



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 11, 2017

Title: Co9-11-02 DOMINGUEZ – CRAYCROFT ROAD REZONING (Resolution)

Introduction/Background:

The Board of Supervisors approved a Time Extension subject to original conditions for this Rezoning on August 2, 2016.

Discussion:

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

Conclusion:

The time limit contained in Rezoning Ordinance 2011-91 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: C. Dunkelberg 6/21/17



Subject: Co9-11-02

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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

Co9-11-02 **DOMINGUEZ – CRAYCROFT ROAD REZONING**
Owner: Peggy and Leonard Dominguez
(District 2)

If approved, adopt RESOLUTION NO. 2017 - _____

OWNER: Peggy and Leonard Dominguez
8519 E. Pine Valley Drive
Tucson, AZ 85710

AGENT: None

DISTRICT: 2

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

TD/DP/ar
Attachments

cc: Co9-11-02 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

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. Appropriate dedications and/or abandonments may need to be provided by the property owner/developer for the realignment of internal and adjacent streets and drainageways.
 - B. 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 Development Plan and Subdivision Plat.
 - C. Off-site improvements shall be provided by the property owner/developers as determined necessary by both Pima County and Arizona Department of Transportation.
8. Flood Control condition:

The property owner(s) shall obtain a Floodplain Use Permit for any development on the subject property.
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.
10. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. 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 A.R.S. § 41-865 and A.R.S. § 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.
 11. Adherence to the sketch plan (EXHIBIT B) as approved at public hearing for a restaurant.
 12. New development is limited to single-story.
 13. The north and east side bufferyards shall contain minimum six-foot-high decorative masonry walls.
 14. Restaurant hours of operation shall commence no earlier than 6:00 a.m. and cease no later than to 9:00 p.m. Deliveries to the site shall not occur earlier than 7:00 a.m. or later than 7:00 p.m.
 15. Refuse storage shall be screened from view on three sides and shall be located in the southeast corner of the rezoning site with a minimum 20-foot setback from Lot 2 of Block 2 of Littletown No.1, Bk. 10, Pg. 100.
 16. Illuminated wall signs are limited to the south and west facades of the proposed building.
 17. 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)."

18. 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.
19. 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.

Section 2. Section 3 of Ordinance No. 2011-91 is amended and the time limit extended as follows:

1. Conditions 1 through 19 shall be completed by July 12, ~~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 19 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 _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

 2/22/17

Deputy County Attorney
Lesley M. Lukach

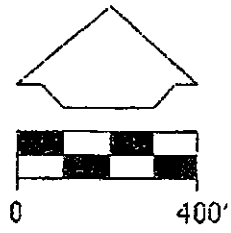
APPROVED:



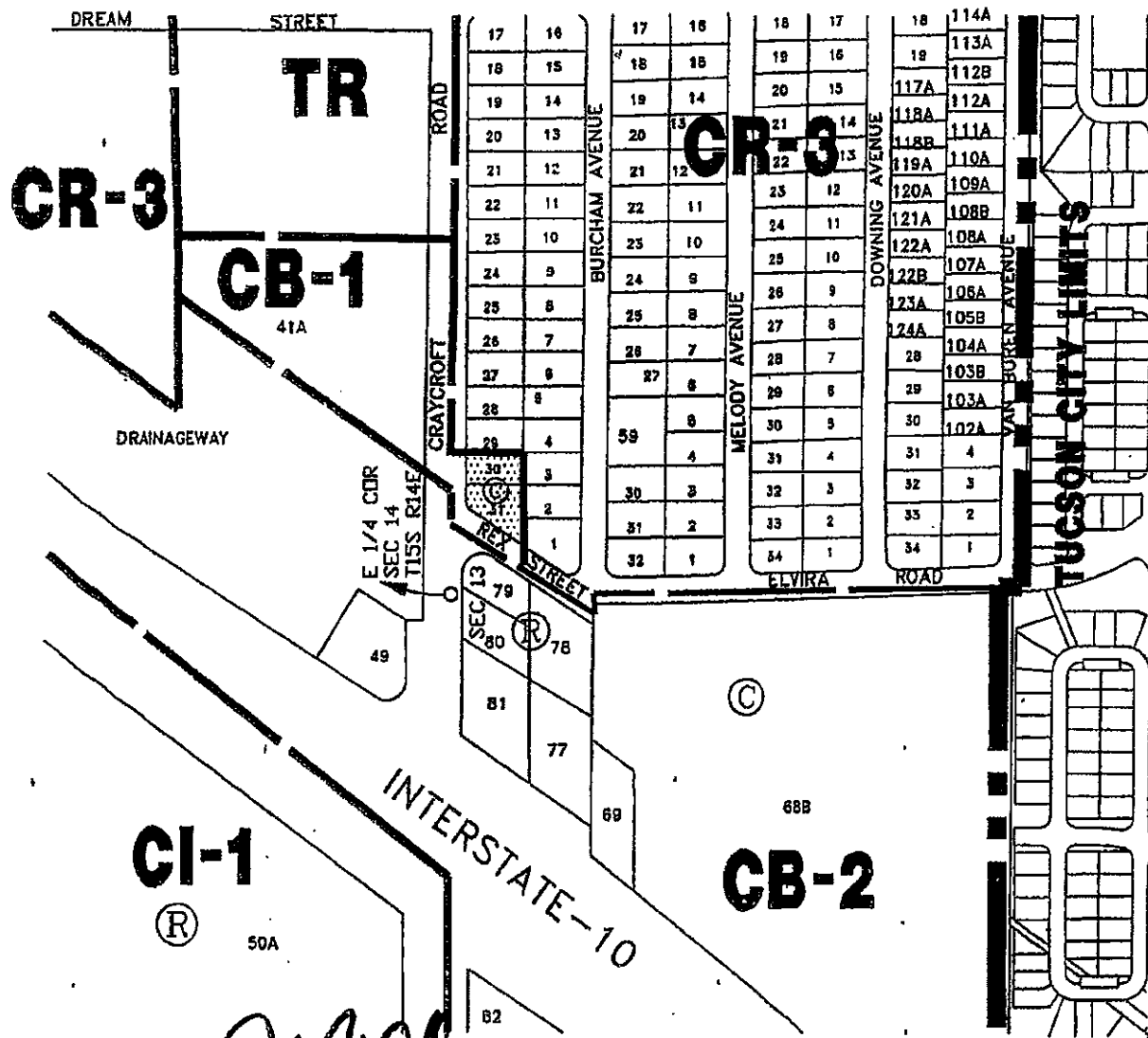
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 37 BY ORDINANCE NO. 2011-9
 TO PIMA COUNTY ZONING MAP NO. 59 TUCSON, AZ.
 LOTS 30 & 31 OF BLOCK 2, LITLEDOWN NO 1 SUBDIVISION
 BEING A PART OF THE SW 1/4 NW 1/4 OF SEC 13, T15S R14E.



ADOPTED December 13, 2011 EFFECTIVE December 13, 2011



[Handwritten Signature]

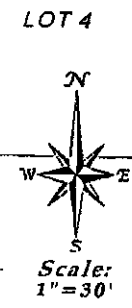
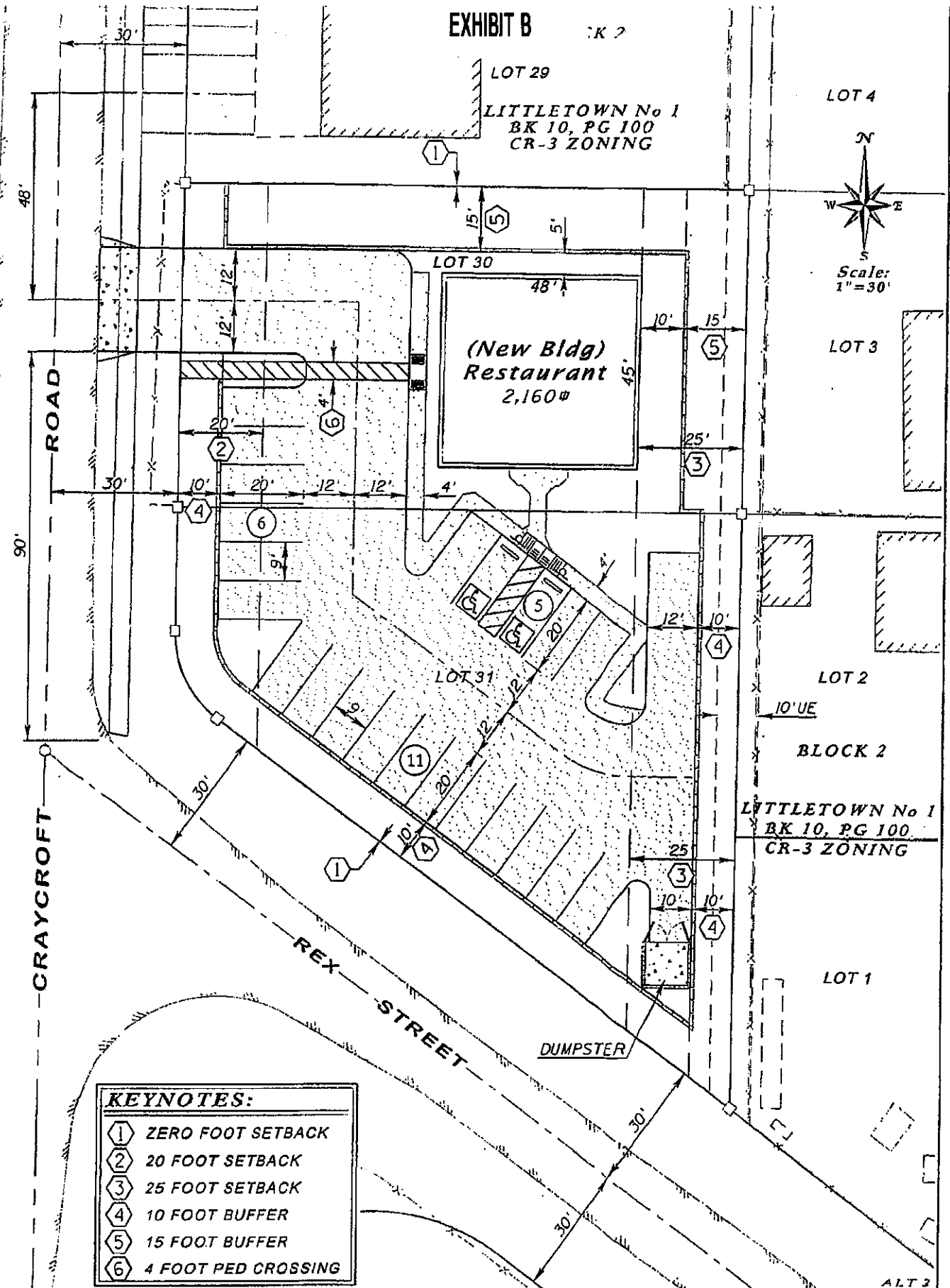
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM CR-3 0.51 ac±
 05-SEPTEMBER 22, 2011

CD9-11-02
 CD7-09-05
 CD7-00-20
 TAXCODE 140380300 & 0310

EXHIBIT B

7K 2



KEYNOTES:

| | |
|---|---------------------|
| ① | ZERO FOOT SETBACK |
| ② | 20 FOOT SETBACK |
| ③ | 25 FOOT SETBACK |
| ④ | 10 FOOT BUFFER |
| ⑤ | 15 FOOT BUFFER |
| ⑥ | 4 FOOT PED CROSSING |

MJM CONSULTING INC. Land Planning and Development Services 980 E. Hill Street, Suite 310, Tempe, AZ 85281 **SKETCH PLAN**

Approved by BCS
7/12/11 D.P.

Sketch Plan C09-11-02

Received at P4Z Hearing 5-25-11 D.