



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director 

DATE: September 4, 2013

SUBJECT: Co9-97-53 ALI, ET AL – ORACLE ROAD REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **SEPTEMBER 17, 2013** hearing.

REQUEST: A five-year time extension for a rezoning from GR-1 (GZ) [(Rural Residential) (Gateway Overlay)] to CB-1 (GZ) [(Local Business) (Gateway Overlay)] of 3.40 acres located on the east side of Oracle Road, approximately 600 feet south of Mainsail Boulevard (Catalina).

OWNER: Assunta Ali, et al
435 East Potters Wheel Court
Tucson, AZ 85704-6942

AGENT: Frank Ali
435 East Potters Wheel Court
Tucson, AZ 85704-6942

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of September 4, 2013, no written public comments have been received.

STAFF RECOMMENDATION: APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property is located outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TT/ar
Attachments




Board of Supervisors Memorandum

Subject: Co9-97-53

Page 1 of 8

FOR SEPTEMBER 17, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director 
Development Services Department-Planning Division

DATE: September 4, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-97-53 ALI, ET AL – ORACLE ROAD REZONING

Request of Assunta Ali, et al, represented by Frank Ali, for a five-year **time extension** for a rezoning from GR-1 (GZ) [(Rural Residential) (Gateway Overlay)] to CB-1 (GZ) [(Local Business) (Gateway Overlay)] of 3.40 acres located on the east side of Oracle Road, approximately 600 feet south of Mainsail Boulevard (Catalina). The subject site was rezoned in 1998 and expired in 2013. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year time extension** for the original **3.40** acres rezoning from GR-1 (GZ) (Rural Residential) (Gateway Overlay) to CB-1 (GZ) (Local Business) (Gateway Overlay) with modified and standard and special conditions for a restaurant with drive-through service. Staff recommends the modification of conditions #8A and #8B reflecting the necessity of a drainage report to evaluate the site's flood risk.

Staff also recommends that conditions #7D and #15 be deleted as unnecessary. Condition #7D relates to Arizona Department of Transportation off-site improvements which may be implemented at the time of development rather than through the rezoning. Condition #15 requires a survey for the pigmy owl which is no longer classified as an endangered species.

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

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. Recording a covenant to the effect that there will be no further subdividing or lot splitting of residential lots without the written approval of the Board of Supervisors.
6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Development Services Department, Document Services Section.
7. Transportation conditions:
 - A. Shared access with the property to the north and south shall be provided. Maintenance and access agreement shall be provided to staff for review and approval prior to approval of the Development Plan.
 - B. Elimination of direct access unless modification request is approved per Subdivision and Development Street Standards Chapter 9.
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance with all of the requirements shall be submitted to the Development Services Department prior to approval of a Development Plan and/or Subdivision Plat.
 - D. ~~The property owner(s)/developer(s) shall provide offsite improvements determined necessary by Arizona Department of Transportation.~~

8. Flood Control conditions:
 - A. ~~Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District. At the time development is proposed, the property owner shall submit to the Pima County Regional Flood Control District a drainage report that includes (Hydrologic Analysis, Hydraulic Analysis and Erosion Hazard Setback Reduction Analysis) for review and approval. Based on this analysis, specific limitations may apply to the number of lots, the layout of the site or the number of structures in order to ensure that the provisions of the Ordinance are met.~~
 - B. ~~The property owner(s) shall grant flowage easements for drainage purposes, as determined necessary by the Flood Control District during the plan review process.~~
 - C.B. 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. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
9. Wastewater Management conditions:
 - A. The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.
 - B. On-site sewers shall be owned, operated and maintained on a private basis.
10. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5 Oracle Corridor/Northern Gateway.
11. Prior to ground modification activities by the property owner(s)/ developer(s), an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to the submittal of any tentative plat 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Environmental Planning conditions:
 - A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:
 - Fountain grass (*Pennisetum setaceum*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Johnson grass (*Sorghum halapense*)
 - Giant reed (*Arundo donax*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Pampas grass (*Cortaderia selloana*)
 - Red brome (*Bromus rubens*)
 - Mediterranean grass (*Schismus spp.*)
 - Tree of heaven (*Ailanthus altissima*)
 - African sumac (*Rhus lancea*)
 - Russian olive (*Eleagnus angustifolia*)
 - Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
 - B. ~~Should the Board approve the 5-year time extension~~ 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 owner(s) of the property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner(s). 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.
13. Building heights are limited to 24 feet and one story.
14. Adherence to the preliminary development plan as approved at public hearing, except that the south 110 feet of the site, commencing from the south boundary northward, shall remain as natural area with allowance of an access drive within this area toward the Oracle Road frontage. Slopes exterior to the developed area shall be revegetated with drought tolerant native species which are compatible with native vegetation endemic to the project area.

15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.~~

SURROUNDING LAND USES/GENERAL CHARACTER

North: CB-1 (GZ) Commercial retail strip mall
 South: CB-1 (GZ) Commercial Quick Mart
 West: CB-2 (GZ) Commercial bank/Family Dollar/McDonald's
 East: GR-1 (GZ)/CMH-2 (GZ) Single Family Residential

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS	Yes	No objection
WATER		No response
SCHOOLS	N/A	
AIR QUALITY	Yes	No objection

STAFF REPORT

Background:

The rezoning was conditionally approved by the Board of Supervisors on June 16, 1998. Ordinance 1998-56 was adopted on September 15, 1998 allowing the conditional CB-1 (Local Business) zoning to be reflected on the official County zoning base map. A five-year time extension was approved by the Board on March 16, 2004 and Resolution 2004-231 was adopted on August 16, 2004 memorializing the modified and additional standard and

special rezoning conditions. On January 13, 2009, the Board voted against closure of the rezoning case and approved a second five-year time extension to June 16, 2013. Resolution 2009-95 was approved memorializing the modified and additional standard and special rezoning conditions. The applicant now requests an additional five-year time extension due to the present economic hardship. There is no development plan in process and the site remains vacant.

The approved preliminary development plan identifies the use on the site as a fast food restaurant with drive-through service. At the public hearing for time extension on March 16, 2004, the Board approved staff's recommendation to modify Condition #14 to preserve the south 110 feet of the site as natural open space "to promote the natural physical connection of the site to undeveloped areas west of Oracle Road. This connection can serve as a wildlife movement corridor". To date the preliminary development plan has not been modified to reflect the change in the condition. The site plan attached to this report is the approved preliminary development plan that was conditionally approved on June 16, 1998.

A McDonald's, a bank, and a Dollar General store exist on the west side of Oracle Road. A hotel is also located on the west side of Oracle Road, approximately one-half mile to the south. There is an existing commercial retail mall to the north of the subject property which is not built out to the square footage of the approved development plan. The commercial development in the area of the rezoning site has had little growth since the rezoning was approved with the exception of a church being recently developed directly east of the retail mall.

Closure of the rezoning will cause the site to revert to GR-1 (GZ) (Rural Residential) (Gateway Overlay) zoning. The GR-1 zone does *not* conform to the site's comprehensive plan designation of MFC (Multi-Functional Corridor). Closure of the rezoning does not preclude future rezoning of the subject property.

Maeveen Marie Behan Conservation Lands System (MMBCLS)

The site lies outside of the MMBCLS.

The proposed rezoning site contains scattered trees and shrubs, does not contain any saguaro cactus, ironwood trees or any other safeguarded plant species on the site. There are no washes or associated designated riparian habitat on the site.

TRANSPORTATION DEPARTMENT REPORT

The proposed 5,075 square feet fast food restaurant could generate almost 3,700 ADT. The property is located on the east side of Oracle Road between Lupine Place and Mainsail Boulevard, with only 305 feet of frontage on Oracle Road.

Due to the fact that the Arizona Department of Transportation has funded improvements scheduled to begin later this year for Oracle Road, transportation concurrency is not a concern at this time. Planned improvements include widening Oracle Road between Tangerine and the Pinal County line to a six lane divided highway, constructing 10-foot wide shoulders to accommodate cyclists, raised center medians and left-turn lanes, retaining walls, sound barriers, and a shared-use path.

Currently, Oracle Road is a paved, five lane, undivided, arterial highway maintained by the State of Arizona. The Pima County Major Streets and Scenic Routes Plan designated Oracle Road as a Scenic Major Route. The existing and proposed right-of-way for Oracle Road is 200 feet. Oracle Road has a building setback specifically addressed in the Zoning Code, which is 150 feet building setback from the centerline of Oracle Road per Table 18.77.030 of the zoning code. The most current traffic count on Oracle Road from 2011 is 21,500 ADT and the traffic capacity is 33,900 ADT.

Access to Oracle Road requires Arizona Department of Transportation approval. As proposed it does not meet Subdivision and Development Street Standards per Table 8.1 (230 feet between driveway centerlines) and at this point staff does not support the Preliminary Development Plan as proposed. If Arizona Department of Transportation approved an access point, the access would require a modification approval from the Subdivision and Development Street Standards Committee per Chapter 9 of the Subdivision and Development Street Standards.

Transportation staff has no objection to the request for a time extension and recommends the deletion of condition #7D.

REGIONAL FLOOD CONTROL DISTRICT REPORT

No objection to the requested five-year time extension.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT REPORT

No objection to the five-year rezoning time extension and considers the existing Wastewater rezoning conditions sufficient.

ENVIRONMENTAL QUALITY DEPARTMENT REPORT

No objection to the proposed rezoning time extension provided the property is served by public or private sewer. On-site wastewater disposal shall not be allowed.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

No objection to or comment on the rezoning time extension request.

GOLDER RANCH FIRE DISTRICT REPORT

No response.

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)

No objection to the five-year rezoning time extension subject to the standard and special conditions remaining.

UNITED STATES FISH AND WILDLIFE (USFWS) REPORT

No response.

LAGO DEL ORO WATER DISTRICT REPORT

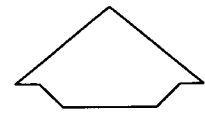
No response.

CP/TT/ar
Attachments

c: Assunta Ali, et al, 435 East Potters Wheel Court, Tucson, AZ 85704-6942
Frank Ali, 435 East Potters Wheel Court, Tucson, AZ 85704-6942
Chris Poirier, Assistant Planning Director
Co9-97-53 File



**Co09-97-53 Ali, et al - Oracle Road Rezoning
Five-year Time Extension Request**



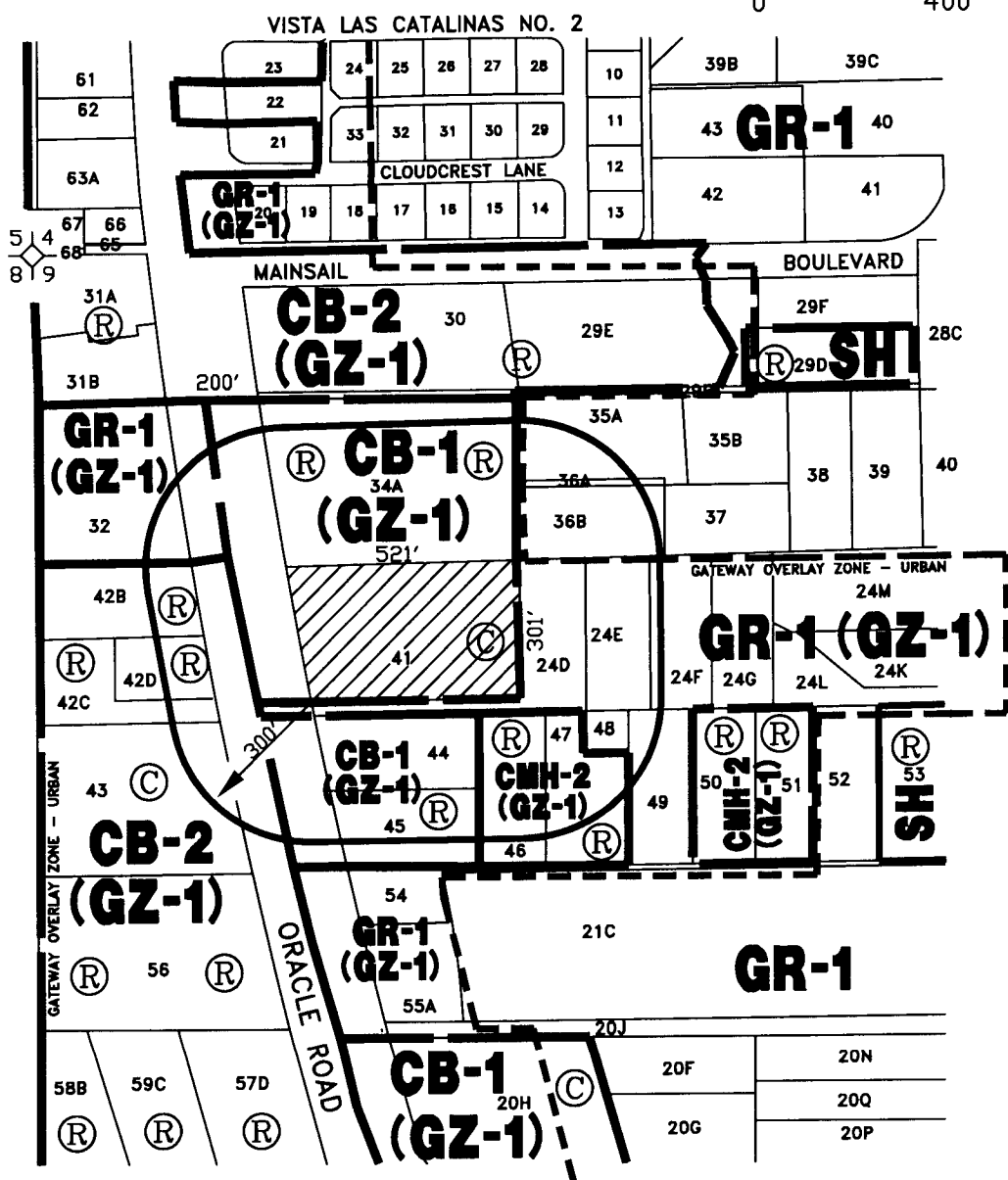
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T11S R14E

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5A



Petition area 

Notification area 

BASE MAP 519

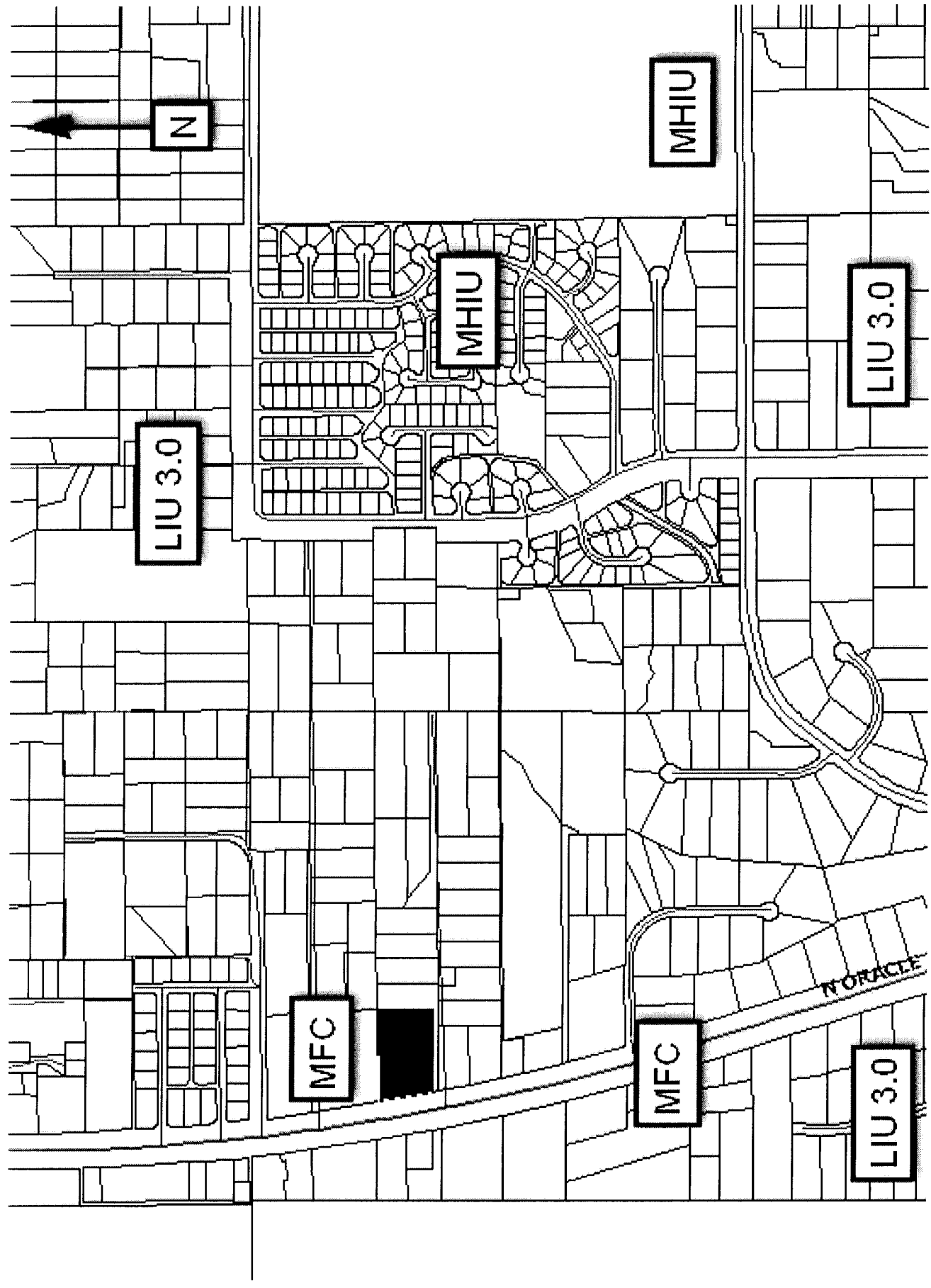
Notes REZONING TIME EXTENSION

Tax codes 222-21-0410

Date 08/19/13
Drafter DS

File no. C09-97-53
ALI, ET AL -
ORACLE ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Pima County Comprehensive Plan Designation: MFC (Multifunctional Corridor)

Subregion: Northwest

Special Area Policy: S-5 Oracle Corridor/Northern Gateway

Multifunctional Corridor

MFC on the Land Use Plan Maps

- a. Purpose: To designate areas for the integrated development of complementary uses along major transportation corridors.
- b. Objective: These areas contain commercial and other non-residential use services and high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, such as standards for building setbacks, open space, signs, parking, and landscaping. Special attention is given in site design to provide an atmosphere that is pleasant to the pedestrian.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - (none)
 - 2) Maximum - 44 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 6 RAC
 - 2) Maximum – 18 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) TH Trailer Homesite Zone
 - 3) CR-3 Single Residence Zone
 - 4) CR-4 Mixed-Dwelling Type Zone
 - 5) CR-5 Multiple Residence Zone
 - 6) TR Transitional Zone
 - 7) CMH-2 County Manufactured And Mobile Home-2 Zone
 - 8) MR Major Resort Zone
 - 9) CB-1 Local Business Zone
 - 10) CB-2 General Business Zone
 - 11) CPI Campus Park Industrial Zone

S-5 Oracle Corridor/Northern Gateway (NW) [2-07]

General location: T11S, R14E, Sections 4 & 16; T12S, R13E, Sections 25 and 36.

Description: Standards to preserve scenic quality along a major transportation corridor and enhance sense of entry into metropolitan area; design criteria for visual standards, preservation of viewsheds of ridge lines and preservation of native vegetation; mitigate the negative impacts of strip commercial development.

Policies:

- A. Visibility of development within this area of Oracle Road shall be of low profile. No greater than 24 feet of building height shall be visible from Oracle Road.
- B. Parcels adjacent to one another but of different owners shall share access and signage in order to minimize curb cuts and minimize visual clutter.
- C. Large parcels under one ownership shall be developed as one development and shall be designed to promote internal circulation.
- D. Office, commercial and/or mixed-use developments shall be designed to promote internal circulation for pedestrians.
- E. Landscaping shall develop the transition to natural open space to office, commercial, and/or mixed-use development.
- F. Landscape buffering shall be required for all development along this section of Oracle Road.
- G. Development within this Gateway Route Special Area shall be approved by the Pima County Design Review Committee.

***This policy is applicable to the site and has been applied through rezoning condition #10.

4-3-13

TO WHOM IT MAY CONCERN,

WE, THE PROPERTY OWNERS OF PARCEL
NUMBER 222-21-0410¹⁸ REQUEST THAT
THE CONDITIONAL ZONING NOT BE CLOSED.
CASE # C09-97-53 FILED AND REQUEST FOR
AN EXTENSION OF AT LEAST 5 MORE YEARS.

ASSUNTA ALI

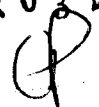
Assunta Ali

C/O FRANK ALI (520) 241-9941

E-MAIL FRANQUA@COMCAST.NET

IF POSSIBLE PLEASE ACCEPT OUR EXTENSION.
THANK YOU

APR 03 2013



Frank Ali 4/27/13

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 15585
F 3: 2656
NO. OF PAGES: 7
SEQUENCE: 20091000519
05/26/2009
RES 16:39
PICKUP
AMOUNT PAID \$ 0.00

RESOLUTION 2009-95

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE **Co9-97-53 ALI, ET AL – ORACLE ROAD REZONING** LOCATED ON THE EAST SIDE OF ORACLE ROAD, APPROXIMATELY 600 FEET SOUTH OF MAINSAIL BOULEVARD (CATALINA); AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. **1998-56**, AS AMENDED BY RESOLUTION NO. **2004-231**.

WHEREAS, on December 18, 1997, the owner(s) of approximately 3.40 acres applied for a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business);

WHEREAS, on June 16, 1998, the Pima County Board of Supervisors approved the rezoning, subject to standard and special conditions;

WHEREAS, on September 15, 1998, the Pima County Board of Supervisors adopted rezoning Ordinance No. 1998-56, as recorded in Docket 12260 at Page 5639, rezoning the approximate 3.40 acres described in rezoning case Co9-97-53 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on June 12, 2003, the owner(s) of approximately 3.40 acres applied for a five-year rezoning time-extension;

WHEREAS, on March 16, 2004 the Pima County Board of Supervisors approved a five-year rezoning time-extension subject to existing and modified conditions;

WHEREAS, on June 9, 2008, the owner(s) of approximately 3.40 acres applied for a five-year rezoning time-extension;

WHEREAS, on January 13, 2009, the Pima County Board of Supervisors approved a five-year rezoning time-extension subject to additional and modified standard and special conditions; and,

WHEREAS, Ordinance No. 1998-56 allows the Board of Supervisors to amend the rezoning time limit by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms the rezoning conditions represented in Section 2 of Ordinance No. 1998-56, as amended by Resolution No. 2004-231, 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. Recording a covenant to the effect that there will be no further subdividing or lot splitting of residential lots without the written approval of the Board of Supervisors.
6. Prior to the preparation of development related covenants and any required dedication, a title report evidencing ownership of the property shall be submitted to the Development Services Department, Document Services Section.
7. Transportation conditions:
 - A. ~~One (1) access point to Oracle Road shall be allowed. The access point shall be shared with the adjacent properties to the north and the south. There shall be provisions made for future internal site access and traffic circulation with adjacent properties to the north and the south. Shared access with the property to the north and south shall be provided. Maintenance and access agreement shall be provided to staff for review and approval prior to approval of the Development Plan.~~
 - B. ~~The location and design of access to the subject property from the Tucson-Florence Highway (Oracle Road) shall need written approval by the Arizona Department of Transportation prior to any plan approvals from Pima County. Elimination of direct access unless modification request is approved per Subdivision and Development Street Standards Chapter 9.~~
 - C. A written certification from the Arizona Department of Transportation stating satisfactory compliance of with all of the requirements ~~for access to the Tucson-Florence Highway (Oracle Road) shall need to be submitted to the Pima County Department of Transportation Development Services Department prior to the issuance of a certificate of occupancy approval of a Development Plan and/or Subdivision Plat.~~
 - D. The property owner(s)/developer(s) shall provide offsite improvements determined necessary by Arizona Department of Transportation.

8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall grant flowage easements for drainage purposes, as determined necessary by the Flood Control District during the plan review process.
 - 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. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
9. Wastewater Management conditions:
 - A. The property owner(s)/developer(s) ~~must~~ shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed.
 - B. On-site sewers shall be owned, operated and maintained on a private basis.
10. The proposed project shall be reviewed by the Pima County Design Review Committee pursuant to Comprehensive Plan Special Area Policy S-5 Oracle Corridor/Northern Gateway.
11. Prior to ground modification activities by the property owner(s)/ developer(s), an on-the-ground archaeological and historic sites survey and appropriate mitigation measures shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to the submittal of any tentative plat or development plan. ~~The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.~~ 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 shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Environmental Planning conditions:
 - A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-

story layer, and a canopy layer. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (*Pennisetum setaceum*)

Buffelgrass (*Pennisetum ciliare*)

Johnson grass (*Sorghum halapense*)

Giant reed (*Arundo donax*)

Common crabgrass (*Digitaria sanguinalis*)

Pampas grass (*Cortaderia selloana*)

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Tree of heaven (*Ailanthus altissima*)

African sumac (*Rhus lancea*)

Russian olive (*Eleagnus angustifolia*)

Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)

Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda

Lovegrasses (*Eragrostis* spp.) excluding Plains lovegrass (*Eragrostis intermedia*)

B. Should the Board approve the 5-year time extension 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 owner(s) of the property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner(s). 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.

13. Building heights are limited to 24 feet and one story.
14. Adherence to the preliminary development plan as approved at public hearing, except that the south 110 feet of the site, commencing from the south boundary northward, shall remain as natural area with allowance of an access drive within this area toward the Oracle Road frontage. Slopes exterior to the developed area shall be revegetated with drought tolerant native species which are compatible with native vegetation endemic to the project area (EXHIBIT B).
15. Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy-owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to the Development Services Department.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2001-139, as amended by Resolution No. 2004-231, as follows:


1. Conditions 1 through 15 shall be completed by June 16, 2008~~13~~.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 15 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

* * *

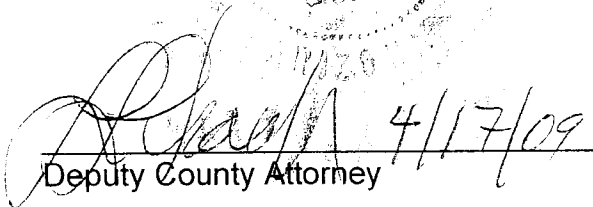
Passed and adopted this 19th day of May, 2009, by the Board of Supervisors of Pima County, Arizona.


Chairman, Board of Supervisors
MAY 19 2009

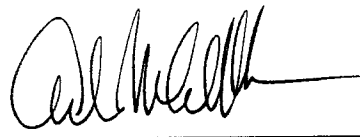
ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM


Deputy County Attorney

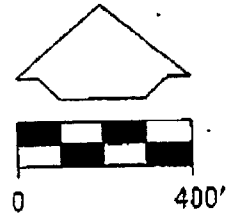
APPROVED:


Executive Secretary
Planning and Zoning Commission

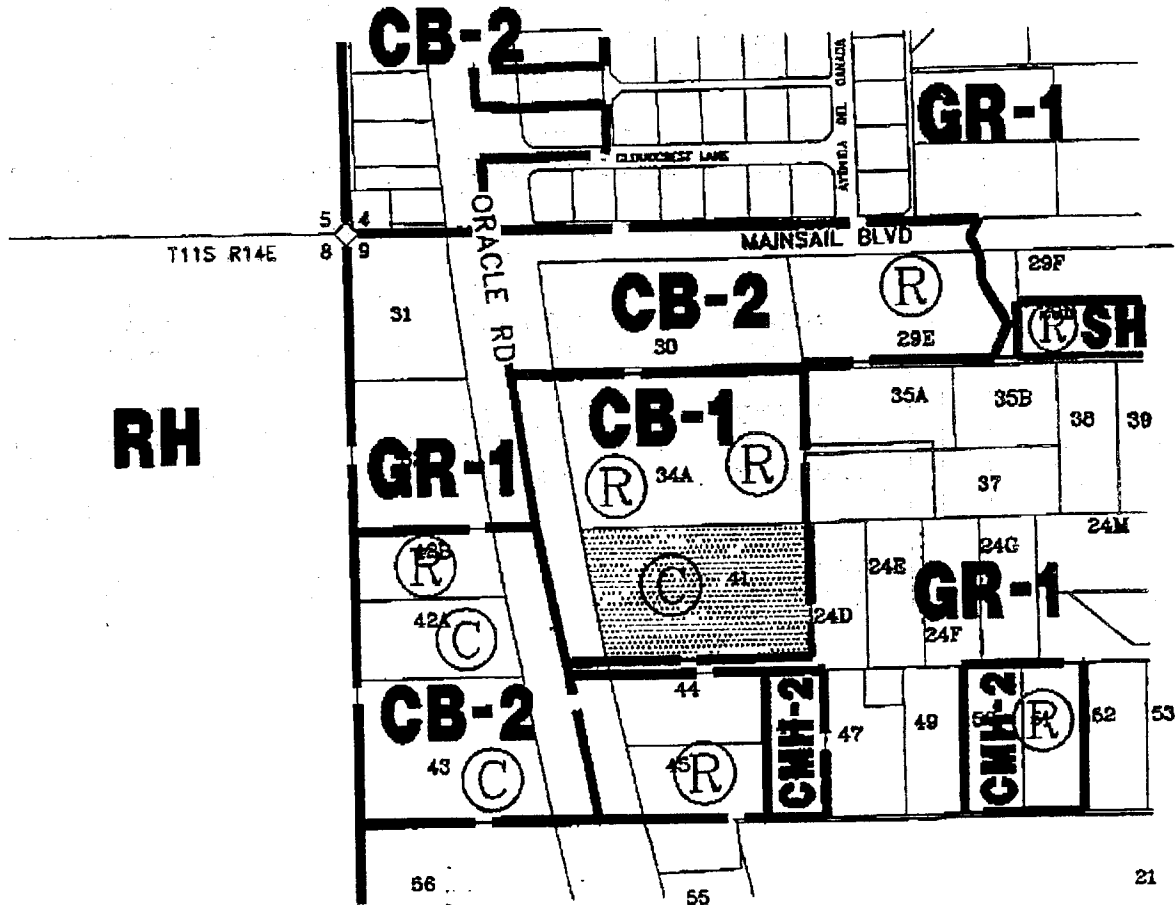
20090519 10:00:00

EXHIBIT A

AMENDMENT NO. 68 BY ORDINANCE NO. 1998-56
TO PIMA COUNTY ZONING MAP NO. 519 TUCSON, AZ.
PARCEL 41 BEING A PART OF THE NW 1/4 OF THE NW 1/4
OF SEC 9, T11S R14E.



ADOPTED 9-15-98 EFFECTIVE 9-15-98



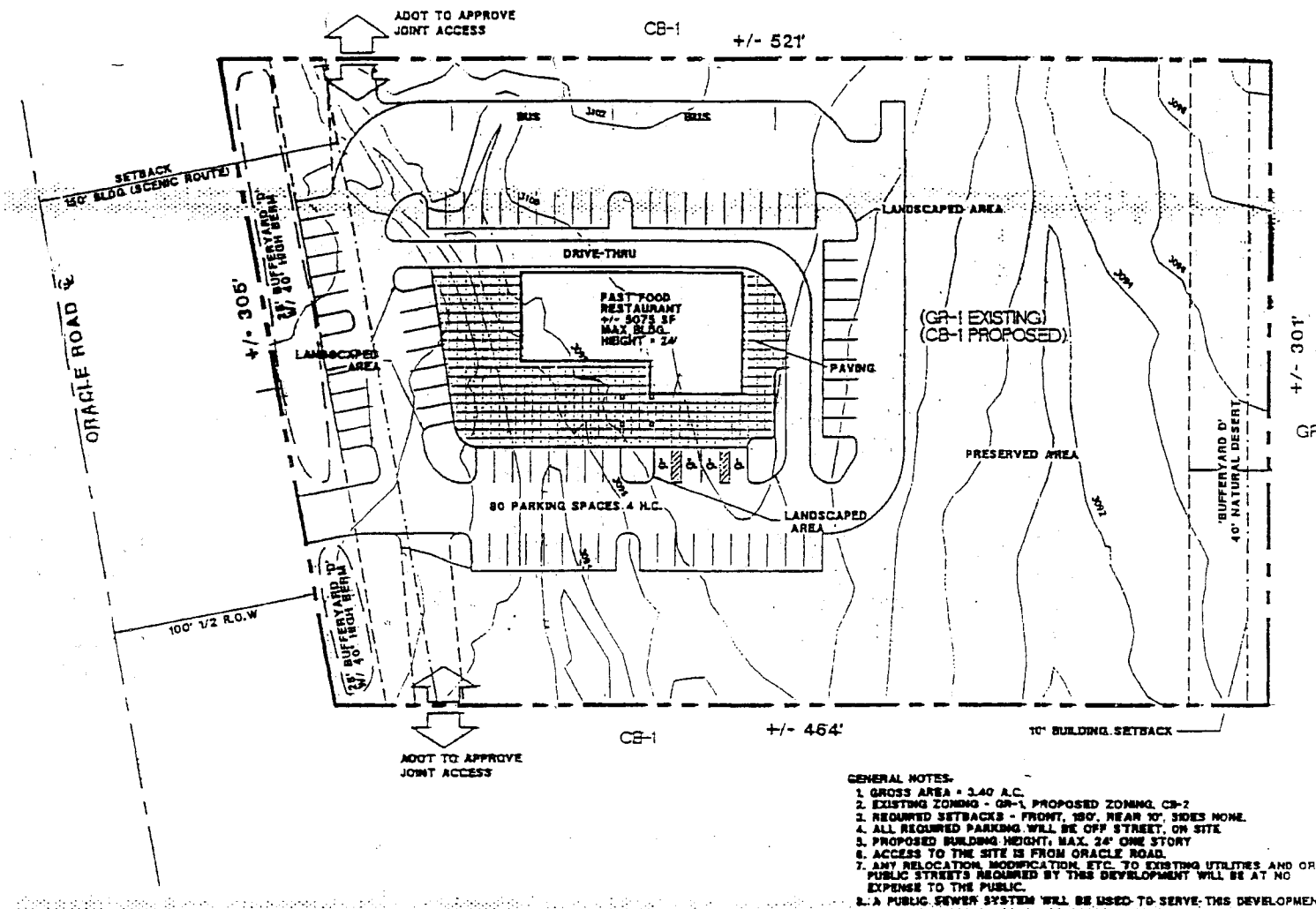
[Signature]
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

* Note-Subject parcel revised due to scrivener's error 3/18/99.xa

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 3.40 ac±
sp-AUGUST 20, 1998

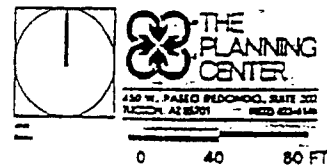
CO9-97-53
CO9-64-33(ref)
222-21-0410

EXHIBIT II.B.1: Preliminary Development Plan



69-97-53

copy'd PDF 6-16-98 Bos



Oracle Road and Mainsail Boulevard
Rezoning