



**Subject: Co9-14-13**

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**FOR APRIL 14, 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:** April 1, 2015

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**ORDINANCE FOR ADOPTION**

**Co9-14-13 TOMBO51, LLC – N. ORACLE ROAD REZONING**

Owner: Tombo51, LLC  
(District 1)

**If approved, adopt ORDINANCE NO. 2015 - \_\_\_\_\_**

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**OWNER:** Tombo51, LLC  
4122 E. Grant Road  
Tucson, AZ 85712-2511

**AGENT:** Jeffery A. Stanley, P.E.  
P.O. Box 1888  
Tucson, AZ 85702

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

CP/DP/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-14-13 File

ORDINANCE 2015-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 0.61 ACRES OF PROPERTY, LOCATED ON THE WEST SIDE OF N. ORACLE ROAD APPROXIMATELY 230 FEET SOUTH OF E. PINAL STREET (PARCEL CODE 222-18-0200), FROM THE GR-1 (GZ-1) (RURAL RESIDENTIAL – URBAN GATEWAY OVERLAY) ZONE TO THE CB-1 (GZ-1) (LOCAL BUSINESS – URBAN GATEWAY OVERLAY) ZONE, IN CASE Co9-14-13 TOMBO51, L.L.C. – N. ORACLE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 519.

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

Section 1. The 0.61 acres located on the west side of N. Oracle Road approximately 230 feet south of E. Pinal Street and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 519, is rezoned from the GR-1 (GZ-1) (Rural Residential – Urban Gateway Overlay) zone to the CB-1 (GZ-1) (Local Business – Urban Gateway Overlay) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record a covenant holding Pima County harmless in the event of flooding.
  - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - D. Provide development related assurances as required by the appropriate agencies.
  - E. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
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 Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services prior to the approval of a development plan for this site.
  - B. The owner(s) shall provide offsite improvements if determined necessary by the Arizona Department of Transportation.
  - C. Shared access with the property to the south shall be provided as shown on the sketch plan.
4. Flood Control condition:

First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
5. Wastewater Reclamation conditions:
  - A. The owner/developer shall not construe any 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 (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/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 PCRWRD.
  - 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 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/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, preliminary sewer layout, 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.
6. Adherence to the sketch plan as approved at public hearing (Exhibit B).
7. 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.
8. 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(I)."
9. 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 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 20, 2020.

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.

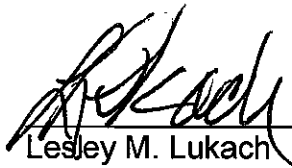
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors


ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 3/5/15  
\_\_\_\_\_  
Lesley M. Lukach  
Deputy County Attorney

Approved:

  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

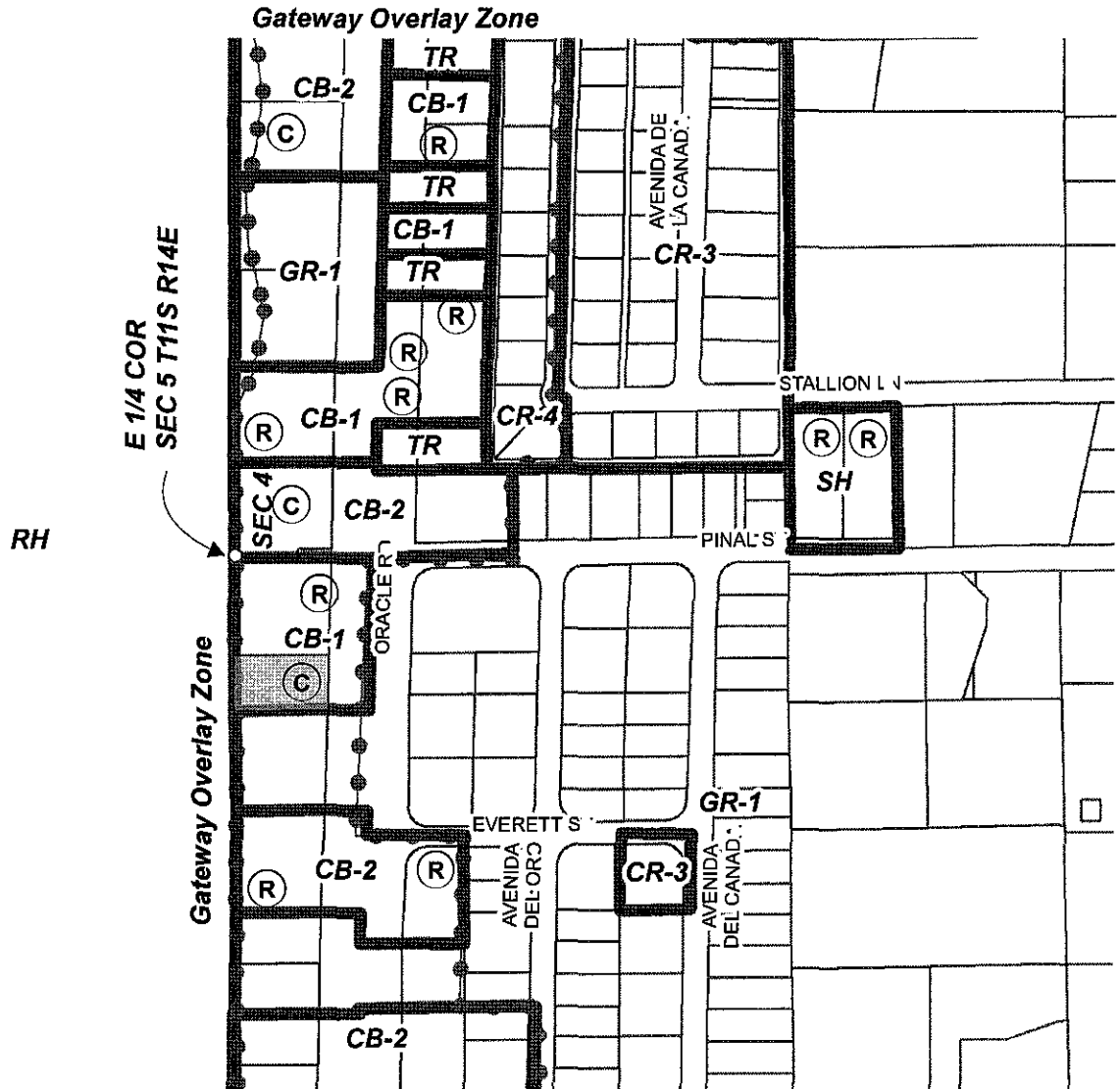
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
 TO PIMA COUNTY ZONING MAP NO. 519 TUCSON AZ.  
 LOT 3 OF BLOCK A OF VISTA LAS CATALINAS NO 1  
 LOCATED WITHIN THE SW 1/4 OF SEC 4, T11S R14E.



0 100 200 400 Feet

ADOPTED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM SR (GZ-1) 0.61 ac<sup>±</sup>

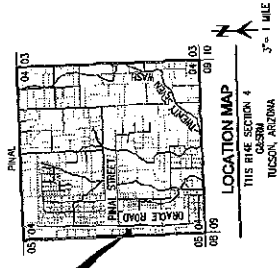
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 222-18-0200

ds-February 24, 2015



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ORACLE ROAD PARCEL 222-18-0200  
VISTA LAS CATALINAS NO 1  
LOT 3 BLK A LOCATED IN  
SEC 4 T11S R14E G&SRB&M  
PIMA COUNTY, ARIZONA



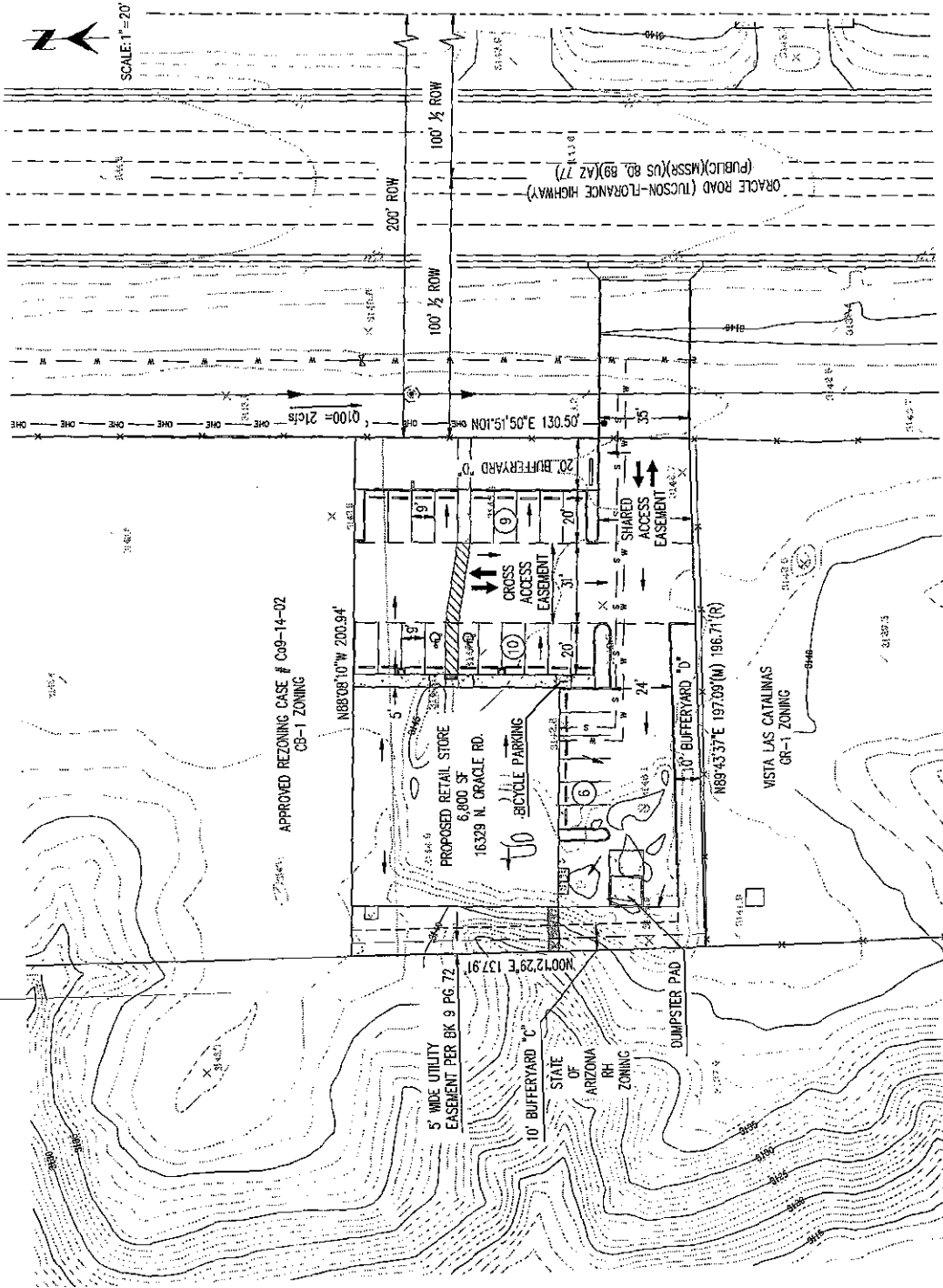
## THIS PROJECT

SCALE: 1"=20'

## LEGEND

- |                       |                           |
|-----------------------|---------------------------|
| PROPERTY LINE         | EXISTING EDGE OF PAVEMENT |
| ROW LINE              | NUMBER OF PARKING SPACES  |
| EASEMENT LINE         | STRIPED WALKWAY           |
| ROW CENTER LINE       | RIPRAP                    |
| BUFFERYARD LINE       | CONCRETE                  |
| NEW WATER LINE        | FLOW ARROWS               |
| NEW SEWER LINE        |                           |
| 2' CONTOUR ELEVATIONS |                           |
| EXISTING PUBLIC LINE  |                           |
| 3540                  |                           |

## PARKING CALCULATION

$$\frac{3.5 \text{ SPACES}}{100} \times 24 = 8.4$$


C09-14-13 Sketch Plan  
Approved by BOS 1-20-15 D.P.