



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 3, 2018

Title: Rezoning Ordinance - P16RZ00011 AJO CAMINO DE OESTE LLC – W. AJO HY. REZONING

Introduction/Background:

The Board of Supervisors approved this rezoning March 21, 2017.

Discussion:

The rezoning was for approximately 34.13 acres from SR (BZ)(GZ-1)(TDR-RA) (Suburban Ranch - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (34.13 Acres) zone to the CR-4 (BZ)(GZ-1)(TDA-RA) (Mixed-Dwelling Type - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (7.24 Acres) zone, and CB-1 (BZ)(GZ-1)(TDR-RA) (Local Business - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (9.02 Acres) zone, and TR (BZ)(GZ-1)(TDR-RA) (Transitional - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (1.86 Acres) zone, and SR-R (BZ)(GZ-1)(TDR-RA) (Suburban Ranch - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) for a mix of uses that include residences and commercial.

Conclusion:

The Ordinance reflects the Board of Supervisors approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

JUN 20 10 40 AM '18 PCC/KCF/AD

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

Contact: Tom Drzazgowski, Chief Zoning Inspector Telephone: 520-724-6675

Department Director Signature/Date: [Signature] 6/14/18

Deputy County Administrator Signature/Date: [Signature] 6/15/18

County Administrator Signature/Date: C. DeMott 6/13/18



PIMA COUNTY

DEVELOPMENT SERVICES

Subject: P16RZ00011

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FOR JULY 3, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

Handwritten signature of Tom Drzazgowski in black ink.

DATE: June 11, 2018

ORDINANCE FOR ADOPTION

P16RZ00011 **AJO CAMINO DE OESTE LLC – W. AJO HY. REZONING**

Owners: Ajo Camino De Oeste LLC
(District 5)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Ajo Camino De Oeste LLC
2850 E. Skyline Dr. Ste 100
Tucson, AZ 85718-8013

AGENT: MJM Consulting
Michael Marks
7002 E. 4th St.
Tucson, AZ 85710

DISTRICT: 5

STAFF CONTACT: Tom Drzazgowski

STAFF RECOMMENDATION: **APPROVAL.** Staff has made a few minor edits to ordinance that more accurately reflect the Board of Supervisors approval. This includes changing the north to south in Camino De Oeste and showing the SR portion as restricted.

CP/ar
Attachments

cc: P16RZ00011 File

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 34.13 ACRES OF PROPERTY (PARCEL CODE 119-45-013A) FROM THE SR (BZ)(GZ-1)(TDR-RA) (SUBURBAN RANCH – BUFFER OVERLAY, GATEWAY OVERLAY, TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA) (34.13 ACRES) TO THE CR-4 (BZ)(GZ-1)(TDR-RA) (MIXED-DWELLING TYPE – BUFFER OVERLAY, GATEWAY OVERLAY, TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA) (7.24 ACRES) ZONE, CB-1 (BZ)(GZ-1)(TDR-RA) (LOCAL BUSINESS - BUFFER OVERLAY, GATEWAY OVERLAY, TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA) (9.02 ACRES) ZONE, TR (BZ)(GZ-1)(TDR-RA) (TRANSITIONAL - BUFFER OVERLAY, GATEWAY OVERLAY, TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA) (1.86 ACRES) ZONE, AND SR-® (BZ)(GZ-1)(TDR-RA) (SUBURBAN RANCH – RESTRICTED - BUFFER OVERLAY, GATEWAY OVERLAY, TRANSFER OF DEVELOPMENT RIGHTS RECEIVING AREA) (16.01 ACRES) ZONE, IN CASE P16RZ00011 AJO CAMINO DE OESTE LLC – W. AJO HY. REZONING, LOCATED AT THE SOUTHEAST CORNER OF S. CAMINO DE OESTE AND W. AJO HY., AND AMENDING PIMA COUNTY ZONING MAP NO. 17.

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

Section 1. The 34.19 acres located at the southeast corner of the S. Camino De Oeste and W. Ajo Hy. and illustrated by the hatched area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 17, is rezoned from the SR (BZ)(GZ-1)(TDR-RA) (Suburban Ranch – Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (34.13 Acres) zone to the CR-4 (BZ)(GZ-1)(TDR-RA) (Mixed-Dwelling Type – Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (7.24 Acres) zone, and CB-1 (BZ)(GZ-1)(TDR-RA) (Local Business - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (9.02 Acres) zone, and TR (BZ)(GZ-1)(TDR-RA) (Transitional - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) (1.86 Acres) zone, and SR-® (BZ)(GZ-1)(TDR-RA) (Suburban Ranch - Restricted - Buffer Overlay, Gateway Overlay, Transfer Of Development Rights Receiving Area) subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
 - A. Submit a development plan and subdivision as determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.

- D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
 - B. The property shall be limited to 5 access points, two serving the commercial site on SR-86, two serving the commercial site on Camino de Oeste, and one access point serving the residential site on Camino de Oeste.
4. Regional Flood Control District condition:
 - A. Water conservation measures that provide 15 points per the Preliminary Integrated Water Management Plan methodology in place at the time of development shall be submitted by the applicant with the Site Construction Permit for approval by the Pima County Regional Flood Control District.
5. Regional Wastewater Reclamation conditions:
 - A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the 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 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 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 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 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 rezoning area.

6. Environmental Planning conditions: Upon the effective date of the Ordinance, 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.
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Natural Resources, Parks and Recreation conditions:
 - A. Construct Ajo Way Greenway G003 with a 30-foot buffer along Ajo Way for the multi-use path, a decomposed path being 15-foot width on the east property line to the wash and 20-foot width along Camino de Oeste to the wash, and a 20-foot path from the eastern boundary to western boundary between the commercial development and residential subdivision, using the Pima County Greenway cross-section details.
 - B. Construct a pedestrian link from the residential subdivision to the commercial development.
9. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
10. The property is subject to both Gateway Overlay Zone and Buffer Overlay Zone.
11. No access is permitted from Avenida Paisano to the residential or commercial development.
12. The area rezoned to SR-® shall remain natural as depicted on the Preliminary Development Plan (exclusive of the bank protection along the commercial and residential edges as well as the equestrian trail). The applicant shall provide adequate signage and barriers to restrict access to the natural area from the west and east. In addition, barriers are required, where necessary to prevent access to the natural area, along the subdivision lots to the south and commercial areas to the north that abut the natural area.
13. If any retail store in excess of 40,000 square feet is proposed to be developed on the property, the owner must enter into a development agreement that applies the same Operating Constraints and Enhancement Contribution described in Articles 4 and 7 of the Development Agreement recorded in the Office of the Pima County Recorder at Book 12939, Page 7309-7376. This condition will not apply to the property if the Enhancement Contribution is terminated as provided in Article 8 of that Development Agreement.
14. During the development plan process, the applicant shall contact Tucson Unified School District concerning the provision of adequate space for safe bus stops, bus turnarounds and pedestrian access to the appropriate schools.
15. Neighbor/Owner conditions:
 - A. The owner shall install a barrier, where necessary, along both the Avenida Paisano and the Camino de Oeste frontages for the purposes of preventing vehicles, including automobiles and ATVs, from entering the open space. The barrier shall consist of boulders and/or of post & cable, or other such similar & equally effective forms. The barrier shall be installed at strategic locations, identified as the most likely entrance

points into the open space. The Regional Flood Control District shall review these locations prior to installation to insure that there will be no negative drainage impacts. This condition shall be satisfied by the time of release of assurances for the residential subdivision, or prior to the final inspection for the first commercial building.

- B. The owner shall install signage along both the Avenida Paisano and the Camino de Oeste frontages to indicate that the open space property is privately owned, that there should be no trespassing, and specifically that no vehicles or ATVs are allowed. This condition shall be satisfied by the time of release of assurances for the residential subdivision, or prior to the final inspection for the first commercial building.
 - C. The owner shall plant at least 5 trees, similar in type as those which already exist on the subject property, within the residential development 50 foot bufferyard, along Avenida Paisano. This condition shall be satisfied by the time of release of assurances for the residential subdivision.
 - D. Where there is a driveway or parking spaces adjacent to the south boundary of the commercial development the owner shall build a barrier to prevent vehicles from driving directly into the open space. The barrier shall be a sufficient curb or some other form to accomplish the goal stated above. This condition shall be satisfied prior to the final inspection for the first commercial building.
 - E. The agreement between the owner and neighboring property owners, as represented by the document dated March 10, 2017, shall be recorded with the Pima County Recorder's Office.
16. 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.
17. 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 17 of Section 2 shall be completed no later than March 21, 2022.

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.

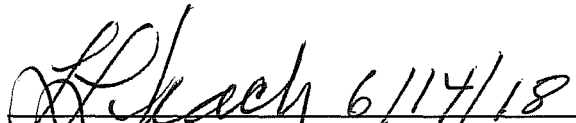
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

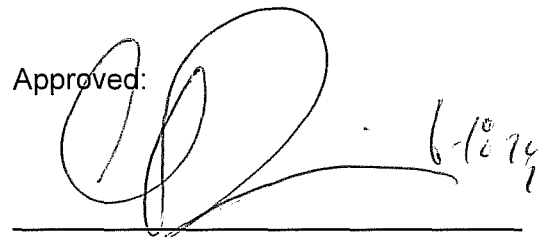
ATTEST:

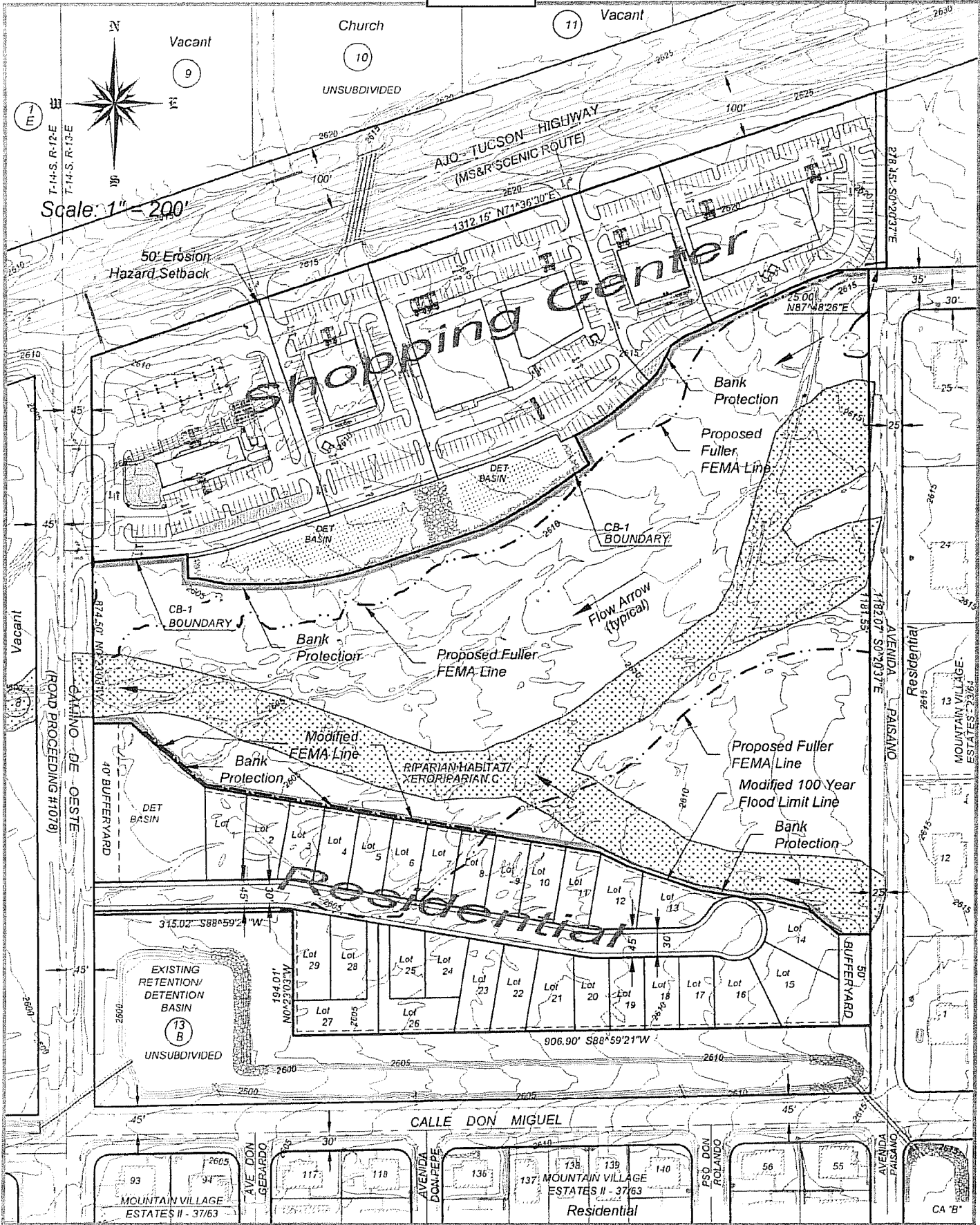
Clerk, Board of Supervisors

Approved As To Form:


Deputy County Attorney
Lesley M. Lukach

Approved:


Executive Secretary
Planning and Zoning Commission



Scale: 1" = 200'



