



Subject: Co9-14-07

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FOR FEBRUARY 17, 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: FEBRUARY 4, 2015

ORDINANCE FOR ADOPTION

Co9-14-07 J DEGRAZIA COMPANY, LLC – N. HARRISON ROAD REZONING

Owner: J DeGrazia Company, LLC
(District 1)

If approved, adopt ORDINANCE NO. 2015 - _____

OWNERS: J DeGrazia Company, LLC
Attn: Jerry DeGrazia
4030 N. Painted Quail Place
Tucson, AZ 85750-6140

AGENT: MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85710

DISTRICT: 1

STAFF CONTACT: David Petersen

CP/DP/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-14-07 File

ORDINANCE 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 20.41 ACRES OF PROPERTY, LOCATED ON THE WEST SIDE OF HARRISON ROAD, APPROXIMATELY ONE-HALF MILE SOUTH OF SNYDER ROAD (PARCEL CODE 114-19-0230), FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-1 (SINGLE RESIDENCE) ZONE, IN CASE Co9-14-07 J DEGRAZIA COMPANY, LLC - N. HARRISON ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 51.

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

Section 1. The 20.41 acres located on the west side of Harrison Road approximately one-half mile 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. 51, 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 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. The property shall be limited to one access point onto Harrison Road as shown on the preliminary development plan.
- B. The owner shall dedicate 5 feet of right-of-way for Harrison Road as shown on the preliminary development plan.

7. Flood Control conditions:

- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for each residential lot as part of the Green Building requirement. This requirement shall be made a condition of each building permit.
- B. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces associated with the roads. This requirement shall be made a condition of the Site Construction Permit.
- C. Floodplains, Erosion Hazard Setbacks and Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.

8. 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 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.

9. Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing.
10. Adherence to the natural area set-asides (shaded and cross-hatched areas) shown on Exhibit II-E.1 (Exhibit C) of the site analysis.
11. 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.
12. The property owner shall execute and record the following disclaimer regarding Prop 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)."
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. Buildings are limited to one-story and a maximum height of 24 feet.

Section 3. Time limits of conditions. Conditions 1 through 14 of Section 2 shall be completed no later than October 7, 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:



Michael LeBlanc
Deputy County Attorney

Approved:



Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 51 TUCSON, AZ.
PARCEL 23 LOCATED IN THE NE 1/4 OF THE SE 1/4 OF
SEC. 22, T13S, R15E.



ADOPTED _____ EFFECTIVE _____

0 600'



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 20.41 act
ds-January 2, 2015

C09-14-07
114-19-0230

EXHIBIT B

REVISED PRELIMINARY DEVELOPMENT PLAN - SEPTEMBER 17, 2014

1. ALL LOTS SHALL BE RESTRICTED TO 1-STORY HOMES.
2. THE POST-DEVELOPMENT DRAINAGE SHALL ADHERE TO ALL APPLICABLE PIMA COUNTY FLOODPLAIN MANAGEMENT REGULATIONS, AND SPECIFICALLY THE DOWNSTREAM RUNOFF IN TERMS OF BOTH QUANTITY AND VELOCITY SHALL NOT BE ANY GREATER THAN THAT UNDER PRE-DEVELOPMENT CONDITIONS, AND THE UPSTREAM PROPERTIES SHALL NOT BE IMPACTED BY ANY BACKWATER.

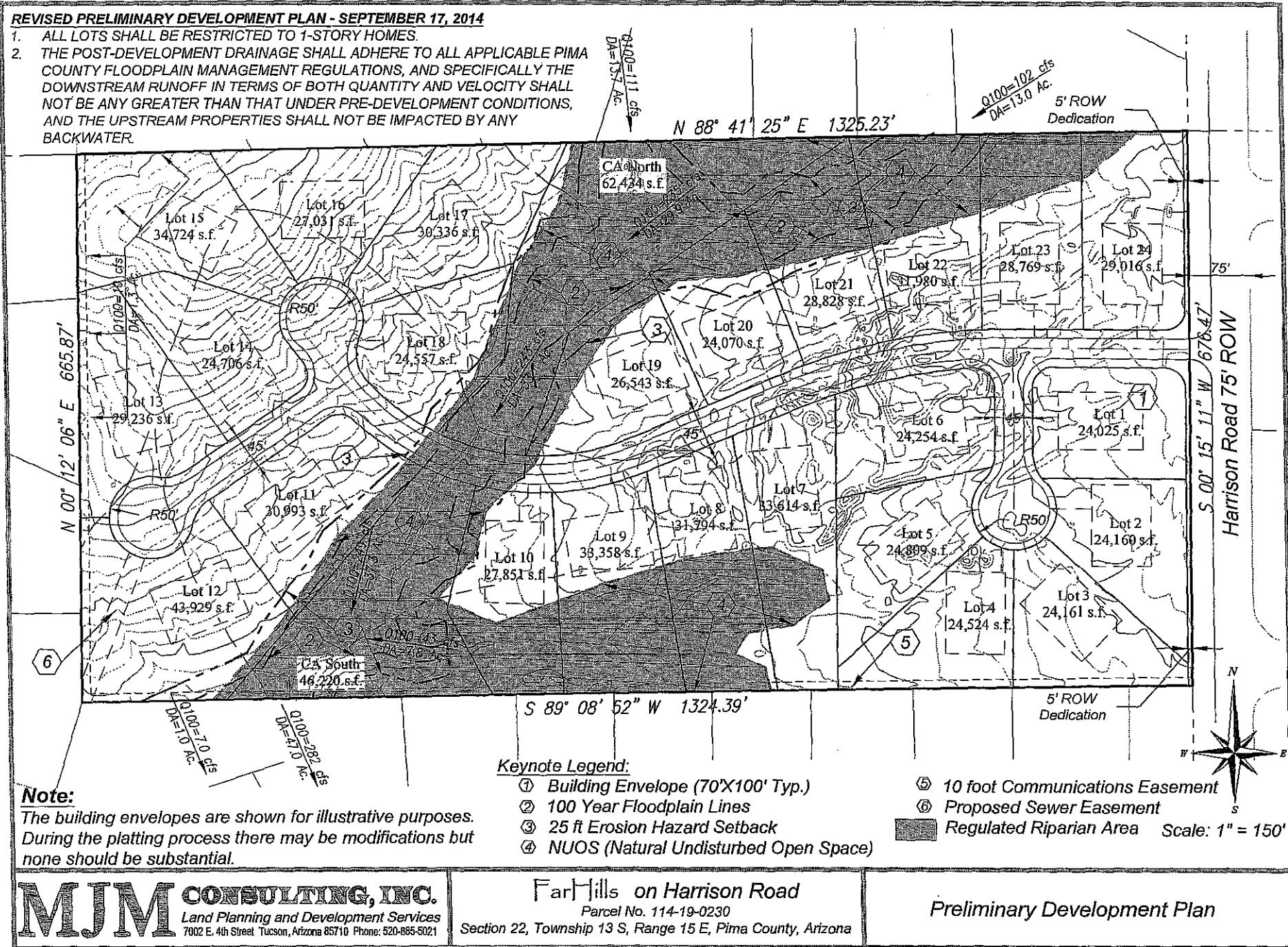
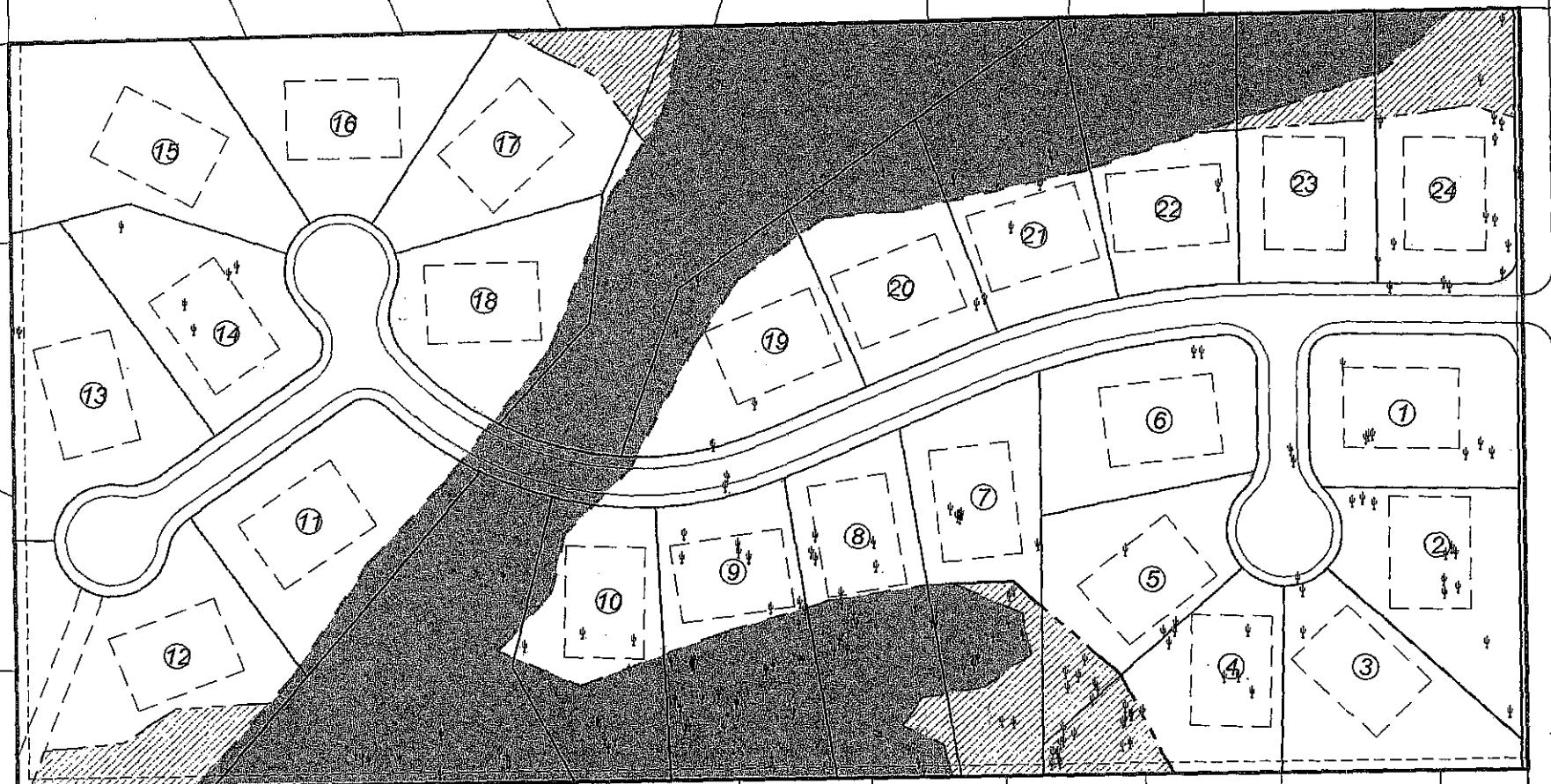


EXHIBIT C

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Legend:



Regulated Riparian and Vegetation especially important for soils stabilization



NPPO Set-Aside Area



Scale: 1" = 150'

MJM CONSULTING, INC.
Land Planning and Development Services
7002 E. 4th Street Tucson, Arizona 85710 Phone: 520-885-5021

Far Hills on Harrison Road
Parcel No. 114-19-0230
Section 22, Township 13 S, Range 15 E, Pima County, Arizona

Exhibit II-E.1
Biological Resources Map