



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 10/20/15

Title: Co9-14-01 J DE GRAZIA COMPANY LLC – N. BONANZA AVENUE REZONING

Introduction/Background:

The Board of Supervisors approved this rezoning on June 3, 2014.

Discussion:

The rezoning was for 9.33 acres located on the east side of Bonanza Avenue approximately 600 feet south of Snyder Road from the SR (SUBURBAN RANCH) zone to the CR-1 (SINGLE RESIDENCE) zone subject to the conditions in the Ordinance.

Conclusion:

This Ordinance reflects the Board of Supervisors' approval of the rezoning and conditions.

Recommendation:

Staff recommends that the Board of Supervisors approve this Ordinance.

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

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

Department Director Signature/Date: *[Signature]* 9/25/2015

Deputy County Administrator Signature/Date: *[Signature]* 10/1/15

County Administrator Signature/Date: *[Signature]* 10/1/15

for



Subject: Co9-14-01

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FOR OCTOBER 20, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director
Public Works-Development Services Department-Planning Division
DATE: September 28, 2015

ORDINANCE FOR ADOPTION

Co9-14-01 **J DE GRAZIA COMPANY LLC – N. BONANZA AVENUE REZONING**
Owner: De Grazia Company LLC
(District 1)

If approved, adopt ORDINANCE NO. 2015- _____

OWNERS: De Grazia Company LLC
4030 N. Painted Quail Place
Tucson, AZ 85750

AGENT: MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85750-1801

DISTRICT: 1

STAFF CONTACT: Artemio Hoyos

CP/AH/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-14-01 File

ORDINANCE 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 9.33 ACRES OF PROPERTY, LOCATED ON THE EAST SIDE OF BONANZA AVENUE APPROXIMATELY 600 FEET SOUTH OF SNYDER ROAD, FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-1 (SINGLE RESIDENCE) ZONE, IN CASE Co9-14-01 J DE GRAZIA COMPANY LLC – N. BONANZA AVENUE REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 50.

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

Section 1. The 9.33 acres located on the east side of Bonanza Avenue approximately 600 feet south of Snyder Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 50, is rezoned from the SR (SUBURBAN RANCH) zone to the CR-1 (SINGLE RESIDENCE) 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 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 shall be limited to one access point onto Bonanza Avenue as shown on the preliminary development plan.

- B. The owner/developer shall file an application for abandonment of public right-of-way for Walnut Tree Street. Once abandoned, the land shall be incorporated into the rezoning site.
8. Regional Flood Control District Conditions:
- A. A permitting note shall be added to the Final Plat and a covenant shall be recorded with the Conditions, Covenants and Restrictions for the subdivision indicating that Floodplains, Erosion Hazard Setbacks and Pima County Regulated Riparian Habitat as delineated on the Final Plat shall not be disturbed.
 - B. First flush retention shall be required.
 - C. In order to achieve water conservation measures identified in the PIWMP, a note shall be added to the Final Plat indicating that development of each lot shall obtain certification under the Pima County Green Building program, and shall include at least one outdoor conservation measure.
9. Cultural Resources Condition:
In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).
10. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
11. Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(s)/developer(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 current any future 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.
12. Regional 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.
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 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. Final lot configuration and internal subdivision design shall be responsive to the conditions identified in this approval and generally consistent with the rezoning exhibits.
16. Residential structures shall be no more than 24 feet in height.

Section 3. Time limits of conditions. Conditions 1 through 16 of Section 2 shall be completed no later than June 3, 2019.

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 _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:



Deputy County Attorney
Lesley M. Lukach

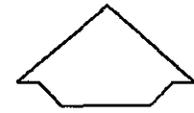
Approved:



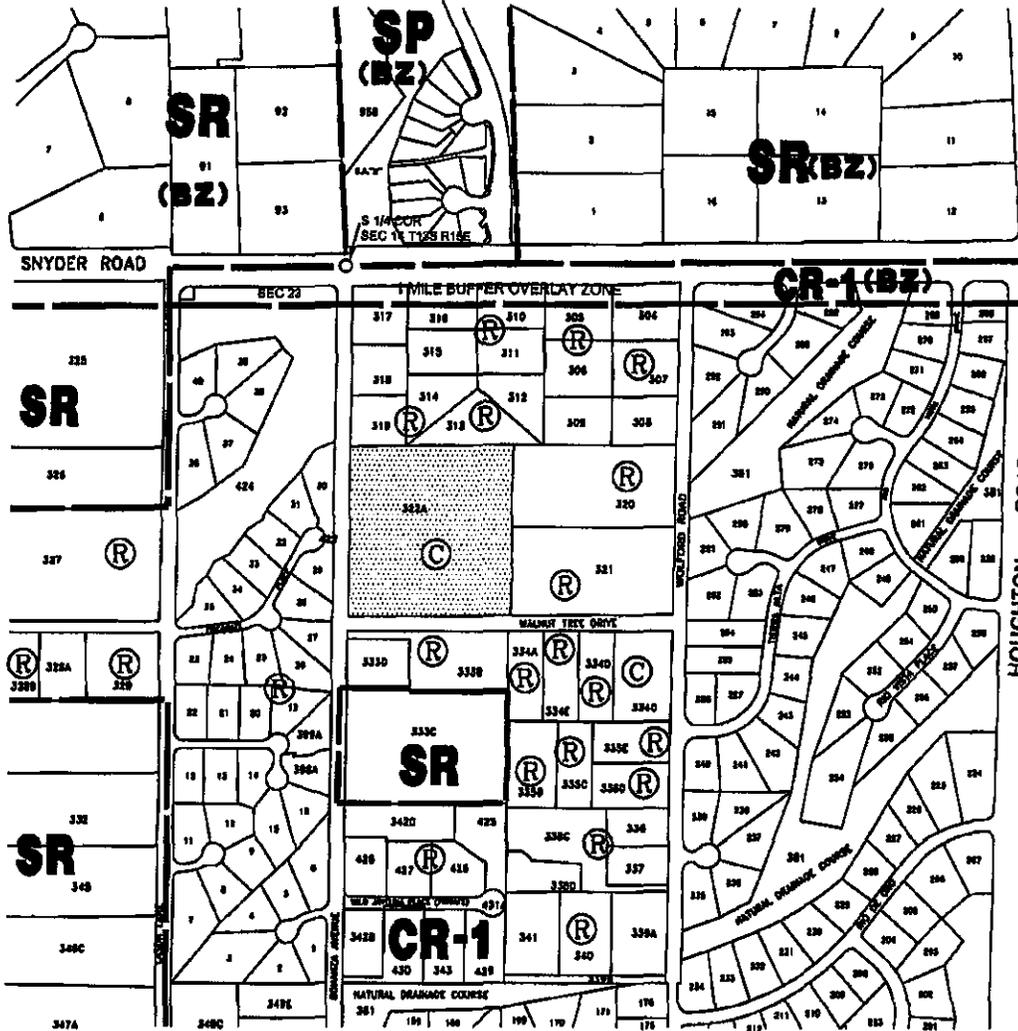
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 50 TUCSON, AZ.
PARCEL 22A LOCATED IN THE NW 1/4 OF THE NE 1/4 OF
SEC. 23 T14S R15E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 9.33 ac±
ds-AUGUST 25, 2015

CD9-14-001
114-21-322A

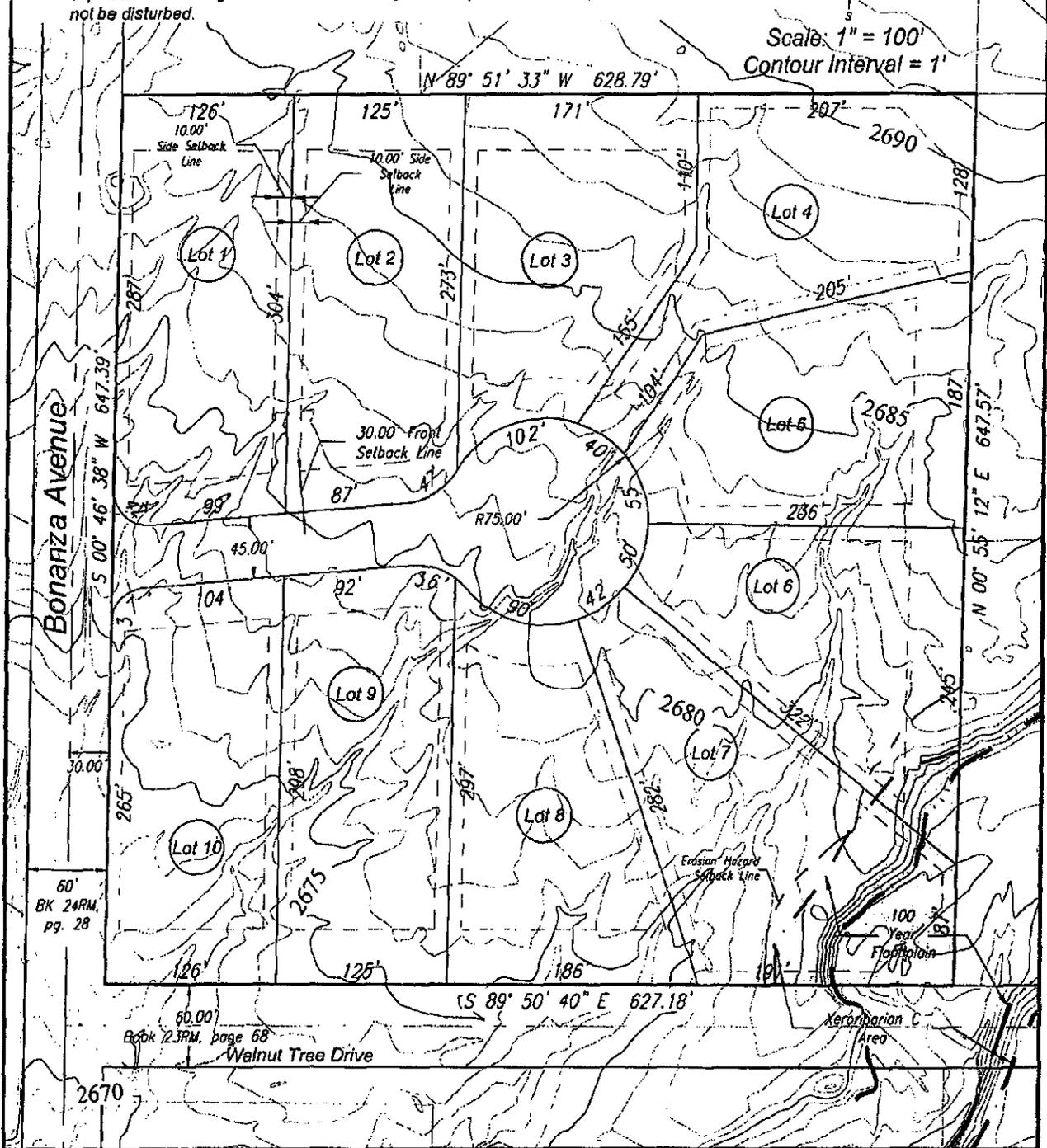
EXHIBIT B

Note:

1. Building envelopes shall be enclosed by the building setbacks shown on the plan. The setbacks shown on Lots 4 and 7 are in compliance with those allowed for a 'Gore' Lot per Zoning Code Section 18.03.020.L.11 & 12.
2. In addition to the above, the building envelopes on Lots 6 & 7 shall also exclude the 100 year floodplain, Xeroriparian C, and erosion hazard setback areas. This shall be implemented by a note or notation on the subdivision plat. Said note or notation shall stipulate that the vegetation within the 100 year floodplain and Xeroriparian C areas shall not be disturbed.



Scale: 1" = 100'
Contour Interval = 1'



60'
BK 24RM,
Pg. 28

60.00'
Book 23RM, page 68

Walnut Tree Drive

MJM CONSULTING, INC.
Land Planning and Development Services
7002 E. 4th Street Tucson, Arizona 85710 Phone: 520-885-8021

SandyCreek on Bonanza Ave.
Parcel No. 114-21-322A
Section 23, Township 13 S, Range 15 E
Pima County, Arizona

Exhibit II-B.1a
Preliminary Development
Plan