BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 20, 2020

Title: Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD #2 REZONING

Introduction/Background:

The applicant requests a Modification (Substantial Change) of Rezoning condition #12 which requires adherence to the 2011 revised approved preliminary development plan (PDP) which limited the use to offices, restaurant and retail development to change the use to a 46-lot townhouse development.

Discussion:

The subject 4.11-acre property (Parcel A) was rezoned from SH (Suburban Homestead) to CB-2 (General Business) zone, approved October 21, 2008 and is a portion of a larger 14.79-acre rezoning. The property was originally a 5.98-acre parcel which was reduced to the 4.11-acres through a dedication to Pima County for the River Park. The revised preliminary development plan for 46-lot townhouse development demonstrates a less intense use of the property.

Conclusion:

The proposed use conforms to the Community Activity Center Comprehensive Plan designation.

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: 9/30/2020

Deputy County Administrator Signature/Date: 10/2/2020

County Administrator Signature/Date: C. Richter 10/2/20

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: September 30, 2020

SUBJECT: **Co9-08-08** **RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**

The above referenced Modification (Substantial Change) of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 20, 2020** hearing.

REQUEST: For a **modification (substantial change) of rezoning condition #12** which requires adherence to the 2011 revised preliminary development plan, proposing a change of use to townhouse development. The 4.11 acre property, parcel code 104-01-104G, is conditionally zoned CB-2 (General Business) and is located on the west side of River Road approximately 2,000 feet east of La Cholla Boulevard.

OWNERS: Riverview Ventures, LLC
Attn: Greg Kaplan
120 Newport Center Drive
Newport Beach, CA 92660-6916

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

DISTRICT: 1

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

PUBLIC COMMENT TO DATE: As of September 30, 2020, staff has received no public comments.

PLANNING AND ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS** (9-0; Commissioner Bain was absent).

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

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: Co9-08-08

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

DATE: September 30, 2020

ADVERTISED ITEM FOR PUBLIC HEARING
MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

CO9-08-08 **RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING**
Riverview Ventures, LLC represented by Lazarus & Silvyn, P.C. request a **modification (substantial change) of rezoning condition #12** which requires adherence to the 2011 revised preliminary development plan, proposing a change of use to townhouse development. The 4.11 acre property, parcel code 104-01-104G, is conditionally zoned CB-2 (General Business) and is located on the west side of River Road approximately 2,000 feet east of La Cholla Boulevard. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS** (9-0, Commissioner Bain was absent). Staff recommends **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 1)

Planning and Zoning Commission Public Hearing Summary (September 30, 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 original and modified standard and special conditions.

A commissioner requested clarification regarding Parcel "A" and Parcel "B" which is east of River Road and indicated that Parcel "B" appeared to be developed. Staff replied that Parcel "A" is the subject property and Parcel "B" is developed with 101 townhomes. The commissioner stated that the request for Parcel "A" would essentially be the same use as Parcel "B". Staff affirmed the statement.

The applicant's agent presented additional information for the proposed development. 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 applicant discussed that they will maintain the sun dial easements. The applicant also discussed rezoning conditions #'s 3A, 3G and 13, which have been satisfied with the development of Parcel B and the River Road

expansion.

A commissioner questioned why the conditions were not removed in the special action. Staff clarified that rezoning conditions are permanently assessed to a property in perpetuity, even once they have been resulted through development. If an event occurred that would cause the property to be re-developed, the rezoning conditions would apply.

A commissioner asked the applicant whether they considered having a small coffee shop or similar use as an integral part of the development because of the excellent location along the loop. The applicant responded that they had not considered that because the change of use supports the market analysis of today for townhomes and the success of small business needs additional traffic to support the use.

The public hearing was opened. There were no speakers.

The public hearing was closed.

Commissioner Hook made a motion to recommend **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**, Commissioner Becker gave second.

A commissioner stated agreement that a small business use on the site may be profitable.

The commission voted to recommend **APPROVAL** of the substantial change (9 – 0; Commissioner Bain was absent) subject to the following conditions:

IF THE DECISION IS MADE TO APPROVE THE MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS, THE FOLLOWING ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   - A. Access is ~~only~~ allowed as shown on the ~~2011~~ 2020 revised Preliminary Development Plan (EXHIBIT B) or as approved by the Department of Transportation.
   - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
3. Flood Control conditions:
   - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
   - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
   - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
   - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
   - E. A riparian mitigation plan shall be required for development in designated

riparian areas.

F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

4. Wastewater Reclamation conditions:

A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(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(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) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Quality condition:

The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

6. Cultural Resources conditions: 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.
   ~~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.~~
7. Natural Resources, Parks and Recreation conditions:
   A. At a minimum, two access points from Parcel A to the river park shall be provided.
   ~~B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.~~
   ~~C.~~B. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
8. Environmental Planning conditions:
   A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
   B. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and, Pima County may enforce this rezoning condition against any future property owner.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle

Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Oncosiphon pilulifer	Stinknet
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

9. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, and sewer facilities.
11. 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)."
12. Adherence to the ~~2011~~ 2020 revised preliminary development plan as approved at public hearing (EXHIBIT B).
13. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following: Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
14. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home
    b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
    c. Factory-built (modular) buildings
    d. Home auto repair
    e. Open storage
    f. Community service agency
    g. Hospital or sanatorium
    h. Community storage garage

15. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanic repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store
    e. Billiard or pool hall
    f. Garage for public storage only
    g. Gasoline service station
    h. Large-scale retail establishment
    i. Laundromat, laundry and dry cleaning units
    j. Mechanical and electronic games arcade
    k. Shopping center, regional
    l. Station: bus or stage
    m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
    n. Trailer rental
    o. Wholesale of oil
    p. Trailer or manufactured or mobile home for caretaker
    q. Self-storage facility
16. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
17. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
18. The gross density shall be a minimum of 10 residences per acre.

~~19. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.~~

~~20.~~19. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

TD/TT/ds
Attachments

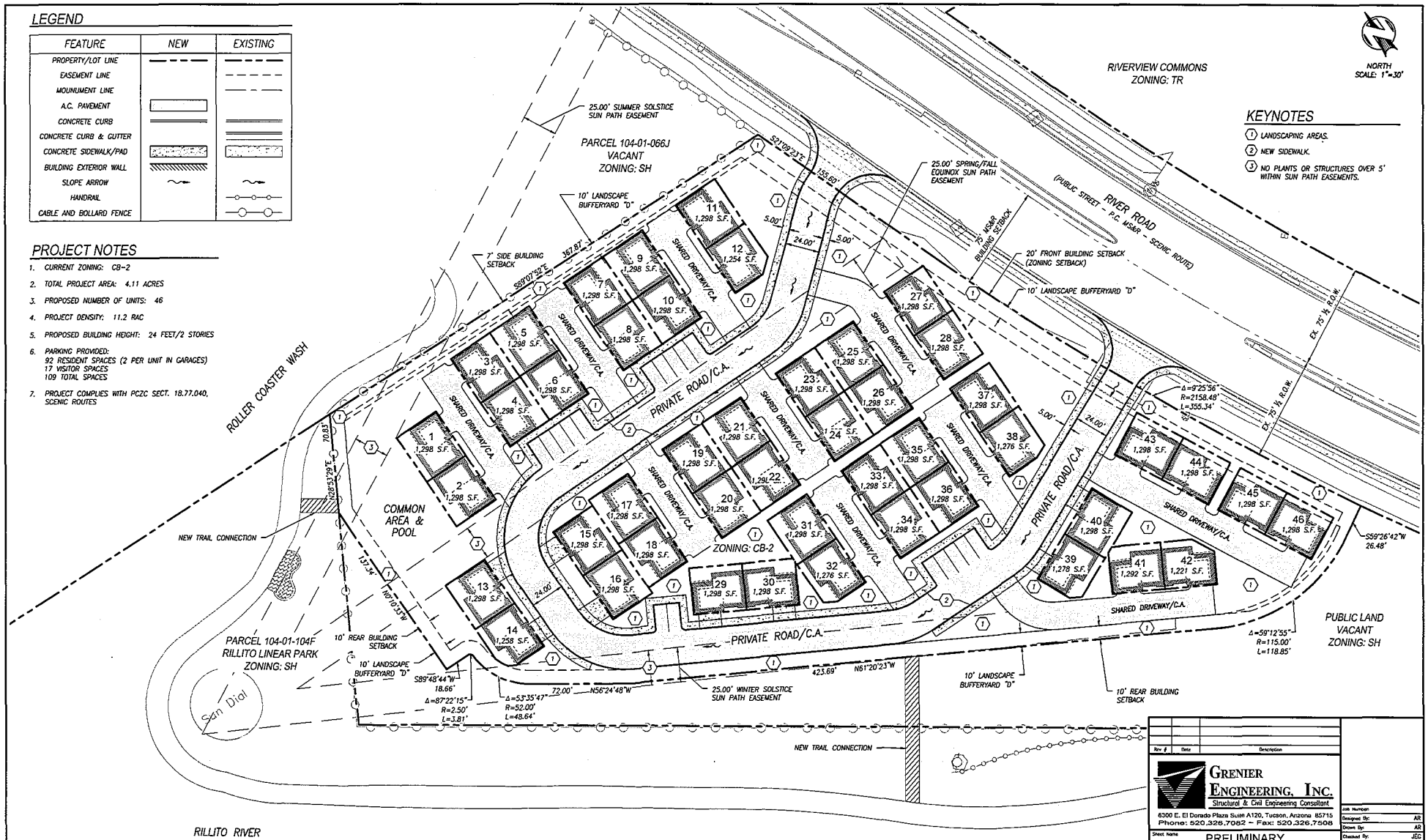
cc: Lazarus & Silvyn, P.C., Keri Silvyn, 5983 E. Grant Road, Suite 290, Tucson, AZ 85712-2365

LEGEND

FEATURE	NEW	EXISTING
PROPERTY/LOT LINE		
EASEMENT LINE		
MOUNUMENT LINE		
A.C. PAVEMENT		
CONCRETE CURB		
CONCRETE CURB & GUTTER		
CONCRETE SIDEWALK/PAD		
BUILDING EXTERIOR WALL		
SLOPE ARROW		
HANDRAIL		
CABLE AND BOLLARD FENCE		

PROJECT NOTES

1. CURRENT ZONING: CB-2
2. TOTAL PROJECT AREA: 4.11 ACRES
3. PROPOSED NUMBER OF UNITS: 46
4. PROJECT DENSITY: 11.2 RAC
5. PROPOSED BUILDING HEIGHT: 24 FEET/2 STORIES
6. PARKING PROVIDED:
   92 RESIDENT SPACES (2 PER UNIT IN GARAGES)
   17 VISITOR SPACES
   109 TOTAL SPACES
7. PROJECT COMPLIES WITH PCZC SECT. 18.77.040, SCENIC ROUTES



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:	JEC
Date:	7/29/2020
Scale: V: N/A	H: AS NOTED
Sheet Number:	1
Sheet 1 of 1	

Sheet Name: PRELIMINARY DEVELOPMENT PLAN

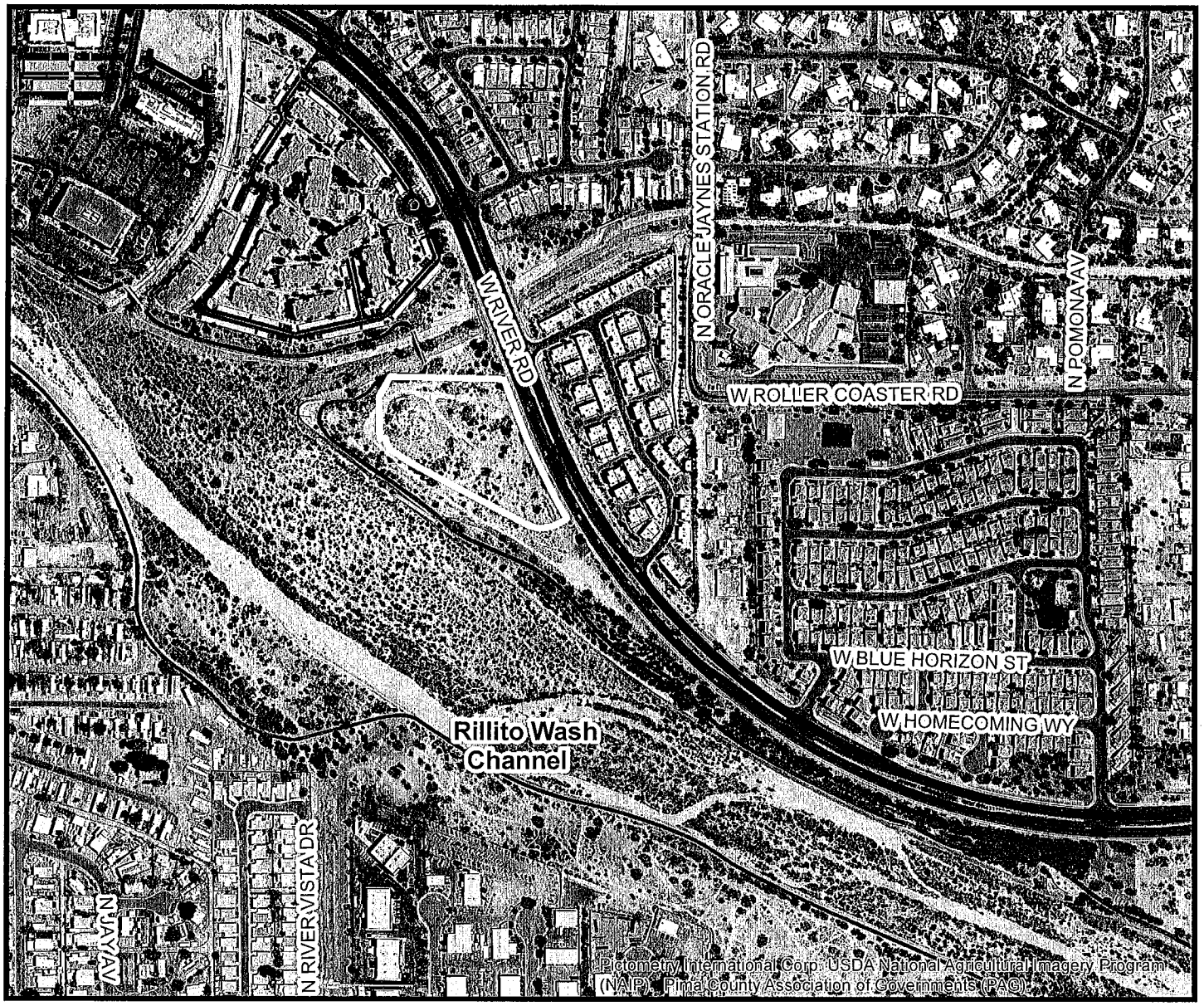
Project: WEST RIVER RD. PIMA COUNTY, AZ

KEYNOTES

1. LANDSCAPING AREAS.
2. NEW SIDEWALK.
3. NO PLANTS OR STRUCTURES OVER 5' WITHIN SUN PATH EASEMENTS.

THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES UNTIL SEALED AND DATED BY OWNER OF RECORD. REUSE OF INFORMATION WITHOUT WRITTEN PERMISSION IS PROHIBITED.

Case #: Co9-08-08
Case Name:RIVERSIDE ASSOCIATES, ET AL - RIVER ROAD #2 REZONING
Tax Code(s): 104-01-104G



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

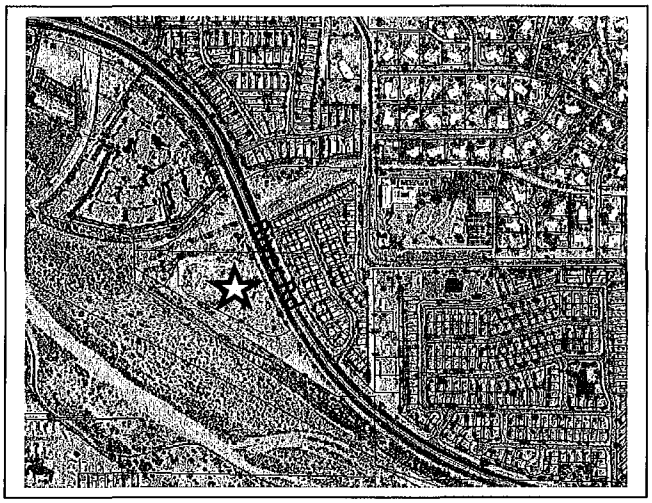
Notes: **Substantial Change Rezoning Condition #12 Ref # P20SA00009**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:6,000 | Map Date: 9/2/2020 - ds

N W E S

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



HEARING September 30, 2020

DISTRICT 1

CASE Co9-08-08 Riverside Associates, et al. – River Road #2 Rezoning

REQUEST Modification (Substantial Change) of Rezoning Condition #12 (4.11 acres)

OWNER Riverview Ventures, LLC
Attn: Greg Kaplan
120 Newport Center Drive
Newport Beach, CA 92660-6916

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

APPLICANT'S PROPOSAL

The applicant requests a substantial change of rezoning condition #12 which requires adherence to the approved, revised 2011 preliminary development plan and limits the use of the property to restaurant, office and retail development. The current preliminary development plan demonstrates the planned 46-lot residential townhouse development.

APPLICANT'S STATED REASON

"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. The Chuck Huckelberry Loop is an example of such an amenity, and with this property's proximity to the Loop, and its overall density, this proposal supports maximum usage of this amenity."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS**. The applicant proposes to modify rezoning condition #12 with a revised development plan that amends the project from restaurant, office and retail uses to a 46-lot townhouse development. The revised 2020 preliminary development plan demonstrates the townhouse use and connectivity to the Chuck Huckelberry Loop. The proposal is a compatible use with the existing densities of the surrounding properties and supports the nearby commercial uses, is in the Flowing Wells Focused Development Investment Area (FDIA) and is an efficient use of existing infrastructure. The proposed use provides compatible residential opportunities that complement the unique character of the Chuck Huckelberry Loop, also designated as an FDIA.

PUBLIC COMMENT

As of September 15, 2020 staff has not received any written comments.

COMPREHENSIVE PLAN

The 4.11-acre subject property's comprehensive plan land use designation is Community Activity Center (CAC). The objective of the CAC is to designate medium and higher intensity mixed use districts that provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; and compatible medium to higher density housing. Projects may be mixed uses, but not required and should demonstrate how it enhances the mixed use character of the designated activity center as a whole. The combination of a residential project that provides additional access to the Loop, bicycle and sidewalk connectivity to River Road with access to nearby commercial services and employment enhance the character of the CAC land use designation.

Special Area Policy S-20 (Urban Floodplain) applies to the property. The Urban Floodplain policy regulates the boundaries of the 100-year FEMA mapped floodplain and there are flood control conditions #3A-H to implement this policy. There are no rezoning policies applicable to the property.

Comprehensive plan amendment Co7-02-019 Riverside Associates - W. River Road amended the land use designation from High Intensity Urban (HIU) to CAC on November 2002; no rezoning policies were enacted.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SH/SP	Roller Coaster Wash/Developed Apartments (Riverside Crossing Specific Plan)
South:	SH	Rillito River Wash and the Loop River Walk
East:	TR	Townhouse Development
West:	SH	Rillito River Wash and the Loop River Walk

The area contains a mix of commercial and higher density residential uses along the major River Road corridor. The nearest major grocery/strip services/restaurant uses lie approximately 1,500 feet away at the corner of La Cholla Boulevard and River Road. There are additional grocery/strip services/restaurant at the northwest corner of River Road and La Canada Drive, approximately three-fourths of a mile to the east. Additional uses, a car wash and Walgreens pharmacy are located at the southwest corner of River Road and La Canada Drive.

PLANNING REPORT

The 4.11-acre subject property is a part of a larger 14.79-acre rezoning that was approved October 21, 2008 with an expiration date of October 21, 2013. The rezoning contained parcel "A" (5.98-acres) on the west side of River Road (this request) and parcel "B" (8.90-acres) located on the east side of River Road. The original rezoning approved Parcel "A" for office, restaurant, and retail uses and Parcel "B" for office uses. In 2011, a modification of rezoning conditions for Parcel "B" was approved which allowed the change of use from offices to single-family attached dwelling units or townhomes. Subsequent to the rezoning, two dedications occurred in accordance with Parks and Recreation and Flood Control rezoning conditions. Parcel "A" dedicated a 1.78-acre parcel to Pima County for the River Park (condition #12B). The remaining acreage of parcel "A" is the current 4.11-acre parcel. Parcel "B" dedicated a .19-acre portion of the property adjacent to the Roller Coaster wash for drainage and was developed with 101 townhomes in 2013. Five-

year time extensions for Parcel "A" were granted in 2013 and 2018. The rezoning expires October 17, 2023.

The property owner is seeking a substantial change of rezoning condition #12 to allow the change of use to townhomes. The property is located within an FDIA (growth area) by the comprehensive plan which encourages efficient infill growth and community gathering areas (e.g., river walks) that attract, support and retain a healthy workforce and multi-generational families. The proposed townhouse development meets the growth area policies by increasing the appropriate mix of land uses in the area that support a balance of housing, employment, shopping, and recreation while promoting the efficient use of infrastructure. Direct access to local jobs creates walkable urban environments and reduces commute times and green-house gas emissions creating a healthier, more vibrant community.

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 10-foot wide bufferyards around the perimeter of the property. Two points of connection to the Chuck Huckelberry Loop are proposed.

The property is zoned CB-2 (General Business) which is typically relegated to commercial uses, but allows the high-density residential use. Staff supports the request because the planned uses are compatible with the medium- and high-density residential uses in the area, the property is located within a growth area, and concurrency of infrastructure exists to support the use. The immediate area contains a plethora of commercial services and goods to support the existing and proposed residential densities in the area, hence, the conversion from commercial CB-2 to residential CB-2 zoning in this location does not create a shortage of necessary commercial uses, services and convenience. Multi-model forms of transportation exist and the proposed residential uses are a less intense use than the original rezoning approval for commercial offices, restaurant, and retail uses generating less traffic and noise.

The recommended modification, deletion, and addition to rezoning conditions are as follows:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. Access is ~~only~~ allowed as shown on the ~~2011~~ 2020 revised Preliminary Development Plan (EXHIBIT B) or as approved by the Department of Transportation.
   B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
3. Flood Control conditions:
   A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
   B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
   C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.

D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.

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

F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

4. Wastewater Reclamation conditions:

A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(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(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) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

6. Cultural Resources conditions: 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.
   ~~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.~~

7. Natural Resources, Parks and Recreation conditions:
   A. At a minimum, two access points from Parcel A to the river park shall be provided.
   ~~B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.~~
   ~~C.~~B. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

8. Environmental Planning conditions:
   A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
   B. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and, Pima County may enforce this rezoning condition against any future property owner.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Oncosiphon pilulifer	Stinknet
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

9. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, and sewer facilities.
11. 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)."
12. Adherence to the ~~2011~~ 2020 revised preliminary development plan as approved at public hearing (EXHIBIT B).
13. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following: Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.
14. The following uses shall be prohibited in the TR portion of the rezoning site:
    a. Temporary trailer or mobile or manufactured home

b. Temporary manufactured or mobile housing in accordance with Section 18.17.020A.2.
c. Factory-built (modular) buildings
d. Home auto repair
e. Open storage
f. Community service agency
g. Hospital or sanatorium
h. Community storage garage

15. The following uses shall be prohibited in the CB-2 portion of the rezoning site:
    a. Auto mechanic repair
    b. Automobile accessories, parts and supplies
    c. Automobile lubrication and oil change operation
    d. Automobile tires, batteries and accessories installation in conjunction with a department store
    e. Billiard or pool hall
    f. Garage for public storage only
    g. Gasoline service station
    h. Large-scale retail establishment
    i. Laundromat, laundry and dry cleaning units
    j. Mechanical and electronic games arcade
    k. Shopping center, regional
    l. Station: bus or stage
    m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
    n. Trailer rental
    o. Wholesale of oil
    p. Trailer or manufactured or mobile home for caretaker
    q. Self-storage facility
16. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
17. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
18. The gross density shall be a minimum of 10 residences per acre.

~~19. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.~~

~~20.~~19. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Other Conditions:

Staff recommends modification of rezoning conditions #2A and #12 to reflect the current preliminary development plan proposal for townhouse use. Rezoning condition #6 has been amended with the current language for cultural resources. Rezoning conditions #7B and #19 have been deleted because the dedication or transfer of property have taken place. Former condition #7C has been renumbered to condition #7B. Rezoning condition #8B has been updated to include one additional invasive specimen to be removed from the property. Former rezoning condition #20 has been re-numbered to rezoning condition #19. Many of the rezoning conditions have been completed because of the development of parcel B, however, all rezoning conditions remain valid in the event that the development may undergo some type of physical alteration or demolition that would cause the property to be re-developed at some point in the future.

TRANSPORTATION REPORT

The Department of Transportation has no objection to the modification of rezoning condition #12 to allow for 46 residential townhomes on the 4.11-acre portion of the above rezoning. This request is a substantial change from Resolution 2019-036 and requires the review of transportation conditions #2A-B.

The site is served directly by River Road with La Cholla Boulevard 1,500 feet to the west. River Road is a Major and Scenic Route identified as medium volume arterial with a planned and existing 150-foot right-of-way directly adjacent to the site. River Road is a paved four-lane curbed roadway with sidewalk on both sides, raised medians and multi-use paths. The posted speed limit is 45 miles per hour. The most recent traffic counts for River Road is 24,701 average daily trips (ADT) with an approximate capacity of 37,810 ADT.

The proposed 46 townhomes will not significantly impact River Road, therefore; there are no concurrency concerns with this request. The site is adjacent to the Chuck Huckelberry Loop. The location and design of access points to the Loop shall be provided and approved during development plan permitting. The proposed driveways shall comply with the Subdivision and Development Street Standards driveway separation requirements.

FLOOD CONTROL REPORT

Regional Flood Control District has no objection to this request subject to the existing flood control conditions #3A-H.

WASTEWATER RECLAMATION REPORT

The subject property 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 of the property across River Road. Allocation of capacity in the public sewer system is made by the Type III Capacity Response.

PCRWRD has no objection to the request to modify rezoning condition #12. The existing wastewater conditions in rezoning Resolution 2019-36 adopted on May 7, 2019 by the Board of Supervisors do not require any revision.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this request.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to these requests subject to modified rezoning condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

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

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

WATER DISTRICT REPORT

Metropolitan Water District has no comment.

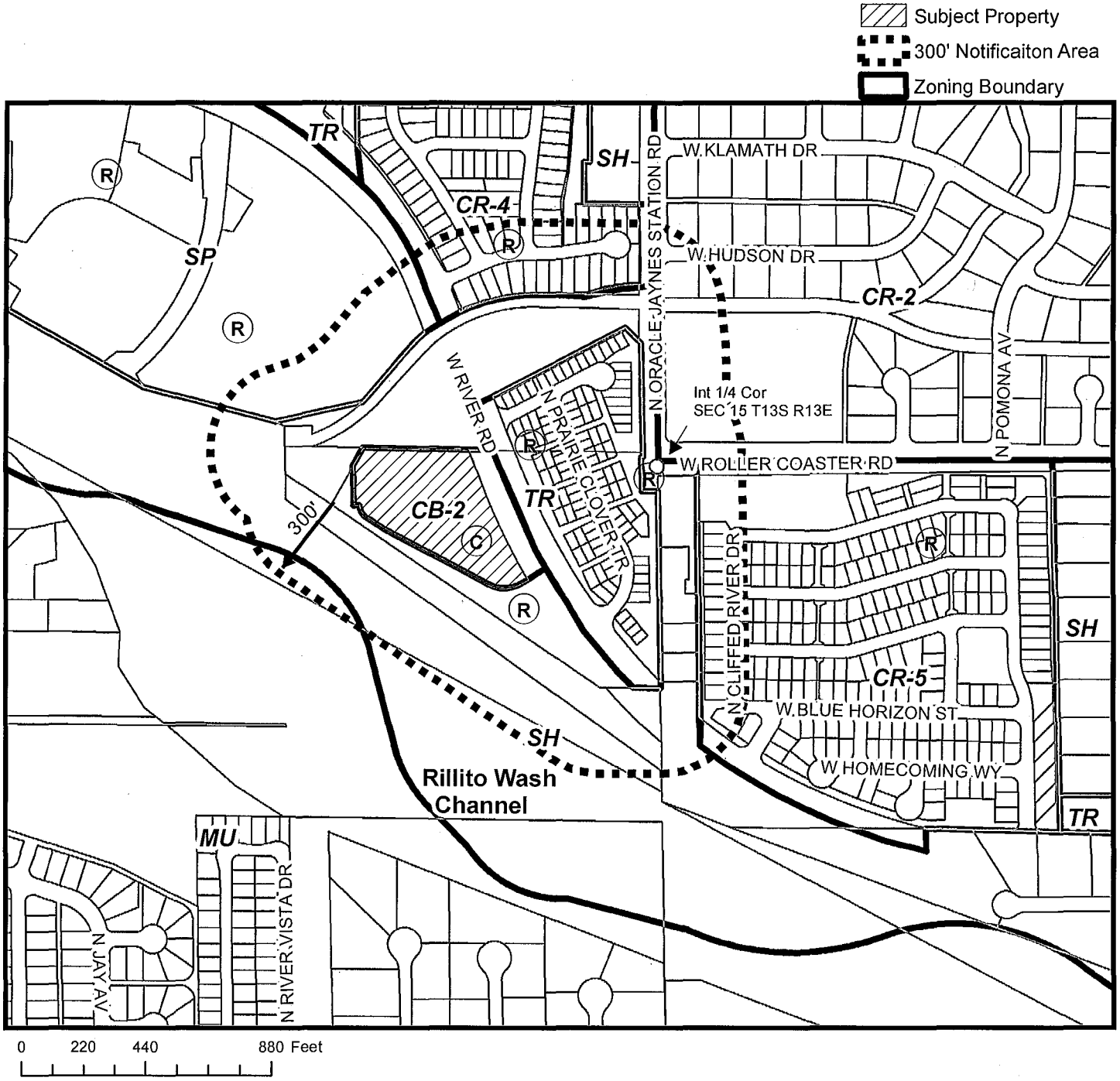
FIRE DISTRICT REPORT
Northwest Fire District has no comment.

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

Case #: Co9-08-08
Case Name:RIVERSIDE ASSOCIATES, ET AL - RIVER ROAD #2 REZONING
Tax Code(s): 104-01-104G



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Substantial Change Rezoning Condition #12 Ref # P20SA00009**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 9/30/20	Board of Supervisors Hearing: TBA

Base Map(s): 45	Map Scale: 1:6,000	Map Date: 9/2/2020 - ds

N W E S

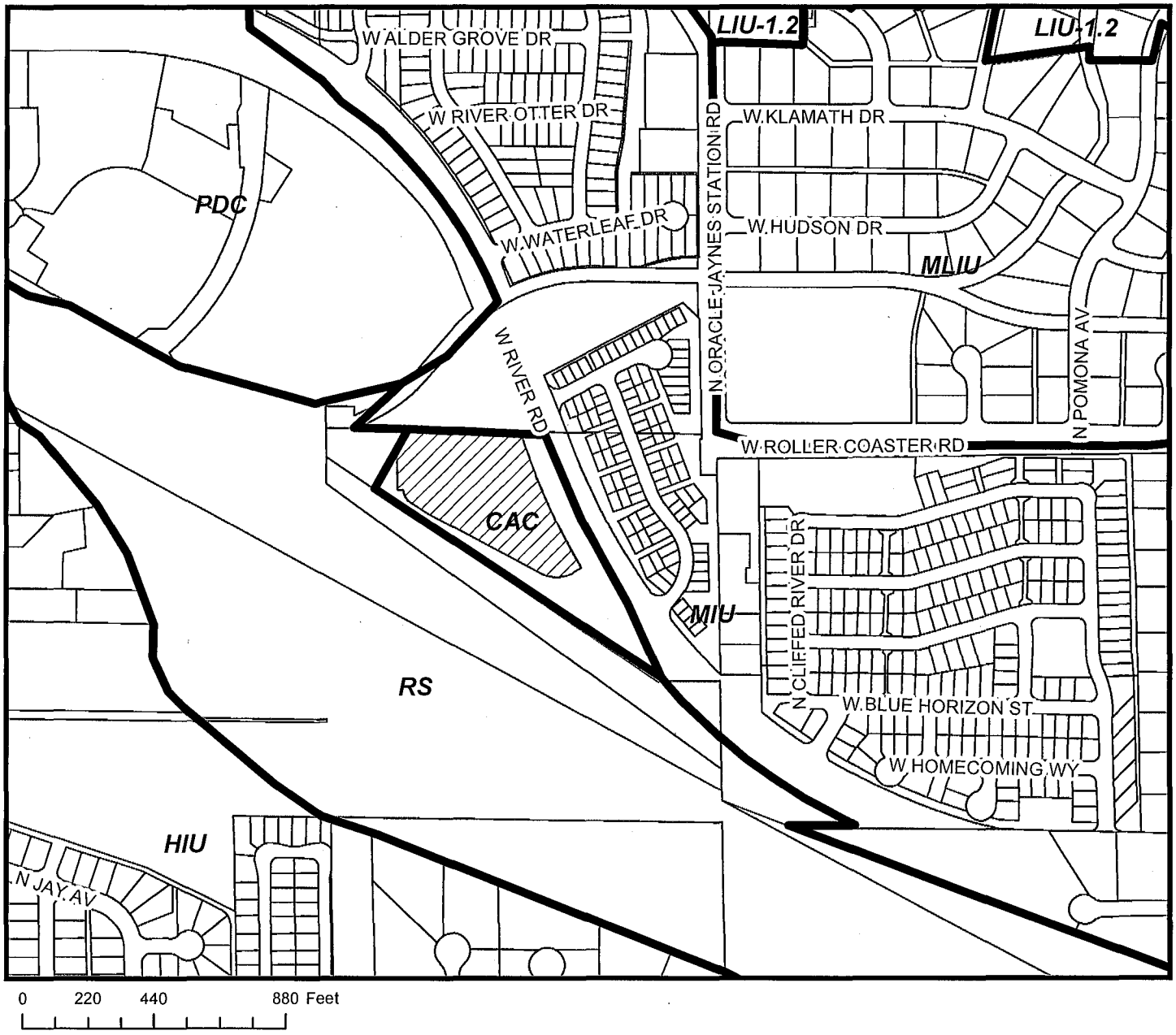
Community Activity Center (CAC)

Objective: To designate medium and higher intensity mixed use districts designed to provide a full range of goods and services; office and medical uses; hotels; research and development opportunities; educational and institutional uses; and other similar uses as described in the Campus Park Industrial (CPI) zoning district (Section 18.49); and compatible medium to higher density housing. Individual rezoning requests do not necessarily have to be a mixed use project; however, the application must demonstrate how it serves to create or enhance the mixed use character of the designated activity center as a whole. Larger centers may include a regional mall. Smaller centers may provide goods and services needed on a more frequent basis. These may include a major supermarket, discount department stores, large variety stores, or specialty stores such as a hardware/building/home improvement stores. Community Activity Centers may be located on major arterial roadways with access to public transportation. All centers will have direct pedestrian and bicycle access to surrounding neighborhoods. Community Activity Centers may range from 25 acres to up to 100 acres or more in size depending on the area served and services provided.

- Residential Gross Density: (if any) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC

Case #: Co9-08-08
Case Name:RIVERSIDE ASSOCIATES, ET AL - RIVER ROAD #2 REZONING
Tax Code(s): 104-01-104G

Comprehensive Plan Exhibit



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Substantial Change Rezoning Condition #12 Ref # P20SA00009**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:6,000 | Map Date: 9/2/2020 - ds

N W E S

RESOLUTION **2019-** 36

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-08-08 RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD #2 REZONING; LOCATED ON THE EAST AND WEST SIDES OF RIVER ROAD AT ROLLER COASTER ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2009-10 AS AMENDED BY RESOLUTIONS 2011-201 AND 2014-23.

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

1. On October 21, 2008, in rezoning case Co9-08-08, the Pima County Board of Supervisors approved the rezoning of approximately 14.79 acres located on the east and west sides of River Road at Roller Coaster Road as shown on Exhibit A from SH (Suburban Homestead) to TR (Transitional) (8.71 acres), CB-2 (General Business) (4.11 acres), and SH ® (Suburban Homestead Restricted) (1.97 acres), subject to standard and special conditions.
2. On April 7, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance 2009-10, recorded at Docket 13537 at Page 3844, rezoning the approximate 14.79 acres described in rezoning case Co9-08-08 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a modification (substantial change) of rezoning conditions 17 and 19 set forth in Section 2 of Ordinance No. 2009-10.
4. On August 15, 2011, the Pima County Board of Supervisors approved a modification (substantial change) of conditions #'s 17 and 19 subject to additional modifications to standard and special conditions.
5. On December 13, 2011, the Pima County Board of Supervisors adopted Resolution 2011-201, recorded at Sequence No. 20113610953, memorializing the modified standard and special conditions.
6. On January 8, 2013 a Certificate of Compliance was issued for the 8.71-acre TR zone portion of the 14.79-acre rezoning.
7. The owner of the remaining 4.11-acre CB-2 zone portion of the rezoning applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-10.
8. On November 19, 2013, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
9. On March 11, 2014, the Pima County Board of Supervisors adopted Resolution 2014-23, recorded at Sequence No. 20140730690, memorializing the new time limit and modified standard and special conditions.
10. The owner of the remaining 4.11-acre CB-2 zone portion of the rezoning applied for

a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2009-10, as amended by Resolution 2014-23.

11. On November 20, 2018, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension subject to modified standard and special conditions.

12. Section 3 of Ordinance No. 2009-10 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2009-10, as amended by Resolutions 2011-201 and 2014-23, 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, Document Services.~~

~~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. Access is only allowed as shown on the 2011 revised Preliminary Development Plan (Exhibit B) or as approved by the Department of Transportation.

B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.

~~8~~3. Flood Control conditions:

A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.

B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design

shall be addressed; and a meeting prior to submittal is recommended.

C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.

D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.

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

F. The property owner(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.

G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.

H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

~~9~~4. Wastewater Reclamation conditions:

~~A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.~~

~~B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, 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 enter into a written agreement addressing the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department PCRWRD.~~

~~C. 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.~~

~~D. 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 Regional Wastewater Reclamation Department PCRWRD in its capacity response letter and as specified by the Development Services Department PCRWRD at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~

~~E. The owner/developer shall enter into a written agreement addressing the funding, design, and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, 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 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.~~

A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

C. The owner(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(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) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

F. The owner(s) 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. Environmental Quality condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.

~~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. Natural Resources, Parks and Recreation conditions:

A. At a minimum, two access points from Parcel A to the river park shall be provided.

B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.

C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the Preliminary Development Plan. The plan shall be incorporated with Pima

County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.

~~13~~8. Environmental Planning conditions:

A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.

~~B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~

~~C~~B. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and, Pima County may enforce this rezoning condition against any future 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~~.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
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~~14~~9. Structures and plants greater than five feet in height shall not be permitted in the sun paths identified on the preliminary development plan.

~~15~~10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, and sewer facilities.

~~16~~11. 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 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~~12. Adherence to the 2011 revised preliminary development plan as approved at public hearing (EXHIBIT B).

~~18~~13. The property owners(s)/developer(s) shall enter into a development agreement with Pima County addressing, at a minimum, the following:

~~A.~~ Off-site improvements to River Road as required by the Department of Transportation, which may include, but may not be limited to, additional pavement, right turn lanes, relocations of multi-use lanes, curbs and sidewalks.

~~B. Off-site improvements to Roller Coaster Road/Oracle Jaynes Station Road as required by the Pima County Department of Transportation in agreement with Amphitheatre School District, which may include, but not be limited to, additional pavement, relocations of parking and access lanes and sidewalks.~~

~~C. Responsibilities and funding of both private and public drainage improvements.~~

~~D. Responsibilities and funding for improvements to Roller Coaster Wash. The agreement shall also identify an implementation schedule of these improvements.~~

~~19~~14. The following uses shall be prohibited in the TR portion of the rezoning site:

a. Temporary trailer or mobile or manufactured home

b. Temporary manufactured or mobile housing in accordance with Section

18.17.020A.2.

c. Factory-built (modular) buildings
d. Home auto repair
e. Open storage
f. Community service agency
g. Hospital or sanatorium
h. Community storage garage

~~20~~15. The following uses shall be prohibited in the CB-2 portion of the rezoning site:

a. Auto mechanic repair
b. Automobile accessories, parts and supplies
c. Automobile lubrication and oil change operation
d. Automobile tires, batteries and accessories installation in conjunction with a department store
e. Billiard or pool hall
f. Garage for public storage only
g. Gasoline service station
h. Large-scale retail establishment
i. Laundromat, laundry and dry cleaning units
j. Mechanical and electronic games arcade
k. Shopping center, regional
l. Station: bus or stage
m. Tire store, including incidental repair of shocks and brakes with no outdoor storage or display
n. Trailer rental
o. Wholesale of oil
p. Trailer or manufactured or mobile home for caretaker
q. Self-storage facility

~~21~~16. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.

~~22~~17. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.

~~23~~18. The gross density shall be a minimum of 10 residences per acre.

~~24~~19. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.

~~25~~20. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Section 2. Section 3 of Ordinance No. 2009-10, as amended by Resolutions 2011-201 and 2014-23, is restated and modified as follows:

1. Conditions 1 through ~~25~~20 shall be completed by October 21, ~~2018~~2023.

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 ~~25~~20 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 7th day of May, 2019.

MAY 0 7 2019

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

3/25/19

Deputy County Attorney
Lesley M. Lukach

APPROVED:

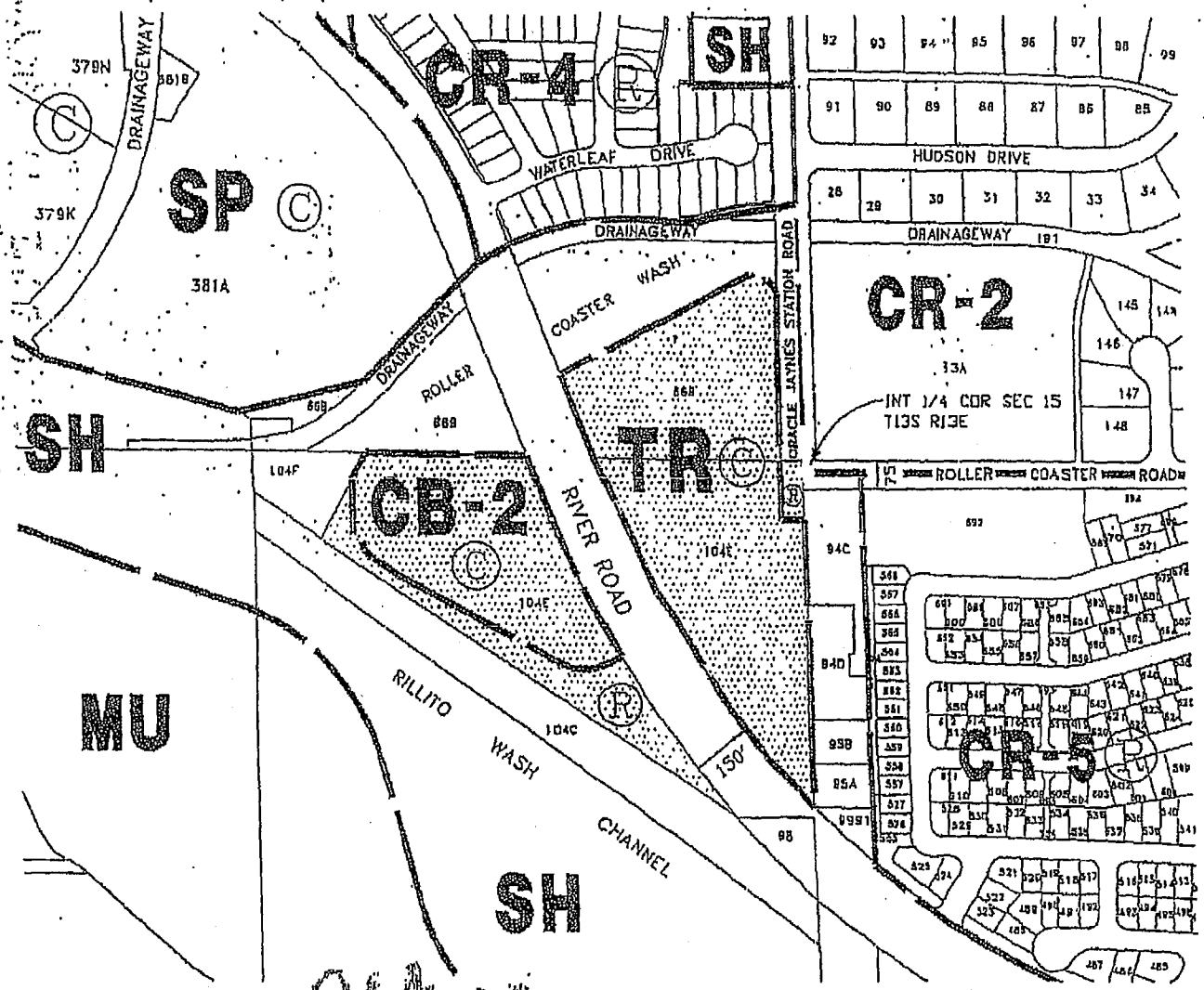
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 99 BY ORDINANCE NO. 2009-10
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, ARIZONA
PARCEL 104E AND PORTION OF PARCEL 066B LOCATED IN
THE WEST 1/2 OF SECTION 15, T13S R13E.

0 400'

ADOPTED APRIL 7, 2009 EFFECTIVE APRIL 7, 2009



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Co9-08-08
Co7-00-20
104-01-104E
104-01-066B(PTN)

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 14.79 ac±
as-JANUARY 14, 2009

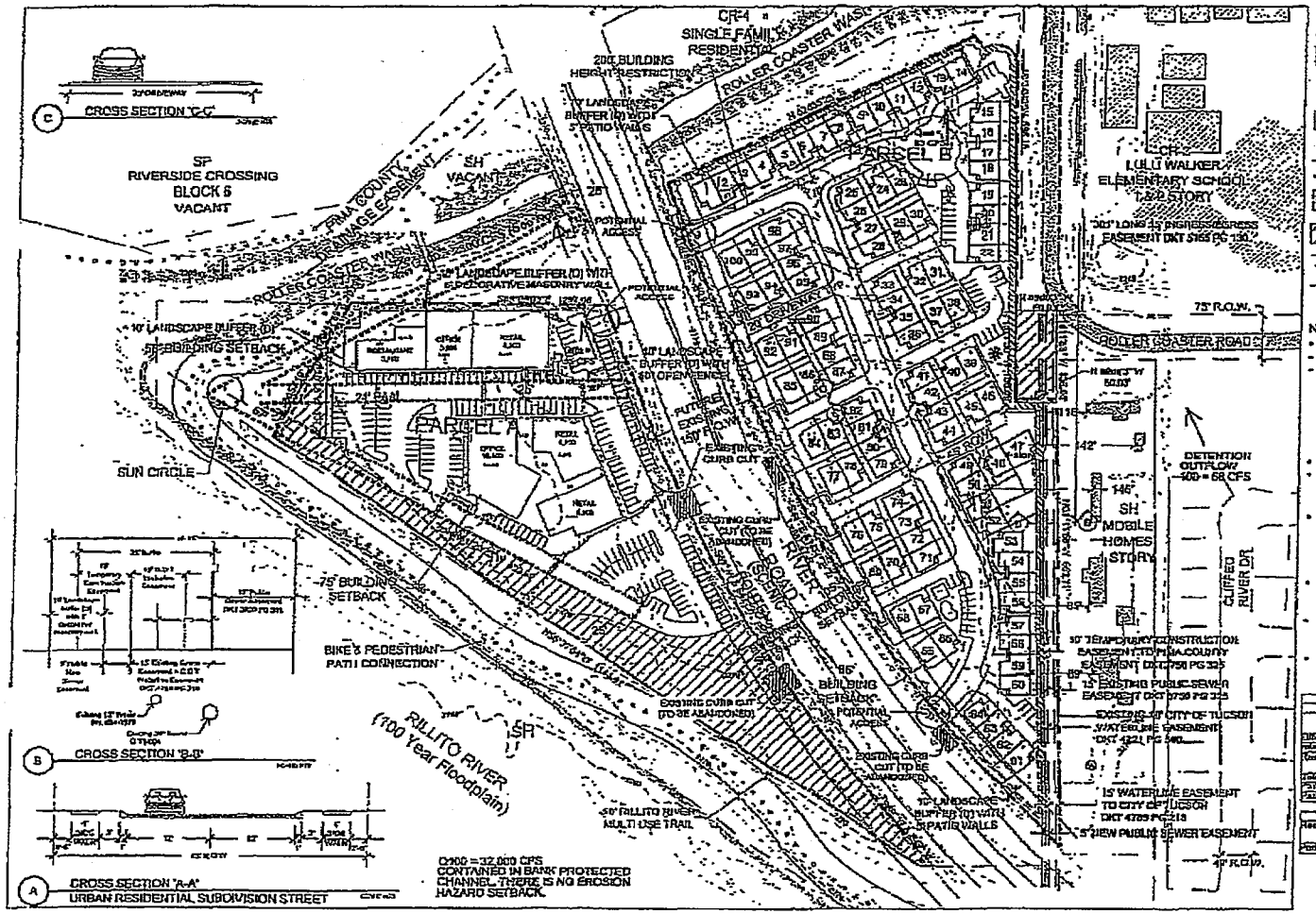
Approved by BOS 8/15/11 J.P.

Proposed Revised Preliminary Development Plan

Ord-08-08

2011

Exhibit II.B: Change of Development Plan



LEGEND

- SITE BOUNDARY
- LANDSCAPE BUFFER
- RILLITO RIVER MULTI-USE TRAIL
- PROPOSED TRAILS
- EXISTING CURB CUTS
- LANDSCAPING
- IMPORTANT RIPARIAN AREA
- SUN PATH
- EXISTING ROLLERCOASTER ROAD
- PROPERTY TO BE DEDICATED TO PIMA COUNTY
- BUILDING SETBACK
- PROPOSED RECREATION AREAS
- SAFE ROUTE TO SCHOOL ACCESS

NOTES

- PROJECT SITE AREA: 6.71 ACRES
- TOTAL PROJECT SITE AREA: 14.79 ACRES
- ACREAGE BREAK DOWN:
  - PARCEL A: 4.11 AC
  - PARCEL A- PARKS & RECREATION DEDICATION AREA (SHEET): 1.78 AC
  - PARCEL B: 3.71 AC
  - PARCEL B -PIMA COUNTY DEDICATION (SHEET): 0.79 AC
  - PROPOSED RECREATION AREA: 0.85 ACRES
- EXISTING ZONING: SH (SUBURBAN HOMESTEAD)
- PROPOSED ZONING:
  - PARCEL A: CB-2 (COMMERCIAL)
  - PARCEL B: TR (TRANSITIONAL)
- PROPOSED USE:
  - PARCEL A: COMMERCIAL/OFFICE/ RETAIL/RESTAURANT TOTAL SQUARE FEET: 43,850 SF
  - PARCEL B: SINGLE FAMILY RESIDENTIAL TYPICAL LOT SIZE: 30'x60'
- MAX BUILDING HEIGHT
  - PARCEL A: 30 FEET
  - PARCEL B: 25 FEET
- ALL LANDSCAPING WILL BE DROUGHT TOLERANT IN ACCORDANCE WITH PIMA COUNTY LAND USE CODE REQUIREMENTS
- WEST OF RIVER ROAD THE FLOW OF THE ROLLER COASTER WASH IS CONTAINED IN THIS BANK PROTECTION. THERE IS NO EROSION HAZARD SETBACK.

PARKING PARCEL A	Sq Ft.	Parking Used To Calculate Parking Requirements	Parking Required	30% Reduction
Office	18,000	1 SPACE / 300 SF	60	42
Retail	22,300	1 SPACE / 250 SF	89	62
Restaurant	3,400 (25% = 1,050)	1 SPACE / 100 SF	34	24
Total	43,800			
Parking Required			183	128
Parking Provided			198	198

PARCEL B			
Residential	100 Lots	2 spaces/dwelling unit (inclusive of garage parking)	225
Parking Provided			233

THE PLANNING CENTER

PAGE 11 OF 11

Law Offices of
Lazarus & Silvyn, P.C.

August 3, 2020

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

SUBJECT: Request for Change of Condition at River Rd. & La Cholla Blvd. (Co9-08-08)

Dear Mr. Poirier:

As authorized by the current property owner, our firm represents a potential purchaser/developer of 4.11 acres southwest of River Road, east of La Cholla Boulevard and northeast of the Rillito Creek, Pima County Assessor Parcel No. 104-01-104G (the "Property). This letter serves as a request to amend the rezoning conditions to permit development of a multi-family/townhome project as described below. This request is being made pursuant to Pima County Zoning Code ("PCZC") § 18.91.100(A).

Background/Rezoning History

On October 21, 2008, the Board of Supervisors ("BOS") approved an application for rezoning a total of 14.79 acres located on either side of the River Rd. right-of-way (Co9-08-08). The 8.71-acre portion on the northeast side of River Rd. was rezoned from SH (Suburban Homestead) to TR (Transitional) Zone, and it has since been developed with residential uses. The 6.08 acres on the southwest side of River Rd. included this 4.11-acre Property (conditionally rezoned from SH to CB-2) and a 1.97-acre area rezoned from SH to SH (Restricted). The 1.97-acre property was dedicated to the County for the Rillito River Park and served to satisfy Conservation Lands System ("CLS") mitigation requirements during the rezoning. The preliminary development plan ("PDP") proposes a combination of commercial, retail and office uses on the 4.11-acre Property, which is the subject of this request.

Five-year time extensions were requested and approved by the Board of Supervisors in 2013 and 2018, and the new expiration date for the rezoning is October 21, 2023. Resolution 2019-36 memorializes the most recent time extension and includes modified standard and special rezoning conditions.

Change of Condition Request

This rezoning was originally approved in the midst of the Great Recession, which devastated the regional real estate market and local economy, and all development essentially came to a halt. Although the real estate market has largely recovered, there has been a significant shift in land use preferences from those seen at the height of the real estate boom. A demand for commercial, retail and restaurant uses at this location has not materialized, and the Property has remained vacant. This

206 E. Virginia Avenue | Phoenix, AZ 85004-1110
602.340.0900 | Fax 602.340.8955

5983 E. Grant Road, Suite 290 | Tucson, AZ 85712-2365
520.207.4464 | Fax 520.300.9662

request to modify the preliminary development plan ("PDP") is necessary to respond to current real estate market conditions.

This amendment request 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. The Chuck Huckelberry Loop is an example of such an amenity, and with this Property's proximity to the Loop, and its overall density, this proposal supports maximum usage of this amenity.

This request is for an amendment to rezoning condition #12, as listed in Resolution 2019-36, which requires *"adherence to the 2011 revised preliminary development plan as approved at public hearing"*. The alternative PDP submitted herewith proposes a residential development featuring 46 townhomes (the "Project") at an overall density of 11.2 residences per acre ("RAC"). The Project has been designed in accordance with CB-2 Zone and Scenic Route Overlay Zone development standards.

Pursuant to condition #1, please note this is proposed as a townhome Project; therefore, BOS approval of this change of condition also satisfies condition #1. In addition, pursuant to condition #7.B., the area identified on the 2011 PDP has already been dedicated to the County for the Rillito River Park and serves to satisfy this Project's CLS requirements. The Project will comply with all other modified standard and special conditions, pursuant to Resolution 2019-36.

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.

DocuSign Envelope ID: 210CB443-446C-451A-9878-7250BE20E78B

July 13, 2020

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

RE: Property Owner Authorization – River & La Cholla

Dear Planning & Development Services:

Riverview Ventures, LLC owns approximately 4.11 acres of the real property located on the southwest side of River Rd., northeast of the Rillito Creek and east of La Cholla Blvd., Pima County Tax Assessor Parcel Number 104-01-104G.

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 change of zoning conditions, tentative plat/development plan, grading permits and associated building permits.

Sincerely,

Riverview Ventures, LLC

By: DocuSigned by: Greg Kaplan
18C37715BBC947D...
(NAME) Authorized Signatory
(TITLE)

DocuSign SECURED

Certificate Of Completion

Envelope Id: 210CB443446C451A98787250BE20E78B
Subject: Please DocuSign: Owner_Auth_Letter_River_LaCholla.pdf
Source Envelope:
Document Pages: 1
Certificate Pages: 1
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Signatures: 1
Initials: 0

Status: Completed

Envelope Originator:
Dean Cotlow
3832 East Kleindale Road
Tucson, AZ 85716-1400
cotlow@cotlow.com
IP Address: 184.191.140.59

Record Tracking

Status: Original
7/19/2020 12:12:24 PM

Holder: Dean Cotlow
cotlow@cotlow.com

Location: DocuSign

Signer Events	Signature	Timestamp
Greg Kaplan greg@earningadmission.com Authorized Signatory Security Level: Email, Account Authentication (None)	DocuSigned by: Greg Kaplan 18C37715BBC947D...	Sent: 7/19/2020 12:13:59 PM Viewed: 7/19/2020 12:33:19 PM Signed: 7/19/2020 12:33:27 PM

Signature Adoption: Pre-selected Style
Using IP Address: 72.211.210.23

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	7/19/2020 12:33:19 PM
Signing Complete	Security Checked	7/19/2020 12:33:27 PM
Completed	Security Checked	7/19/2020 12:33:27 PM

Payment Events	Status	Timestamps