

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 1, 2015

Title: Co9-15-03 Dado (aka Escarzaga) - West Yedra Road Rezoning (Ordinance)

Introduction/Background:

The Board of Supervisors approved this rezoning on October 6, 2015.

Discussion:

The rezoning was for 4.77 acres at 7700 West Yedra Road located on the north side of Yedra Road and approximately 300 feet east of South Vahalla Road from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone subject to the conditions in the Ordinance.

Conclusion:

This ordinance reflects the Board of Supervisors' approval of the rezoning and conditions.

Recommendation:

Staff recommends that the Board of Supervisors approve this Ordinance.

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Subject: Co9-15-03 Page 1 of 1

FOR DECEMBER 1, 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 6, 2015

ORDINANCE FOR ADOPTION

Co9-15-03

DADO (AKA ESCARZAGA) – WEST YEDRA ROAD REZONING ORDINANCE

Owner: Joel Dado

(District 3)

If approved, adopt ORDINANCE NO. 2015-____

OWNERS:

Joel Dado

7700 W. Yedra Road Tucson, AZ 85757-9349

AGENT:

Simeon Escarzaga

7700 W. Yedra Road Tucson, AZ 85757-9349

DISTRICT:

3

STAFF CONTACT:

Janet Emel

CP/JE/ar Attachments

CC:

Chris Poirier, Assistant Planning Director

Co9-15-03 File

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AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 4.77 ACRES OF PROPERTY (PARCEL CODE 210-41-0340) FROM THE RH (RURAL HOMESTEAD) ZONE TO THE GR-1 (RURAL RESIDENTIAL) ZONE, IN CASE CO9-15-03 DADO (aka ESCARZAGA) — WEST YEDRA ROAD REZONING, ON PROPERTY AT 7700 WEST YEDRA ROAD LOCATED ON THE NORTH SIDE OF YEDRA ROAD AND APPROXIMATELY 300 FEET EAST OF SOUTH VAHALLA ROAD, AMENDING PIMA COUNTY ZONING MAP NO. 65.

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

Section 1. The 4.77 acres of land at 7700 West Yedra Road located on the north side of Yedra Road and approximately 300 feet east of South Vahalla Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 65, is rezoned from the RH (Rural Homestead) zone to the GR-1 (Rural Residential) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

- 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. Adherence to the preliminary development plan as approved at public hearing.
- 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. The property owner/developer shall dedicate 15 feet of right-of-way for Yedra Road.

- b. The common driveways shall be paved (chip sealed) within six (6) months of the issuance of building permits.
- 8. Flood Control condition: A Floodplain Use Permit is required for development and engineering may be required to determine the Base Flood Elevation, erosion protection and the most suitable location within the lot for development.
- 9. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
- 10. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.
- 11. 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)."
- 12. 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.
- Section 3. Time limits of conditions. Conditions 1 through 12 of Section 2 shall be completed no later than October 6, 2020.
- 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.

Supervisors of Pima County, Arizona, on this day					
15.					
na County Board of Supervisors					
Approved:					
Executive Secretary, Planning and Zoning Commission					

EXHIBIT A AMENDMENT NO.______ BY ORDINANCE NO._ TO PIMA COUNTY ZONING MAP NO. 65 TUCSON AZ. PARCEL 34 BEING A PART OF THE SW 1/4 OF THE NW 1/4 OF SEC. 21 T15S R12E. 0 125 250 500 Feet ADOPTED: _____ EFFECTIVE: ____ GR-1 (R)-WVELORD-RH S VAHALLA RD W YEDRA RD 0 E 1/4 COR SEC 20 T15S R12E (R)**SEC 21 GR-1**-(R)GR-1 Ŕ

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM RH 4.77 ac± ds-October 15, 2015

PIMA COUNTY DEVELOPMENT SERVICES Co9-15-03 Co7-13-10 (IR-13) 210-41-0340