



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 16, 2021

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

Introduction/Background:

The Board of Supervisors approved a five-year rezoning time extensions subject to original and modified standard special conditions.

Discussion:

The time limit contained in Rezoning Ordinance 2010-56 and amended by Resolution 2015-69 may be modified by resolution.

Conclusion:

The resolution reflects the Board of Supervisors' approval.

Recommendation:

Approval

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: Donna Spicola, Planner Telephone: 724-9513

Department Director Signature/Date: Carla A. Blackwell 1/22/21

Deputy County Administrator Signature/Date: [Signature] 1/22/2021

County Administrator Signature/Date: C. Dunkelberg 1/22/21



Subject: Co9-08-22

Page 1 of 1

FEBRUARY 16, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official *MAM Well* Principal Planner (for)
Public Works-Development Services Department-Planning Division

DATE: February 1, 2021

RESOLUTION FOR ADOPTION

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

Owners: Gordon and Lois Reay
(District 3)

If approved, adopt RESOLUTION NO. 2021 - _____

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

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-08-22 File

RESOLUTION 2021-_____

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 NORTH SANDARIO ROAD, APPROXIMATELY 500 FEET NORTH OF WEST 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 AS AMENDED BY RESOLUTION 2015-69.

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

1. On April 20, 2010, in rezoning case Co9-08-22, the Pima County Board of Supervisors approved the rezoning of approximately 6.11 acres located on the east side of North Sandario Road, approximately 500 feet north of West Picture Rocks Road from GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CB-1 (GZ) (Local Business – Gateway Overlay) zone, subject to standard and special conditions.
2. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance 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.
3. On February 26, 2015, the owner of approximately 4.68 acres, applied for a five-year time extension.
4. On June 16, 2015, the Board of Supervisors approved a five-year time extension for 4.68-acre portion of the CB-1 (GZ) rezoning, subject to original and modified standard and special conditions; approved closure on the remaining 1.43-acre portion of the rezoning site, reverting the portion to the GR-1 (GZ) zone; and approved correction of the map attached to rezoning Ordinance No. 2010-56 as shown on Exhibit A.
5. On October 6, 2015, the Pima County Board of Supervisors adopted rezoning Resolution 2015-69, as recorded in Sequence No. 20152820845, memorializing the new time limit, original and modified standard and special conditions, closure, and amending zoning map.
6. On June 23, 2020 the owner of approximately 4.68 acres, applied for a five-year time extension.
7. On October 20, 2020, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension for a 4.68-acre portion of the CB-1 (GZ) rezoning, subject to original and modified standard and special conditions.
8. Section 3 of Ordinance 2010-56 and the Pima County Code allows 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. 2010-56, as amended by Resolution 2015-69, 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.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
 - A. 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.
83. 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.
94. 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.

405. 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.
446. 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.
427. 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.~~
438. 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.~~
449. 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.
4510. 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)."
4611. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
4712. No 24-hour, seven days a week businesses shall be permitted.

Section 2. Section 3 of Ordinance No. 2010-56, as amended by Resolution 2015-69, is restated and modified as follows:

1. Conditions 1 through ~~4712~~ shall be completed no later than April 20, ~~2020~~2025.
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 ~~4712~~ are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions 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 _____ day of _____, 2021.

Chair, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Clerk of the Board

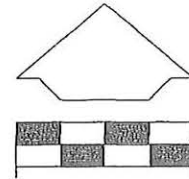
Deputy County Attorney
Lesley M. Lukach

APPROVED:

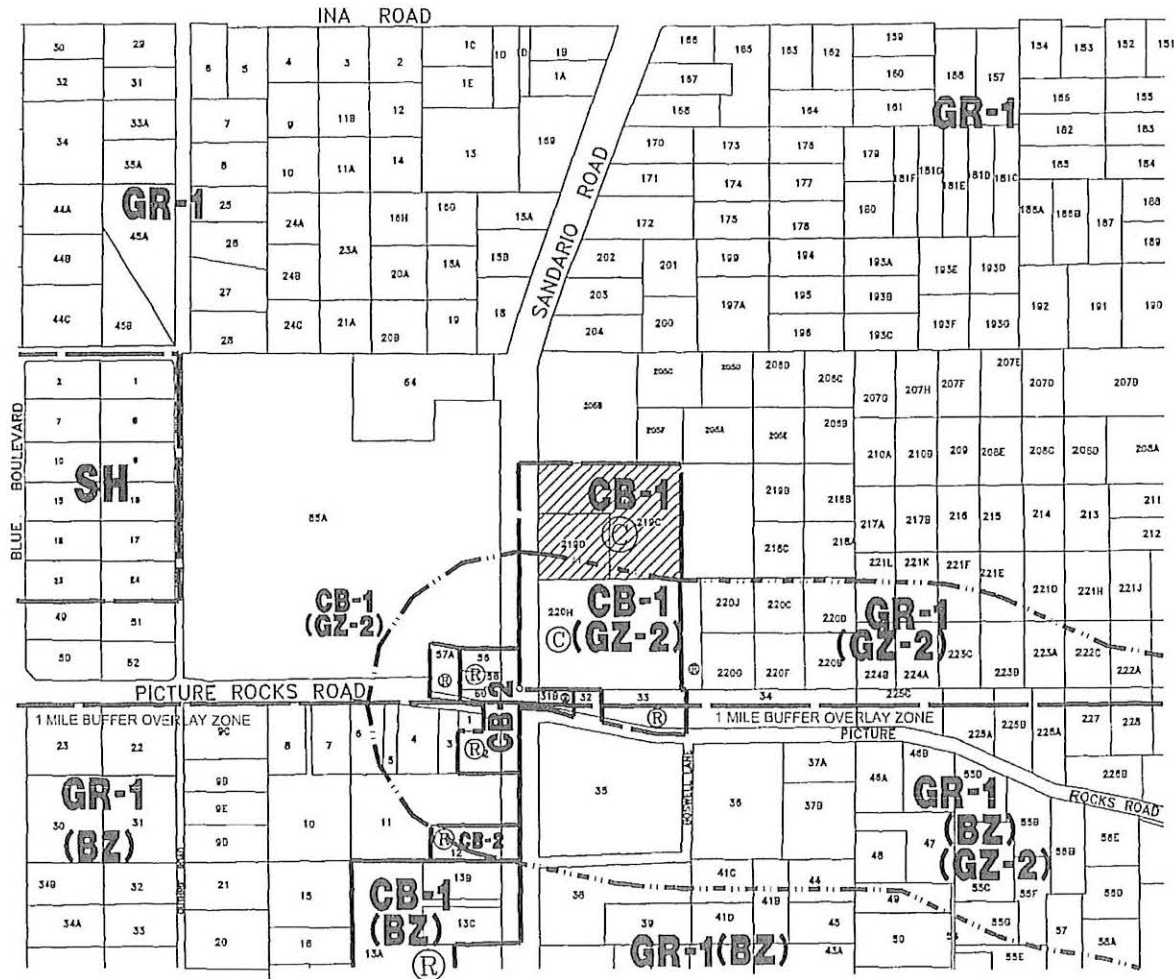
Executive Secretary
Planning and Zoning Commission

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.



ADOPTED September 21, 2010 EFFECTIVE September 21, 2010



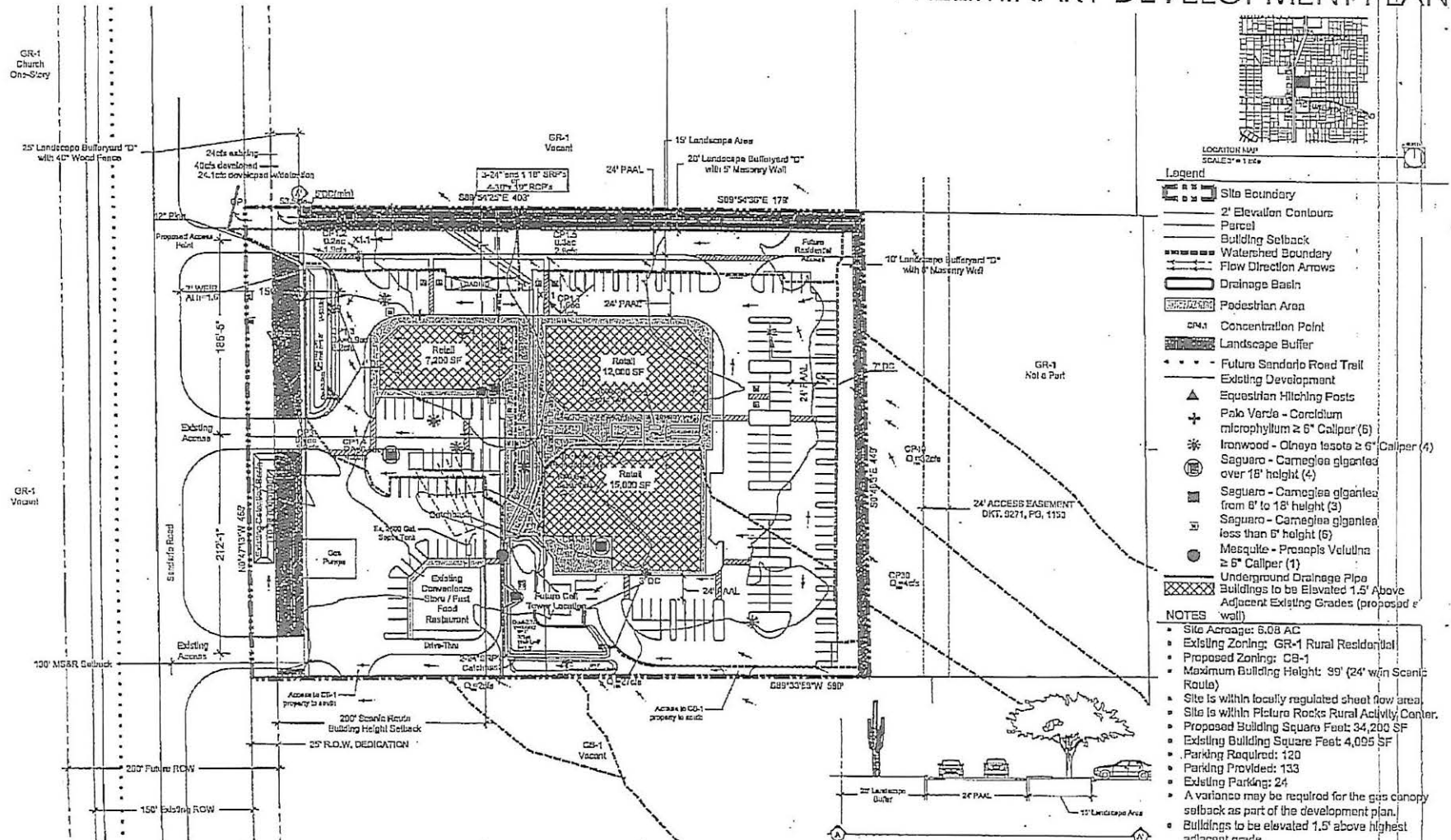
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

CD9-08-022
CD7-07-010
213-03-219C & 219D

EXHIBIT B

PRELIMINARY DEVELOPMENT PLAN



SANDARIO ROAD

APPROVED AT PUBLIC HEARING
4/20/10