



Board of Supervisors Memorandum

Subject: Co7-13-09 / Co9-13-04

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FOR APRIL 1, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Public Works-Development Services Department-Planning Division

DATE: March 19, 2014

A. RESOLUTION FOR ADOPTION

Co7-13-09 ROGER C BEIDE II DEV ASSOC LLC - MAGEE ROAD COMPREHENSIVE PLAN AMENDMENT/REZONING
Owner: Sabino Canyon Gateway LLC
(District 1)

If approved, adopt RESOLUTION NO. 2014 - _____

B. ORDINANCE FOR ADOPTION

Co9-13-04 ROGER C BEIDE II DEV ASSOC LLC - MAGEE ROAD COMPREHENSIVE PLAN AMENDMENT/REZONING
Owner: Sabino Canyon Gateway LLC
(District 1)

If approved, adopt ORDINANCE NO. 2014 - _____

OWNER: Roger C. Biede II Development Association, LLC
5151 N. Oracle Road #210
Tucson, AZ 85704

AGENT: Jeff Stewart, Steadfast Drafting & Design, LLC
861 W. Cool Drive
Tucson, AZ 85704

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

CP/TT/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co7-13-09 / Co9-13-04 File

RESOLUTION NO. 2014-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF
PIMA COUNTY, ARIZONA; RELATING TO PLANNING;
AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN
LAND USE MAP FOR APPROXIMATELY .46 ACRES IN
SECTION 33 OF TOWNSHIP 12 SOUTH, RANGE 13 EAST, IN
THE NORTHWEST SUBREGION.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY,
ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use intensity category for approximately **.46 acres**, as referenced in **Co7-13-09 and Co9-13-04, Roger C Biede II Dev Assoc, LLC – W. Magee Road Concurrent Comprehensive Plan Amendment and Rezoning**, located north of Magee Road and approximately 660' west of La Cholla Boulevard, in Section 33, Township 12 South, Range 13 East, as shown on the map attached hereto as Exhibit A and incorporated herein by this reference, from **Medium-High Intensity Urban (MHIU) to Neighborhood Activity Center (NAC)**.

Section 2. The Pima County Comprehensive Plan Regional, Rezoning and Special Area Policies are hereby amended to include the subject site with the following Rezoning Policy:

Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.

Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4. This Resolution shall become effective on the date of adoption.

PASSED AND ADOPTED this ____ day of _____, 2014, by the Board of Supervisors of Pima County, Arizona.

ATTEST:

BOARD OF SUPERVISORS

Clerk, Board of Supervisors

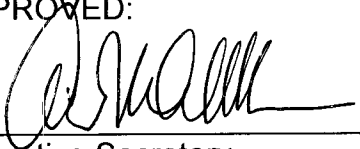
Chair, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
ANDREW FLAGG

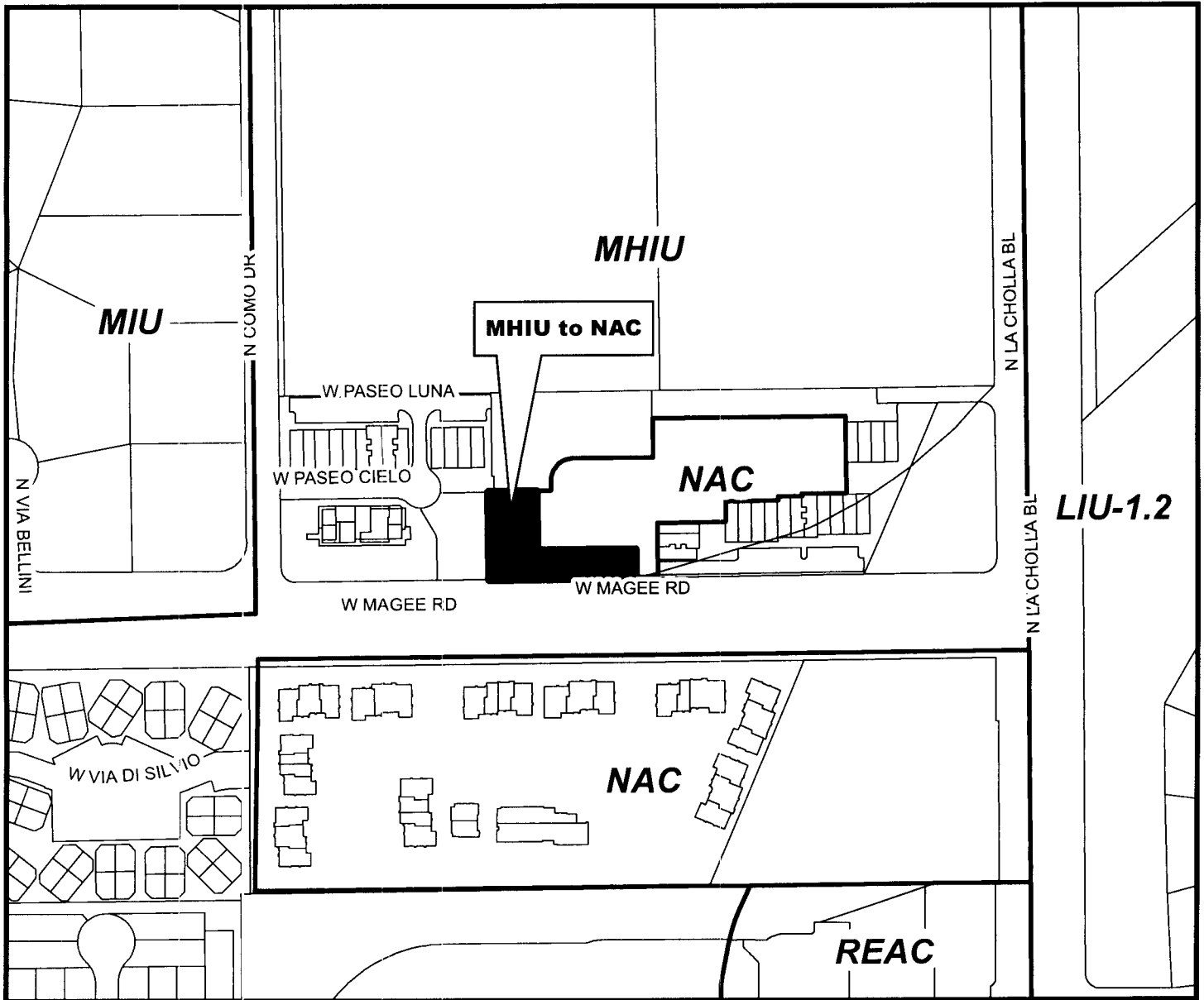
APPROVED:



Executive Secretary
Planning and Zoning Commission

COMPREHENSIVE PLAN AMENDMENT

Exhibit A



0 120 240 480 Feet



Amendment Area



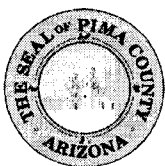
Planned Land Use MHIU

Taxcode:
225-44-5460

**Co7-13-09 Co9-13-04 Roger C Biede II Development Assoc LLC -
Magee Road
Concurrent Comprehensive Plan Amendment and Rezoning**

From Medium-High Intensity Urban (MHIU)
To Neighborhood Activity Center (NAC)
0.46 Acres +/- Subject to Rezoning Policies (RP)

Location:
North side of
W. Magee Road,
approximately 660 feet
west of
N. La Cholla Blvd.



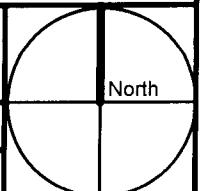
Northwest Subregion
Township 12S, Range 13E, Section 33

Planning and Zoning Commission Hearing: June 26, 2013

Map Scale: 1: 4,000 +/-

Board of Supervisors Hearing: August 6, 2013

Map Date: October 17, 2013



ORDINANCE 2014-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 225-44-5460) IN CASE **Co7-13-09 AND Co9-13-04 ROGER C BIEDE II DEVELOPMENT ASSOC LLC – W. MAGEE ROAD CONCURRENT COMPREHENSIVE PLAN AMENDMENT AND REZONING** OF APPROXIMATELY .46 ACRES FROM TR (TRANSITIONAL) TO CB-2 (GENERAL BUSINESS), LOCATED NORTH OF MAGEE ROAD AND APPROXIMATELY 660' WEST OF LA CHOLLA BOULEVARD, AMENDING PIMA COUNTY ZONING MAP NO. 115.

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

Section 1. The .46 acres, located north of Magee Road and approximately 660' west of La Cholla Boulevard, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 115 is hereby rezoned from TR (Transitional) to CB-2 (General Business).

Section 2. Rezoning Conditions.

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. 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.
3. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
4. Uses of the property are limited to restaurants with/without a bar and CB-1 zoning uses except for automotive related uses, drive-thru restaurants and stand-alone bars.

5. Regional Flood Control District condition: Prior to any new development the owner shall submit a site plan showing existing and proposed improvements, to the District to determine if permits may be issued or if a revised Development Plan is required.
6. Upon the effective date of the Ordinance, 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 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.
7. 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.
8. 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)."

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 8 shall be completed by August 6, 2018.
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 Ordinance until all conditions 1 through 8 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.

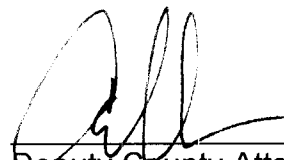
Section 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day, of 2014.

Chair of the Board of Supervisors

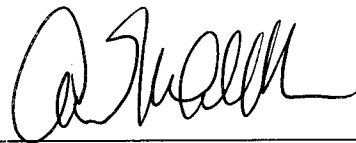
ATTEST:

Clerk, Board of Supervisors

A handwritten signature in black ink, appearing to read 'A. Flagg', written over a horizontal line.

Deputy County Attorney

ANDREW FLAGG

A handwritten signature in black ink, appearing to read 'A. J. Hall', written over a horizontal line.

Executive Secretary,
Planning and Zoning Commission

