



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director

DATE: January 7, 2015

SUBJECT: Co9-99-15 GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB
PRODUCE COMPANY – ORANGE GROVE ROAD #2
REZONING

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 20, 2015** hearing.

REQUEST: To close Co9-99-15, a rezoning of approximately 10.15 acres from SR (Suburban Ranch) to TR (Transitional) located on the southwest corner of Orange Grove Road and La Canada Drive. The rezoning was conditionally approved in 1999 and expired on November 9, 2014.

OWNER: Tucson Electric Power Company
Attn: Rebecca Rodrigues
P.O. Box 711, Mail Stop HQW603
Tucson, AZ 85702

AGENT: None

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of January 7, 2015, staff has received no public comments.

STAFF RECOMMENDATION: CLOSURE.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside the Maeveen Marie Behan Conservation Lands System.

CP/DP/ar
Attachments



PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-99-15

Page 1 of 3

FOR JANUARY 20, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: January 7, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

Co9-99-15 GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB PRODUCE COMPANY – ORANGE GROVE ROAD #2 REZONING

Request by Tucson Electric Power Company to close Co9-99-15, a rezoning of approximately 10.15 acres from SR (Suburban Ranch) to TR (Transitional) located on the southwest corner of Orange Grove Road and La Canada Drive. The rezoning was conditionally approved in 1999 and expired on November 9, 2014. Staff recommends **CLOSURE**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of the original 10.15-acre (now 9.53 acres after right-of-way acquisition) rezoning from SR (Suburban Ranch) to TR (Transitional) for the use of professional and semi-professional offices. Tucson Electric Power Company, the owner of the three parcels consisting of the entire rezoning site, requests closure of the rezoning. The request for closure is a requirement of the conditions of the Board of Supervisors' October 21, 2014 approval of a 138kV Power Substation Permit for the property.

STAFF REPORT

The rezoning from SR to TR was conditionally approved on November 9, 1999. Rezoning Ordinance 2011-53 was adopted on February 15, 2000. Five-year time extensions to complete rezoning conditions were approved by the Board on June 19, 2007 and February 16, 2010, both subject to modified rezoning conditions. The rezoning expired on November 9, 2014. The conditions remain to be satisfied. The zoning code requires a public hearing to close the rezoning and cause the property to revert to its previous SR zoning classification (Section 18.91.100.F.1).

SR zoning does not comply with the site's Medium-High Intensity Urban (MHIU) comprehensive plan designation which allows a maximum density of 24 residences per acre and does not provide for the relatively low density SR option. However, the electric power substation that will be built on the property will support development in the area and is subject not only to SR development standards, but standards specific to the use. Therefore, the underlying zoning and plan designation of the property are of lesser consequence.

The rezoning site consists of three parcels of 5.07, 4.0, and .46 acres. The .46-acre parcel does not conform to the required SR minimum lot size of approximately 3.3 acres (144,000 square feet). *Staff advises combination of the parcels.*

The site is undeveloped and contains mostly undisturbed natural vegetation. CR-1 residential subdivisions are the dominate use around the site. Offices for the Metropolitan Water Improvement District exist on an SR-zoned parcel to the south. Office development exists on a portion of TR zoning at the northeast corner of the intersection. Additional offices can be developed.

Closure of the rezoning does not preclude the possibility of future rezoning of the subject property. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

TRANSPORTATION REPORT

No objection to closure.

FLOOD CONTROL REPORT

No objection to closure.

WASTEWATER REPORT

No objection to closure.

CULTURAL RESOURCES REPORT

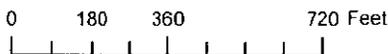
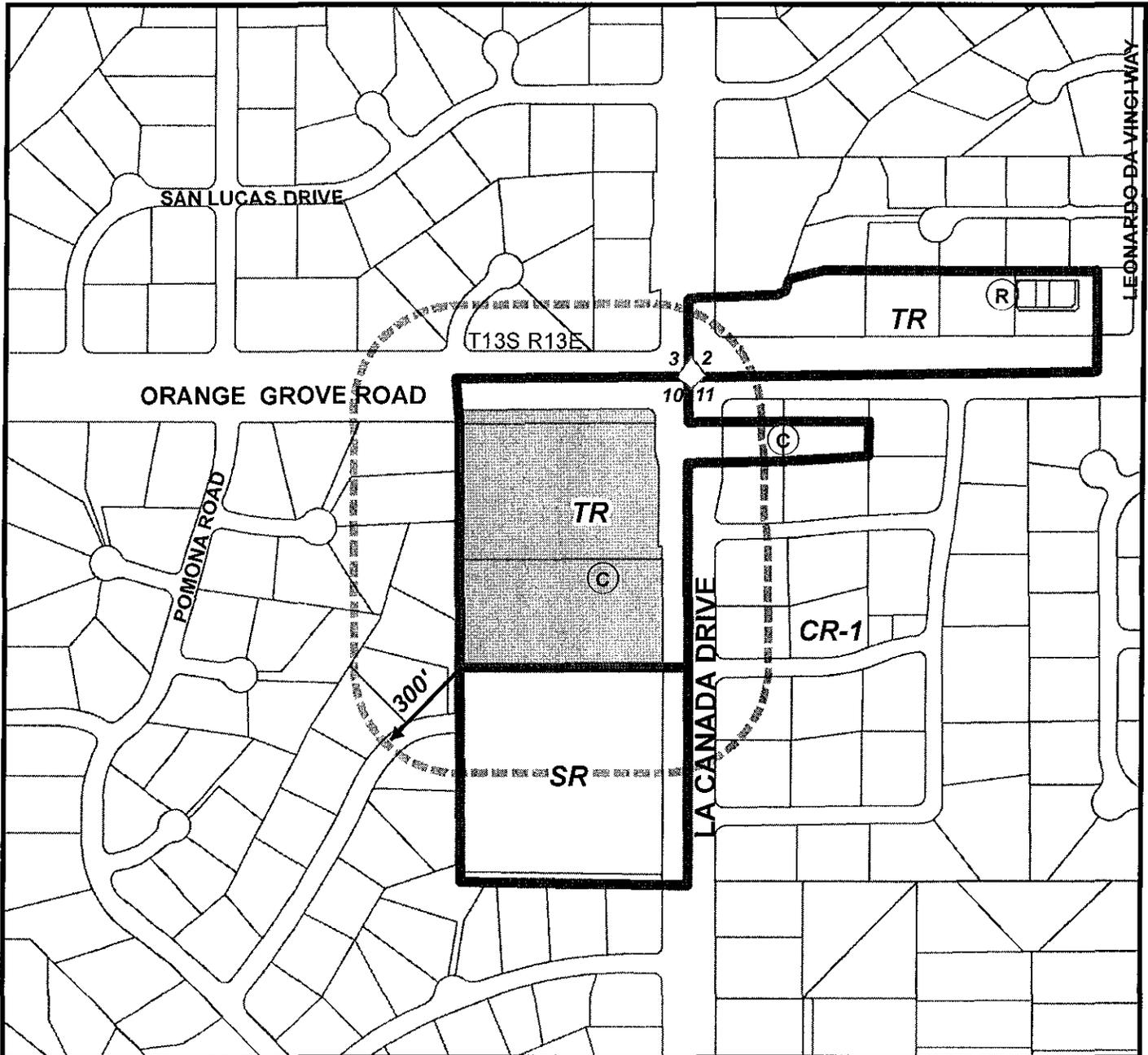
No report.

CP/DP/ar
Attachments

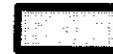
c: Tucson Electric Power Company, Attn: Rebecca Rodrigues,
P.O. Box 711, Mail Stop HQW603, Tucson, AZ 85702
Chris Poirier, Assistant Planning Director
Co9-99-15 File



Case #: CO9-99-015 GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB PRODUCE COMPANY -
 ORANGE GROVE ROAD #2
 Tax Code(s): 102-11-131D, 102-11-131E, 102-11-1320



300' NOTIFICATION



Subject Property

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

Notes: **REZONING CLOSURE**

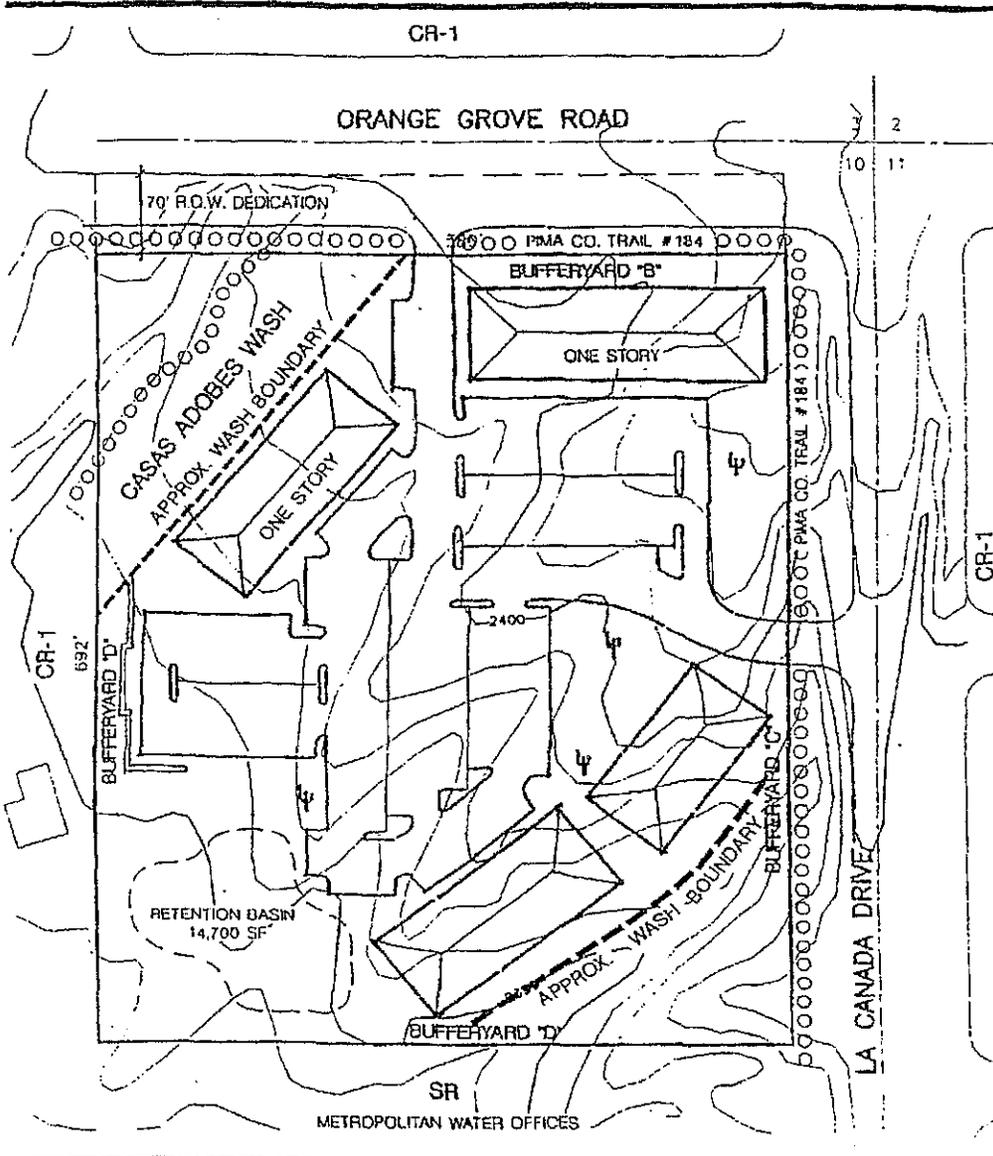
Board of Supervisors Hearing: 1/20/15



Base Map(s): 76

Map Scale: 1:5,000

Map Date: 12/04/2014



SITE STATISTICS

Acreage: 9.22 (0.93 ac. R.O.W. Dedication)
 Proposed Zoning: TR
 Building Area: 80,000 s.f. (approx.)
 Building Height: 24' max.
 Parking: 267 spaces (1 per 300 s.f.)

Required Setbacks:
 North - 20'
 South - 25'
 East - 7'
 West - 7'

Required Bufferyards:
 North - B
 South - D
 East - D
 West - C

○○○ Existing Trails

⌘ Existing saguaros



0 50' 100' 150'



planning resources

planning resources architects urban planning development consultants
 210 North Church Avenue, Tucson, Arizona 85701 • (520) 628-1118 Fax 628-1197
 2111 East Broadway, Ste. 11, Tempe, Arizona 85282 • (602) 921-0208 Fax 921-9561

EXHIBIT B

RECEIVED
 SEP 29 1999

Co9-99-15 Approved Rezoning Preliminary Development Plan

UNING 000000



Tucson Electric Power
P.O. Box 711, Mail Stop HQW603
Tucson, AZ 85702

November 17, 2014

Telephone: 520-917-8771
Fax: 520-770-6944

Mr. David Peterson
Senior Planner
Pima County Development Services Department
201 North Stone Avenue, 2nd Floor
Tucson, Arizona 85701

RE: Closure of Rezoning Case Co9-99-15; PSP Case No. Co18-14-01

Dear Mr. Peterson,

Please consider this letter as Tucson Electric Power Company's (TEP) official request to close rezoning case Co0-99-15 for Tax Parcels 102-11-131D, 131E, and 1320. On October 23, 2014, TEP received Pima County Board of Supervisors (BOS) approval to build a new 138kV electrical substation on the property; power substation permit (PSP) Case No. Co18-14-01.

This letter satisfies Condition #3 of the approval letter that, within 30 days of BOS approval of the PSP, the property owner shall provide written request for closure of the rezoning case. TEP has purchased the parcels from Constantino and Nelida Panousopoulos and is the current landowner. (Please see the attached deed.)

Please call me with any questions or concerns. I can be reached at (520) 917-8771 or via email at rrodrigues@tep.com.

Respectfully,

Rebecca Rodrigues
Assoc. Environmental & Land Use Planner
Tucson Electric Power Company
a UNS Energy Corporation

cc: Cheryl Eamick;
Shannon Breslin
Arlan M. Colton



138kV Power Substation Permit Approval Co18-14-01 BOS Minutes 10-21-14

Jim Portner, Projects International, Inc., explained this was not simply a request for density but that there was a vision for redevelopment of the former lodge property in a way that would be important for this site. He stated it was a prime location for something unique and would be a high end luxury boutique with hotel and walkable main street, retail restaurant area integrated in a mixed use fashion with what we would consider complimentary residential. He stated they had already seen a three to four RAC type of residential integrated in a true mixed use fashion which had been tied together. He stated they had to determine how to accommodate the past and meet new policies to make more efficient use of valuable urban lands. He explained they heard from neighborhood representatives who wanted no connectivity whatsoever between their subdivision and the development.

Supervisor Carroll questioned if the neighbors were able to meet with the developer.

Mr. Portner stated they had held a neighborhood meeting and used the list which was the same as Pima County's for notice requirements of properties within 1,000 feet. He stated they had invited everyone to an open neighborhood meeting that occurred during the summer. He indicated the concerns that were expressed could remain until the neighbors in the next process had a chance to get more specific with the design and talk about actual buffering capabilities

It was moved by Supervisor Miller to close the public hearing and approve Co7-14-03, amending areas to neighborhood activity center (NAC) and resource transition (RT), and modified approval of the medium intensity urban (MIU) request area to low intensity urban 3.0 (LIU 3.0), subject to amended rezoning policies.. The motion died for a lack of a second.

It was moved by Supervisor Elías to deny Co7-14-03. The motion died for a lack of a second.

It was then moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' meeting of December 2, 2014.

16. **Power Substation Permit**

Co18-14-01, PANOUSOPOULOS / TUCSON ELECTRIC POWER COMPANY - W. ORANGE GROVE ROAD 138 KV POWER SUBSTATION PERMIT

Request of Constantino and Nelinda Panousopoulos, represented by The Planning Center on behalf of Tucson Electric Power Company, for a 138 kV power substation permit and a modification of the landscape bufferyard type "J" requirements for 115 kV or greater power substations as per Section 18.73.040D of the Pima County Zoning Code. The subject property is 9.53 acres zoned TR (Transitional) and is located at the southwest corner of the intersection of Orange Grove Road and La Cañada Drive. Staff recommends APPROVAL SUBJECT TO CONDITIONS. (District 1)

Staff recommends approval of the proposed power substation and the modification of the Bufferyard type "J" requirements, subject to the following conditions:

1. The setback for the power substation walls shall be a minimum of 200 feet from the north and west property boundaries, a minimum of 100 feet from the east property boundary, and a minimum of 50 feet from the south property boundary.
2. Natural desert vegetation shall be retained outside of the power substation walls except for those areas required to be disturbed for construction of the power substation and for safe and secure operation of the facility, including but not limited to, installation of pole structures, driveways, drainage improvements, and clear area buffering. A landscape screen shall be planted along the power substation wall perimeters, off-set as necessary for safety and security purposes. The landscape screen shall include minimum 15-gallon native trees spaced to provide a continuous canopy screen at maturity. Except for clear area required for safety and security, disturbed areas shall be replanted with native vegetation to include trees, shrubs, cacti, and ground cover. Drainage improvements shall be enhanced with native riparian vegetation.
3. Within 30 days of the Board of Supervisors' approval of the power substation permit, the property owner shall provide written request for closure of rezoning case Co9-99-15.
4. The property owner 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; and, Pima County may enforce this condition against the property owner.

Chris Poirier, Assistant Planning Director, provided the staff report and stated they had not received any public comment.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co18-14-01, subject to conditions.

17. ~~Amendment to the Development Agreement with TNR&S Acquisitions, Inc., regarding Omni Tucson National Resort and Spa~~

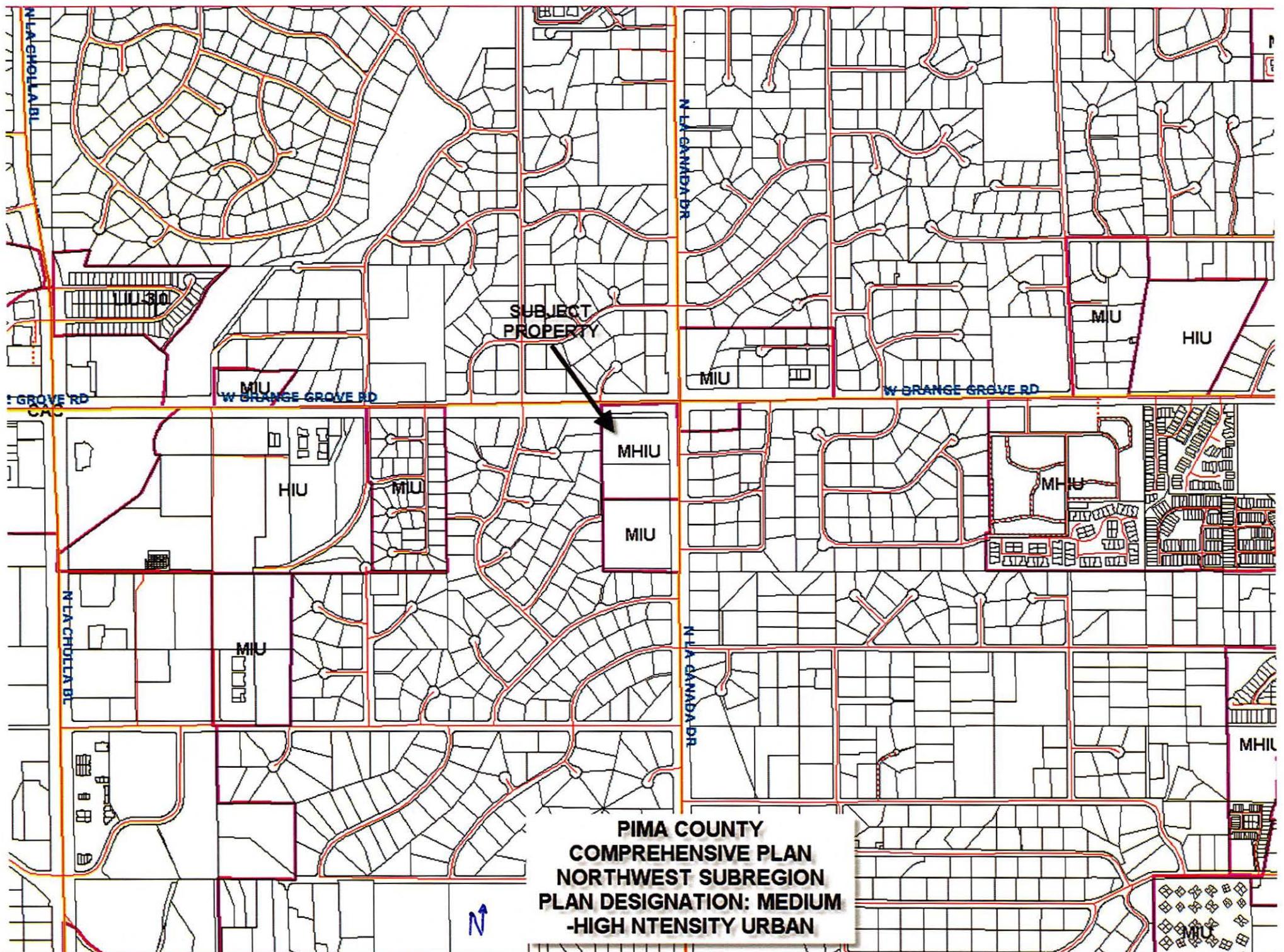
~~RESOLUTION NO. 2014 - 107, of the Board of Supervisors of Pima County, Arizona, approving and authorizing the execution of an amended development agreement between Pima County and TNR&S Acquisition, Inc. (District 1)~~

~~The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.~~

PRESENTATION/PROCLAMATION

18. Presentation of a proclamation to Jim Nelson, American Lung Association, proclaiming the month of November 2014 to be: "COPD AWARENESS MONTH"

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item. Chair Bronson made the presentation to Amber Mazzei, American Lung Association.



**PIMA COUNTY
COMPREHENSIVE PLAN
NORTHWEST SUBREGION
PLAN DESIGNATION: MEDIUM
-HIGH INTENSITY URBAN**

Medium/High Intensity Urban

'MHIU' or 'E' on the Land Use Plan Maps

- a. Purpose: To designate areas for a mix of medium to high density housing types and other compatible uses.
- b. Objective: These areas provide opportunities for a variety of residential housing types, including cluster option developments, single family attached dwellings, and apartment complexes. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.
- 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 - 24 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 – 3 RAC
 - 2) Maximum – 6 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) CR-1 Single Residence Zone
 - 3) CR-2 Single Residence Zone
 - 4) CR-3 Single Residence Zone
 - 5) CR-4 Mixed-Dwelling Type Zone
 - 6) CR-5 Multiple Residence Zone
 - 7) TR Transitional Zone
 - 8) CMH-1 County Manufactured And Mobile Home-1 Zone
 - 9) CMH-2 County Manufactured And Mobile Home-2 Zone
 - 10) MR Major Resort Zone
 - 11) CPI Campus Park Industrial Zone

RECORDED BY: K
DEPUTY RECORDER
1861 PE-2



REEL: 13880
PAGE: 2750
NO. OF PAGES: 9
SEQUENCE: 20101640642
DATE: 08/25/2010
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

RESOLUTION 2010- 200

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-99-15 GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB PRODUCE COMPANY - ORANGE GROVE ROAD #2 REZONING; LOCATED ON THE SOUTHWEST CORNER OF ORANGE GROVE ROAD AND LA CANADA DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2000-11 AS AMENDED BY RESOLUTION NO. 2009-239.

WHEREAS, on April 30, 1999, the owner(s) of approximately 10.15 acres applied for a rezoning from SR (Suburban Ranch) to TR (Transitional);

WHEREAS, on November 9, 1999 the Pima County Board of Supervisors approved the rezoning subject to standard and special conditions;

WHEREAS, on February 15, 2000 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2000-11, as recorded in Docket 11254 at Page 1476, rezoning the approximately 10.15 acres described in rezoning case Co9-99-15 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on November 7, 2006 the owner(s) of approximately 10.15 acres applied for a five-year rezoning time extension;

WHEREAS, on February 6, 2007 the Pima County Board of Supervisors voted against closure of this rezoning;

WHEREAS, on June 19, 2007 the Pima County Board of Supervisors approved a five-year time extension per modified standard and special conditions;

WHEREAS, on September 15, 2009 the Pima County Board of Supervisors adopted rezoning Resolution No. 2009-239, as recorded in Docket 13647 at Page 02430, memorializing the new time limit and modified standard and special conditions approved by the Board of Supervisors on June 19, 2007;

WHEREAS, on September 28, 2009 the owner(s) of approximately 10.15 acres applied for a five-year rezoning time extension;

WHEREAS, on February 16, 2010 the Pima County Board of Supervisors approved a five-year time extension per modified standard and special conditions;

WHEREAS, Ordinance No. 2000-11, as amended by Resolution No. 2009-239, allows the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2000-11, as amended by Resolution No. 2009-239, as follows:

1. Submittal of a development plan as 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 Department of Transportation, Real Property Division.

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. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.
 - B. Property owner(s) shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property within 90 days of Board of Supervisors time extension approval. All buildings shall be setback a minimum of 130 feet from the centerline of Orange Grove Road right-of-way.
 - C. Only one access on Orange Grove Road and one access on La Canada Drive shall be allowed. Locations of access on both roads shall be coordinated with and shall require Department of Transportation approval.
 - D. The property owner/developer shall dedicate right-of-way for a 25 foot radius corner spandrel at the corner of Orange Grove Road and La Canada Drive within 90 days of Board of Supervisors time extension approval.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.
 - C. The property owner(s) shall grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
 - D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the local area drainage.
 - E. This development shall meet Critical Basin detention and retention requirements.

- F. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management Reclamation conditions:
~~The property owner must 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.~~
- A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
- C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- ~~10. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.~~
- 44 10. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted 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.
- 12 11. Building heights are restricted to 24 feet and two stories, except for the two northernmost buildings shown on the preliminary development plan, which are restricted to a height of 18 feet and one story.

43 12. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B). Uses are restricted to professional and semi-professional offices.

44 13. A. The property owner(s) shall enter into the voluntary Neighborhood Covenants with property owners residing within 1,000 feet as presented at the June 19, 2007 public hearing.

B. Prior to the issuance of a Certificate of Compliance, the applicant shall obtain approval from the Design Review Committee as it relates to the design elements contained within the Neighborhood Covenants. These elements include, but are not limited to, site design, screening, architectural styles, building colors/materials, and signage.

45 14. The following exotic plant species shall not be planted anywhere on the project 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*)
- African rue (*Peganum harmala*)
- Iceplant (*Mesembryanthemem crystallinum*)
- Arabian Grass (*Schismus arabicus*)
- Natal Grass (*Melinis repens (=Rhynchelythrum repens))*
- Aquatics
- Eurasian Watermilfoil (*Myriophyllum spicatum*)
- Giant Salvinia (*Salvinia molesta*)
- Hydrilla (*Hydrilla verticillata*)
- Water hyacinth (*Eichhornia crassipes*)

46 15. In the event the subject property is annexed into the City of Tucson, the property owner(s)/developer(s) shall adhere to all applicable zoning 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.

- ~~47~~ 16. 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(I)."
17. All proposed development within the entire rezoning site shall be shown on a development plan(s).
18. A Letter of Intent to serve from a Water Service Provider shall be submitted as part of any subsequent actions.
19. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limit represented in Section 3 of Ordinance No. 2000-11, as amended by Resolution No. 2009-239, as follows:

1. Conditions 1 through ~~47~~ 19 shall be completed by November 9, ~~2009~~ 2014.
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 ~~47~~ 19 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.

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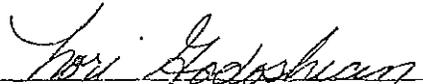
RESOLVED by the Board of Supervisors of Pima County, Arizona, this
16th day of August, 2010.



Chairman, Board of Supervisors

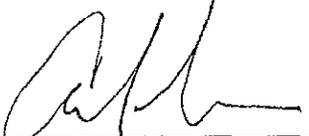
ATTEST:

AUG 16 2010



Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
ANDREW FLAGG

APPROVED:

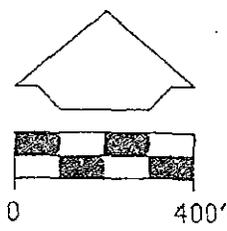


Executive Secretary
Planning and Zoning Commission

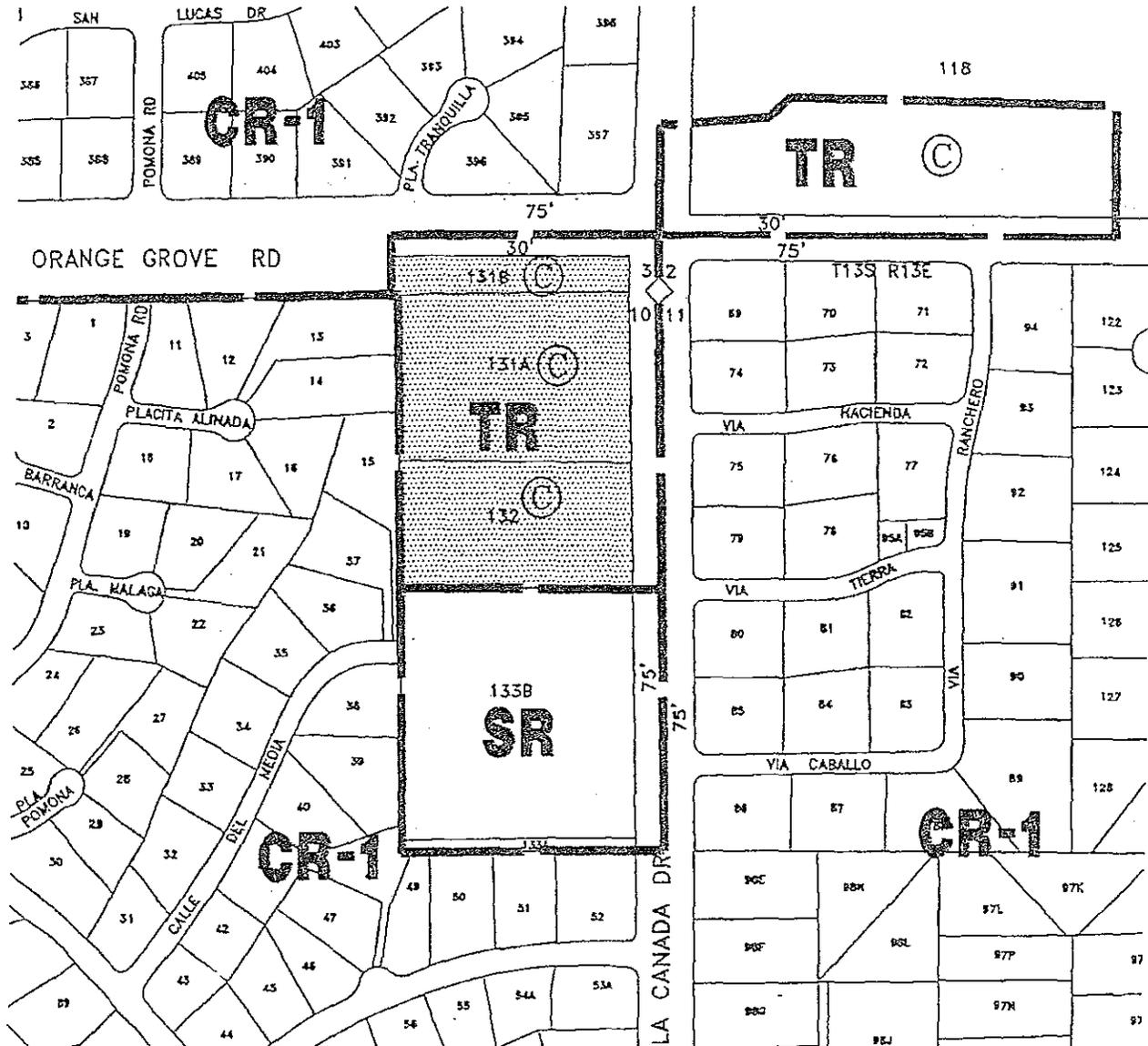
2010-08-16 09:00:00

EXHIBIT A

AMENDMENT NO. 75 BY ORDINANCE NO. 2000-11
 TO PIMA COUNTY ZONING MAP NO. 76 TUCSON, AZ.
 PARCELS 131A, 131B & 132 BEING A PART OF THE NE 1/4 OF THE
 NE 1/4 OF SEC. 10 AND BEING A PART OF THE SE 1/4 OF THE
 SE 1/4 OF SEC. 3, T13S R13E.



ADOPTED 2-15-00 EFFECTIVE 2-15-00



J. Mezzano
 EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 10.15 ac±
 xa-JANUARY 20, 2000

CD9-99-15
 CD7-89--2
 102-11-131A,
 131B, & 132

Co9-99-15 Five-Year Rezoning Time Extension Approval BOS Minutes 2-16-10

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and unanimously carried by a 5-0 vote, to approve the Eric Marcus Municipal Airport Master Plan.

17. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE

10-01-9013, Donald Jack Campbell, Jr., Delta Air Lines, Inc., 7250 S. Tucson Boulevard, Tucson, Series 8, Conveyance, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing, approve the liquor license request and forward the recommendation to the Arizona State Liquor Licenses and Control.

18. DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION

Co9-92-26, COLLINS – COLOSSAL CAVE ROAD NO. 2 REZONING

A. Proposal to close a rezoning from RH (Rural Homestead) to CB-1 (Local Business) of approximately 3.25 acres located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. Staff recommends AGAINST CLOSURE. (District 4)

B. Request of Circle K Stores and TNS, L.L.C., represented by David Cisiewski, for a five year time extension for a rezoning of approximately 3.25 acres from RH (Rural Homestead) to CB-1 (Local Business) located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. The proposed rezoning does not conform to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends APPROVAL OF A THREE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, these items were continued to the Board of Supervisors' Meeting of March 16, 2010.

19. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-99-15, GATZIONIS BROTHERS FAMILY PARTNERSHIP/ CAB PRODUCE COMPANY – ORANGE GROVE ROAD NO. 2 REZONING

Request of Constantino and Nelida Panousopoulos, represented by Robert M. Conant, Jr., for a five year time extension for the above-referenced rezoning from

SR (Suburban Ranch) to TR (Transitional). The subject site was rezoned in 1999 and expired on November 9, 2009. The site is 10.15 acres located on the southwest corner of Orange Grove Road and La Canada Drive. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

"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 as 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 Department of Transportation, Real Property Division.
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. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.
 - B. Property owner(s) shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property within 90 days of Board of Supervisors time extension approval. All buildings shall be setback a minimum of 130 feet from the centerline of Orange Grove Road right-of-way.
 - C. Only one access on Orange Grove Road and one access on La Canada Drive shall be allowed. Locations of access on both roads shall be coordinated with and shall require Department of Transportation approval.
 - D. The property owner/developer shall dedicate right-of-way for a 25 foot radius corner spandrel at the corner of Orange Grove Road and La Canada Drive within 90 days of Board of Supervisors time extension approval.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.
 - C. The property owner(s) shall grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
 - D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the local area drainage.
 - E. This development shall meet Critical Basin detention and retention requirements.
 - F. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management conditions:

~~The property owner must 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.~~

 - A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other

affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

- C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
40. ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.~~
- 44 ~~10.~~ Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted 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.
- 42 ~~11.~~ Building heights are restricted to 24 feet and two stories, except for the two northernmost buildings shown on the preliminary development plan, which are restricted to a height of 18 feet and one story.
- 43 ~~12.~~ Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to professional and semi-professional offices.
- 44 ~~13.~~ A. The property owner(s) shall enter into the voluntary Neighborhood Covenants with property owners residing within 1,000 feet as presented at the June 19, 2007 public hearing.
- B. Prior to the issuance of a Certificate of Compliance, the applicant shall obtain approval from the Design Review Committee as it relates to the design elements contained within the Neighborhood Covenants. These elements include, but are not limited to, site design, screening, architectural styles, building colors/materials, and signage.
- 45 ~~14.~~ The following exotic plant species shall not be planted anywhere on the project 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*)
 - African rue (*Peganum harmala*)
 - Iceplant (*Mesembryanthemum crystallinum*)
 - Arabian Grass (*Schismus arabicus*)
 - Natal Grass (*Melinis repens (=Rhynchelythrum repens)*)
 - Aquatics
 - Eurasian Watermilfoil (*Myriophyllum spicatum*)
 - Giant Salvinia (*Salvinia molesta*)
 - Hydrilla (*Hydrilla verticillata*)
 - Water hyacinth (*Eichhornia crassipes*)
- 46 ~~15.~~ In the event the subject property is annexed into the City of Tucson, the property owner(s)/developer(s) 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.
- 47 ~~16.~~ 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)."
17. All proposed development within the entire rezoning site shall be shown on a development plan(s).

18. A Letter of Intent to serve from a Water Service Provider shall be submitted as part of any subsequent actions.
19. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater."

Tom Hudson, Zoning Administrator, provided a staff report and explained the owner of the property intended to continue the development when the current economic conditions improved. He recommended approval of a five year time extension with modified standard and special conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension with modified standard and special conditions.

20. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2010 - 8, Co9-08-04, GDV Pension Plan, L.L.C., et. al. Placita Provida Rezoning (Catalina Foothills Zoning Plan). Owner: GDV Pension Plan, L.L.C., et. al. (District 1)
- B. ORDINANCE NO. 2010 - 9, Co9-09-04, Goeke-Noyes Street Easement Rezoning. Owner: Jon and Karen Goeke. (District 4)
- C. ORDINANCE NO. 2010 - 10, Co23-08-03, Sendero Pass Specific Plan. Owner: Tucson 738 - Montecito Communities, L.L.C. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2010 - 8, 9 and 10.

21. BOARD OF SUPERVISORS: REQUEST FOR RECONSIDERATION (DISTRICT 4)

- A. On January 5, 2010, the Board of Supervisors and the Stadium District Board approved the following item:

Staff and the Pima County Sports and Tourism Authority recommend acceptance of the payment in the amount of \$50,000.00 from the Chicago White Sox in lieu of the 2010 Chicago White Sox – Arizona Diamondbacks Charity Baseball Game and authorization to execute the Letter of Agreement.

"Supervisor Elias suggested that the \$50,000.00 payment be added to the Outside Agency Fund next fiscal year.

Rezoning Time Extension Approval Co9-99-15
BOS Minutes 6-19-07

~~Without objection, this item was continued to the Board of Supervisors Meeting of August 7, 2007.~~

29. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

The Board of Supervisors on May 1, 2007, and June 5, 2007, continued the following to this date:

→ Co9-99-15, GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB
PRODUCE COMPANY - ORANGE GROVE ROAD NO. 2 REZONING

Request of Constantino and Nelda Panousopoulos, represented by Planning Resources, for a five-year time extension for the above referenced rezoning from SR (Suburban Ranch) to TR (Transitional) for 10.15 acres. The subject site was rezoned in 1999. The rezoning expired on November 9, 2004. The site is located on the southwest corner of Orange Grove Road and La Canada Drive. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

"STAFF RECOMMENDATION:

Staff recommends APPROVAL WITH CONDITIONS of the 5-year time extension. The rezoning expired November 9, 2004.

Rezoning conditions should be revised as outlined below:

1. Submittal of a development plan as 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 Department of Transportation, Real Property Division.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.
 - B. Property owner(s) shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property. All buildings shall be setback a minimum of 130 feet from the centerline of Orange Grove Road right-of-way.
 - C. ~~A maximum of one (1) access point to Orange Grove Road shall be allowed. A maximum of two (2) access points to La Canada Drive shall be allowed.~~ Only one access on Orange Grove Road and one access on La Canada Drive shall be allowed.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.

- C. The property owner(s) shall grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
- D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the local area drainage.
- E. This development shall meet Critical Basin detention and retention requirements.
- F. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Management condition:
The property owner must 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.
10. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.
11. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted 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.
12. Building heights are restricted to 24 feet and two stories, except for the two northernmost buildings shown on the preliminary development plan, which are restricted to a height of 18 feet and one story.
13. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to professional and semi-professional offices.
- ~~14. The property owner(s) shall enter into the voluntary CC&R's with the Village of Casas Adobes and the immediate neighbors as presented at public hearing.~~
15. The following exotic plant species shall not be planted anywhere on the project 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)
African rue (Peganum harmala)
Iceplant (Mesembryanthemem crystallinum)
Arabian Grass (Schismus arabicus)
Natal Grass (Melinis repens (=Rhynchelythrum repens))
Aquatics
Eurasian Watermilfoil (Myriophyllum spicatum)
Giant Salvinia (Salvinia molesta)
Hydrilla (Hydrilla verticillata)
Water hyacinth (Eichhornia crassipes)
16. In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

17. The property owner shall execute 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)."

Time limits, extensions and amendments of conditions.

1. Conditions 1 through 17 shall be completed by November 9, 2004 2009.
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 until all conditions 1 through 14 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code."

Chris Poirer, Zoning Administrator, stated this request was previously continued to allow the applicant time to work out the details of a neighborhood agreement. An agreement was reached. The site lies outside the Conservation Lands System (CLS) and staff had concern regarding concurrency, but it was determined the project was infill. Staff recommended approval with additional and modified conditions to include the strike-out of the original Condition 14 and modify as follows:

- "14A. The property owner(s) shall enter into the voluntary Neighborhood Covenants with property owners residing within 1000 feet as presented at the June 19, 2007 public hearing.
- 14B. Prior to the issuance of a Certificate of Compliance, the applicant shall obtain approval from the Design Review Committee as it relates to the design elements contained within the Neighborhood Covenants. These elements include, but are not limited to, site design, screening, architectural styles, building colors/materials, and signage."

Rita Hall, citizen, stated she negotiated covenants with this neighborhood in 1999 with the previous owners which were recorded and are in full force. Since the rights and obligations of that agreement vest to the new owner, the new owner allowed additional input from the neighbors. None of the issues regarding the negotiation would preclude the granting of a time extension of the rezoning, but approval of the time extension would allow the resolution of any lingering concerns. The renegotiated agreement incorporated every request of every neighbor and was negotiated in good faith on both sides. One protestant finally concurred with the agreement but would not sign it.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll, and unanimously carried by a five to zero vote, to close the public hearing and

approve Co9-99-15 with conditions that included the strike-out of Condition No. 14 and replacing it with Condition No. 14A and 14B as read into the record by staff.

30. DEVELOPMENT SERVICES: REZONING

Co9-06-12, GRANT ROAD LUMBER CO., INC., PROFIT SHARING PLAN AND TR. - ROCKET ROAD ALIGNMENT REZONING

Request of Grant Road Lumber Co., Inc., Profit Sharing Plan and TR., represented by the Planning Center, for a rezoning of approximately 30.9 acres from RH (Rural Homestead) to CR-5 (Multiple Residence), on property located on the south side of Rocket Road Alignment, north of the Union Pacific Railroad tracks, approximately 1/4 mile west of Mary Ann Cleveland Way. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Gungle and Smith voted NAY; Commissioners Cook, Cuyugan and Membrila were absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends APPROVAL WITH CONDITIONS. (District 4)

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

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of 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 without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. A turnaround per the Subdivision and Development Street Standards, shall be provided within the site at the western terminus, unless construction of the off-site roadway within Rocket Road alignment is constructed or approved per the Improvement Plans for this rezoning.
 - B. The two points of access need to intersect with Rocket Road alignment at a 90 degree angle or as close to it as practical, per the Subdivision and Development Street Standards.
 - C. Written certification from the City of Tucson stating satisfactory compliance with all its requirements regarding access to the subject property and connection to Mary Ann Cleveland Way shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
 - D. The property owner, from the site to Mary Ann Cleveland Way or other existing paved roadways, shall provide paved legal access.

Co9-99-15 Original Rezoning Approval BOS Minutes 11-9-99

~~On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Boyd, and unanimously carried by a five to zero vote, to close the public hearing and deny the request for Co9-99-28.~~

10. DEVELOPMENT SERVICES: REZONING

Co9-99-15, GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB PRODUCE COMPANY - ORANGE GROVE NO. 2 REZONING

Request of Gatzionis Brothers Family Partnership, et. al., represented by Planning Resources, for a rezoning of 10.15 acres from SR (Suburban Ranch) to TR (Transitional), located on the southwest corner of Orange Grove Road and La Canada Drive. The request lies within and conforms to the Pima County Comprehensive Plan, Co7-89-2. On motion, the Planning and Zoning Commission voted 9 - 0, (Commissioner Membrilla was absent) to recommend **APPROVAL**. Staff recommends **DENIAL**. If the decision is made to approve, staff recommends it be subject to standard and special requirements. (District 1)

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

Completion of the following requirements within five years from the date of rezoning approval by the Board of Supervisors:

1. Submittal of a development plan as 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 Department of Transportation, Real Property Division.
6. There shall be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.
 - B. Property owner(s) shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property. All buildings shall be setback a minimum of 130 feet from the centerline of Orange Grove Road right-of-way.
 - C. A maximum of one (1) access point to Orange Grove Road shall be allowed. A maximum of two (2) access points to La Canada Drive shall be allowed.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

- B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts caused by the proposed development shall be constructed at no cost to Pima County.
 - C. The property owner(s) shall grant flowage easements for drainage purposes to Pima County, as determined necessary by the Flood Control District during the plan review process.
9. Wastewater Management condition:
The property owner must 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.
 10. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.
 11. Prior to ground modification activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property, shall be submitted 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
 12. Building heights are restricted to 24 feet ~~and one story~~ AND TWO STORIES, EXCEPT FOR THE TWO NORTHERNMOST BUILDINGS SHOWN ON THE PRELIMINARY DEVELOPMENT PLAN, WHICH ARE RESTRICTED TO A HEIGHT OF 18 FEET AND ONE STORY.
 13. Adherence to the preliminary development plan as approved at public hearing. Uses are restricted to professional and semi-professional offices."

Jim Mazzocco, Planning Official, reported this is a rezoning request from SR (Suburban Ranch) to TR (Transitional) on 10.15 acres to allow an approximately 90,000 square foot office complex comprised of four buildings. The Planning and Zoning Commission recommend approval while Pima County staff recommends denial. The petitioner provided to staff this date a letter regarding a set of covenants between the neighbors and the property owner. He said he reviewed those covenants, and he had no objection to what was contained within those covenants or the memorializing of those covenants. He recommended the Board of Supervisors not be the enforcement agency for these covenants. These covenants are before the Board for memorializing at this public hearing.

Supervisor Boyd requested staff to review the condition that has to do with the potential road widening of La Canada.

Mr. Mazzocco responded Condition 7A of the standard and special conditions is the condition he is seeking which reads as follows:

7. Transportation conditions:

- A. Property owner(s) shall provide any necessary access improvements to Orange Grove Road and La Canada Drive. These improvements may include the construction of left-turn facilities and/or a right-turn deceleration lane adjacent to the subject property.

Supervisor Boyd asked whether one of the standard and special conditions referred to the dedication of 75 feet?

Mr. Mazzocco responded Condition No. 7B stated the petitioner shall dedicate 70 feet of additional right-of-way for Orange Grove Road adjacent to the subject property.

Supervisor Boyd inquired whether 70 feet was adequate footage for the road widening? Has the applicant agreed to convey that footage to Pima County?

Mr. Mazzocco replied yes, these conditions were placed on the case by the Department of Transportation, and they are looking to ensure they get the maximum amount of right-of-way for any future improvements. He assumed the petitioner agreed to convey that footage.

Carl Winters, Planning Resources representative for the petitioners, stated Planning recommended denial in this case because the street is currently at capacity. Pima County has plans to widen both Orange Grove Road and La Canada but do not have a time certain when that will occur. It was pointed out at the Planning and Zoning Commission hearing that the petitioners would be required to do interim improvements if the County road widening project was not imminent. The petitioners have agreed to do so. If development of this property is delayed for a short period of time, the petitioner would have to give money to Pima County in addition to right-of-way in order to make those improvements. The site plan was worked out over a long period of time with the neighbors, and he could assure the Board it meets their environmental and site view concerns coming through the property and it is generally satisfactory. The petitioner requests the addition of Condition No. 14 which reads as follows:

"14. That the voluntary CC&R's between the applicant, the Village of Casas Adobes, and the immediate neighbors be included as part of this rezoning."

The Village of Casas Adobes will enforce these conditions on behalf of the neighbors as will the neighbors.

Chair Bronson asked whether this request for the addition of Condition No. 14 was simply an act of memorializing that condition between the applicant, the Village of Casas Adobes and the immediate neighbors?

Mr. Winters responded yes, and the conditions will be enforced by them as well.

Pete Pearman, Civil Deputy County Attorney, stated if the Board adopts the standard and special conditions with the addition of Condition No. 14 as memorialized, the way Condition No. 14 is written it is that the CC&R's are part of the rezoning. The CC&R's in and of themselves, are not part of the rezoning conditions as recommended by staff, not in the language as submitted. The only requirement would be that the applicant enter into the CC&R's with the Village of Casas Adobes.

Chair Bronson asked specifically how should the language be structured?

Mr. Pearman responded the language should read as: the applicant enter into the voluntary CC&R's with the Village of Casas Adobes and the immediate neighbors as presented to this Board.

Supervisor Boyd asked what is the traffic patterns of this area compared to Circle K, Walgreen's and the like?

Mr. Winters explained there is about 1,500 average daily trips for those types of businesses. The average daily trips for the proposed professional offices would be less because it would mainly be daytime usage.

Chair Bronson asked whether the developer planned to stay out of the washes?

Mr. Winters responded yes, the intent is to have it remain in its current state, and a good portion of the wash will actually become part of the right-of-way. A small wash on the other side of the property is actually its headwater that is road runoff that creates a little wash. Metro Water Company has a setback from that wash and the professional offices will also have a setback.

Samuel Winchester Morey, citizen, concurred with the concerns expressed by Supervisor Boyd about the washes. He stated it appears that Mr. Winters has a good plan and the proposed development has less traffic than other uses might have. The intersection causes some concern, however, since Orange Grove Road is slated to be reconstructed in the year 2002, or within that time frame. It was his understanding

the roadway is also going to be six lanes with three lanes in either direction. He asked whether Pima County had adequate right-of-way to accommodate six lanes?

Mr. Mazzocco responded yes.

Mr. Morey concluded his statement by adding his support of the plan.

Rita Hall, Project Manager, stated Mr. Winters has gone to considerable lengths to redesign the original site plan in order to address all the concerns of the neighbors. The current site plan adequately addressed visual, light and noise impacts on the adjacent neighborhood as well as taking into account the natural wash and its flow across the property. Mr. Winters and the property owner have agreed to sign covenants jointly worked out restricting site and building design as well as subsequent building use allowing professional office use only. Use will also be daytime use. In light of the cooperative efforts between the owner, developer and the neighbors, and the fact this project is an appropriate use for the property, she urged the Board to approve the request subject to standard and special conditions including the addition of Condition No. 14. There is a precedent for including the covenants and recording them with the rezoning case plan.

Chair Bronson asked whether the proposed action for the Board would be to memorialize the covenants, not to act as the enforcement for those covenants?

Ms. Hall responded the Village of Casas Adobes has never asked Pima County to act as the enforcement agency for the covenants, only to allow them to record the covenants along with the rezoning to run with the land and not expire. She urged Board's approval of the proposed project.

The Chair inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Boyd, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve Co9-99-15 subject to standard and special conditions with the inclusion of the recording of the covenants and that those covenants be recorded to run with the land noting the covenants would not be enforced by Pima County.