



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

DATE: November 12, 2013

TO: Honorable Board of Supervisor's

FROM: Terrill L. Tillman, Senior Planner

SUBJECT: Additional Material - Co9-13-11 AZ Square #7, LLC – Nogales Highway Rezoning for November 19, 2013 Hearing (Continued by the Board of Supervisors from the November 5, 2013 Hearing)

STAFF RECOMMENDATION ON CURRENT REQUEST

Staff continues to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED** for Co9-13-11 - AZ Square #7, LLC a rezoning request for .83 acres from GR-1 (Rural Residential) to CB-1 (Local Business) zone, on a portion of property at 9770 S. Nogales Highway intended for a Family Dollar Store.

The Board of Supervisors continued the rezoning request so that the applicant could obtain approval of the location of the driveway from the Department of Transportation.

The attached preliminary development plan (pdp) demonstrates the driveway location as discussed and presented by the applicant to the Board of Supervisors at the November 5, 2013 hearing. The applicant's pdp replaces the previous pdp presented in staff's report to both the Planning and Zoning Commission and the Board of Supervisors. Because the original pdp presented in staff's report was specifically noted as subject to Department of Transportation approval of the driveway location, the revised pdp does not constitute a substantial change requiring the Planning and Zoning Commission to rehear this request.

The applicant has also obtained a written approval and agreement (attached) with the Department of Transportation for the driveway location and installation of a fence within the Pima County right-of-way which will substantially conform to the attached preliminary development plan dated November 6th, 2013 as requested by the Board of Supervisors at the November 5, 2013 public hearing.

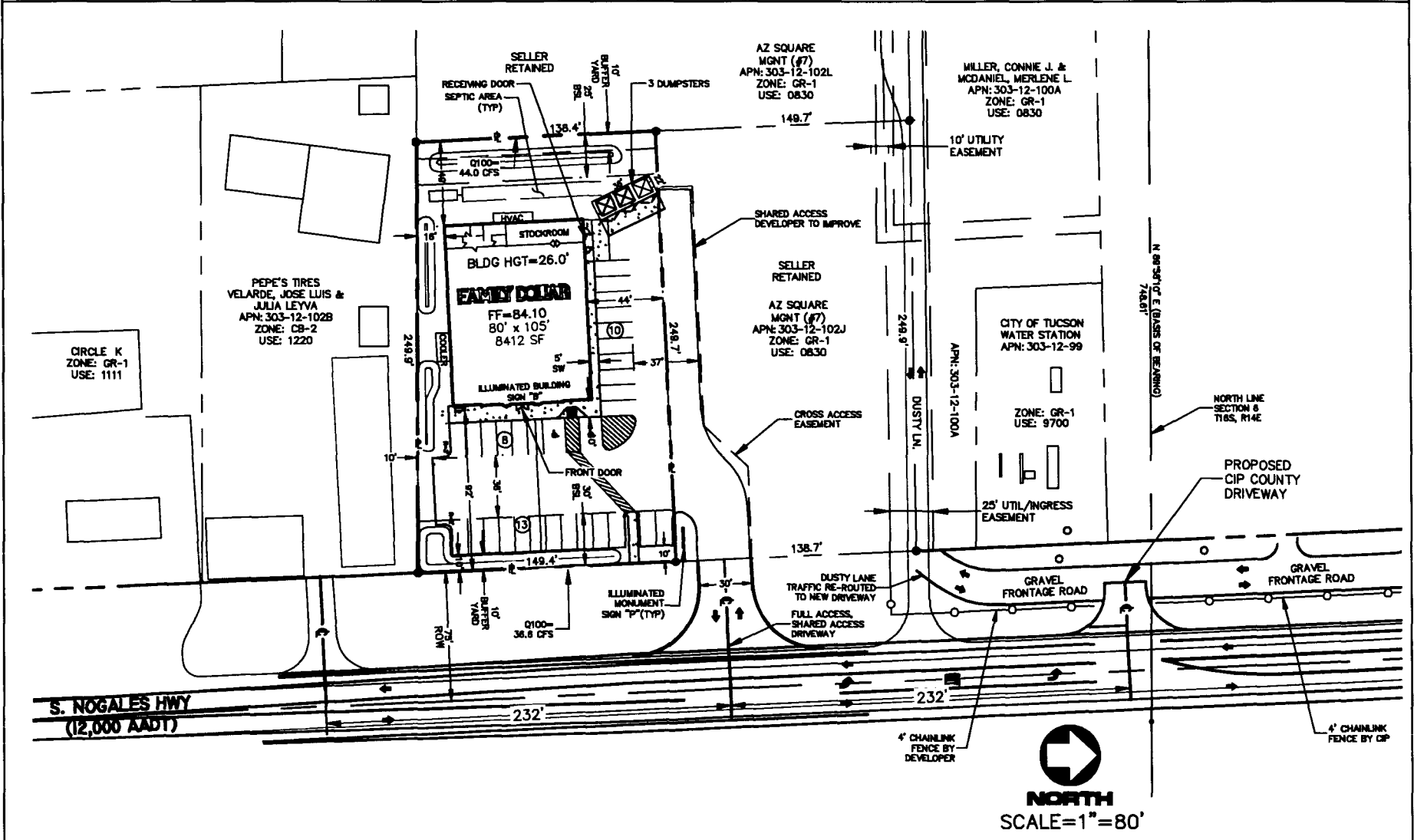
IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:


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 a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north, south, and west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties.
 - B. The property shall be limited to one access point on S. Nogales Highway. ~~The access point will be located on the north boundary of the property at the existing access point easement known as Dusty Lane.~~ subject to Department of Transportation approval and This easement will serve as the only access point allowed for this site, as well as for the property owner's adjacent property to the north and west.
8. Regional Flood Control District condition: First flush retention of the first 0.5 inch of rainfall shall be provided on-site for site landscaping and water harvesting.
9. Cultural Resources condition: In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
10. Adherence to the sketch plan as approved at public hearing.
11. 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.

12. 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)."
13. 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.

PRELIMINARY DEVELOPMENT PLAN



AREA SUMMARY			NOTES: ① ZONE CHANGE REQUIRED FROM GR-1 TO CB-1. ② SITE & ADJACENT PARCELS ARE ENTIRELY WITHIN REGULATORY FLOOD PLAIN, PER THE LEE MOORE WASH STUDY. HIGH WATER CROSS SECTIONS SHOWN ARE TAKEN FROM THE APPROVED HEC-RAS ANALYSIS. ③ MAX. BULDING HEIGHT = 26.0'	FD SETBACKS CB-1		REQ-D	PROV-D				
	SQUARE FOOTAGE	ACREAGE		FRONT		20 FT	92 FT				
NET AREA	35,930.24 SF	0.825		REAR		25 FT	49 FT				
PAVING AREA	20,460 SF	0.47									
<div><div>SITE</div><div>The Hutton Company</div><div>DEVELOPMENT CONSTRUCTION REAL ESTATE</div></div>			PARKING SUMMARY			LOCATION		DRAWN BY			
				TOTAL BLDG SF	REQ-D SPACES	FD PROV-D	SPACE SIZE	9770 S. NOGALES HWY TUCSON, AZ 85756		PCW	
			PROPOSED	8,412 SF	3.5/1000SF	29	31	9' x 20'			
PLAN WAS PRODUCED WITH THE BENEFIT OF AN SUR? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					SCALE	1"=80'	LAT/LONG:	32.0422/-110.5731	DATE	NOV. 6, 2013	

11/06/2013

Priscilla Cornelio, P.E., Director
Department of Transportation
201 N. Stone Ave., 4th Floor
Tucson, AZ 85701

RE: Family Dollar Store driveway alignment

Dear Priscilla Cornelio:


This letter is to confirm our discussion and agreement as to the location of the shared access driveway proposed for the new Family Dollar Store on S. Nogales Highway. As a result of the Board's recommendations in the Board of Supervisor's meeting held Nov. 5th 2013, and as per our discussion after the meeting, the developer of the site (The Hutton Company) agrees to construct the shared access driveway approximately 232' north of the existing Pepe's Tire driveway and approximately 232' south of the proposed CIP driveway planned to be located near the Tucson Water parcel. The driveway location is shown on the attached revised Preliminary Development Plan.

Additionally and concurrent with the construction of said driveway, the developer, at the county's request, agrees to construct a 4' chainlink fence within the ROW as shown on the attached Preliminary Development Plan in order to direct Dusty Lane traffic north to the new proposed CIP driveway near the Tucson Water parcel. Said CIP driveway may or may not have been installed by the time of completion of the Family Dollar Store driveway, therefore Dusty Lane traffic may, as an interim condition, need to use the existing ROW shoulder north of the current Dusty Lane access as a driveway until such time as the new CIP driveway is installed. The exact placement of the fence within the ROW will be as determined by DOT staff, but will be substantially as shown on the attached Preliminary Development Plan.

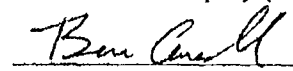
This letter is to confirm our driveway location agreement so as to allow the Board of Supervisors to proceed with their vote on the rezone case of Lot 2 as outlined in case Co9-13-11, AZ Square #7, LLC.

- Phil Williams, Civil Engineer

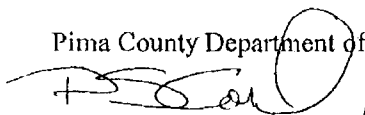
RB Williams & Assoc. (Civil Engineer)

 P.E., 11-7-13
Phil Williams Date
Civil Engineer

The Hutton Company (Developer)

 11-7-13
Ben Carroll Date
Development Project Manager

Pima County Department of Transportation

 11/12/13
Priscilla Cornelio, P.E., Date
Director