



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: November 6, 2018

Title: P17RZ00011 Tucson Mountain Ranch LLC - W. Valencia Road #2 Rezoning - Ordinance

Introduction/Background:

The Board of Supervisors approved this rezoning July 3, 2018.

Discussion:

The rezoning was for approximately 15.3 acres from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone for a commercial center for grocery, strip retail, restaurant, and services.

Conclusion:

The Ordinance reflects the Board of Supervisors approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-9000

Contact: Terrill L. Tillman, Principal Planner

Telephone: 520-724-6921

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

[Handwritten signatures and dates]
10-18-18
10/18/18
C. D. [Signature] 10/18/18



Subject: P17RZ00011

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FOR NOVEMBER 6, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: October 10, 2018

ORDINANCE FOR ADOPTION

P17RZ00011 **TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2**
REZONING
Owners: Tucson Mountain Ranch LLC
(District 3)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Tucson Mountain Ranch LLC
Attn: Ted Fotinos
5851 E. Speedway Boulevard
Tucson, AZ 85742

AGENT: The WLB Group
Attn: Brian Pugh, Asst. Project Manager
4444 E. Broadway Boulevard
Tucson, AZ 85711

DISTRICT: 3

STAFF CONTACT: Terrill Tillman

STAFF RECOMMENDATION: APPROVAL.

CP/TT/ar
Attachments

cc: P17RZ00011 File

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY A 15.3-ACRE PORTION OF PARCEL CODE 210-15-1990 FROM THE CMH-1 (COUNTY MANUFACTURED AND MOBILE HOME-1) TO THE CB-1 (LOCAL BUSINESS) ZONE, IN CASE P17RZ00011 TUCSON MOUNTAIN RANCH LLC – W. VALENCIA ROAD #2 REZONING, LOCATED ON THE NORTH SIDE OF W. VALENCIA ROAD APPROXIMATELY 260 FEET WEST OF THE T-INTERSECTION OF W. VALENCIA ROAD AND S. WADE ROAD, AND AMENDING PIMA COUNTY ZONING MAP NOS. 37 AND 64.

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

Section 1. The 15.3 acres located on the north side of W. Valencia Road approximately 260 feet west of the T-Intersection of W. Valencia Road and S. Wade Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map Nos. 37 and 64, is rezoned from the CMH-1 (County Manufactured and Mobile Home-1) to the CB-1 (Local Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner/developer shall construct Wade Road north of Valencia Road as indicated on the preliminary development plan (Exhibit B).
 - B. Vehicular and pedestrian cross access shall be provided between the rezoning site and the adjacent cluster subdivision to the north in a location internal to the development.
 - C. The property shall be limited to three access points on Valencia Road and three access points on Wade Road as shown on the preliminary development plan.
3. Regional Flood Control District conditions:
 - A. A CLOMR shall be submitted to the Pima County Regional Flood Control District for review and approval prior to issuance of the Site Construction Permit.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources conditions:
- A. 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 ARS 41-865 and ARS 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.
 - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. The parking areas shall be landscaped to reduce the heat island effect by employing groupings of shade trees that create effective shade clusters. The minimum tree counts, per the Zoning Code, will be exceeded by 25% or shade structures will be constructed along pedestrian walkways and seating areas to reduce the heat island effect.

9. The project will have a consistent and uniform architectural design concept for all commercial/retail elements of the site as presented in the Site Analysis-Appendix F, Commercial Design Manual.
10. 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.
11. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 3. Time limits of conditions. Conditions 1 through 11 of Section 2 shall be completed no later than July 3, 2023.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.


Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

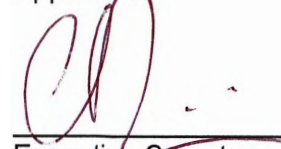
Clerk, Board of Supervisors

Approved As To Form:

 9/10/18

Deputy County Attorney
Lesley M. Lukach

Approved:

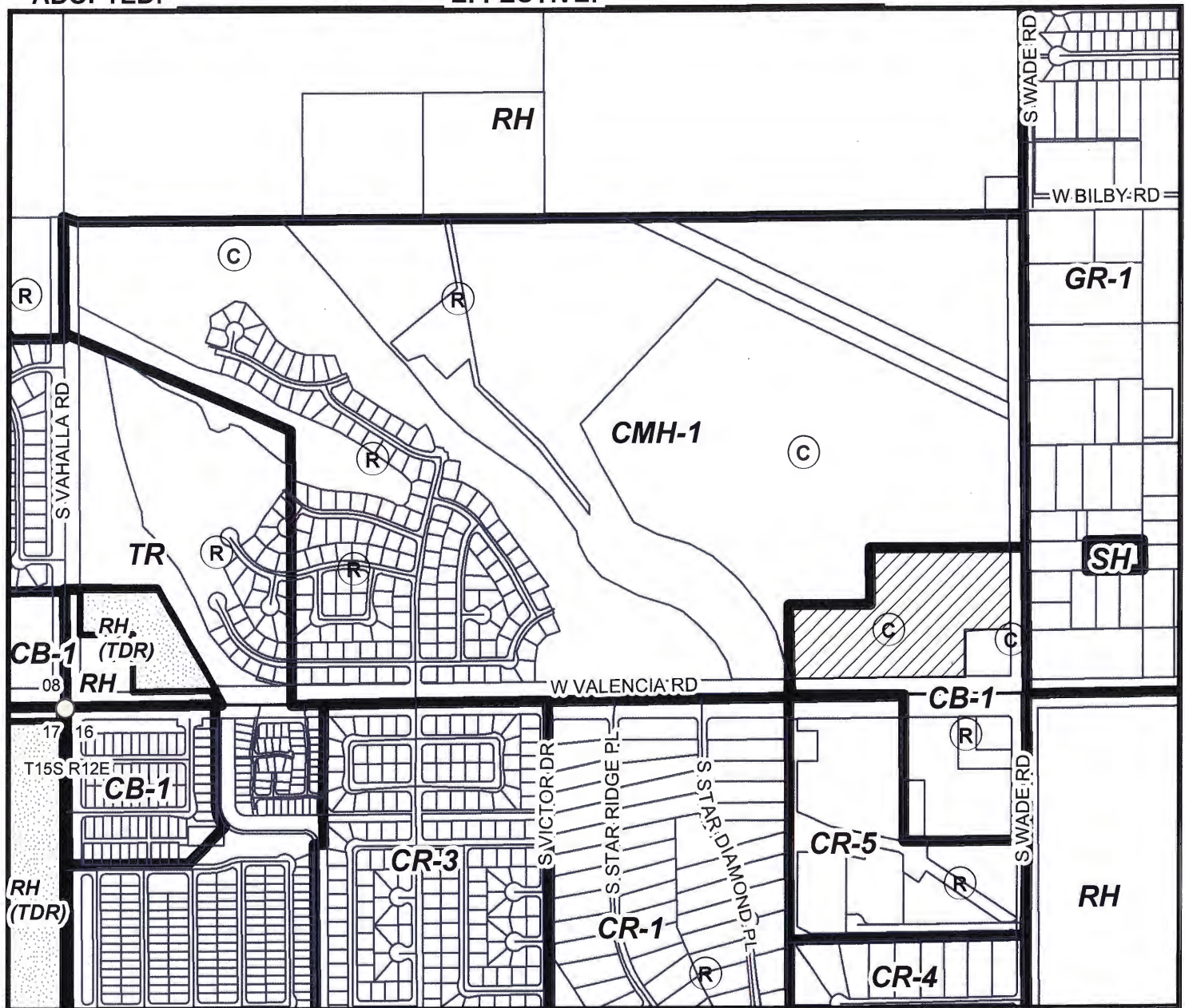
 9-27-18

Executive Secretary
Planning and Zoning Commission

AMENDMENT NO. _____ BY ORDINANCE NO. _____

PORTION OF PARCEL 99 BEING A PART OF TUCSON MOUNTAIN RANCH BLOCK 3 (BK 56 PG 6) LOCATED IN SEC 9 T15S R12E.

ADOPTED: _____ EFFECTIVE: _____

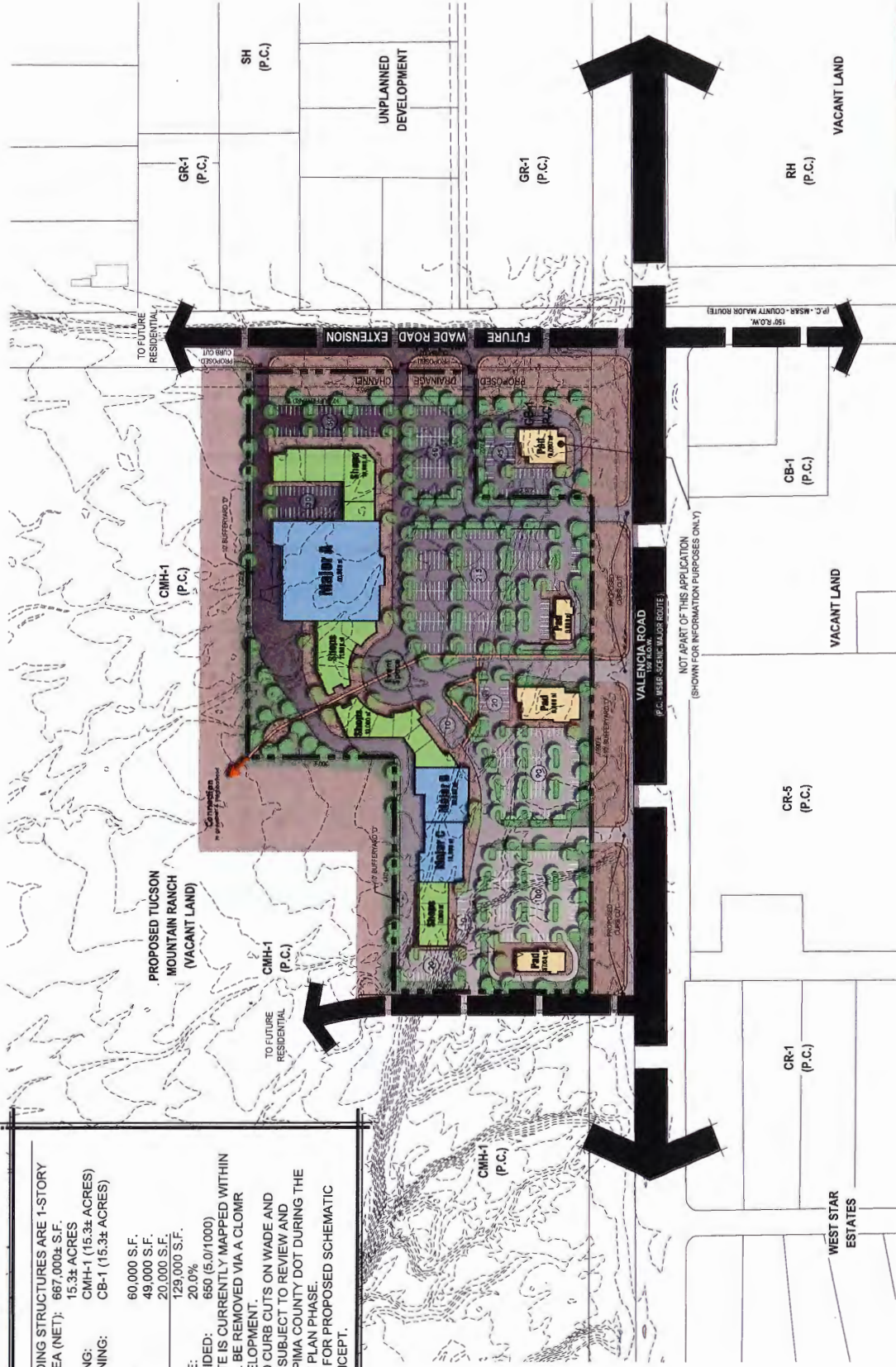


**© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CMH-1 15.3 ac
ds-August 31, 2018**

P17RZ00011
Co7-13-10
Ptn 210-15-1990



- SITE NOTES:**
- ALL SURROUNDING STRUCTURES ARE 1-STORY
 - TOTAL SITE AREA (NET): 687,000± S.F.
15.3± ACRES
 - EXISTING ZONING: CMH-1 (15.3± ACRES)
 - PROPOSED ZONING: CB-1 (15.3± ACRES)
 - RETAIL AREA: MAJORS
60,000 S.F.
SHOPS
49,000 S.F.
PADS
20,000 S.F.
 - TOTAL GLA: 129,000 S.F.
 - LOT COVERAGE: 20.0%
 - PARKING PROVIDED: 650 (5.0/1000)
 - THE ENTIRE SITE IS CURRENTLY MAPPED WITHIN SFHA AND WILL BE REMOVED VIA A CLOMR PRIOR TO DEVELOPMENT.
 - ALL PROPOSED CURB CUTS ON WADE AND VALENCIA ARE SUBJECT TO REVIEW AND APPROVAL BY PIMA COUNTY DOT DURING THE DEVELOPMENT PLAN PHASE.
 - SEE EXH. II-D-1 FOR PROPOSED SCHEMATIC DRAINAGE CONCEPT.



CONTOUR INTERVAL = 1'

EXHIBIT II-B-1 - PRELIMINARY DEVELOPMENT PLAN

Exhibit B
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WLB
WILSON BROS. & CO.

