



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 4/4/2023

*= Mandatory, information must be provided

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

***Title:**

RESOLUTION: Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING

***Introduction/Background:**

The Board of Supervisors denied closure of the rezoning and approved a five-year time extension and a modification (substantial change) of rezoning condition #11 subject to modified standard and special rezoning conditions on November 1, 2022.

***Discussion:**

The time limit and rezoning conditions contained in Rezoning Ordinance 2012-26, amended by Resolution 2017-47 may be modified by resolution.

***Conclusion:**

The resolution reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**

1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: _____

[Handwritten Signature] For

Date: _____

3/15/23

Deputy County Administrator Signature: _____

[Handwritten Signature]

Date: _____

3/15/2023

County Administrator Signature: _____

[Handwritten Signature]

Date: _____

3/15/2023



Subject: Co9-10-03

Page 1 of 1

APRIL 4, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director *CP* for
Public Works-Development Services Department-Planning Division
DATE: March 14, 2023

RESOLUTION FOR ADOPTION

Co9-10-03 **MOORE TR – ORACLE JAYNES STATION ROAD REZONING**
Owners: Aerie Northwest LLC
(District 1)

If approved, adopt RESOLUTION NO. 2023 - _____

OWNERS: Aerie Northwest LLC
Attn: Scott Rathbun, President CEO
6300 E. Eldorado Plaza, B150
Tucson AZ 85715

AGENT: The Planning Center
Attn: Brian Underwood, Director
2 E. Congress Street, Suite 600
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

c: Brian Underwood, Director

RESOLUTION 2023-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING; LOCATED ON THE SOUTHEAST CORNER OF N. LA CHOLLA BOULEVARD AND N. FOUNTAINS AVENUE, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-26 AS AMENDED BY RESOLUTION NO. 2017-47.

The Board of Supervisors of Pima County, Arizona finds that:

1. On October 4, 2011, in rezoning case Co9-10-03, the Pima County Board of Supervisors approved the rezoning of approximately 11.55 acres located on the southeast corner of N. La Cholla Boulevard and N. Fountains Avenue, as shown on Exhibit A, from SR (Suburban Ranch) to TR (Transitional) zone, subject to standard and special conditions.
2. On May 15, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-26, recorded at Sequence 20121430413, rezoning the approximate 11.55 acres described in rezoning case Co9-10-03 and memorializing the standard and special conditions.
3. On September 8, 2016, the owner(s) of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance 2012-26;
4. On January 17, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. On July 11, 2017, the Pima County Board of Supervisors adopted rezoning Resolution No. 2017-47, recorded at Sequence 20171980675, memorializing the new rezoning time limit and modified standard and special conditions.
6. The owner of the rezoning site applied for a five-year extension of the time limit and a modification (substantial change) of rezoning condition #11, which requires adherence to the approved preliminary development plan as set forth in Section 3 in Ordinance 2012-26, as amended by Resolution 2017-47.
7. On November 1, 2022, the Pima County Board of Supervisors denied closure of the rezoning, approved a five-year extension and a modification (substantial change) of rezoning condition #11 subject to original and modified standard and special conditions.
8. Section 3 of Ordinance No. 2012-26, as amended by Resolution No. 2017-47 allows the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2012-26, as amended by Resolution No. 2017-47, are restated and modified 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 Department Services Department.~~

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

6 2. Transportation conditions:

A. The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb Sidewalk improvements shall be constructed along the site frontage on Fountains Avenue. Right-of-way dedication shall be provided along Fountains Avenue to accommodate the required sidewalk as determined necessary by the Department of Transportation.

B. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the respective southeast corner of La Cholla Boulevard and Fountains Avenue at the time of development permit submittal. A curve radius of twenty-five (25) feet is required.

C. The property shall be limited to two (2) access points located as follows: one access point on La Cholla Boulevard, and one access point on Fountains Avenue.

D. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Development Plan submittal. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.

7 3. Flood Control conditions:

A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.

B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.

A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.

B. The finished grade of the site shall be elevated so that the adjacent flood control infrastructure no longer serves as a levee. The structures adjacent to the bank protection shall be elevated so that the lowest floor is elevated at least 1 foot above the Casas Adobes Wash Base Flood Elevation.

C. 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.

8 4. Wastewater Reclamation conditions:

A. 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.

B. 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 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.

- 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 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/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.
- 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.

9 5. Environmental Quality conditions:

- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
- B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.

10 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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. 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.

14 7. Adherence to the revised Preliminary Development Plan (EXHIBIT B) as approved at public hearing.

42 8. 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.

43 9. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.

- 44 10. 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.
- 45 11. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act: ~~Proposition 207 rights~~. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
- 46 12. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
- 47 13. 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.~~

Section 2. The time limit in Section 3 of Ordinance 2012-26, as amended by Resolution No. 2017-47 is amended and extended as follows:

1. Conditions 1 through ~~47~~ 13 shall be completed by October 4, ~~2021~~ 2026.

Section 3. The rezoning conditions may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.


Passed and adopted, this _____ day of _____, 2023.

Chair, Pima County Board of Supervisors

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Krystal De La Ossa

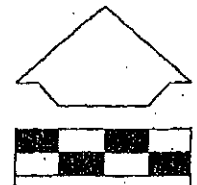
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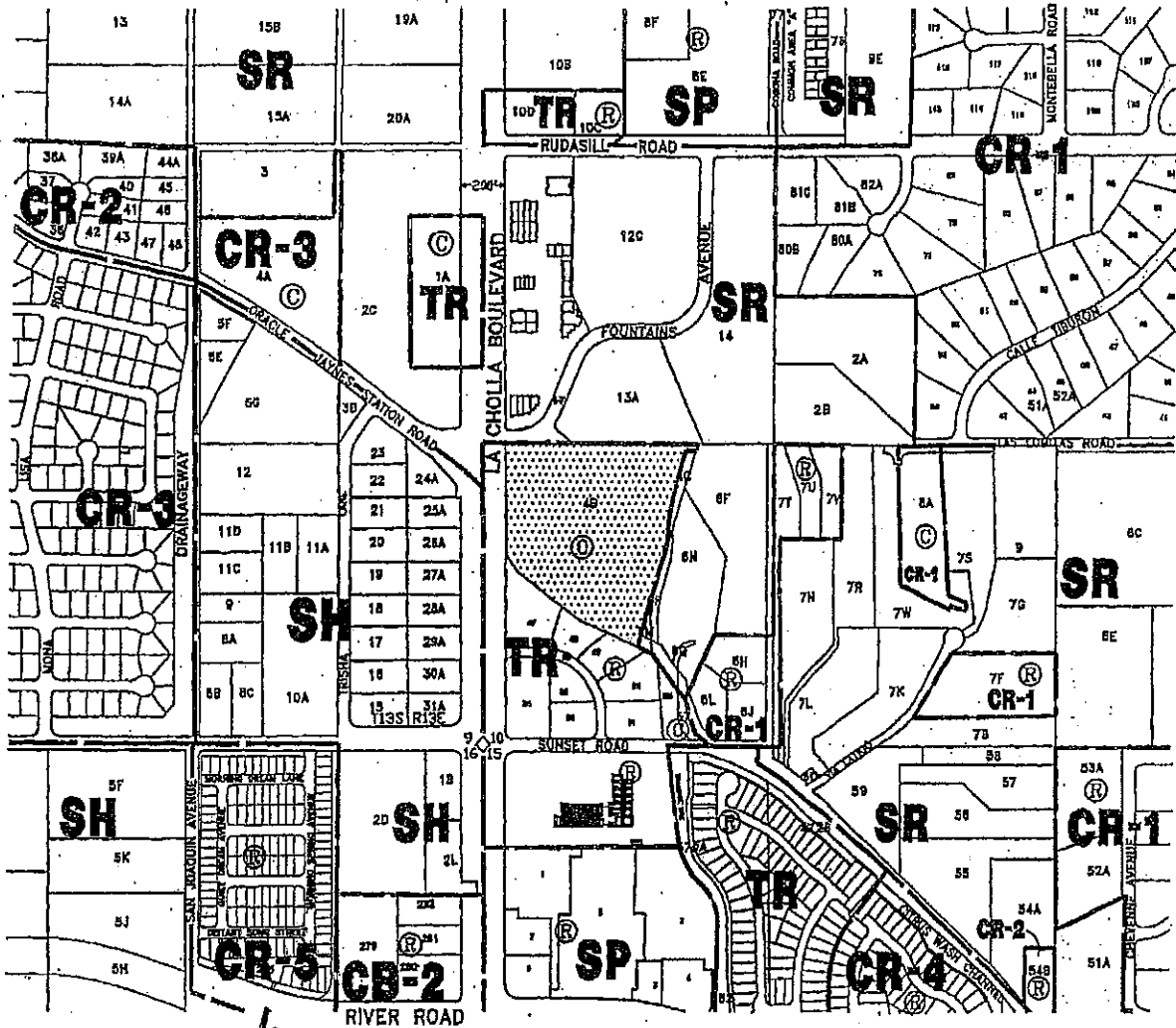
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 102 BY ORDINANCE NO. 2012-26
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, AZ.
PARCEL 4D LOCATED WITHIN THE SW 1/4 OF THE SW 1/4
OF SEC. 10, T13S R13E.



ADOPTED May 15, 2012 EFFECTIVE May 15, 2012



MAY 15 12 2012 P.C. CLK. OF B.O. W.

[Handwritten signature]

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO. BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 11.55 ac±
ds-MARCH 26, 2012

CD9-10-03
CD9-06-19
CD7-00-20
102-13-004D

