



Subject: Co9-14-06

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FOR MARCH 17, 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: March 4, 2015

ORDINANCE FOR ADOPTION

CO9-14-06 **AZ SQUARE #7, LLC – S. NOGALES HIGHWAY REZONING**
Owner: AZ Square #7, LLC
(District 2)

If approved, adopt ORDINANCE NO. 2015 - _____

OWNERS: AZ Square #7, LLC
2235 N. Fair Oaks Avenue
Tucson, AZ 85712

AGENT: Phil Williams, P.E., R.L.S.
646 W. Jasper Drive
Gilbert, AZ 85233

DISTRICT: 2

STAFF CONTACT: Terrill Tillman

CP/TT/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-14-06 File

ORDINANCE 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY .83 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF NOGALES HIGHWAY APPROXIMATELY ONE-HUNDRED FIFTY FEET SOUTH OF OLD VAIL CONNECTION ROAD, PARCEL CODE 303-12-102Q FROM THE GR-1 (RURAL RESIDENTIAL) ZONE TO CB-1 (LOCAL BUSINESS) ZONE, IN CASE CO9-14-06 AZ SQUARE #7, LLC – SOUTH NOGALES HIGHWAY REZONING, AMENDING PIMA COUNTY ZONING MAP NO. 139.

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

Section 1. The .83 acres located on the west side of Nogales Highway approximately one-hundred fifty feet south of Old Vail Connection Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 139, is rezoned from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the south and west.
 - B. The property shall be limited to one access point on S. Nogales Highway as shown on the preliminary development plan. The existing easement serving the property (Dusty Lane) shall be closed prior to the issuance of the Certificate of Occupancy. Traffic from the easement shall be diverted through either the access point serving the rezoning site or through the access point for the proposed intersection

improvement project at Old Nogales Highway, in a manner approved by the Department of Transportation.

4. Regional Flood Control District conditions:
 - A. Detention shall be provided and sized to accept flows from the shared drive and parking, in addition to providing first flush retention throughout the site.
 - B. All weather access must be provided for the western access easement.
5. Cultural Resources condition: A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
6. Adherence to the sketch plan as approved at public hearing. (Exhibit B)
7. 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.
8. 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)."
9. Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and, Pima County may enforce this rezoning condition against the current any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than September 9, 2019.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

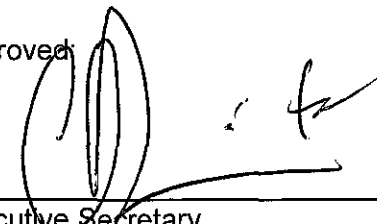
Approved As To Form:



Deputy County Attorney

MICHAEL LEBLANC

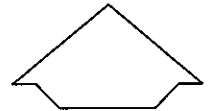
Approved:



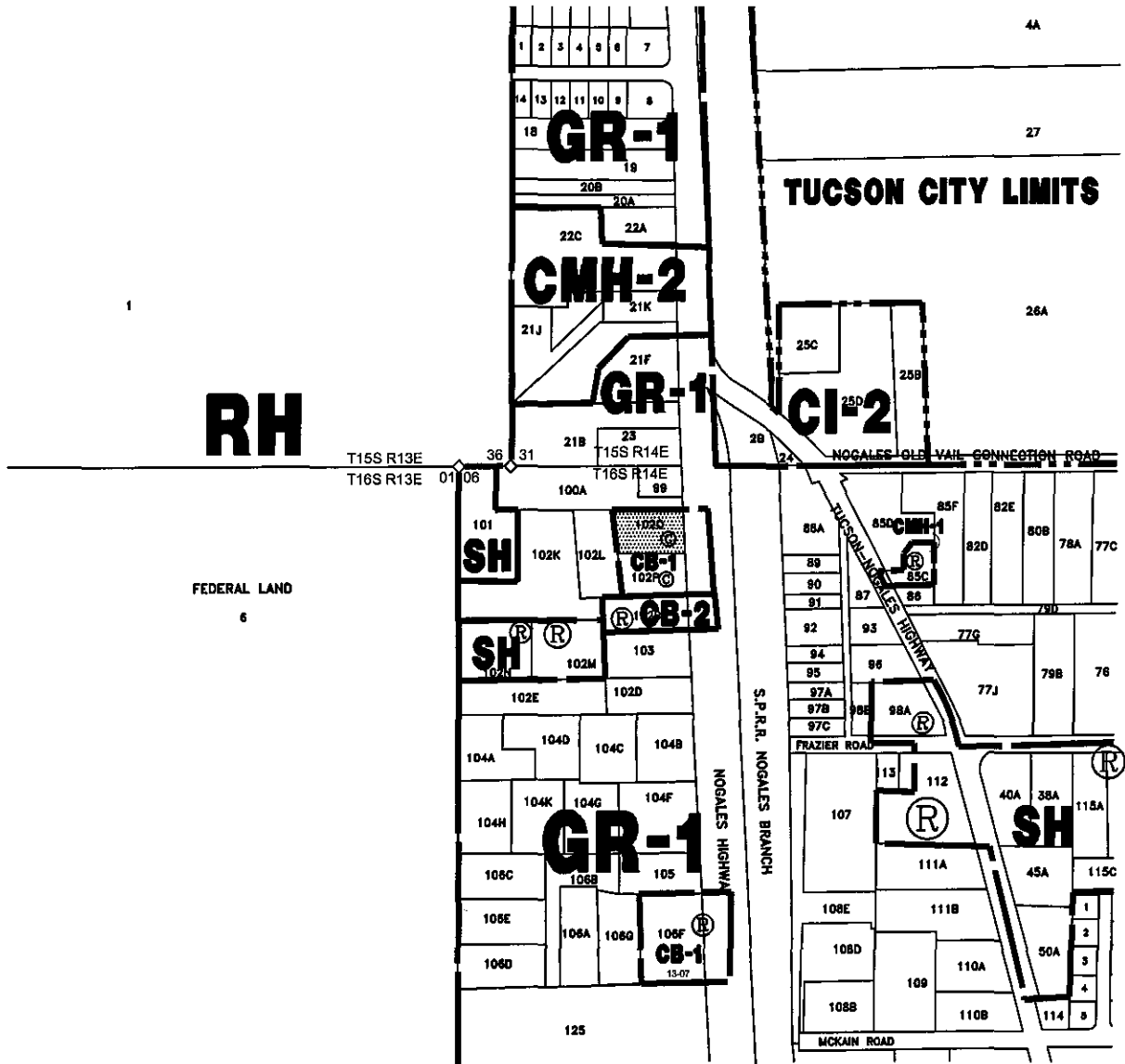
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

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



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

CD9-14-06
 303-12-102Q

EXHIBIT B

PRELIMINARY SITE SKETCH

