



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 15, 2015

Title: P15RZ00006 SCHOCKET - E. INA ROAD REZONING #2

Introduction/Background:

The applicant requests rezoning of 7.37 acres from CR-1 (Single Residence) zone to TR (Transitional) zone. The site is located at the southeast corner of the intersection of Ina Road and First Avenue.

Discussion:

The 7.37-acre site is currently undeveloped and is proposed for office use. The proposed TR zoning conforms to the Pima County Comprehensive Plan. The proposed development will preserve the southeastern portion of the site as undisturbed open space.

Conclusion:

The requested rezoning shall comply with all Comprehensive Plan policies. The undisturbed open space area will provide a buffer between the CR-1 neighborhood to the south and preserves riparian habitat.

Recommendation:

Staff recommends approval of the rezoning request subject to standard and special conditions. The Planning and Zoning Commission also recommends approval (8-0) subject to standard and special conditions.

Fiscal Impact:

None

Board of Supervisor District:

1 2 3 4 5 All

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

for Department Director Signature/Date: *[Signature]* 11/20/2015

Deputy County Administrator Signature/Date: *[Signature]* 12/1/15

County Administrator Signature/Date: *[Signature]* 12/2/15



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District # 1
FROM: Arlan M. Colton, Planning Director 
DATE: November 23, 2015
SUBJECT: P15RZ00006 SCHOCKET – E. INA ROAD REZONING #2

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 15, 2015** hearing.

REQUEST: A rezoning of approximately 7.37 acres from the CR-1 (Single Residence) zone to TR (Transitional) zone, on property located at the southeast corner of the intersection of North First Avenue and East Ina Road.

OWNER: Evis Schocket
2815 E. Cerrado Los Palitos
Tucson, Arizona 85718

c/o Mark Simon, Esq.
One South Church Avenue, Ste. 1500
Tucson, Arizona 85701

AGENT: Michael Marks, AICP
7002 E. 4th Street
Tucson, Arizona 85710

DISTRICT: 1

STAFF CONTACT: Sue Morman

PUBLIC COMMENT TO DATE: As of November 23, 2015, staff has received a total of seventeen written comments, two of which were inquiries and fifteen in opposition of the proposed rezoning. The above referenced rezoning does not require a supermajority vote by the Board of Supervisors to approve the rezoning.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (8 – 0, Commissioners Cook and Neeley were absent.).

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property lies outside of the Maeveen Marie Behan Conservation Lands Systems (MMBCLS).

CP/SM/ar
Attachments



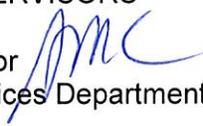
BOARD OF SUPERVISORS MEMORANDUM

Subject: P15RZ00006

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FOR DECEMBER 15, 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: November 23, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P15RZ00006 SCHOCKET – E. INA ROAD REZONING #2

Request of **Evis Schocket**, represented by **Michael Marks, MJM Consulting, Inc.**, for a rezoning of approximately 7.37 acres from the CR-1 (Single Residence) zone to TR (Transitional) zone, on property located at the southeast corner of the intersection of North First Avenue and East Ina Road. The proposed rezoning conforms to the Pima Prospers – 2015 Pima County Comprehensive Plan (Co7-13-10), which designates the property for Medium Intensity Urban (MIU). On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Cook and Neeley were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**.
(District 1)

PLANNING AND ZONING COMMISSION HEARING SUMMARY(October 28, 2015)

The Staff Report was presented to the Commission.

A Commissioner verified with staff that the current zoning on the site is CR-1 (Single Residence) zoning, the applicant is requesting TR (Transitional) zoning, and the Comprehensive Plan land use designation is Medium Intensity Urban (MIU). Staff acknowledged that this is correct.

The applicant presented the project to the Planning and Zoning Commission and the public.

The applicant's presentation addressed the following:

1. This is an infill site.
2. Vacant parcels in the area have recently been built-out.
3. Project complies with the Pima County Comprehensive Plan land use designation of Medium Intensity Urban (MIU) since its adoption on October 13, 1992 and remains unchanged through plan updates and the recent adoption of the 2015 Pima County Comprehensive Plan, Pima Prospers. The applicant's proposal is in compliance with both applicable existing policies of the Pima County Comprehensive Plan, Rezoning Policy R-12 and Specific Area Policy S-2.
4. The proposal is for office use as specifically stated in the aforementioned Comprehensive Plan R-12 policy.
5. The proposal meets applicable requirements of the Pima County Zoning Code and meets Pima County concurrency specifications.

A Commissioner noted that there are many saguaros onsite and asked how those within the developed area would be redistributed. The applicant responded that saguaros will be transplanted on-site per the Native Plant Protection Ordinance. The Commissioner also expressed a concern for bats roosting in these saguaros.

A Commissioner asked if the zone remained CR-1 what could be built onsite. The applicant responded that development would be primarily single family residential, but schools, churches and bed and breakfast establishments could also be allowed. The Commissioner asked the distance of the proposed natural buffer width between the site's grading limits and the Vista de las Condelas CR-1 subdivision. The applicant responded the total distance would be approximately 300 feet.

A Commissioner asked if the site would be serviced by Tucson Water; the applicant responded in the affirmative.

A Commissioner asked if there were to be medical offices on-site and if this was accounted for in the parking calculations. The applicant responded that the calculations were based upon one-half medical office use and one-half regular office use.

A Commissioner asked if there were transportation issues with respect to Ina Road. The applicant responded that they had reviewed traffic projections for adjacent roads and the project conformed to Pima County DOT requirements.

A Commissioner asked if the applicant had plans for the adjacent residential lots. The applicant responded that these CR-1-zoned properties may have residential development in the future but there is no plan to make these part of the requested TR-zoned project.

The Chairman opened the Public Hearing.

There were ten speakers from the public who spoke in opposition to the rezoning request and want the property to remain residential. The neighbors' concerns and issues are as follows:

1. Minimal and late notification of the Planning and Zoning Commission meeting;
2. Increased traffic volume at the intersection of Ina Road and 1st Avenue;
3. The need for traffic calming measures due to possible cut-through traffic in Vista de las Condelas subdivision;

4. There is currently vacant office space in the area;
5. Destruction of the natural desert and impact on saguaros; and
6. 24-hour lighting impacting the surrounding residential areas.

The applicant addressed the neighbors' concerns and proposed two additional conditions for low-profile lighting and no urgent care office use.

The Chairman asked if there was anyone else in the audience who would like to speak on this matter and a motion was made to close the public hearing.

A Commissioner suggested that the developer prepare a comprehensive traffic study rather than the less involved traffic impact report; staff responded that a study could be conditioned but not prior to the Board of Supervisors hearing.

A Commissioner moved to recommend approval of the requested rezoning subject to standard and special conditions, and including the two conditions proposed by the applicant; motion was seconded.

Motion to recommend approval of the proposed rezoning was approved (8-0; Commissioners Cook and Neeley were absent), subject to standard and special conditions, and two additional conditions recommended by the Planning and Zoning Commission:

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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
6. Adherence to the preliminary development plan as approved at public hearing.
7. Adherence to Rezoning Policy RP-12, which includes:
 - A. Landscaping buffers are promoted between the higher-intensity development area and the existing neighborhoods.
 - B. Building height shall be limited to one story, not to exceed 24 feet.
 - C. Development will be limited to office uses.
 - D. Architectural design, materials, signage and colors shall be such that they blend with the natural desert landscape and topography of the area.

8. Transportation condition:
 - A. The property shall be limited to 3 access points as indicated on the preliminary development plan.

9. Flood Control conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. Floodplain and Erosion Hazard Setbacks shall be contained in permanently identified open space through easement or dedication.
 - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - D. A Pre-Annexation & Development Agreement for provision of service by Tucson Water is required.

10. Wastewater Reclamation conditions:
 - A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
 - B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner / 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 PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. Environmental Planning condition:
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.
12. Cultural Resources conditions:
 - A. Submit the associated archaeological survey document to Pima County Cultural Resources prior to development of the parcel.
 - B. A caution must be noted concerning human burials: archaeological clearance recommendations do not exempt the development 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.
13. 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 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)."
14. 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.
15. Urgent care use shall be prohibited.
16. Lighting shall be low-profile and directed away from surrounding properties.

CP/SM/ar
Attachments

c: Evis Schocket, 2815 E Cerrados Los Palitos, Tucson, Arizona
c/o Mark Simon, Esq., One South Church Avenue, Ste.1500, Tucson, Arizona 85701
Michael Marks, AICP, 7002 E. 4th Street, Tucson, Arizona 85710
Chris Poirier, Assistant Planning Director
P15RZ00006 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING October 28, 2015

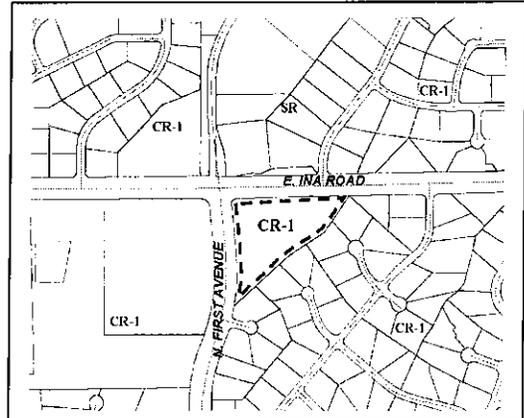
DISTRICT 1

CASE P15RZ00006
Schocket – East Ina Road Rezoning

REQUEST Rezone 7.37 acres from CR-1 (Single
Residence) zone to TR (Transitional)
zone

OWNER Evis Schocket
c/o Marc G Simon, Esq.
One South Church, Suite 1400
Tucson, AZ 85701

APPLICANT MJM Consulting, Inc.
Attn: Michael J Marks
7002 East 4th Street
Tucson, AZ 85710



Applicant's Proposed Use / Stated Reason

The property is to be developed into an office complex.

Comprehensive Plan Designation

The site is located in the Catalina Foothills Planning Area of the Pima Prospers Comprehensive Plan, with a land use designation of Medium Intensity Urban (MIU). MIU is an urban land use designation for a mix of medium density residential housing types, as well as non-residential uses such as offices, medical offices and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. The MIU land use designation allows for TR (Transitional) zone and related office uses.

The subject property is covered under two Comprehensive Plan policies:

Rezoning Policy RP-12 (Transition / Ina)

This policy covers the south side of E. Ina Road and both sides of N. First Avenue, to allow higher-intensity development opportunities while protecting existing neighborhood character.

Policies:

- A. Landscaping buffers are promoted between the higher-intensity development area and the existing neighborhoods.
- B. Building height shall be limited to one story, not to exceed 24 feet.
- C. Development will be limited to office uses.
- D. Architectural design, materials, signage and colors shall be such that they blend with the natural desert landscape and topography of the area.

Special Area Policy S-2 (Catalina Foothills)

This policy states that no construction of building exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.

Surrounding Land Uses / General Character

North:	CR-1, SR	Undeveloped (Pima Wash)
South:	CR-1	Single family residential subdivision (Vista de las Candelas)
West:	CR-1	Single family residence, un-subdivided
East:	CR-1	Single family residential subdivision (Vista de las Candelas)

The land uses within one mile of the rezoning site include existing mixed density residential, commercial at the Oracle Road and Ina Road intersection, a church, office complex, Kino Learning Center and the Westward Look Resort.

Previous Rezoning Cases on the Property

A rezoning was requested on the site in 1984 (Co9-84-084). The request to rezone from CR-1 (Single Residence) zone to CR-4 (Mixed-Dwelling Type) zone was approved and adopted by the Board of Supervisors. The proposal was for 60 townhomes which were to be terraced to utilize the entire land area of the site; the case was subsequently closed per petitioner request.

Previous Rezoning Cases in General Area

This site is within the Catalina Foothills Zoning Plan area (Co13-59-04), which is still in effect. The bulk of the residential development around the site are platted CR-1 subdivisions.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with standard and special conditions**. The applicant proposes to rezone approximately 7.37 acres located at the southeast corner of N. First Avenue and E. Ina Road, from CR-1 (Single Residence) zone to TR (Transitional) zone. The site is currently vacant and surrounded by low- to medium-intensity residential development, and is essentially an infill site. The rezoning complies with the Pima Prospers Comprehensive Plan land use designation of MIU, which provides for non-residential uses, such as offices, which may be adjacent to lower density residential uses with attention given to transitional design.

Planning Analysis

This request proposes rezoning around 7 acres to TR zoning. This will consist of about 33,000 square feet of office space and associated parking. The rezoning site is surrounded by low- to medium-density residential development (single family residences) and undeveloped areas in all directions. The development will provide a 40-foot bufferyard adjoining the CR-1-zoned subdivided parcels to the southeast; these are currently undeveloped and all owned by the same owner of the rezoning site. The office use and bufferyard are in compliance with elements of Rezoning Policy RP-12. Other commercial or non-residential uses in the vicinity include the Westward Look Resort, Catalina Baptist Church about ¼ mile to the west, and an office complex about ¾ mile to the east.

The 7-acre site is undeveloped desert and mostly undisturbed. The site slopes to the southeast, with slopes of <15% on the upper half of the site, and slopes between 15-25% across the lower half. The site consists of natural Sonoran Desert Upland vegetation. The Site Analysis states there are almost 150 saguaro cactus (*Carnegiea gigantea*) and no ironwood trees (*Olneya tesota*) on the site. The site is located outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS). The site meets also the Arizona Growing Smarter element for directing infill development toward existing communities and infrastructure.

Concurrency Considerations		
Department / Agency	Concurrency Met	Comments
Transportation	Yes	No additional roadway dedications required
Flood Control	Yes	Connection to Tucson Water required
Wastewater Reclamation	Yes	Capacity currently available
Parks & Recreation	n/a	No comments
Tucson Water	Yes	Pre-Annexation Development Agreement required if service is requested

Department of Transportation

The Pima County Department of Transportation has no objection to the rezoning request. The applicants are proposing a 33,000-square-foot office complex, with up to 50% of the space to be used for medical office. Three access points are proposed, one on N. First Avenue and two on E. Ina Road. The western Ina Road driveway will be a right-in/right-out driveway, as the median on Ina Road will prohibit the left turns. The eastern Ina Road driveway is shown at the median opening, and a left turn lane is already located on westbound Ina Road. Driveway spacing and corner clearance requirements are being met with the proposed layout.

The project is anticipated to generate around 778 ADT. The project constitutes a secondary concurrency concern due to over-capacity on Ina Road and Orange Grove Road between Oracle and First. The project is an infill project and the trips generated from this site will distribute in all directions, not just on the over-capacity segments.

Ina Road is a paved county maintained road with 150-foot right-of-way. There are 4 travel lanes, two in each direction, with a raised median. There are turn lanes present at the intersection of Ina and First. The speed limit is 45 MPH and the capacity is 35,820 ADT. The most recent Ina Road traffic counts are 28,290 ADT between First and Skyline, and 36,951 ADT between Oracle and First.

First Avenue is county maintained road with 150-foot of right-of-way. The road is constructed as a three-lane cross section with one travel lane in each direction, and a center left turn lane. The posted speed is 35 MPH adjacent to the subject property; however it increases to 45 MPH further south where the road widens to 4 lanes. The capacity for First Avenue is 13,800 ADT and the most recent traffic count between Ina and Orange Grove is 13,668 ADT.

There are no roadway improvement plans scheduled for roads in the vicinity of this project. No right-of-way dedication will be required from Ina Road or First Avenue. There is a slope easement that runs along the north side of the rezoning site at the Ina Road frontage, of which the applicant has expressed an interest in requesting an abandonment; DOT staff supports the abandonment.

The Department is recommending Rezoning Condition 8A, below.

Regional Flood Control District

The Pima County Regional Flood Control District (District) has reviewed the requested rezoning and offers the following comments:

1. The site includes floodplains and Erosion Hazard Setbacks which have been avoided.
2. No drainage complaints have been filed against the property.
3. A satisfactory Preliminary Integrated Water Management Plan has been submitted. It includes a commitment to obtain certification under the County Green Building program using both indoor and outdoor measures. It also acknowledges that a Pre-Annexation & Development Agreement will be required and state that it should be approved prior to the hearing.
4. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:

- a. The site is excluded from but surrounded by the Tucson Water Obligated Service Area. Tucson Water has access to renewable and potable water.
- b. Per the ADWR Well Inventory, those wells within ¼ of a mile had depths to groundwater below 100', with several under 50' however these are private wells and dates tested vary. Per "Mason, Dale, 2014, Technical memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources" the project appears to be just within the "Active Model Boundary". Between the years 2010 and 2025 groundwater depth is predicted to change between minus 10 to plus 10 and be 25 to 50 feet below the surface by 2025. This new modeling includes updated use projections and reflects a change in localized decline trends associated with wheeling agreements and recharge facilities which have been put in place as well as local pumping management.
- c. The site is not located within a mapped subsidence zone.
- d. The nearest Groundwater-Dependent Ecosystem is an intermittent stream 1.42 miles away.
- e. The site is within the Tucson Hydrogeologic Basin, depth to bedrock is 1600-3200 feet.

Pima County's Water Resources Impact Assessment finds that, under existing conditions, the proposed project will have access to renewable and potable water. Based upon projections provided in the PIWMP, the small scale of the project and the availability of "renewable and potable" supplies from other basins the additional water use is not likely to have significant adverse impacts on shallow groundwater areas.

The District has found that the project meets concurrency requirements and has no objection, subject to Rezoning Conditions 9A-9D, below.

Regional Wastewater Reclamation Department

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for rezoning and offers the following comments for your use. Approval of the rezoning would allow for the construction of office complex at the southeast corner of First Avenue and Ina Road.

The rezoning area is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. Capacity for this development is currently available in the 8-inch public sewer C-088, located along the southeast property boundary, downstream from manhole 9902-03B (Type I, 2015-101, May 5, 2015).

The PCRWRD has no objection to this rezoning. Should the Board of Supervisors be inclined to approve this rezoning, PCRWRD recommends Rezoning Conditions 10A-10F below.

Environmental Planning Division

The site is outside of the MMBCLS and Critical Landscape Connection areas, and is only located in the Sonoran Desert Conservation Plan Priority Conservation area for the cactus ferruginous pygmy-owl. Pima Wash originates in the Coronado National Forest about 1½ miles to the northeast, and passes just northwest of the Ina / First intersection, off the rezoning site.

Rezoning Condition 11, below, is recommended.

Cultural Resources and Historic Preservation Division

The Division recommends Rezoning Conditions 12A-12b, below.

Natural Resources, Parks and Recreation Department

No comments were received.

US Fish and Wildlife Service

No comments were received.

Tucson Water

Tucson Water provided no comments specifically regarding the proposed rezoning, but requested the following points should be considered:

1. The rezoning site has been identified as being within an "expansion area" for potential City annexation. If the developer of this site were to apply for water service, they would be required to pursue a PADA (Pre-Annexation Development Agreement) prior to water service being granted.
2. Water lines in the project vicinity may need to be augmented at the developer's expense.
3. Water service rates are assigned per the zoning of the property.

Rural Metro Fire District

No comments were received but they
objection

Public Comment

As of the submittal of this Staff Report, staff has received 7 letters from surrounding neighbors in opposition to the proposed rezoning.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS 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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
6. Adherence to the preliminary development plan as approved at public hearing.
7. Adherence to Rezoning Policy RP-12, which includes:
 - A. Landscaping buffers are promoted between the higher-intensity development area and the existing neighborhoods.
 - B. Building height shall be limited to one story, not to exceed 24 feet.
 - C. Development will be limited to office uses.
 - D. Architectural design, materials, signage and colors shall be such that they blend with the natural desert landscape and topography of the area.
8. Transportation condition:
 - A. The property shall be limited to 3 access points as indicated on the preliminary development plan.
9. Flood Control conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. Floodplain and Erosion Hazard Setbacks shall be contained in permanently identified open space through easement or dedication.
 - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - D. A Pre-Annexation & Development Agreement for provision of service by Tucson Water is required.
10. Wastewater Reclamation conditions:
 - A. The owner / developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima

- County executes an agreement with the owner / developer to that effect.
- B. The owner / developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner / 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 PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
11. Environmental Planning condition:
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.
12. Cultural Resources conditions:
- A. Submit the associated archaeological survey document to Pima County Cultural Resources prior to development of the parcel.
 - B. A caution must be noted concerning human burials: archaeological clearance recommendations do not exempt the development 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

13. 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 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)."

14. 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.

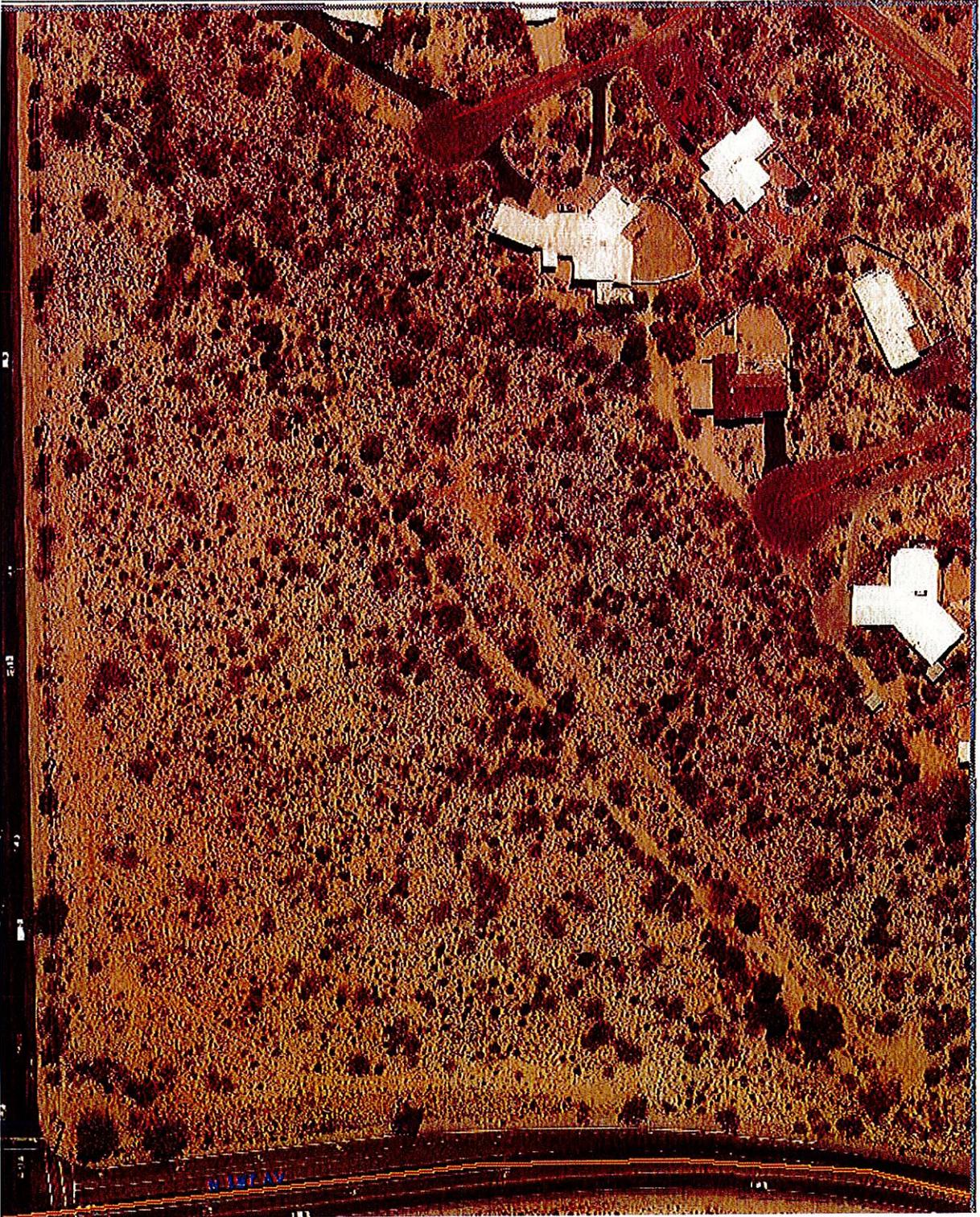
Respectfully Submitted,



Sue Morman (for)
Senior Planner 

cc: Evis Schocket, c/o Marc G Simon, Esq., One South Church, Suite 1400, Tucson, AZ 85701
MJM Consulting, Inc., Attn: Michael J Marks, 7002 East 4th Street, Tucson, AZ 85710

← 2



1:260 x 897 (ft)

1:1,500