

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING January 27, 2016

DISTRICT 4

CASE P15RZ00011 Nanbarry Investment Profit Sharing Plan – E. Rocket Road
Rezoning

REQUEST Rezone from GR-1/AE (Rural Residential/Airport Environs and Facilities) to CI-
2/AE (General Industrial/Airport Environs and Facilities) (35.04 acres)

OWNER Nanbarry Investment Profit Sharing Plan
PO Box 31058
Tucson, AZ 85751-1058

APPLICANT Pima County, Development Services Department (DSD)

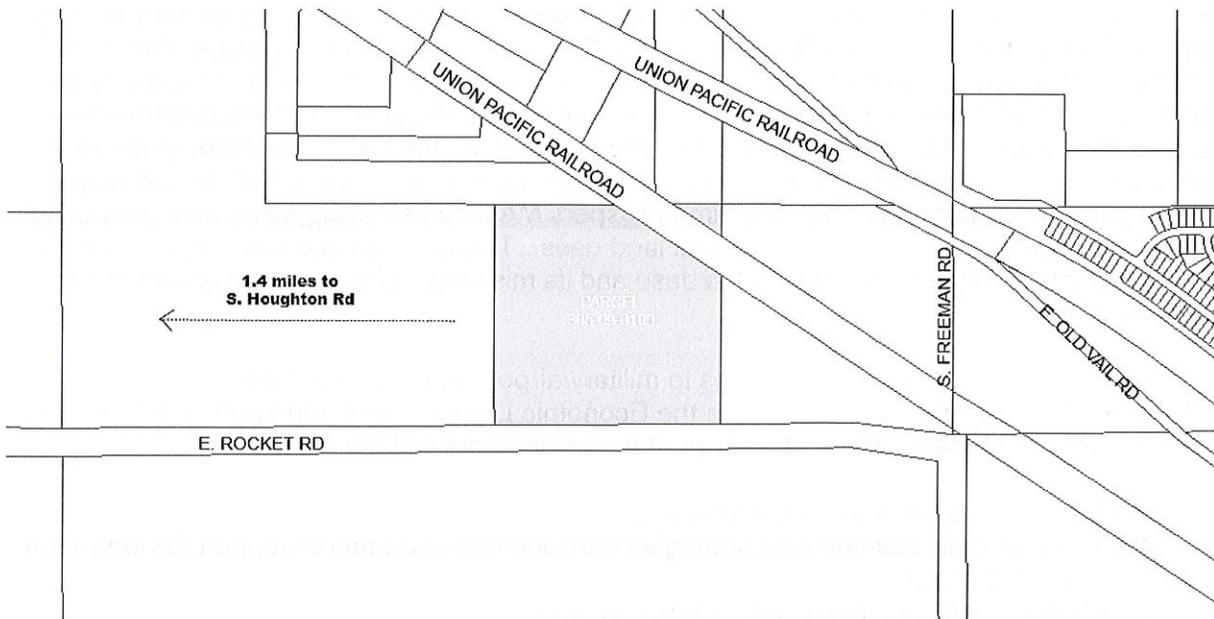
APPLICANT'S PROPOSED USE

No development is proposed for the near future.

APPLICANT'S STATED REASON

The proposed rezoning would place the residentially zoned parcel in conformance with the Military/Airport land use designation and regional policies of Pima Prospers (Pima County Comprehensive Plan). The County-initiated rezoning arose from the Pima Prospers process.

MAP LOCATION



COMPREHENSIVE PLAN DESIGNATION

Pima Prospers designates the subject 35.04-acre parcel as Military/Airport (MA). The requested

General Industrial (CI-2) zone for the entire property conforms to the MA designation. A map and description for the Comprehensive Plan designation are attached.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	GR-1	Vacant/Union Pacific Railroad/Single Family Residence
South:	RH (City of Tucson)	Vacant
East:	GR-1	Vacant/Union Pacific Railroad
West:	RX-1 (City of Tucson)	Vacant

PREVIOUS REZONING CASES ON PROPERTY

None

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

None

Past activity:

None

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions**. Pima County DSD proposes a CI-2/AE rezoning from the GR-1/AE zone on a 35.04-acre parcel located on the north side of Rocket Road, approximately 2,000 feet west of the Rocket Road/Freeman Road intersection. The subject property, parcel # 305-09-0100, is situated at the eastern end of the Davis-Monthan Air Force Base (DMAFB) Approach/Departure Corridor (ADC-3) and south of the Union Pacific Railroad (the parcel is split by the railroad). The subject parcel is not located within the Maeveen Marie Behan Conservation Lands System (CLS).

This rezoning is a candidate property for a County-initiated industrial rezoning as part of Pima Prospers. The subject property is identified in the "Pre-rezoning for Industrial Uses Map 3" (See attachment). The County-initiated rezoning to the CI-2 is supported by the owner. Parcels #s 141-26-006E (rezoning case # P15RZ00013) and 305-02-005C (rezoning case # P15RZ00014) are also proposed for rezonings identified in Map 3 and are bounded by the east side of Houghton Road; south of the Union Pacific Railroad; and north of Rocket Road area. Approval of the rezoning will bring the parcel in conformance with the Pima Prospers MA land use designation and compatible with surrounding military/airport and industrial land uses. The MA land use intensity restricts the rezoning districts to those compatible to the base and its missions. GR-1 or any residential zones are not permitted.

Re-purposing residentially-zoned properties to military/airport and industrial land uses adjacent to the DMAFB is an initiative that implements the Economic Development and Land Use Elements identified in Pima Prospers. Major objectives of those elements include:

- protecting the region's existing employers
- aligning economic development strategies with land use decisions to support the long-term viability of the region
- guarding the military functionality of DMAFB, and
- guiding development in order to protect DMAFB's economic benefits, while increasing the economic diversity and viability of the community by facilitating the development of other key sectors in ways that are compatible with DMAFB's mission.

Pima Prosper policies and measures that implement economic development and land use objectives include enforcement of the zoning code requirements for proposed development within DMAFB Environs and Facilities Zones and buffering DMAFB from residential encroachment. Conditions for new development include compliance with all applicable sound mitigation, density and land use constraints within accident potential zones, and of DMAFB ADC restrictions.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	N/A	N/A
SCHOOLS	N/A	N/A
AIR QUALITY	N/A	N/A

TRANSPORTATION REPORT

The Department of Transportation has no objection to this request for rezoning.

FLOOD CONTROL REPORT

No comments.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has no objection to this rezoning request. (See attachments)

ENVIRONMENTAL PLANNING REPORT

No comments.

CULTURAL RESOURCES REPORT

OSC (Office of Sustainability and Conservation) review of submitted application and supporting cultural resources documentation has determined that the proposed development project will have no effect to significant cultural and/or historic resources and is, therefore, in compliance with the

applicable County, State, and/or Federal cultural resources requirements, as determined by OSC. Therefore, as far as Pima County is concerned, cultural resources requirements for this project have been met and archaeological clearance is recommended for this development, subject to condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

No comments.

PUBLIC COMMENT

As of the writing of this staff report, staff has not received any public comments.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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.
5. The property owner shall execute and record the following disclaimer regarding Prop 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)."
6. 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.
7. Cultural Resources conditions:
 - A. All work must be within the area as shown on the proposed project maps and plans in the submitted documentation, and
 - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. 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 ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. 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.

Respectfully Submitted,



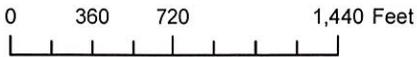
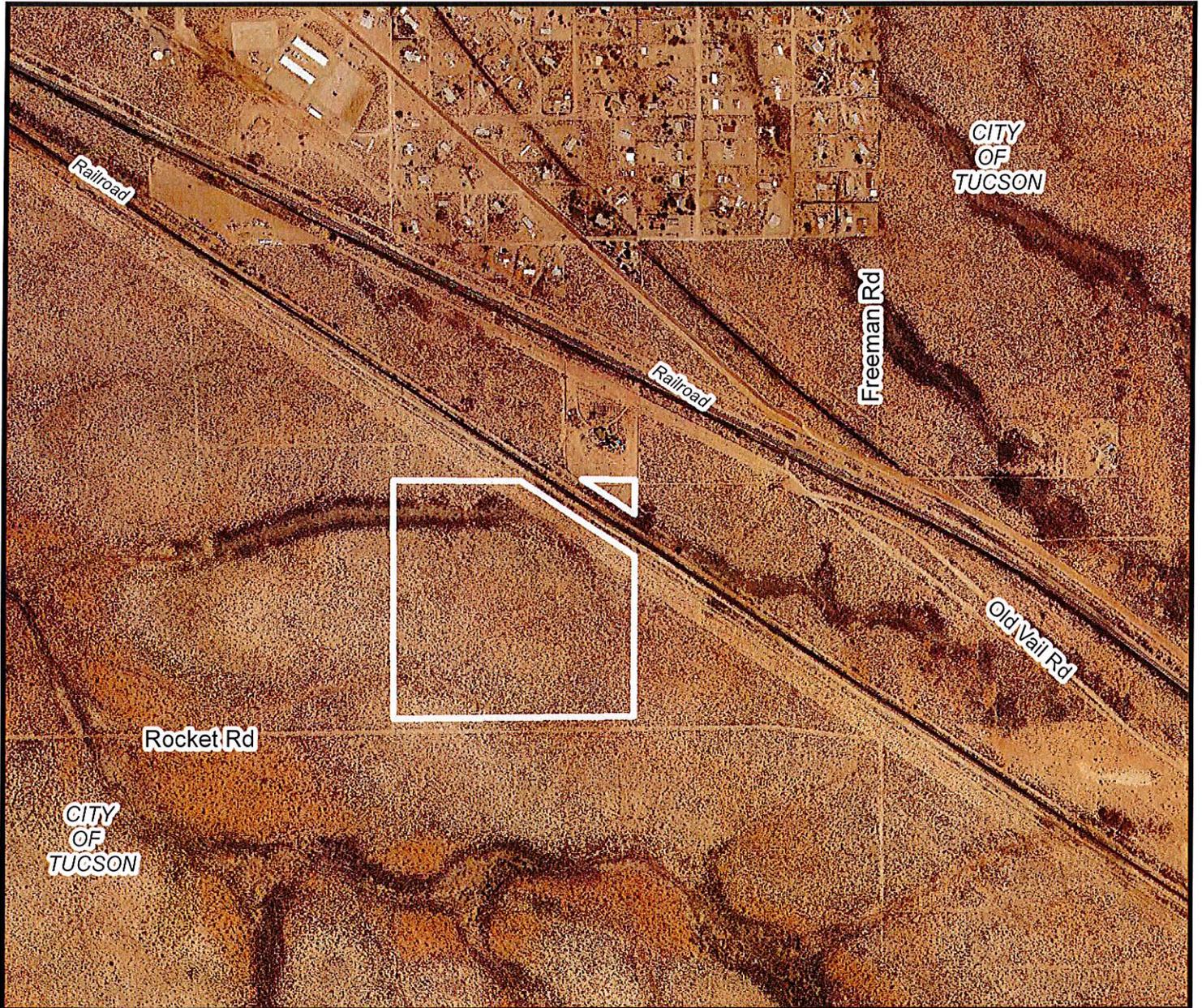
Artemio Hoyos, AICP
Case Planner

Cc: Nanbarry Investment Profit Sharing Plan, Attn: Barry Kitay, PO Box 31058,
Tucson, AZ 85751

Case #: P15RZ00011

Case Name: NANBARRY INVESTMENT PROFIT SHARING PLAN - E. ROCKET ROAD REZONING

Tax Code(s): 305-09-0100



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

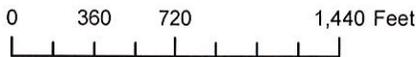
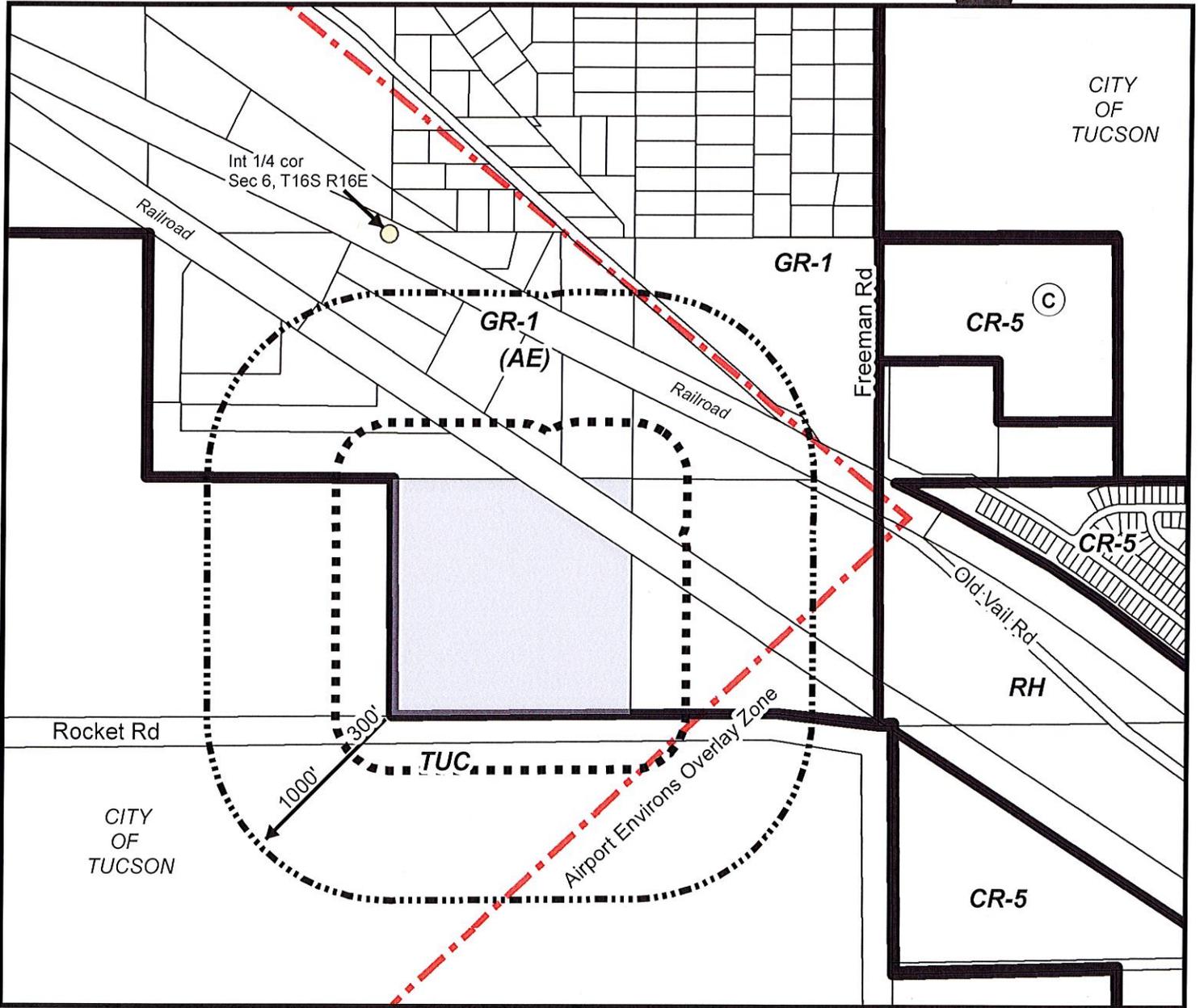
	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 01/27/16 (scheduled)			
	Base Map(s): 134, EPC	Map Scale: 1:10,000	Map Date: 1/13/2016	

Case #: P15RZ00011

Case Name: NANBARRY INVESTMENT PROFIT SHARING PLAN - E. ROCKET ROAD REZONING

Tax Code(s): 305-09-0100

-  1000' Buffer
-  300' Buffer
-  Subject Parcel
-  Zoning Boundary



Area of proposed rezoning from GR-1 (AE) to CI-2 (AE) 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Planning & Zoning Hearing: 01/27/16 (scheduled)

Base Map(s): 134, EPC

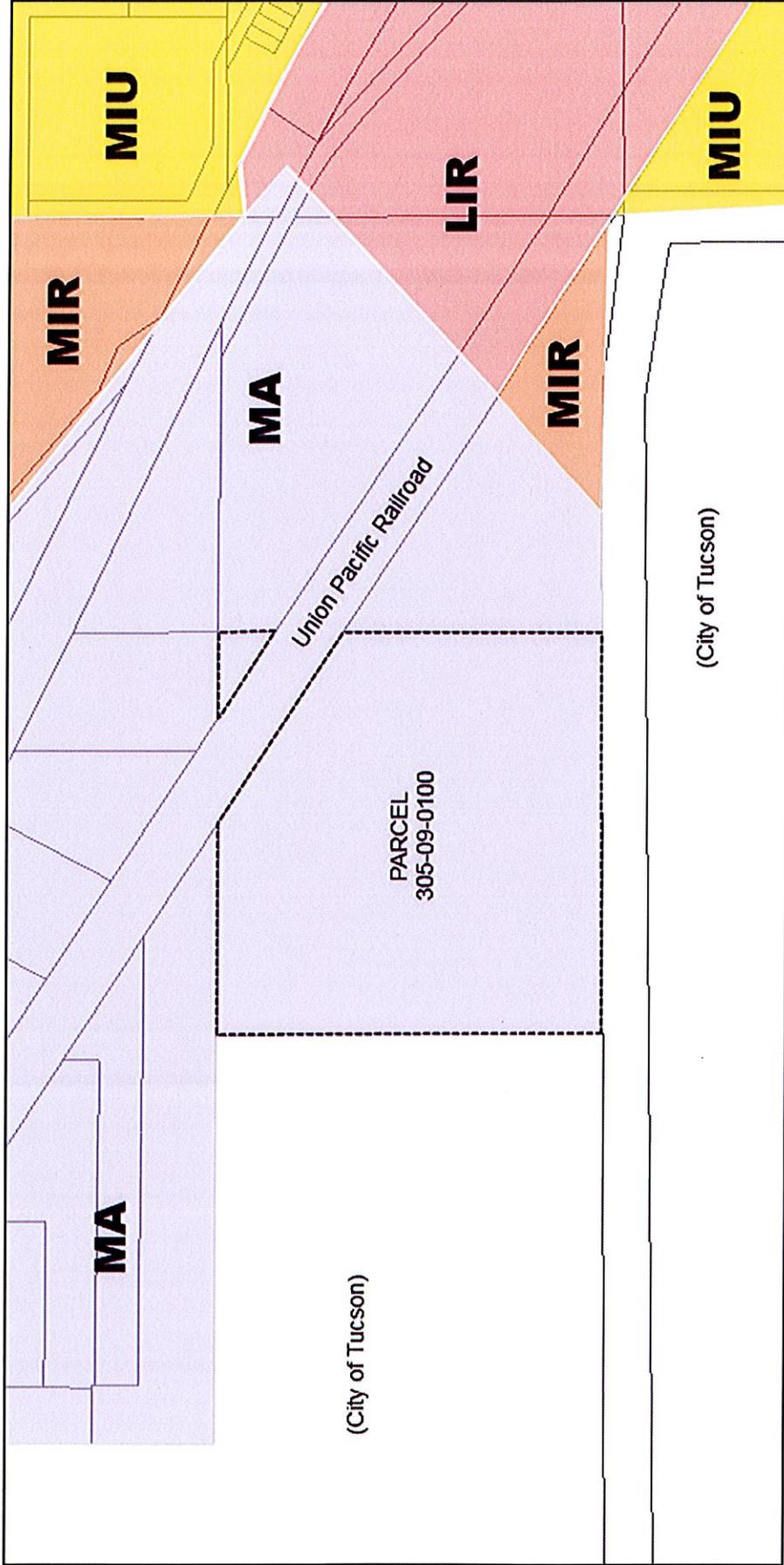
Map Scale: 1:10,000

Map Date: 1/08/2016



COMPREHENSIVE PLAN MAP

P15RZ00011 NANBARRY INVESTMENT PROFIT SHARING PLAN – E. ROCKET ROAD REZONING



COMPREHENSIVE PLAN LAND-USE CATEGORY DEFINITION

Military Airport (MA)

Objective: To recognize Davis-Monthan Air Force Base (DMAFB) as a unique and significant factor in shaping the history, character, and economy of Eastern Pima County; provide guidance for future compatible land uses to promote the health, safety, and welfare of the community; and, to promote the long-term viability of the base and its missions.

- A. Residential Gross Density: New residential development is not a compatible use.
- B. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the Land Use Plan subject to compliance with the zoning code:
 - 1. CB-1 Local Business Zone
 - 2. CB-2 General Business Zone
 - 3. CPI Campus Park Industrial Zone
 - 4. CI-1 Light Industrial/Warehousing Zone
 - 5. CI-2 General Industrial Zone
 - 6. SP Specific Plan Zone

COMPREHENSIVE PLAN SPECIAL AREA POLICY

S-23 Davis-Monthan Air Force Base (DMAFB)

Approach-Departure Corridor 3 (ADC-3), consisting of the Approach-Departure Corridor from 30,000 to 50,200 feet at the southeastern end of the main Davis-Monthan AFB runway.

All non-residential uses (except elementary and secondary schools, day care facilities, hospitals, and uses involving significant quantities of hazardous or flammable materials) would be considered compatible; residential uses (including extended care facilities and nursing homes) would not be considered compatible. Performance standards would apply to the non-residential uses, so that a "checkerboard" pattern of development is created, with buildings separated by areas devoted to parking or open space. This "checkerboard" pattern would provide relatively low overall building coverage, while also accommodating the development opportunities in the area.



PIMA COUNTY

REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

January 13, 2016

TO: Artemio Hoyos, Planner
Planning Division
Pima County Development Services Department

FROM: Mirela Hromatka
Mirela Hromatka, Sr. Planner
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: P15RZ00011 – Nanbarry Investment Profit Sharing Plan
From GR-1 to CI-2
Tax Parcels #305-09-0100; 35 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced County-initiated industrial rezoning and offers the following comments. Approval of the rezoning would place this residentially-zoned property in zoning classification compatible with surrounding industrial and military airport land uses.

This rezoning is staff requested and Board-initiated as part of Pima Prospers to bring this and other parcels' zoning in conformance with the Comprehensive Plan, and to continue to re-purpose residentially-zoned lands in the Davis-Monthan Air Force Base (DMAFB) departure corridor. Development Services is viewing this rezoning as un-conditional with a site analysis requirement being waived for this process. No development is anticipated in the near future for this property.

The subject property is located at the eastern end of the DMAFB southeast Approach-Departure Corridor (ADC-3), east of S. Houghton Road and south of or split by the Union Pacific Railroad. The property is currently zoned GR-1, which allows residential use on one-acre lots. New residential development is considered an incompatible use in the DMAFB approach-departure corridor and the surrounding land use is MA or Military Airport. Pima County has purchased several vacant properties in the area to preclude further lot splitting and future residential development, funded with special open space bond funds. Rezoning this parcel to an industrial zoning classification would complete protection of the area south of the railroad in unincorporated Pima County for properties not otherwise committed to uses or owned by the County.

The rezoning area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. Capacity is currently available in the 12-inch public sewer G-87-037, downstream from manhole 8762-09 (Type I, 2015-282, dated January 13, 2016).

The PCRWRD has no objection to this rezoning request.

If you wish to discuss the above comment, please contact me at 724-6488.

Copy: Project
MH



PIMA COUNTY

REGIONAL WASTEWATER RECLAMATION DEPARTMENT

201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

January 13, 2016

Mirela Hromatka
RWRD
201 N Stone Ave., 3rd fl
Tucson, AZ 85701

Sewerage Capacity Investigation No. 2015-282 Type I

**RE: Central Planning Area 5 - County initiated industrial rezoning,
Parcel 305090100
Estimated Flow 35,000 gpd (ADWF).
P15WC00153**

Greetings:

The above referenced project is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor.

Capacity is currently available for this project in the public sewer G-87-037, downstream from manhole 8762-09.

This letter is not a reservation or commitment of treatment or conveyance capacity for this project. It is not an approval of point and method of connection. It is an analysis of the system as of this date and valid for one year. Allocation of capacity is made by the Type III Capacity Response.

If further information is needed, please feel free to contact us at (520) 724-6642.

Reviewed by: Kurt Stemm, CEA Sr.

Nanbarry Investments Profit Sharing Plan
P.O. Box 31058
Tucson, AZ 85751-1058
(520)546-9003

July 6, 2015

Mr. Arlan Colton, Planning Official
Pima County Public Works Building
201 N. Stone Avenue, 2nd Floor
Tucson AZ 85701-1207

Re: Pima County Assessor Parcel # 305-09-0100

Dear Mr. Colton,

I am in receipt of your letter dated June 12th to Nanbarry Investments Profit Sharing Plan, for which I am a Trustee. I was pleased to see that the Board of Supervisor's is taking a pro-active measure to help property owners who might be interested in having a more realistic zoning applied to their property. I am very interested in having the current GR-1 zoning changed to an Industrial CI-2 zoning, provided that will allow for less restrictive uses such as CPI and CI-1. If not please contact me, 520-546-9003, to discuss which might be the most appropriate zoning for the site.

Again, thank you for initiating this process,



Barry Kitay, Trustee

RECEIVED
JUL 14 2015

Book-Map-Parcel: 305-09-0100

Oblique Image

Tax Year:

Tax Area: 2000

Property Address:

Taxpayer Information:
 NANBARRY INVESTMENT PROFIT SHARING PLAN
 PO BOX 31058
 TUCSON AZ

Property Description:

SW4 SE4 LESS S75' FOR RD & EXC RR 35.04 AC
 SEC 6-16-16

85751- 1058

Valuation Data:

	LEGAL CLASS	2015		ASSESSED VALUE	LEGAL CLASS	2016		ASSESSED VALUE
		VALUE	ASMT RATIO			VALUE	ASMT RATIO	
LAND FCV	Vacant/Ag/Golf (2)	\$87,600	16.0	\$14,016	Vacant/Ag/Golf (2)	\$87,600	15.0	\$13,140
IMPR FCV		\$0				\$0		
TOTAL FCV	Vacant/Ag/Golf (2)	\$87,600	16.0	\$14,016	Vacant/Ag/Golf (2)	\$87,600	15.0	\$13,140
LIMITED VALUE	Vacant/Ag/Golf (2)	\$87,600	16.0	\$14,016	Vacant/Ag/Golf (2)	\$87,600	15.0	\$13,140

Property Information:

Section: 6
Town: 16.0
Range: 16.0E
Map & Plat: /
Block:
Tract:
Rule B District: 3
Land Measure: 35.04A
Group Code:
Census Tract: 4028
Use Code: 0014 (VACANT RESIDENTIAL RURAL NON-SUBDIVIDED)
File Id: 1
Date of Last Change: 7/12/2005

Valuation Area:

Condo Market: 610
DOR Market: 61
MFR Neighborhood: EAST_SOUTHEAST
SFR Neighborhood: 08017120
SFR District: 19

Supervisor District:

(4) RAY CARROLL

Recording Information:

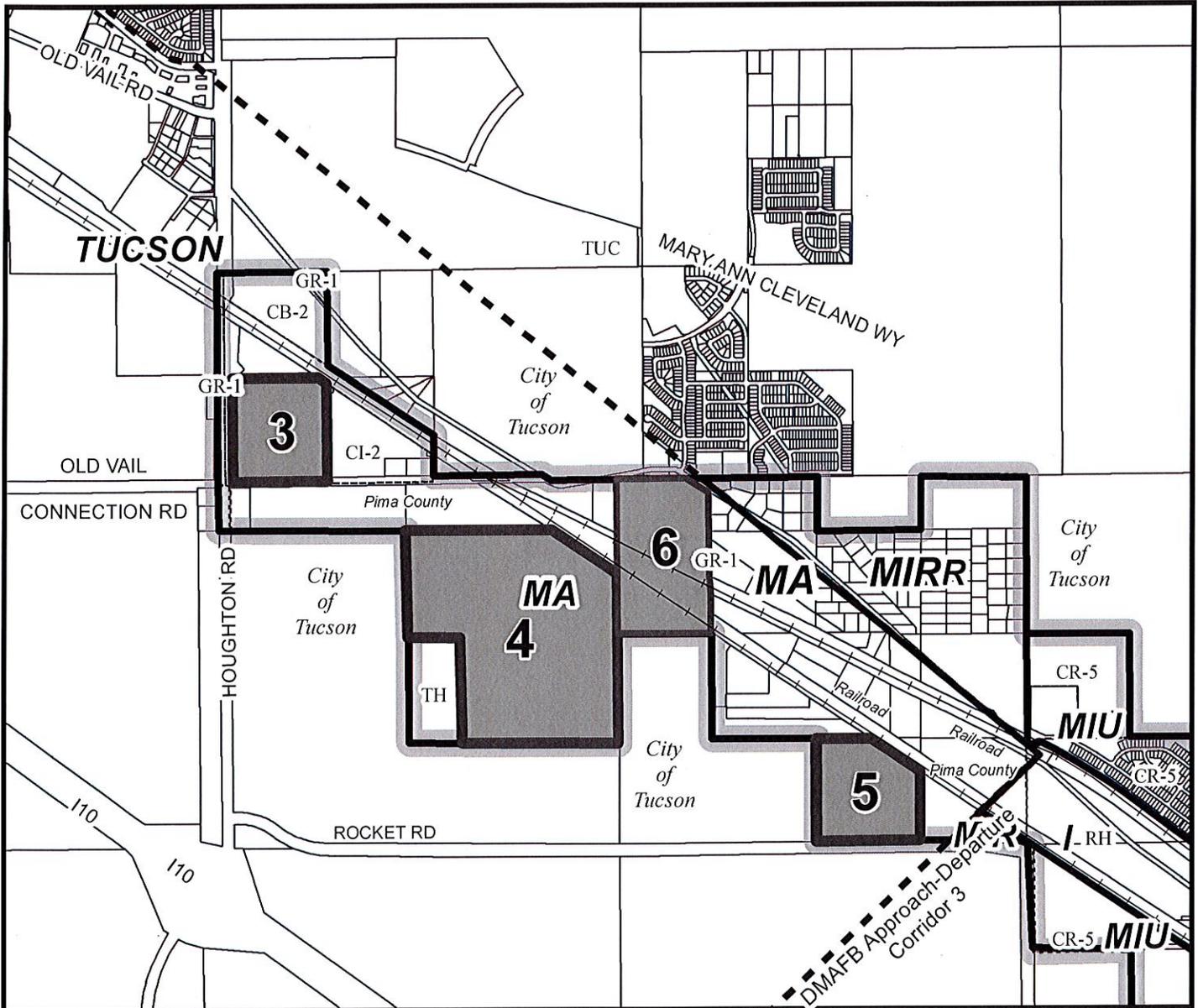
Sequence No.	Docket	Page	Date Recorded	Type
20040320558	12240	2022	2/18/2004	AFFIDAVIT
91163389	9194	823	12/27/1991	

Petition Information:

Tax Year	Owner's Estimate	Petition	SBOE
2013	\$500		
2012	\$500		

**ARIZONA CORPORATION COMMISSION CORPORATIONS DIVISION
WEBSITE ENTITY DETAIL • <http://ecorp.azcc.gov/>**

Corporate Inquiry				
File Number L09920245	Corporation Name NANBARRY INVESTMENTS PROFIT SHARING PLAN, L.L.C.			
Domestic Address				
PO BOX 31058 TUCSON, AZ 85751-1058				
Statutory Agent Information				
Agent Name: GREGORY V GADARIAN				
Agent Mailing/Physical Address: 2200 E RIVER RD #123 TUCSON, AZ 85718				
Agent Status: APPOINTED 06/08/2001				
Additional Entity Information				
Entity Type: DOMESTIC L.L.C.	Buiness Type:			
Incorporation Date: 6/8/2001	Corporation Life Period: PERPETUAL			
Domicile: ARIZONA	County: PIMA			
Approval Date: 6/8/2001	Original Publish Date: 7/13/2001			
Manager/Member Information				
Name	Title	Address	Date Taking Office	Last Updated
BARRY E KITAY	MANAGER	PO BOX 31058 TUCSON, AZ 85751-1058	06/08/2001	06/13/2001
HAROLD H KITAY	MANAGER	PO BOX 31058 TUCSON, AZ 85751-1058	06/08/2001	06/13/2001
NANBARRY INVESTMENT PROFIT	MEMBER	PO BOX 31058 TUCSON, AZ 85751-1058	06/08/2001	07/19/2001



Parcels: 141-26-006E 305-02-005C 305-09-0100 305-09-007A	Candidate Properties for County-initiated industrial Rezoning		District 4 Location: E. side of Houghton Rd S. of Union Pacific Railroad N. of Rocket Rd	
	3. GR-1 141-26-006E State of Arizona 35.7 acres +/- 4. GR-1 305-02-005C State of Arizona 135 acres +/- 5. GR-1 305-09-0100 Nanbary Investment Profit Sharing Plan 35 acres +/- 6. GR-1 305-09-007A Luminex LLC 41 acres +/-			
	Central Planning Area Section 36, T15S, R15 E; Section 01, T16 S, R15 E; Section 06, T16S, R16 E			
	Planning and Zoning Commission Hearing: March 25, 2015 & April 8, 2015	Map Scale: 1:24,000		
	Board of Supervisors Hearing: May 19, 2015	Map Date: 04/23/2015		