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# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

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**TO:** Honorable Ally Miller, Supervisor, District # 1

**FROM:** Arlan M. Colton, Planning Director 

**DATE:** July 23, 2014

**SUBJECT:** Co9-06-46 CUMMINGS – ORACLE ROAD REZONING

The above referenced Rezoning Time Extension within your district is scheduled for the Board of Supervisors' **AUGUST 5, 2014** hearing.

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**REQUEST:** For a five-year time extension of a 2.25 acre rezoning from GR-1 (GZ-1) (General Business) (Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Gateway Overlay Zone) zone. The site is located on the west side of Oracle Road and approximately 275 feet south of Mainsail Boulevard.

**OWNER:** Scott J. Cummings  
323 E. 8<sup>th</sup> Street  
Tucson, AZ 85705

**AGENT:** None

**DISTRICT:** 1

**STAFF CONTACT:** Thomas Coyle

**PUBLIC COMMENT TO DATE:** As of July 23, 2014, no written public comments have been received.

**STAFF RECOMMENDATION:** APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL STANDARD AND SPECIAL CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/TC/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co9-06-46

Page 1 of 5

## FOR AUGUST 5, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director   
Development Services Department-Planning Division

DATE: July 23, 2014

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### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING TIME EXTENSION

#### Co9-06-46 CUMMINGS-ORACLE ROAD REZONING

Request of Scott J. Cummings for a five-year time extension of a 2.25 acre rezoning from GR-1 (GZ-1) (General Business) (Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Gateway Overlay Zone) zone. The 2.25 acre subject site was rezoned in 2009. The rezoning expired on June 2, 2014. The site is located on the west side of Oracle Road and approximately 275 feet south of Mainsail Boulevard. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL STANDARD AND SPECIAL CONDITIONS.**

(District 1)

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#### STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a **five-year time extension to March 19, 2019** for the approximately 2.25 acres with **additional standard and special conditions**. Conditions 7C and 8C have been added from the original approval.

When considering an extension to a rezoning application, staff reassesses the standard and special conditions that were originally imposed on the project. Review of current Comprehensive Plan policies and rationale for applicant hardship are also initiated.

Regarding the manner of current development standards, the Development Services staff distributed the time extension request for comment and possible revision to conditions. The following conditions represent the outcome of that consultation:

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. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Development Plan and Subdivision Plat.
  - B. The property owner(s) shall provide offsite improvements determined necessary by Arizona Department of Transportation.
  - C. Shared access with the property to the south shall be provided and shall be located in the front portion of the site. Shared access with the property to the north shall be provided at the location shown on the development plan adjacent to the north.
  - ~~E. D.~~ Provide onsite vehicular and pedestrian circulation that meets staff approval during the Development Plan or Subdivision Plat review phase.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - C. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.

- 9. 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.
  - 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 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.
- 10. Environmental Quality condition:
  - A. As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
- 11. Cultural Resources conditions:
  - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

- C. 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.
- 12. Environmental Planning condition:
  - A. Under no circumstances shall the following exotic plant species be planted anywhere within Common Areas on the site:
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)
    - Common crabgrass (*Digitaria sanguinalis*)
    - Pampas grass (*Cortaderia selloana*)
    - Red brome (*Bromus rubens*)
    - Mediterranean grass (*Schismus spp.*)
    - Tree of heaven (*Ailanthus altissima*)
    - African sumac (*Rhus lancea*)
    - Russian olive (*Eleagnus angustifolia*)
    - Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)
    - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
    - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
    - African rue (*Peganum harmala*)
    - Iceplant (*Mesembryanthemem crystallinum*)
    - Arabian Grass (*Schismus arabicus*)
    - Natal Grass (*Melinis repens (=Rhynchelythrum repens)*)
- 13. 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.
- 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 to 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. Adherence to the preliminary development plan as approved at public hearing.

**STAFF REPORT**

The rezoning was conditionally approved by the Board of Supervisors on June 2, 2009. If approved, this action will extend the rezoning action for a period of 5 years.

The rezoning time extension is for a 2.25 acre site on the west side of Oracle, approximately 275 feet of Mainsail Boulevard in Supervisor District 1. The rezoning initially provided a change from GR-1 to CB-2. The site is within the Gateway Overlay Zone and will require adherence to the requirements of that zoning provision. This overlay zone implements the intent of the Special Area Policy S-5 (Oracle Corridor/Northern Gateway).

The surrounding land uses to the north, south, and east are commercial. The property to the west is owned by the State of Arizona and is open space.

Staff supports the requested five-year time extension. The conditions of approval have been updated by the advisory agencies. Also, there has not been a material change to land use or development policies in this area, nor is one anticipated in the upcoming Pima Prospers Comprehensive Plan. Lastly, downturns in local, State and national economic conditions has served as a detriment to property development since 2006-2007.

Comments from advisory agencies have been incorporated into the revised conditions and are attached.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)**

The site lies outside the Maeveen Marie Behan Conservation Lands System.

<b>CONCURRENCY CONSIDERATIONS</b>		
<b>Department</b>	<b>Concurrency Considerations Met: Yes / No / N/A</b>	<b>Other Comments</b>
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS	Yes	No comment
WATER	Yes	No comment

CP/TC/ar  
Attachments

c: Scott J. Cummings, 323 E. 8<sup>th</sup> Street, Tucson, AZ 85705  
Chris Poirier, Assistant Planning Director  
Co9-06-46 File

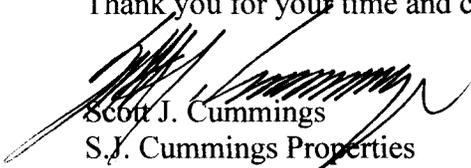
Pima County Development Services Dept.  
Planning Division

RE: Co-9-06-46

This letter shall serve as a request for a time extension for the above referenced rezoning case . The subject property is assessor's #222-21-0320 containing approx. 2.25 acres. Due to a combination of the national economy, and adverse local conditions the development process has been hampered. I own businesses located in the Historic Fourth Avenue Shopping District which have suffered from three seperate government construction projects over the last six years. The cumulative effect has created a financial hardship. Fortunately the businesses are well established and are making a positive rebound.

With your cooperation by granting this five year extension the project will be completed, and contribute to the local area both financially and aesthetically. Our family has contributed to the area in the past, and with your support will continue to do so in the future.

Thank you for your time and consideration in this matter.



Scott J. Cummings  
S.J. Cummings Properties  
323 E. 8<sup>th</sup> St  
Tucson, AZ 85705  
520.770.1600  
scottjcumings@aol.com

S/1

copy

ORDINANCE 2009- 51

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 222-21-0320) OF APPROXIMATELY 2.25 ACRES FROM GR-1 (GZ-1) (RURAL RESIDENTIAL) (GATEWAY OVERLAY ZONE) TO CB-2 (GZ-1) (GENERAL BUSINESS) (GATEWAY OVERLAY ZONE) IN CASE Co9-06-46 CUMMINGS -- ORACLE ROAD REZONING; LOCATED ON THE WEST SIDE OF ORACLE ROAD, APPROXIMATELY 275 FEET SOUTH OF MAINSAIL BOULEVARD (CATALINA); AMENDING PIMA COUNTY ZONING MAP NO. 519

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

**Section 1.** The 2.25 acres, located on the west side of Oracle Road, approximately 275 feet south of Mainsail Boulevard (Catalina), illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 519 is hereby rezoned from GR-1 (GZ-1) (Rural Residential) (Gateway Overlay Zone) to CB-2 (GZ-1) (General Business) (Gateway Overlay Zone).

**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, Document Services.
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. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Development Plan and Subdivision Plat.
  - B. The property owner(s) shall provide offsite improvements determined necessary by Arizona Department of Transportation.
  - C. Shared access with the property to the south shall be provided and shall be located in the front portion of the site.
  - D. Provide onsite vehicular and pedestrian circulation that meets staff approval during the Development Plan or Subdivision Plat review phase.
8. Flood Control conditions:
  - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
  - B. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
9. Wastewater Reclamation conditions:
  - A. The owner(s)/developer(s) shall construe no 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(s) /developer(s) to that effect.
  - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or

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.

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. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

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

1. Conditions 1 through 15 shall be completed by March 3, 2014.
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 15 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 on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this  
\_\_\_\_\_ 2nd \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2009.

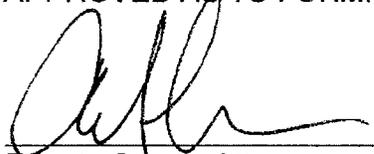
  
\_\_\_\_\_  
JUN 02 2009

Chairman of the Board of Supervisors

ATTEST:

  
Clerk, Board of Supervisors

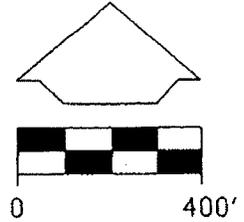
APPROVED AS TO FORM:

  
Deputy County Attorney  
**ANDREW FLAGG**

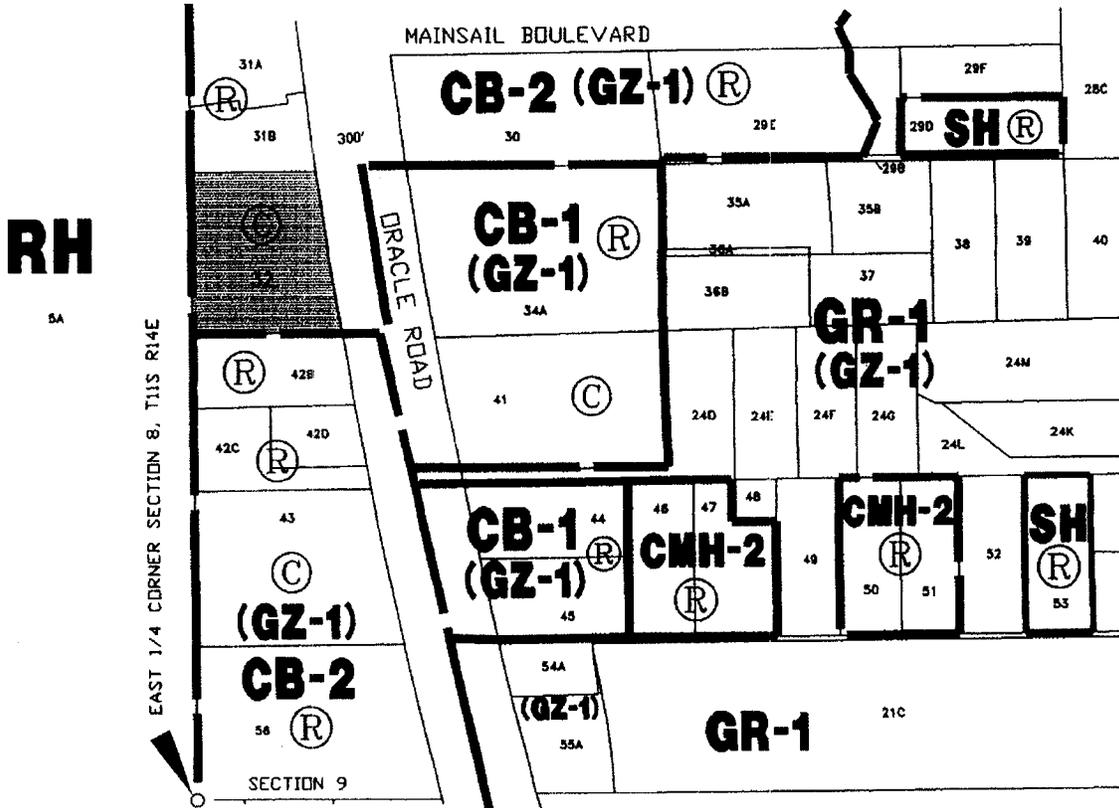
  
Executive Secretary,  
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 89 BY ORDINANCE NO. 2009-51  
TO PIMA COUNTY ZONING MAP NO. 519 TUCSON, ARIZONA  
PARCEL 32 BEING A PART OF THE NW 1/4 OF THE NW 1/4  
OF SECTION 9, T11S R14E.



ADOPTED June 2, 2009 EFFECTIVE June 2, 2009

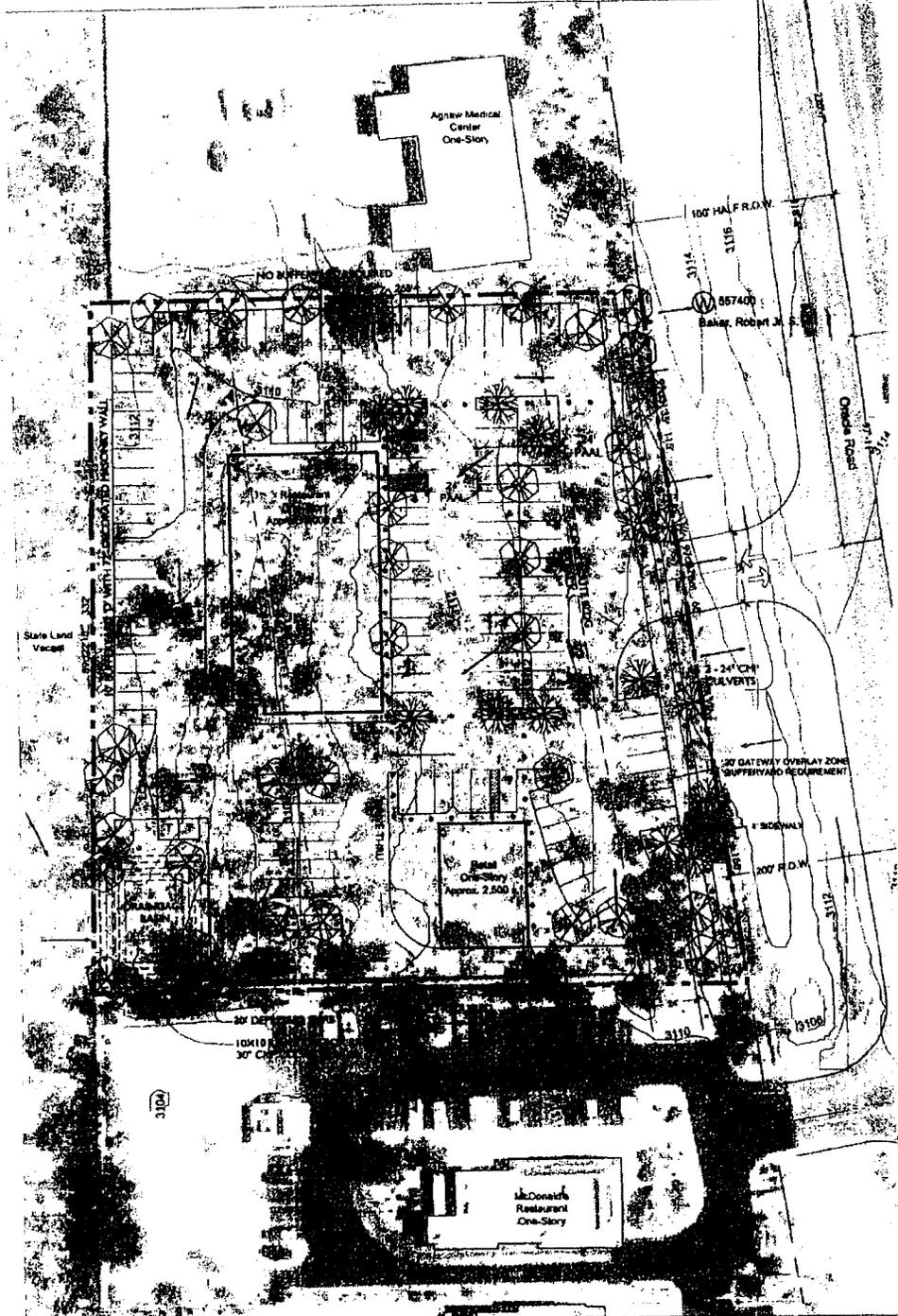


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM GR-1 2.25 ac±  
MA - April 27, 2009

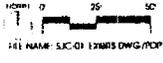
Co9-06-46  
Co7-00-20  
222-21-0320

Exhibit II-B: Preliminary Development Plan



- LEGEND**
- Site Boundary
  - 2' Elevation Contours
  - Flow Arrow
  - Trash Dumpster
  - Pedestrian Circulation
  - Well

- NOTES:**
- Existing Zoning: GR-1
  - Proposed Zoning: CE-2
  - Maximum Building Height: 24'
  - Loading Zones: 1
  - Uses:
    - Restaurant: 9,000 S.F. One-Story
    - Retail: 2,500 S.F., One-Story
  - Parking:
    - Restaurant: 90 Spaces
    - Retail: 38 Spaces
    - Provided: 128 Spaces
    - Mobility Impaired: 5 Spaces
  - Landscaping shall be drought tolerant native and desert adapted plants. Irrigation shall be automatic underground drip system.
  - Water service to be provided by Lago del Oro Water Company





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# MEMORANDUM

Planning & Development  
Regional Flood Control District

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DATE: March 19, 2014

TO: Thomas Coyle, DSD  
Principal Planner

FROM:   
Greg Saxe, M.R.P. Ph.D.  
Environmental Planning Manager

SUBJECT: Co9-06-46 Cummings – Oracle Road Rezoning Time Extension

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District staff has reviewed the subject request and has the following comments:

1. Since the original rezoning, the County has adopted the Comprehensive Plan Regional Water Policy. While the requirement for a Preliminary Integrated Water Management Plan is not applicable as the Site Analysis was submitted prior to adoption of the policy, when the development plan is submitted the applicant will be required to adopt water conservation measures consistent with this policy and a Final Integrated Water Management Plan consisting of Table B identifying selected measures shall be required. Furthermore new standards requiring first flush retention have been adopted .

Recommended Condition

- At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.

In conclusion the District has no objection to time extension request subject to the existing and new recommended condition.

Please feel free to contact me with any questions or concerns on these comments.

GS/sm

cc: File



DEPARTMENT OF TRANSPORTATION  
201 NORTH STONE AVENUE, FOURTH FLOOR  
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.  
DIRECTOR

(520) 724-6410  
FAX (520) 724-6439

### Memorandum

Date: March 27, 2014  
To: Thomas Coyle AICP, Pima County Development Services  
From: Jeanette DeRenne AICP, Pima County Department of Transportation  
Subject: Co9-06-46 Cummings – Oracle Road Rezoning

The Department of Transportation has no objection to the time extension request. Concurrency considerations have been met for this site as capacity is available on the roadway network within two miles, and improvements are funded for Oracle Road. The proposed 9,000 square feet restaurant and 2,500 square feet retail buildings could generate approximately 1,200 ADT. The property is located on the west side of Oracle Road between Lupine Place and Mainsail Boulevard, with almost 600 feet of frontage on Oracle Road.

The Arizona Department of Transportation's Capital Improvements Program has planned improvements to expand Oracle Road to a six-lane divided roadway. The improvements to Oracle Road include an additional 12-foot wide travel lane in each direction, 10-foot wide shoulder, raised center medians and left-turn lanes, retaining walls, noise walls, traffic signal improvements, drainage improvements, a shared use path on the east side of Oracle Road, and wildlife crossing structures.

Most significantly impacting this rezoning, a raised median will be installed on Oracle Road between the access to the McDonald's property to the south, and Graham Street to the north. Northbound vehicles will not be able to directly access this site. Those trips will either access this site via the cross access at the McDonalds site to the south, or by making a U-turn at Graham Street. The proposed access point is in the middle of the right turn lane for the McDonalds property to the south. Staff notes that due to ADOT's improvement in this location, an access point may not be permitted. Access to Oracle Road requires Arizona Department of Transportation approval.

Cross access (aka reciprocal access) agreements were recorded on both development plans to the north and south of this site. On the veterinarian office to the north, cross access was recorded on DKT. 11839 PG. 1611. On the McDonalds development plan to the south, cross access was recoded on DKT. 10594 PG. 1364.

Oracle Road, is a paved, five lane wide, undivided, urban minor arterial highway maintained by the State of Arizona. Per the Pima County Major Streets and Scenic Routes Plan, Oracle Road is designated a Scenic Major Route. Oracle Road has a building setback specifically addressed in the Zoning Code, which

is a 150 feet building setback from the centerline of Oracle Road per Table 18.77.030 of the zoning code. The existing and proposed right-of-way for Oracle Road is 200 feet. The most current traffic count on Oracle Road from 2005 is 26,959 ADT and the traffic capacity is 37,710 ADT.

Other major roads within the two-mile concurrency area include Golder Ranch Road (6,733 ADT, 2011); Wilds Road (963 ADT, 2011); Twin Lakes (1,281 ADT, 2008); Lago Del Oro Parkway (4,373 ADT, 2011). Twin Lakes and Lago Del Oro Parkway have capacities of 15,930 ADT, and Golder Ranch Road and Wilds Road have capacities of 13,122 ADT.

The Preliminary Development Plan shows one access located about midway on Oracle Road. This access does not align very well with the internal circulation for both pedestrians and vehicles or with proposed parking spaces. Stacking of cars due the internal design including the access throat length may cause traffic to back up onto Oracle Road. This will need to be further analyzed and addressed on the development plan. Pedestrian access and the drive through access are also in conflict as depicted.

Gateway Overlay Standards require pedestrian and vehicular access within and through the property. Internal access is addressed on the Preliminary Development Plan to the south which allows vehicular connection with the existing McDonald's site and access driveway. The development plan will need to be revised to connect to the parking lot with the veterinarian office to the north.

Transportation Staff requests the following modifications to the rezoning conditions:

- 7.A. Remain
- 7.B Remain
- 7.C. Shared access with the property to the south shall be provided and shall be located in the front portion of the site. Shared access with the property to the north shall be provided at the location shown on the development plan adjacent to the north.
- 7.D. Remain



## PIMA COUNTY

### REGIONAL WASTEWATER RECLAMATION DEPARTMENT

201 NORTH STONE AVENUE  
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS  
DIRECTOR

PH: (520) 724-6500  
FAX: (520) 724-9635

March 28, 2014

**TO:** Thomas Coyle, Principal Planner  
Planning Division  
Pima County Development Services Department

**FROM:** *Mirela Hromatka*  
Mirela Hromatka, Program Manager  
Capital Planning Section  
Pima County Regional Wastewater Reclamation Department

**SUBJECT:** **Co9-06-46 Cummings – Oracle Road Rezoning**  
Request for 5 Year Time Extension  
Tax Parcel #222-21-0320; 2.33 acres

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The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received and reviewed the above referenced time extension request, and offers the following comments for your use.

**The PCRWRD has no objection to the proposed 5 year extension of the rezoning, but offers the following conditions that should replace the existing wastewater conditions in rezoning Co9-06-46 adopted June 2, 2009 by the Board of Supervisors:**

#### REZONING CONDITIONS

Should the Board of Supervisors be inclined to approve this time extension, the Pima County Regional Wastewater Reclamation Department (PCRWRD) recommends the following conditions:

1. The owner / developer 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 / developer to that effect.
2. The owner / developer 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 / developer 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.
3. The owner / developer 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.
  4. The owner / developer 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.
  5. The owner / developer 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.
  6. The owner / developer 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.

If you wish to discuss the above conditions, please contact me at 724-6488.

MH  
Copy: Project