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# Board of Supervisors Memorandum

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Subject: Co9-13-07

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**FOR DECEMBER 3, 2013 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan M. Colton, Planning Director *AMC*  
Public Works-Development Services Department-Planning Division

**DATE:** November 20, 2013

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**ORDINANCE FOR ADOPTION**

**Co9-13-07 KQ COVENANT INVESTMENTS, LLC – NOGALES HIGHWAY  
REZONING**

Owner: KQ Covenant Investments LLC  
(District 2)

**If approved, adopt ORDINANCE NO. 2013 - \_\_\_\_\_**

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**OWNER:** KQ Covenant Investments LLC  
P.O. Box 13205  
Tucson, AZ 85732

**AGENT:** Jeff Stanley  
JAS Engineering  
P.O. Box 1888  
Tucson, AZ 85702

**DISTRICT:** 2

**STAFF CONTACT:** Janet Emel

CP/JE/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-13-07 File

ORDINANCE 2013-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 303-12-106F) IN CASE **CO9-13-07 KQ COVENANT INVESTMENTS LLC – NOGALES HWY** OF APPROXIMATELY 1.46 ACRES FROM GR-1 (RURAL RESIDENTIAL) TO CB-1 (LOCAL BUSINESS), LOCATED APPROXIMATELY ONE-THIRD MILE SOUTH OF OLD VAIL CONNECTION ROAD, ON THE WEST SIDE OF NOGALES HWY, AMENDING PIMA COUNTY ZONING MAP NO. 139.

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

**Section 1.** The 1.46 acres, located approximately one-third mile south of Old Vail Connection Road, on the west side of Nogales Highway, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 139 is hereby rezoned from GR-1 (Rural Residential) to CB-1 (Local Business).

**Section 2. Rezoning Conditions.**

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 and south. 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 location of the access point shall require Department of Transportation approval.
  - C. The property owner/developer shall provide the following offsite improvements: Left turn lane serving the property from northbound S. Nogales Highway.
8. Regional Flood Control District condition:
  - A. At the time development is proposed, the property owner shall submit to the Pima County Regional Flood Control District a drainage report that includes analysis documenting compliance with the Lee Moore Wash Basin Management Study for review and approval. Based on this analysis, specific limitations may apply to the layout of the site in order to ensure that the provisions of the Ordinance are met.
  - B. Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of development plans detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
9. 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.

10. Adherence to the sketch plan as approved at public hearing (EXHIBIT B). The proposed sign in the bufferyard shown on the sketch plan will require Design Review Committee approval prior to permitting.
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.

### **Section 3. Time limits, extensions and amendments of conditions.**

1. Conditions 1 through 13 shall be completed by October 15, 2018.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 13 are satisfied and the Planning Official issues a Certificate of Compliance.
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.

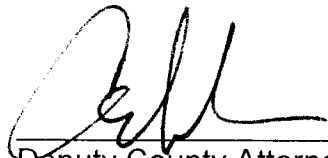
**Section 4.** The effective date of this Ordinance shall be 30 days after the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day, of 2013.

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST:

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



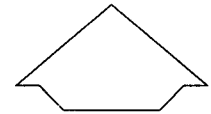
\_\_\_\_\_  
Deputy County Attorney

**ANDREW FLAGG**



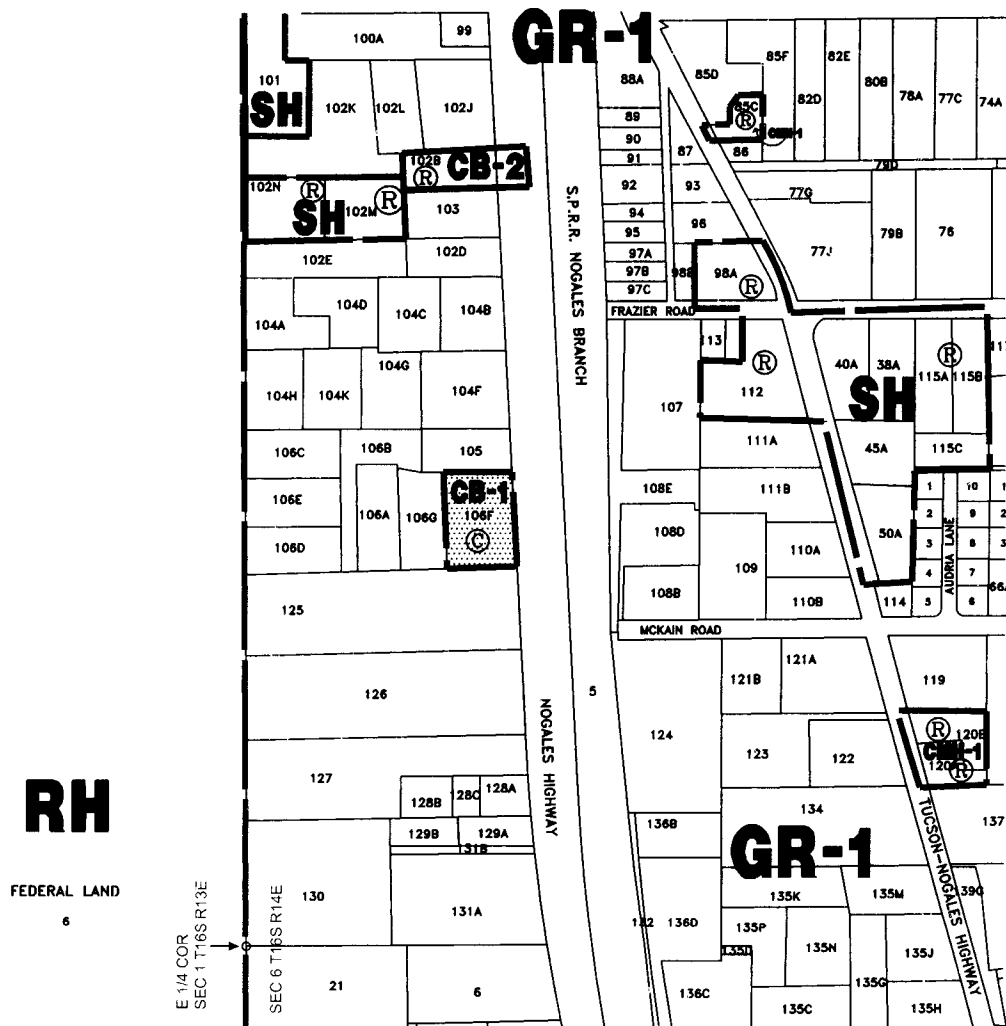
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
 TO PIMA COUNTY ZONING MAP NO. 139 TUCSON, AZ.  
 PARCEL 6F LOCATED IN THE W 1/2 OF THE NW 1/4 OF  
 SEC. 6, T16S R14E.



0 600'

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



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 1.46 ac±  
 ds-OCTOBER 29, 2013

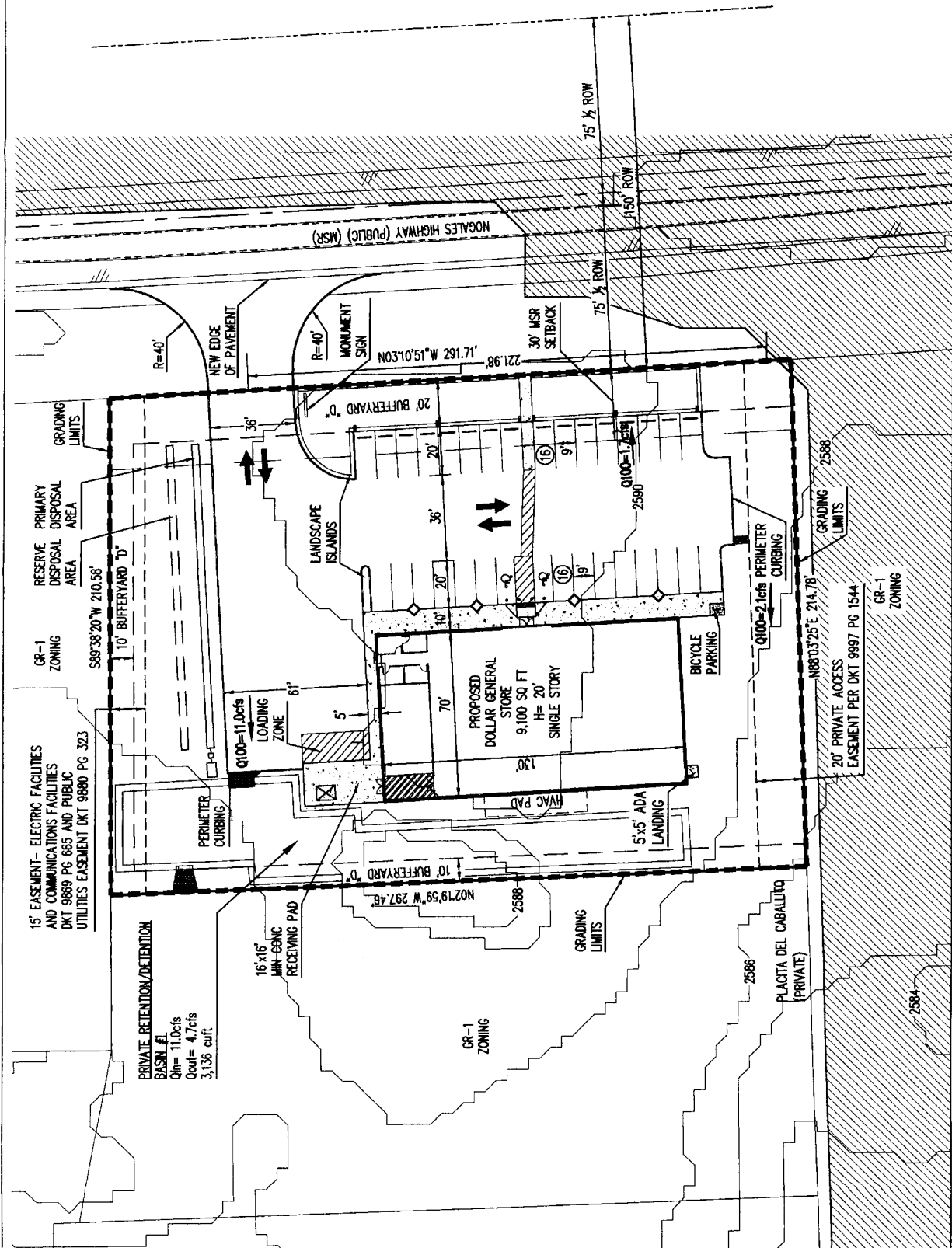
CD9-13-07  
 CD-XX-XX  
 303-12-106F



SCALE: 1"=40'  
COMMERCIAL USE: SINGLE STORY

LEGEND	
—	PROPERTY LINE
- - -	SETBACK LINE
- - -	EASEMENT LINE
- - -	BUFFERYARD LINE
- - -	ROW LINE
- - -	CENTERLINE
- - -	GRADING LIMITS
- - -	2590
- - -	2' CONTOUR ELEVATIONS
- - -	EXISTING EDGE OF PAVEMENT
⑩	NUMBER OF PARKING SPACES
▨	STORED WALKWAY
▨	LEE MOORE WASH BASIN MANAGEMENT PLAN STUDY NUMBER 10, DATE 9/14/2009

PARKING CALCULATION  
3.5 SPACES/1000  
(9,100/1,000) x 3.5 = 32



NOGALES HIGHWAY PARCEL 303-12-106F  
LOCATED IN E209.29' W831.98' S305.51' N1734.90'  
LOT 4 LYG W & ADJ TUC NOG HWY 1.46 AC  
SEC 6-16-14 GSRM TUCSON, ARIZONA

**EXHIBIT II-B.1  
PRELIMINARY  
DEVELOPMENT  
PLAN**

**ENGINEERING**  
PO BOX 1888  
TUCSON, ARIZONA 85702  
(520) 388-7920  
FAX (520) 485-4604