



**Subject: Co9-13-14**

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**FOR NOVEMBER 18, 2014 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 5, 2014

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**ORDINANCE FOR ADOPTION**

**Co9-13-14 TANQUE VERDE HAY & FEED SUPPLY, LLC – TANQUE VERDE ROAD REZONING ROAD**  
Owner: Tanque Verde Hay Feed & Supply, LLC  
(District 4)

**If approved, adopt ORDINANCE NO. 2014 - \_\_\_\_\_**

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**OWNERS:** Tanque Verde Hay Feed & Supply, LLC  
11050 E. Tanque Verde Road  
Tucson, AZ 85749-6700

**AGENT:** Omni Architecture, Inc.  
Attn: David Johns  
3645 N. Camino Blanco Place  
Tucson, AZ Tucson, AZ 85718

**DISTRICT:** 4

**STAFF CONTACT:** David Petersen

CP/DP/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-13-14 File

ORDINANCE 2014-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING OF PROPERTY (PARCEL CODES 133-02-0780 AND 133-02-0800) IN CASE Co9-13-14 TANQUE VERDE HAY & FEED SUPPLY, LLC – TANQUE VERDE ROAD REZONING, REZONING OF APPROXIMATELY 0.85 ACRE LOCATED ON THE SOUTH SIDE OF TANQUE VERDE ROAD, APPROXIMATELY 250 FEET WEST OF TANQUE VERDE LOOP ROAD, FROM THE RVC ZONE (RURAL VILLAGE CENTER) AND CB-1 ZONE (LOCAL BUSINESS) TO THE CB-2 ZONE (GENERAL BUSINESS), , AND AMENDING PIMA COUNTY ZONING MAP NO. 85.

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

Section 1. The 0.85 acre, located on the south side of Tanque Verde Road, approximately 250 feet west of Tanque Verde Loop Road, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 85 is rezoned from RVC (Rural Village Center) and CB-1 (Local Business) to CB-2 (General Business) 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 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 Condition:**  
The property shall be limited to two access points as shown on the sketch plan (Exhibit B).
8. **Flood Control Conditions:**
  - A. A Floodplain Use Permit is required for any new development.
  - B. No storage of equipment or material is permitted within the retention basin.
  - C. Prior to issuance of a Certificate of Compliance or any development permits, the property owner shall submit a drainage report (including hydraulic analysis) to the Pima County Regional Flood Control District for review and approval. The report shall address elevations, setbacks and detention/retention requirements and shall verify whether or not the basin performs as designed in the Tanque Verde Loop Plaza grading plan (Co12-86-131).
9. **Wastewater Reclamation Condition:**  
The owner/developer must secure approval from the Pima County Department of Environmental Quality 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. **Environmental Quality Condition:**  
The applicant shall demonstrate that the lot, as proposed, can accommodate the existing and/or new facilities and an on-site wastewater disposal system, while meeting all required setbacks. Vehicular traffic shall not be allowed over the septic tank or disposal areas; the site must also provide for the primary and required 100% reserve disposal area. Existing and/or future development shall not be allowed within the designated disposal areas. This demonstration shall be made prior to issuance of the Certificate of Compliance.
11. Adherence to the sketch plan (Exhibit B) as approved at public hearing for sale of hay, feed, and supply and uses of similar intensity.
12. A permit must be obtained for the existing structure on parcel 133-02-0800.
13. The metal siding of the structure on parcel 133-02-0800 must be painted with a single desert/earth tone color.
14. 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(l)."

15. 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.
16. 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 16 of Section 2 shall be completed no later than April 1, 2019.

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 \_\_\_\_\_, 2014.

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

ATTEST:

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

Approved As To Form:



Deputy County Attorney

**MICHAEL LEBLANC**

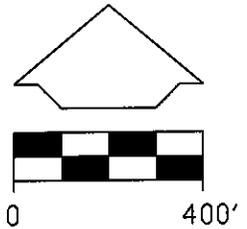
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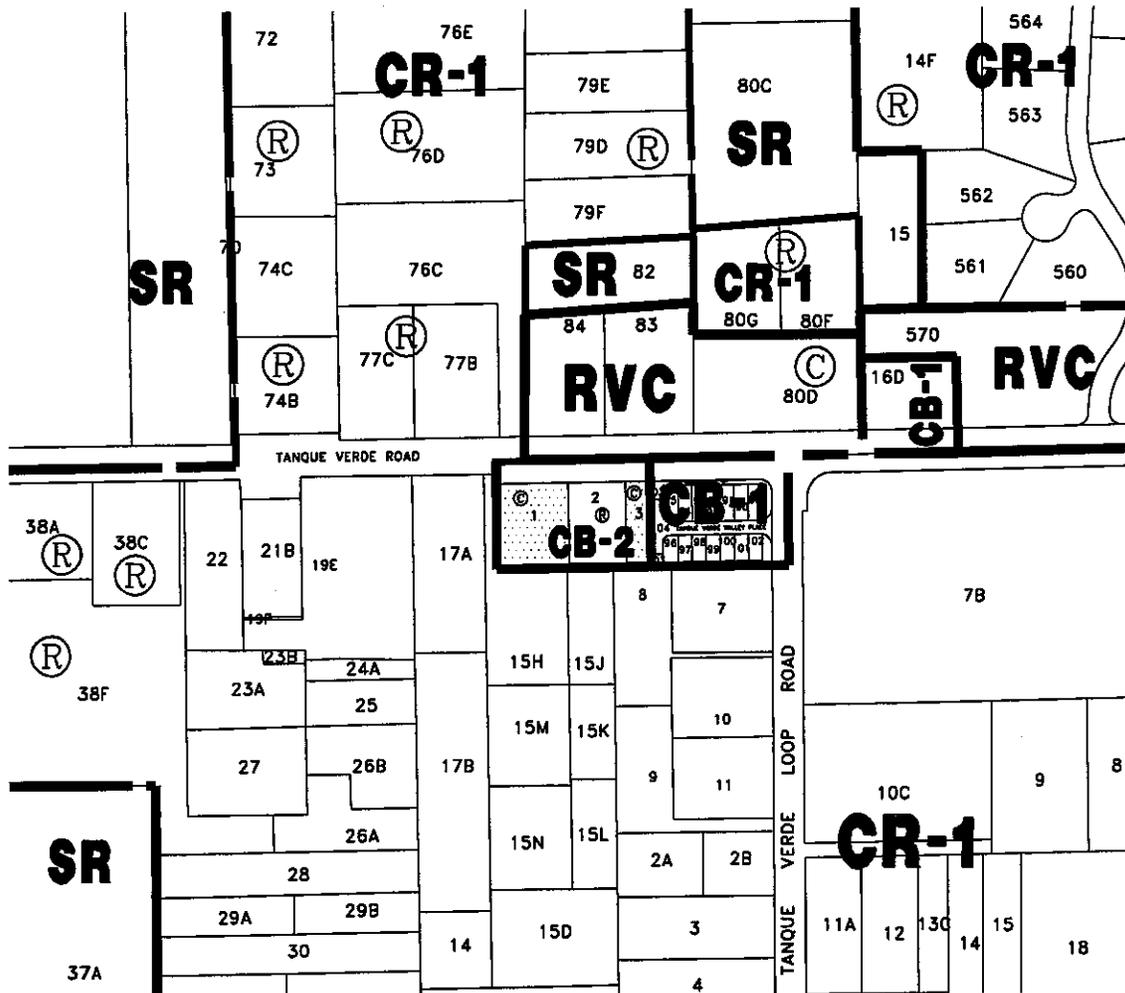
Executive Secretary  
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
 TO PIMA COUNTY ZONING MAP NO. 85 TUCSON, AZ.  
 LOTS 1 AND 3 OF TANQUE VERDE LOOP PLAZA BEING A  
 PART OF SEC. 1, T14S R15E.



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



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM CB-1 & RVC 0.85 ac±  
 ds-JULY 8, 2014

CO9-13-014  
 CO9-88-091  
 133020780 & 133020800  
 BK 42 PG 24

