



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: APRIL 20, 2021

**Title:** RESOLUTION: Co9-02-01 SWINDELL - CARDINAL AVENUE REZONING

**Introduction/Background:**

The Board of Supervisors approved this modification (substantial change) of rezoning conditions subject to modified standard and special conditions on December 15, 2020.

**Discussion:**

This Resolution reflects the Board of Supervisors' approval.

**Conclusion:**

The conditions contained in Rezoning Ordinance 2002-074 and Resolution 2006-207 may be modified by resolution.

**Recommendation:**

Approval

**Fiscal Impact:**

N/A

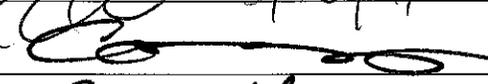
**Board of Supervisor District:**

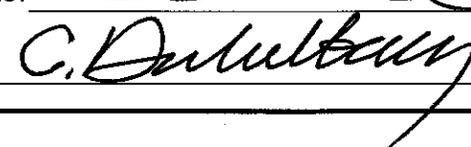
1       2       3       4       5       All

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: Chris Poirier, Deputy Director Telephone: 520-724-6596

Department Director Signature/Date:  3/30/21

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

County Administrator Signature/Date:  3/30/21



Subject: Co9-02-01

Page 1 of 1

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

**TO:** HONORABLE BOARD OF SUPERVISORS

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



Tom Drzazgowski

**DATE:** March 24, 2021

---

**RESOLUTION FOR ADOPTION**

**Co9-02-01**     **SWINDELL – CARDINAL AVENUE REZONING**

Owners: Daniel LLC  
(District 5)

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

---

**OWNERS:** Daniel LLC  
4250 W. Valencia Road  
Tucson, AZ 85746

**AGENT:** Declan Murphy  
T-Mobile/TowerCom  
2166 E. University Dr. #201  
Tucson, AZ 85281

**DISTRICT:** 5

**STAFF CONTACT:** Chris Poirier, Planning Official

**STAFF RECOMMENDATION:** APPROVAL

CP/JE/ds  
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector  
Co9-02-01 File

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

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-02-01 SWINDELL – CARDINAL AVENUE REZONING; LOCATED AT THE NORTHEAST CORNER OF LOS REALES ROAD AND CARDINAL AVENUE, ADDRESSED AS 7251 AND 7285 S. CARDINAL AVENUE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF ORDINANCE 2002-74 AND RESOLUTION 2006-207 FOR THE 1.79 ACRE REZONING.

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

1. On May 21, 2002, in rezoning case Co9-02-01, the Pima County Board of Supervisors approved the rezoning of approximately 1.79 acres located on the northeast corner of Los Reales Road and Cardinal Avenue, addressed as 7251 and 7285 S. Cardinal Avenue, as shown on Exhibit A, from CB-1 (Local Business) to CB-2 (General Business), subject to standard and special conditions.
2. On August 6, 2002, the Pima County Board of Supervisors adopted rezoning Ordinance 2002-74, as recorded in Docket 11881 at Page 816, rezoning the approximately 1.79 acres described in rezoning case Co9-02-01 and memorializing the standard and special conditions.
3. On June 7, 2005 the owner of the approximately 1.79 acre rezoning site applied for a modification (substantial change) of rezoning conditions;
4. On October 11, 2005, the Board of Supervisors approved modifications (substantial change) of rezoning conditions numbered 7.D., 11, 12, and 13 for the approximately 1.79 acres.
5. On August 1, 2006, the Board of Supervisors adopted Resolution No. 2006-207 memorializing the modified standard and special conditions.
6. On August 17, 2020, the authorized agent applied for a modification (substantial change) of rezoning conditions set forth in Section 2 of Ordinance 2002-74 and Resolution 2006-207.
7. On December 15, 2020, the Pima County Board of Supervisors approved the modification (substantial change) of rezoning conditions for the approximately 1.79 acres, subject to modified standard and special conditions.
8. The approximately 1.79 acres is shown on Exhibit C.
9. Section 3 of Ordinance 2002-74 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2002-74 as amended by Section 1 of Resolution 2006-207 are restated and modified for the 1.79 acre rezoning site, shown on Exhibit C 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. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~
71. Transportation conditions:
  - A. Provision of necessary improvements to Cardinal Avenue and Los Reales Road, if determined necessary by the Department of Transportation.
  - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
  - C. Only one access point on Cardinal Avenue and only one access point on Los Reales Road shall be permitted for the subject property. The location and design of any access shall need the approval of the Department of Transportation prior to the issuance of building permit(s).
  - D. Internal access shall be provided within the site for future connection(s) to adjacent properties.
82. Flood Control condition:  
Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
93. Wastewater Management condition:  
The property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.
104. Natural Resources, Parks and Recreation condition:  
The property owner(s) shall dedicate 15 feet for recreational trail purposes adjacent to the right-of-way along Cardinal Avenue.
115. Adherence to the revised preliminary development plan as approved by the Board of Supervisors at public hearing (attached Exhibit "B"). The use shall be restricted to modular/manufactured home and building sales; retail uses as allowed in CB-1 zoning and storage of goods as accessory to retail businesses (~~attached exhibit "B"~~); and a maximum 80-foot in height cellular monopole tower plus associated equipment.
126. Environmental Planning condition:  
Under no circumstances shall the following exotic plant species be planted anywhere on the site:
  - Fountain grass (Pennisetum setaceum)
  - Buffelgrass (pennisetum ciliare)
  - Johnson grass (Sorghum halapense)
  - Giant reed (Arundo donax)
  - Common crabgrass (Digitaria sanguinalis)
  - Pampas grass (Cortaderia selloana)
  - Red brome (Bromus rubens)
  - Mediterranean grass (Schismus spp.)

Tree of heaven (*Ailanthus altissima*)  
 African sumac (*Rhus lancea*)  
 Russian olive (*Rhus lancea*)  
 Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)  
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda  
 Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (*Eragrostis intermedia*)  
 African rue (*Peganum harmala*)  
 Iceplant (*Mesembryanthemem crystallinum*)  
 Arabian Grass (*Schismus arabicus*)  
 Natal Grass (*Melinis repens* (=Rhynchelythrum repens))

437. The owner(s) shall meet the following requirements of Drexel Heights Fire District; the location of the fire hydrant shall be relocated near the existing sales building, indicated on the revised sketch plan. The owner(s) shall supply the equipment and the necessary supplies to extend the 8-inch main from Cardinal Avenue. The owner(s) shall supply and install either numbers or letters of the alphabet on all the buildings for easy identification during an emergency. The owners(s) shall provide Knox Box's at both entrances for fire department use during an emergency and provide keys necessary to gain access to the fenced property and buildings.
8. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
9. 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).
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, or sewer facilities.

Section 2: This resolution is effective on the date that it is signed by the Chair of the Board of Supervisors.

Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO  
FORM:



\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

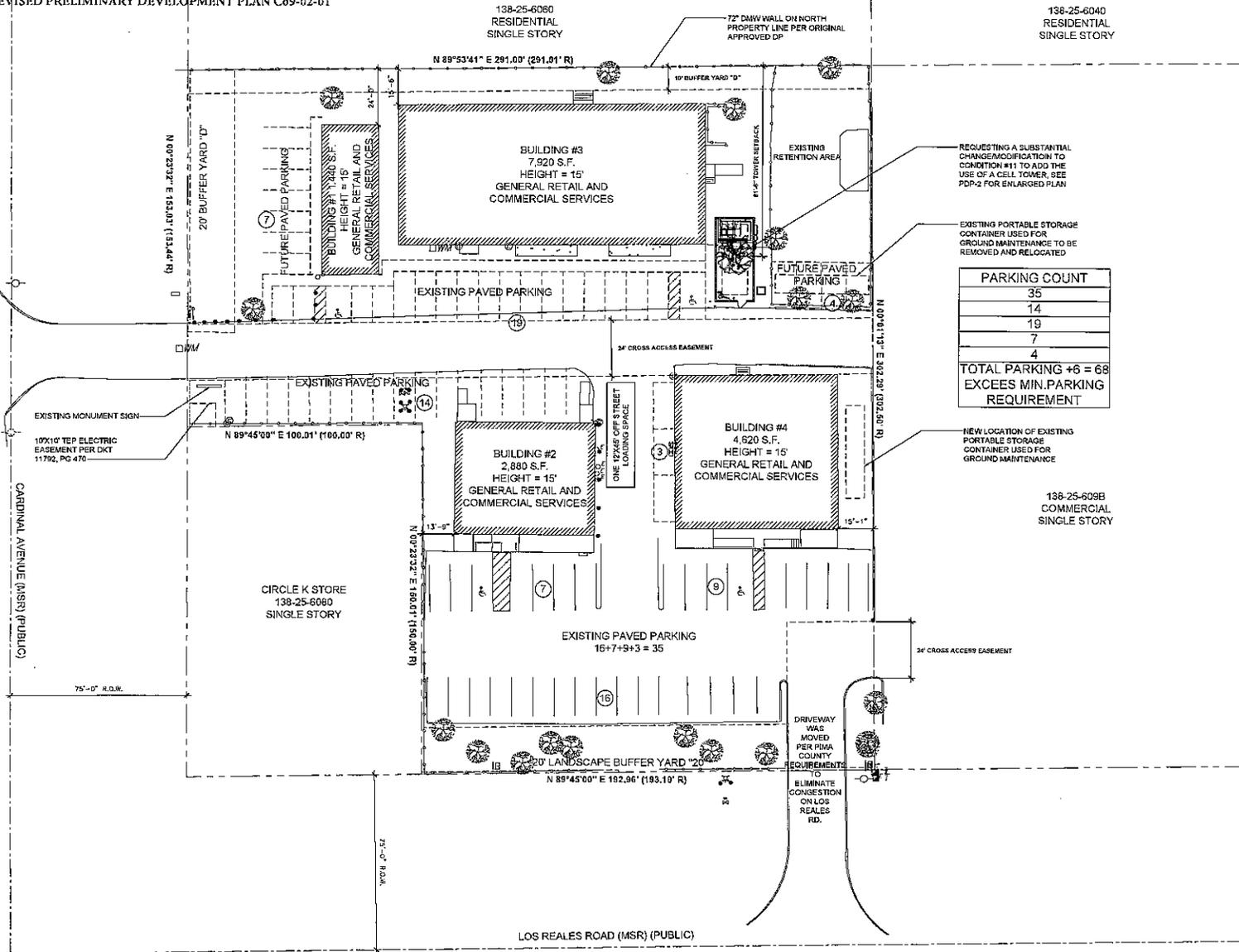


\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission



EXHIBIT B

PROPOSED REVISED PRELIMINARY DEVELOPMENT PLAN Co9-02-01



PARKING COUNT	
	35
	14
	19
	7
	4
<b>TOTAL PARKING +6 = 68</b>	
<b>EXCES MIN. PARKING REQUIREMENT</b>	

CLIENT  
**TowerCom.**  
We Connect Camers.

CONSULTANT  
**COAL CREEK CONSULTING**  
2160 E. UNIVERSITY DR., STE 201  
TAMPE, ARIZONA 85281  
PHONE: (602) 428-0233 FAX: (480) 838-2852  
ENGINEER OF RECORD  
**TERRA DYNAMIC ENGINEERING, LLC**  
**TDE**  
P.O. BOX 22131, PHOENIX, AZ 85028  
PHONE: (602) 462-1603  
EMAIL: ROBERT@TERRADYNAMIC.US

SEAL

EXHIBIT B

NO.	DATE	DESCRIPTION	BY
1	04/10/20	REVIEW	SPE
2	05/18/20	REVISION 1	SPE
3	06/08/20	REVISION 2	SPE

PROJECT INFORMATION  
JOB: 10-017-02  
**PH60801A**  
**TOWERCOM**  
**SUN RIDERS**  
7351 S. CARDINAL AVENUE  
TUCSON, ARIZONA 85746

SHEET TITLE  
**REVISED PRELIMINARY DEVELOPMENT PLAN**

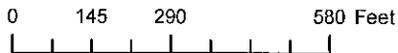
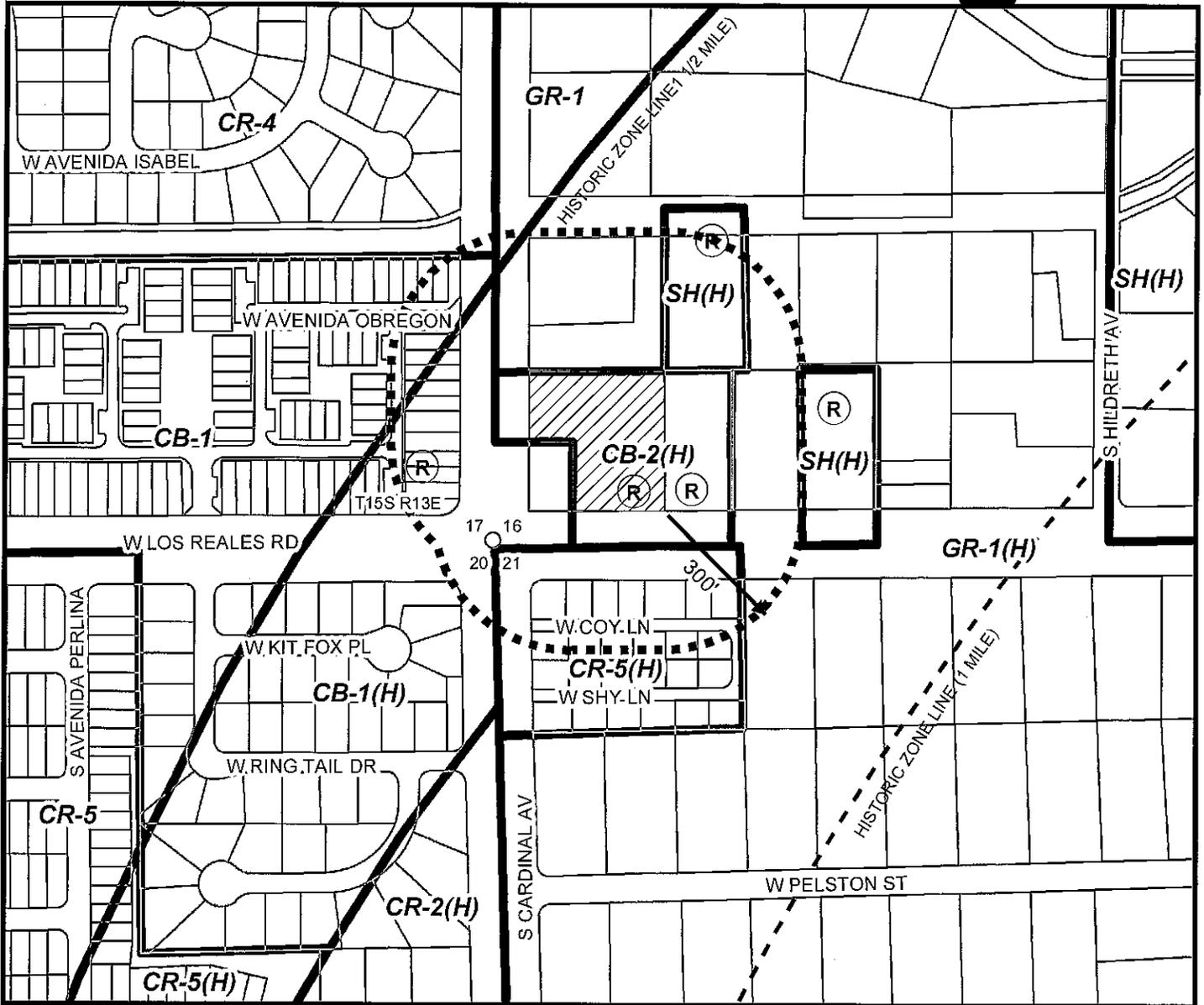
JURISDICTIONAL APPROVAL

SHEET NUMBER  
**PDP-1**

EXHIBIT C

Case #: CO9-02-01  
 Case Name: SWINDELL - CARDINAL AVENUE REZONING  
 Tax Code(s): 138-25-6070

gdblib.GISDATA.sxmzone  
 300' Notification Area  
 Subject Property  
 Zoning Boundary



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION



Notes: <b>Modification of Rezoning Conditions (Substantial Change)</b>	
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 / Accela Case #: P20SA00010	
Planning & Zoning Hearing: 10/28/20 (scheduled)	Board of Supervisors Hearing: TBA
Base Map(s): 62	Map Scale: 1:4,000
	Map Date: 9/29/2020 - ds

