



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 05/19/2015

Title: Co9-06-38 AMADO CROSSROADS LLC – ARIVACA ROAD REZONING

Introduction/Background:

The Board of Supervisors' approved the request for a Rezoning Time Extension on September 3, 2013.

Discussion:

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

Conclusion:

Grants a Time Extension to the rezoning.

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/Planning Telephone: 724-9000

Department Director Signature/Date: *[Signature]* 4/27/15

Deputy County Administrator Signature/Date: *[Signature]* 4/29/15

County Administrator Signature/Date: *[Signature]* 4/30/15



Subject: Co09-06-38

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FOR MAY 19, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services, Department-Planning Division
DATE: April 27, 2015

RESOLUTION FOR ADOPTION

Co9-06-38 **AMADO CROSSROADS LLC – ARIVACA ROAD REZONING**
Owner: Amado Crossroads, LLC
(District 4)

If approved, adopt RESOLUTION NO. 2015 - _____

OWNERS: Amado Crossroads, LLC
332 North Olsen Avenue
Tucson, AZ 85719

AGENT: Powell Development Services, LLC
Attn: Stephen Powell
332 North Olsen Avenue
Tucson, AZ 85719

DISTRICT: 4

STAFF CONTACT: Artemio Hoyos

CP/AH/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-06-38 File

RESOLUTION 2015-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-06-38 AMADO CROSSROADS LLC – ARIVACA ROAD REZONING; LOCATED AT THE NORTHEAST CORNER OF ARIVACA ROAD AND NOGALES HIGHWAY, APPROXIMATELY 500 FEET EAST OF INTERSTATE 19; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2011-6.

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

1. On April 8, 2008, in rezoning case Co9-06-38, the Pima County Board of Supervisors approved the rezoning of approximately 10 acres located at the northeast corner of Arivaca Road and Nogales Highway, approximately 500 feet east of Interstate 19, as shown on Exhibit A from RH (Rural Homestead) to CB-2 (General Business), subject to standard and special conditions.
2. On February 15, 2011, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2011-6, recorded in Sequence No. 20110490647, rezoning the approximately 10 acres described in rezoning case Co9-06-38 and memorializing the standard and special conditions.
3. On April 11, 2013, the owner of the approximately 10 acres applied for a five-year time extension.
4. On September 3, 2013, the Board of Supervisors approved a five-year time extension with standard and special rezoning conditions.
5. Section 3 of Ordinance No. 2011-6 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2011-6 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. 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.
 - ~~B. The owner(s)/developer(s) shall provide off-site improvements determined necessary by Arizona Department of Transportation.~~
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - C. A drainage report shall be submitted during the development plan process for the Flood Control District to determine 100-year water surface elevations and to analyze detention /retention requirements.
 - D. The owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - E. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements, or a note added to the Development Plan that states the lot(s) is(are) within the floodplain, indicating that all weather access is not available to or within the site, and holding the County harmless in the event of flood.
 - ~~G. A note shall be added to the PDP indicating the depth of sheet flow across the site and the fact that it is in a floodplain and that a CLOMR/LOMR will be required.~~
 - H.G. Storage of flammables shall not be permitted in the floodplain. For portions of the site that are removed from the floodplain through the CLOMR/LOMR process and as approved by the RFCD, storage of prepackaged flammables is permissible. Properly anchored underground fuel storage tanks, which are protected from infiltration, floatation and accidental release of flammable liquids is also permitted under the Floodplain and Erosion Hazard Management Ordinance.
9. Wastewater Management condition:

The owner(s)/developer(s) must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

10. Environmental Quality conditions:

- A. The owner(s)/developer(s) shall demonstrate that the lot, as proposed, can accommodate the proposed development, along with on-site wastewater disposal system(s), while meeting all required setbacks and design standards. The size of the primary and reserve areas for the on-site disposal system(s) shall be determined by on-site soil evaluations and/or percolation testing and shall be designed in accordance with Arizona Administrative Code (A.A.C.) Title 18, Chapter 9, Unit Daily Design Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
- B. The owner(s)/developer(s) shall demonstrate that the nitrogen loading calculated over the property served by the on-site wastewater treatment facilities is not more than 0.088 pounds (39.9 grams) of total nitrogen per day per acre calculated at a horizontal plane immediately beneath the zone of active treatment of the on-site wastewater treatment facilities including their disposal fields; or justify a nitrogen loading that is equally protective of aquifer water quality as the nitrogen loading specified in A.A.C. subsection (A)(4)(a)(i) based on site specific hydro geological or other factors. This demonstration shall be made prior to issuance of the Certificate of Compliance.
- C. If it cannot be demonstrated, to the satisfaction of the department, that either the lot can accommodate the proposed development, while meeting all required setbacks, including the on-site wastewater treatment facilities, and/or meet the aforementioned nitrogen loading requirements pursuant to Code, on-site wastewater disposal will not be allowed and connection to public sewer, by whatever means necessary and at sole cost to the applicant, may be required.
- D. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
- E. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a Certificate of Approval. Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.

11. Cultural Resources conditions:

- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Environmental Planning conditions:
- A. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - B. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If any Pima pineapple cactus is found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.
13. Prior to development plan approval, the Design Review Committee (DRC) shall review and approve the architectural plans for all buildings and related improvements. The following guidelines shall be used in the DRC's review of the proposed project. In general, the proposed project will complement the Amado Territory Ranch, the commercial center located directly south of the subject property in Santa Cruz County, with regards to building colors, finishes and materials, building architecture, and outdoor lighting. Specifically:
- A. The exterior field and trim colors of all buildings will be of darker earth-tone colors consistent with the Amado Territory Ranch buildings. Pastel and other light accent tones shall be prohibited.
 - B. Building materials shall consist of masonry, wood and steel for all buildings (except for the self-storage and RV storage buildings) with stucco finishes being limited to accent applications. For the self-storage and RV storage buildings, stucco wall finishes with masonry accents (wainscots, columns, etc.) will be acceptable.
 - C. The architectural styles for the buildings shall reflect a ranch or rural western theme, generally with pitched rooflines or parapet rooflines with shed roof applications using steel roofing materials. Architectural designs for the single-story buildings, similar to those used for the Artist Studios at Amado Territory Ranch, shall be used. Spanish Colonial architectural styles and barrel tile or asphalt shingle roofs shall be prohibited.
14. The following uses shall be prohibited:
- a) Bar, nightclub, or cocktail lounge;
 - b) Cemetery, mortuary or related uses;

- c) Drive-in theater;
 - d) Massage establishment;
 - e) Truck-trailer repair or truck stop;
 - f) Contractor's yard or plant;
 - g) Feed yard;
 - h) Sale, rental or display of: airplanes or parts; contractor's equipment or supplies; farm equipment or machinery; manufactured or mobile homes; and monuments or tombstones.
15. 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.
 16. 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)."
 17. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
 18. 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.

Section 2. Section 3 of Ordinance No. 2011-6 is amended and time limit extended as follows:

1. Conditions 1 through 47 18 shall be completed by April 8, 2013 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 Resolution until all conditions 1 through 47 18 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.

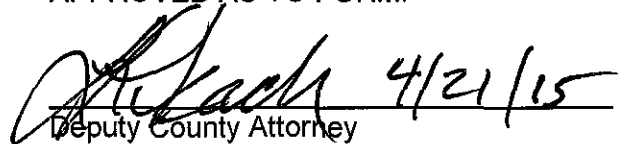
Passed and adopted, this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

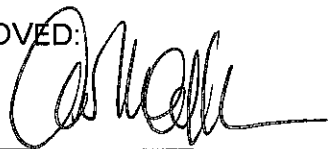
Clerk of the Board

APPROVED AS TO FORM:

 4/21/15

Deputy County Attorney
Lesley M. Lukach

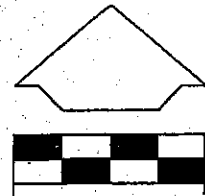
APPROVED:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

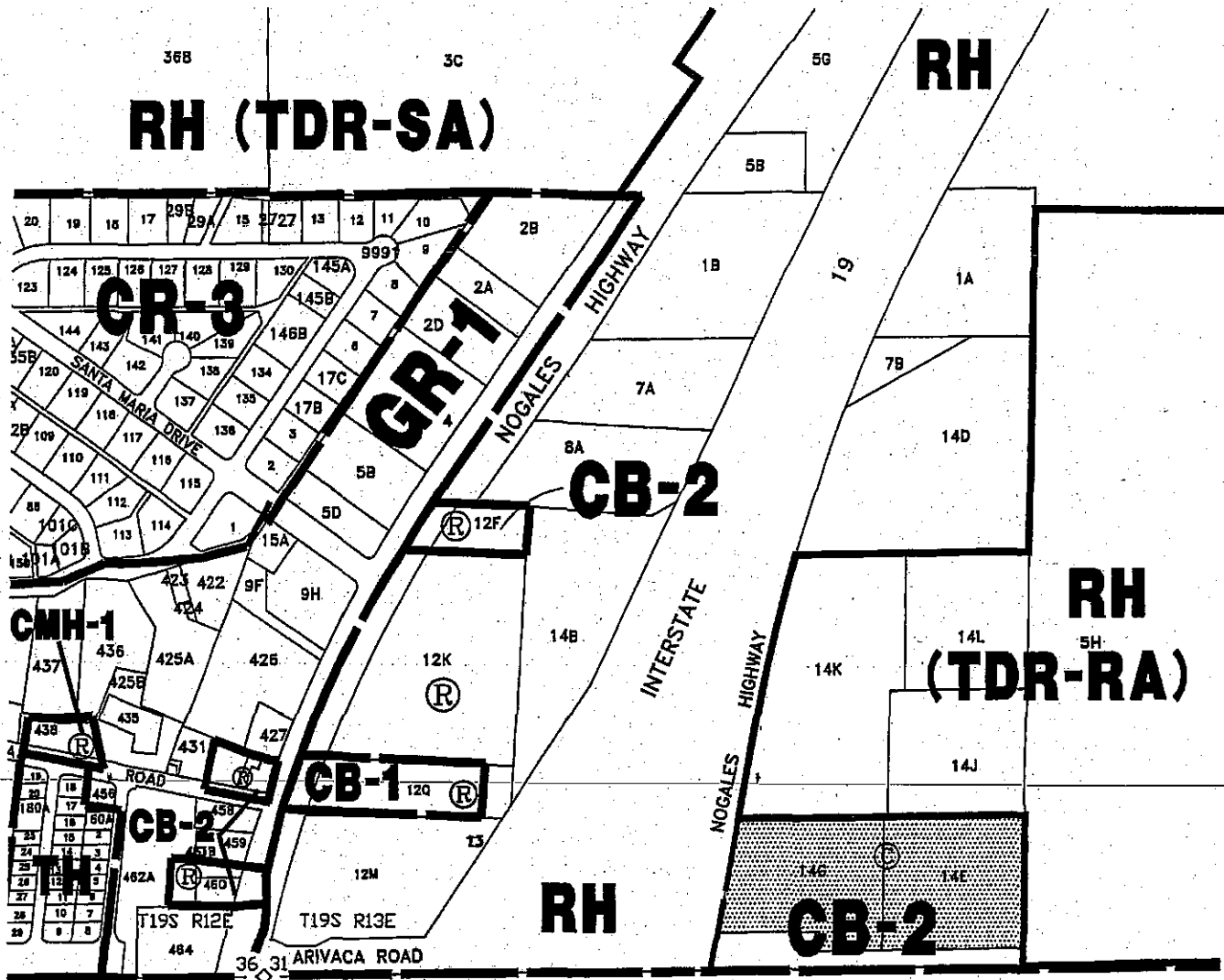
AMENDMENT NO. 12 BY ORDINANCE NO. 2011-6
TO PIMA COUNTY ZONING MAP NO. 1583 TUCSON, AZ.
PARCELS 14E & 14G LOCATED IN THE SE 1/4 OF THE SW 1/4 OF
SEC. 31, T19S R13E.



ADOPTED February 15, 2011 EFFECTIVE February 15, 2011

0

600'



SANTA CRUZ COUNTY

John M. G. H.

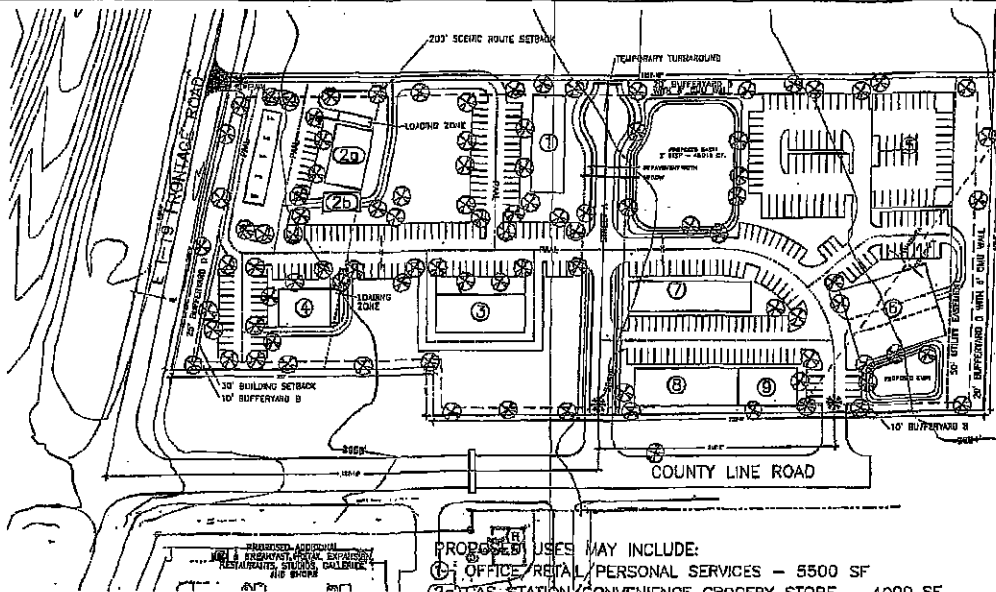
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 10.0 ac±
ds-DECEMBER 20, 2010

CD9-06-38
CD7-00-07
CD7-00-20
304-43-014E & 014G
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EXHIBIT B

EXHIBIT II-B: PRELIMINARY DEVELOPMENT PLAN



SITE AREA: 10 ACRES
 EXISTING ZONING: RH
 PROPOSED ZONING: CB-2
 BUFFERYARDS:
 WEST: 25' BUFFERYARD D
 SOUTH: 10' BUFFERYARD B
 EAST: 20' BUFFERYARD D
 NORTH: 20' BUFFERYARD D

PARKING:
 REQUIRED: 263
 PROPOSED: 263

PROPOSED BUILDING HEIGHTS:
 BUILDINGS - 24'-39' MAX

- * ACCESS POINT (3 TOTAL)
- ADOT ROW CONSTRUCTION FOR ENTRANCE
- PROPERTY LINE
- ROW
- SIDEWALK
- CURB
- CENTERLINE
- BUILDING
- FEMA ZONE
- BUFFERYARD
- SCENIC ROUTE SETBACK
- BUILDING SETBACK

NOTES:

1. THE RV/AUTO SERVICE CENTER WILL HAVE SIX BAYS.
2. THE GAS STATION WILL HAVE 8-10 GAS PUMPS.
3. TOTAL ALLOWED BUILDING SQUARE FOOTAGE NOT TO EXCEED 84,000 SF.

*SEE 24X36 PRELIMINARY DEVELOPMENT PLAN (IN POCKET) FOR ADDITIONAL LABELING AND INFORMATION.

PROPOSED USES MAY INCLUDE:

- ① OFFICE/RETAIL/PERSONAL SERVICES - 5500 SF
- ② GAS STATION/CONVENIENCE GROCERY STORE - 4000 SF
- ③ CAR WASH - 1200 SF
- ④ RV/AUTO SERVICE CENTER - 5800 SF
- ⑤ FAST FOOD RESTAURANT - 3500 SF
- ⑥ RV STORAGE - 16,800 SF
- ⑦ INDOOR STORAGE - 4000 SF
- ⑧ RETAIL SERVICES - 13200 SF
- ⑨ VETERINARY/FEED - 7000 SF
- ⑩ INDOOR NURSERY - 4000 SF

AMADO CROSSROADS

APPROVED AT PUBLIC HEARING
 4/8/08

