



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/12/2017

Title: Rezoning Ordinance - P17RZ00003 Moxy Investments LLC, Et al. - N. Shannon Road Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning on August 21, 2017.

Discussion:

The rezoning was for approximately 4.73 acres from SR (Suburban Ranch) to the CR-1 (Single Residence) zone, on property addressed as 9123 N. Shannon Road located approximately 300 feet south of W. Overton Road on the west side of N. Shannon Road.

Conclusion:

Rezoning condition #5 has been modified to clarify rezoning condition #3A that was amended at public hearing. Condition #5: Except as provided in paragraph 3(A), adherence to the sketch plan as approved at public hearing (Exhibit B).

Recommendation:

Approval: The Ordinance reflects the Board of Supervisors approval.

Fiscal Impact:

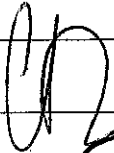
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Board of Supervisor District:


1 2 3 4 5 All

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

Contact: Terrill L. Tillman Telephone: 520-724-6921

Department Director Signature/Date:  11-17-17

Deputy County Administrator Signature/Date:  11/21/17

County Administrator Signature/Date:  11/21/17



Subject: P17RZ00003

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FOR DECEMBER 12, 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: November 20, 2017

ORDINANCE FOR ADOPTION

P17RZ00003 **MOXY INVESTMENTS LLC, ET AL. - N. SHANNON ROAD**
REZONING
Owners: Moxy Investments, LLC, Et al.
(District 1)

If approved, adopt ORDINANCE NO. 2017 - _____

OWNERS: Moxy Investments, LLC, Et al.
Attn: Randall Rusing
3510 N. Amigos Place
Tucson, AZ 85750-2001

AGENT: Same as above

DISTRICT: 1

STAFF CONTACT: Terrill L. Tillman

STAFF RECOMMENDATION: APPROVAL

TD/TT/ar
Attachments

cc: P17RZ00003 File
Tom Drzazgowski, Chief Zoning Inspector

ORDINANCE 2017-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 4.73 ACRES ON PROPERTY ADDRESSED AS 9123 N. SHANNON ROAD (PARCEL CODE 225-02-017B) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-1 (SINGLE RESIDENCE) ZONE, IN CASE P17RZ00003 MOXY INVESTMENTS L.L.C., ET AL. – N. SHANNON ROAD REZONING, LOCATED APPROXIMATELY 300 FEET SOUTH OF W. OVERTON ROAD ON THE WEST SIDE OF N. SHANNON ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 162.

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

Section 1. The 4.73 acres located approximately 300 feet south of W. Overton Road on the west side of N. Shannon Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 162, 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. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the south. Cross access easements shall be provided by the property owner for affected portions of the rezoning site to adjacent properties along the southern border of the rezoning site.
3. Environmental Planning conditions:
 - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System Conservation Guidelines by limiting the amount of grading to no more than 25% per lot with enhancement and restoration of native vegetation to pre-disturbance levels of the site.
 - B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

4. 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.
5. Except as provided in paragraph 3(A), adherence to the sketch plan as approved at public hearing (Exhibit B).
6. 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.
7. 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(I)."

Section 3. Time limits of conditions. Conditions 1 through 7 of Section 2 shall be completed no later than August 21, 2022.

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.

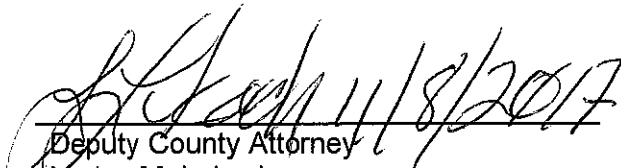
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:



Deputy County Attorney
Lesley M. Lukach

Approved:

 : 11-17-17

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

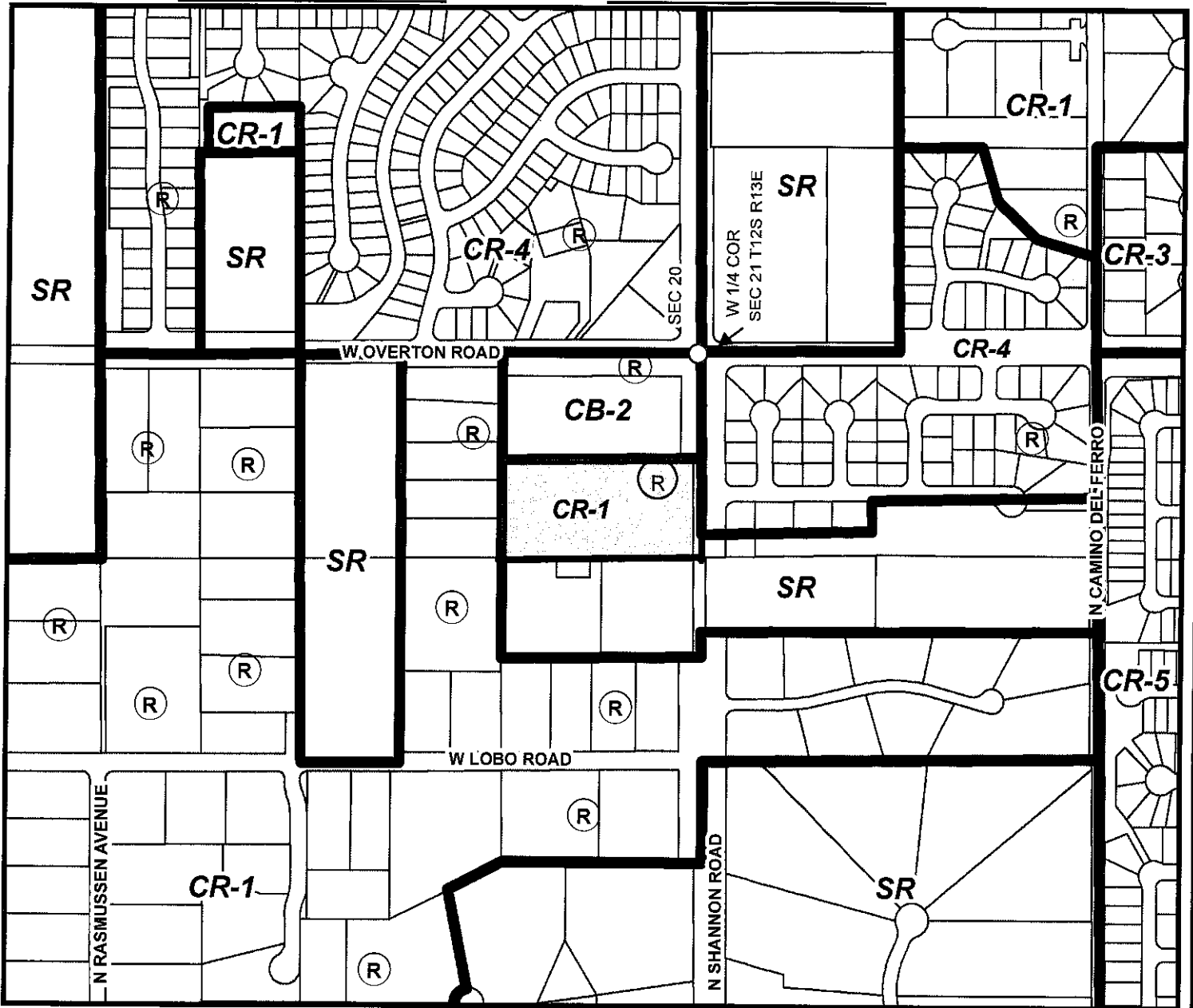
AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 162 TUCSON AZ.
BEING A PART OF THE S 1/2 OF THE NE 1/4 OF THE NE 1/4
OF THE SE 1/4, SEC 20, T12S R13E.



0 125 250 500 Feet

ADOPTED:

EFFECTIVE:



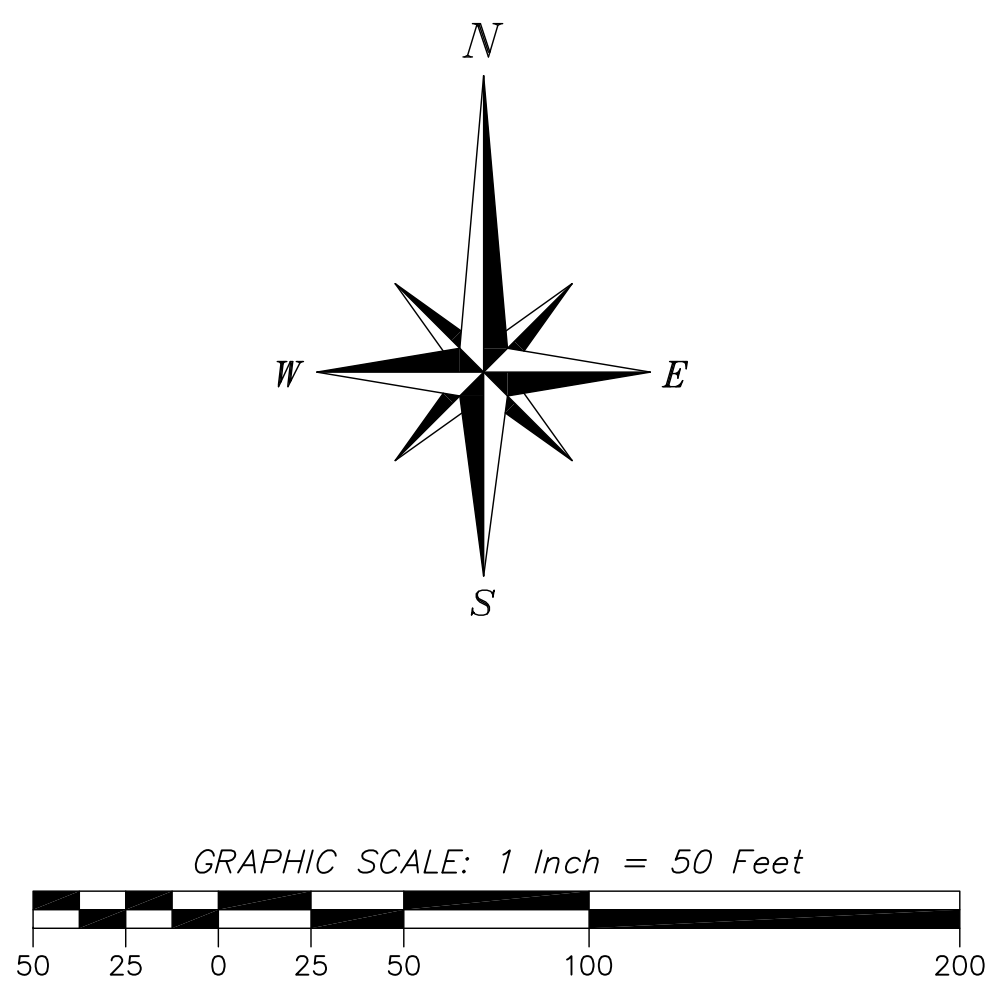
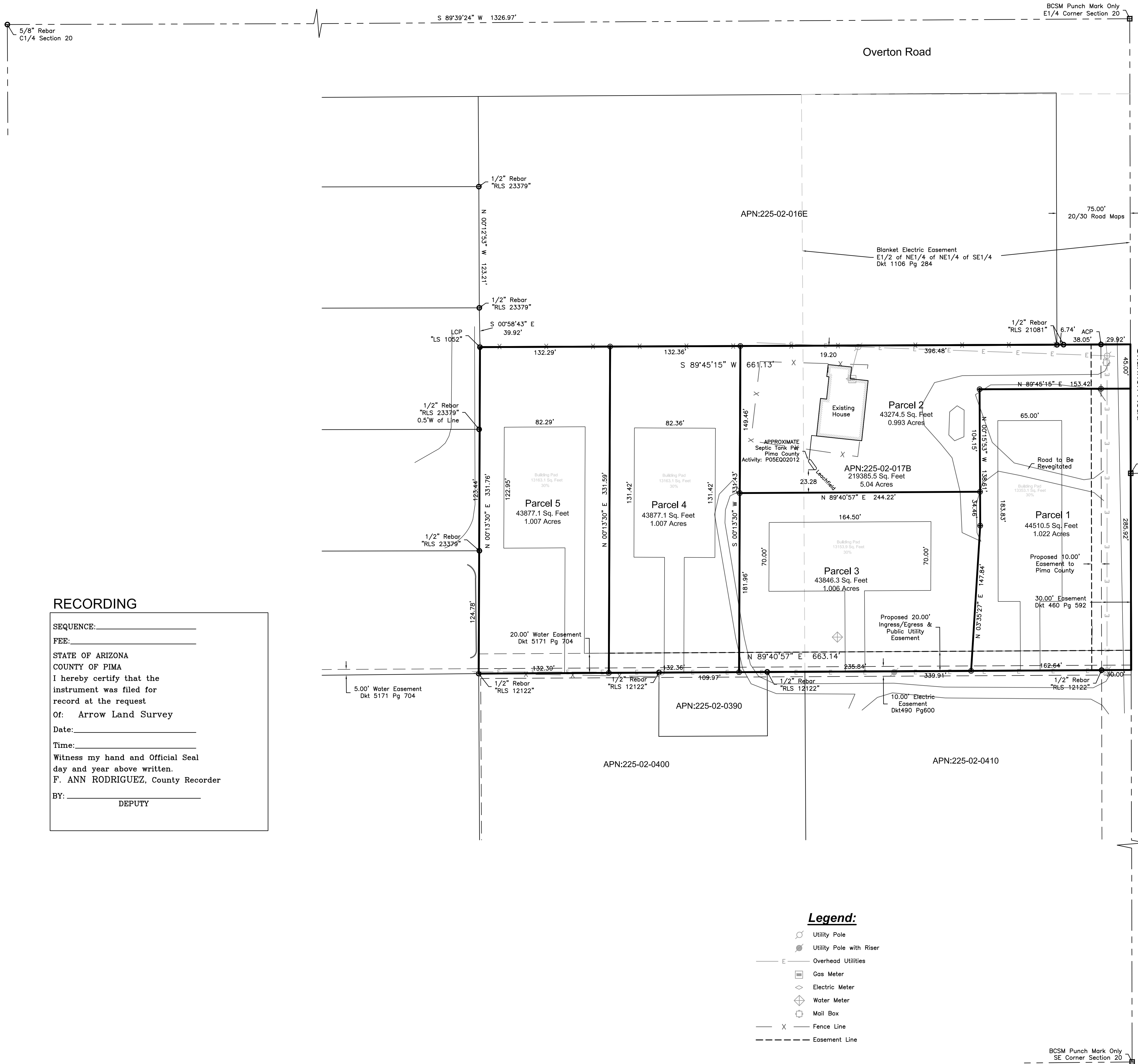
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.73 ac
ds-September 19, 2017

P17RZ00003
Co7-13-10
225-02-017B



EXHIBIT B



HDZ:

$$\frac{2 \times 271.3 \times 0.0023}{5.04} = 0.25\%$$

Access Statment:
 The resulting parcels being created have physical access that is located within the boundaries of the legal access as identified in this survey.

- Notes:**
1. Basis of Bearing: South 00°07'17" East assumed from field observations between monuments found on the east line of the southeast quarter of Section 20, as shown.
 2. This survey was performed without the benefit of a utility bluestake. No guarantee can be made as to the existence and location of underground or hidden utilities.
 3. The surveyor has made no investigation or independent research for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that a current title search may disclose.
 4. All dimension shown are measured or a calculated derivative thereof unless otherwise noted.
- indicates a found brass capped survey monument as described.
 - indicates a found monument as described.
 - indicates a set 1/2" rebar tagged R.L.S. 52699.

Certification:
 This is to certify that this survey was performed under my direction during the month of March, 2017 and that all monuments exist as shown.

Preliminary

Taylor J. Webb
 Registered Land Surveyor
 Arizona Registration No. 52699

RECORDING

SEQUENCE: _____
 FEE: _____
 STATE OF ARIZONA
 COUNTY OF PIMA
 I hereby certify that the instrument was filed for record at the request
 Of: Arrow Land Survey
 Date: _____
 Time: _____
 Witness my hand and Official Seal day and year above written.
 F. ANN RODRIGUEZ, County Recorder
 BY: _____
 DEPUTY

- Legend:**
- Utility Pole
 - Utility Pole with Riser
 - Overhead Utilities
 - Gas Meter
 - ◇ Electric Meter
 - ⊕ Water Meter
 - ⊞ Mail Box
 - X — Fence Line
 - - - Easement Line

MINOR LAND DIVISION
 A Portion of the Northeast Quarter of the Southeast Quarter of Section 20, Township 12 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona

Arrow Land Survey, Inc.
 LAND SURVEYING
 CONSTRUCTION STAKING
 3121 E. KLEINDALE RD.
 TUCSON AZ 85716
 (520)881-2155
 (520)881-2466 FAX

CREW CHIEF: KMD
 CAD: TW
 DATE: 5/10/2017
 JOB No.: 17080
 SCALE: 1"=50'
 SHEET OF
 1 | 1