Anizona Anizona

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 7, 2020

Title: ORDINANCE: REZONING	P19RZ00008	UNISOURCE EN	IERGY CORP	N. LA CHOLLA BC	DULEVARD
Introduction/Backg	round:				
The Board of Supervisors approved this rezoning on April 7, 2020.					
Discussion: The rezoning was for approximately 1.74 acres from the SH (Suburban Homestead) to the CB-2 (General Business) zone for a 10,500 square foot, single-story, multi-use commercial building planned for a coffee shop, tap room, restaurant, associated outdoor patio uses, dance activities, a food truck, beauty salon, brow services, massage, and physical therapy uses connecting to the Chuck Huckelberry Loop.					
Conclusion:	Conclusion:				
The Ordinance reflects the Board of Supervisors' approval.					
Recommendation: Approval					
Fiscal Impact: 0					
Board of Superviso	P2				□ All
□ □	2	□ 3 	4	□ 5 ————————————————————————————————————	
Department: Develor	oment Services	- Planning	Teleph	one: <u>520-724-8800</u>)
Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921					
Department Director Signature/Date 6/12/2020					
Deputy County Administrator Signature/Date 4/15/2020					
County Administrato	r Signature/Dat	e: <i>C/l</i>	Juliel	Eccur 6/1	5/20



Subject: P19RZ00008

Page 1 of 1

JULY 7, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Planning Official

Public Works-Development Services Department-Planning Di

DATE:

June 11, 2020

ORDINANCE FOR ADOPTION

P19RZ00008 UNISOURCE ENERGY CORP. - N. LA CHOLLA BOULEVARD REZONING

Owners: Unisource Energy Corp.

(District 1)

If approved, adopt ORDINANCE NO. 2020 -

OWNERS:

Unisource Energy Corp.

Attn: Tax Director

PO Box 711 Mail Stop Hqw802 Tucson, AZ 85702-0711

AGENT:

JAS Engineering

Attn: Jeffrey Stanley, P.E. 3710 E. Calle Cortez Tucson, AZ 85716

DISTRICT:

1

STAFF CONTACT: Terrill Tillman, Principal Planner

STAFF RECOMMENDATION: APPROVAL.

CP/TT/ar Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector P19RZ00008 File

ORDIN	ANCE	2020-	

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.74 ACRES OF PROPERTY (PARCEL CODE 101-13-015N) FROM THE SH (SUBURBAN HOMESTEAD) ZONE TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE P19RZ00008 UNISOURCE ENERGY CORP - N. LA CHOLLA BOULEVARD REZONING, LOCATED APPROXIMATELY 270 FEET SOUTH OF W. RIVER ROAD ON THE WEST SIDE OF LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The 1.74 acres located approximately 270 feet south of W. River Road on the west side of La Cholla Boulevard, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45, is rezoned from the SH (Suburban Homestead) zone to the CB-2 (General Business) 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. In accordance with the 2016 Subdivision and Development Street Standards, a traffic memorandum is required at the permitting process. The memorandum should focus on determining if a right-turn lane is required for the site and the impact to existing bus stop location, queuing analysis for the proposed driveway and impacts to the driveway to the north. Coordination with Sun Tran is required to determine if relocation or improvement to the existing bus stop is necessary.
 - B. The property shall be limited to one (1) access point as depicted on the preliminary development plan (Exhibit B).
 - C. The design of the driveway shall be made to restrict vehicles from turning into existing southbound left-turn lane directly across from the proposed entrance.
 - D. Relocation/Removal of the existing guardrail shall be as determined by the Department of Transportation during the permitting process.
- 3. Regional Flood Control District conditions:
 - A. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.
 - B. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures
- 4. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

Tree of Heaven Ailanthus altissima Alhagi pseudalhagi Camelthorn Arundo donax Giant reed Brassica tournefortii Sahara mustard Bromus rubens Red brome Bromus tectorum Cheatgrass Centaurea melitensis Malta starthistle Centaurea solstitalis Yellow starthistle Cortaderia spp. Pampas grass

Cynodon dactylon Bermuda grass (excluding sod hybrid)

Digitaria spp. Crabgrass
Elaeagnus angustifolia Russian olive

Eragrostis spp. Lovegrass (excluding E. intermedia, plains

Melinis repens Natal grass
Mesembryanthemum spp.
Peganum harmala African rue
Pennisetum ciliare Buffelgrass
Pennisetum setaceum Fountain grass
Rhus lancea African sumac

P19RZ00008 Page 2 of 6

Salsola spp. Schinus spp. Schismus arabicus Schismus barbatus

Sorghum halepense

Russian thistle Pepper tree Arabian grass Mediterranean grass

Johnson grass

Tamarix spp. Tamarisk

- 6. Cultural Resources conditions: 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.
- 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(I)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than April 7, 2025.

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.

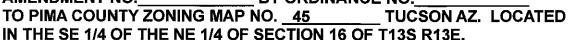
Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by	the Board of Supervisors of Pima County, Arizona, on this	day
of	, 2020.	
	Chairman, Pima County Board of Supervisors	
ATTEST:		
Clerk, Board of Supervis	sors	

APPROVED AS TO FORM:	APPROVED:
Deputy County Attorney	Executive Secretary Planning and Zoning Commission

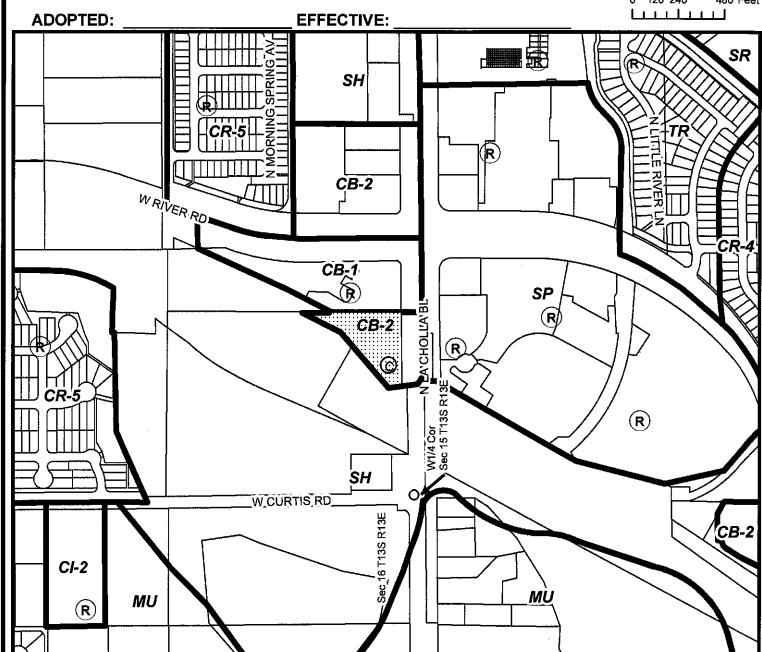
EXHIBIT A

BY ORDINANCE NO. AMENDMENT NO. TO PIMA COUNTY ZONING MAP NO. 45





0 120 240 480 Feet



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM SH 1.74 ac ds-May 26, 2020

PIMA COUNTY DEVELOPMENT SERVICES P19RZ00008 10113015N

