



Board of Supervisors Memorandum

Subject: Co9-09-09

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FOR OCTOBER 15, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services Department-Planning Division

DATE: October 2, 2013

ORDINANCE FOR ADOPTION

Co9-09-09 ORANGE GROVE PROPERTY LLC – ORANGE GROVE ROAD
REZONING

Owner: Orange Grove Property LLC
(District 1)

If approved, adopt ORDINANCE NO. 2013 - _____

OWNER: Orange Grove Property LLC
1955 W. Grant Road Ste. 125G
Tucson, AZ 85745-1470

AGENT: Joel Kramer
Kramer Architecture
5525 W. Dove of Peace
Marana, AZ 85658

DISTRICT: 1

STAFF CONTACT: Janet Emel

CP/JE/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-09-09 File

ORDINANCE 2013-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 102-16-069A, 102-16-0700) IN CASE **Co9-09-09 ORANGE GROVE PROPERTY LLC – ORANGE GROVE ROAD REZONING** OF APPROXIMATELY 1.74 ACRES FROM CR-1 (SINGLE RESIDENCE) TO TR (TRANSITIONAL), LOCATED AT THE SOUTHEAST CORNER OF ORANGE GROVE ROAD AND LA CANADA DRIVE, AMENDING PIMA COUNTY ZONING MAP NO. 76.

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

Section 1. The 1.74 acres, located at the southeast corner of Orange Grove Road and La Canada Drive, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 76 is hereby rezoned from CR-1 (Single Residential) to TR (Transitional).

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. Adherence to the Preliminary Development Plan "A" or "B" (EXHIBITS B, C) as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.
8. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.
9. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.
10. The building height(s) shall be a maximum of one-story.
11. Transportation Conditions:
 - A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.
 - B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.
12. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use

of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.

13. Environmental Quality condition: Upon the effective date of the Ordinance, 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 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.
14. Wastewater Management 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 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 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.
15. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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.
16. 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.
17. 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(l)."

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

1. Conditions 1 through 17 shall be completed by August 6, 2018.
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 17 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, on this _____ day, of 2013.

Chairman of the Board of Supervisors

ATTEST:

Clerk, Board of Supervisors



Deputy County Attorney

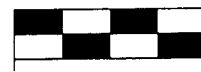
ANDREW FLAGG



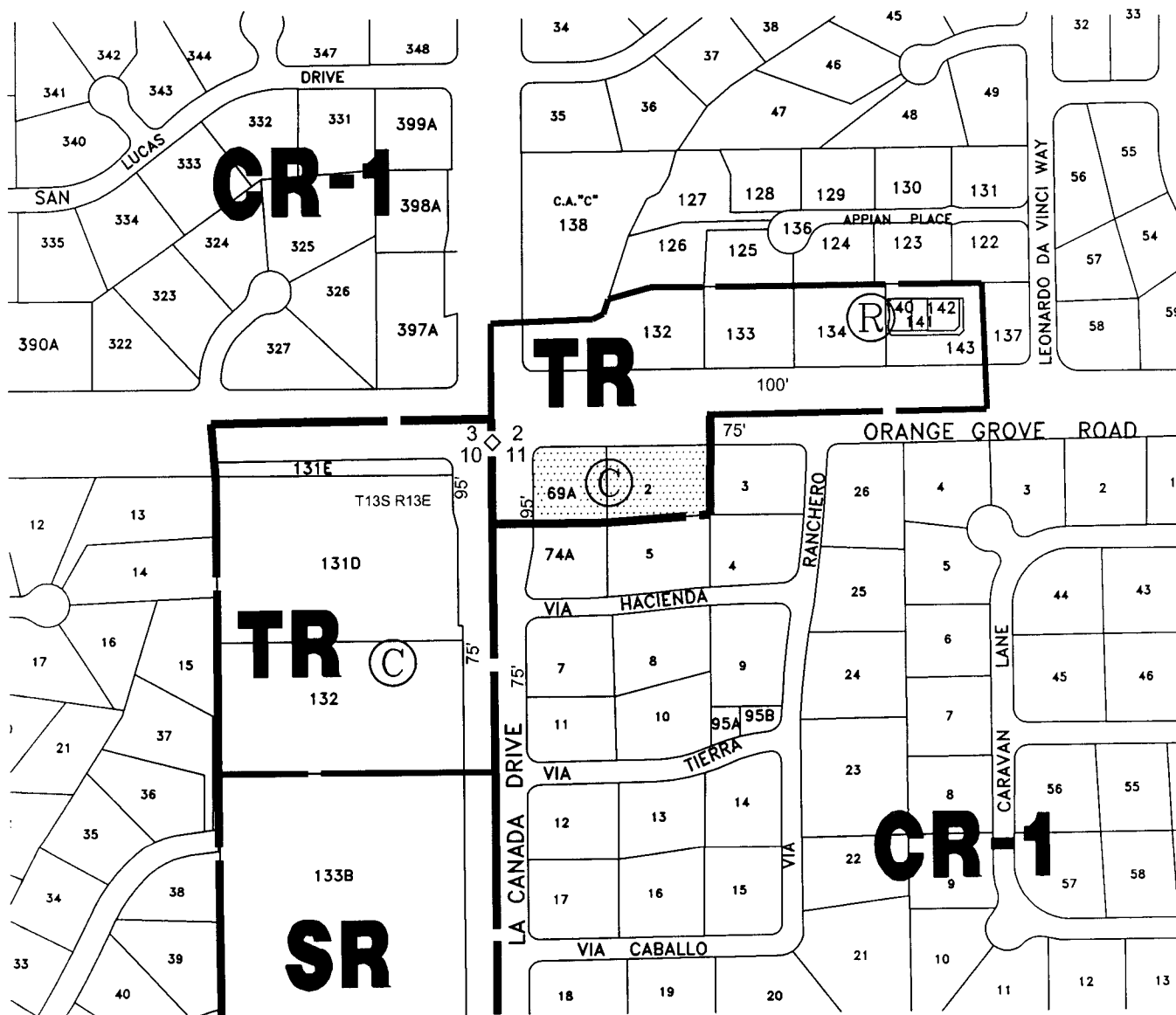
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 76 TUCSON, AZ.
 LOTS 1 AND 2 OF RANCH HOUSE ESTATES BEING A PART OF
 SEC. 11, T13S R13E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM CR-1 1.74 ac±
 ds-September 17, 2013

C09-09-09
 102-16-069A &
 102-16-0700

[illegible]

