BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 17, 2017

Title: Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING (Time Extension)

Introduction/Background:

Applicant requests a five-year time extension for an 11.55-acre TR (Transitional) rezoning which was approved by the Board of Supervisors on October 4, 2011 and expired on October 4, 2016.

Discussion:

The owner of the site is a mining services business which purchased the site in 2012 for expansion of its corporate offices. A downturn in mining activity due economic conditions has delayed its expansion plans. The approved rezoning preliminary development plan for seven medical office buildings and an assisted living facility remains a suitable use in this area of similar facilities near Northwest Hospital. General professional offices also exist in the vicinity and such a use may entail fewer, but larger buildings on the site.

Conclusion:

A time extension is warranted due to the historical economic recession. The proposed office uses remain a suitable transitional use at this location along La Cholla Boulevard. Concurrency of infrastructure either exists outright or subject to conditions ensuring concurrency per County agencies. The TR rezoning is compliant with the Medium Intensity Urban (MIU) plan designation. Reversion to SR zoning with primary low-density residential use would not conform to MIU. Modification of Wastewater conditions is recommended for updated language. An additional condition pertaining to buffelgrass removal is also recommended as a current standard.

Recommendation:

Staff recommends approval of a five-year rezoning time extension subject to original, modified, and additional conditions.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: 12-29-16

Deputy County Administrator Signature/Date: 12-29-16

County Administrator Signature/Date: 12/29/16

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: December 27, 2016

SUBJECT: **Co9-10-03** **MOORE TR – ORACLE JAYNES STATION ROAD REZONING**

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 17, 2017** hearing.

REQUEST: For a **five-year time extension** for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The 11.55-acre site is located on the southeast corner of La Cholla Boulevard and Fountains Avenue.

OWNER: M3 Engineering & Technology Corporation
2051 W. Sunset Road, Suite 101
Tucson, AZ 85704-1722

AGENT: T and T Engineering, LLC
Attn: Thomas Guido, P.E.
5980 E. Verde Place
Tucson, AZ 85705

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of December 27, 2016, staff has received no written public comments.

STAFF RECOMMENDATION: APPROVAL SUBJECT TO ORIGINAL AND MODIFIED 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 JANUARY 17, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: **December 27, 2016**

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-10-03 **MOORE TR – ORACLE JAYNES STATION ROAD REZONING**
Request of M3 Engineering & Technology Corporation, represented by T and T Engineering, Inc., for a **five-year time extension** for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The subject site was rezoned in 2011. The rezoning expired on October 4, 2016. The 11.55-acre site is located on the southeast corner of La Cholla Boulevard and Fountains Avenue. Staff recommends **APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.**
(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a five-year time extension to October 4, 2021 as per the applicant's request for the original 11.55-acre rezoning from SR (Suburban Ranch) to TR (Transitional), subject to the original, modified, and additional 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. Transportation condition:
   The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.

7. Flood Control condition:
   A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.

   B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.

8. 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.~~

A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.

B. The owner(s) 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(s) shall enter into a written agreement addressing 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(s) 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(s) 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(s) 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(s) 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.

9. Environmental Quality conditions:

A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.

B. 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.

10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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. 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.

11. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing.

12. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.

13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.

14. 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.

15. 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)."

16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.

17. 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.

STAFF REPORT

A five-year rezoning time extension is requested by the applicant. The rezoning to TR was approved in 2011 for a proposed assisted living center and medical office buildings. The request letter indicates that the current owner purchased the rezoning site in 2012 for expansion of its corporate campus pertaining to the mining services industry. With the downturn in mining associated with overall economic conditions, growth of their services has been delayed. The applicant indicates a feeling that the business climate will improve to allow completion of the rezoning conditions within the five-year extension period.

The original proposed assisted living facility and medical office use remains a suitable transitional use at this location along the La Cholla Boulevard major thoroughfare, as would a more generalized professional office use as alluded to in the time extension request letter. The approved rezoning preliminary development plan depicts seven scattered medical office buildings with a combined area of 42,300 square feet and one two-story skilled nursing, congregate care, or long-term care building of 35,000 square feet. The general office use associated with the owner's plans for corporate expansion could result in development of a fewer, but larger, office buildings subject to the combined square footage allowances shown on the preliminary development plan.

There are several assisted living type facilities and a number of medical offices near the site along La Cholla Boulevard that are anchored by Northwest Hospital located one-half mile to the north at the intersection of Orange Grove Road. There are also professional offices south of the site.

Since the subject rezoning was approved, there have been two nearby rezonings and one substantial change for an existing rezoning approved to allow for assisted living facility developments. Rezoning cases Co9-11-07 and P16RZ00001 had TR rezonings for assisted living facilities located across La Cholla Boulevard from the site, north of Oracle Jaynes Station Road. The Co9-07-11 facility site has been constructed and is in operation. Adjacent to the south, the P16RZ00001 TR portion along with surrounding CR-5 zoning for single family residences was approved on September 6, 2016. The substantial change was for rezoning case Co9-03-32 located on the south side of Orange Grove Road, one-quarter mile west of La Cholla Boulevard.

Staff finds concurrency of infrastructure per reporting agencies, including conditions requiring adequate sewage treatment and conveyance capacity at the time of development. The revised conditions list recommended by the Regional Wastewater Reclamation Department is essentially the same conditions as originally approved, but updated with current language. However, Metropolitan Water Improvement District did not respond to a request for comments.

New condition #17 pertaining to on-going removal of invasive buffelgrass is recommended as a current standard condition for rezonings involving development plans located outside of the MMB Conservation Lands System.

The TR rezoning complies with the site's Medium Intensity Urban (MIU) plan designation (map and description attached). The site and larger areas to the north and immediate east were down-planned from Medium-High Intensity Urban as part of the recent Pima Prospers Plan Update.

Denial of the time extension will cause the site to revert to unrestricted SR zoning. SR zoning, which provides predominantly low density housing and certain other uses, would not comply with the site's MIU plan designation which requires a minimum of five residences per acre for residential development. Closure of the rezoning would not preclude the possibility of a future TR rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR (Suburban Ranch)	Assisted Living Facility / Medical Offices
South:	TR (Transitional)	Oracle Jaynes Station Road / Office Park
East:	SR	Undeveloped
West:	SH (Suburban Homestead)	La Cholla Blvd. / Residential Subdivision
Northwest:	TR & CR-5 (Approved)	La Cholla Blvd. / Undeveloped (Approved for Residential Subdivision & Assisted Living Facility)

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	No Response	
SCHOOLS	N/A	
AIR QUALITY	Yes	

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to the time extension request, as all roadways in the area are functioning at capacity or under capacity. The site is located on the southeast corner of La Cholla Boulevard and Fountains Avenue, between Orange Grove Road and River Road. There is a median opening on La Cholla Boulevard at Fountains Avenue. Two driveways are proposed, one on La Cholla Boulevard and one on Fountains Avenue. No additional right-of-way is needed for La Cholla Boulevard or Fountains Avenue. The proposed 42,300 square feet medical dental offices and 35,000 square feet nursing home could generate 1,800 average daily trips (ADT) based upon 9th Edition of ITE for traffic generations.

La Cholla Boulevard is a six-lane high volume arterial roadway with curb, sidewalk, and bike lanes. The speed limit is 45 mph and the current traffic volume is 29,612 ADT. The capacity is 53,910 ADT. The roadway is built to its full cross section with 200 feet of right-of-way. No improvements are planned in the vicinity of this project. Nearby arterials include River Road and Orange Grove Road. River Road is a four-lane medium volume arterial with exclusive right turn lanes. The existing cross section includes curb, sidewalk, bike lanes and a speed limit of 45 mph. River Road is nearing capacity with a current volume of 35,703 ADT. The capacity is 37,611 ADT.

Orange Grove Road is a five-lane medium volume arterial with curb, sidewalk, bike lanes, and a speed limit of 45 mph. The current traffic count is 23,406 ADT. The capacity is 37,600 ADT. Because of the high speed limit of 45 mph on La Cholla Boulevard, driveway separation and corner clearance setbacks are 230 feet.

The Department of Transportation does not recommend any changes to the rezoning conditions.

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 for your use. The subject property is located on the southeast corner of La Cholla Blvd. and Fountains Ave. The subject property was conditionally rezoned from SR (Suburban Ranch) to TR (Transitional) in 2011 for the proposed uses of medical offices and an assisted living facility. The rezoning expired on October 4, 2016. The subject property is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor.

The PCRWRD has no objection to the above referenced request for a five-year time extension of the rezoning, but requests the existing wastewater conditions in rezoning Ordinance 2012-26 adopted on May 15, 2012 by the Board of Supervisors be replaced with updated conditions under condition #8 above.

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) has reviewed the time extension request and has no objection subject to existing condition #10 pertaining to cultural resources requirements.

WATER DISTRICT REPORT
To date, no comments have been received from Metropolitan Water Improvement District.

FIRE DISTRICT REPORT
To date, no comments have been received from Northwest Fire/Rescue District.

U.S. FISH & WILDLIFE SERVICE REPORT
To date, no comments have been received from the USFWS.

PUBLIC COMMENT
Notice has been mailed to property owners within 1,000 feet of the rezoning site. To date, no written public comments have been received.

TD/DP/ar
Attachments

c: M3 Engineering & Technology Corporation, 2051 W. Sunset Road, Suite 101, Tucson, AZ 85704-1722
T and T Engineering, LLC, Attn: Thomas Guido, P.E., 5980 E. Verde Place, Tucson, AZ 85705
Tom Drzazgowski, Principal Planner
Co9-10-03 File

Case #: Co9-10-03
Case Name: MOORE TR -- ORACLE JAYNES STATION ROAD REZONING
Tax Code(s): 102-13-004D

0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

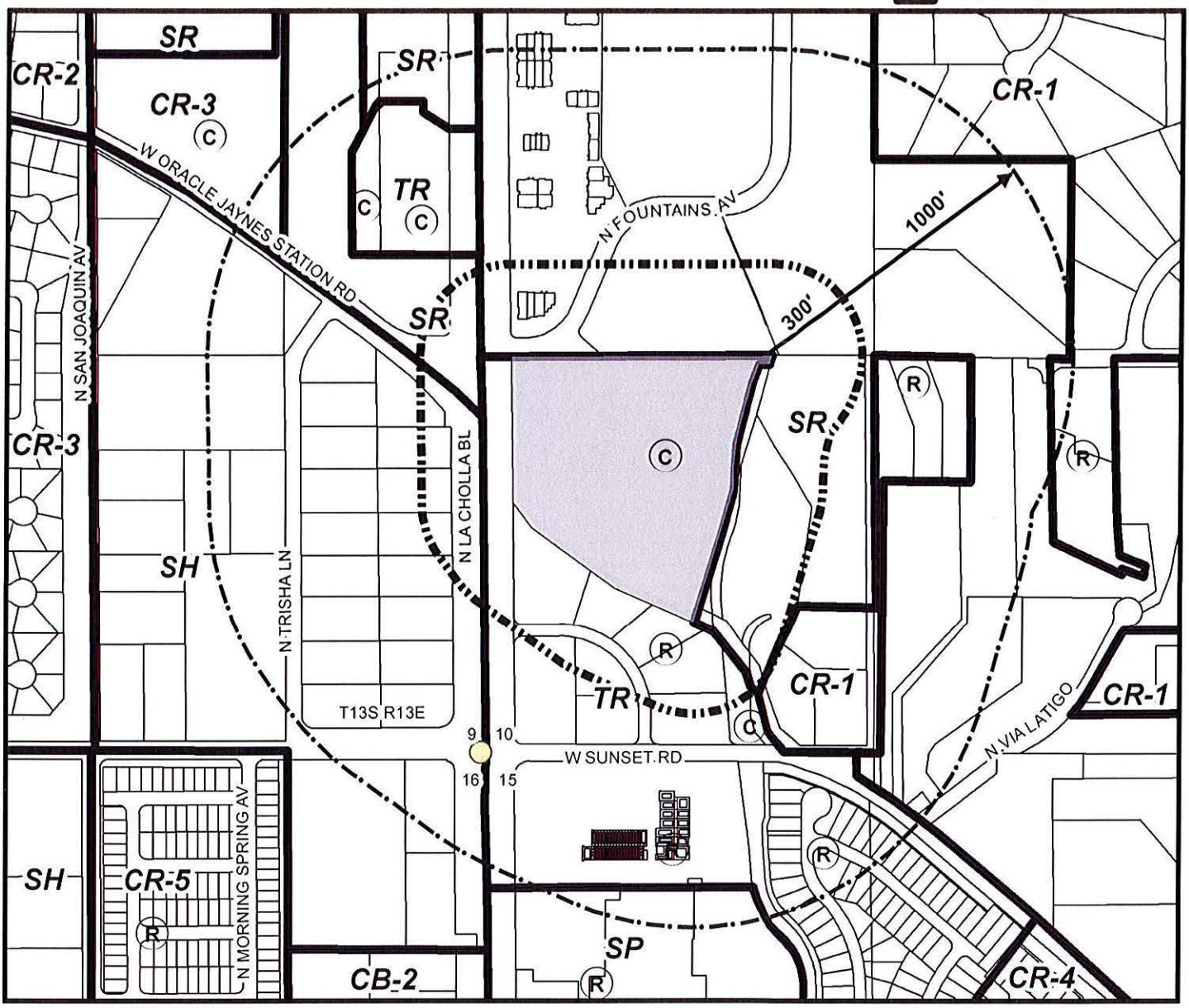
Board of Supervisors Hearing: 12/13/16 (scheduled)

Base Map(s): 45 | Map Scale: 1:6,000 | Map Date: 11/16/2016 - ds

N W E S

Case #: Co9-10-03
Case Name: MOORE TR -- ORACLE JAYNES STATION ROAD REZONING
Tax Code(s): 102-13-004D

1000' Notification Area
300' Notification Area
Subject Property
Zoning Boundary



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

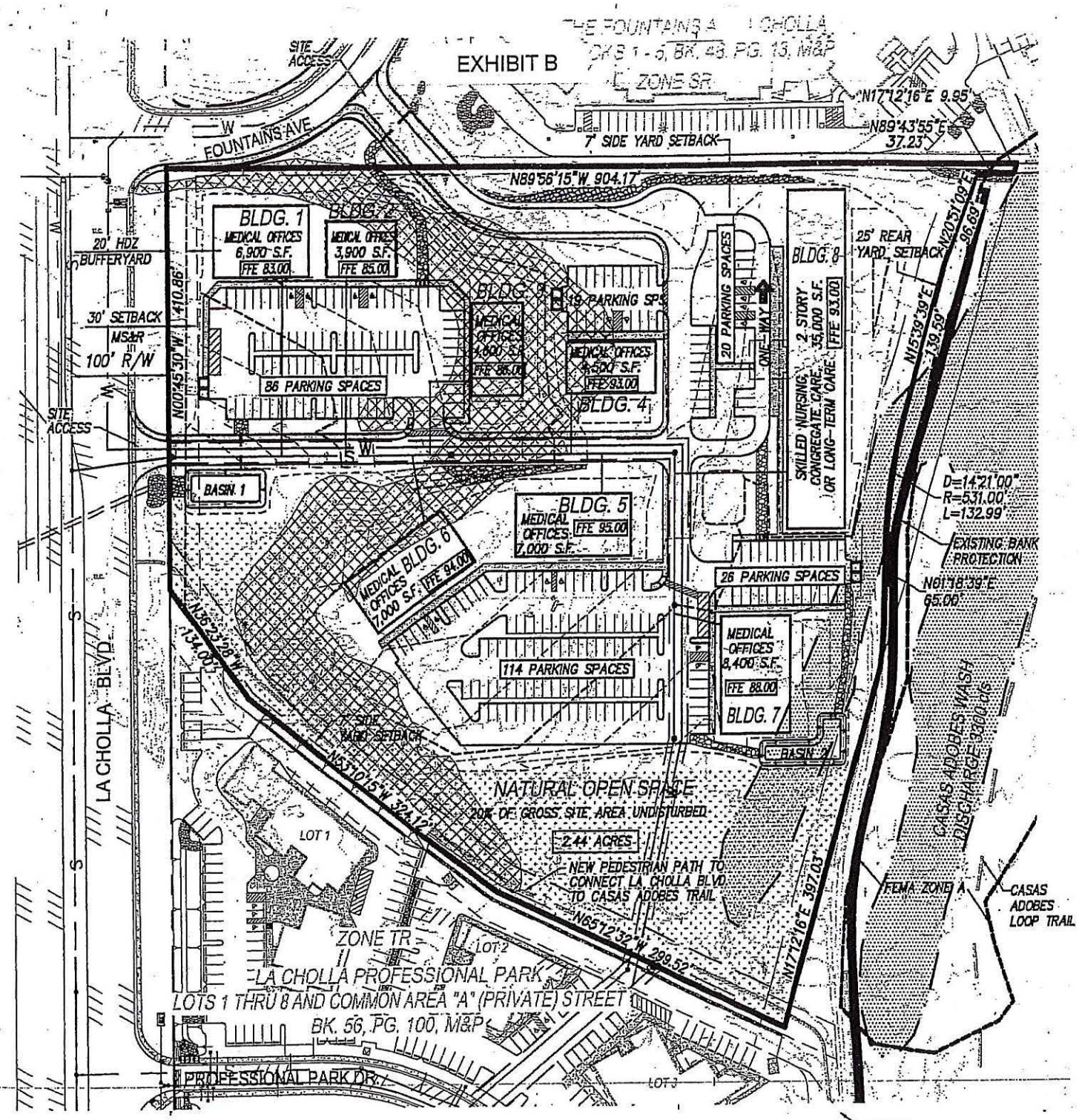
Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 1/17/17 (scheduled)

Base Map(s): 45 | Map Scale: 1:6,000 | Map Date: 11/29/2016 - ds

N W E S



LEGEND:

- PROPERTY BOUNDARY
- NATURAL OPEN SPACE (UNGRADED AREA)
- NEW PAVEMENT
- EXISTING HDZ AREA
- XERORIPARIAN AREA C
- LIMITS OF FEMA ZONE A
- GRADING LIMITS

TOTAL PARKING SPACES REQUIRED: 258 SPACES

TOTAL PARKING SPACES PROVIDED: 265 SPACES

Co9-10-03
Approved by BOS 10-4-11

PRELIMINARY DEVELOPMENT PLAN

T and T Engineering LLC

September 8, 2016

Thomas Drzazgowski
Pima County Development Services
201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207

Re: Rezoning Time Extension Request, Co9-10-03,M3 Engineering and Technology- MOORE TR - Oracle Jaynes Station Road Rezoning
T and T Engineering LLC Job# 06024-08-24

Dear Mr. Drzazgowski;

The above referenced project received a conditionally approved rezoning on October 4, 2011. This conditional rezoning will expire on October 4th of this year. We are requesting a five year extension due to the following reasons:

- M3 Engineering and Technology purchased this property in, about, 2012. Their intent was to expand their corporate campus to the north as their business was experiencing rapid growth at that time. With the current economic conditions as they are in southern Arizona, their need for expansion decreased dramatically.

- M3 Engineering and Technology is significantly invested in providing services to the mining industry. As a result of the downturn in mining operations the prior growth for their services that they were experiencing has declined.

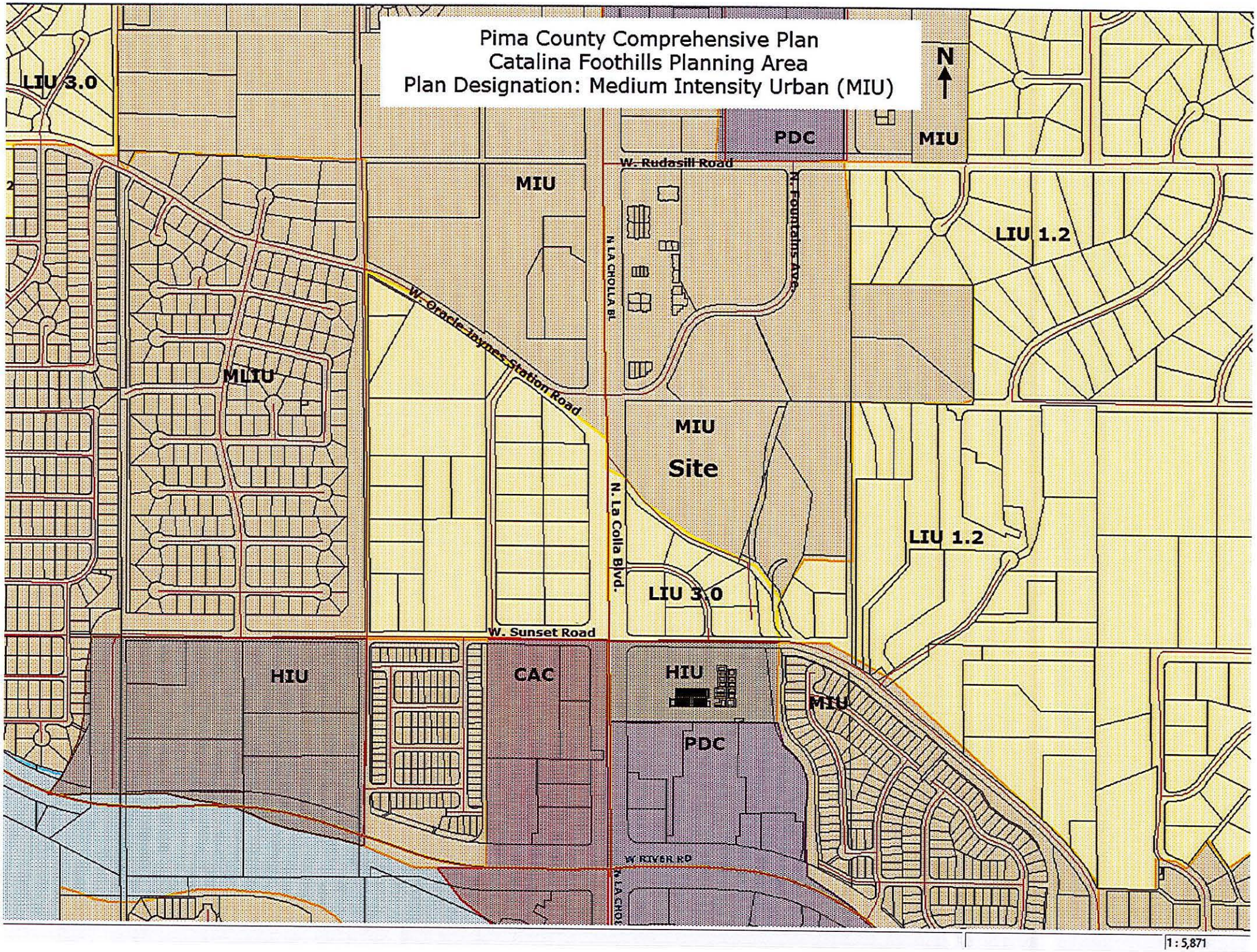
These two situations caused them to re-evaluated their expansion plans. If a five year rezoning time extension is granted they feel that the business climate will turn more positive and they will be able to execute the rezoning conditions in that new five year window.

Please review the attached documents and grant an extension of time for completion of the rezoning conditions. Feel free to contact our office with any questions or concerns.

Sincerely,

Thomas E. Guido P.E.
President
T and T Engineering LLC

5980 E. Verde Place
Tucson, AZ 85750
(520) 577-1105
Fax: (520) 577-0929
www.tandteng.com

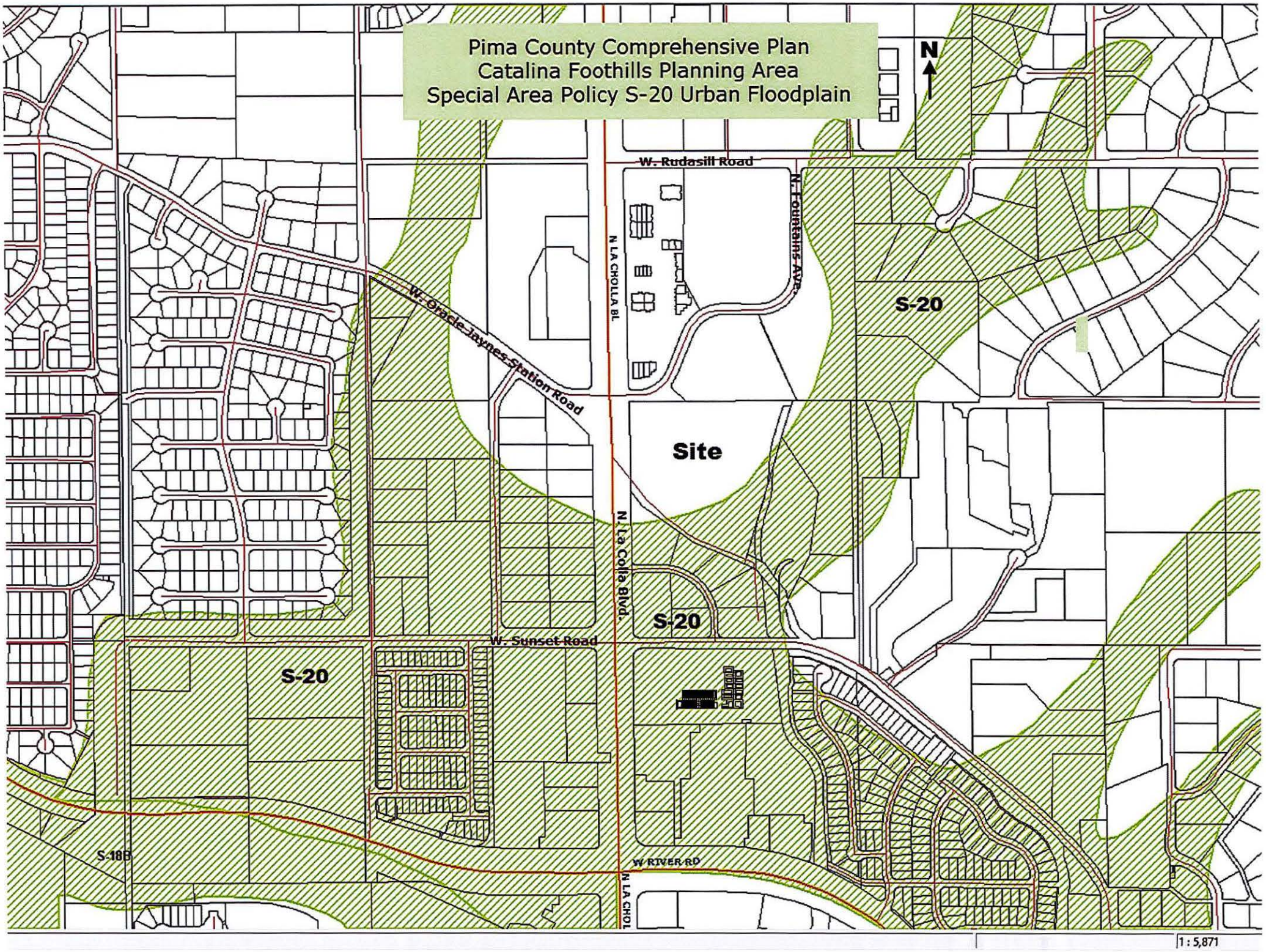

Pima County Comprehensive Plan
Catalina Foothills Planning Area
Plan Designation: Medium Intensity Urban (MIU)
N
LIU 3.0
PDC
MIU
W. Rudasill Road
MIU
N. Fountains Ave.
LIU 1.2
N LA CHOLLA BL
W. Oracle-Jaynes Station Road
MLIU
MIU
Site
N. La Colla Blvd.
LIU 1.2
LIU 3.0
W. Sunset Road
HIU
CAC
HIU
MIU
PDC
W RIVER RD
N LA CHOL
1 : 5,871

Medium Intensity Urban (MIU)

a. Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

b. Residential Gross Density: Residential gross density shall conform to the following:
   1) Minimum – 5 RAC
   2) Maximum – 13 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 – 10 RAC


Pima County Comprehensive Plan
Catalina Foothills Planning Area
Special Area Policy S-20 Urban Floodplain
N
W. Rudasill Road
N. Fountains Ave.
N LA CHOLLA BL
W. Oracle Jaynes Station Road
S-20
Site
N. La Colla Blvd.
S-20
W. Sunset Road
S-20
S-18B
W RIVER RD
N LA CHOL
1 : 5,871

S-20 Urban Floodplain Mitigation (Multiple Maps)

General location

FEMA 100-year floodplain at Rillito River/La Cholla Blvd., Cañada Del Oro Wash/La Cholla Blvd., Santa Cruz River/Old Nogales Hwy., Silverbell Road and Ina Road, and east of Thornydale Road and south of the North Ranch Subdivision.

Description

These areas are currently mapped as FEMA floodplains. However, it is likely that as these areas are developed into urban uses, precise floodplain boundaries will be determined through the rezoning process based on the submittal of more accurate information or the approval of flood control projects.

Policy

Upper Floodplain Mitigation / South of Cortaro Farms Road.

Prior to approval of any rezoning or specific plan application within this special area, the boundaries of the 100-year floodplain, as it affects the subject property, shall be established by the applicant and approved by the Regional Flood Control District (RFCD).

Required floodplain alterations or plans for such floodplain alterations, as approved by the RFCD, shall be a condition of rezoning. Notwithstanding the land use designation on the Land Use Plan, areas determined to be within the 100-year floodplain and which will not be removed from the 100-year floodplain through implementation of plans approved by the RFCD, shall revert to Resource Sensitive (RS).

Those areas determined to be outside the 100-year floodplain or which will be outside the 100-year floodplain prior to development through implementation of plans approved by RFCD shall retain the land use designation shown on the Land Use Plan.

F. ANN RODRIGUEZ, RECORDER
Recorded By: K_O
DEPUTY RECORDER
1861

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20121430413
NO. PAGES: 7
ORDIN 05/22/2012
14:57
PICK UP
AMOUNT PAID: $0.00

ORDINANCE 2012-26

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 102-13-004D) IN CASE **Co9-10-03 MOORE TR – ORACLE JAYNES STATION ROAD REZONING** OF APPROXIMATELY 11.55 ACRES FROM SR (SUBURBAN RANCH) TO TR (TRANSITIONAL), LOCATED ON THE SOUTHEAST CORNER OF LA CHOLLA BOULEVARD AND FOUNTAINS AVENUE, AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The approximately 11.55 acres, located on the southeast corner of La Cholla Boulevard and Fountains Avenue, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45 is hereby rezoned from SR (Suburban Ranch) to TR (Transitional).

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.
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.

7

6. Transportation condition:
   The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.

7. Flood Control conditions:
   A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.

   B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.

8. 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 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 Regional Wastewater Reclamation Department 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.

9. Environmental Quality conditions:
   A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.

   B. 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.

10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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. 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.

11. Adherence to the Preliminary Development Plan as approved at public hearing (Exhibit B).

12. A final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.

13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.

14. 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.

15. 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)."

16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.

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

1. Conditions 1 through 16 shall be completed by October 4, 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 16 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 15th day, of May 2012.

Chairman of the Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Deputy County Attorney
ANDREW FLAGG

Executive Secretary,
Planning and Zoning Commission

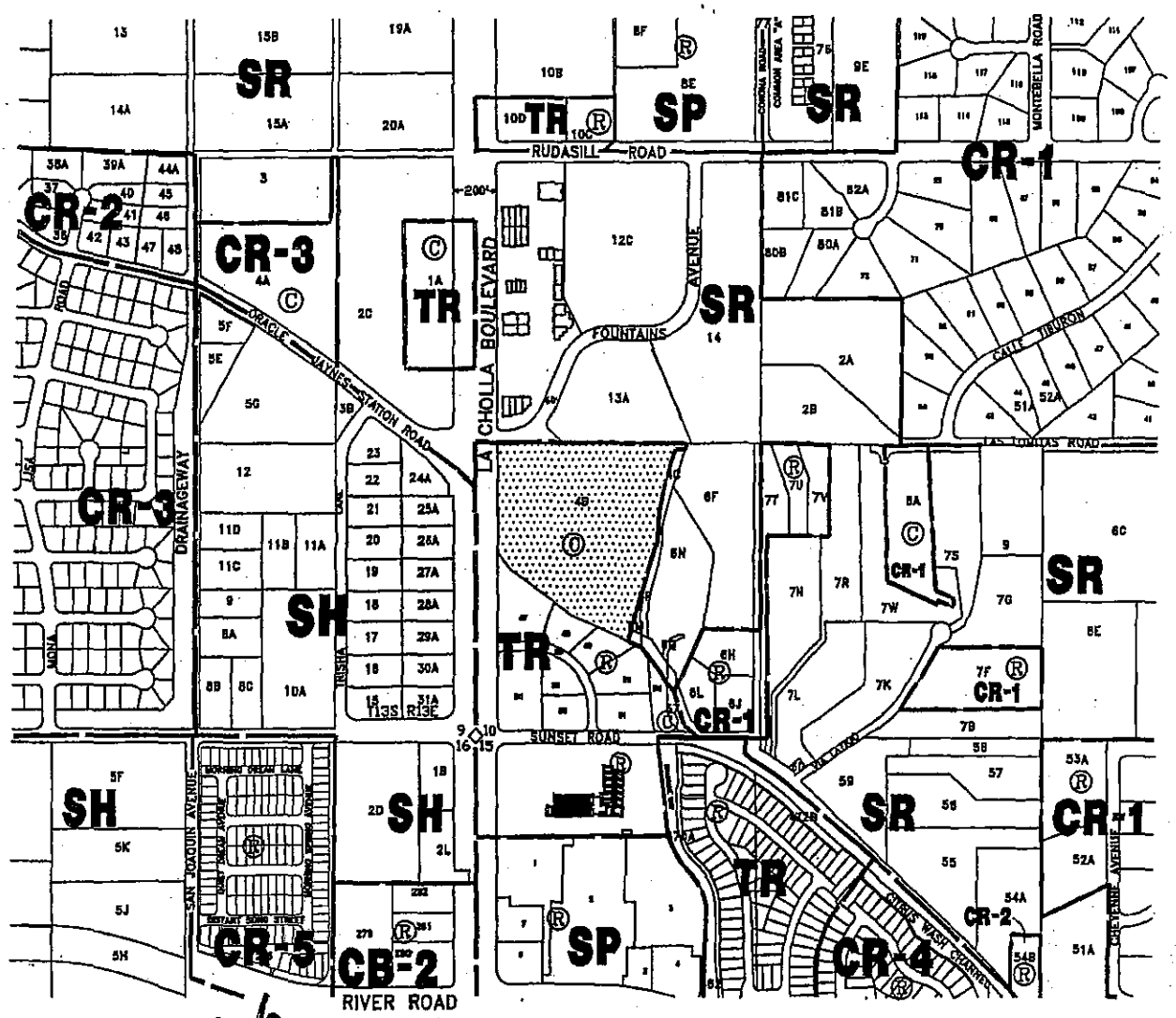
EXHIBIT A

AMENDMENT NO. 102 BY ORDINANCE NO. 2012-26
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON, AZ.
PARCEL 4D LOCATED WITHIN THE SW 1/4 OF THE SW 1/4
OF SEC. 10, T13S R13E.

0 800'

ADOPTED May 15, 2012 EFFECTIVE May 15, 2012

MAY 16 12 08:21 PC CLK OF BO

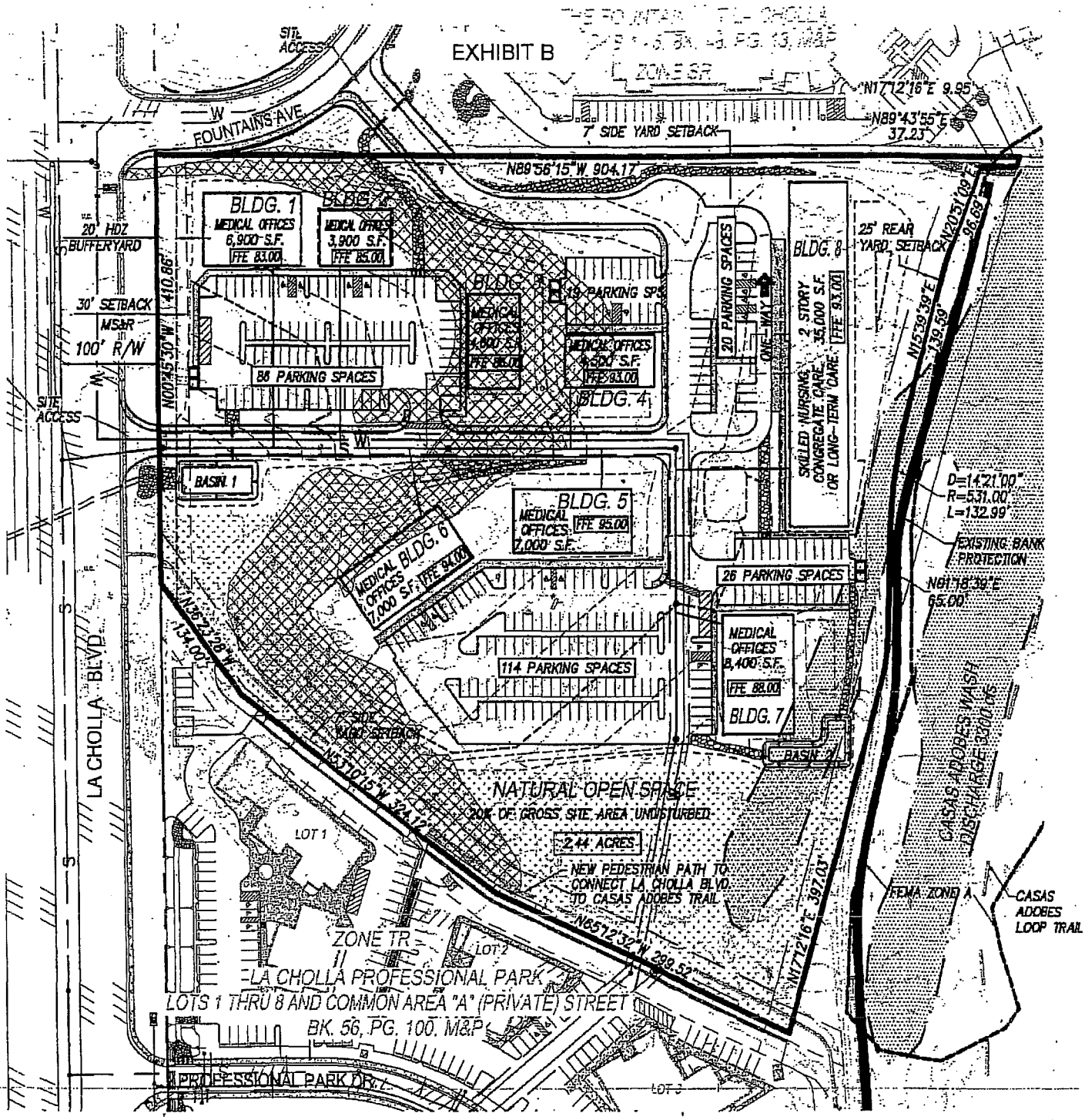


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 11.55 ac±
ds-MARCH 26, 2012

C09-10-03
C09-06-19
C07-00-20
102-13-004D

EXHIBIT B



LEGEND:

- PROPERTY BOUNDARY
- NATURAL OPEN SPACE (UNGRADED AREA)
- NEW PAVEMENT
- EXISTING HDZ AREA
- XERORIPARIAN AREA C
- LIMITS OF FEMA ZONE A
- GRADING LIMITS

TOTAL PARKING SPACES REQUIRED: 258 SPACES

TOTAL PARKING SPACES PROVIDED: 265 SPACES

PRELIMINARY DEVELOPMENT PLAN

Original Rezoning Approval Co9-10-03
BOS Minutes 10-4-11

The following speakers addressed the Board:

A. Jane Schwerin, President of People for Animals and a member of the Animal Care Advisory Committee
B. Michael Toney

They provided the following comments:

1. The Board was asked to increase the license fee for unaltered dogs and to decrease the cost of altering dogs at the Pima Animal Care Center (PACC).
2. Due to the overpopulation of animals, in August, 2011, 1,219 animals were euthanized at PACC; spaying and neutering of animals would help reduce the number of animals euthanized each month.
3. The Board was asked to vote no on the sections in the proposed Ordinances that increased the price of altering dogs.

Supervisor Elías withdrew his motion stating the Board needed more time to understand the implications related to the proposed increase of fees.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to continue these items to the Board of Supervisors' Meeting of October 11, 2011.

18. **DEVELOPMENT SERVICES: REZONING**

Co9-10-03, MOORE TR – ORACLE JAYNES STATION ROAD REZONING
Request of MGM Family, L.L.C., represented by T and T Engineering, L.L.C., for a rezoning of approximately 11.55 acres from SR (Suburban Ranch) to TR (Transitional) on property located on the southeast corner of La Cholla Boulevard and Fountains Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"Completion of the following conditions within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan is 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. Transportation condition:
   The property owner/developer shall provide offsite improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.

7. Flood Control conditions:
   A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
   B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.
8. Wastewater Reclamation
   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 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 Regional Wastewater Reclamation Department 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.
9. Environmental Quality conditions:
   A. The property owner(s) shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan or request for a building permit. On-site wastewater disposal shall not be allowed.
   B. 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.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. 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. 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.
11. Adherence to the Preliminary Development Plan as approved at public hearing.

12. A final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
14. 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.
15. 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 or 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 or 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)."
16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans."

Arlan Colton, Planning Director, provided the staff report and stated the Planning and Zoning Commission had recommended approval with the addition of Condition No. 16. Staff supported that recommendation. Staff received one comment at the Planning and Zoning Commission meeting that expressed concern about flooding across the street. Regional Flood Control would be addressing that issue with him directly.

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and carried by a 4-0 vote, to close the public hearing and approve Co9-10-03 with standard and special conditions.

19. **DEVELOPMENT SERVICES: REZONING**

Co9-11-05, SONORAN SOLUTIONS, L.L.C. – HOMESTEAD AVENUE REZONING
Request of Sonoran Solutions, L.L.C., represented by William Schumacher, for a rezoning of approximately 2.34 acres from SR (Suburban Ranch) to SR-2 (Suburban Ranch Estate), on property located on the southeast corner of Homestead Avenue and Prospect Lane. 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 Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)