



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 20, 2021

**Title:** RESOLUTION: Co9-08-008 RIVERSIDE ASSOCIATES, ET AL. - RIVER ROAD #2 REZONING

### **Introduction/Background:**

The Board of Supervisors approved this modification (substantial change) of rezoning condition #11 on October 20, 2020.

### **Discussion:**

The modification allowed a change of use from offices, restaurant and retail development to a 46-lot townhouse development that demonstrates a less intense use of the property.

### **Conclusion:**

The Resolution reflects the Board of Supervisors' approval.

### **Recommendation:**

Approval

### **Fiscal Impact:**

0

### **Board of Supervisor District:**

☒ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5      ☐ All

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

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

Department Director Signature/Date:  3/30/21

Deputy County Administrator Signature/Date:  3/30/2021

County Administrator Signature/Date:  3/30/21

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**PIMA COUNTY**  
DEVELOPMENT SERVICES

Subject: Co9-08-08

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**APRIL 20, 2021 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: March 24, 2021

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**RESOLUTION FOR ADOPTION**

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

Owners: Riverview Ventures, LLC  
(District 1)

**If approved, adopt RESOLUTION NO. 2021 - \_\_\_\_\_**

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**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

**STAFF RECOMMENDATION:** APPROVAL.

TD/TT/ds  
Attachments

cc: P20SA00009/Co9-08-08 File

RESOLUTION 2021-\_\_\_\_\_

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, 2014-23 AND 2019-36.

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. On May 7, 2019, the Pima County Board of Supervisors adopted Resolution 2019-36, recorded at Sequence No. 2191350897, memorializing the new time limit and modified standard and special conditions.
13. The owner of the remaining 4.11-acre CB-2 zoned property applied for a modification (substantial change) to a rezoning condition set forth in Section 2 of Ordinance No. 2009-10 and renumbered as rezoning condition #12 in Resolution 2019-36.
14. On October 20, 2020, the Pima County Board of Supervisors approved a modification (substantial change) of condition #12 subject to additional modifications to standard and special conditions.
15. 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 2009-10, as amended by Resolutions 2011-201, 2014-23, and 2019-36 are restated and modified 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 ~~2014~~ 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 solstitialis	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
<u>Oncosiphon pilulifer</u>	<u>Stinknet</u>
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 ~~2014~~ 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.

Section 2. Section 3 of Ordinance 2009-10 as amended by Resolutions 2011-201, 2014-23, and 2019-36 are restated and modified as follows:

1. Conditions 1 through ~~2019~~ 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 the Ordinance until all conditions 1-~~2019~~ 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:

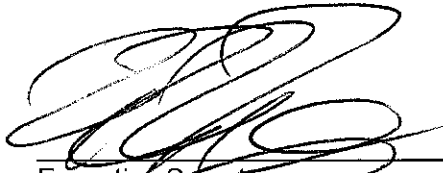
\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:



\_\_\_\_\_  
Deputy County Attorney

APPROVED:



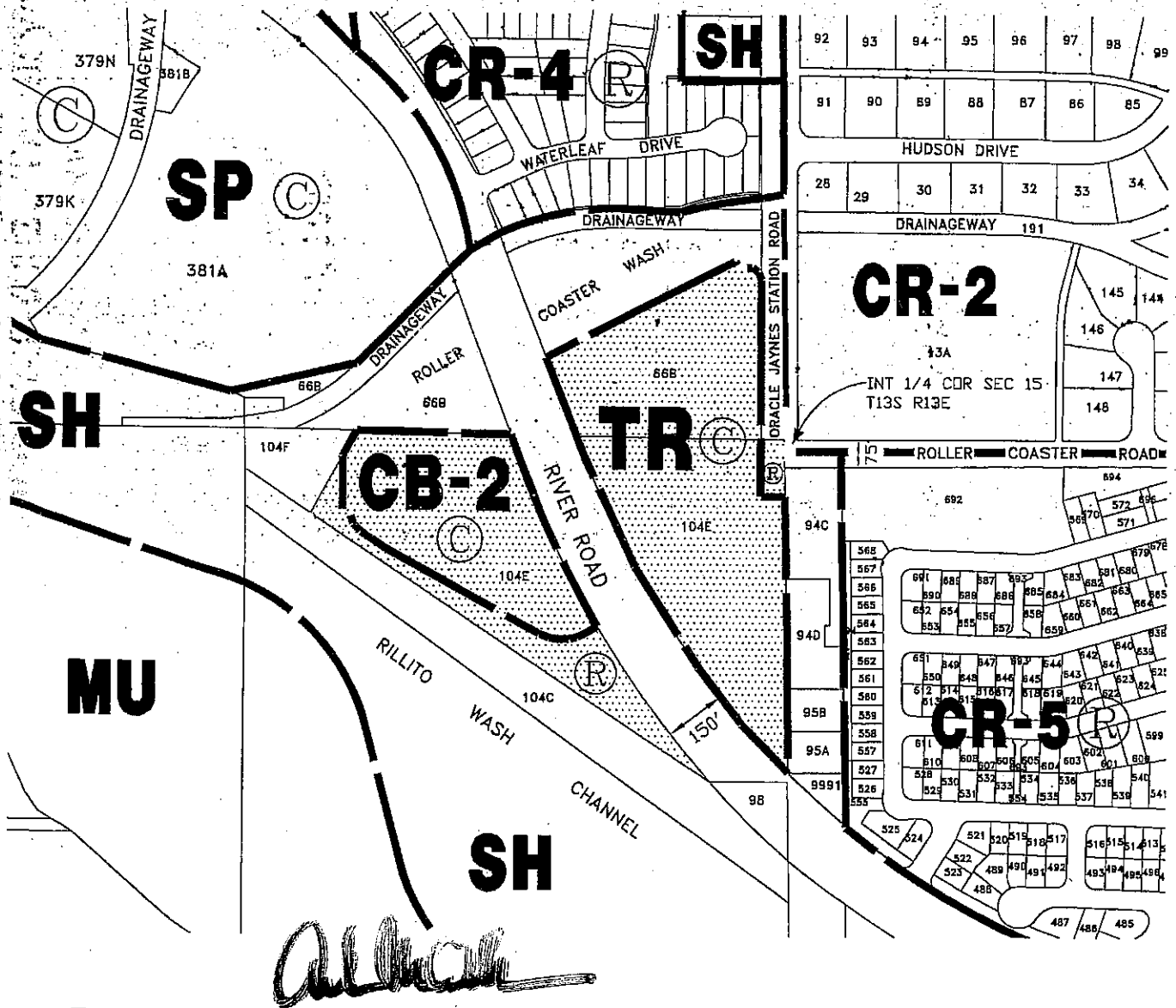
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

# 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.



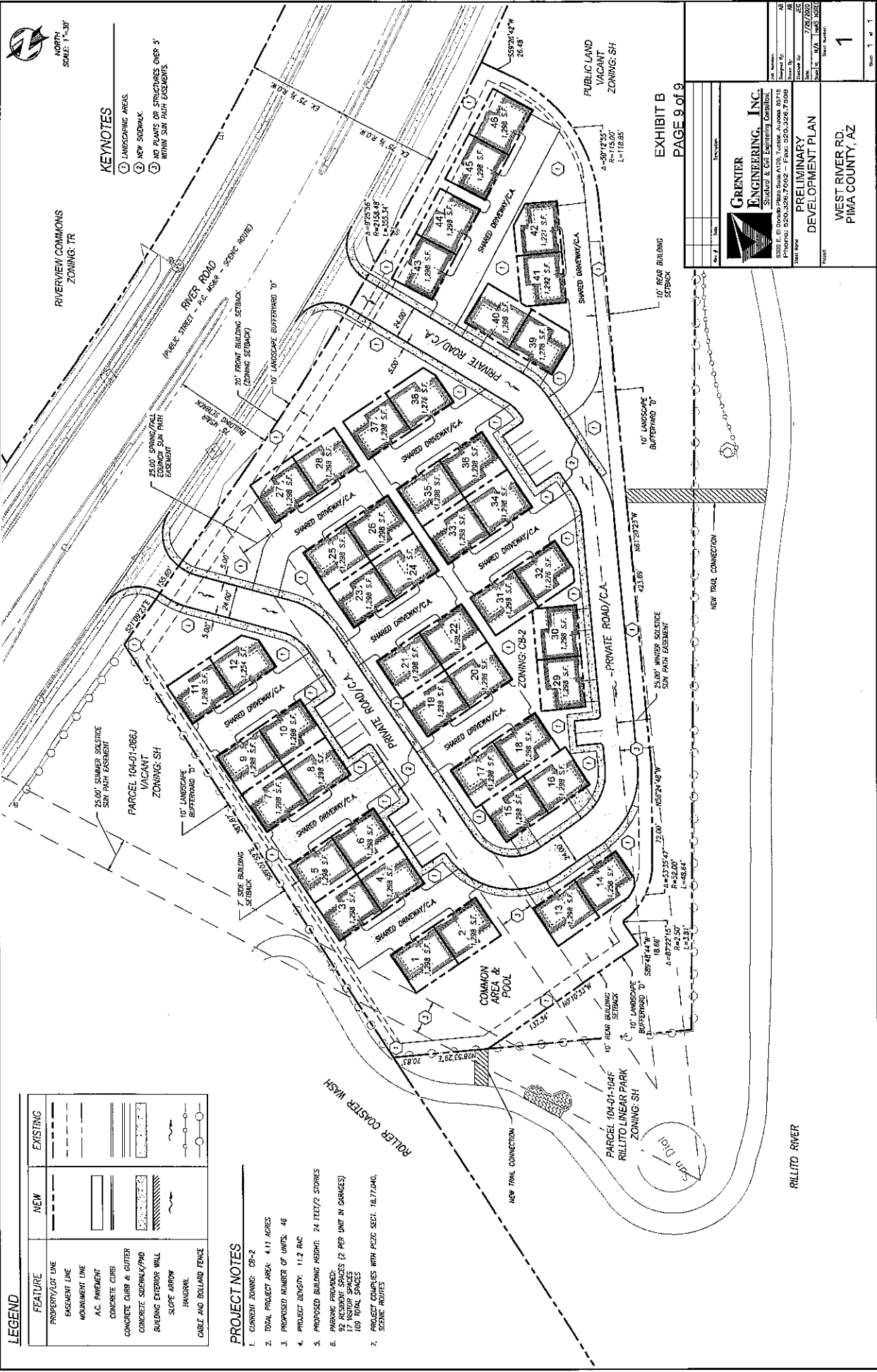
ADOPTED APRIL 7, 2009 EFFECTIVE APRIL 7, 2009



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

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



LEGEND

FEATURE	NEW	EXISTING
PROPERTY/LOT LINE	---	---
EASEMENT LINE	---	---
MONUMENT LINE	---	---
AC. PAVEMENT	---	---
CONCRETE CURB	---	---
CONCRETE CURB & GUTTER	---	---
CONCRETE SIDEWALK/PAV	---	---
BUILDING EXTERIOR WALL	---	---
SLOPE ARROW	---	---
MANHOLE	---	---
CABLE AND BOLLARD FENCE	---	---

PROJECT NOTES

- CURRENT ZONING: CB-2
- TOTAL PROJECT AREA: 4.11 ACRES
- PROPOSED NUMBER OF UNITS: 48
- PROJECT DENSITY: 11.2 D.U./AC
- PROPOSED BUILDING HEIGHT: 24 FEET/2 STORIES
- PAVING REQUIRED: 92 RESURFACED SPACES (2 PER UNIT IN GARAGES) 17 VISITOR SPACES 109 TOTAL SPACES
- PROJECT COMPATIBLE WITH PZC DIST. 10.7.1.040.
- SCENIC NOTES

KEYNOTES

- LANDSCAPING AREAS
- NEW SIDEWALK
- NO PLANTS OR STRUCTURES OVER 5' WITHIN SUN PATH EASEMENTS

EXHIBIT B  
PAGE 9 of 9

**GREATER ENGINEERING, INC.**  
Structural & Civil Engineering Consultants  
8300 E. El Dorado Plaza Suite A100, Tucson, Arizona 85715  
Phone: 520.526.7502 - Fax: 520.326.7508  
Email: info@greatereng.com  
Website: www.greatereng.com

**PRELIMINARY DEVELOPMENT PLAN**

**WEST RIVER RD. PINA COUNTY, AZ**

Project No.	1
Sheet No.	1 of 1

RILLITO RIVER