



Subject: Co9-14-04

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FOR APRIL 7, 2015 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 25, 2015

ORDINANCE FOR ADOPTION

Co9-14-04 **WILSON FAMILY TRUST – W. WETMORE ROAD REZONING**
Owner: Wilson Family Trust
(District 3)

If approved, adopt ORDINANCE NO. 2015 - _____

OWNERS: Wilson Family Trust
P.O. Box 65552
Tucson, AZ 85728-5552

AGENT: Michael Grassinger
110 W. Church Ave. #6320
Tucson, AZ 85701

DISTRICT: 3

STAFF CONTACT: Artemio Hoyos

CP/AH/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-14-04 File

ORDINANCE 2015-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 1.0 ACRES OF PROPERTY (PARCEL CODE 104-09-012A), LOCATED ON THE SOUTH SIDE OF WEST WETMORE ROAD APPROXIMATELY 450 FEET EAST OF NORTH FAIRVIEW AVENUE, FROM THE SH (SUBURBAN HOMESTEAD) ZONE TO THE CB-2 (GENERAL BUSINESS) ZONE, IN CASE Co9-14-04 WILSON FAMILY TRUST – WEST WETMORE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 23.

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

Section 1. The 1.0 acres located on the south side of west Wetmore Road approximately four hundred fifty feet east of North Fairview Avenue and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 23, is rezoned from the SH (Suburban Homestead) zone to the CB-2 (General Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The property owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. 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.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to Pima County prior to the approval of the final development plan.
 - B. The property owner / developer shall dedicate 15+/- feet of right-of-way for Wetmore Road as shown on the preliminary development plan.

C. The property shall be limited to one access point onto Wetmore Road as indicated on the preliminary development plan.

4. Regional Flood Control District condition:
First flush retention shall be required.
5. Cultural Resources condition:
In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with the Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (A.R.S. §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (A.R.S. §41-865 & A.R.S. §41-844).
6. Adherence to the preliminary development plan as approved at public hearing.
7. 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 or any future 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.
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 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 of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than September 2, 2019.

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.

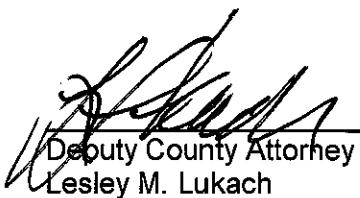
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:

 2/23/15
Deputy County Attorney
Lesley M. Lukach

Approved:

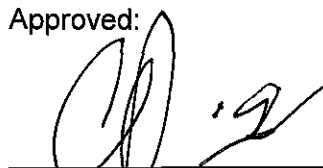
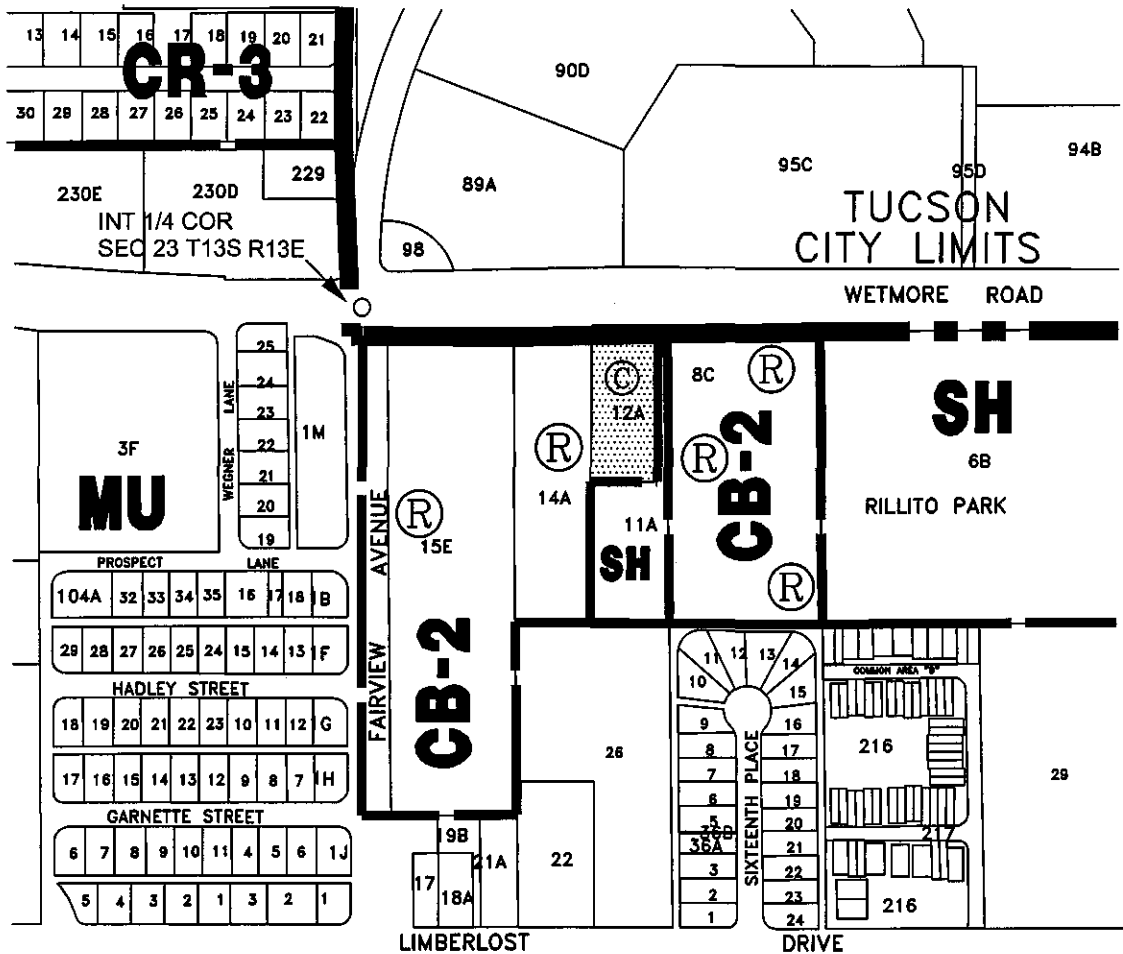

Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 23 TUCSON, AZ.
 PORTION OF LOT 23 OF RILLITO PARK BEING A PART
 OF THE NW 1/4 OF THE SE 1/4 OF SEC. 23 T13S R13E.



ADOPTED _____ EFFECTIVE _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SH 1.0 ac±
 ds-February 18, 2015

CO9-14-04
 104-09-012A