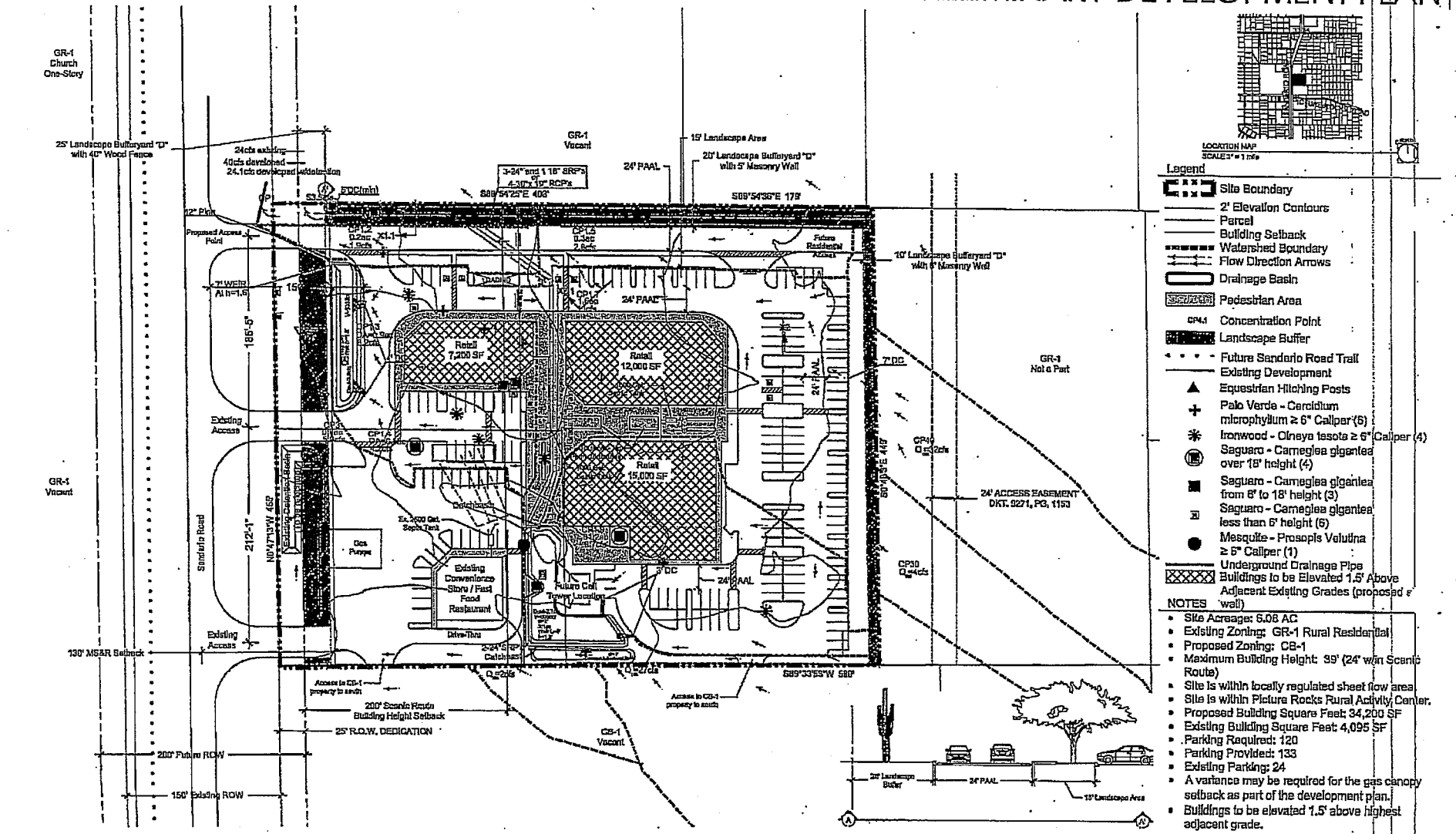
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 & GR-1 (GZ) 6.11 ac±
ds-AUGUST 4, 2010 revised August 13, 2015
Scrivenor Error correcting east boundary of CB-1 zoning

C09-08-022
C07-07-010
213-03-219C & 219D

EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN



SANDARIO ROAD

APPROVED AT PUBLIC HEARING
4/20/10

2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The tower height shall be no more than 47'.
2. The proposed tower shall "double" as a utility pole and be in-line with (and support) the existing north-south string of power lines at this location.
3. The new antennae shall be painted to match, as closely as possible, the existing wooden utility poles in the area. The proposed antennae will be painted to match the pole. The cabling necessary to serve the antennae will either be located within the interior of the pole or will be placed within a cable tray painted to match the pole.
4. The wall surrounding the equipment area will be masonry and will be textured and/or painted to match the existing masonry wall on the subject property.

Jim Portner, Hearing Administrator, presented a staff report and explained the new utility pole would be located within an existing string of utility poles and power lines that serve the surrounding areas. This pole would double as a communication tower and a utilities support pole. Routine conditions included painting the antennae to match the pole and texturing and/or painting the wall surrounding the equipment to match the existing masonry wall on the subject property. There was no public comment on this request, and the Planning and Zoning Commission recommended approval subject to standard and special conditions.

The Chairman asked if anyone wished be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Chairman Valadez and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing, and approve the Conditional Use Permit subject to special and standard conditions.

DEVELOPMENT SERVICES: Rezoning

17. Co9-08-22, REAY, ET. AL. – SANDARIO ROAD REZONING
Request of Gordon and Lois Reay, et al, represented by The Planning Center, for a rezoning of approximately 6.11 acres from GR-1 (GZ) (Rural Residential) (Gateway Zone) to CB-1 (GZ) (Local Business) (Gateway Zone), on property located on the east side of Sandario Road, approximately 500 feet north of Picture Rocks Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted (6-2) (Commissioners Membrila and Spendiarian voted Nay, Commissioners Smith and Richey were absent) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

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

Completion of the following conditions within five years from the date the rezoning request is approved 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 Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
   A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.
   B. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
   C. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.
   D. Access shall be limited to two (2) driveways on Sandario Road.
8. Flood Control conditions:
   A. Earthen perimeter channels are prohibited.
   B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
   C. A riparian mitigation plan shall be required for development in designated riparian areas.
   D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade.
   E. . Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
   F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.
9. Wastewater Management condition:
   If the should the project connect to the public sewer at any time in the future, the property owner / developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.
10. Environmental Quality condition:
    The property owner / developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve onsite wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
11. Cultural Resources conditions:
    A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
    B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
    C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Environmental Planning condition:
    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.

13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.
14. In the event the subject property is annexed, the property owner(s)/developers(s) 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.
15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to 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)."
16. Adherence to the preliminary development plan as approved at public hearing.
17. No 24 hour per day business operations are permitted.

Tom Hudson, Zoning Administrator, advised that this was a request for a rezoning on property located on the east side of Sandario Road, near Picture Rocks Road. The applicant was requesting the addition of 3 commercial structures, comprising of approximately 34,000 square feet of retail and services space, to an existing 4,000 square foot convenience store. The applicant was anticipating that the additional space would be used to accommodate business uses such as banking, pharmacy, and postal services to service residents in the Picture Rocks area. He stated that the property met all concurrency criteria, complied with the Comprehensive Plan, and was outside of the Maeveen Marie Behan Conservation Lands System area. The Planning and Zoning Commission recommended denial citing the speculative nature of the rezoning and lack of specificity related to future business uses. With respect to access to the convenience store and the 2.5 acres east of the area that are not part of this rezoning, the Department of Transportation recommended that there only be two access points to the property in order to allow future access control along Sandario Road as the Picture Rocks area develops. Mr. Hudson stated that staff had received three letters opposing the rezoning and two in favor. Staff recommended approval with special and standard conditions,

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Mimi Batten
2. Brian Johnson

They offered the following comments:

A. New commercial development in the Picture Rocks area would negatively impact the natural desert habitat, environment, community, and rural and scenic areas.
B. More commercial development would increase problems already related to safety, trash, light, noise and other pollutants due to increased traffic from Marana High School students.
C. They were concerned about the existing, mature Saguaros as well as silt and erosion control.
D. Although staff reported they had received two favorable letters from the residents, one was from a property owner who does not live in the community.
E. There was concern about the potential commercial uses of the property.
F. The rural character of the Picture Rocks area needed to be preserved.
G. The Comprehensive Plan has a provision that Picture Rocks Community Center will avoid auto-oriented businesses.

The applicant's representative, Kelly Lee from The Planning Center, addressed the Board. She reported that meetings had been conducted with the neighbors who offered suggestions on the types of businesses they would like to see in the area. She stated that approximately 11,000 people in the Picture Rocks area, were in need of commercial services closer to the area. In response to a question from Supervisor Bronson on the proposed commercial uses, Ms. Lee advised that they could not specify use until the zoning was approved; however, market forces and the needs of the community would definitely influence what businesses would ultimately go into the space.

Supervisor Bronson asked staff for clarification on allowable uses for the property and whether the rezoning complied with the Native Plant Protection Ordinance (NPPO) as it related to protection of the Saguaros, the location of parking and accommodating pedestrian traffic.

Mr. Hudson responded that the plan did comply with the NPPO, that the larger Saguaros would be preserved in place, the revised preliminary plan provided for parking to the side and rear of the property, and that there would be a courtyard in the middle of the development to allow for pedestrian traffic. A mitigation plan would also be required with proposed conditions to address the silt and erosion areas by requiring off-site and on-site improvements, and water harvesting would also be required for the development.

Supervisor Bronson asked Ms. Lee if her client would be willing to state that there would be no twenty-four hour, seven days a week business operation. After consulting with her client, Ms. Lee stated that they could not commit to that condition due to the fact that restricting hours would put them at a disadvantage by requiring them to compete with other stores in the area that have no restrictions.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing, approve the rezoning request subject to special and standard conditions and including an additional condition that would prevent any twenty-four hour, seven days a week business operation.

DEVELOPMENT SERVICES: Pima County Code Text Amendment

18. Co8-09-02, CONCURRENT PLAN AMENDMENT/REZONING PROCESS
An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; amending the Pima County Zoning Code Chapter 18.89 to add Section 18.89.041 (other plan amendment procedures) and adding a process for a concurrent comprehensive plan amendment and rezoning as Section 18.89.041(c); relocating the current Sections 18.89.040(e) (board-initiated amendments for immediate review) and Section 18.89.040(f) (minor revisions to comprehensive plan) to the new Section 18.89.041 as Sections 18.89.041(a) and 18.89.041(b); by amending Section 18.91.040(c) (requirement of compliance with comprehensive plan) to incorporate the concurrent plan amendment/rezoning process into the rezoning procedures; and amending Section 18.101.030 (Planning and Zoning Commission) to clarify the current responsibilities of the Planning and Zoning Commission. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Holdridge abstained and Commissioner Membrila was absent) to recommend APPROVAL PURSUANT TO STAFF'S RECOMMENDATION, WITH ONE ADDITION. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2010 - 27

Arlan Colton, Planning Director, provided a staff report and explained how the amendment would help eliminate or minimize the burden small properties owners, neighbors and staff experience when looking at a plan amendment and/or rezoning on a small property. Marc Fink, Senior Planner, added that this amendment would apply to small properties and/or adjacent to similarly planned or zoned property and would allow for the addition of small commercial uses or additional residences. Although the procedure would be less complex, the criteria would remain stringent. He reported that notices on the proposed ordinance amendment, along with fact sheets and links to the web site, had been distributed twice, and letters of support had been received from the Green Valley Coordinating Council, the La Canada/Magee Neighborhood Association and one architect.

On consideration, it was moved by Supervisor Day, seconded Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll not present for the vote,

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 to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

~~17~~16. Adherence to the preliminary development plan as approved at public hearing.

~~18~~17. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension for Co9-09-06, subject to original and modified standard and special conditions.

22. **Hearing - Co9-08-22, Reay, et al. - Sandario Road Rezoning**

A. **Rezoning Closure**

Proposal of Pima County to close the rezoning on approximately 1.43 acres owned by ARCP WS Portfolio, L.L.C. The parcel is a portion of an original 6.11-acre rezoning from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone and is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. The rezoning was conditionally approved in 2008 and expired on April 20, 2015. Staff recommends APPROVAL OF CLOSURE. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the recommendation for closure on Co9-08-22.

B. **Rezoning Time Extension**

Request of Gordon and Lois Reay Family Trust, represented by The Planning Center, for a five-year time extension for approximately 4.68 acres of an original 6.11-acre rezoning from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone in the Picture Rocks Road Gateway Overlay zone. The rezoning was approved in 2008 and expired on April 20, 2015. The rezoning is located on the east side of Sandario Road, and approximately 500 feet north of Picture Rocks Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

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.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
   ~~A. The property owner/developer shall dedicate 25 feet right-of-way for Sandario Road.~~
   ~~B~~A. The property owner/developer shall provide improvements to Sandario Road as determined necessary by the Department of Transportation.
   ~~C~~B. Internal access shall be designed and provided between the existing and proposed uses and to the north, south and east. Cross access and maintenance shall be provided by the property owner for all portions of the rezoning and to adjacent properties. The access to the north should only be provided at the time when the property to the north is developed as transitional or commercial type use. Some acceptable means of blocking access to the southern access shall be provided until property to the south is developed commercially.
   ~~D~~C. Access shall be limited to two (2) driveways on Sandario Road.
8. Flood Control conditions:
   A. Earthen perimeter channels are prohibited.
   B. The property owner(s) developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
   C. A riparian mitigation plan shall be required for development in designated riparian areas.
   D. Note 5 on the PDP submitted with the Site Analysis shall be changed to read: "Site is within regulatory sheet flood area. All structures shall be elevated 1.5' above natural grade."
   E. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of stormwater to irrigate exterior areas and conserve use of groundwater.
   F. A letter of intent to serve from a water service provider shall be submitted with the submittal of the Development Plan.
9. Wastewater Management condition:
   ~~If the s~~ Should the project connect to the public sewer at any time in the future, the property owner/developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.
10. Environmental Quality condition:
    The property owner/developer shall demonstrate that the new lot can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, for each on-site wastewater disposal system. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
11. Cultural Resources conditions:
    A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
    B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
    C. Following rezoning approval, any subsequent development requiring a Type II

grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Environmental Planning condition:
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.
13. Prior to approval of the development plan, the property owner shall provide documentation that the parcels have been reconfigured such that only the area to be zoned CB-1 is fully contained within a single parcel, in accordance with RP-92.
14. In the event the subject property is annexed, the property owner(s)/developers(s) 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.
15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to 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)."
16. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
17. No 24-hour, seven days a week businesses shall be permitted.
Department of Transportation recommends removal of original condition #7A due to proposed changes in rights-of-way dedications in the county's Major Streets and Routes Plan 2015 update. Condition #9 is corrected for grammar.
Staff also recommends a correction of a mapping error for CB-1 zoning over the entire 8.59-acre site. The original rezoning request was for the 6.11 acres, the western portion of the properties amended to Rural Activity Center (RUAC) under Comprehensive Plan amendment Co7-07-10. The associated Rezoning Policy, RP-92, required the eastern side of the property (about 2.5 acres) remain under Medium Intensity Rural (MIR) land use designation, with the intent that the existing GR-1 zoning buffer homes to the east. Additionally, CB-1 is not an allowed zone under the MIR land use designation. The MIR-designated, GR-1-zoned portion of the site is to be surveyed and recorded as a separate parcel.

Brian Johnson expressed opposition to the rezoning extension due to the proposed I-11 Route and the type of development that would attract traffic from outside the community.

Chair Bronson asked if I-11 would have any potential effect on the five year time extension because I-11 would not be happening any time in the near future.

Chris Poirier, Assistant Planning Director, explained an analysis had been done on current phases of the area and I-11 had not been part of the analysis because implementation would not be within the time frame of the extension.

Kelly Lee, The Planning Center, explained the Reay family understood rural growth and wanted to keep the integrity of the small town and stated that at neighborhood meetings residents expressed a desire for stores like pharmacies.

Chair Bronson explained if the request was granted, the developers should continue to meet with neighbors.

It was thereupon moved by Chair Bronson, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voted "Nay," to close the public hearing and approve the five year time extension for Co9-08-22 subject to original and modified standard and special conditions.

23. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 27, Co9-70-147, Flores - Shannon Road Rezoning. Owner: Desert Oasis Development & Construction, Inc. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

24. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2015 - 40, Co9-99-17, Ali, et al. - Oracle Road Rezoning. Owner: CAPT Properties, L.L.C., Attn: Cosmo Ali. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

25. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2015 - 41, Co9-99-18, Ali - Oracle Road Rezoning. Owner: CAPT Properties, L.L.C., Attn: Cosmo Ali (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

26. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2015 - 42, Co9-04-16, St. Phillips Foothills, L.L.C. - Campbell Avenue Rezoning. Owner: Campbell Foothills Investors, L.P., Attn: The Schomac Group, Inc. (District 1)