



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Raymond J. Carroll, Supervisor, District # 4

FROM: Arlan M. Colton, Planning Director

DATE: August 21, 2013

SUBJECT: Co9-06-38 AMADO CROSSROADS LLC – ARIVACA ROAD REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **SEPTEMBER 3, 2013** hearing.

REQUEST: A five-year time extension of a rezoning from RH (Rural Homestead) to CB-2 (General Business) (10 acres).

OWNER: Amado Crossroads, LLC
332 North Olsen Avenue
Tucson, AZ 85719

AGENT: Powell Development Services, LLC
Attn: Stephen Powell
332 North Olsen Avenue
Tucson, AZ 85719

DISTRICT: 4

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of August 21, 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: Co9-06-38

Page 1 of 9

FOR SEPTEMBER 3, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 21, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-06-38 **AMADO CROSSROADS LLC – ARIVACA ROAD REZONING**
Request of Amado Crossroads, LLC, represented by Powell Development Services, LLC, for a five-year **time extension** for the above-referenced rezoning from RH (Rural Homestead) to CB-2 (General Business). The subject site was rezoned in 2008. The rezoning expired on April 8, 2013. The site is approximately 10 acres located on the northeast corner of Arivaca Road and Nogales Highway, approximately 500 feet east of Interstate 19. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS**.
(District 4)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year rezoning time extension** to April 8, 2018 for the original 10 acres from RH (Rural Homestead) to CB-2 (General Business) with original and modified standard and special conditions. The modification is for the deletion of conditions #8(G) and #7(B). Condition #8(G) has been satisfied and condition #7(B) is unnecessary. Staff also recommends the addition of condition #18 for the continued removal of buffelgrass which is now a standard condition for new rezonings.

If the decision is made to approve the time extension, the following 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. 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.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. 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 Development Plan and Subdivision Plat.
 - ~~B. The owner(s)/developer(s) shall provide off-site 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 owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - C. A drainage report shall be submitted during the development plan process for the Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements.
 - D. The 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. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements, or a note added to the Development Plan that states the lot(s) is(are) within the floodplain, indicating that all weather access is not available to or within the site, and holding the County harmless in the event of flood.
 - ~~G. A note shall be added to the PDP indicating the depth of sheet flow across the site and the fact that it is in a floodplain and that a CLOMR/LOMR will be required.~~
 - HG. Storage of flammables shall not be permitted in the floodplain. For portions of the site that are removed from the floodplain through the CLOMR/LOMR process and as approved by the RFCD, storage of prepackaged flammables is permissible. Properly anchored underground fuel storage tanks, which are protected from infiltration, floatation and accidental release of flammable liquids is also permitted under the Floodplain and Erosion Hazard Management Ordinance.
9. Wastewater Management condition:
The owner(s)/developer(s) must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
10. Environmental Quality conditions:
- A. The owner(s)/developer(s) shall demonstrate that the lot, as proposed, can accommodate the proposed development, along with on-site wastewater disposal system(s), while meeting all required setbacks and design standards. The size of the primary and reserve areas for the on-site disposal system(s) shall be determined by on-site soil evaluations and/or percolation testing and shall be designed in accordance with Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Unit Daily Design Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. The owner(s)/developer(s) shall demonstrate that the nitrogen loading calculated over the property served by the on-site wastewater treatment facilities is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facilities including their disposal fields; or justify a nitrogen loading that is equally protective of aquifer water quality as the nitrogen loading specified in A.A.C. subsection (A)(4)(a)(i) based on site specific hydro geological or other factors. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- C. If it cannot be demonstrated, to the satisfaction of the department, that either the lot can accommodate the proposed development, while meeting all required setbacks, including the on-site wastewater treatment facilities, and/or meet the aforementioned nitrogen loading requirements pursuant to Code, on-site wastewater disposal will not be allowed and connection to public sewer, by whatever means necessary and at sole cost to the applicant, may be required.
 - D. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
 - E. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a Certificate of Approval. Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. 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 plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. 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.
12. Environmental Planning conditions:
- A. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

- B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If any Pima pineapple cactus is found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.
13. Prior to development plan approval, the Design Review Committee (DRC) shall review and approve the architectural plans for all buildings and related improvements. The following guidelines shall be used in the DRC's review of the proposed project. In general, the proposed project will complement the Amado Territory Ranch, the commercial center located directly south of the subject property in Santa Cruz County, with regards to building colors, finishes and materials, building architecture, and outdoor lighting. Specifically:
- A. The exterior field and trim colors of all buildings will be of darker earth-tone colors consistent with the Amado Territory Ranch buildings. Pastel and other light accent tones shall be prohibited.
- B. Building materials shall consist of masonry, wood and steel for all buildings (except for the self-storage and RV storage buildings) with stucco finishes being limited to accent applications. For the self-storage and RV storage buildings, stucco wall finishes with masonry accents (wainscots, columns, etc.) will be acceptable.
- C. The architectural styles for the buildings shall reflect a ranch or rural western theme, generally with pitched rooflines or parapet rooflines with shed roof applications using steel roofing materials. Architectural designs for the single-story buildings, similar to those used for the Artist Studios at Amado Territory Ranch, shall be used. Spanish Colonial architectural styles and barrel tile or asphalt shingle roofs shall be prohibited.
14. The following uses shall be prohibited:
- a) Bar, nightclub, or cocktail lounge;
 - b) Cemetery, mortuary or related uses;
 - c) Drive-in theater;
 - d) Massage establishment;
 - e) Truck-trailer repair or truck stop;
 - f) Contractor's yard or plant;
 - g) Feed yard;
 - h) Sale, rental or display of: airplanes or parts; contractor's equipment or supplies; farm equipment or machinery; manufactured or mobile homes; and monuments or tombstones.

15. 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.
16. 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 to 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)."
17. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
18. 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.

STAFF REPORT:

Staff supports the requested five-year time extension to April 8, 2018. Staff recognizes the downturn in market conditions as a factor as cited by the applicant for delay in completion of the rezoning conditions. The proposed CB-2 commercial center for a service station, convenience store, restaurant, automobile services, and RV storage development still meets all applicable concurrency of infrastructure criteria, lies outside of the Maeveen Marie Behan Conservation Lands System, and conforms to the Rural Crossroads (RX) comprehensive plan designation of the site. The proposed use also remains compatible with surrounding land uses.

The 10 acre site fronts the north side of Arivaca Road and is east of the Interstate 19 frontage road. South of Arivaca Road is the Amado Territory Ranch development. The RX comprehensive plan designation of the site was approved in September of 2000 and was established to provide an expansion area for the Amado Territory Ranch and Inn, a western and environmental-themed resort located on the south side of Arivaca Road in Santa Cruz County. Rezoning conditions #13(A-C) establish conformity of the proposed development to the Amado Territory Ranch with exterior colors, building materials, and architectural style. There are no applicable special area policies. The site has remained

mostly unchanged since the original rezoning and is surrounded by vacant property to the north, east and west. The proposed uses have the potential to serve the local residents and highway travelers with necessary and needed services.

Staff recommends the deletion of rezoning condition #8(G) because an amended preliminary development plan (PDP) has been submitted to meet the requirements of the condition. The condition required the addition of the depth of the sheet flow across the site with a note to demonstrate that the site is located within a floodplain and will require a Conditional Letter of Map Revision (CLOMR)/Letter of Map Revision (LOMR) for water management. The amendment to the PDP is a requirement of the rezoning and is inconsequential to the previous PDP approval and requires no further action of the Board of Supervisors. Staff has not recommended any additional modifications to the rezoning conditions.

The rezoning was conditionally approved on April 8, 2008 for 48,200 square feet of indoor commercial space with 16,800 square feet of RV storage. Denial of the time extension will cause the rezoning case to be closed and the site to revert to unrestricted RH (Rural Homestead) zoning. The RH zone does not conform to the site's RX plan designation. Closure of the rezoning would not preclude the possibility of a similar future rezoning.

[(Note: If the time extension is approved, the subsequent adoption of the resolution of the Board's action will include an exchange of the "approved" rezoning preliminary development plan that is attached to the original rezoning ordinance (Ordinance 2011-06) with the preliminary development plan that demonstrates the depth of sheet flow, acknowledgement of the floodplain, and requirement for a CLOMR/LOMR in accordance with staff's recommendation to delete rezoning condition #8(G).]

SURROUNDING LAND USES/GENERAL CHARACTER:

North:	RH	Vacant, Green Valley wastewater treatment pond
South:	Santa Cruz County	Commercial, lodging
East:	RH	Agricultural land
West:	RH	Interstate 19

There has been no land use change in the vicinity of the site since the initial rezoning.

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes/No/ N/A	Other Comments
TRANSPORTATION	Yes	No objection subject to conditions
FLOOD CONTROL	Yes	No objection subject to conditions
WASTEWATER	Yes	No objection subject to conditions
PARKS & RECREATION	Yes	No comment
WATER	Yes (Met within original rezoning)	Within Lakewood Water Company's service area/No response
SCHOOLS	N/A	No response
AIR QUALITY	Yes	No objection subject to conditions

TRANSPORTATION REPORT:

Staff has no objection to the requested five-year time extension subject to standard and special conditions remaining.

REGIONAL FLOOD CONTROL DISTRICT (PCRFGD) REPORT:

The PCRFGD has no objection to the request based upon the amended preliminary development plan demonstrating compliance with RFCD requirements for floodplain, sheet flow depths, and CLOMR/LOMR as found in original rezoning condition #8(G).

REGIONAL WASTEWATER RECLAMATION DEPARTMENT (PCRWRD) REPORT:

The PCRWRD has no objections to the request for a rezoning time extension and considers the existing Wastewater rezoning conditions to be sufficient.

DEPARTMENT OF ENVIRONMENTAL QUALITY (PCDEQ) REPORT:

On behalf of PCDEQ, the Rezoning Time Extension request has been reviewed for compliance with PCDEQ requirements for on-site sewage disposal and air quality.

The Department has no objection to the proposed Rezoning Time Extension provided the standard and special conditions remain.

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

NATURAL RESOURCES, PARKS AND RECREATION (PCNRPR) REPORT:

To date, staff has not received a response to the request for comments.

ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT):

To date, staff has not received a response to the request for comments.

SANTA CRUZ COUNTY:

Santa Cruz County has no objection to the requested five-year time extension.

UNITED STATES FISH AND WILDLIFE (USFWS):

To date, staff has not received a response to the request for comments.

LAKEWOOD WATER COMPANY:

To date, staff has not received a response to the request for comments.

GREEN VALLEY FIRE DEPARTMENT:

To date, staff has not received a response to the request for comments.

EL PASO NATURAL GAS COMMENTS:

To date, staff has not received a response to the request for comments.

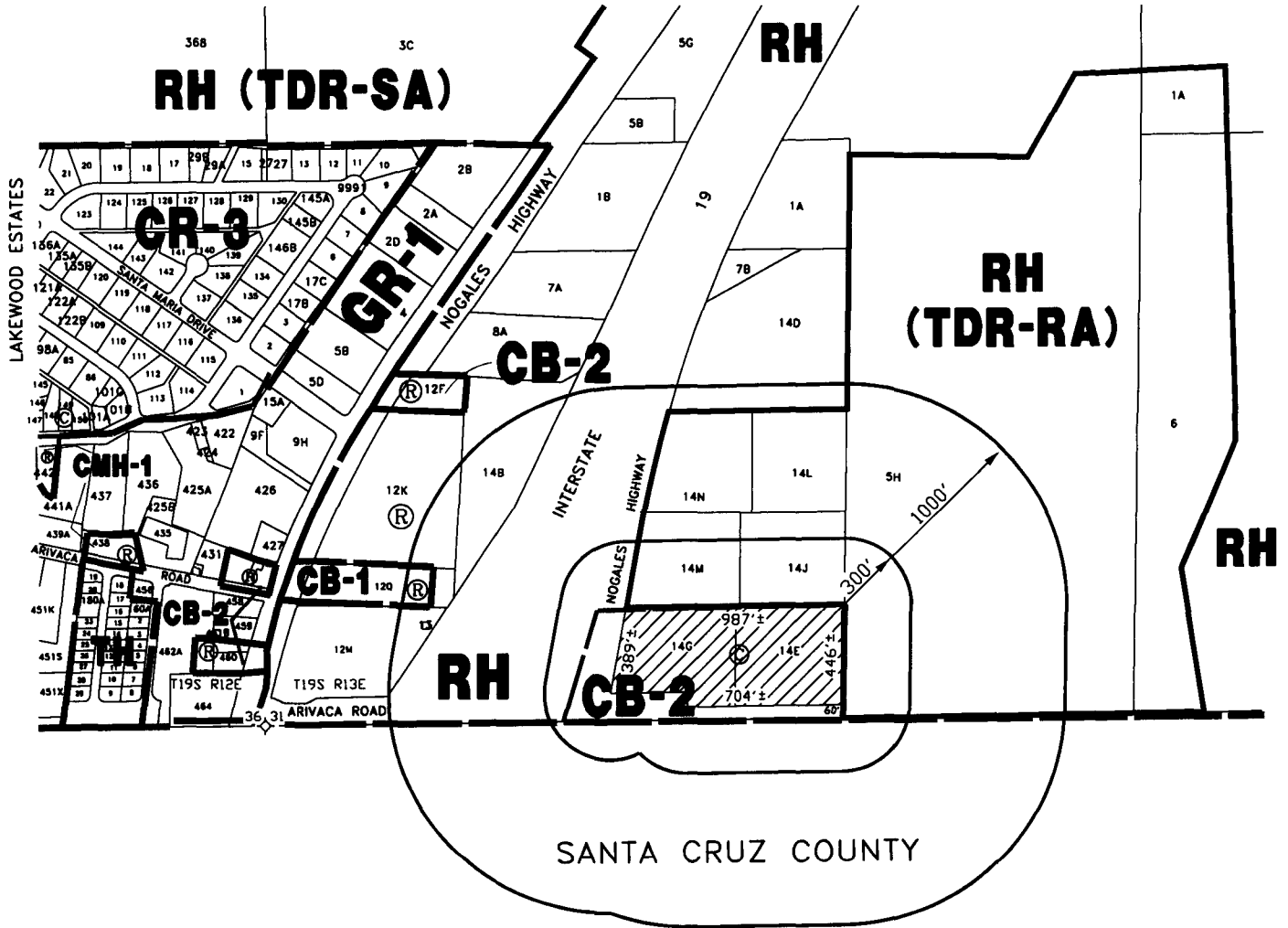
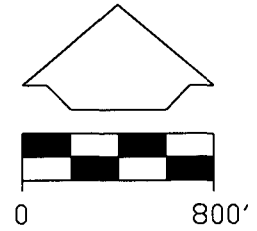
PUBLIC COMMENTS

To date, no written public comments have been received.

CP/TT/ar
Attachments

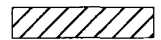
c: Amado Crossroads, LLC, 332 North Olsen Avenue, Tucson, AZ 85719
Powell Development Services, LLC, Attn: Stephen Powell
332 North Olsen Avenue, Tucson, AZ 85719
Chris Poirier, Assistant Planning Director
Co9-06-38 File

PIMA COUNTY COMPREHENSIVE PLAN
(C07-00-20)



Area of proposed rezoning from

RH to CB-2



Notification area ———

BASE MAP 1583

Notes C07-00-07

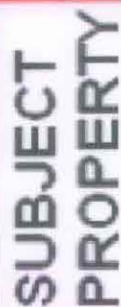
Rev: 08/02/13 ds

Tax codes 304-43-014E &
304-43-014G

Date 01/29/08
Drafter PJ

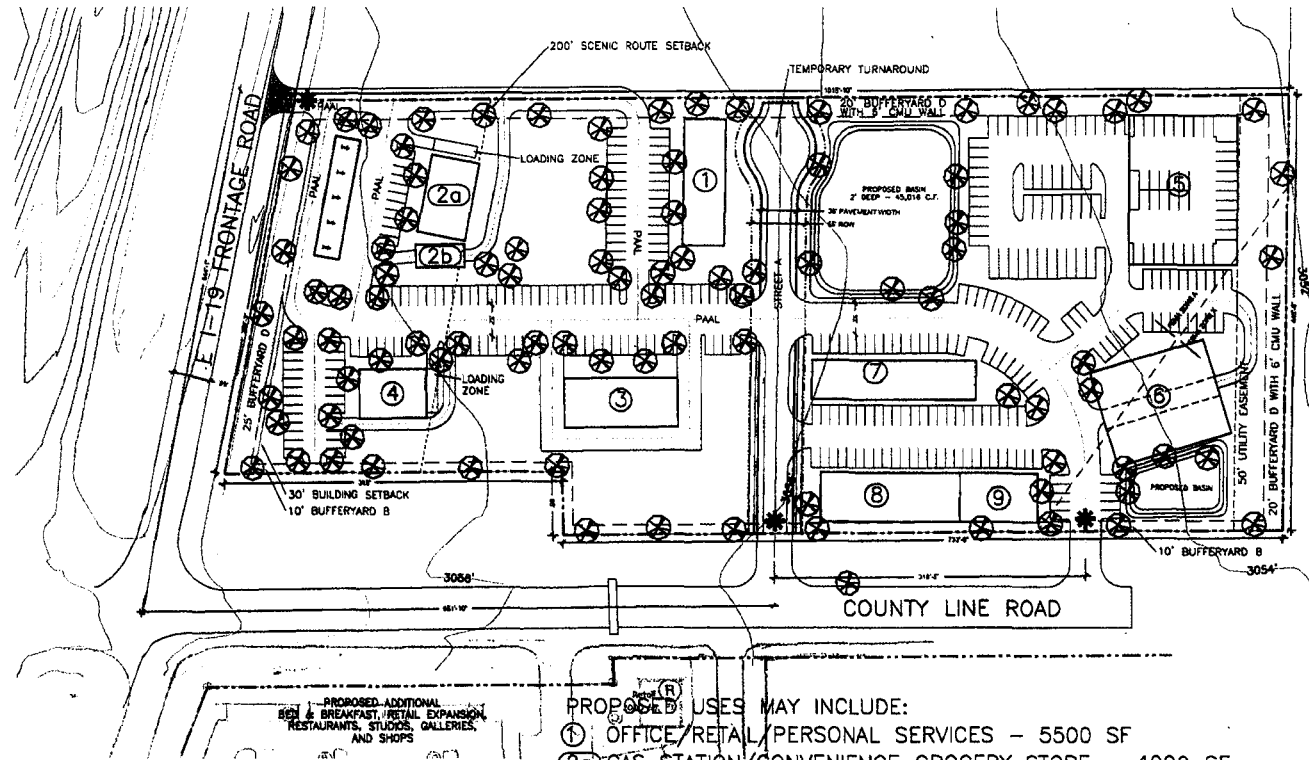
File no. C09-06-038
AMADO CROSSROADS LLC -
ARIVACA ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Co9-06-038 Amado Crossroads, LLC - Arivaca Road Rezoning

EXHIBIT II-B: PRELIMINARY DEVELOPMENT PLAN



SITE AREA: 10 ACRES
 EXISTING ZONING: RH
 PROPOSED ZONING: CB-2
 BUFFERYARDS:
 WEST: 25' BUFFERYARD D
 SOUTH: 10' BUFFERYARD B
 EAST: 20' BUFFERYARD D
 NORTH: 20' BUFFERYARD D

PARKING:
 REQUIRED: 263
 PROPOSED: 263

PROPOSED BUILDING HEIGHTS:
 BUILDINGS - 24' MAX.

BUILDINGS WITHIN 300' OF THE PROPERTY LINE ARE SINGLE STORY

- * ACCESS POINT (3 TOTAL)
- ADOT ROW CONSTRUCTION FOR ENTRANCE

- PROPERTY LINE
- ROW
- SIDEWALK
- CURB
- CENTERLINE
- BUILDING
- FEMA ZONE
- BUFFERYARD
- SCENIC ROUTE SETBACK
- BUILDING SETBACK

NOTES:

1. THE RV/AUTO SERVICE CENTER WILL HAVE SIX BAYS.
2. THE GAS STATION WILL HAVE 8-10 GAS PUMPS.
3. TOTAL ALLOWED BUILDING SQUARE FOOTAGE NOT TO EXCEED 84,000 SF.

*SEE 24X36 PRELIMINARY DEVELOPMENT PLAN (IN POCKET) FOR ADDITIONAL LABELING AND INFORMATION.

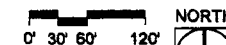
PROPOSED USES MAY INCLUDE:

- ① OFFICE/RETAIL/PERSONAL SERVICES - 5500 SF
- ②a GAS STATION/CONVENIENCE GROCERY STORE - 4000 SF
- ②b CAR WASH - 1200 SF
- ③ RV/AUTO SERVICE CENTER - 5800 SF
- ④ FAST FOOD RESTAURANT - 3500 SF
- ⑤ RV STORAGE - 16,800 SF
- ⑥ INDOOR STORAGE - 4000 SF
- ⑦ RETAIL SERVICES - 13200 SF
- ⑧ VETERINARY/FEED - 7000 SF
- ⑨ INDOOR NURSERY - 4000 SF

DRAINAGE NOTE:

The Development is almost entirely within the FEMA Floodplain, Zone A 0.5' to 1.6' Depth of Flow across the site & will require a CLOMR/LOMR FEMA Panel No. 04019C4360L, Revised June 16, 2011

AMADO CROSSROADS



SCALE: 1"=120'-0"



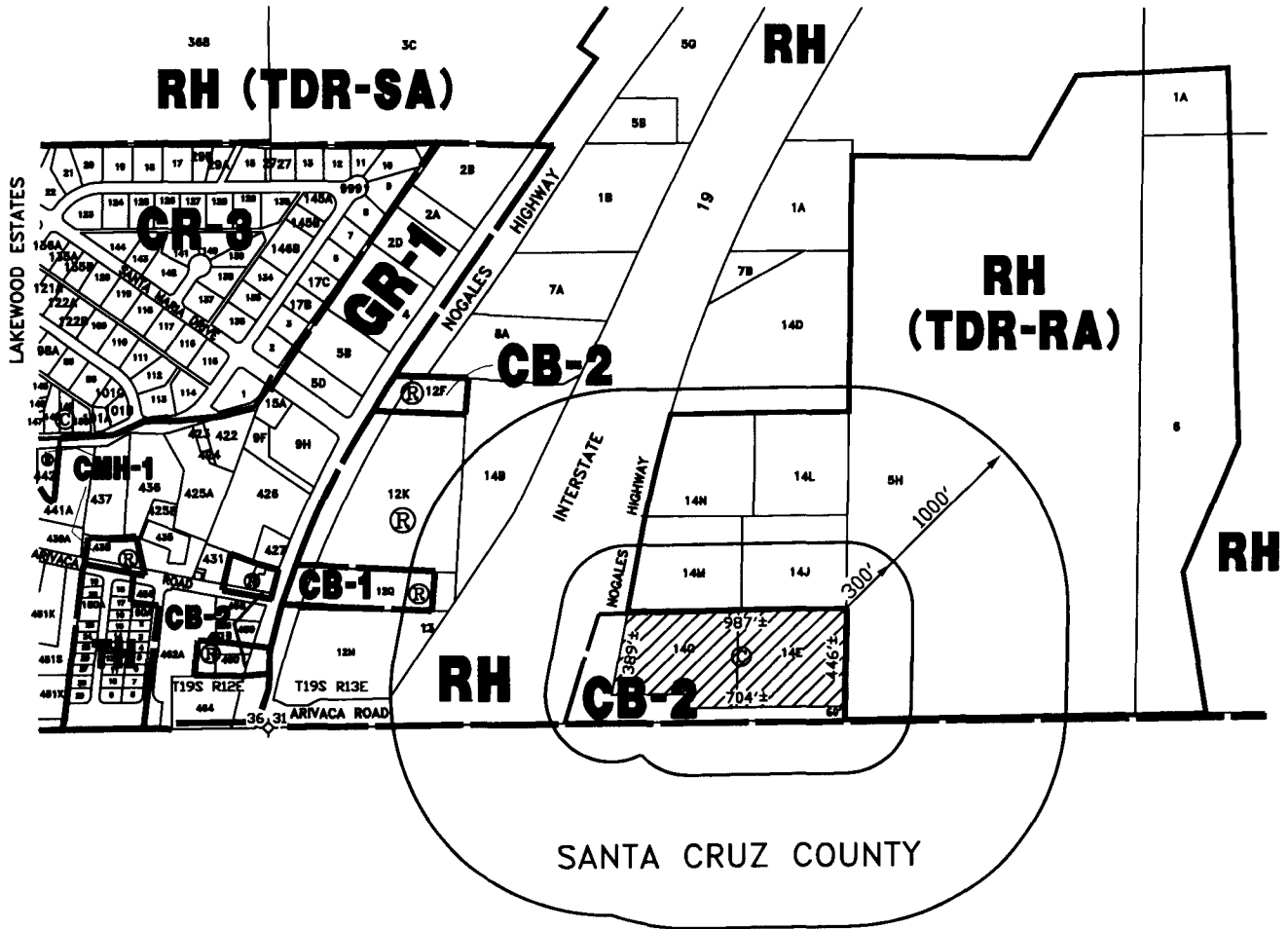
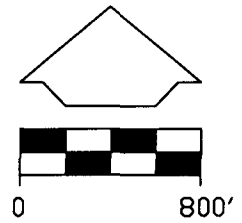
Project #: AM-01
 Date: 8-1-2011
 Filename: am01_p01_graphic_title.mxd



110 S. CHURCH AVE., SUITE 6320
 TUCSON, AZ 85701 (520) 623-6146

Proposed amended Preliminary Development Plan to replace original "Exhibit B" within Ordinance 2011-6 in accordance with the deletion of rezoning condition 8(G). For Board of Supervisors September 3, 2013 hearing.

PIMA COUNTY COMPREHENSIVE PLAN
(C07-00-20)



Area of proposed rezoning from **RH to CB-2** 
Notification area  BASE MAP 1583

Notes C07-00-07

Rev: 08/02/13 ds

Tax codes 304-43-014E &
304-43-014G

Date 01/29/08
Drafter PJ

File no. C09-06-038
AMADO CROSSROADS LLC -
ARIVACA ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

AMADO CROSSROADS, LLC
332 North Olsen Avenue
Tucson, Arizona 85719

April 10, 2013

Mr. Arlan M. Colton, Planning Director
Pima County Development Services
201 North Stone Ave. 2nd Floor
Tucson, Arizona 85701

RE: Co9-06-38 Amado Crossroads LLC – Arivaca Road Rezoning

Dear Mr. Colton,

We are writing to request an extension of the time limit for the referenced rezoning case, which rezoning was initially approved by the Board of Supervisors in April of 2008 with the Ordinance (#2011-6) adopted on February 15, 2011.

Specifically, we are requesting a time limit extension for a minimum period of five (5) years to complete the conditions of the referenced rezoning, based on the following:

1. The economic recession experienced throughout the country beginning in early 2008 continues to limit development potential for most commercial properties and we expect that economic growth will continue to be very sluggish for some time to come.
2. Financing for proposed commercial developments, particularly in rural areas such as Amado, is still very difficult to obtain.
3. The Preliminary Development Plan that was approved with the rezoning shows uses that we know will be of benefit to the area. While we believe that such uses are needed now, new residential development in the southern Green Valley, Amado and Tubac market areas continues to be very slow...and until the residential component of our economy improves, the demand for commercial development will be constrained.
4. This will be our first request for a time limit extension and we are hopeful that improvement the overall economic climate will allow for pursuit of development of the Amado Crossroads property within the requested minimum extension period.



APR 11 2013
CTP

We met today with Elva Pedrego, who advised us that this request letter will need to be accompanied by a payment of the applicable fee, which payment is enclosed. We will very much appreciate your support for this request and will be happy to provide any additional information that may be required.

Thank you for your attention and assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Powell', with a long horizontal flourish extending to the right.

Stephen Powell
Managing Member

SP/hs

CC: PC Supervisor Sharon Bronson, District 3
Elva Pedrego, Senior Planner
Art & Terry Gould

AMADO CROSSROADS, LLC
332 North Olsen Avenue
Tucson, Arizona 85719

July 22, 2013

Ms. Terri Tillman, Senior Planner
Pima County Development Services
201 North Stone Ave. 2nd Floor
Tucson, Arizona 85701

RE: Request for time extension for Co9-06-38 Amado Crossroads LLC – Arivaca Road
Rezoning

Dear Ms. Tillman,

In response to your emails of July 17 and July 22, 2013 regarding a Biological Impact Report for the Amado Crossroads property, please be advised that there has been no change to either Landscape Resources or Species Specific information that was supplied at the time of the original rezoning for the property.

Thank you for your attention to this matter. If you have any questions or require any additional information, please contact me at the above address or by email at powell@theriver.com.

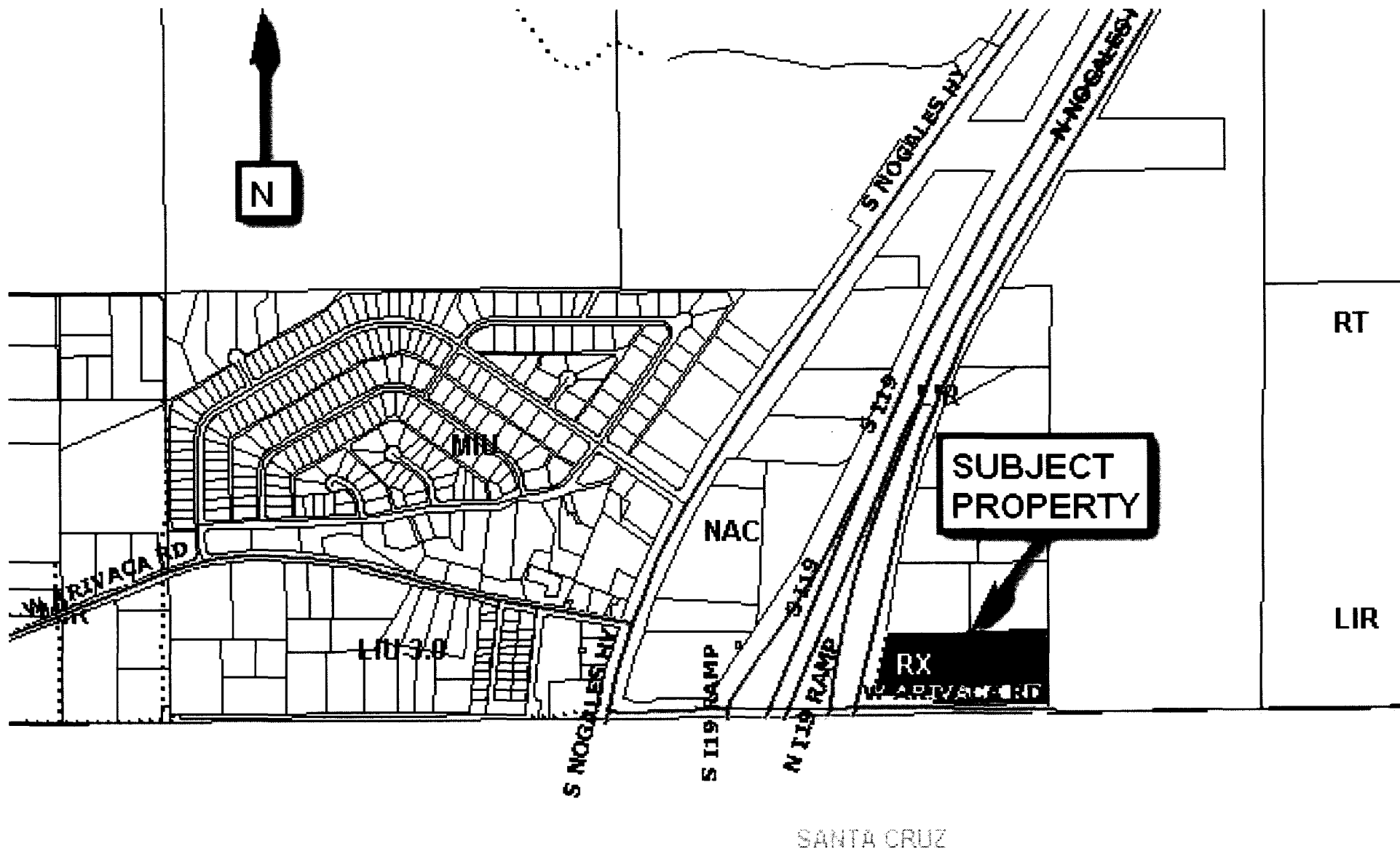
Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Powell', written over a horizontal line.

Steve Powell
Managing Member

SP/hs

CC: Mr. Art Gould



Upper Santa Cruz Subregion

Comprehensive Plan Designation: RX (Rural Crossroads)

Special Area Policy: S-18.A (Floodplain Management)

Comprehensive Plan Designation
Rural Crossroads RX on the Land Use Plan Maps

- a. Purpose: To designate areas at major rural roadway intersections for the provision of limited commercial services to travelers and rural residents.
- b. Residential Gross Density: Residential gross density shall comply with existing zoning.
- c. 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) CB-1 Local Business Zone
 - 2) CB-2 General Business Zone

Comprehensive Plan Special Area Policy
S-18 Floodplain Management [3-02]

General location: There are several sites within eastern Pima County designated as Floodplain Management Special Areas by the Pima County Flood Control District. They are: Upper Santa Cruz River (Upper Santa Cruz Valley Subregion); Rillito Creek Overbank Storage (Catalina Foothills Subregion); Cienega Creek (Rincon Southeast/Santa Rita Subregion); Wakefield and Anderson Washes (Rincon Southeast/Santa Rita Subregion).

Policies:

- A. Upper Santa Cruz River Special Area Policy: Land use planning in the Santa Cruz River floodplain from the Santa Cruz County line downstream to the Tohono O'odham Nation shall be based on a river management study. Channelization, encroachment, development or rezoning shall not be permitted within the Santa Cruz River 100-year floodplain or erosion hazard area, whichever is greater, west of the Southern Pacific Railroad, until completion of the river management study. A landowner proposing to modify the Santa Cruz River floodplain prior to the completion of said study shall be responsible for providing a comparable study addressing impacts of the proposed development, based on a scope of work acceptable to the Flood Control District. The study scope and results shall be submitted to the District for review and approval.
- B. Rillito Creek Overbank Storage Special Area Policy: Proposed improvements in the floodplain designated to be preserved for overbank storage and located on the north side of Rillito Creek between Country Club Boulevard and Columbus Boulevard or between La Cholla Boulevard and the Southern Pacific Railroad shall not unreasonably diminish existing overbank storage volumes.
- C. Cienega Creek Special Area Policy: No channelization or bank stabilization shall be permitted along Cienega Creek upstream of Colossal Cave Road to the Empire-Cienega Resource Conservation Area. Cienega Creek's regulatory floodplain and/or erosion hazard area, whichever is greater, shall be dedicated in fee simple to the Pima County Flood Control District upon approval of any tentative plat or development plan.
- D. Wakefield and Anderson Wash Special Area Policy: The Wakefield and Anderson Washes' 100-year floodplains and/or erosion hazard areas, whichever is greater, shall be dedicated in fee simple to the Pima County Flood Control District upon approval of any tentative plat or development plan.



SEQUENCE: 20110490647
NO. PAGES: 8
ORDIN 02/18/2011
PICK UP 18:00
AMOUNT PAID: \$0.00

ORDINANCE 2011 - 6

ADOPTED
2-15-11

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 304-43-014E AND 304-43-014G) OF APPROXIMATELY 10.00 ACRES FROM RH (RURAL HOMESTEAD) TO CB-2 (GENERAL BUSINESS) IN **CASE Co9-06-38 AMADO CROSSROADS LLC - ARIVACA ROAD REZONING**; LOCATED AT THE NORTHEAST CORNER OF ARIVACA ROAD AND NOGALES HIGHWAY, APPROXIMATELY 500 FEET EAST OF INTERSTATE 19; AMENDING PIMA COUNTY ZONING MAP NO 1583.

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

Section 1. The approximately 10.00 acres, located at the northeast corner of Arivaca Road and Nogales Highway, approximately 500 feet east of Interstate 19, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 1583 is hereby rezoned from RH (Rural Homestead) to CB-2 (General-Business).

Section 2. Rezoning Conditions.

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.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. 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 Development Plan and Subdivision Plat.
 - B. The 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 owner(s) / developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - C. A drainage report shall be submitted during the development plan process for the Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements.
 - D. The 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. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements, or a note added to the Development Plan that states the lot(s) is(are) within the floodplain, indicating that all weather access is not available to or within the site, and holding the County harmless in the event of flood.
 - G. A note shall be added to the PDP indicating the depth of sheet flow across the site and the fact that it is in a floodplain and that a CLOMR/LOMR will be required.
 - H. Storage of flammables shall not be permitted in the floodplain. For portions of the site that are removed from the floodplain through the CLOMR/LOMR process and as approved by the RFCD, storage of prepackaged flammables is permissible. Properly anchored underground fuel storage tanks, which are protected from

infiltration, floatation and accidental release of flammable liquids is also permitted under the Floodplain and Erosion Hazard management Ordinance.

9. Wastewater Management condition:

The owner(s) / developer(s) must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

10. Environmental Quality condition

A. As a condition of approval the owner(s) / developer(s) shall demonstrate that the lot, as proposed, can accommodate the proposed development, along with on-site wastewater disposal system(s), while meeting all required setbacks and design standards. The size of the primary and reserve areas for the on-site disposal system(s) shall be determined by on-site soil evaluations and/or percolation testing and shall be designed in accordance with Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Unit Daily Design Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.

B. As a condition of rezoning, the owner(s) / developer(s) shall demonstrate that the nitrogen loading calculated over the property served by the on-site wastewater treatment facilities is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facilities including their disposal fields; or justify a nitrogen loading that is equally protective of aquifer water quality as the nitrogen loading specified in A.A.C. subsection (A)(4)(a)(i) based on site specific hydro geological or other factors. This demonstration shall be made prior to issuance of the Certificate of Compliance.

C. If it cannot be demonstrated, to the satisfaction of the department, that either the lot can accommodate the proposed development, while meeting all required setbacks, including the on-site wastewater treatment facilities, and/or meet the aforementioned nitrogen loading requirements pursuant to Code, on-site wastewater disposal will not be allowed and connection to public sewer, by what ever means necessary and at sole cost to the applicant, may be required.

D. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

E. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a Certificate of Approval. Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.

11. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. 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 plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. 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.
12. Environmental Planning conditions:
 - A. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If any Pima pineapple cactus is found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.
13. Prior to development plan approval, the Design Review Committee (DRC) shall review and approve the architectural plans for all buildings and related improvements. The following guidelines shall be used in the DRC's review of the proposed project. In general, the proposed project will compliment the Amado Territory Ranch, the commercial center located directly south of the subject property in Santa Cruz County, with regards to building colors, finishes and materials, building architecture, and outdoor lighting. Specifically:
 - A. The exterior field and trim colors of all buildings will be of darker earth-tone colors consistent with the Amado Territory Ranch buildings. Pastel and other light accent tones shall be prohibited.
 - B. Building materials shall consist of masonry, wood and steel for all buildings (except for the self-storage and RV storage buildings) with stucco finishes being

limited to accent applications. For the self-storage and RV storage buildings, stucco wall finishes with masonry accents (wainscots, columns, etc) will be acceptable.

C. The architectural styles for the buildings shall reflect a ranch or rural western theme, generally with pitched rooflines or parapet rooflines with shed roof applications using steel roofing materials. Architectural designs for the single-story buildings, similar to those used for the Artist Studios at Amado Territory Ranch, shall be used. Spanish Colonial architectural styles and barrel tile or asphalt shingle roofs shall be prohibited.

14. The following uses shall be prohibited:
 - a) Bar, nightclub, or cocktail lounge;
 - b) Cemetery, mortuary or related uses;
 - c) Drive-in theater;
 - d) Massage establishment;
 - e) Truck-trailer repair or truck stop;
 - f) Contractor's yard or plant;
 - g) Feed yard; or
 - h) Sale, rental or display of: airplanes or parts; contractor's equipment or supplies; farm equipment or machinery; manufactured or mobile homes; and monuments or tombstones.
15. 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.
16. 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 to 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)."
17. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

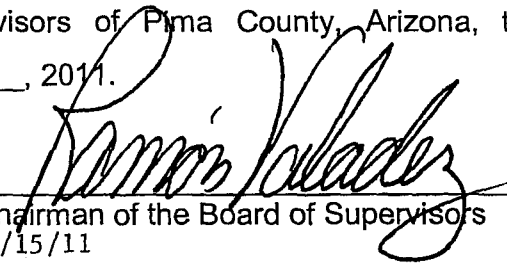
Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 17 shall be completed by April 8, 2013.
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 Ordinance until all conditions 1 through 17 are satisfied and the Planning Official issues a Certificate of Compliance.

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 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this
15th day of February, 2011.


Chairman of the Board of Supervisors
2/15/11

ATTEST:


Clerk, Board of Supervisors

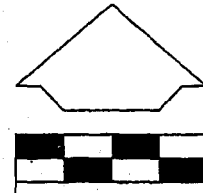
APPROVED AS TO FORM:


Deputy County Attorney


Executive Secretary,
Planning and Zoning Commission

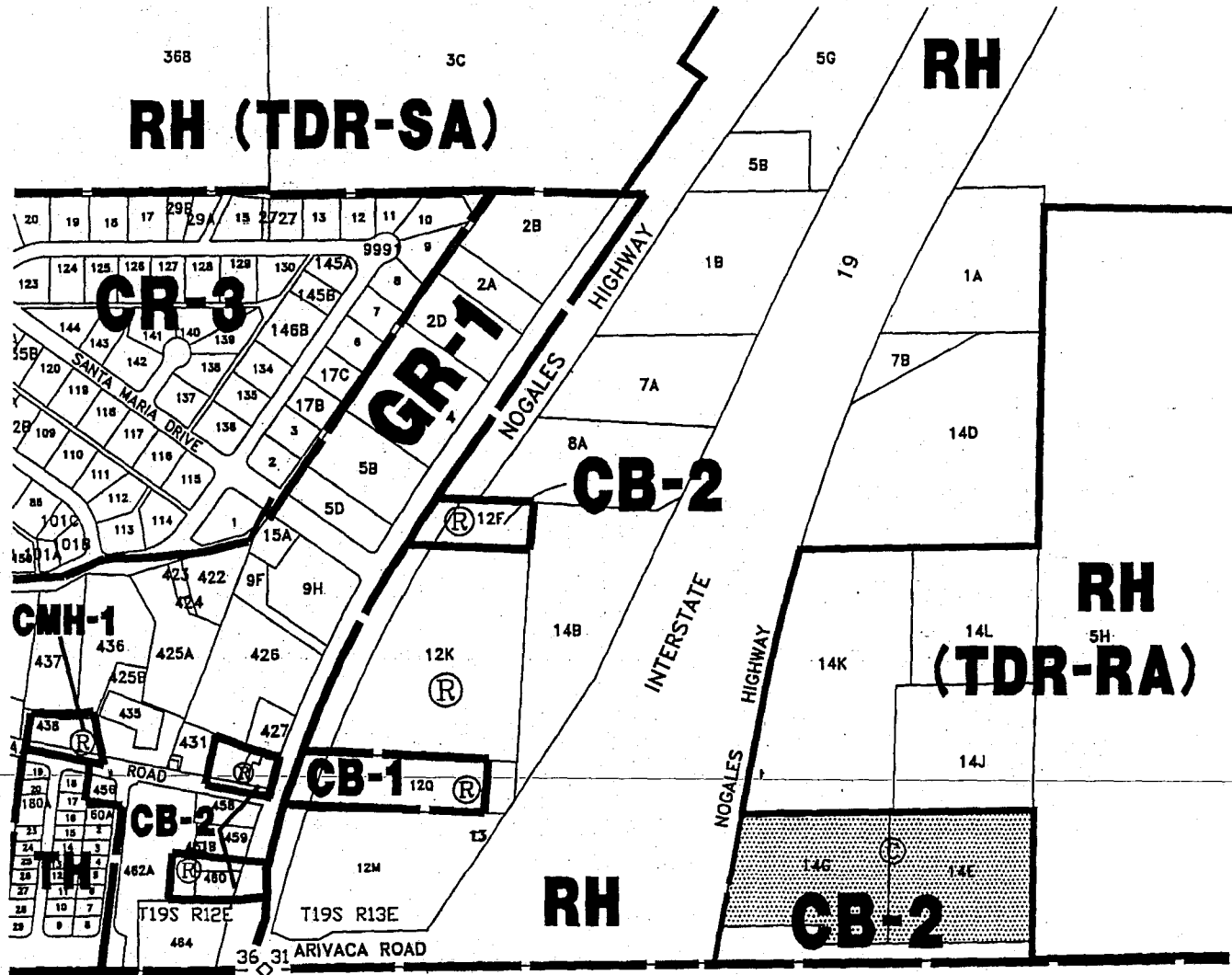
EXHIBIT A

AMENDMENT NO. 12 BY ORDINANCE NO. 2011-6
TO PIMA COUNTY ZONING MAP NO. 1583 TUCSON, AZ.
PARCELS 14E & 14G LOCATED IN THE SE 1/4 OF THE SW 1/4 OF
SEC. 31, T19S R13E.



ADOPTED February 15, 2011 EFFECTIVE February 15, 2011

0 600'



SANTA CRUZ COUNTY

John M. G. Ha

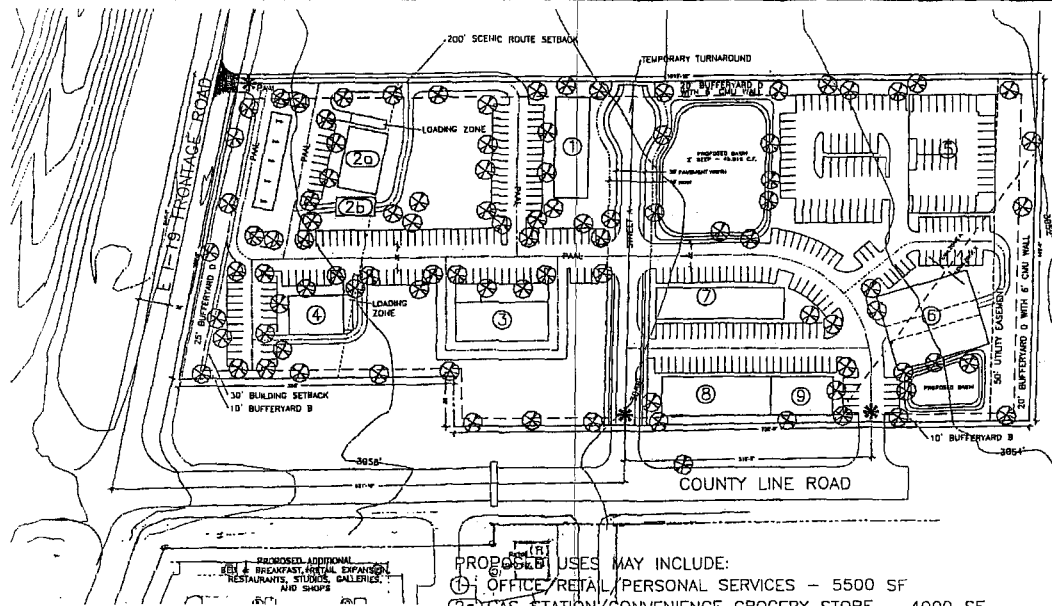
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 10.0 ac±
ds-DECEMBER 20, 2010

CO9-06-38
CO7-00-07
CO7-00-20
304-43-014E & 014G

EXHIBIT B

EXHIBIT II-B: PRELIMINARY DEVELOPMENT PLAN



SITE AREA: 10 ACRES
 EXISTING ZONING: RH
 PROPOSED ZONING: CB-2
 BUFFERYARDS:
 WEST: 25' BUFFERYARD D
 SOUTH: 10' BUFFERYARD B
 EAST: 20' BUFFERYARD D
 NORTH: 20' BUFFERYARD D
 PARKING:
 REQUIRED: 263
 PROPOSED: 263
 PROPOSED BUILDING HEIGHTS:
 BUILDINGS - 24'-39' MAX

- * ACCESS POINT (3 TOTAL)
- ADOT ROW CONSTRUCTION FOR ENTRANCE
- PROPERTY LINE
- ROW
- SIDEWALK
- CURB
- CENTERLINE
- BUILDING
- FEMA ZONE
- BUFFERYARD
- SCENIC ROUTE SETBACK
- BUILDING SETBACK

NOTES:

1. THE RV/AUTO SERVICE CENTER WILL HAVE SIX BAYS.
2. THE GAS STATION WILL HAVE 8-10 GAS PUMPS.
3. TOTAL ALLOWED BUILDING SQUARE FOOTAGE NOT TO EXCEED 84,000 SF.

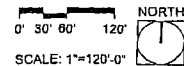
*SEE 24X36 PRELIMINARY DEVELOPMENT PLAN (IN POCKET) FOR ADDITIONAL LABELING AND INFORMATION.

PROPOSED USES MAY INCLUDE:

- ① OFFICE/RETAIL/PERSONAL SERVICES - 5500 SF
- ② GAS STATION/CONVENIENCE GROCERY STORE - 4000 SF
- ③ CAR WASH - 1200 SF
- ④ RV/AUTO SERVICE CENTER - 5800 SF
- ⑤ FAST FOOD RESTAURANT - 3500 SF
- ⑥ RV STORAGE - 16,800 SF
- ⑦ INDOOR STORAGE - 4000 SF
- ⑧ RETAIL SERVICES - 13200 SF
- ⑨ VETERINARY/FEED - 7000 SF
- ⑩ INDOOR NURSERY - 4000 SF

AMADO CROSSROADS

APPROVED AT PUBLIC HEARING
 4/8/08



Project: P1-2008-01
 Date: 4-1-08
 Filename: 200801_p01a_graphic_naming.dwg

