



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** April 7, 2020

**Title:** RESOLUTION: Co9-14-06 AZ SQUARE #7, LLC - S. NOGALES HIGHWAY REZONING

**Introduction/Background:**

On September 17, 2019, the Board of Supervisors approved a five-year Time Extension for this Rezoning subject to modified standard and special conditions.

**Discussion:**

The time limit and conditions contained in Rezoning Ordinance 2015-9 may be modified by resolution.

**Conclusion:**

This Resolution reflects the Board of Supervisors' approval.

**Recommendation:**

Approval of the Resolution.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

Department: Development Services Department - Planning      Telephone: 520-724-8800

Contact: David Petersen, Senior Planner      Telephone: 520-724-9508

Department Director Signature/Date: *[Signature]* 3/10/2020

Deputy County Administrator Signature/Date: *[Signature]* 3/13/2020

County Administrator Signature/Date: *C. Pulley* 3/16/20



**Subject: Co9-14-06**

**Page 1 of 1**

**APRIL 7, 2020 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

*Tom Drzazowski*

**DATE:** March 6, 2020

---

**RESOLUTION FOR ADOPTION**

**Co9-14-06**     **AZ SQUARE #7, LLC – S. NOGALES HIGHWAY REZONING**

Owners: AZ Square #7, LLC  
(District 2)

**If approved, adopt RESOLUTION NO. 2020 - \_\_\_\_\_**

---

**OWNERS:**     AZ Square #7, LLC  
1437 Denver Avenue, Ste. 210  
Loveland, CO 80538-5226

**AGENT:**     MJM Consulting, Inc.  
Attn: Michael Marks, President  
6401 E. Shepherd Hills Drive  
Tucson, AZ 85710

**DISTRICT:**     2

**STAFF CONTACT:** David Petersen, Senior Planner

**STAFF RECOMMENDATION:** APPROVAL.

CP/DP/ar  
Attachments

cc: Tom Drzazowski, Chief Zoning Inspector  
Co9-14-06 File

RESOLUTION 2020-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-14-06 AZ SQUARE #7, LLC – S. NOGALES HIGHWAY REZONING; LOCATED ON THE WEST SIDE OF NOGALES HIGHWAY, APPROXIMATELY 150 FEET SOUTH OF OLD VAIL CONNECTION ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE 2015-9.**

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

1. On September 9, 2014, in rezoning case Co9-14-06, the Pima County Board of Supervisors approved the rezoning of approximately .83 acre located on the west side of Nogales Highway, approximately 150 feet south of Old Vail Connection Road as shown on Exhibit A from GR-1 (Rural Residential) to CB-1 (Local Business), subject to standard and special conditions.
2. On March 17, 2015, the Pima County Board of Supervisors adopted rezoning Ordinance 2015-9, recorded at Sequence 20150790608, rezoning the approximate .83 acre described in rezoning case Co9-14-06 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit in Section 3 of Ordinance 2015-9.
4. On September 17, 2019, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. Section 4 of Ordinance No. 2015-9 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2015-9 are restated and modified as follows:

- ~~1. The owner shall:
  - A. Submit a development plan if 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.~~
- ~~21.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~32.~~ Transportation conditions:
- A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the south and west.
- B. The property shall be limited to one access point on S. Nogales Highway as shown on the preliminary development plan (Exhibit B). ~~The existing easement serving the property (Dusty Lane) shall be closed prior to the issuance of the Certificate of Occupancy. Traffic from the easement shall be diverted through either the access point serving the rezoning site or through the access point for the proposed intersection improvement project at Old Nogales Highway, in a manner approved by the Department of Transportation.~~
- ~~43.~~ Regional Flood Control District conditions:
- A. Detention shall be provided and sized to accept flows from the shared drive and parking, in addition to providing first flush retention throughout the site.
- B. All weather access must be provided for the western access easement.
- ~~54.~~ ~~Cultural Resources condition:~~ A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- ~~65.~~ Adherence to the sketch plan as approved at public hearing: (Exhibit B).
- ~~76.~~ 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.
- ~~87.~~ The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the

Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

- 98. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 current any future 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.~~

Section 2. Section 3 of Ordinance No. 2015-9 is restated and modified as follows:

Time limits of conditions. Conditions 1 through 98 shall be completed no later than September 9, 20192024.

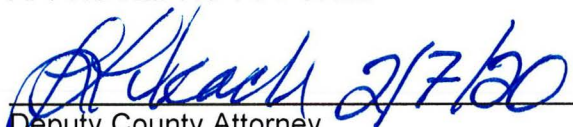
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Chairman, Pima County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

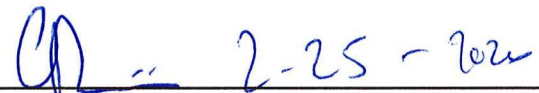
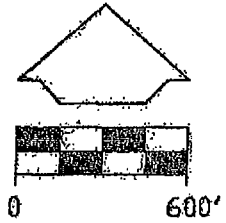
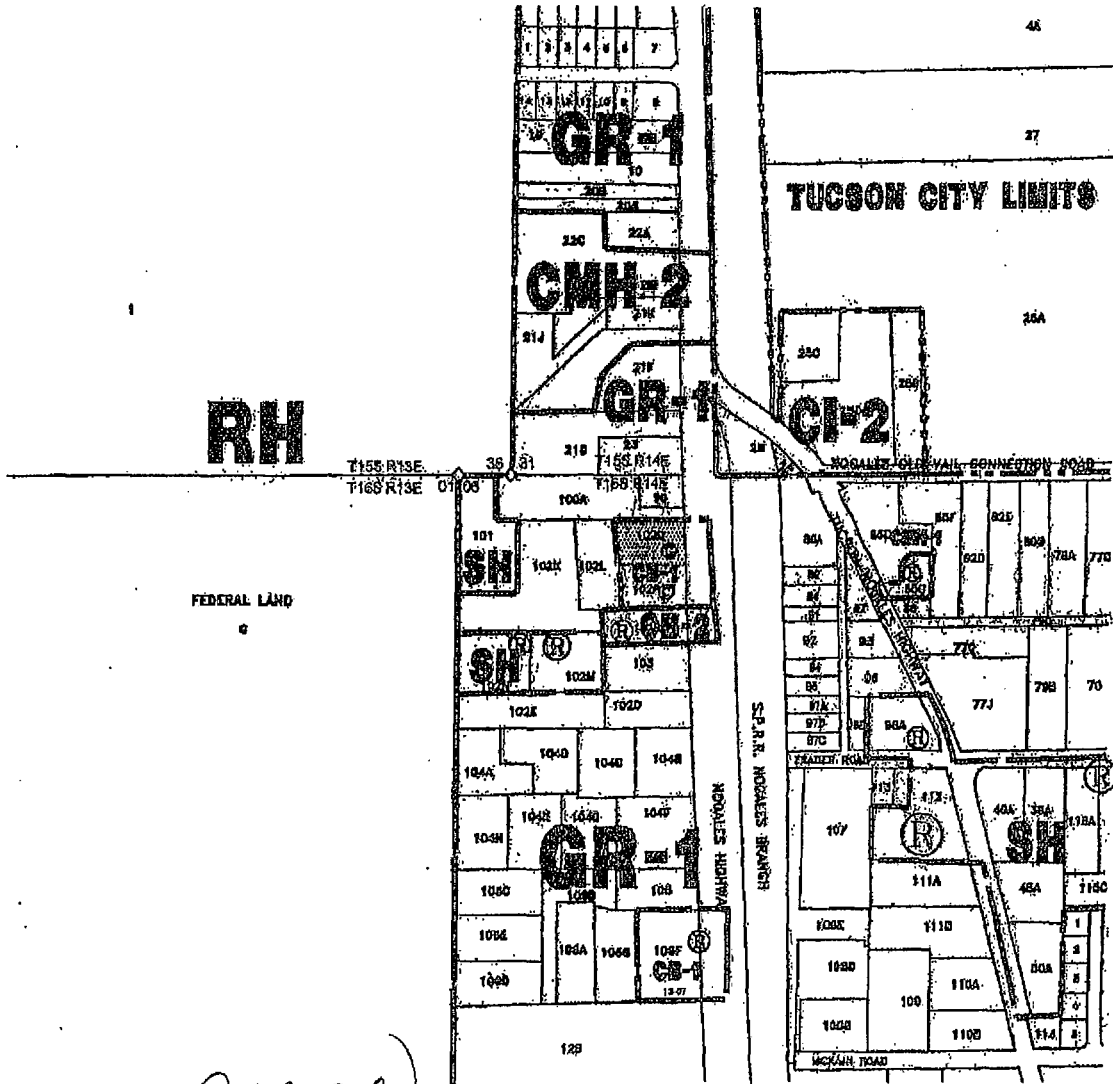
  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 83 BY ORDINANCE NO. 2015-009  
TO PIMA COUNTY ZONING MAP NO. 139 TUCSON, AZ.  
PARCEL 2Q BEING A PART OF THE NW 1/4 OF THE NW 1/4 OF  
SEC. 6, T16S R13E.



ADOPTED March 17, 2015 EFFECTIVE March 17, 2015



*Carl M. Wolf*

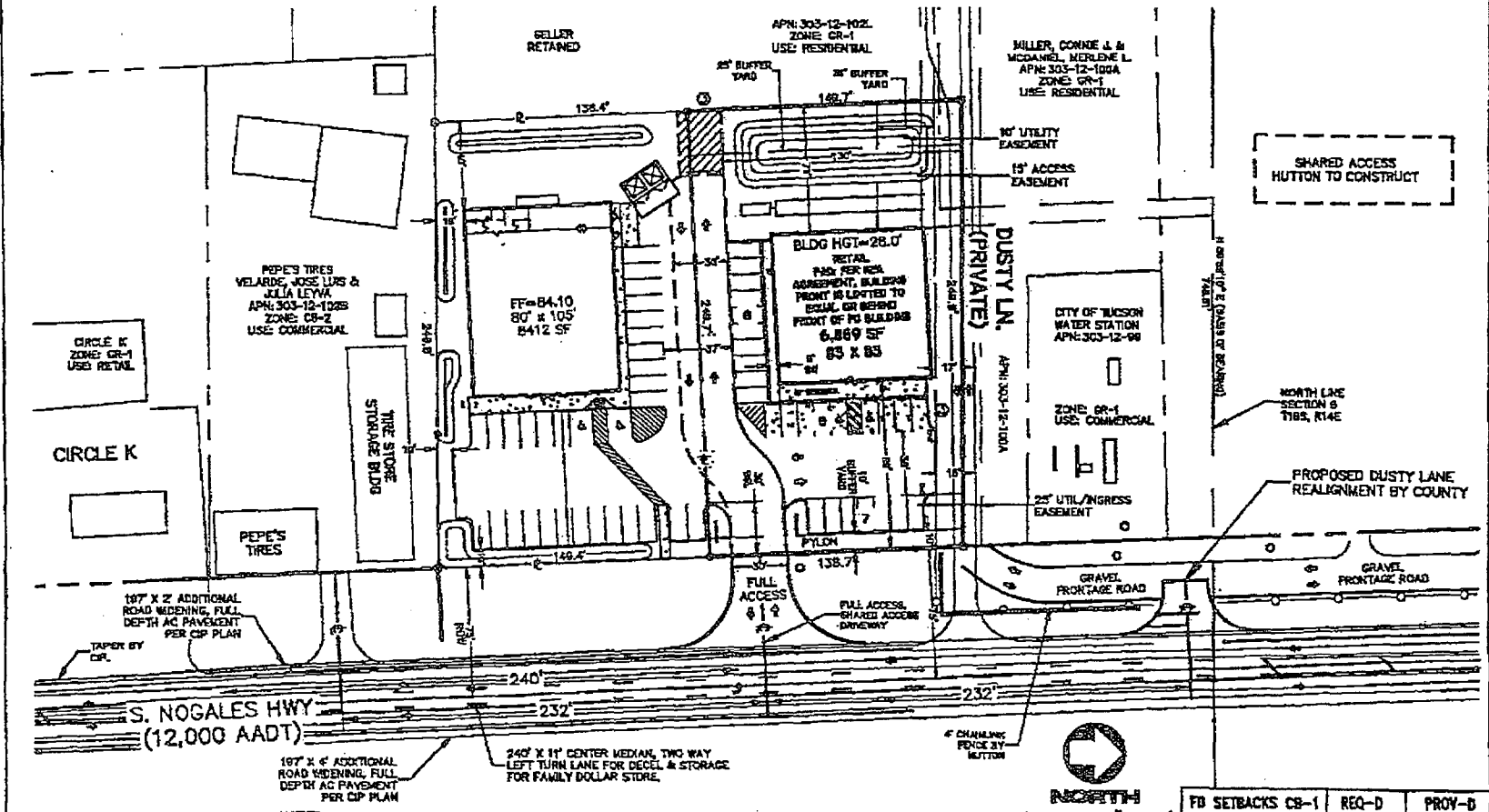
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 0.83 ac±  
ds-JANUARY 23, 2015

CD9-14-06  
303-12-1020

EXHIBIT B

PRELIMINARY SITE SKETCH



AREA SUMMARY

	SQUARE FOOTAGE	ACREAGE
NET AREA	36,000 SF	0.83
PAVING AREA	20,099 SF	0.48

NOTES: ① PAINTED LINE, NO PARKING ② DETENTION SWALE ③ CONDITIONS OF REZONE REQUIRE THAT A UNILATERAL CROSS ACCESS EASEMENT BE PROVIDED TO ALL ADJOINING PROPERTIES. CROSS ACCESS TO BE CONSTRUCTED UPON REDEVELOPMENT OF ADJACENT PROPERTIES.

FD SETBACKS CR-1	REQ-D	PROV-D
FRONT	30 FT	85 FT
REAR	40 FT	71 FT
SIDE (NORTH)	10 FT	17 FT
SIDE (SOUTH)	10 FT	43 FT

PARKING SUMMARY				
	TOTAL BLDG SF	REQ-D SPACES	FD PROV-D	SPACE SIZE
PROPOSED	6,889 SF	3.5/1000SF	24	24
PLAN WAS PRODUCED WITH THE BENEFIT OF AN SPT YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				

LOCATION **9770 S. NOGALES HWY TUCSON, AZ 85756**

SCALE **1"=80'** LAT/LONG **32.0429/-110.5732** DATE **JUNE 05, 2014**

DRAWN BY **PCW**