



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: May 1, 2018

Title: Ordinance: P17RZ00004 Michael E & Linda A Arnold Family TR- N. La Cholla Boulevard Rezoning

**Introduction/Background:**

The Board of Supervisors approved this rezoning January 16, 2018.

**Discussion:**

The rezoning was for approximately 6.5 acres from SR (Suburban Ranch) (3.58 acres) and CR-1 (Single Residence) (2.92 acres) zones to the CR-4 (Mixed-Dwelling Type) zone for a 25-lot, one story single-family residential subdivision and three, two-story apartment buildings containing 24 residential units.

**Conclusion:**

The Ordinance reflects the Board of Supervisors approval of the rezoning.

**Recommendation:**

Approval

**Fiscal Impact:**

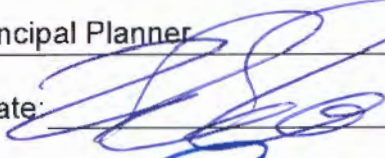
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**Board of Supervisor District:**

1       2       3       4       5       All

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

Contact: Terrill L. Tillman, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date:  4/12/18

Deputy County Administrator Signature/Date:  4/16/18

County Administrator Signature/Date:  4/16/18

  
**PIMA COUNTY**  
DEVELOPMENT SERVICES

Subject: P17RZ00004

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**FOR MAY 1, 2018 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

*Tom Drzazgowski*

**DATE:** April 9, 2018

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**ORDINANCE FOR ADOPTION**

**P17RZ00004** **MICHAEL E & LINDA A ARNOLD FAMILY TR - N. LA CHOLLA BOULEVARD**  
**REZONING**

Owners: Michael E & Linda A Arnold Family TR  
(District 1)

**If approved, adopt ORDINANCE NO. 2018 - \_\_\_\_\_**

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**OWNERS:** Michael E & Linda A Arnold Family TR  
Attn: Michael and Linda Arnold  
8161 N. McCarty Road  
Tucson, AZ 85718

**AGENT:** The Planning Center  
Attn: Brian Underwood  
2 E. Congress Street, Suite 600  
Tucson, AZ 85701

**DISTRICT:** 1

**STAFF CONTACT:** Terrill Tillman

**STAFF RECOMMENDATION:** APPROVAL

TD/TT/ar  
Attachments

cc: P17RZ00004 File  
Tom Drzazgowski, Chief Zoning Inspector

ORDINANCE 2018-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 6.5 ACRES OF PROPERTY (PARCEL CODES 225-21-0080, 225-21-0090, and 225-21-0100) FROM THE SR (SUBURBAN RANCH) (3.58 ACRES) AND CR-1 (SINGLE RESIDENCE) (2.92 ACRES) TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P17RZ00004 MICHAEL E & LINDA A ARNOLD FAMILY TR – N. LA CHOLLA BOULEVARD REZONING, LOCATED APPROXIMATELY 700 FEET NORTH OF THE N. LA CHOLLA BOULEVARD AND W. OLD MAGEE TRAIL INTERSECTION ON THE EAST SIDE OF N. LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 115.

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

Section 1. The 6.5 acres located approximately 700 feet north of the N. La Cholla Boulevard and W. Old Magee Trail intersection on the east side of N. La Cholla Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 115, is rezoned from the SR (Suburban Ranch) (3.58 acres) and CR-1 (Single Residence) (2.92 acres) to the CR-4 (Mixed-Dwelling Type) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east.
  - B. The owner shall construct McCarty Road from W. Dawn Drive south to the end of the rezoning site frontage. Construction of McCarty Road shall include curb along the frontage of the rezoning site.
  - C. The property shall be limited to 2 access points as shown on the preliminary development plan (Exhibit B).
  - D. Pedestrian access shall be provided from the single-family homes to La Cholla Boulevard via the multi-family portion of the rezoning site.
  - E. All site improvement construction vehicles over 1-ton capacity shall be limited to the La Cholla Boulevard access. A three-way stop sign shall be installed at the intersection of McCarty Road and Dawn Drive and speed limit signs added south of the La Cholla Boulevard and McCarty Road intersection. The vegetation along La Cholla Boulevard, south of McCarty Road along the full frontage of the subject property shall be trimmed and maintained for sight visibility.
3. Regional Flood Control District condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.

4. Regional Wastewater Reclamation conditions:
  - A. The owner(s) 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(s) to that effect.
  - B. The owner(s) 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(s) 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(s) 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(s) 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(s) 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(s) 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the 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 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
6. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.

8. 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.
9. The property owner shall execute 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)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 16, 2024.

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 \_\_\_\_\_, 2018.


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

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

Approved:

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

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



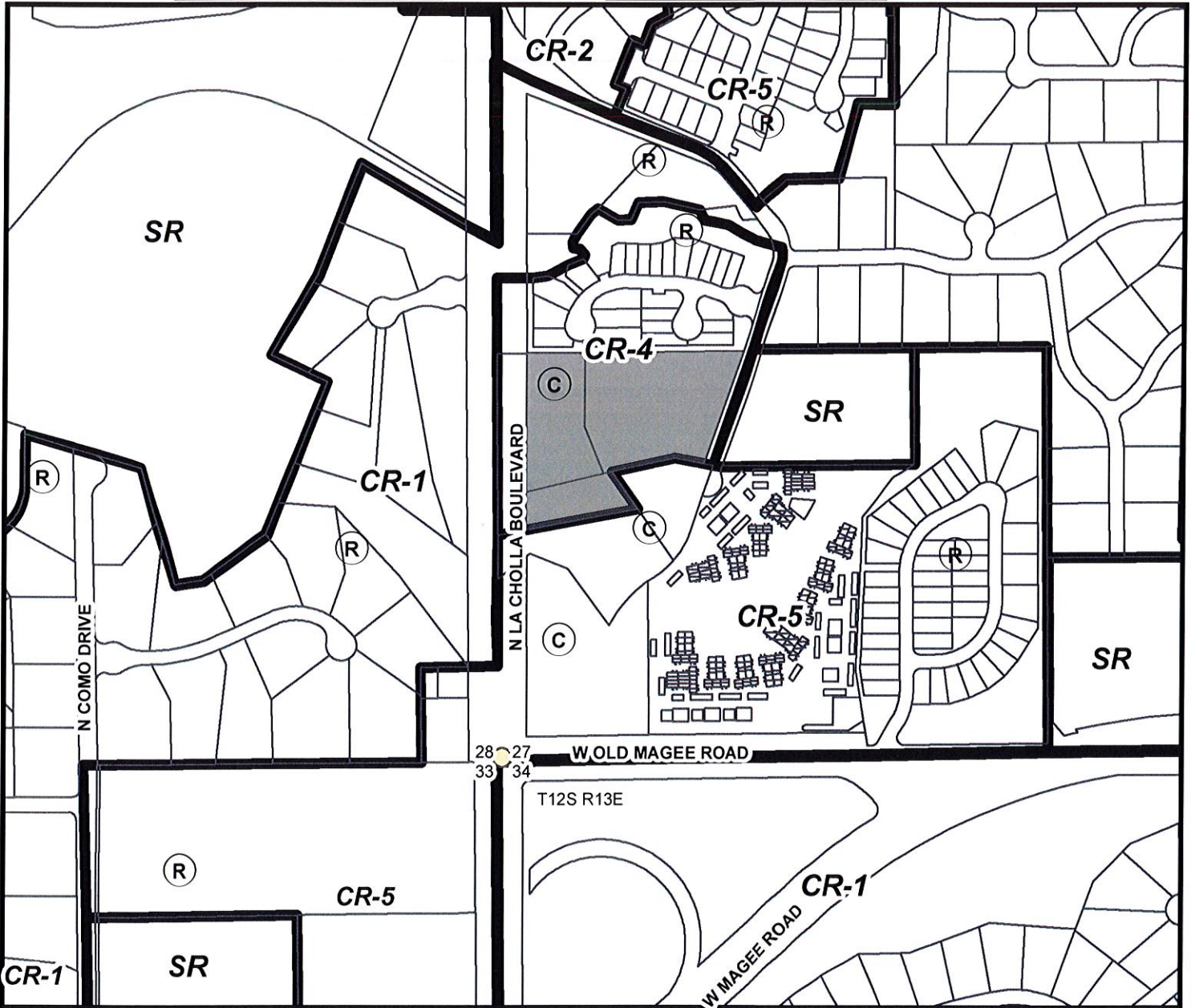
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 115 TUCSON AZ.  
PARCELS 08, 09 AND 10 BEING A PART OF THE SW 1/4 OF SEC 27 T12S R13E.



0 125 250 500 Feet

ADOPTED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_



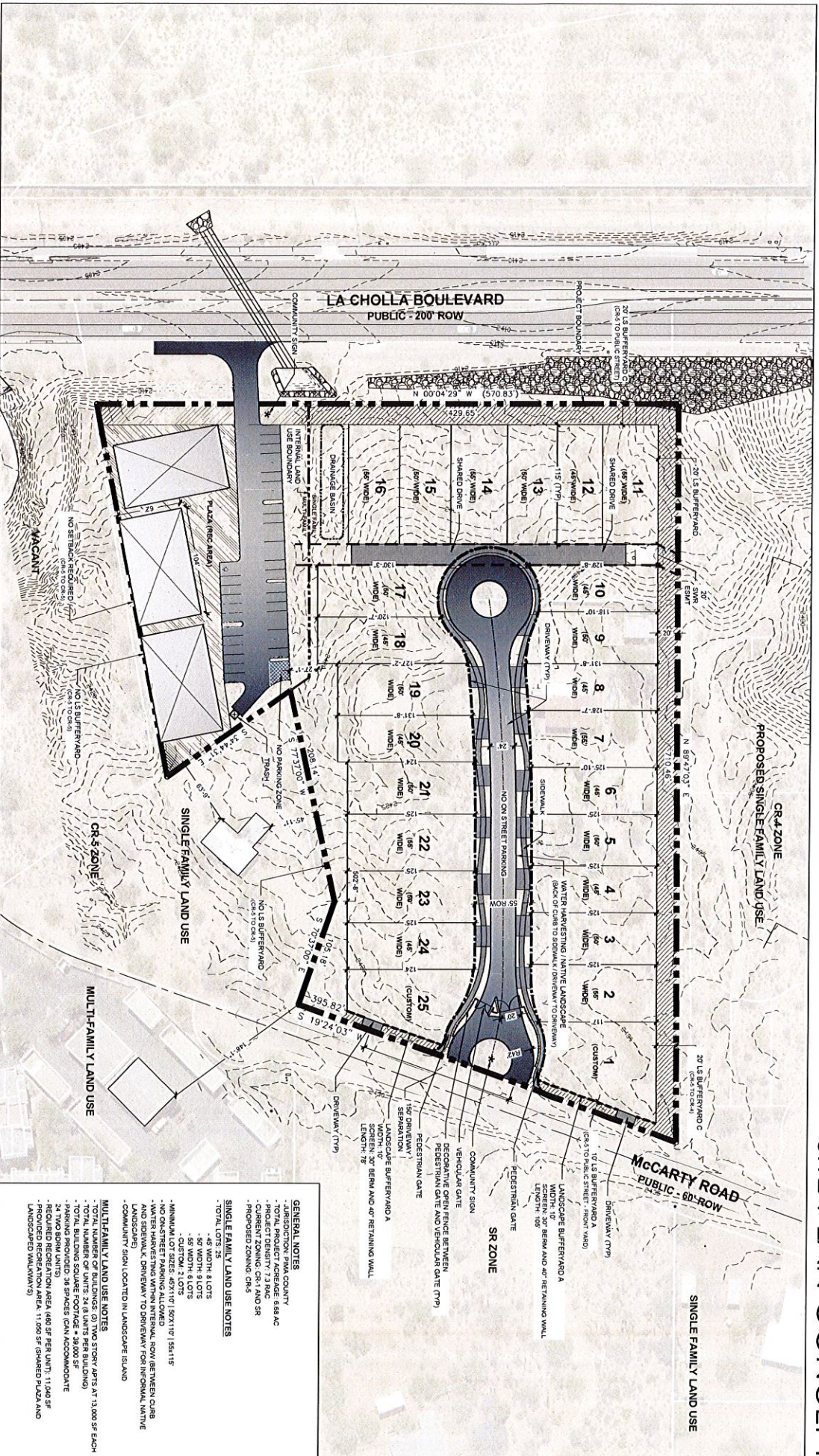
## EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR & CR-1 6.5 ac  
ds-March 20, 2018



P17RZ00004  
Co7-13-10  
225210080,  
225210090, 225210100





THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN. THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN. THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN.



GENERAL NOTES

- PROJECT LOCATION: 11000 N. 110TH AVENUE, SUITE 100, SCOTTSDALE, AZ 85260
- PROJECT NO. 2024-001
- DATE: 08/15/2024
- SCALE: AS SHOWN
- THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN. THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN. THE ENGINEER HAS CONDUCTED VISUAL AND ENVIRONMENTAL ANALYSIS AND HAS PREPARED THIS CONCEPT SITE PLAN.

SINGLE FAMILY LAND USE NOTES

- TOTAL LOTS: 25
- 45' WIDTH 8 LOTS
- 50' WIDTH 9 LOTS
- CUSTOM: 2 LOTS
- MINIMUM LOT SIZE: 48'X110' 50'X110' 158'X115'
- NO ON-STREET PARKING ALLOWED
- NO SIGNAGE ALLOWED
- NO SIDEWALK DRIVEWAY TO DRIVEWAY / DRIVEWAY TO DRIVEWAY LANDSCAPE
- COMMUNITY SIGN LOCATED IN LANDSCAPE ISLAND

MULTI-FAMILY LAND USE NOTES

- TOTAL NUMBER OF UNITS: 24 (8 UNITS PER BUILDING)
- PARKING PROVIDED: 24 SPACES (CAN ACCOMMODATE MORE)
- REQUIRED RECREATION AREA (480 SF PER UNIT), 11,040 SF
- PROVIDED RECREATION AREA: 11,000 SF (SHARED PLAZA AND LANDSCAPED WALKWAYS)

LA CHOLLA BOULEVARD

PUBLIC - 200' ROW

MCCARTY ROAD

PUBLIC - 60' ROW

KACHINA HOMES AT MCCARTY ROAD