



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: February 7, 2017

Title: Co9-11-04 HENNESSEY TR – MISSION ROAD REZONING (Time Extension)

Introduction/Background:

Applicant requests a five-year time extension for an 6.27-acre CB-1 (BZ) (Local Business - Buffer Overlay Zone) rezoning which was approved by the Board of Supervisors on January 17, 2012 and expired on January 17, 2017.

Discussion:

The site was rezoned for business uses that may include retail, personal services, or offices. The time extension to complete conditions of the rezoning is requested due to, "...unforeseen delays in start times." The approved rezoning preliminary development plan depicts five clustered buildings surrounding a public plaza. The proposed uses remain suitable at this location which has long-established grandfathered commercial and residential uses and significant grading disturbance. Residential neighborhoods east of Mission Road could benefit from redeveloped and expanded services and employment at this site. The western portion of the site will be reestablished with vegetation consistent with that found in the adjacent Tucson Mountain Park, providing an appropriate buffer to the park. Concurrency of infrastructure either exists outright or subject to conditions ensuring concurrency per County agencies. The rezoning conforms to the site's Multifunctional Corridor (MFC) comprehensive plan designation.

Conclusion:

The rezoning occurred during the economic recession and the proposed business uses remain suitable at this location which has long been a site of business uses. Infrastructure concurrency still exists for the proposed uses. The CB-1 rezoning is compliant with the site's MFC plan designation. Reversion to SH zoning with primary low-density residential use would not conform to MFC. Modification of Wastewater conditions is recommended for updated language as part of the recommendation for approval of the rezoning time extension.

Recommendation:

Staff recommends approval of a five-year rezoning time extension subject to original and modified conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

- 1 2 3 4 5 All

Department: Development Services Department - Planning Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 1-17-17

Deputy County Administrator Signature/Date: [Signature] 1/23/17

County Administrator Signature/Date: C. Durberry 1/23/17



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Richard Elias, Supervisor, District 5
FROM: Chris Poirier, Planning Official
Public Works-Development Services/Department-Planning Division
DATE: January 17, 2017
SUBJECT: Co9-11-04 HENNESSY TR – MISSION ROAD REZONING

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, FEBRUARY 7, 2017** hearing.

REQUEST: For a **five-year time extension** for the above-referenced rezoning from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone). The site is approximately 6.27 acres located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way.

OWNER: Hennessey B TR
Attn: Michael E. Hennessey, Trustee
1802 W. Grant Road, Suite 110
Tucson, AZ 85745-1232

AGENT: Psomas
Attn: Regina Beem, P.E.
800 E. Wetmore Road
Tucson, AZ 85719-7213

DISTRICT: 5

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of January 17, 2017, staff has received no written public comments.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

TD/DP/ar
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-11-04

Page 1 of 8

FOR FEBRUARY 7, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: January 17, 2017

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-11-04 HENNESSY TR – MISSION ROAD REZONING

Request of Hennessy B Trust, represented by Psomas, for a five-year **time extension** for the above-referenced rezoning from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone). The subject site was rezoned in 2012. The rezoning expires on January 17, 2017. The site is approximately 6.27 acres located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. Staff recommends **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 5)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a five-year time extension to January 17, 2022 as per the applicant’s request for the original 6.27-acre rezoning from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone), subject to the original, modified, and additional conditions as follows:

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. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road.
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
9. Wastewater Reclamation conditions:
 - ~~A. The owner/developer 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/developer to that effect.~~
 - ~~B. The owner/developer 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/developer 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 cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.~~
 - ~~C. 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.~~
 - ~~D. 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 Pima County Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~

- ~~E. 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, sewer construction plan, or request for building permit.~~
- ~~F. 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.~~
- A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) 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(s) 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.
- C. The owner(s) 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(s) 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.
- E. The owner(s) 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(s) 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:
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.
11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B), including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. Environmental Planning condition:
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.
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 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 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(I)."
15. The project shall incorporate 100% rooftop water harvesting.

STAFF REPORT

A five-year rezoning time extension is requested by the applicant. The 6.27-acre rezoning to CB-1 (BZ) was approved in 2012 for uses allowed within the zone ranging from retail to offices. The request letter states, "The project has had unforeseen delays in start times."

Despite adjacency to Tucson Mountain Park, the proposed commercial use of the property remains suitable at this location along Mission Road based on the long-existing commercial use of the site and the services and employment opportunity that could be provided to residential development which exists east of Mission Road. The original rezoning staff report indicates that the site contains buildings for grandfathered retail uses, a barber shop, and three mobile homes that would be removed for redevelopment. A significant portion of the site in the vicinity of these uses has been cleared of natural vegetation.

The rezoning preliminary development plan depicts a cluster of five buildings surrounding a public plaza/bandshell. The buildings are surrounded by parking area which is surrounded by "enhanced open space" which will contain rainwater detention and landscape bufferyard area. Approximately .41 acre at the southern edge of the site is proposed for natural open space. This area is a more heavily vegetated portion of the site and is adjacent to Pima County acquired natural open space. Tucson Mountain Park is adjacent to the west. The Buffer Overlay Zone applicability relates to the site's proximity to Tucson Mountain Park and has implications for site development standards. Standards related to open space and distance setback have been approved for reduction in lieu of County acquisition of high cultural resource value property south of the site, which has occurred and is shown as "NOS (PC)" on the preliminary development plan, and of replication of natural vegetation density and types along the site's western edge, shown as enhanced bufferyard at approximately 90 feet in width on the preliminary development plan. A single access point from Mission Road is proposed.

Potential uses listed on the preliminary development plan include retail, hardware, general store (gasoline), restaurant, personal services, galleries, and offices. The location of potential gasoline pumps is not shown. If the clustered building design with a public plaza prevails, the site may not present a strip commercial appearance. Despite a requirement for adherence to the preliminary development plan, the actual building layout design presented could change without a special condition for that layout or similar cluster design. The site's Multifunctional Corridor (MFC) plan designation places emphasis on design to prevent potential adverse impacts of strip commercial development. Total gross floor area is approximately 51,800 square feet. Three of the buildings are shown as two stories.

There are commercial and personal services in the area. Within the City of Tucson, a dental office is located approximately one quarter-mile north of the site on the east side of Mission Road and there are commercial services at the intersection of Ajo Way and Mission Road approximately one-half mile to the north. Another dental office is located approximately one-half mile to the south on a strip of CB-1 zoned property at the northwest corner of the intersection of Mission Road and Irvington place. There are two undeveloped CB-1-zoned properties north of the dental office. The CB-1 zoning dates to 1961. There has been no County rezoning activity in the vicinity of the rezoning site since the subject rezoning was approved.

Staff finds concurrency of infrastructure per reporting agencies, including conditions requiring adequate sewage treatment and conveyance capacity at the time of development. The revised conditions list recommended by the Regional Wastewater Reclamation Department is essentially the same conditions as originally approved, but updated with current language.

The CB-1 rezoning complies with the site's MFC comprehensive plan designation (map and description attached). The MFC designation extends north of site to include some undeveloped and some low-density residential parcels zoned SH. Special Area Policy S-29 Southwest Infrastructure Plan also applies to the site (partial map and description attached).

Denial of the time extension will cause the site to revert to unrestricted SH (BZ) zoning. SH zoning, which provides predominantly low density housing and certain other uses, would not comply with the site's MFC plan designation which requires a minimum of six residences per acre for residential development, but is otherwise designated for commercial and other non-residential uses. Closure of the rezoning would not preclude the possibility of a future CB-1 rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SH (Suburban Homestead)	Residential / Undeveloped
South:	SH	Undeveloped County Open Space
East:	City of Tucson	Mission Road / TUSD School
West:	SH	Undeveloped Tucson Mountain Park

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	
TRANSPORTATION	Yes	Secondary concurrency concern with Irvington Road operating over capacity.
FLOOD CONTROL	Yes	
WASTEWATER	Yes	Subject to conditions for construction of on- and off-site sewers as necessary.
PARKS AND RECREATION	N/A	
WATER	Yes	
SCHOOLS	N/A	
AIR QUALITY	Yes	Secondary concurrency concern with Irvington Road operating over capacity.

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to the time extension request. There is a secondary transportation concurrency concern due to the Irvington Road operating over capacity; however, this situation has not changed since the original approval of the rezoning. This project would be considered an infill development as the area is mostly built out. The site has approximately 725 feet of frontage on Mission Road with an existing curb cut and median opening about midway through the site. The proposed development could generate approximately 2,500 average daily trips (ADT). There is existing sidewalk located along Mission Road frontage and the interior walkways should connect with the existing sidewalk. There may be offsite improvements to Mission Road which may include a right-turn lane; however, this shall be addressed in the Traffic Impact Study at the Development Plan stage.

Mission Road serves the property and is a paved, county maintained 4-lane divided arterial road. It is listed as a medium volume arterial with a planned right-of-way of 150 feet on the Major Streets

and Routes Plan. It has raised medians, multi-use lanes, storm drains, curbs and sidewalks. Portions of Mission Road are maintained by both Pima County and the City of Tucson. The segment directly adjacent to this site is Pima County right-of-way but is subject to an intergovernmental agreement for roadway maintenance with the City of Tucson. The current traffic count for Mission Road is 25,496 ADT. The capacity is 35,820 ADT.

Other nearby arterial roadways are Ajo Way and Irvington Road. Ajo Way is a paved 5-lane arterial state highway west of Mission Road. Ajo Way is a City of Tucson maintained 5-lane road east of Mission Road. The most recent traffic count is 29,112 ADT between La Cholla and Mission Road and 36,994 ADT between Mission Road and I-19. The capacity is 37,600 ADT.

Irvington Road, west of Mission Road, is a paved, county maintained, 2-lane road. It is listed as a medium volume arterial with a planned right-of-way of 150 feet. The capacity is 15,930 ADT and the most recent traffic count is 9,668 ADT. East of Mission Road, Irvington Road is a paved, City of Tucson maintained, 4-lane arterial roadway. The most recent traffic count is 37,196 ADT and the capacity is 35,820 ADT.

Staff does not recommend any changes to the existing conditions.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has the no objection to the rezoning time extension.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a rezoning time extension and offers the following comments for your use. The subject property is located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. The subject property was conditionally rezoned from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone) in 2012 for business uses that could include retail, personal services, and offices. The rezoning expires on January 17, 2017. The subject property is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southwest Interceptor and Northwest Outfall.

The PCRWRD has no objection to the above referenced request for a five-year rezoning time extension, but requests the existing wastewater conditions in rezoning Ordinance 2012-29 adopted on June 5, 2012 by the Board of Supervisors be replaced with updated conditions under condition #9 above.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation staff have no objection to this request.

CULTURAL RESOURCES REPORT

Office of Sustainability and Conservation (OSC) has reviewed the time extension request and has no objection.

WATER DISTRICT REPORT

Tucson Water has no objections to the proposed five-year time extension for the above referenced rezoning from SH (BZ) (Suburban Homestead-Buffer Overlay Zone) to CB-1 (BZ) (Local Business-Buffer Overlay Zone).

FIRE DISTRICT REPORT

To date, no comments have been received from Drexel Heights Fire District. The District indicated "no objection" at the time of the original rezoning approval.

U.S. FISH & WILDLIFE SERVICE REPORT

To date, no comments have been received from the USFWS.

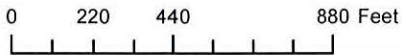
PUBLIC COMMENT

Notice has been mailed to property owners within 300 feet of the rezoning site. To date, no written public comments have been received.



TD/DP/ar
Attachments

cc: Hennessey B TR, Attn: Michael E. Hennessey, Trustee, 1802 W. Grant Road, Suite 110
Tucson, AZ 85745-1232
Psomas, Attn: Regina Beem, P.E., 800 E. Wetmore Road, Tucson, AZ 85719-7213
Tom Drzazgowski, Principal Planner
Co9-11-04 File

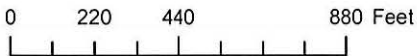
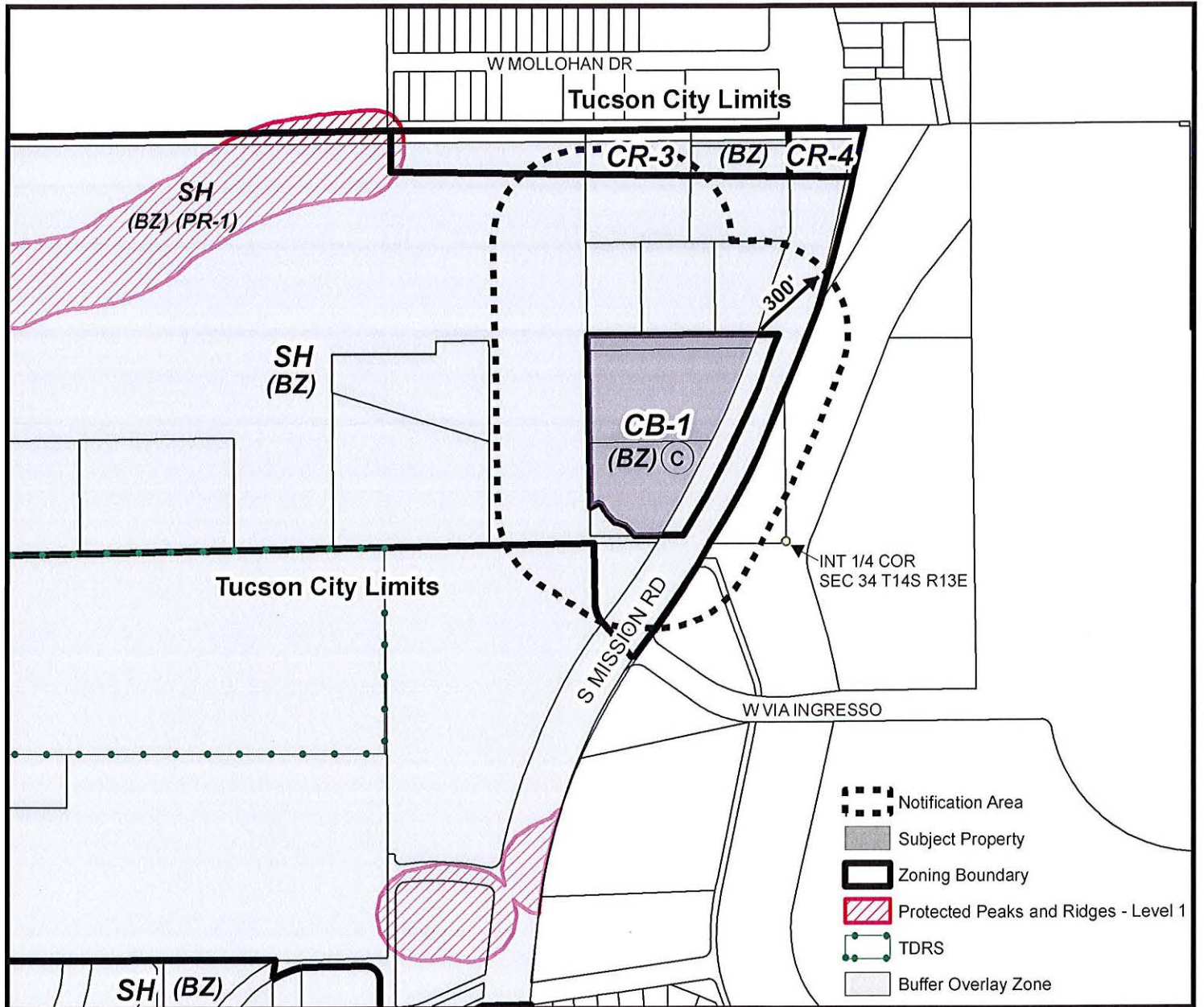
Case #: Co9-11-04
 Case Name: HENNESSY TR - MISSION ROAD REZONING
 Tax Code(s): 119-41-266L, 119-41-2710, 119-41-274A



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

	Notes: Rezoning Time Extension		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Board of Supervisors Hearing: 2/7/17 (scheduled)		
	Base Map(s): 16	Map Scale: 1:6,000	

Case #: Co9-11-04
 Case Name: HENNESSY TR - MISSION ROAD REZONING
 Tax Code(s): 119-41-266L, 119-41-2710, 119-41-274A



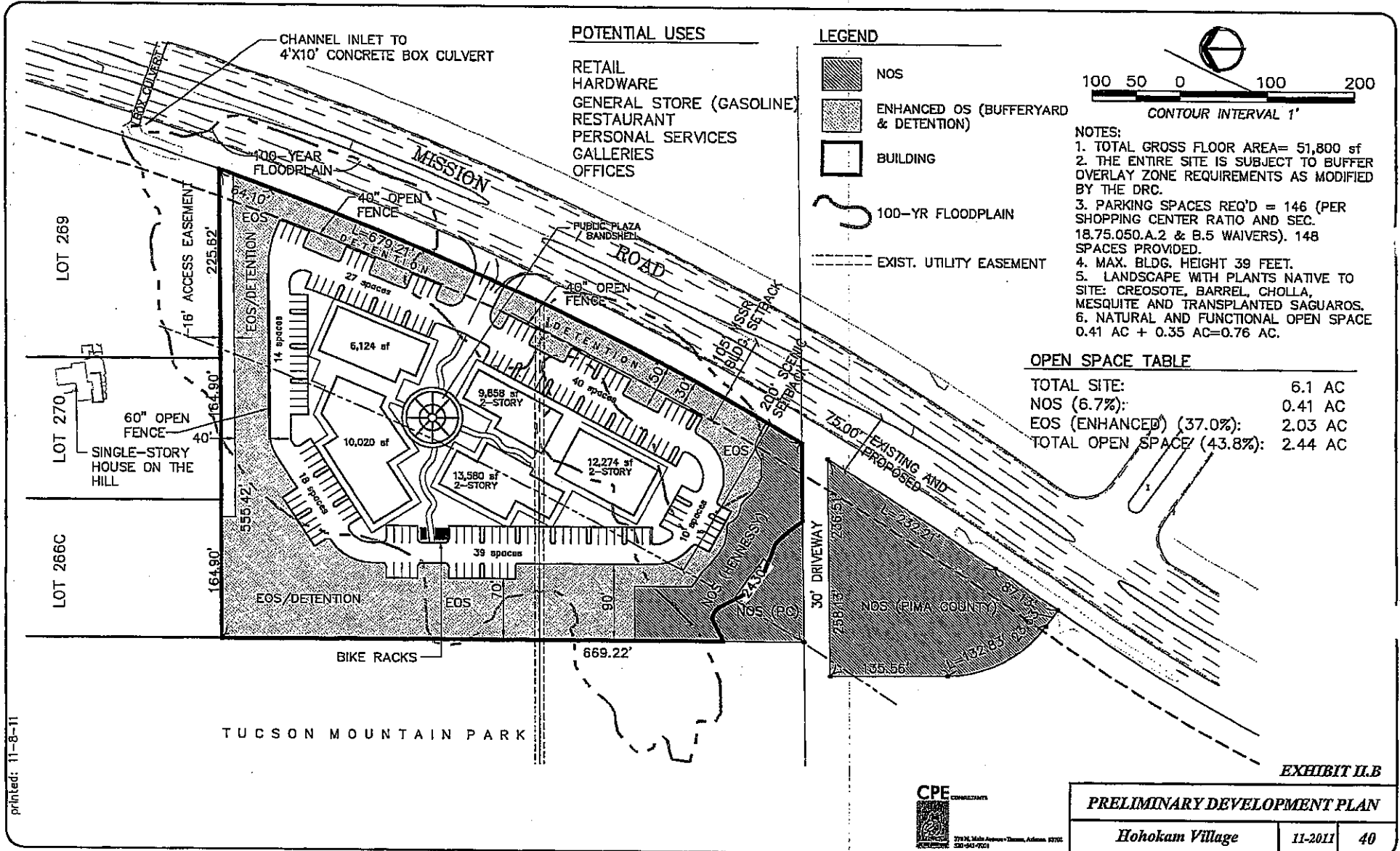
**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**



Notes: Rezoning Time Extension		
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
Board of Supervisors Hearing: 2/7/17 (scheduled)		
Base Map(s): 16	Map Scale: 1:6,000	Map Date: 1/3/2017 - ds



EXHIBIT B



printed: 11-8-11

EXHIBIT II.B



PRELIMINARY DEVELOPMENT PLAN		
Hohokam Village	11-2011	40

APPROVED AT PUBLIC HEARING
1/17/12
C09-11-04

November 22, 2016

Pima County Development Services
Attn. Tom Drzazgowski, Zoning Administrator
201 N. Stone Ave., 2nd Floor
Tucson, AZ 85701

**Subject: Hennessy B TR – Mission Road, Hohokam Village Rezoning Extension
Co9-11-04**

Dear Tom:

Psomas is requesting an extension for the Rezoning Approval for the Hennessy B TR – Mission Road property also known as Hohokam Village (Parcel Codes 119-41-2710, 119-41-274A, and 119-41-266L). The approximately 6.1 acre site was rezoned from SH (Suburban Homestead) BZ (Buffer Overlay Zone) to CB-1 (Local Business) BZ (Buffer Overlay Zone). The project is located on the west side of Mission Road, approximately 2,000 feet south of Ajo Way.

The rezoning approval expires on January 17, 2017 (Co9-11-04). The project has had unforeseen delays in start times. The rezoning conditions are still valid.

The project ownership has not changed and the following ownership information is still valid:

Hennessy B TR
Michael E. Hennessy, Trustee
1802 W. Grant Road, Suite 110
Tucson, AZ 85745

An updated biological report pertaining to endangered and threatened species is included with this submittal.

A five-year time extension is requested per phone call to Psomas on 12-5-16, D.P.

800 E. Wetmore Road
Suite 110
Tucson, AZ 85719-7213

Tel 520.292.2300
Fax 520.292.1290
www.psomas.com

Hennessy B TR – Rezoning Extension
Page 2 of 2
November 22, 2016
7HEN160101

Please consider this an official request for an extension of the Rezoning Approval for the Hennessy B TR – Mission Road project. If we can provide any additional information please call me or Bob Iannarino at 292-2300.

Sincerely,

PSOMAS



Regina Beem, P.E.
Project Manager

cc: Michael Hennessy, Hennessy TR

November 16, 2016

Pima County Development Services
Attn. Tom Drzazgowski, Zoning Administrator
201 N. Stone Ave., 2nd Floor
Tucson, AZ 85701

**Subject: Hennessy B TR – Mission Road, Hohokam Village Rezoning Extension
Co9-11-04**

Dear Tom:

I, Michael E. Hennessy as trustee for the Hennessy B Trust, authorize Psomas to act as our agent in requesting the time extension for the above referenced project. If you have any questions or need any additional information, please don't hesitate to contact me at (520) 906-0500.

Sincerely,

A handwritten signature in blue ink that reads "Michael E. Hennessy". The signature is written in a cursive style with a long horizontal flourish at the end.

Michael E. Hennessy
Hennessy B TR, Trustee

BENEFICIARIES OF TRUST B

Elizabeth A. Hennessy, N. W. 40030 Howard Street, Pulman, WA 99163

Marion F. Chambers, 4760 N. Rio Vista Drive, Tucson, AZ 85749

Michael E. Hennessy, 1802 W. Grant Road, Tucson, AZ 85745

John E. Hennessy, 26001 Via Del Norte, Mission Viejo, CA 92691



Pima County Comprehensive Plan
Southwest Planning Area
Plan Designation: Multifunctional Corridor (MFC)

W AJO WY

W AJO WY

S MISSION RD

COT

COT

RC

RC

MFC

Site

COT

LIU 3.0

LIU 3.0

COT

Multifunctional Corridor (MFC)

- a. Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district), and medium- to high-density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards in the zoning code and design manuals, such as standards for access management, building setbacks, open space, signs, parking, and landscaping.
- b. Residential Gross Density: Residential gross density, if applicable, shall conform to the following:
 - 1) Minimum – 6 RAC
 - 2) Maximum – As allowed by the requested conforming zoning district.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – 6 RAC
 - 2) Maximum – 18 RAC.

Pima County Comprehensive Plan
Special Area Policy S-29
Southwest Infrastructure Plan (SWIP) Area



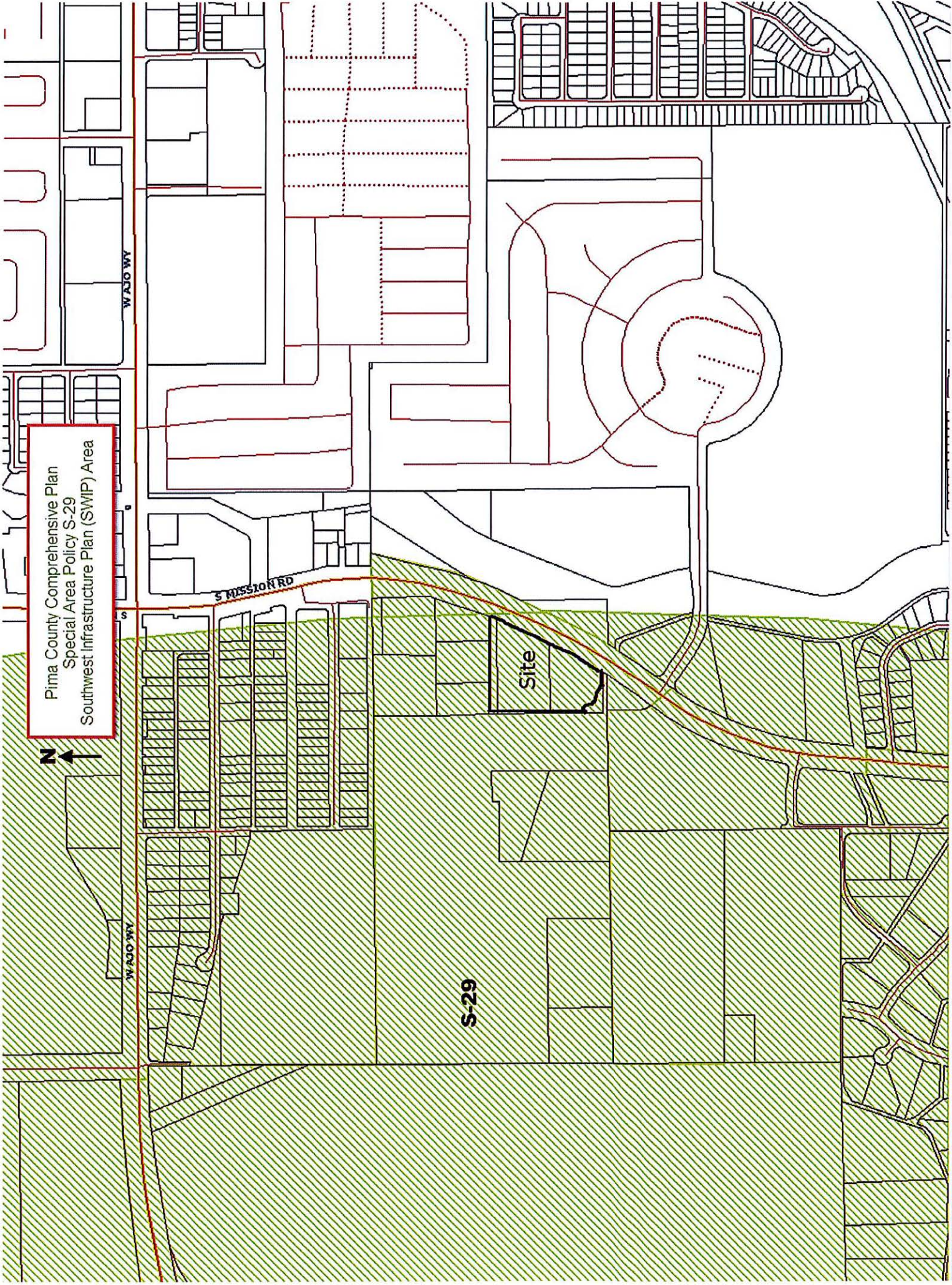
W AJO WY

W AJO WY

S MISSION RD

S-29

Site



S-29 Southwest Infrastructure Plan (SWIP) Area (SW)

General location

Generally bounded by Tucson Mountain Park on the north, Mission Road on the east, the Tohono O’odham Nation – San Xavier District on the south, and Sandario Road on the west, in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 of Township 14 South, Range 11 East; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of Township 15 South, Range 11 East; Sections 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 of Township 14 South, Range 12 East; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of Township 15 South, Range 12 East; Sections 30, 31, 32, 33, and 34 of Township 14 South, Range 13 East; and Sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21 of Township 15 South, Range 13 East (Ref. Co7-07-31, Resolution 2009-24).

Policies

A. Comprehensive Planning:

1. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related to transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
2. New residential uses are incompatible within the one-half mile area from the bounds of the Tucson Trap and Skeet Club (Tax Code 210-12-0420). Any conflicts with policies approved under previous plan amendments shall be resolved at the time of the rezoning or specific plan.
3. Proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (SWIP).

B. Environmental Planning:

At a minimum, applicable Maeveen Marie Behan Conservation Lands System Conservation Guidelines shall be complied with by providing for mitigation onsite, offsite, or in some combination thereof.

C. Regional Flood Control District:

1. No building permits shall be issued until offsite flood control improvements are constructed to remove proposed development out of the FEMA 100-year floodplain.
2. Development shall not occur within the Black Wash Administrative Floodway.

D. Wastewater Management:

No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an

agreement with the owner/developer to that effect. Adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner/developer and other affected parties.

- E. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE: 20121630662
NO. PAGES: 7
ORDIN 06/11/2012
18:00
PICK UP
AMOUNT PAID: \$0.00

ORDINANCE 2012- 29

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 119-41-2710, 119-41-274A, AND 119-41-266L) OF APPROXIMATELY 6.10 ACRES FROM SH (SUBURBAN HOMESTEAD) BZ (BUFFER OVERLAY ZONE) TO CB-1 (LOCAL BUSINESS) BZ (BUFFER OVERLAY ZONE) IN **CASE Co9-11-04 HENNESSY TR - MISSION ROAD REZONING**; LOCATED ON THE WEST SIDE OF MISSION ROAD, APPROXIMATELY 2,000 FEET SOUTH OF AJO WAY; AMENDING PIMA COUNTY ZONING MAP NO 16.

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

Section 1. The approximately 6.10 acres, located on the west side of Mission Road, approximately 2,000 feet south of Ajo Way, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No 16 is hereby rezoned from SH (Suburban Homestead) BZ (Buffer Overlay Zone) to CB-1 (Local Business) BZ (Buffer 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.
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. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road.
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
 - B. The property owner shall comply with detention/retention conditions and restrictions, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. The property owner(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - D. The access easement, within and adjacent to the rezoning, shall require drainage improvements to meet all-weather access requirements as described in District Technical Policy 27 (Tech-027).
 - E. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
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 cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

C. 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.

D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

E. 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, sewer construction plan or request for building permit.

F. 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.

10. Environmental Quality condition

As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.

11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B), including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.

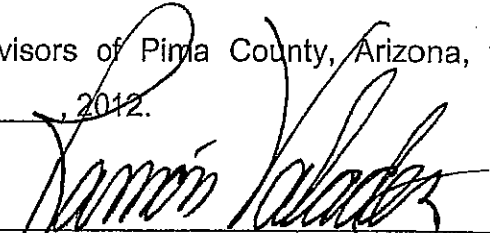
12. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, 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.
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 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 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(I)."
15. The project shall incorporate 100% rooftop water harvesting.

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

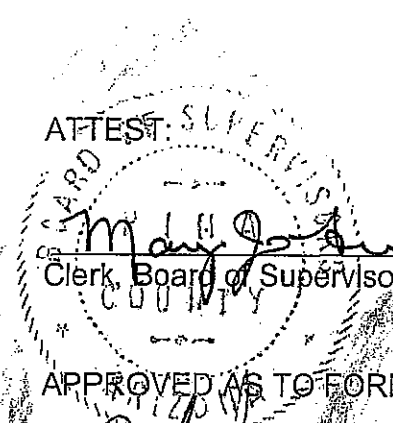
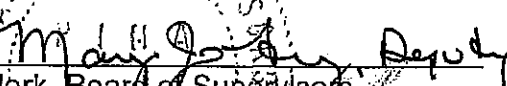
1. Conditions 1 through 15 shall be completed by January 17, 2017.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance 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 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, this
5th day of June, 2012.




Chairman of the Board of Supervisors
6/5/12

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:



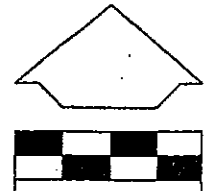
Deputy County Attorney
ANDREW FLAGG



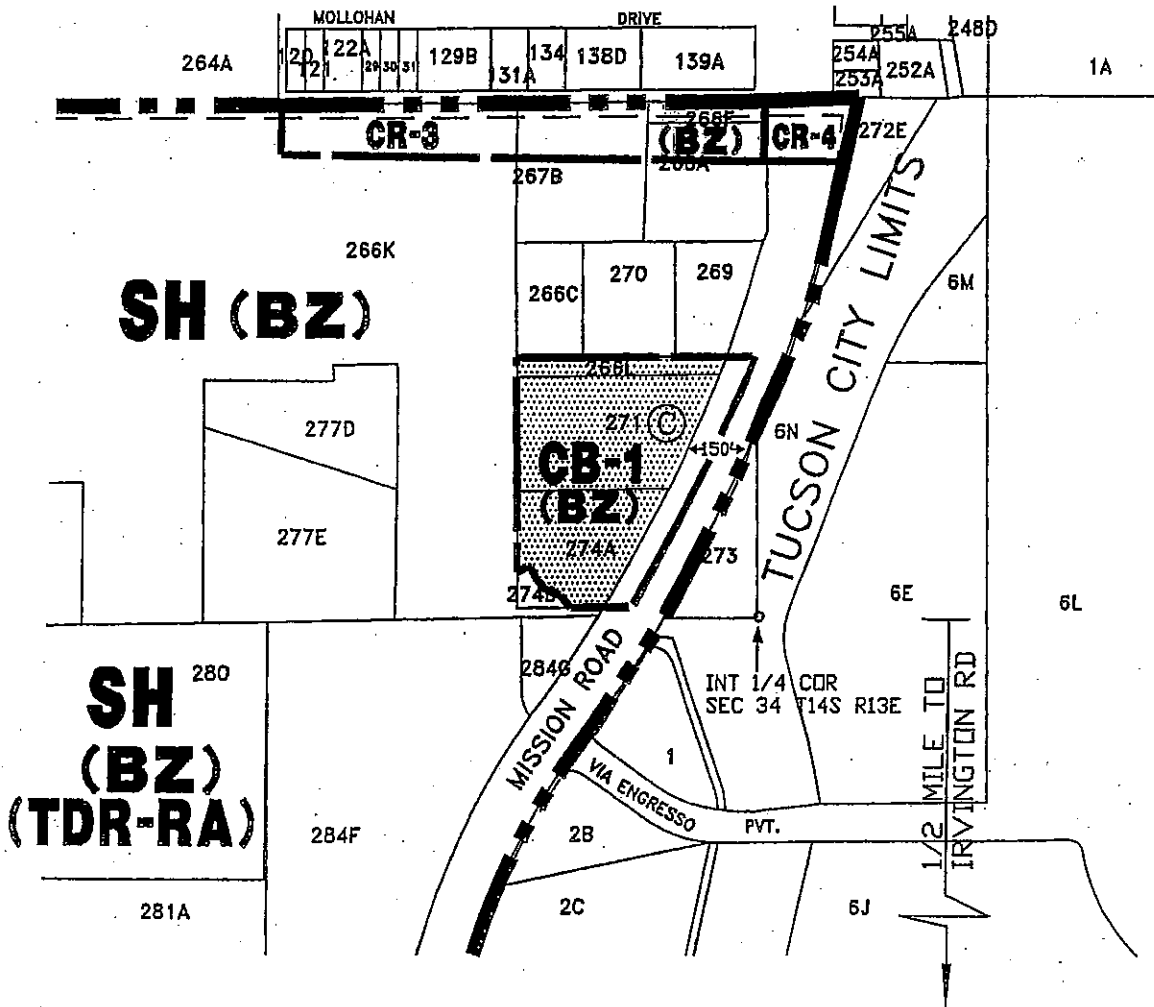
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 5 BY ORDINANCE NO. 2012-2
TO PIMA COUNTY ZONING MAP NO. 16 TUCSON, AZ.
PARCELS 71, 74A & 66L LOCATED WITHIN THE SE 1/4 OF THE
NW 1/4 OF SEC. 34, T14S R13E.



ADOPTED June 5, 2012 EFFECTIVE June 5, 2012



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE C09-11-04
FROM SH (BZ) 6.1 ac± C07-00-20
ds-APRIL 4, 2012 119-41-2710, 274A, 266L

Co9-11-04 Original Rezoning Approval BOS Minutes 1-17-12

award by \$137,441.69 annually to change the contract term to a three year term. Funding Source: General Fund. Administering Department: Information Technology.

2. BOARD, COMMISSION AND/OR COMMITTEE

Parks and Recreation Commission

Appointment of Enrique Serna to replace Maiola Coleman. Term expiration: 1/31/18; and Michael Lundin to fill the unexpired term of Lisa Uhler. Term expiration: 6/30/13. (District 2)

3. SPECIAL TAXING DISTRICT

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 15, 2011 Election conducted by the Avra Valley Irrigation and Drainage District Election.

4. RATIFY AND/OR APPROVE

Minutes: December 6, 2011
December 13, 2011

REGULAR AGENDA/ADDENDUM ITEMS

10. DEVELOPMENT SERVICES: Rezoning

Co9-11-04, HENNESSY TR – MISSION ROAD REZONING

Request of Hennessy TR, represented by CPE Consultants, for a rezoning of approximately 6.10 acres from SH (Suburban Homestead) BZ (Buffer Overlay Zone) to CB-1 (Local Business) BZ (Buffer Overlay Zone), on property located on the west side of Mission Road, approximately 2,000 feet south of Ajo Way. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Poulos and Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

Completion of the following conditions 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. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
 - B. The property owner shall comply with detention/retention conditions and restrictions, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. The property owner(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - D. The access easement, within and adjacent to the rezoning, shall require drainage improvements to meet all-weather access requirements as described in District Technical Policy 27 (Tech-027).
 - E. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
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 cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
 - C. 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.
 - D. 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit
 - E. 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, sewer construction plan or request for building permit.
 - F. 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.
10. Environmental Quality condition
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.

11. Adherence to the preliminary development plan as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. Environmental Planning condition:
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.
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 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 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. The project shall incorporate 100% rooftop water harvesting.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-11-04 subject to standard and special conditions.

11. **DEVELOPMENT SERVICES: Rezoning Ordinances**

- A. ORDINANCE NO. 2012 - 2, Co9-11-06, Sprei – Indian Trail Rezoning (Catalina Foothills Zoning Plan). Owner: Stanley Sprei (District 1)
- B. ORDINANCE NO. 2012 - 3, Co9-11-01, Ajouz – Ina Road Rezoning. Owners: Toufic and Katherine Ajouz (District 2 1)

The Chairman inquired if anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2012 – 2 and 3.

12. **DEVELOPMENT SERVICES: Appointment of Chief Zoning Inspector and Deputy Chief Zoning Inspector**

Appointment of Carmine DeBonis Jr., as Chief Zoning Inspector and Thomas Drzazgowski as Deputy Chief Zoning Inspector, in accordance with A.R.S. §11-815 and §38-462, effective December 28, 2011.