



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 11, 2017

Title: Co9-11-04 HENNESSY TR – MISSION ROAD REZONING (Resolution)

Introduction/Background:

The Board of Supervisors approved a Time Extension subject to original and modified conditions for this Rezoning on February 7, 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 2012-29 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: Co9-11-04

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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

RESOLUTION FOR ADOPTION

Co9-11-04 HENNESSY TR – MISSION ROAD REZONING
Owner: Hennessy B TR, Attn: Michael E. Hennessy, Trustee
(District 5)

If approved, adopt RESOLUTION NO. 2017 - _____

OWNER: Hennessy B TR
Attn: Michael E. Hennessy, Trustee
1802 W. Grant Road, Suite 110
Tucson, AZ 85745-1232

AGENT: Psomas
Attn: Regina Beem, P.E.
800 E. Wetmore Road
Tucson, AZ 85719-7213

DISTRICT: 5

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

TD/DP/ar
Attachments

cc: Co9-11-04 File
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-11-04 HENNESSY TR – MISSION ROAD REZONING; LOCATED ON THE WEST SIDE OF S. MISSION ROAD, APPROXIMATELY 2,000 FEET SOUTH OF W. AJO WAY; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-29.

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

1. On January 17, 2012, in rezoning case Co9-11-04, the Pima County Board of Supervisors approved the rezoning of approximately 6.10 acres located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way, as shown on Exhibit A, from SH (BZ) (Suburban Homestead – Buffer Overlay Zone) to CB-1 (BZ) (Local Business – Buffer Overlay Zone) for approximately 6.10 acres, subject to standard and special conditions.
2. On June 5, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-29, recorded at Sequence 20121630662, rezoning the approximate 6.10 acres described in rezoning case Co9-11-04 and memorializing the standard and special conditions.
3. On November 22, 2016, the owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-29;
4. On February 7, 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. 2012-29 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. 2012-29 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road.
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
9. 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.

10. Environmental Quality condition:
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.
11. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing, including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. Environmental Planning condition:
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.
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. 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 to 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)."
15. The project shall incorporate 100% rooftop water harvesting.

Section 2. Section 3 of Ordinance No. 2012-29 is amended and the time limit extended as follows:

1. Conditions 1 through 15 shall be completed by January 17, ~~2017~~ 2022.
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 15 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.

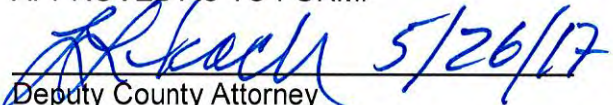
Passed and adopted, this _____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

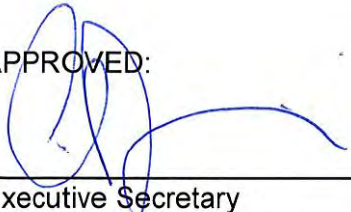
Clerk of the Board

APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

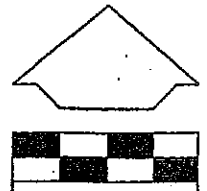
APPROVED:



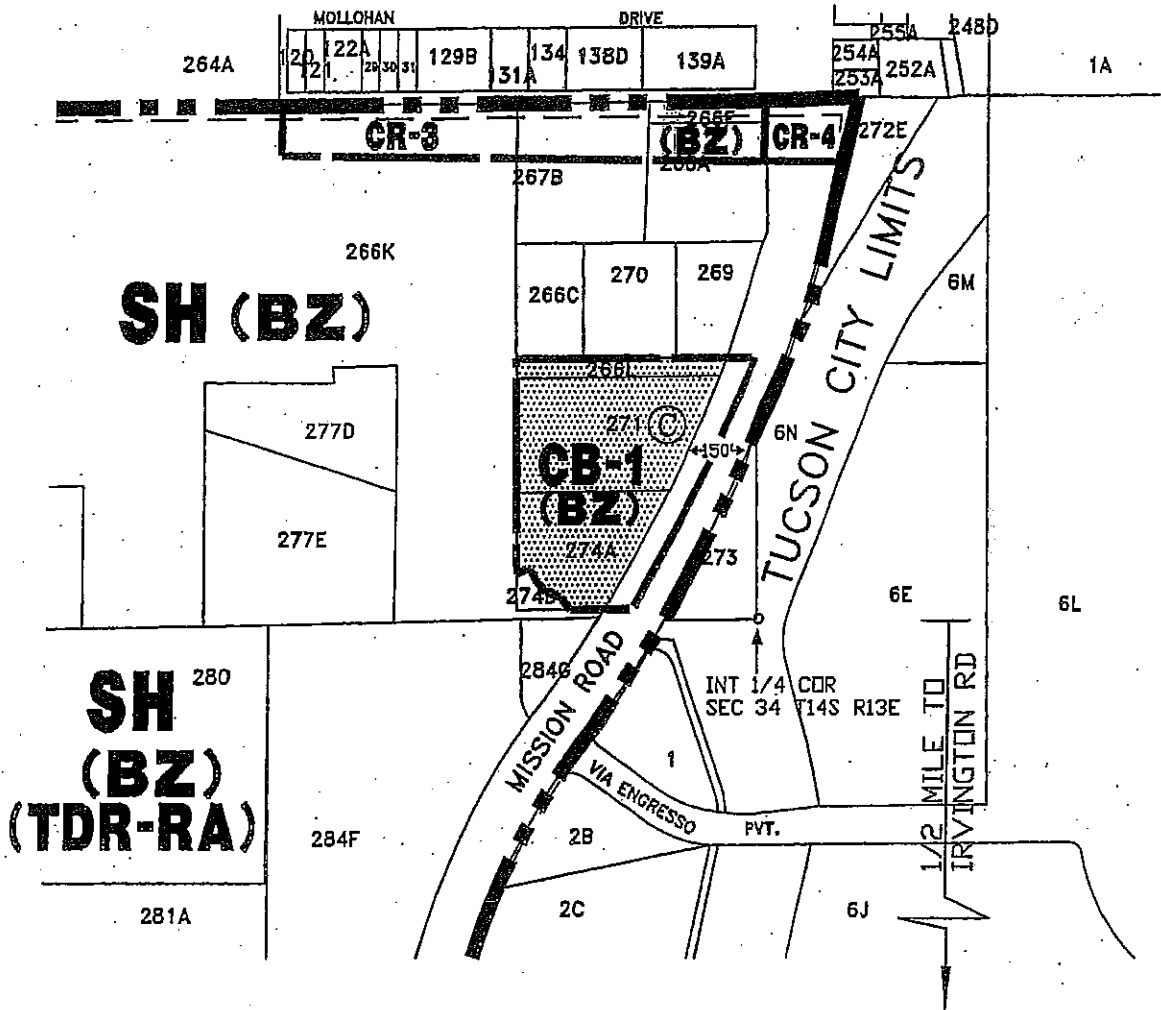
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 5 BY ORDINANCE NO. 2012-2
TO PIMA COUNTY ZONING MAP NO. 16 TUCSON, AZ.
PARCELS 71, 74A & 66L LOCATED WITHIN THE SE 1/4 OF THE
NW 1/4 OF SEC. 34, T14S R13E.



ADOPTED June 5, 2012 EFFECTIVE June 5, 2012



Handwritten signature

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE CD9-11-04
FROM SH (BZ) 6.1 ac± CD7-00-20
ds-APRIL 4, 2012 119-41-2710, 274A, 266L

