



# BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 5/3/2022

\*= Mandatory, information must be provided

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

**\*Title:**

ORDINANCE: P21RZ00013 COTTONWOOD PLAZA LLC – N. ORACLE ROAD REZONING

**\*Introduction/Background:**

The Board of Supervisors approved this rezoning on December 7, 2021.

**\*Discussion:**

The rezoning was for approximately 0.11 acres from the CB-1 (Local Business) to the CB-2 (General Business) zone to allow the existing bar that sells beer and wine to add the sale of cocktails and to-go siphits without restaurant food sales.

**\*Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

**\*Recommendation:**

Approval

**\*Fiscal Impact:**

0

**\*Board of Supervisor District:**


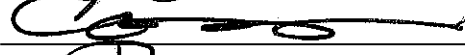

1    2    3    4    5    All

Department: Development Services - Planning

Telephone: 520-724-8800

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature:		Date:	<u>4/12/22</u>
Deputy County Administrator Signature:		Date:	<u>4/12/2022</u>
County Administrator Signature:		Date:	<u>4/12/2022</u>



**PIMA COUNTY**  
DEVELOPMENT SERVICES

Subject: P21RZ00013

Page 1 of 1

**MAY 3, 2022 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Deputy Director *Tom Przaganski*  
Public Works-Development Services Department-Planning Division

**DATE:** April 12, 2022

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**ORDINANCE FOR ADOPTION**

**P21RZ00013 COTTONWOOD PLAZA LLC – N. ORACLE ROAD REZONING**

Owner: Cottonwood Plaza LLC  
(District 1)

**If approved, adopt ORDINANCE NO. 2022 - \_\_\_\_\_**

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**OWNER:** Cottonwood Plaza LLC  
Attn: Romano Real Estate Corp  
3900 E. Via Palomita  
Tucson, AZ 85718

**AGENT:** Rebecca and Scott Stafford  
4330 N. Via Sinuosa  
Tucson AZ 85745

**DISTRICT:** 1

**STAFF CONTACT:** Donna Spicola, Senior Planner

**STAFF RECOMMENDATION:** APPROVAL

TD/DS  
Attachments

c: Rebecca and Scott Stafford

ORDINANCE 2022-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 0.11 ACRES OF PROPERTY (ADDRESSED AS 7254 N. ORACLE ROAD), FROM THE CB-1 (LOCAL BUSINESS) ZONE TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE P21RZ00013 COTTONWOOD PLAZA LLC - N. ORACLE ROAD REZONING, LOCATED APPROXIMATELY 300 FEET NORTH OF THE NORTHEAST CORNER OF N. ORACLE ROAD AND W. INA ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 77.

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

Section 1. The 0.11 acres located approximately 300 feet north of the northeast corner of N. Oracle Road and W. Ina Road, addressed 7254 N. Oracle Road, and illustrated by the designated area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zonings Map No. 77, is rezoned from the CB-1 (Local Business) zone to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. Wastewater Reclamation conditions:

- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning 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.
- 2. Adherence to the sketch plan as approved at public hearing (Exhibit B).
  - 3. 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.
  - 4. 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 4 of Section 2 shall be completed no later than December 7, 2026.

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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

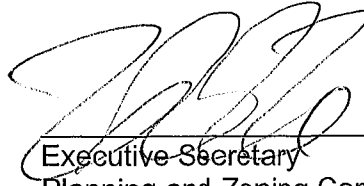
APPROVED AS TO FORM:



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Deputy County Attorney  
Lesley M. Lukach

APPROVED:



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Executive Secretary  
Planning and Zoning Commission

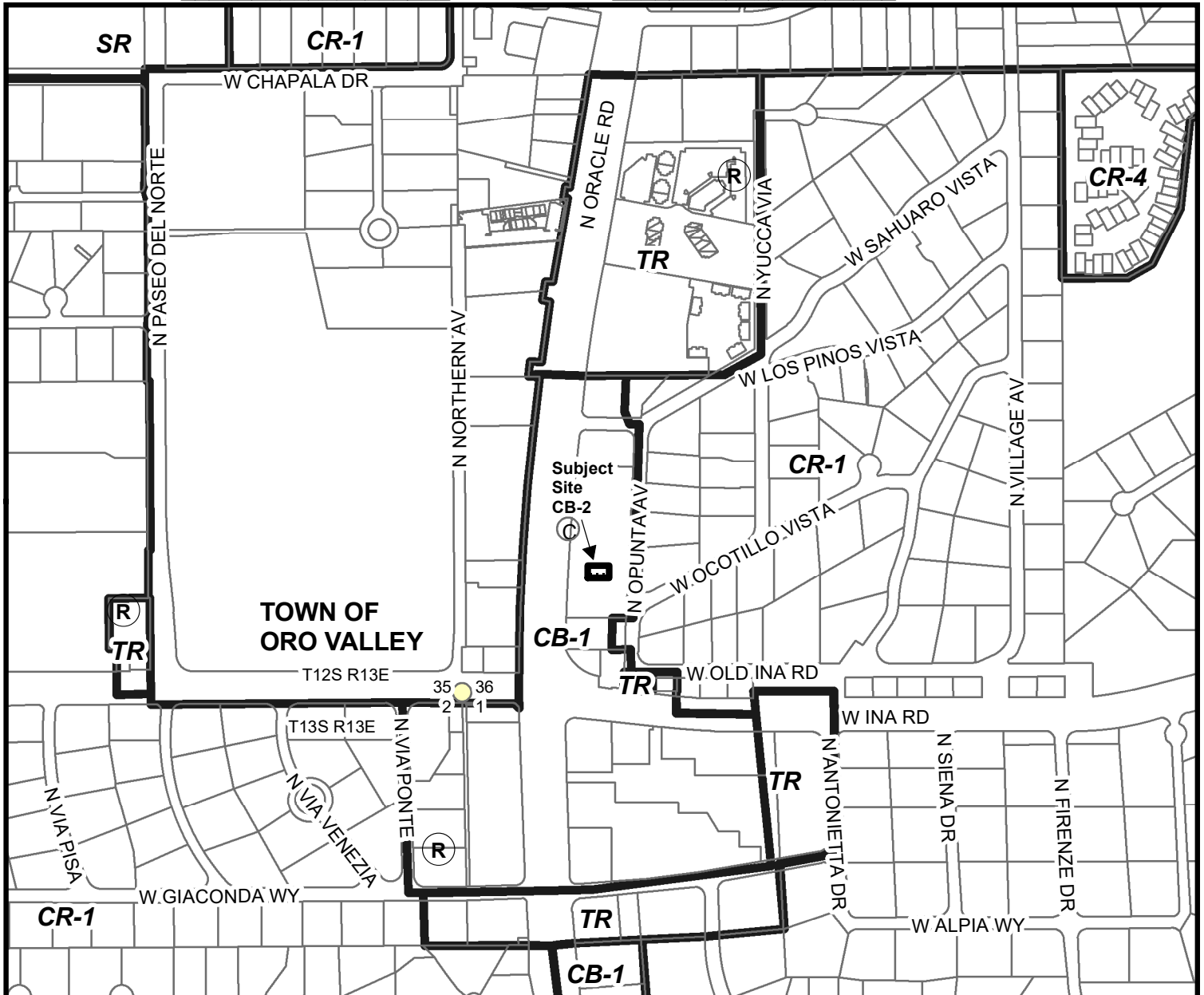
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 77 TUCSON AZ. BEING A  
PART OF CATALINA VILLAGE NO. 1, LOCATED WITHIN THE SW 1/4 OF THE  
SW 1/4 OF SECTION 36, T12 R13E.



0 165 330 660 Feet  
[Scale bar showing 0, 165, 330, and 660 feet]

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



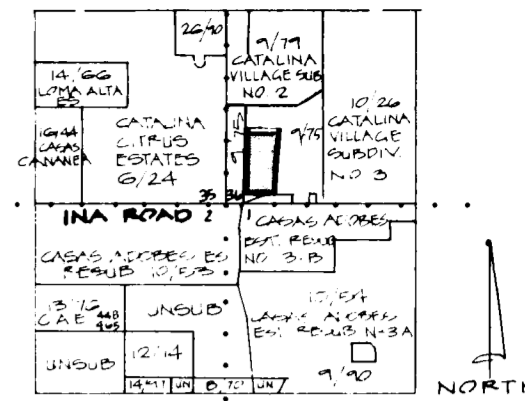
## EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM CB-1 0.11 ac  
ds-March 3, 2022

P21RZ00013  
225512320



CATALINA VILLAGE SUBDIVISION No 1  
 LOTS 1 THRU 50 - AS RECORDED IN BOOK 9 OF MAPS  
 AND PLATS AT PAGE 75



**LOCATION PLAN**  
 SOUTHWEST QUARTER SECTION 36  
 SOUTHEAST QUARTER SECTION 36  
 NORTHWEST QUARTER SECTION 1  
 NORTHEAST QUARTER SECTION 2  
 PIMA COUNTY, ARIZONA SCALE: 5/16" = 1' 0"

**GENERAL NOTES**

- AREA OF DEVELOPMENT = 4.5 ACRES
- EXISTING ZONING = CR 1; PROPOSED ZONING = CD 1
- NUMBER OF LOTS = 1
- THE OWNER COVENANTS THAT ALL PUBLIC ROADS OR ADJACENT TO THIS DEVELOPMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPROVED PLANS TO MINIMUM PIMA COUNTY STANDARDS FOR PAVED ROADS, AND THAT CONSTRUCTION PLANS SHALL BE SUBMITTED TO THE PIMA COUNTY HIGHWAY DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR.
- THE OWNER COVENANTS TO HOLD PIMA COUNTY, ITS SUCCESSORS AND ASSIGNS, HARMLESS IN THE EVENT OF FLOODING.
- THE OWNER COVENANTS THAT DRAINAGE WILL NOT BE ALTERED, DISTURBED OR OBSTRUCTED OTHER THAN AS SHOWN ON THIS PLAN WITHOUT THE APPROVAL OF THE PIMA COUNTY FLOOD PLAIN BOARD.
- THE OWNER COVENANTS TO PROVIDE REVISED DEVELOPMENT PLANS FOR REVIEW AND APPROVAL FOR ANY NEW OR ADDITIONAL BUILDING OR STRUCTURE PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR.
- ALL PARKING AREAS AND THEIR RESPECTIVE COMMERCIAL DRIVES SHALL BE PAVED IN ACCORDANCE WITH ACCEPTED PAVING STANDARDS WITH NOT LESS THAN 1 1/2" OF ASPHALTIC CONCRETE OR AN EQUIVALENT.
- ANY UTILITIES THAT MAY HAVE TO BE RELOCATED AS A RESULT OF THIS DEVELOPMENT WILL BE DONE SO AT NO EXPENSE TO PIMA COUNTY.
- THE OWNER COVENANTS TO PROVIDE BY SEPARATE INSTRUMENT A ONE-FOOT NO-ACCESS EASEMENT ALONG ALL BOUNDARIES, EXCEPT AT POINTS OF INGRESS/EGRESS.
- THE OWNER WILL INSTALL PHYSICAL BARRIERS ALONG ALL BOUNDARIES EXCEPT AT POINTS OF INGRESS/EGRESS FOR THE CONTROL OF VEHICULAR TRAFFIC.
- THIS DEVELOPMENT WILL BE LANDSCAPED IN ACCORDANCE WITH ARTICLE 22A OF THE PIMA COUNTY ZONING ORDINANCE. PLANS WILL BE SUBMITTED TO THE PIMA COUNTY PLANNING DEPARTMENT FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF ANY PERMITS FROM THE ZONING INSPECTOR.
- THE "LAPES" PAVED A C&S WHICH IS TO SERVE THIS DEVELOPMENT AND IS MAINTAINED BY PIMA COUNTY IS SAHJARO VISTA AND IS ADJACENT TO THIS DEVELOPMENT.
- BASES OF BEARING - THE CENTERLINE OF OPUNTA AVENUE ON CATALINA VILLAGE SUBDIVISION NO. 1 AS RECORDED IN BOOK 9 AT PAGE 75 SAID BEARING BEING N 300 09' 48" E.
- BASES OF ELEVATION - BENCH MARK ON THE MEDIAN BULLDOSE AT THE NORTH END OF MEDIAN CENTERLINE OF ORACLE ROAD, SAID ELEVATION BEING 2543.27'
- AN OPAQUE EVERGREEN SCREEN PLANTING OR OPAQUE SCREEN AT LEAST THREE AND ONE-HALF (3 1/2) FEET IN HEIGHT SHALL BE BUILT ON THE WESTERN BOUNDARY OF THIS DEVELOPMENT PRIOR TO OCCUPANCY.
- A FOUR FOOT DECORATIVE MASONRY SCREENING WALL SHALL BE BUILT ON THE EASTERN BOUNDARY OF THIS DEVELOPMENT PRIOR TO OCCUPANCY.

18. PARKING REQUIREMENT	
RETAIL AND OFFICE SPACE =	48,369 SQ. FT.
1 SPACE/200 SQ. FT. =	242 SPACES
RESTAURANT SPACE =	7,000 SQ. FT.
66' = 5398	72 SPACES
33' = 2685 = 200 = 13 SPACES	
RESTAURANT SPACES =	85 SPACES
EMPLOYEES (EILL OFFICES)	16 SPACES
TOTAL REQUIRED PARKING =	343 SPACES
TOTAL PROVIDED =	344 SPACES

INDICATES EXISTING PAVING  
**OWNER/DEVELOPER**  
 COTTONWOOD PROPERTIES, INC.  
 7120 N ORACLE RD SUITE C  
 TUCSON, ARIZONA 85704

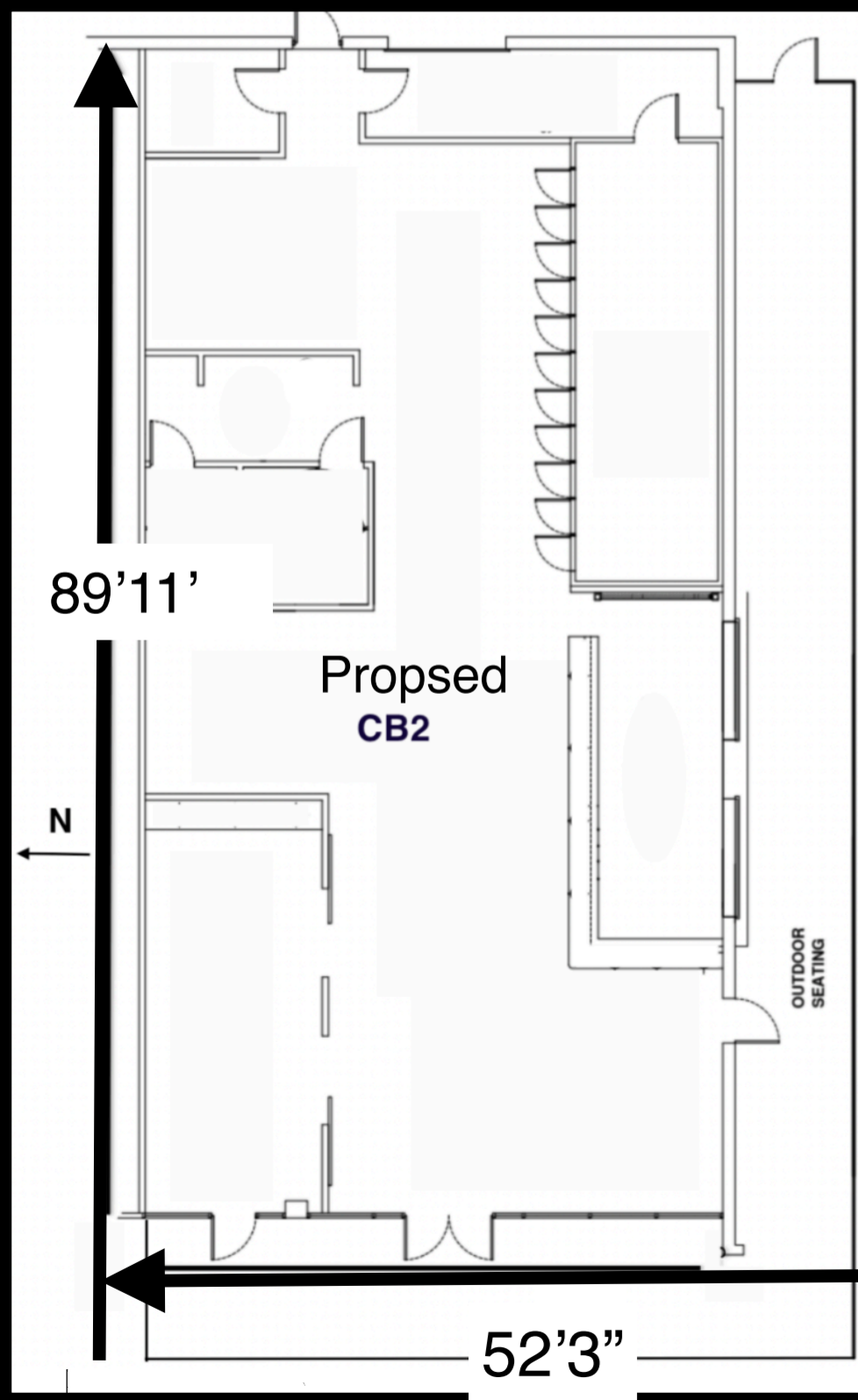
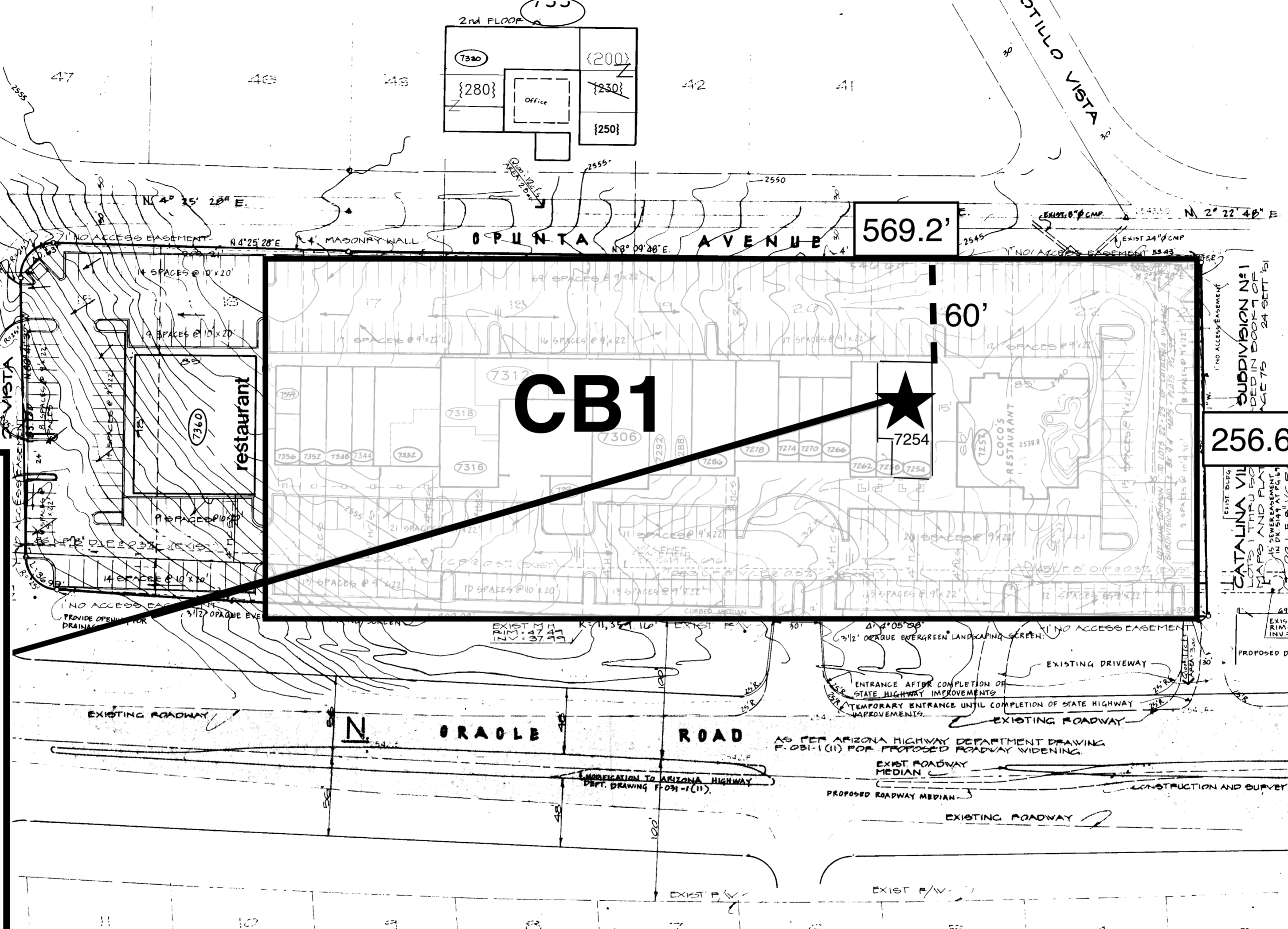
CO 9-78-25  
 CO 12-78-95

REVISED 2-9-79  
 REVISED 11/10/78  
 REVISED 10/22/79

A DEVELOPMENT PLAN FOR  
**COTTONWOOD PLAZA**  
 BEING A DEVELOPMENT OF LOTS 15-22 AND THE  
 N 40' OF LOT 23 OF CATALINA VILLAGE SUBD.  
 NO 1 AS REC IN BK 9 OF MAPS & PLATS AT PG. 75  
 SEC 36, T12 S, R13 E 415 R.B.S.M. PIMA CO. ARIZONA

DESIGN BY	1
DRAWN BY	MULLEN
SCALE	1" = 40'
DATE	SEPT 15, 1978
SHEET	1 OF 1
JOB NO.	78026-004

**OSBORN, PETERSON, WALBERT & WALL**  
 Engineering, Surveying & Planning, Inc.  
 4501 East Grant Road  
 Tucson, Arizona 85715 Phone: (602) 296-8544



P21RZ00013 COTONWOOD PLAZA LLC - N ORACLE ROAD REZONING

Approved PDP 12/7/21

Page 5 of 5

**MAP 77 ZONE CB-1**  
 7250 N. ORACLE RD.  
 CO 12-78-95