



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/16/2023

\*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

**\*Title:**

ORDINANCE: P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD REZONING

**\*Introduction/Background:**

The Board of Supervisors approved this rezoning on February 7, 2023.

**\*Discussion:**

The rezoning was for approximately 1.59 acres from the RH (Rural Homestead) to the CB-2 (General Business) zone for a 8,400 square-foot indoor furniture and retail area and a 21,700 square-foot outdoor display and sales area for a Mexican Garden Pottery business.

**\*Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**


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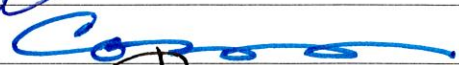
**\*Board of Supervisor District:**


1    2    3    4    5    All

Department: Development Services - Planning      Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner      Telephone: 520-724-6921

Department Director Signature:  \_\_\_\_\_ Date: 4/26/23

Deputy County Administrator Signature:  \_\_\_\_\_ Date: 4/28/2023

County Administrator Signature:  \_\_\_\_\_ Date: 4/28/23



Subject: P22RZ00009

Page 1 of 1

**MAY 16, 2023 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Deputy Director  
Public Works-Development Services Department-Planning Division  
*[Handwritten signature]*  
**DATE:** April 25, 2023

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**ORDINANCE FOR ADOPTION**

**P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD REZONING**

Owners: Lopez Family TR, et al.  
(District 4)

**If approved, adopt ORDINANCE NO. 2023 - \_\_\_\_\_**

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**OWNERS:** Lopez Family TR, et al.  
Attn: Neil Kleinman  
PO Box 27546  
Tucson, AZ 85726-7546

**AGENT:** The Planning Center  
Attn: Chris Laria  
2 E. Congress, Suite 600  
Tucson, AZ 85701

**DISTRICT:** 4

**STAFF CONTACT:** Terrill L. Tillman, AICP, Principal Planner

**STAFF RECOMMENDATION: APPROVAL**

TD/TT  
Attachments

c: Chris Laria

ORDINANCE 2023 - \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.59 ACRES OF PROPERTY (PARCEL CODE 305-13-054D) FROM THE RH (RURAL HOMESTEAD) TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE P22RZ00009 LOPEZ FAMILY TR, ET AL. – E. COLOSSAL CAVE ROAD REZONING, LOCATED SOUTHWEST OF THE UNION PACIFIC RAILROAD AND COLOSSAL CAVE ROAD, AMENDING PIMA COUNTY ZONING MAP NO. 185.

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

Section 1. The 1.59 acres located southwest of the Union Pacific Railroad and Colossal Cave Road, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 185, is rezoned from the RH (Rural Homestead) to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. The location of the access point shall be determined at the time of development plan submittal and is subject to the Department of Transportation approval. The driveway shall be restricted to right-in and right-out movements unless the applicant can demonstrate that a full access driveway can be designed and constructed to Pima County standards.
  - B. The proposed development shall design the driveway, handicap access ramps, and connection to the asphalt trail in the same manner built for the adjacent properties as depicted on capital improvement plan 4TRCCS.
3. Regional Flood Control District conditions:
  - A. Disturbance of Regulated Riparian Habitat will be mitigated with like density to the habitat disturbed. The mitigation plantings shall be located within and surrounding the disturbance caused by construction of the detention basin.
  - B. First Flush retention shall be provided in Low Impact Development practices distributed throughout the site, and shall provide a minimum 9" depressed area for stormwater harvesting to supplement irrigation in the landscape buffers.
  - C. The outdoor exterior display areas shall use pervious treatments described in Chapter 5 of the Design Standards for Stormwater Detention and Retention or of similar and comparable replacement.
  - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds

- 15 points and includes a combination of indoor and outdoor measures.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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 property owner.
  5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum.
  6. Adherence to preliminary development plan (Exhibit B) approved at public hearing.
  7. Any change of use shall meet the on-site parking requirements of the Pima County Zoning Code.
  8. 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.
  9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than February 7, 2028.

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 Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Chair, Pima County Board of Supervisors

ATTEST:

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Clerk, Board of Supervisors

APPROVED AS TO FORM:



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Deputy County Attorney  
Jacob Kavkewitz

APPROVED:

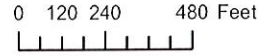


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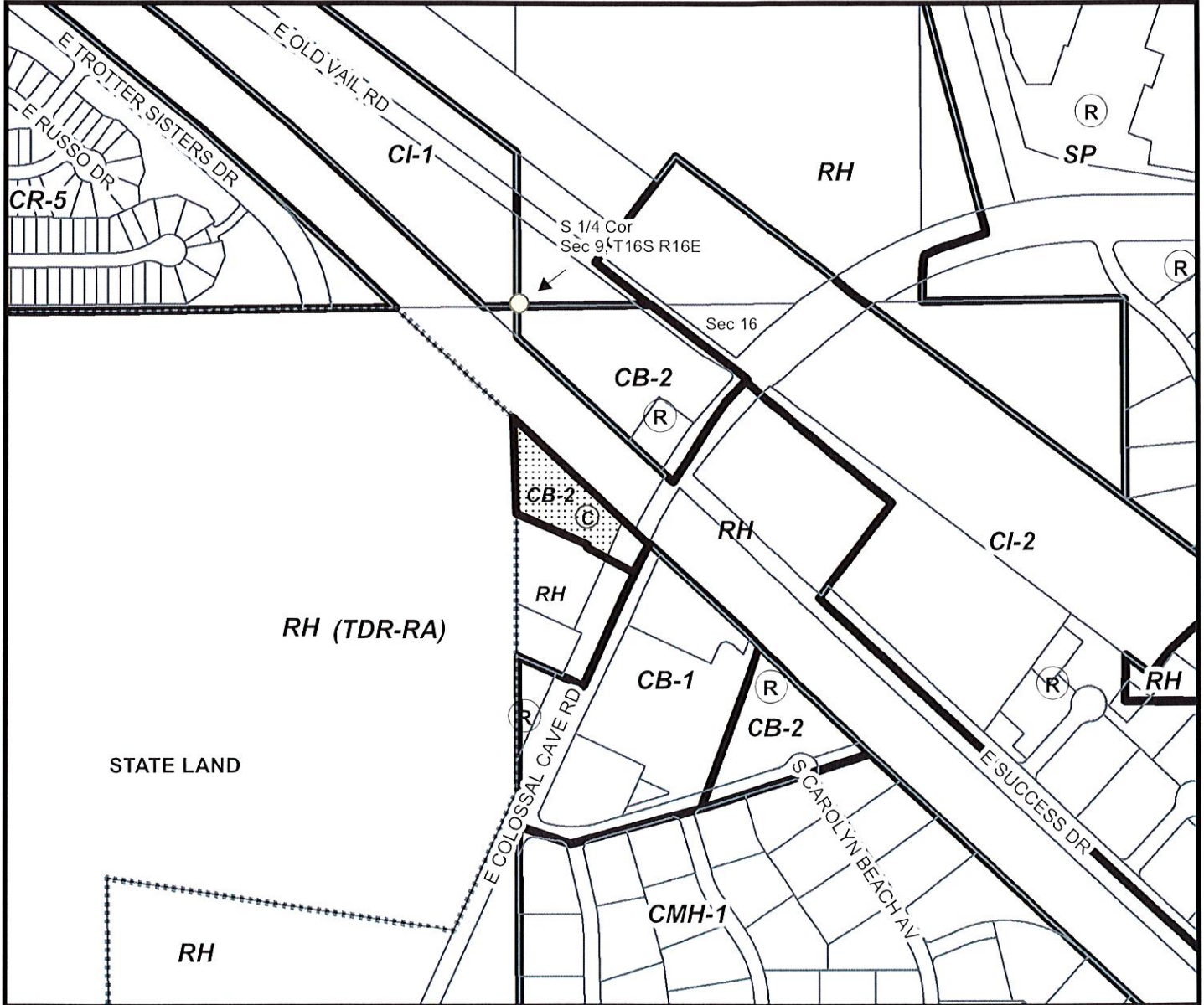
Executive Secretary  
Planning and Zoning Commission

# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 185 TUCSON AZ. BEING A  
PART OF THE NW 1/4 OF THE NE 1/4 OF SECTION 16, T16S R16E.



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



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

**C** NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM RH 1.59 ac  
ds-April 11, 2023

P22RZ00009  
30513054D





