



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: May 4, 2021

**Title:** RESOLUTION AND ORDINANCE: P20CR00003 SUKI INVESTMENT GROUP, LLC - W. MAGEE  
CONCURRENT PLAN AMENDMENT AND REZONING

### **Introduction/Background:**

The Board of Supervisors approved this concurrent plan amendment and rezoning on January 5, 2021.

### **Discussion:**

The concurrent plan amendment and rezoning was for an approximately .88 acre (Lot 6 of Magee Center II) parcel of land from the Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) and a rezoning from TR (Transitional) to the CB-2 (General Business) zone for restaurant with or without a bar and all CB-1 (Local Business) uses except for automotive related uses other than retain sales and fueling bays, and stand-alone bars.

### **Conclusion:**

The Resolution and Ordinance reflect the Board of Supervisors' approval.

### **Recommendation:**

Approval

### **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: [Signature] 4/9/21

Deputy County Administrator Signature/Date: [Signature] 4/12/2021

County Administrator Signature/Date: C. Danielson 4/12/21



Subject: P20CR00003

Page 1 of 1

**MAY 4, 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:** April 13, 2021

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**RESOLUTION FOR ADOPTION**

**P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN  
AMENDMENT AND REZONING**

Owners: Suki Investment Group, LLC  
(District 1)

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

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**OWNERS:** Suki Investment Group, LLC  
340 N. Main Avenue  
Tucson, AZ 85701-8222

**AGENT:** Property Development and Consultants, LLC  
Attn: Craig Courtney  
5151 N. Oracle Road, Suite 210  
Tucson, AZ 85704

**DISTRICT:** 1

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

**STAFF RECOMMENDATION: APPROVAL**

CP/TD/TT/ds  
Attachments

cc: P20CR00003 File  
Craig Courtney

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

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY .88 ACRES LOCATED AT THE NORTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD, IN SECTION 33 OF TOWNSHIP 12 SOUTH, RANGE 13 EAST, IN THE TORTOLITA PLANNING AREA.

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map in the Tortolita Planning Area is hereby amended to change the planned land use intensity category for approximately .88 acres, as referenced in P20CR00003 Suki Investment Group, LLC – W. Magee Road Concurrent Plan Amendment and Rezoning, located at the northwest corner of W. Magee Road and N. La Cholla Boulevard in Section 33, Township 12 South, Range 13 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC).

Section 2. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 3. This Resolution shall become effective on the date of adoption.

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

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

ATTEST:

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

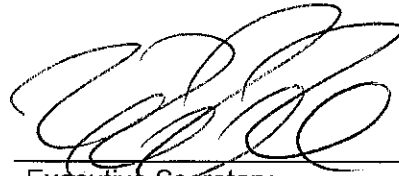
APPROVED AS TO FORM:



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Deputy County Attorney

APPROVED:




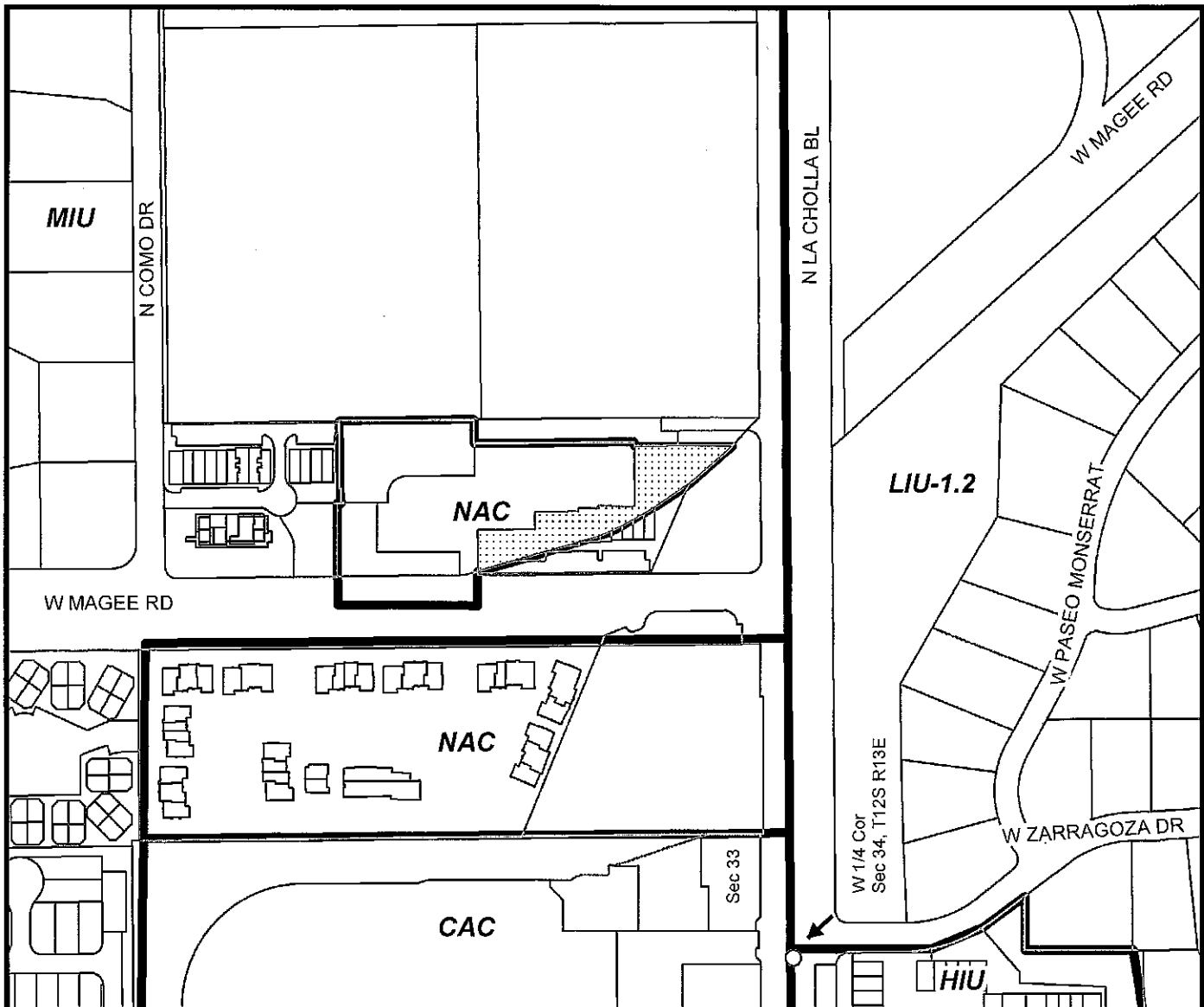
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Executive Secretary  
Planning and Zoning Commission


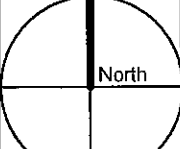
# COMPREHENSIVE PLAN AMENDMENT

## Planned Land Use Exhibit A

 Subject Property



0 145 290 580 Feet

Taxcode: 225-44-5770	<b>P20CR00003 SUKI INVESTMENT GROUP, LLC - W. MAGEE ROAD CONCURRENT PLAN AMENDMENT &amp; REZONING</b>		District 1 Location: Located at the northwest corner of W. Magee Road and N. La Cholla Boulevard
	Planned Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) 0.88 Acres +/-		
	Northwest Planning Area under Pima Prospers Section 33, Township 12 South, Range 13 East		
	Planning and Zoning Commission Hearing: November 25, 2020	Map Scale: 1:4,000	
Board of Supervisors Hearing: January 5, 2021		Map Date: March 2, 2021 / dms	



Subject: P20CR00003

Page 1 of 1

**MAY 4, 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:** April 13, 2021

**ORDINANCE FOR ADOPTION**

**P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN  
AMENDMENT AND REZONING**  
Owners: Suki Investment Group, LLC  
(District 1)

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

**OWNERS:** Suki Investment Group, LLC  
340 N. Main Avenue  
Tucson, AZ 85701-8222

**AGENT:** Property Development and Consultants, LLC  
Attn: Craig Courtney  
5151 N. Oracle Road, Suite 210  
Tucson, AZ 85704

**DISTRICT:** 1

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

**STAFF RECOMMENDATION:** APPROVAL.

CP/TD/TT/ds  
Attachments

cc: P20CR00003 File  
Craig Courtney

ORDINANCE 2021-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY .88 ACRES OF PROPERTY (PARCEL CODE 225-44-5770) FROM TR (TRANSITIONAL) TO CB-2 (GENERAL BUSINESS) ZONE, IN CASE P20CR00003 SUKI INVESTMENT GROUP, LLC – W. MAGEE ROAD CONCURRENT PLAN AMENDMENT AND REZONING, LOCATED AT THE NORTHWEST CORNER OF W. MAGEE ROAD AND N. LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 115.

IT IS ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The .88 acres located at the northwest corner of W. Magee Road and N. La Cholla Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 115, is rezoned from the TR (Transitional) to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The property owner shall not further lot split or subdivide residential property without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
  - B. A traffic impact study will be required at time of development or building plan submittal to determine if mitigation is needed. Any mitigation required by the Traffic Impact Study for higher trip generating uses such as drive thru restaurants, convenience store and gasoline station will be the responsibility of the Owner(s)/Developer of any Magee Center properties.
  - C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.
  - D. No additional access to Magee Road is allowed from the site.
3. Flood Control condition: A drainage plan requiring on site detention and first flush retention for Lots 5 and 6 shall be designed and approved by Pima County Regional Flood Control District to mitigate the 100 year peak discharge.
4. Wastewater conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/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 plan amendment/rezoning area.
- 5. Environmental Planning conditions: 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.
  - 6. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
  - 7. Lot 5 and 6 shall be developed as an integrated site and subject to general adherence to the preliminary development plan for Lot 5 from Resolution 2020-061 as approved at public hearing (Exhibit B).
  - 8. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
  - 9. The use of the property is limited to restaurants with or without a bar and CB-1 zone uses except for automotive related uses other than retail sales and fueling bays, and stand-alone bars.
  - 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.



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)."

Section 3. Time limits of conditions. Conditions 1 through 11 of Section 2 shall be completed no later than January 5, 2026.

Section 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.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

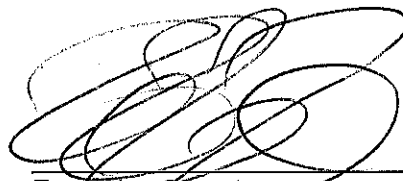
\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:



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

APPROVED:



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

## EXHIBIT A

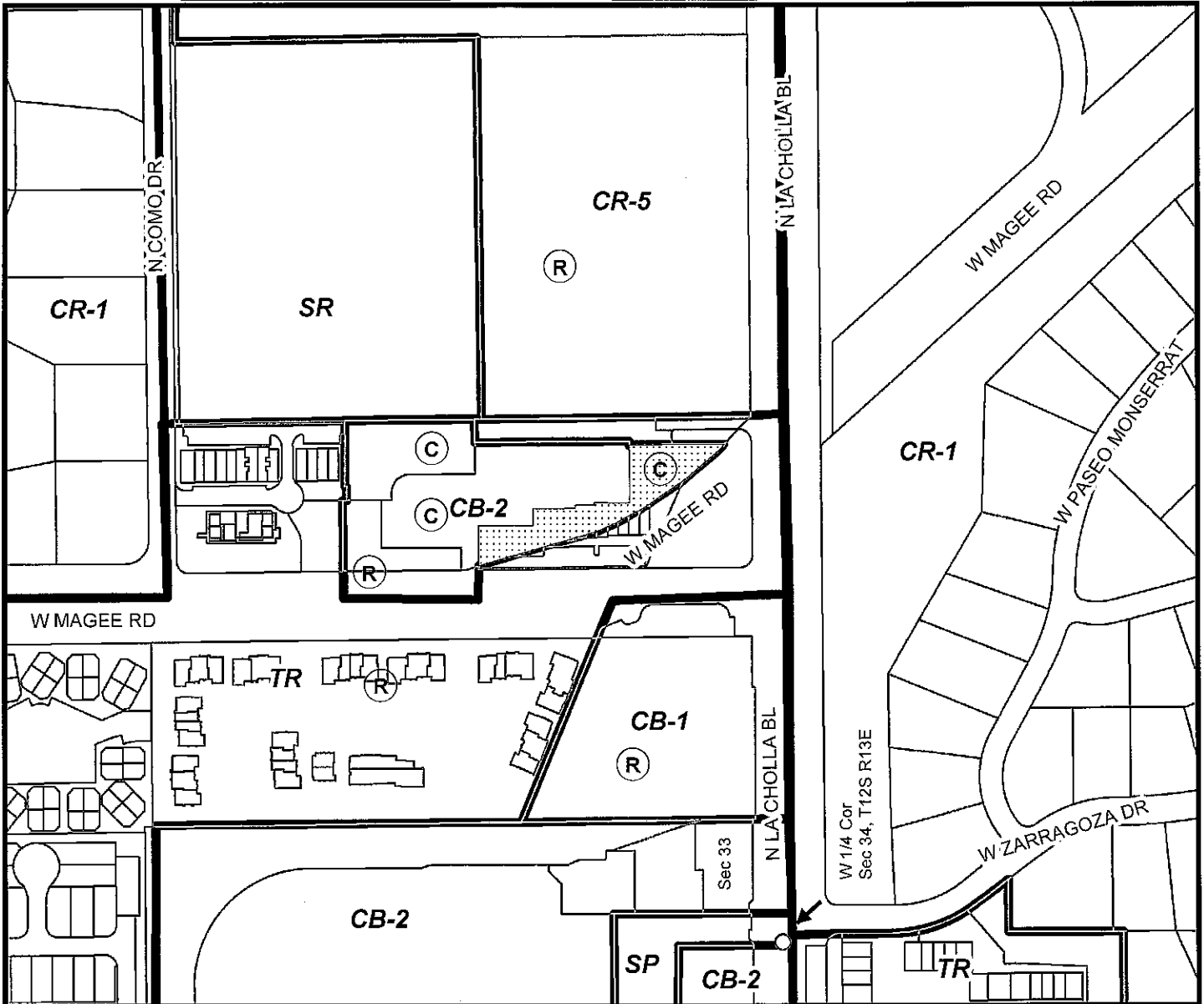
AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 115 TUCSON AZ. LOT 6 OF  
MAGEE CENTER II BEING A PART OF SECTION 33 T12S R13E.



0 80 160 320 Feet  
[Scale bar]

ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

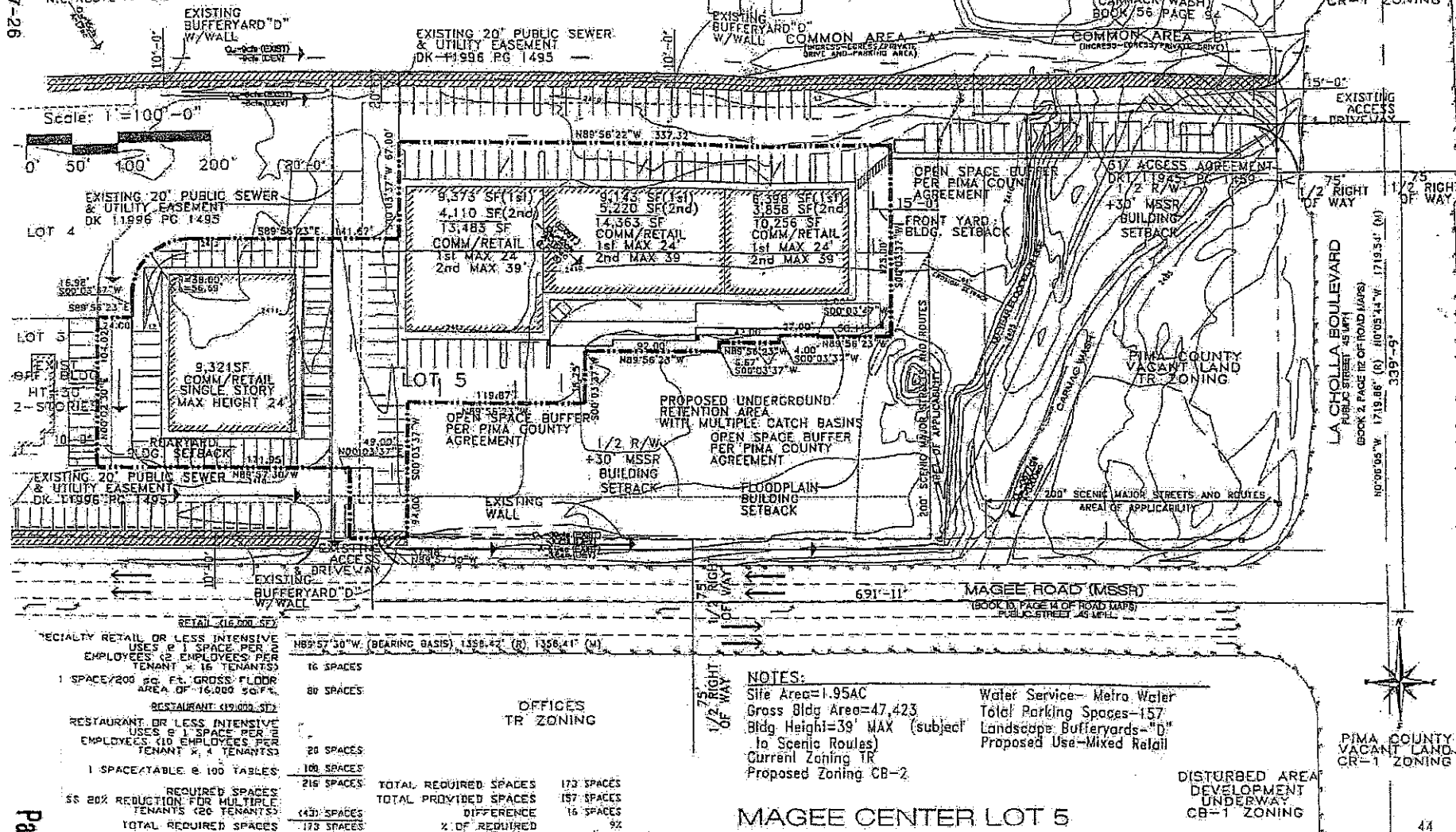
© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM TR .88 ac  
ds-March 5, 2021

P20CR00003  
225445770





## NIC ROUTE APPLIC



Approved at BOD Hearing 10-7-08 Co9-07-26

Exhibit B  
Page 6 of 6