



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 22, 2016

Title: P16RZ00002 TOLANO - W. ILLINOIS STREET REZONING (Ordinance)

Introduction/Background:

The Board of Supervisors approved the rezoning on May 17, 2016.

Discussion:

Request of Jaime and Sonia Tolano for a rezoning of approximately 4.06 acres from the SR (Suburban Ranch) zone to the SH (Suburban Homestead) zone, on property located at the northeast corner of Illinois Street and Fred Avenue, approximately 1/3 of a mile northwest of Ajo Highway.

Conclusion:

The Ordinance memorializes the Board of Supervisors' action on the rezoning.

Recommendation:

Staff recommends APPROVAL of the rezoning Ordinance.

Fiscal Impact:

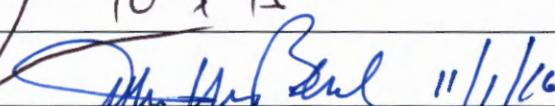
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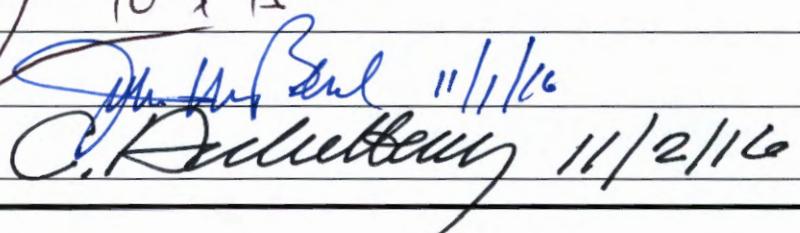
Board of Supervisor District:

1 2 3 4 5 All

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

Department Director Signature/Date:  10-4-15

Deputy County Administrator Signature/Date:  11/1/16

County Administrator Signature/Date:  11/2/16



Subject: P16RZ00002

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FOR NOVEMBER 22, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department Planning Division

DATE: October 31, 2016

ORDINANCE FOR ADOPTION

P16RZ00002 TOLANO – W. ILLINOIS STREET REZONING

Owner: Tolano Jaime & Sonia
(District 3)

If approved, adopt ORDINANCE NO. 2016 - _____

OWNER/AGENT: Tolano Jaime & Sonia JT/RS
6340 W. Illinois St
Tucson, AZ 85735-8805

DISTRICT: 3

STAFF CONTACT: Artemio Hoyos

TD/AH/ar
Attachments

cc: P16RZ00002 File
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 4.06 ACRES OF PROPERTY, LOCATED ON THE NORTHEAST CORNER OF ILLINOIS STREET AND FRED AVENUE APPROXIMATELY 1/3 OF A MILE NORTHWEST OF AJO HIGHWAY, FROM THE SR (SUBURBAN RANCH) ZONE TO THE SH (SUBURBAN HOMESTEAD) ZONE, IN CASE P16RZ00002 TOLANO – W. ILLINOIS STREET REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 38.

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

Section 1. The 4.06 acres located on the northeast corner of Illinois Street and Fred Avenue approximately 1/3 of a mile northwest of Ajo Highway and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 38, is rezoned from the SR (Suburban Ranch) zone to the SH (Suburban Homestead) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
 - A. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. The property shall be limited to three access points as shown on the Sketch Plan (Exhibit B).
 - C. Only one access point will be permitted on Illinois Street.

7. 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/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.
 - 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.
8. Adherence to the Sketch Plan (Exhibit B) with note indicating one (1) residential unit per one (1) acre-lot as approved at public hearing.
9. 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.

10. 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 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)."
11. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Section 3. Time limits of conditions. Conditions 1 through 11 of Section 2 shall be completed no later than May 17, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:


9/22/16
Deputy County Attorney
Wesley M. Lukach

Approved:


11-21-11
Executive Secretary,
Planning and Zoning Commission

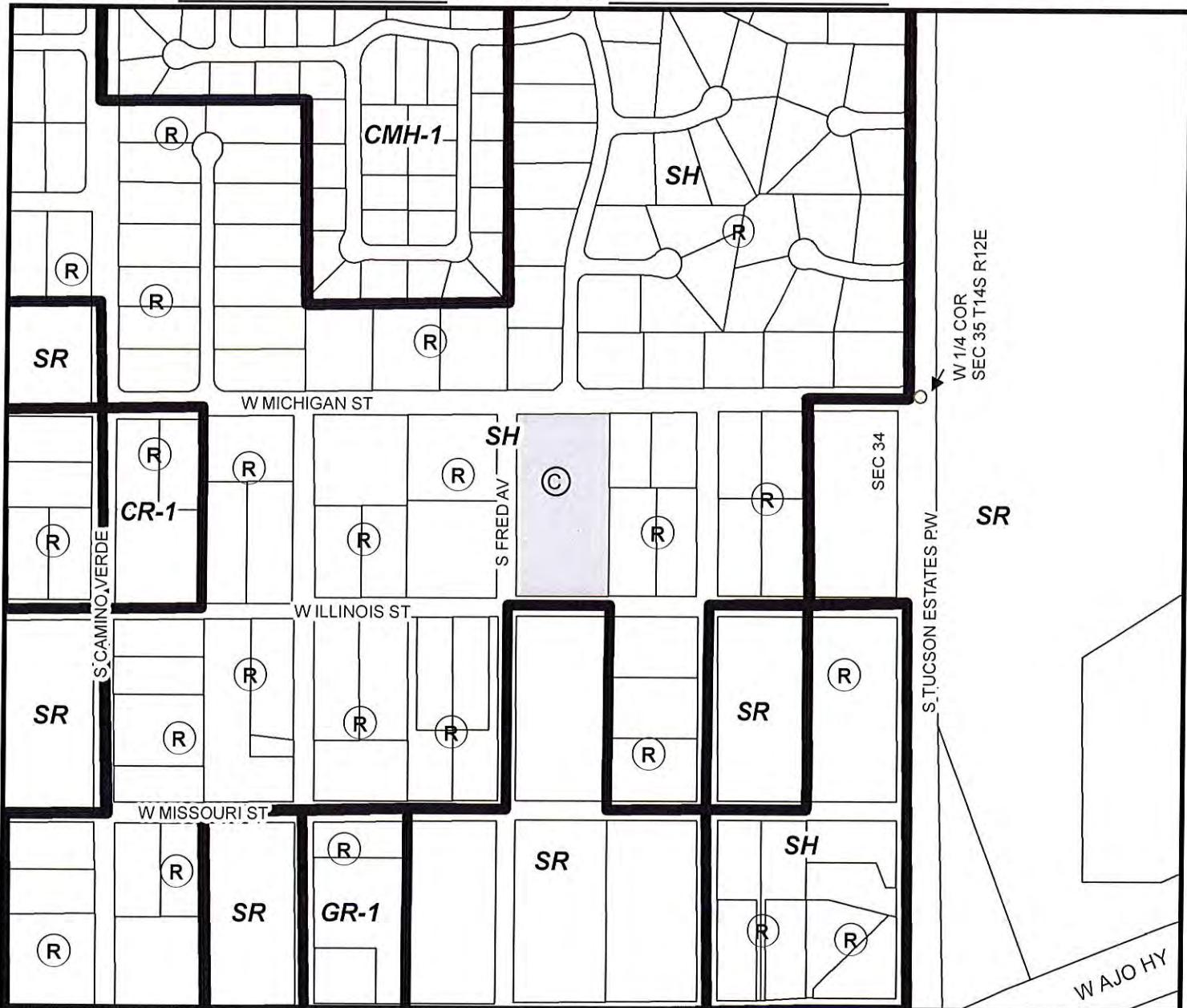
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 38 TUCSON AZ.
PARCEL 83 BEING A PART OF THE NW 1/4 OF THE NE 1/4
OF THE SE 1/4 OF SEC 34 T14S R1SE.



0 125 250 500 Feet

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.06 ac
ds-September 9, 2016

P16RZ00002
Co7-13-10
212-45-0830

SKETCH PLAN

EXHIBIT B

