BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 2, 2016

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

Introduction/Background:

Applicant requests a five-year time extension for a 0.51-acre rezoning from CR-3 (Single Residence) to CB-1 (Local Business) approved by the Board of Supervisors on July 12, 2011. The case expires on July 12, 2016.

Discussion:

The applicant indicates that the unfavorable economy has caused delay in completing rezoning conditions for a proposed restaurant. She notes that development of a new truck stop and a truck sales and service business at I-10 and Craycroft Road south of the rezoning site lends to the appropriateness of the subject rezoning. The rezoning site fronts Craycroft Road and consists of two lots in the far southwest corner of a residential subdivision. A second truck stop is located across Craycroft Road from the site. Special rezoning conditions are in place to protect neighboring residential lots.

Conclusion:

A time extension is warranted due to the historical economic recession. The proposed restaurant remains an appropriate use at this location in the vicinity I-10 and other commercial uses. The rezoning remains compliant with the site's Neighborhood Activity Center plan designation. Concurrency of infrastructure exists. Improvements are under way for the Craycroft Road and I-10 intersection.

Recommendation:

Staff recommends: Approval of a five-year rezoning time extension subject to original conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date:

Deputy County Administrator Signature/Date: 7/12/16

County Administrator Signature/Date: 7/12/16

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ramon Valadez, Supervisor, District 2

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: July 11, 2016

SUBJECT: **Co9-11-02 DOMINGUEZ – CRAYCROFT ROAD REZONING**

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, AUGUST 2, 2016** hearing.

REQUEST: For a five-year **time extension** of a 0.51-acre rezoning from CR-3 (Single Residence) to CB-1 (Local Business).

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

AGENT: None

DISTRICT: 2

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of July 11, 2016, staff has received no written public comments.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO ORIGINAL STANDARD AND SPECIAL CONDITIONS

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

TD/DP/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

FOR AUGUST 2, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: **July 11, 2016**

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-11-02 **DOMINGUEZ – CRAYCROFT ROAD REZONING**
Request of Peggy and Leonardo Dominguez, for a five-year **time extension** for the above-referenced rezoning from CR-3 (Single Residence) to CB-1 (Local Business). The subject site was rezoned in 2011. The rezoning expires on July 12, 2016. The site is approximately 0.51 acre located on the east side of S. Craycroft Road, approximately 150 feet north of E. Travel Plaza Way and 600 feet north of Interstate 10. Staff recommends **APPROVAL SUBJECT TO ORIGINAL STANDARD AND SPECIAL CONDITIONS.**
(District 2)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a five-year time extension to July 12, 2021 as per the applicant's request for the original 0.51-acre rezoning from CR-3 (Single Residence) to CB-1 (Local Business), subject to the original standard and special conditions 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. 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(I)."

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.

STAFF REPORT

A five-year rezoning time extension for a proposed restaurant is requested by the applicant. The applicant states in the request letter that the "unfavorable economy" has caused a delay in the proposed development of the property. The applicant indicates that the proposed commercial use is even more appropriate now that land to the south of the subject site has been developed with a gas station and truck repair and sales. A residence and guest house still exist on the site. These are planned for removal with development of the restaurant.

The proposed restaurant use remains suitable at this location, provided the special conditions of approval are maintained. The special conditions are designed to ameliorate potential impacts to neighboring residential uses within the subdivision of which the subject property (two lots) is a part. The special conditions include a restriction for single-story development, minimum six-foot-high decorative masonry walls along the north and east boundaries to shield existing residences, limited hours of operation and for deliveries, three-side screening and adequate setback for refuse storage, and a restriction for illuminated wall signage to be limited to south and west building facades (directed away from residences).

The site is located along Craycroft Road, near Interstate 10 to the south. It is at the far southwest corner of the subdivision. The Tucson Truck Terminal (TTT truck stop) is located across Craycroft Road to the west; and the Pilot Travel Center (also a truck stop) is located across Travel Plaza Way to the south. As referenced by the applicant, the Pilot Travel Center, containing gas sales, retail sales, and fast food restaurants, has been built since the original rezoning approval of the subject property on July 12, 2011. A rezoning for this truck stop and other commercial uses was approved in 2010 under case Co9-09-05. A truck service and sales business is now operating to east of the truck stop, and additional commercial uses have yet to be built to its north (southeast of the subject site).

As noted in the Transportation report below, the portion of Rex Stravenue that was a road adjacent to the subject property now contains a drainage structure that was constructed as part of the development to the south that included a new road access to that development, Travel Plaza Way. Travel Plaza Way cannot be directly accessed from the site; and no access was originally proposed to Rex Stravenue. However, the Rural/Metro Fire Department will require access through the site to Rex Stravenue if an approved turnaround within the site is not provided. It appears that emergency only access may be possible in the portion of the Rex Stravenue right-of-way adjacent to the site that is not encumbered by the drainage structure. This would need to be resolved at the development plan stage. The fire department access needs were reported in staff's initial rezoning report.

Concurrency of infrastructure either exists outright or subject to conditions ensuring concurrency per reporting agencies. The site is not located within the Maeveen Marie Behan Conservation Lands System. The CB-1 rezoning complies with the site's Neighborhood Activity Center (NAC) plan designation approved under plan amendment case Co7-09-05.

Denial of the time extension will cause the site to revert to unrestricted CR-3 zoning. CR-3 zoning, which provides medium density housing types, technically complies with the site's NAC plan designation; however, the larger residential subdivision is designated as Medium Intensity Urban (MIU). Closure of the rezoning would not preclude the possibility of a future CB-1 rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-3 (Single Residence)	Residence
South:	CB-2 (General Business)	Drainage Structure / Travel Plaza Way / Truck Stop
East:	CR-3	Alley / Residence / City of Tucson Well Site
West:	CB-1 (Local Business) & CB-2	Craycroft Road / Truck Stop

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	
TRANSPORTATION	Yes	Subject to condition for off-site improvements as necessary.
FLOOD CONTROL	Yes	
WASTEWATER	Yes	Subject to conditions for construction of on- and off-site sewers as necessary.
PARKS AND RECREATION	N/A	
WATER	Yes	
SCHOOLS	N/A	
AIR QUALITY	Yes	

TRANSPORTATION REPORT

Concurrency criteria have been met for the time extension request. The subject site is located on Craycroft Road approximately 500 feet north of the Interstate 10 frontage road. Since the rezoning was approved, a large truck stop and truck dealership were built between the subject site and the interstate frontage road. As part of this development, Travel Plaza Way was constructed to serve the new uses to the south. A large drainage structure was constructed along what was the Rex Stravenue right-of-way. At the time of the rezoning, there were drainage issues at this location and it was recommended to the owner to work with the developer to the south to address access and

drainage issues. Access to the site has been shown on Craycroft Road. No changes to the access are proposed; however, the fire department regulations are requiring an approved Fire Department turnaround or a through access. The developer will need to address this concern during the development plan stage.

Recent roadway improvements include upgrades to the I-10 and Craycroft Road intersection and widening of Valencia Road approximately one mile north of this site.

The Department of Transportation recommends the rezoning conditions be left as approved.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has the no objection to the rezoning time extension.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a rezoning time extension and offers the following comments. The subject property was conditionally rezoned from CR-3 (Single Residence) to CB-1 (Local Business) in 2011. The rezoning expires on July 12, 2016. The rezoning is for a restaurant development.

The proposed development is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. The development will connect to the existing 10-inch public sewer line G-95-113 located within the Craycroft Road right-of-way.

The PCRWRD has no objection to the request for a five-year time extension of the rezoning. The existing wastewater conditions in rezoning Ordinance 2011-91 adopted on December 3, 2011 by the Board of Supervisors do not require any revision.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation staff have no objection to this request.

CULTURAL RESOURCES REPORT

Office of Sustainability and Conservation (OSC) review of submitted application and supporting cultural resources documentation has determined that the proposed development project will have no effect to significant cultural and/or historic resources and is, therefore, in compliance with the applicable County, State, and/or Federal cultural resources requirements, as determined by OSC. Therefore, as far as Pima County is concerned, cultural resources requirements for this project have been met and archaeological clearance is recommended for this development, subject to the following standard conditions:

1. All work must be within the area as shown on the proposed project maps and plans in the submitted documentation; and

2. 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.

WATER DISTRICT REPORT

Tucson Water has no objections to the request for the Rezoning Time Extension for Co9-11-02. Currently parcel 140-38-0310 has no water meter. Parcel 140-38-0300 (6841 S. Craycroft Road) has a 5/8 inch water meter, set up as a residential account. When the proposed improvements are carried out, the size of the existing water meter and service line will have to be evaluated; up-sizing will probably be required. Additionally, the account will have to be reclassified as commercial.

FIRE DISTRICT REPORT

The Rural/Metro Fire Department has reviewed the submittal for the above referenced case and offers the following comments to the rezoning:

1. The proposed dead end drive exceeds 150 feet in length. An approved Fire Department turnaround is required or the drive shall extend through Rex Street.

2. As the development continues into the plan stage, the applicant will be required to submit plans to our fire prevention department for review of fire code compliance. This review will cover fire flow and fire hydrant requirements, fire department access, fire sprinklers, fire alarm systems and all other applicable fire code requirements. As of January 1, 2016 the 2012 edition of the International Fire Code shall be the applicable fire code for this project.

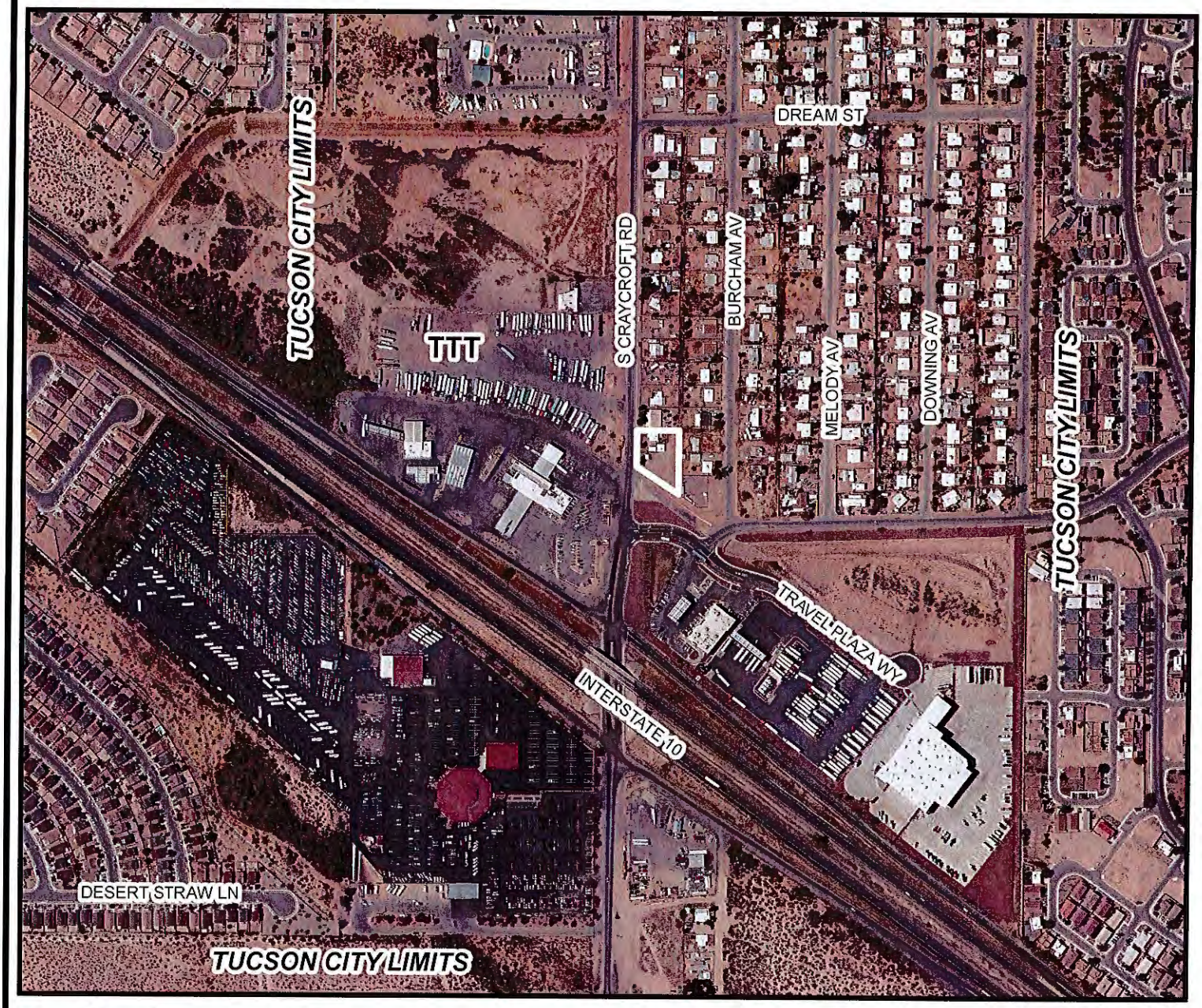
PUBLIC COMMENT

Notice has been mailed to property owners within 300 feet of the rezoning site. To date, no written public comments have been received.

TD/DP/ar
Attachments

c: Peggy and Leonard Dominguez, 8519 E. Pine Valley Drive, Tucson, AZ 85710
Tom Drzazgowski, Principal Planner
Co9-11-02 File

Case #: Co9-11-02
Case Name: DOMINGUEZ -- CRAYCROFT ROAD REZONING
Tax Code(s): 140-38-0300 & 140-38-0310



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

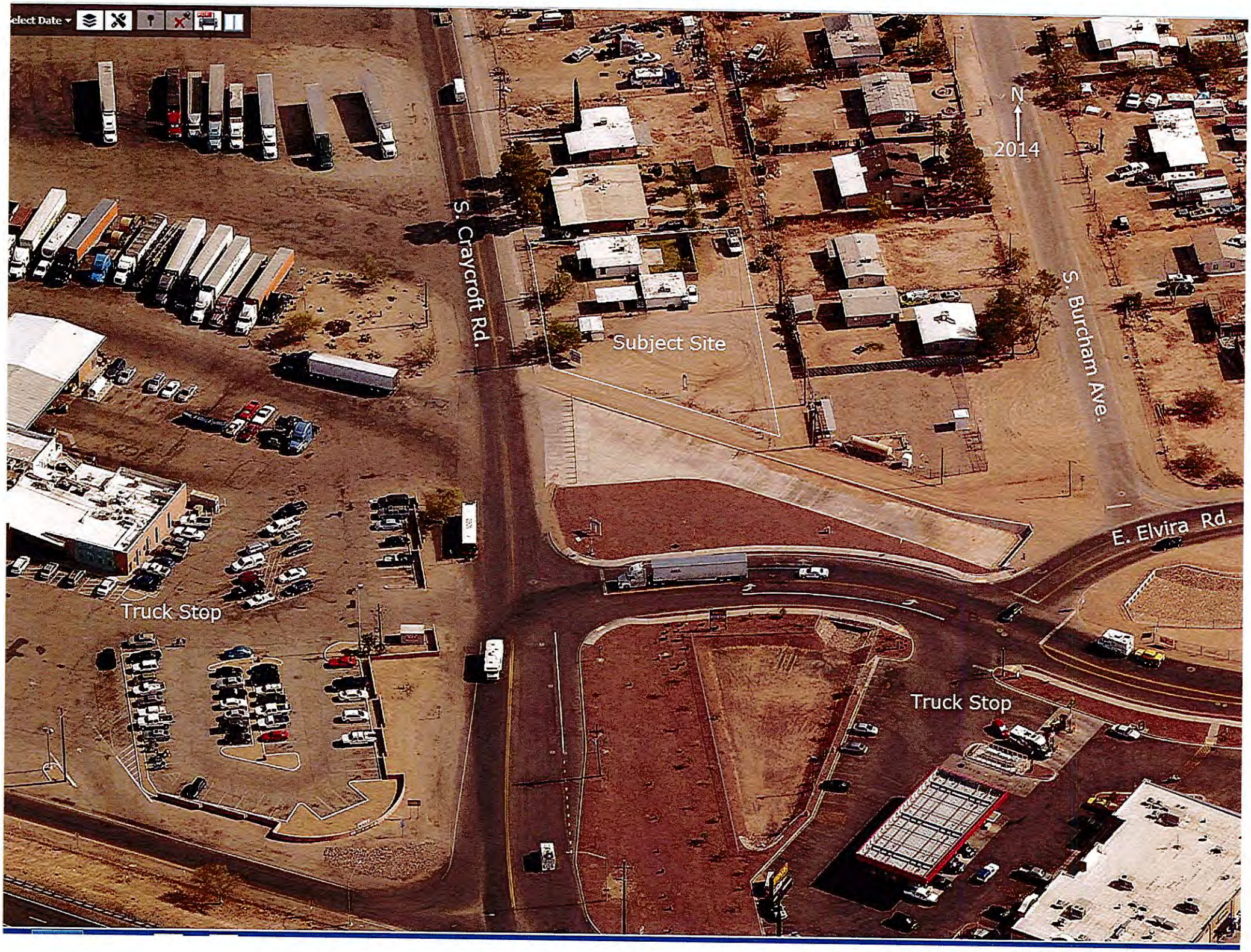
Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-09-05 / CO7-13-10

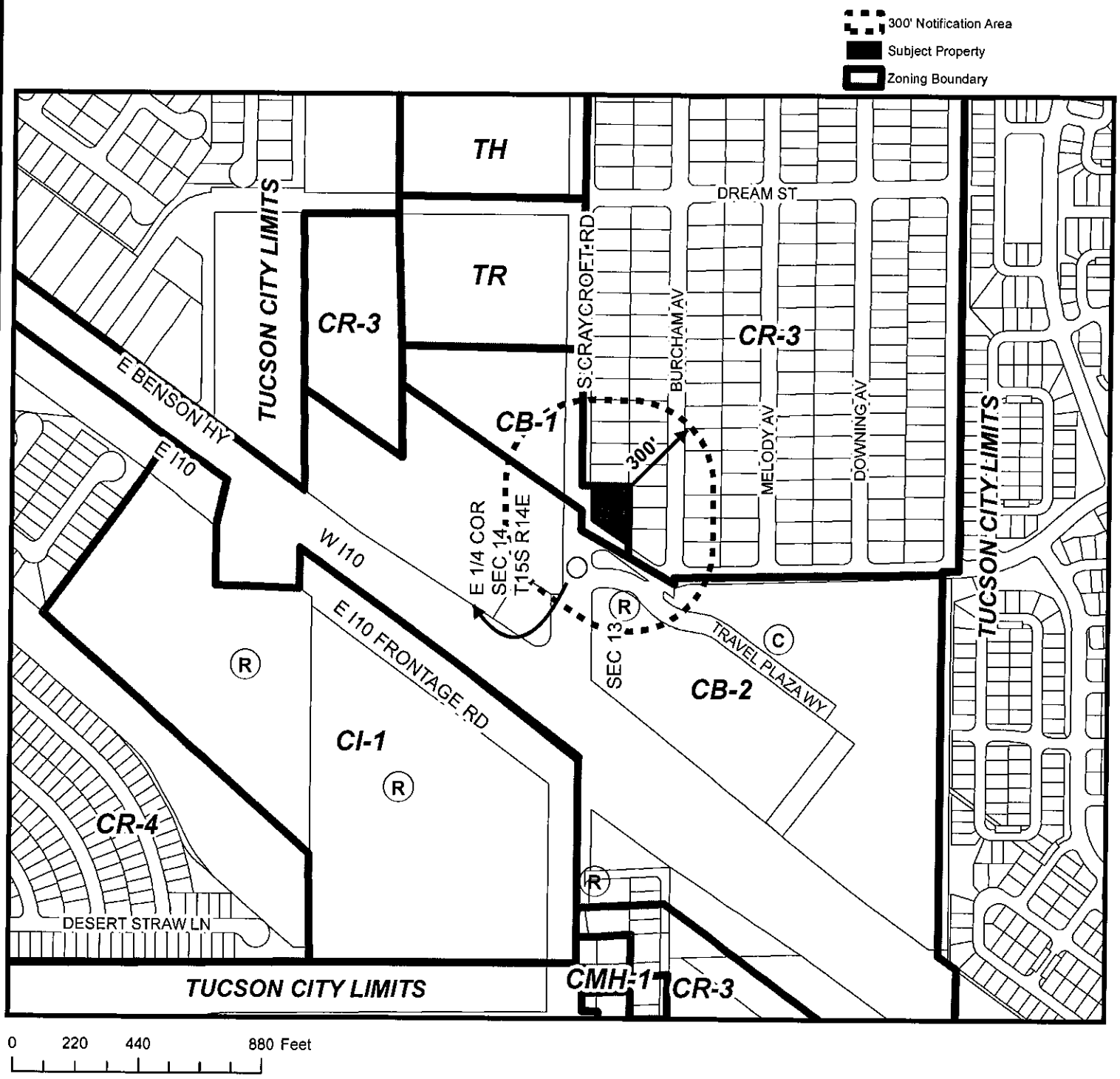
Board of Supervisors Hearing: 08/02/16 (scheduled)

Base Map(s): 30 & 31 | Map Scale: 1:6,000 | Map Date: 6/22/2016 - ds

N W E S


Select Date
N
2014
S. Craycroft Rd.
Subject Site
S. Burcham Ave.
E. Elvira Rd.
Truck Stop
Truck Stop

Case #: Co9-11-02
Case Name: DOMINGUEZ -- CRAYCROFT ROAD REZONING
Tax Code(s): 140-38-0300 & 140-38-0310



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-09-05 / CO7-13-10

Board of Supervisors Hearing: 08/02/16 (scheduled)

Base Map(s): 30 & 31 | Map Scale: 1:6,000 | Map Date: 6/21/2016 - ds

N W E S

February 15, 2016

MAR. 07 2016

Mr. Chris Poirier, Interim Planning Director
Pima County Department of Development Services –
Planning Division
201 N. Stone Ave, 2nd Floor
Tucson, Arizona 85701

Re: Co9-11-02 Dominquez - Craycroft Road Rezoning

Dear Mr. Poirier:

I would like to request a five-year time extension for the above referenced rezoning case. That case was originally approved on July 12, 2011 and is scheduled to expire on July 12, 2016. This request, if approved, would extend the case to July 12, 2021.

For reasons including the unfavorable economy we have not moved forward with the development of our property yet. However, the gas station and truck repair & sales operations to the south have been built, making the immediately more commercial than ever. As a result the subject property is more appropriate for the proposed development than even it did at the time of approval.

Due to the above conditions we would like additional time. Would you consider this request and please approve additional time to satisfy the conditions. Thank you. If you have any questions please let me know. Thank you.

Sincerely,

Peg Dominguez, Leo S. Dominguez

Peg Dominguez
Leo S. Dominguez
8519 E. Pine Valley Dr.
Tucson, Az 85710
Phone 520-631-2202 Peg
520-631-2170 Leo

EXHIBIT D

BLOCK 2

LOT 29

LITTLETOWN No 1
BK 10, PG 100
CR-3 ZONING

LOT 4

LOT 30

(New Bldg)
Restaurant
2,160

LOT 3

ROAD

LOT 31

LOT 2

10' UE

BLOCK 2

LITTLETOWN No 1
BK 10, PG 100
CR-3 ZONING

CRAYCROFT

REX STREET

DUMPSTER

LOT 1

Scale:
1" = 30'

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

ALT 2

MJM CONSULTANTS Land Planning and Development Services

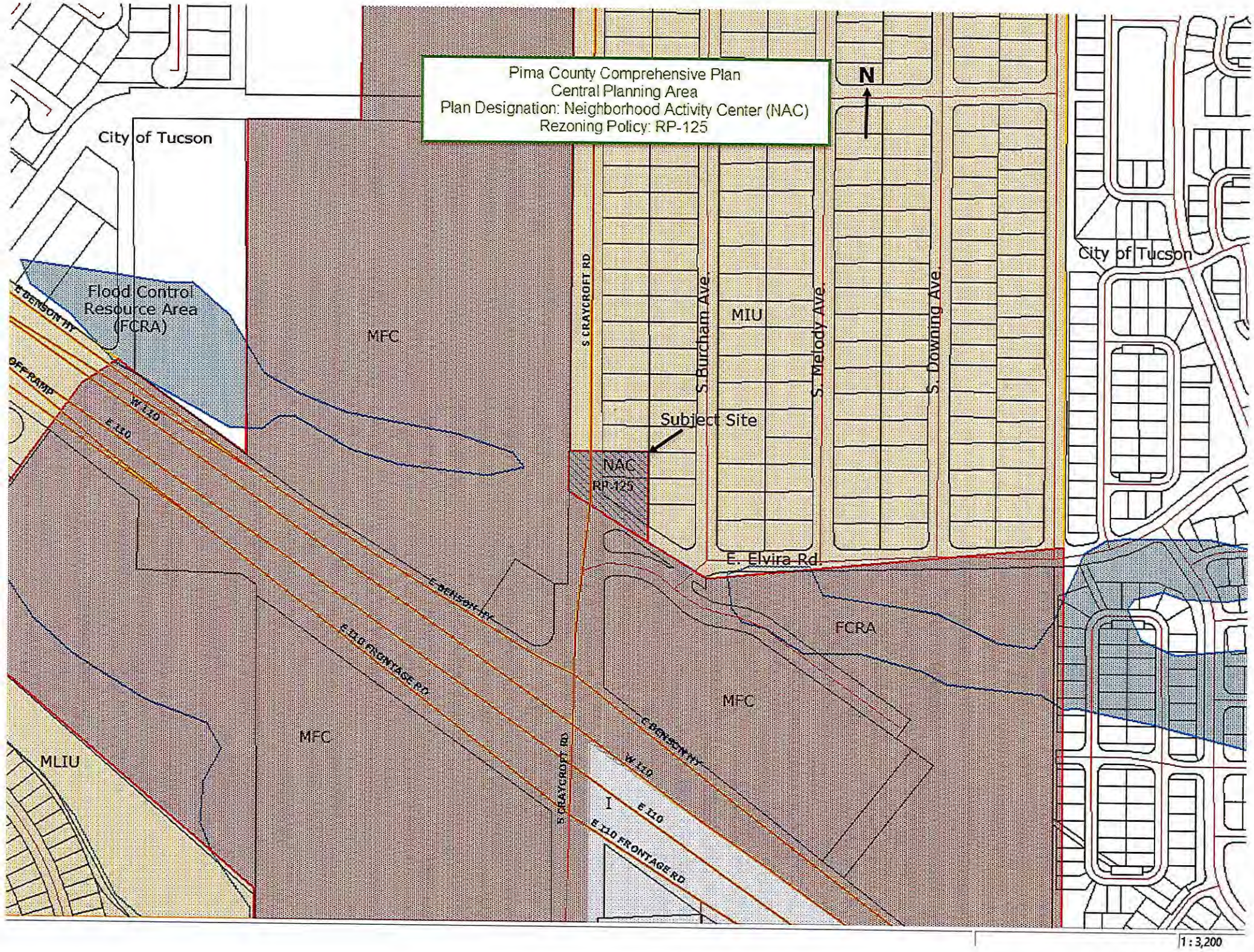
Dominguez Property
LOTS 30 AND 31 OF LITTLETOWN No 1 RECORDED IN BOOK 10 AT PAGE 100 OF M & P'S, LOCATED IN THE NW 1/4 OF SEC 13, T15S, R13E G&SRB&M, PIMA COUNTY, ARIZONA

SKETCH PLAN

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

Sketch Plan C09-11-02

Received at P&Z Hearing 5-25-11 D


Pima County Comprehensive Plan
Central Planning Area
Plan Designation: Neighborhood Activity Center (NAC)
Rezoning Policy: RP-125
N
City of Tucson
Flood Control Resource Area (FCRA)
MFC
S CRAYCROFT RD
S. Burcham Ave.
MIU
S. Melody Ave.
S. Downing Ave.
City of Tucson
Subject Site
NAC
RP-125
E. Elvira Rd.
E BENSON HY
OFF-RAMP
W I-10
E I-10
E BENSON HY
E I-10 FRONTAGE RD
FCRA
MFC
MFC
MLIU
S CRAYCROFT RD
E BENSON HY
W I-10
E I-10
E I-10 FRONTAGE RD
1 : 3,200

Neighborhood Activity Center (NAC)

a. Objective: To designate lower intensity mixed-use areas designed to provide goods and services within or near residential neighborhoods for day-to-day and weekly living needs. Neighborhood Activity Centers provide lower-intensity commercial services. For example a grocery market may be the principle anchor tenant along with other neighborhood services, such as a drugstore, variety/hardware store, self-service laundry and bank. The center may include a mix of medium-density housing types. Neighborhood Activity Centers are generally less than 25 acres in size. Larger centers provide opportunity for a mix of intensive non-residential uses and medium-density residential uses, and are to be located on arterials. Smaller mixed-use centers may contain medium-density residential uses and may be located along collector or arterial streets. All centers will have direct pedestrian and bicycle access to the surrounding neighborhoods. Individual rezoning requests do not necessarily have to be a mixed-use project; however, the application must demonstrate how the project serves to create or enhance the mixed-use character of the designated activity center as a whole.

b. Residential Gross Density: Residential gross density, if applicable, shall conform to the following:
    1) Minimum – 5 RAC
    2) Maximum – 12 RAC.

c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
    1) Minimum – 5 RAC
    2) Maximum – 8 RAC.

RP-125 S. Craycroft Rd / E. Rex Stravenue (C)

General Location

On the northeast corner of S. Craycroft Road and E. Rex Stravenue, and 600 feet north of Interstate-10, in Section 13 of Township 14 South, Range 13 East (Ref. Co7-09-05).

Policies

A. Non-residential uses are limited to neighborhood-scale commercial or office.

B. New development shall be single-story.

Recorded By: MM
DE[illegible]TY RECORDER
17[illegible].

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SE[illegible]NCE: 20113610948
NO. PAGES: 7
ORDIN 12/27/2011
18:00

PICK UP
AMOUNT PAID: $0.00

ORDINANCE 2011- 91

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 140-38-0300 AND 140-38-0310) IN CASE **Co9-11-02 DOMINGUEZ – CRAYCROFT ROAD REZONING** OF APPROXIMATELY 0.51 ACRE FROM CR-3 (SINGLE RESIDENCE) TO CB-1 (LOCAL BUSINESS), LOCATED AT THE NORTHEAST CORNER OF CRAYCROFT ROAD AND REX STREET, APPROXIMATELY 600 FEET NORTH OF INTERSTATE 10, AMENDING PIMA COUNTY ZONING MAP NO. 59.

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

Section 1. The 0.51 acre, located at the northeast corner of Craycroft Road and Rex Street, approximately 600 feet north of Interstate 10, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 59 is hereby rezoned from CR-3 (Single Residence) to CB-1 (Local Business).

Section 2. Rezoning Conditions.

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.

7

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(I)."

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 3. Time limits, extensions and amendments of conditions.

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

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 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.

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 13th day, of December, 2011.

Chairman of the Board of Supervisors

DEC 13 2011

ATTEST:

Clerk, Board of Supervisors

Deputy County Attorney

ANDREW FLAGG

Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 37 BY ORDINANCE NO. 2011-9

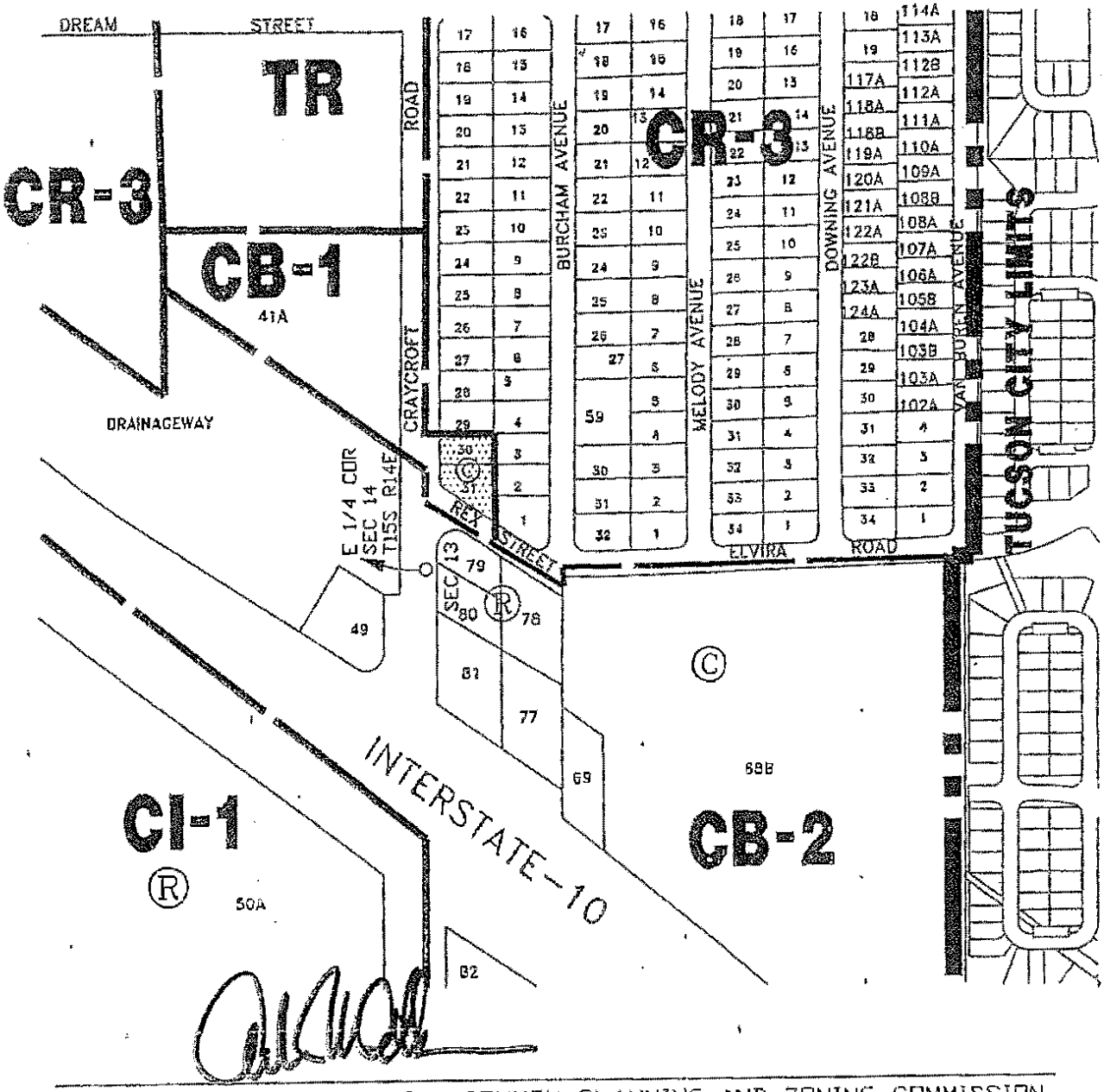
TO PIMA COUNTY ZONING MAP NO. 59 TUCSON, AZ.

LOTS 30 & 31 OF BLOCK 2, LITTLEDOWN NO 1 SUBDIVISION

BEING A PART OF THE SW 1/4 NW 1/4 OF SEC 13, T15S R14E.

0 400'

ADOPTED December 13, 2011 EFFECTIVE December 13, 2011



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

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

Co9-11-02 Rezoning Approval
BOS Minutes 7-12-11

8. 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.

9. Adherence to the sketch plan as approved at public hearing and in accordance with Resolution 2011-30, the adaptive re-use of the property is limited to office uses with a maximum of six employees, the residential character of the property shall be preserved, the footprint of the existing building shall not change, and the owner shall construct a six foot masonry wall on the west property line to buffer the residential use to the west.

~~10. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~

~~11.~~ 10. 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)."

Arlan Colton, Planning Director, stated that the Planning and Zoning Commission recommended approval subject to standard and special conditions and two additional changes. Condition No. 9 would have the following language added, "in accordance with Resolution 2011-30, the adaptive re-use of the property is limited to office uses with a maximum of six employees, the residential character of the property shall be preserved, the footprint of the existing building shall not change, and the owner shall construct a six foot masonry wall on the west property line to buffer the residential use to the west." Condition No. 10 would be deleted. Staff recommended approval with the modified conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the rezoning subject to standard and special conditions and the two additional changes to Condition Nos. 9 and 10.

37. **DEVELOPMENT SERVICES: Rezoning**

Co9-11-02, DOMINGUEZ – CRAYCROFT ROAD REZONING

Request of Peggy and Leonardo Dominguez, represented by MJM Consulting, Inc., for a rezoning of approximately 0.5 acre from CR-3 (Single Residence) to CB-1 (Local Business) on property located at the northeast corner of Craycroft Road and Rex Stravenue, approximately 600 feet north of Interstate 10. The proposed

rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0, (Commissioners Cook, Cox-Golder, and Steinbrenner were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 2)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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. 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 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 ~~five~~ <u>six</u>-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(I)."

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."

Arlan Colton, Planning Director, presented a report and stated they had received eight letters in support of the rezoning and 52 letters in opposition, but a super majority vote was not necessary. He explained the Planning and Zoning Commission had amended Condition No. 13 to change the decorative masonry walls from five feet to a minimum of six feet.

The Chairman inquired whether anyone wished to be heard.

The following individual addressed the Board:

James Jutry, representing The Tucson Truck Terminal, Inc.

He provided the following comments:

A. This rezoning would create increased noise, traffic, dust and safety concerns for school children commuting to and from school.
B. Concern was raised that the rezoning had grown from a beauty shop and HVAC office to a restaurant with longer hours of operation.
C. He did not believe the Dominguez family lived in the area or resided in District 2.

Chairman Valadez noted for the record that a letter from Cheryl Paden had been received which opposed the rezoning.

Michael Marks, MJM Consulting, Inc., indicated the restaurant conformed to the amended conditions adopted by the Board in 2009. He said they had met with the neighbors and most of the support was from those within the 300 foot radius. He stated this was a good project which had been designed to mitigate the impact to the properties on the north and east sides.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Chairman Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the rezoning subject to standard and special conditions and include the change to Condition No. 13.

38. **DEVELOPMENT SERVICES: Rezoning Closure**

Co9-96-09, 4-D PROPERTIES LAVERGNE THOMPSON WHOLESALE, L.L.C. – LITTLETOWN ROAD REZONING

Proposal to close an 8.75 acre portion of Co9-96-09 that rezoned approximately 17.5 acres of property from SR (Suburban Ranch) and AE (Airport Environs) to CI-2 (General Industrial) and AE (Airport Environs). The rezoning was conditionally approved by the Board of Supervisors on July 16, 1996, and expired on September 17, 2004. The site is located off Littletown Road, approximately one half mile east of Wilmot Road. Staff recommends AGAINST CLOSURE. (District 4)