



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 10/19/2021

**= Mandatory, information must be provided*

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

***Title:**

RESOLUTION: Co9-04-17 LEE PLAZA LC – VALENCIA ROAD REZONING

***Introduction/Background:**

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

***Discussion:**

The time limit contained in Rezoning Ordinance 2006-81 and as amended by Resolution 2016-46 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: _____


PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-04-17

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OCTOBER 19, 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 Dratzowski

DATE: September 28, 2021

RESOLUTION FOR ADOPTION

Co9-04-17 LEE PLAZA LC – VALENCIA ROAD REZONING

Owner: Mark Road, LLC
(District 5)

If approved, adopt RESOLUTION NO. 2021 - _____

OWNER: Mark Road, LLC
Attn: Jason Wong
PO Box 65837
Tucson, AZ 85728

AGENT: Presidio Engineering, Inc.
Attn: John Wood, P.E., President
190 S. Stratford Dr., Ste. 105
Tucson, AZ 85716

DISTRICT: 5

STAFF CONTACT: Donna Spicola, Planner

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

c: Presidio Engineering, Inc., Attn: John Wood, P.E., President, 190 S. Stratford Dr., Ste. 105,
Tucson, AZ 85716

RESOLUTION 2021-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-04-17 LEE PLAZA LC – VALENCIA ROAD REZONING; LOCATED ON THE WEST SIDE OF S. MARK ROAD, APPROXIMATELY 600 FEET NORTH OF W. VALENCIA ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2006-81 AS AMENDED BY RESOLUTION 2016-46.

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

1. On March 21, 2006, in rezoning case Co9-04-17, the Pima County Board of Supervisors approved the rezoning of approximately 95.4 acres located on the west side of Mark Road approximately 600 feet north of Valencia Road, as shown on Exhibit A from GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone for approximately 44.2 acres and to the GR-1 ® (Rural Residential – Restricted) zone for approximately 51.2 acres, subject to standard and special conditions.
2. On October 10, 2006 the Pima County Board of Supervisors adopted rezoning Ordinance 2006-81, recorded in Docket 12910 at Page 2899, rezoning the approximate 95.4 acres described in rezoning case Co9-04-17 and memorializing the standard and special conditions.
3. On October 26, 2010, the owner(s) of the approximately 95.4 acres, applied for a five-year time extension of the time limit set forth in Section 3 of Ordinance 2006-81.
4. On July 12, 2011, the Pima County Board of Supervisors approved a five-year rezoning time extension for approximately 95.4 acres, subject to modified standard and special conditions.
5. On November 10, 2015, the Pima County Board of Supervisors adopted Rezoning Resolution 2015-72, recorded in Sequence 20153340139, memorializing the new rezoning time limit and modified standard and special conditions.
6. On January 6, 2016, the owners(s) of the approximately 95.4 acres applied for a five-year time extension of the time limit set forth in Section 3 of Ordinance 2006-81, as amended by Resolution 2015-72.
7. On April 5, 2016, 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.
8. On August 2, 2016, the Pima County Board of Supervisors adopted Rezoning Resolution 2016-46, as recorded in Sequence Number 20162210141.
9. On March 2, 2021, the owners(s) of approximately 95.4 acres applied for a five-year time extension of the time limit set forth in Section 3 of Ordinance 2006-81, as amended by Resolution 2016-46.
10. On May 4, 2021, the Pima County Board of Supervisors approved a five-year time extension for approximately 95.4 acres, subject to original and modified standard and special conditions.

11. Section 3 of Ordinance No. 2006-81, as amended by Resolution 2016-46 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 2006-81, as amended by Resolution 2016-46, are restated and modified as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~3. Provision of development related assurances as required by the appropriate agencies.~~
- ~~4. 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.~~
51. There shall be no further lot splitting or subdividing of residential property without the written approval of the Board of Supervisors.
62. Transportation conditions:
 - A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The owner / developer shall provide off-site improvements as a result of the traffic impact study and as determined necessary by the Department of Transportation.
 - B. Two access points are required for the site, main access shall be provided to Valencia Road and a secondary access to Mark Road. The location and design of access points to Valencia Road and Mark Road shall be determined at the time of Tentative Plat permitting process and shall require approval of the Department of Transportation.
 - C. The property owner / developer shall obtain necessary legal, paved, all-weather access through the neighboring properties to Valencia Road prior to Tentative Plat approval.
73. Regional Flood Control District conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. Submittal of a complete hydraulic and hydrologic drainage report to the Department of Transportation and the Flood Control District.
 - C. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on site and off site of the subject property, including but not limited to, detention and all weather access. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District. In addition to providing these improvements at no cost to the County, the owner(s) may be required to contribute funds for improvements to be constructed by the County.
 - D. A Final Integrated Water Management Plan shall be submitted to the Flood Control District for review and approval at the time of development that identifies water conservation measures consistent with the Pima County Comprehensive Plan Water Element and Rezoning Site Analysis Requirements.
84. Regional Wastewater Reclamation conditions:
 - A. 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. The owner / developer acknowledges treatment and conveyance capacity may not be available when development of the property is desired and shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner / 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, that the owner(s) / developer shall enter into a written agreement addressing ~~have~~ 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 others affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD. ~~Pima County Regional Wastewater Reclamation Department~~

- 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.~~ E. The owner(s) ~~/ developer~~ shall sewer the rezoning area as directed below:

1. The rezoning area may be sewered using private gravity sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line, G-90-049, via a private force main, only if authorized by the PCRWRD Pima County Regional Wastewater Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.
2. The rezoning area may be sewered using public sewers, if and only if the owner(s) ~~/ developer~~ meets all of the following conditions:
 - a. The on-site and off-site public sewers shall operate by gravity flow alone. No sewage pumping stations may be used.
 - b. The owner(s) ~~/ developer~~ shall enter into a wastewater sewer service agreement with Pima County that specifies the necessary improvements to be made to Pima County's public sewerage system and their timing. This wastewater sewer service agreement may require the owner(s) ~~/ developer~~ to fund, design and construct an oversized off-site extension of the Valencia Road Trunk Sewer in Valencia Road right-of-way, either at his/her sole expense or cooperatively with other owners in the area, and/or to augment a portion of the existing Valencia Road trunk line.
 - c. The owner(s) ~~/ developer~~ shall obtain any necessary off-site sewer easements across the adjacent properties at his/her own expense.
 - d. The owner(s) ~~/ developer~~ shall provide an appropriately wide common area on the east side of the proposed development to accommodate future flow-through from the properties to the east currently being served by individual on-site wastewater disposal (septic) system.

- ~~D.~~ E. 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 Regional Wastewater Reclamation Department in the required ~~sewer service agreement~~, the required its capacity response letter and as specified by PCRWRD the Development Services Department at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

- ~~E.F.~~ The owner(s) ~~/developer~~ shall complete the construction of all necessary public and/or private sewerage facilities as required by all the applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, and ~~agreements~~, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
95. Environmental Quality conditions:
- A. The owner(s) shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.
 - B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.
 - C. The properties shall be served by either public or private sewers.
- ~~406.~~ Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)~~/developer(s)~~ of the rezoned property 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.~~
447. Natural Resources, Parks and Recreation conditions:
- A. View walls shall be constructed on north and west perimeter lots that are adjacent to open space.
 - B. Trails are permitted in the open space located in the northern half on the property, neighboring Saginaw Hill.
428. Cultural Resources condition:
The final recovery report shall be approved by Pima County Cultural Resources Office prior to tentative plat approval or any disturbance to the site.
439. All bufferyards mandated by Chapter 18.73 of the Pima County Zoning Code shall be located within common areas.
4410. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B"). A minimum of 200 residential lots shall be platted in the CR-4 portion of the rezoning.
- ~~4511.~~ Development plans shall be submitted for review to the Design Review Committee.
- ~~4612.~~ Public disclosure of potential noise pollution related to the casino shall be made available to potential buyers.

4713. In the event the subject property is annexed, the property owner(s)/developer(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.
4814. The property owner(s)/developer(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 2006-81 as amended by Resolution 2016-46, is amended and extended as follows:

1. Conditions 1 through 4814 shall be completed by March 21, 20242026.

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:

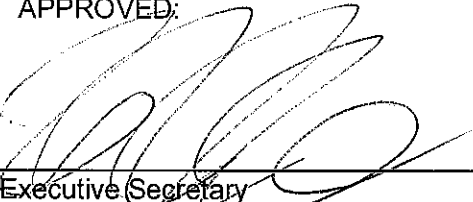
Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

APPROVED:

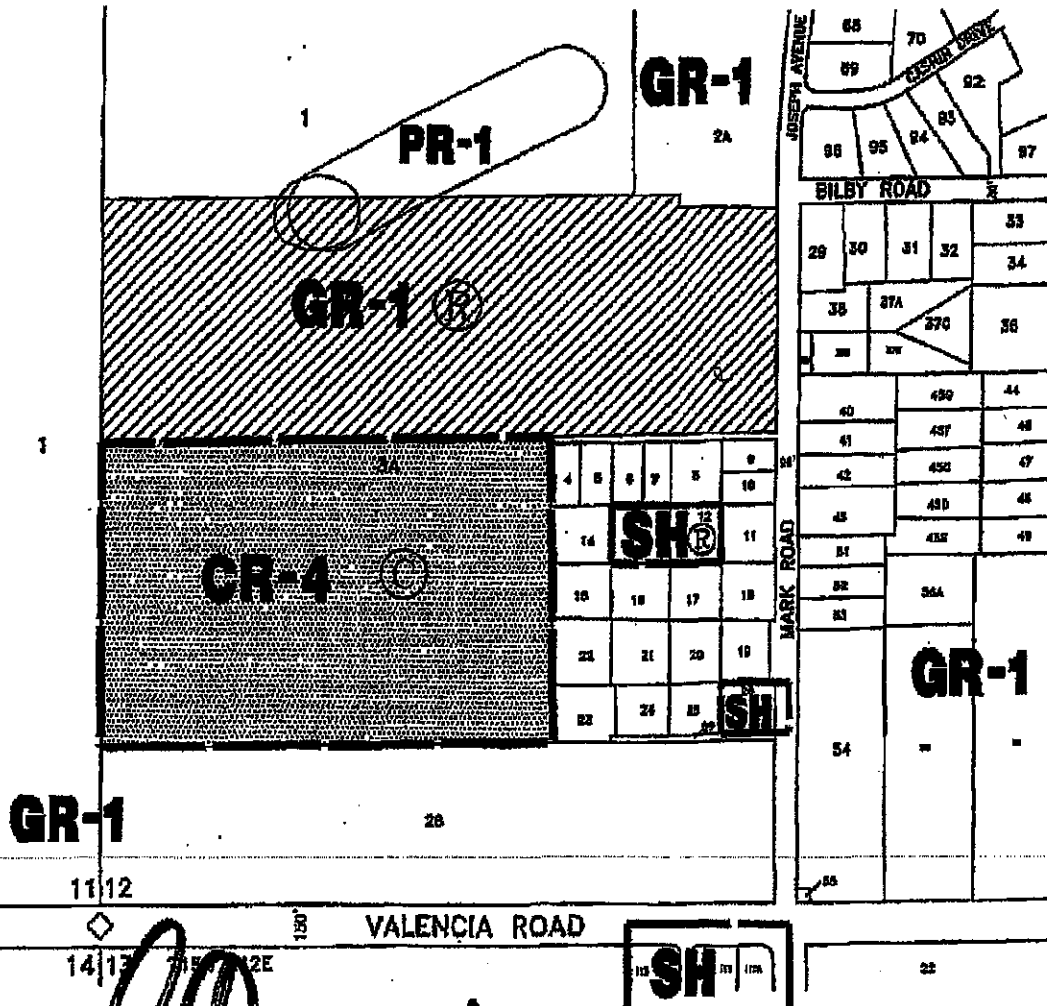


Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO's. 32, 56, 65 & 8 BY ORDINANCE NO. 2006-81
TO PIMA COUNTY ZONING MAP NO's. 36, 37, 63 & 64 TUCSON, AZ.
PARCEL 3A BEING A PART OF THE SOUTHWEST 1/4 OF
SECTION 12, T15S R12E.

ADOPTED OCTOBER 10, 2006 EFFECTIVE OCTOBER 10, 2006



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 95.4 ac± (GR-1(R) 51.2 & CR-4 44.2)
MA - SEPTEMBER 19, 2006

Co9-04-17
Co7-00-20
210-23-003A

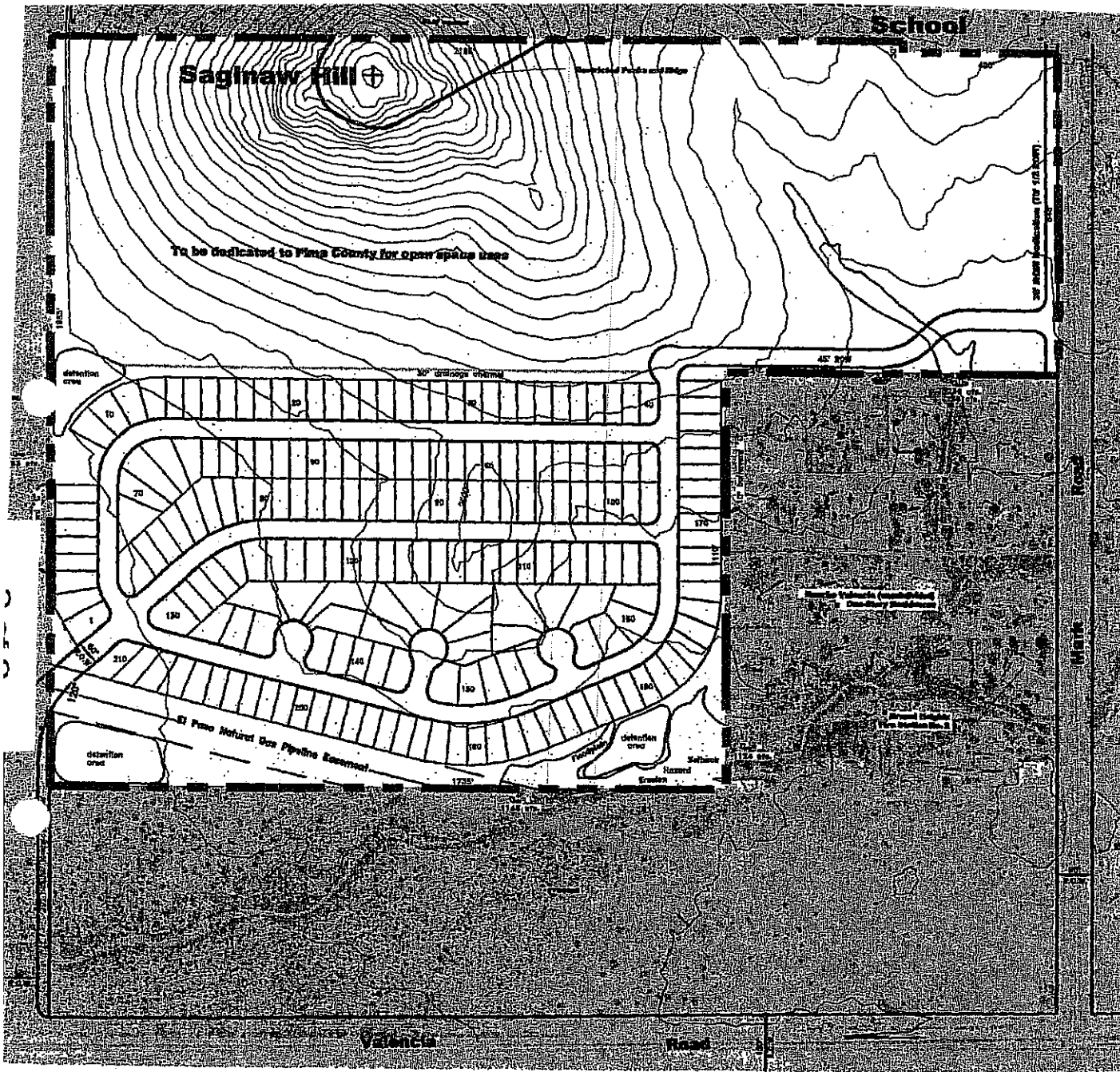


EXHIBIT B

Preliminary Development Plan

Site area: 95.45 acres

GR-1 51.2 acres

CR-4 44.2 acres

210 SFD Lots (45 x 110' min.)

2.2 rac gross 4.7 rac net (CR-4 area)

**Building Height: one and two stories
(maximum of 34' as allowed in CR-4)**

*Approved preliminary
development plan
BOS Hearing 3.21.06.
C09-04-17*

EXHIBIT B

Valencia / Mark

Exhibit IIB.1 Preliminary Development Plan



Stantec

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