



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: July 11, 2017

**Title:** Co9-10-03 MOORE TR – ORACLE JAYNES STATION REZONING (Resolution)

**Introduction/Background:**

The Board of Supervisors approved a Time Extension subject to original and modified conditions for this Rezoning on January 17, 2017.

**Discussion:**

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

**Conclusion:**

The time limit and conditions contained in Rezoning Ordinance 2012-26 may be modified by resolution.

**Recommendation:**

Staff recommends that the Board of Supervisors approve this Resolution.

**Fiscal Impact:**

0

**Board of Supervisor District:**

1       2       3       4       5       All

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

Department Director Signature/Date: [Signature] 6-19-17

Deputy County Administrator Signature/Date: [Signature] 6/20/17

County Administrator Signature/Date: [Signature] 6/20/17



**Subject: Co9-10-03**

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**FOR JULY 11, 2017 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
**DATE:** June 16, 2017

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**RESOLUTION FOR ADOPTION**

**Co9-10-03** **MOORE TR – ORACLE JAYNES STATION ROAD REZONING**  
Owner: M3 Engineering & Technology Corporation  
(District 1)

**If approved, adopt RESOLUTION NO. 2017 - \_\_\_\_\_**

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**OWNER:** M3 Engineering & Technology Corporation  
2051 W. Sunset Road, Suite 101  
Tucson, AZ 85704-1722

**AGENT:** T and T Engineering, LLC  
Attn: Thomas Guido, P.E.  
5980 E. Verde Place  
Tucson, AZ 85705

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

**STAFF RECOMMENDATION: APPROVAL.**

TD/DP/ar  
Attachments

cc: Co9-10-03 File  
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING; LOCATED ON THE SOUTHEAST CORNER OF LA CHOLLA BOULEVARD AND FOUNTAINS AVENUE, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-26.**

The Board of Supervisors of Pima County, Arizona finds that:

1. On October 4, 2011, in rezoning case Co9-10-03, the Pima County Board of Supervisors approved the rezoning of approximately 11.55 acres located on the southeast corner of La Cholla Boulevard and Fountains Avenue, as shown on Exhibit A, from SR (Suburban Ranch) to TR (Transitional) for approximately 11.55 acres, subject to standard and special conditions.
2. On May 15, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-26, recorded at Sequence 20121430413, rezoning the approximate 11.55 acres described in rezoning case Co9-10-03 and memorializing the standard and special conditions.
3. On September 8, 2016, the owner(s) of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-26;
4. On January 17, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. Section 3 of Ordinance No. 2012-26 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2012-26 are restated and modified as follows:

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. Transportation condition:  
The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.
7. Flood Control conditions:
  - A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
  - B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.
8. Wastewater Reclamation conditions:
  - ~~A. The owner/developer shall construe no 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 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, 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 Pima County Regional Wastewater Reclamation Department.~~
  - ~~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 Pima County Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, 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, 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.~~
- ~~A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan 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.~~

9. Environmental Quality conditions:
  - A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
  - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.
11. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
12. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
14. 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.
15. 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)."

16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
17. 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.

Section 2. Section 3 of Ordinance No. 2012-26 is amended and the time limit extended as follows:

1. Conditions 1 through ~~46~~ 17 shall be completed by October 4, ~~2016~~ 2021.
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 Resolution until all conditions 1 through ~~46~~ 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.

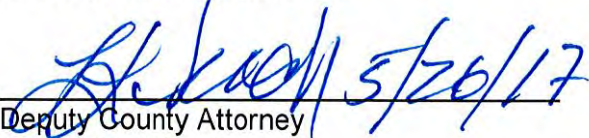
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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


ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Clerk of the Board

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:



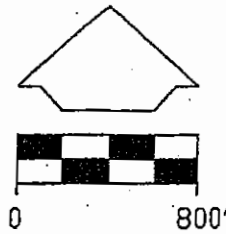
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Executive Secretary  
Planning and Zoning Commission



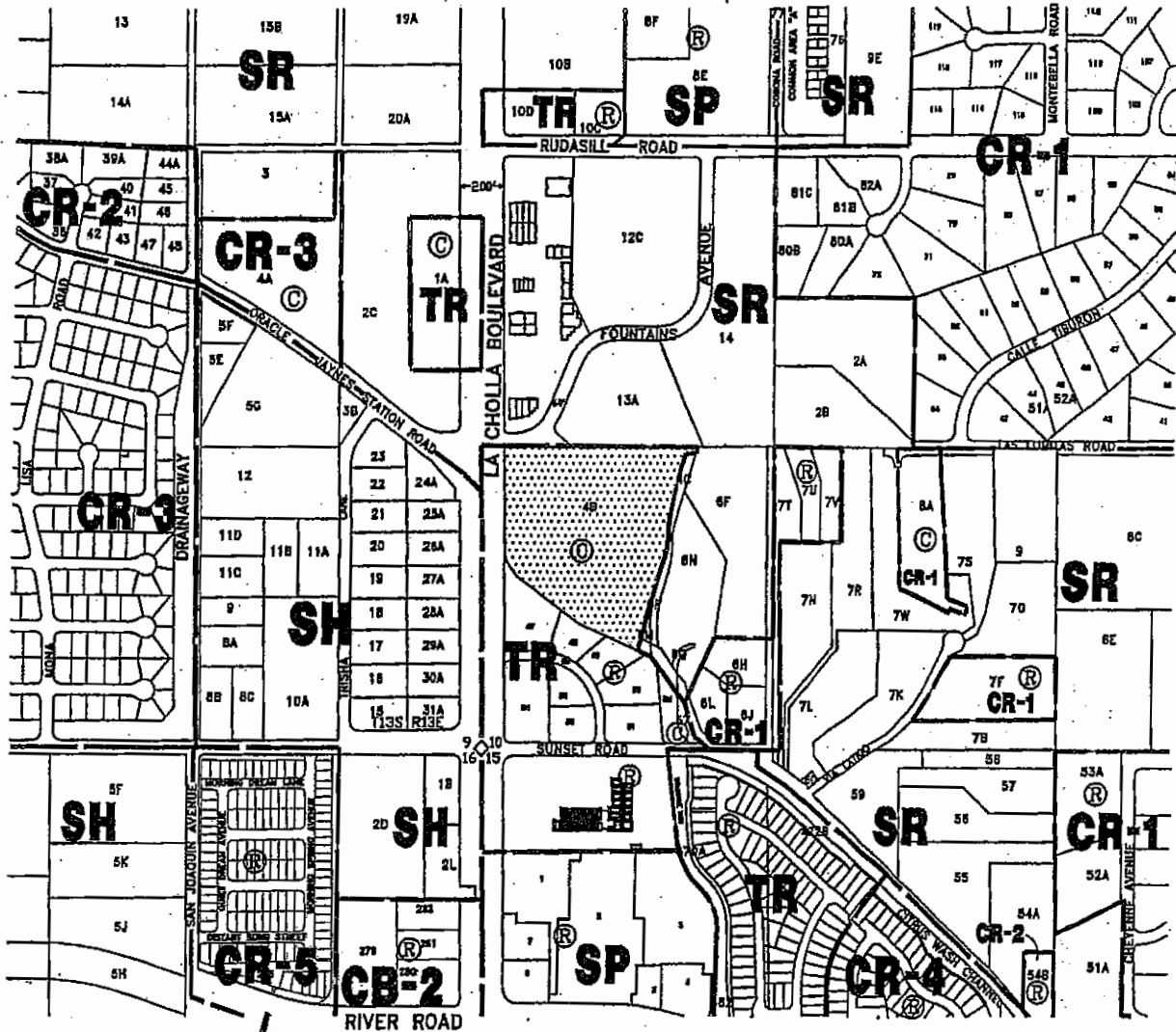
EXHIBIT A

AMENDMENT NO. 102 BY ORDINANCE NO. 2012-26  
 TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, AZ.  
 PARCEL 4D LOCATED WITHIN THE SW 1/4 OF THE SW 1/4  
 OF SEC. 10, T13S R13E.



ADOPTED May 15, 2012 EFFECTIVE May 15, 2012

MAY 15 12PM 03:21 POC/KCF/BD



*[Handwritten signature]*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM SR 11.55 ac±  
 ds-MARCH 26, 2012

CO9-10-03  
 CO9-06-19  
 CO7-00-20  
 102-13-004D

