



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 17, 2018

Title: P17RZ00008 Landmark Title TR 7792-T – S. Nogales Highway Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning January 2, 2018.

Discussion:

The rezoning was for approximately 1.64 acres from GR-1 (Rural Residential) to CB-1 (Local Business) zone for a 9,100 square feet retail store.

Conclusion:

The Ordinance reflects the Board of Supervisors approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-9000

Contact: Terrill L. Tillman, Principal Planner

Telephone: 520-724-6921

Department Director Signature/Date:

[Signature] 3/28/18

Deputy County Administrator Signature/Date:

[Signature] 3/29/18

County Administrator Signature/Date:

C. Dunkelberg 3/29/18



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: P17RZ00008

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FOR APRIL 17, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: March 26, 2018

ORDINANCE FOR ADOPTION

P17RZ00008 **LANDMARK TITLE TR 7792-T – S. NOGALES HIGHWAY REZONING**

Owners: Landmark Title TR 7792-T
(District 3)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Landmark Title TR 7792-T
Attn: Pierce Construction
PO Box 8128
Tumacacori, AZ 85640-8128

AGENT: JAS Engineering
Attn: Jeffery A. Stanley, P.E.
PO Box 1888
Tucson, AZ 85702

DISTRICT: 3

STAFF CONTACT: Terrill Tillman

STAFF RECOMMENDATION: APPROVAL

TD/TT/ar
Attachments

cc: P17RZ00008 File
Tom Drzazowski, Chief Zoning Inspector

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.64 ACRES OF PROPERTY (PARCEL CODE 304-32-4640) FROM THE GR-1 (RURAL RESIDENTIAL) ZONE TO CB-1 (LOCAL BUSINESS) ZONE, IN CASE P17RZ00008 LANDMARK TITLE TR 7792-T – S. NOGALES HIGHWAY REZONING, LOCATED ON THE WEST SIDE OF THE T-INTERSECTION OF W. ARIVACA ROAD AND S. NOGALES HIGHWAY, AND AMENDING PIMA COUNTY ZONING MAP NO. 1583.

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

Section 1. The 1.64 acres located on the west side of the T-Intersection of W. Arivaca Road and S. Nogales Highway and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 1583, is rezoned from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
 - B. The property shall be limited to one access point as shown on the preliminary development plan (Exhibit B).
3. Regional Flood Control District conditions:
 - A. A drainage report shall be submitted at the time of development establishing a Base Flood Elevation (BFE).
 - B. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 point and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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.
5. Environmental Planning condition: 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.
 6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
 8. 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.
 9. The property owner shall execute 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)."

10. The bufferyard along the Nogales Highway frontage shall install native trees 4-feet or greater in height.

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than January 2, 2023.

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.

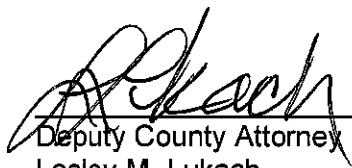
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

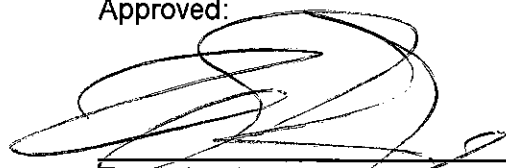
Clerk, Board of Supervisors

Approved As To Form:

 3/9/2018

Deputy County Attorney
Lesley M. Lukach

Approved:



Executive Secretary
Planning and Zoning Commission

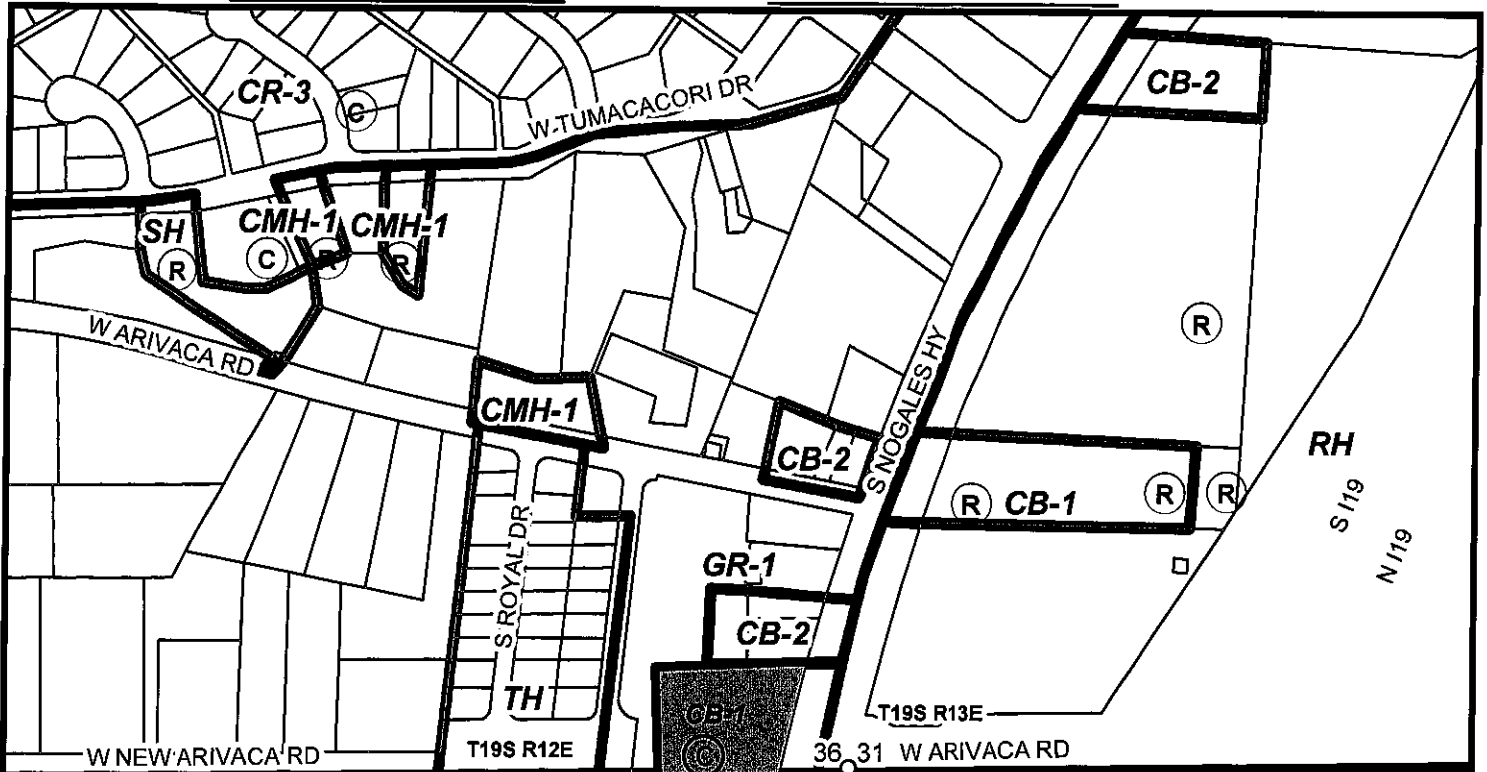
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 1583 TUCSON AZ.
PARCEL 64 BEING A PART OF THE SE 1/4 OF THE SE 1/4
OF SEC 36 T19S R12E.



0 100 200 400 Feet
[Scale bar with markings at 0, 100, 200, and 400 feet]

ADOPTED: _____ EFFECTIVE: _____



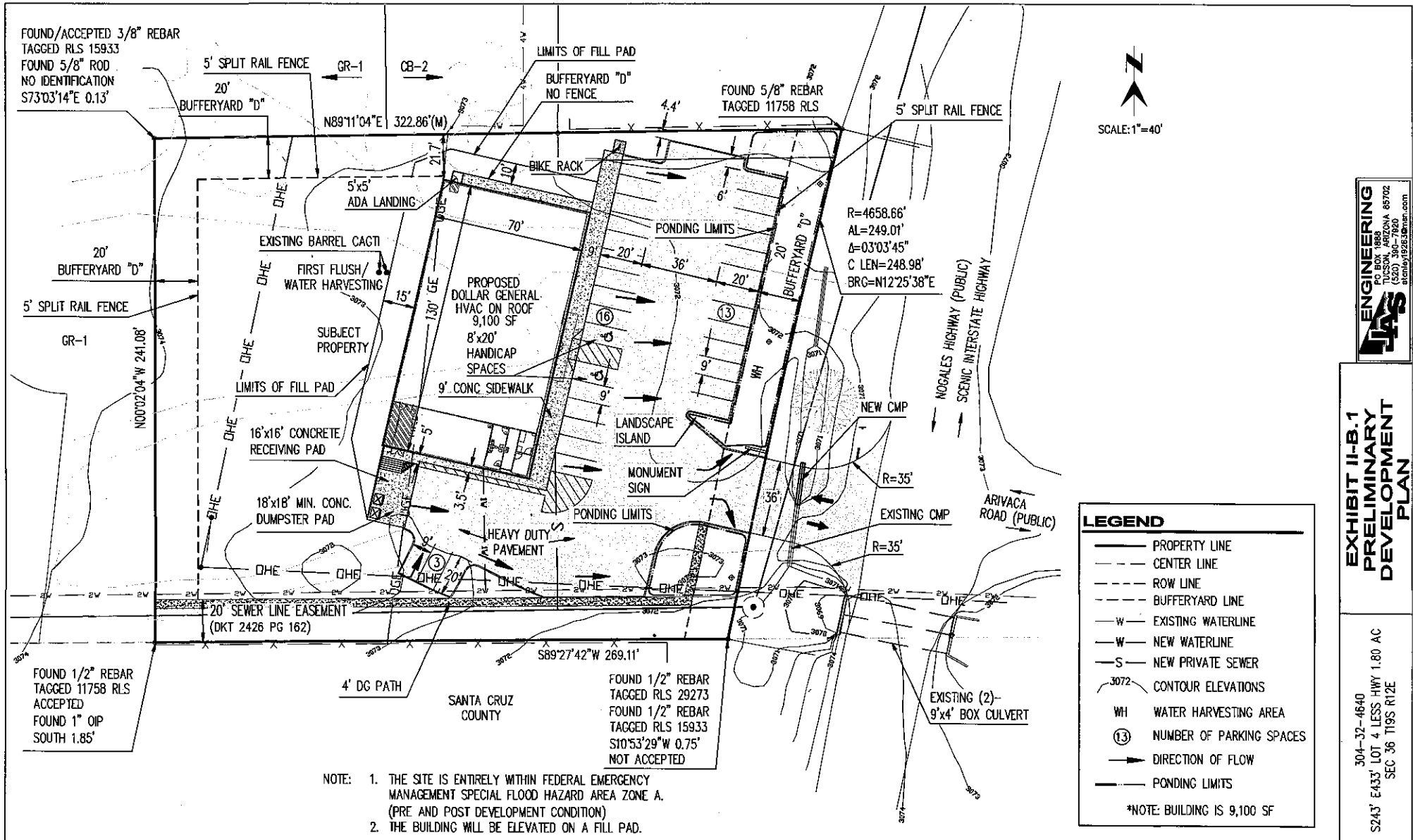
SANTA CRUZ COUNTY

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 1.64 ac
ds-February 26, 2018

P17RZ00008
Co7-13-10
304324640





NOTE: 1. THE SITE IS ENTIRELY WITHIN FEDERAL EMERGENCY MANAGEMENT SPECIAL FLOOD HAZARD AREA ZONE A. (PRE AND POST DEVELOPMENT CONDITION)
 2. THE BUILDING WILL BE ELEVATED ON A FILL PAD.

LEGEND

- PROPERTY LINE
- - - CENTER LINE
- - - ROW LINE
- - - BUFFERYARD LINE
- W- EXISTING WATERLINE
- W- NEW WATERLINE
- S- NEW PRIVATE SEWER
- 3072 CONTOUR ELEVATIONS
- WH WATER HARVESTING AREA
- Ⓜ NUMBER OF PARKING SPACES
- ➔ DIRECTION OF FLOW
- PONDING LIMITS

*NOTE: BUILDING IS 9,100 SF

Exhibit B
 Page 5 of 5

ENGINEERING
JAS
 101 BRADLEY
 TUCSON, ARIZONA 85702
 (520) 390-7820
 aconley@jas-engineer.com

EXHIBIT II-B.1
PRELIMINARY
DEVELOPMENT
PLAN

304-32-4840
 S243' E433' LOT 4, LESS HWY 1.80 AC
 SEC 36 T19S R12E