



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 9/21/2021

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

RESOLUTION: Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL. – VALENCIA ROAD REZONING

***Introduction/Background:**

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

***Discussion:**

The time limit contained in Rezoning Ordinance 2000-51, as amended by Resolution 2011-37 and the subsequent time extension with modified standard and special conditions as approved by the Board of Supervisors on July 7, 2015 may be modified by resolution.

***Conclusion:**

The resolution reflects 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: Donna Spicola, Planner

Telephone: 520-724-9513

Department Director Signature: _____

Date: _____

Deputy County Administrator Signature: _____

Date: _____

County Administrator Signature: _____

Date: _____



Subject: Co9-99-22

Page 1 of 1

SEPTEMBER 21, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

CC: Tom Drzazgowski

DATE: September 1, 2021

RESOLUTION FOR ADOPTION

Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL. - VALENCIA ROAD REZONING

Owners: Jacqueline Eidal Tr 40/96, et al.
(District 2)

If approved, adopt RESOLUTION NO. 2021 - _____

OWNERS: Jacqueline Eidal Tr 40/96, et al.
6220 N. Camino Escalante
Tucson, AZ 85718

Larry Adamson 25%, et al.
30 E. Calle Clara Vista
Tucson, AZ 85716

AGENT: The Planning Center
Attn: Lexy Wellott, Project Manager
2 E. Congress, Suite 600
Tucson, AZ 85701

DISTRICT: 2

STAFF CONTACT: Donna Spicola, Planner

STAFF RECOMMENDATION: APPROVAL.

TD/DS
Attachments

c: The Planning Center, Attn: Lexy Wellott, Project Manager, 2 E. Congress, Suite 600,
Tucson, AZ 85701

RESOLUTION 2021-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-99-22 MCGARRY/BAUM/EIDAL, ET AL. – VALENCIA ROAD REZONING; LOCATED ON THE NORTHWEST CORNER OF E. BENSON HIGHWAY AND E. VALENCIA ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2000-51.

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

1. On June 22, 1999, the owner of approximately 18.44 acres applied for a rezoning from CR-3 (Mixed Dwelling Type) for 14.12 acres to CB-2 (General Business) and 4.32 acres to CB-2 ® (General Business – Restricted).
2. On March 21, 2000 the Pima County Board of Supervisors approved the approximately 18.44 acres rezoning from CR-3 (Mixed Dwelling Type) for 14.12 acres to CB-2 (General Business) and 4.32 acres to CB-2 ® (General Business – Restricted), subject to standard and special conditions.
3. On March 16, 2000 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2000-51, as recorded in Docket 11336 at Page 675, rezoning the approximate 18.44 acres described in rezoning case Co9-99-22 (as shown on the map attached as EXHIBIT A) and memorializing the standard and special conditions.
4. On March 18, 2005 the owner of approximately 18.44 acres, applied for a five-year time extension.
5. On December 13, 2005, the Pima County Board of Supervisors approved a five-year time extension for parcels 140-32-006A (11.84 acres) and 140-32-007B (6.15 acres), subject to additional and modified standard and special conditions.
6. On December 13, 2005, the Pima County Board of Supervisors denied a five-year time extension for parcel 140-32-007C (0.45 acres).
7. On July 2, 2009, a Certificate of Compliance was issued for 1.46 acres of the original rezoning.
8. On July 7, 2009, the Pima County Board of Supervisors adopted rezoning resolution 2009-156, as recorded in Docket 13599 at Page 3094; and, rerecorded in Docket 13622 at Page 975.
9. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2000-51, as amended by Resolution 2009-156.
10. On June 15, 2010, the Pima County Board of Supervisors approved a five-year time extension subject to original and modified standard and special conditions.
11. On March 1, 2011, the Pima County Board of Supervisors adopted rezoning resolution 2011-37, as recorded in Sequence Number 20110690879.
12. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2000-51, as amended by Resolution 2011-37.

13. On July 7, 2015, the Pima County Board of Supervisors approved a five-year time extension, extending the time limit to March 21, 2020, subject to original and modified standard and special conditions and a separate written resolution was not adopted memorializing the new time limit and modified conditions.
14. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2000-51, as amended by Resolution 2011-37 and the time extension with modified standard and special conditions was approved by the Board of Supervisors on July 7, 2015.
15. On March 16, 2021 the Pima County Board of Supervisors approved a five-year time extension subject to original and modified standard and special rezoning conditions.
16. Section 3 of Ordinance No. 2000-51, as amended by Resolution 2011-37 and the subsequent time extension with modified standard and special conditions as approved by the Board of Supervisors on July 7, 2015, allows 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 2000-51, as amended by Resolution 2011-37 and as approved by the Board of Supervisors on July 7, 2015, 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.~~
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 and/or financial contributions as determined necessary by the Pima County and Arizona Departments of Transportation. Prior to approval of a development plan or subdivision plat for any portion of the subject property, written proof of coordination with the Arizona Department of Transportation shall be provided to Pima County Development Services.
 - B. Access to Benson Highway and Valencia Road shall be limited to a maximum of three access points for each road. The location and design of the access points shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.
 - C. Internal pedestrian and vehicular access shall be provided within the entire rezoning site (including the self-storage) to reduce access driveways to both Benson Highway and Valencia Road.
 - D. Prior to approval of a development plan or subdivision plat for any portion of

the subject property, written proof of coordination with the City of Tucson Department of Transportation regarding traffic impacts to their roadway system and any subsequent City of Tucson Department of Transportation requirements shall be provided to Pima County Development Services.

83. Regional Flood Control District conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Pima County Regional Flood Control District.
- B. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage.
- C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance.
- D. 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.
- E. The property owner(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
- F. All-weather access shall be provided to all lots to meet concurrency requirements.
- G. A riparian mitigation plan shall be required for development in designated riparian areas.

94. If during land modifying activities, cultural remains, including human remains, are discovered, work in the vicinity of the discovery shall cease and the Pima County Cultural Resources Manager shall be consulted. If Pima County determines that an archaeological inventory is needed, such an inventory and any subsequent mitigation that may be required, will be conducted in accordance with the Standard and Special Requirements for Archaeological Sites.

405. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

446. Environmental Planning conditions:

- A. Upon the effective date of the Resolution, 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.~~
- B. The project site shall be inspected by a trained resource specialist for the presence of the Western burrowing owl. A report containing inspection results and dates on which inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be

received prior to approval of the development plan. If evidence is found substantiating the presence of Western burrowing owls on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

427. Regional Wastewater Reclamation conditions:

- A. The owner(s)/~~developer~~ shall not construe no any action by Pima County as a commitment of capacity to serve to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/~~developer~~ to that effect.
- B. The owner(s)/~~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, 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)/~~developer~~ 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)/~~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(s)/~~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 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)/~~developer~~ 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)/~~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.

438. Tucson Airport Authority conditions:

- A. An Aviation Easement shall be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the project area; and in accordance with the requirement of the Tucson Airport Authority. The Aviation easement shall run with the property; and will served to educate future purchasers of potential aviation impacts.
- B. "According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact

navigation signal reception. As the project site develops, every project applicant shall file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns, which are identified by the FAA. Any cranes, which are used, must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

C. "Applicable to residential uses only

The property owner/developer/applicant shall provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit shall be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided. The property owner (for itself or its tenants) shall forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature. Mail to: Tucson Airport Authority, 7250 S. Tucson Boulevard Suite 300, Tucson AZ 85756."

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)."

Section 2. The time limit in Section 3 of Ordinance 2000-51, as amended by Resolution 2011-37 and as approved by the Board of Supervisors on July 7, 2015, is amended and extended as follows:

1. Conditions 1 through 4510 shall be completed by March 21, 20152025.

Section 3. 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:

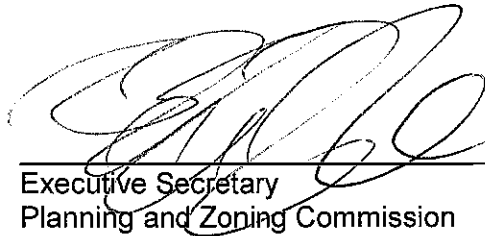
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

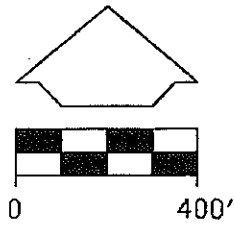
APPROVED:



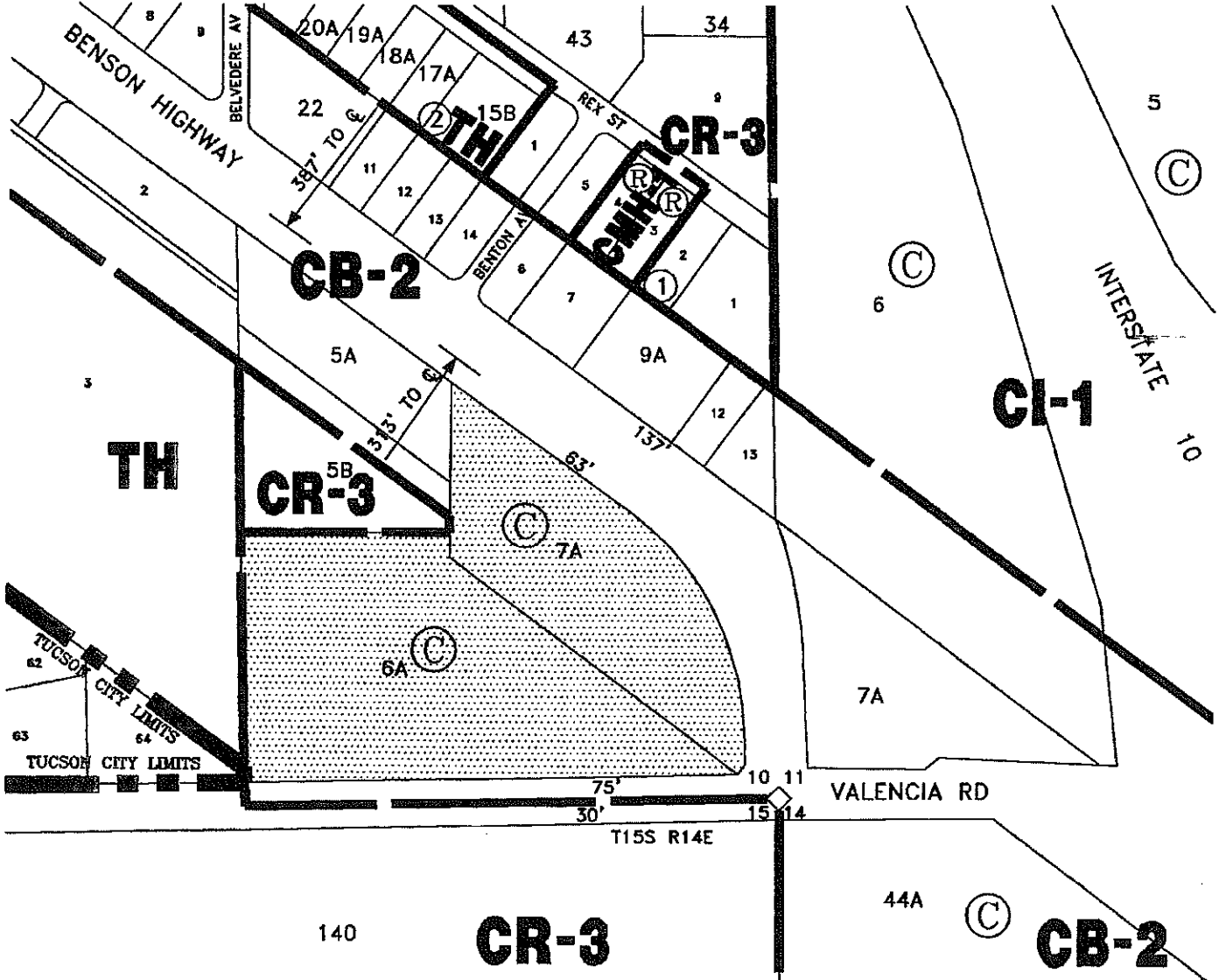
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

199
AMENDMENT NO. 29 BY ORDINANCE NO. 2000-51
TO PIMA COUNTY ZONING MAP NO. 59 TUCSON, AZ.
PARCEL 6A & 7A BEING A PART OF THE SE 1/4 OF THE SE1/4 OF
SEC. 10, T15S, R14E.



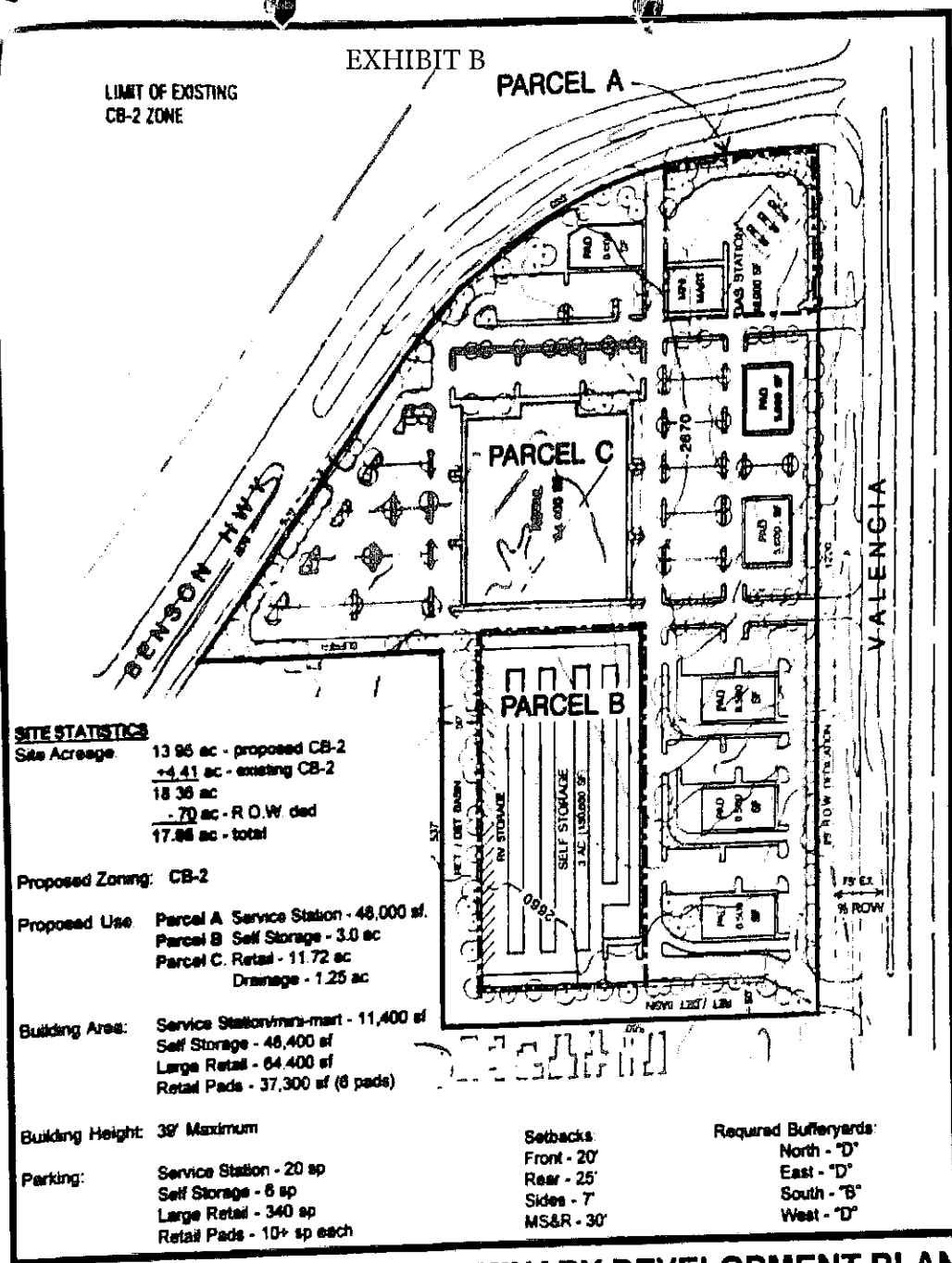
ADOPTED 5-16-00 EFFECTIVE 6-16-00



[Signature]
EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CR-3 (14.12 ac±) CB-2 (4.32 ac±)
xa-APRIL 17, 2000

CD9-99-22
CD7-89-2
140-32-006A
140-32-007A



98004

PRELIMINARY DEVELOPMENT PLAN

Map II-B.1



planning resources

planning landscape architecture urban design development consultants
270 North Church Avenue, Tucson, Arizona 85701 • (520) 678-1110 fax 520 7537

1" = 200'

APPROVED P.D.P. 3-21-2000