# BOARD OF SUPERVISORS AGENDA ITEM REPORT

**Requested Board Meeting Date:** May 7, 2019

**Title:** Co9-09-09 ORANGE GROVE PROPERTY, LLC - ORANGE GROVE ROAD REZONING (Resolution)

## Introduction/Background:

On November 20, 2018, the Board of Supervisors approved a five-year Time Extension for this Rezoning subject to original and modified conditions.

## Discussion:

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

## Conclusion:

The time limit and conditions contained in Rezoning Ordinance 2013-47 may be modified by resolution.

## Recommendation:

Approval of the Resolution.

## Fiscal Impact:

N/A

## Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

APR 24 '19 AM 10:07 PCOLK OF BD

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: 4/10/19

Deputy County Administrator Signature/Date: 4/11/19

County Administrator Signature/Date: C. Durkalkiewicz 4/12/19

PIMA COUNTY
DEVELOPMENT SERVICES



**FOR MAY 7, 2019 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** April 9, 2019

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**RESOLUTION FOR ADOPTION**

**Co9-09-09** **ORANGE GROVE PROPERTY, LLC – ORANGE GROVE ROAD REZONING**
Owners: Orange Grove Property, LLC, Attn: Carol P. Taylor, Trustee
(District 1)

**If approved, adopt RESOLUTION NO. 2019 - _____**

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**OWNERS:** Orange Grove Property, LLC
Attn: Carol P. Taylor, Trustee
11971 N. Labyrinth Drive
Tucson, AZ 85737-3454

**AGENT:** Daniel Taylor
danielcraigtaylor@gmail.com

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

**STAFF RECOMMENDATION:** **APPROVAL.**

CP/DP/ar
Attachments

cc: Co9-09-09 File

RESOLUTION **2019-_____**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-09-09 ORANGE GROVE PROPERTY, LLC – ORANGE GROVE ROAD REZONING; LOCATED ON THE SOUTHEAST CORNER OF ORANGE GROVE ROAD AND LA CANADA DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2013-47.**

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

1. On August 6, 2013, in rezoning case Co9-09-09, the Pima County Board of Supervisors approved the rezoning of approximately 1.74 acres located on the southeast corner of Orange Grove Road and La Canada Drive as shown on Exhibit A from CR-1 (Single Residence) to TR (Transitional), subject to standard and special conditions.
2. On October 15, 2013, the Pima County Board of Supervisors adopted rezoning Ordinance 2013-47, recorded at Sequence 20133040888, rezoning the approximate 1.74 acres described in rezoning case Co9-09-09 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2013-47.
4. On November 20, 2018, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. Section 3 of Ordinance No. 2013-47 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2013-47 are restated and modified as follows:

~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~

~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~

~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~

~~4. Provision of development related assurances as required by the appropriate agencies.~~

~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~

~~6~~1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

~~7~~2. Adherence to the Preliminary Development Plan "A" or "B" (EXHIBITS B, C) as approved at public hearing as applicable based on the Board of Adjustment's decision on a variance request to waive the bufferyard requirements for the west and north boundaries.

~~8~~3. At minimum, the Bufferyard "D" along the south and east sides of the subject property shall include a six-foot decorative masonry wall to provide the neighbors some privacy. Open space areas shall provide seating and open space areas and bufferyards shall provide solar landscape lighting to identify entrances and walkways.

~~9~~4. The use is limited to professional offices that do not dispense or test for pharmaceuticals. The operating hours shall be between 6 a.m. to 8 p.m. Buildings shall be positioned to face away from the residential properties to the south and east. Lighting on the south and east side of the buildings shall be shielded to avoid directing light onto the neighbors' lots. Windows on the south and east sides of the proposed buildings shall be designed to minimize loss of privacy by the adjacent single-family residences.

~~10~~5. The building height(s) shall be a maximum of one-story.

~~11~~6. Transportation conditions:

A. One access point shall be allowed on Orange Grove Road. One access point on La Canada Drive may be allowed if approved by the Department of Transportation.

B. Dedication of approximately 11 feet of right-of-way along the Orange Grove Road frontage, including a 25-foot radius return at La Canada Drive. The actual width to be dedicated may vary, but the intent is to have a 100 foot half right-of-way based on the new construction centerline of Orange Grove Road.

~~12~~7. Flood Control (Water Resources) condition: A Integrated Water Management Plan (IWMP) shall be submitted for review at the time of submittal of the Development Plan detailing water-conservation measures, including water harvesting and other indoor and outdoor conservation measures. Exterior water harvesting off the parking lot and other areas for landscape use shall be detailed in the Landscape Plan. Use of approved EPA Water Sense toilets at 1.28 gpf and low-flow faucets shall be incorporated into the interior plans as notes on the Development Plan.

~~13~~8. Environmental ~~Quality~~ 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. ~~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.~~

~~14~~9. Wastewater ~~Management~~ 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 (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.~~

~~C. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~

~~D. The owner / developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.~~

~~E. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.~~

~~F. The owner / developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.~~

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 rezoning 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.

G. 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.

~~15~~10. Cultural resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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.

~~16~~11. 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.

~~17.~~12 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)."

Section 2. Section 3 of Ordinance No. 2013-47 is restated and modified as follows:

1. Conditions 1 through ~~17~~12 shall be completed by August 6, ~~2018~~2023.

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 ~~17~~12 are satisfied and the Planning Official issues a Certificate of Compliance.

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

Passed and adopted, this _____ day of _____, 2019.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk of the Board

APPROVED AS TO FORM:

3/25/19
Deputy County Attorney
Lesley M. Lukach

APPROVED:

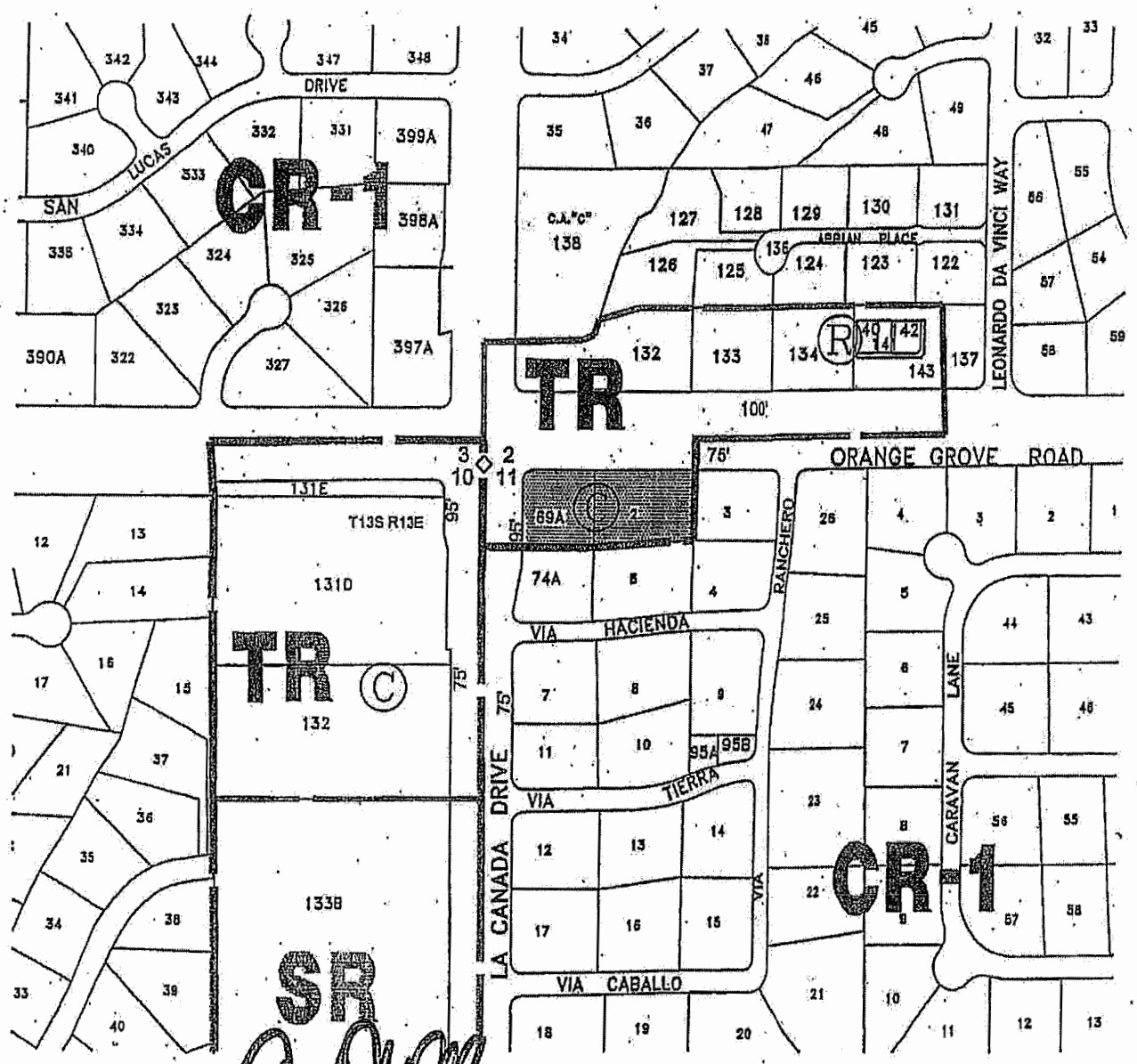
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 96 BY ORDINANCE NO. 2013-47
TO PIMA COUNTY ZONING MAP NO. 76 TUCSON, AZ.
LOTS 1 AND 2 OF RANCH HOUSE ESTATES BEING A PART OF
SEC. 11, T13S R13E.

0 400'

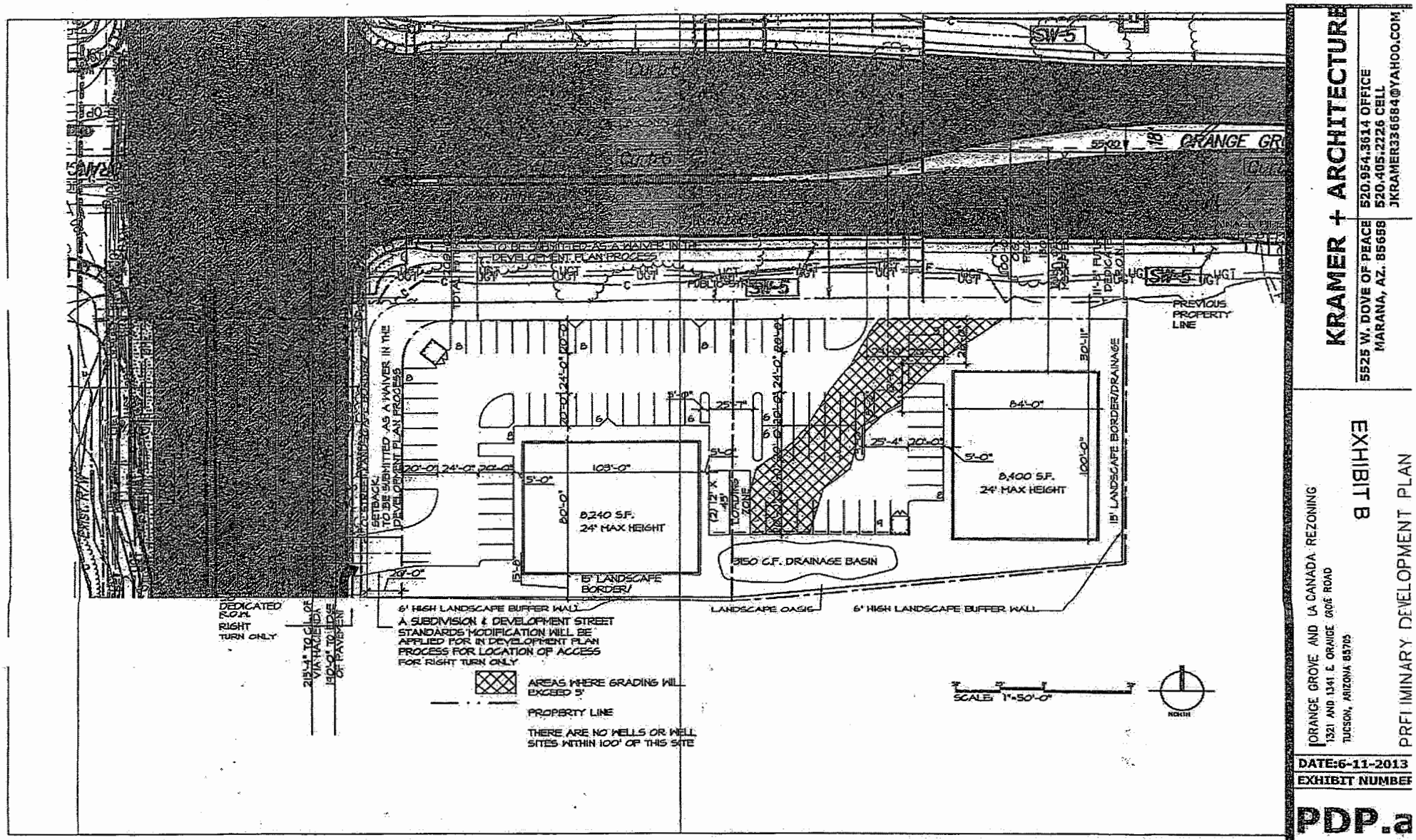
ADOPTED October 15, 2013 EFFECTIVE October 15, 2013




EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CR-1 1.74 ac±
ds-September 17, 2013

CO9-09-09
102-16-069A &
102-16-0700




C09-09-09 Approved Rezoning Preliminary Development Plan 8-16-13
(Version "A")

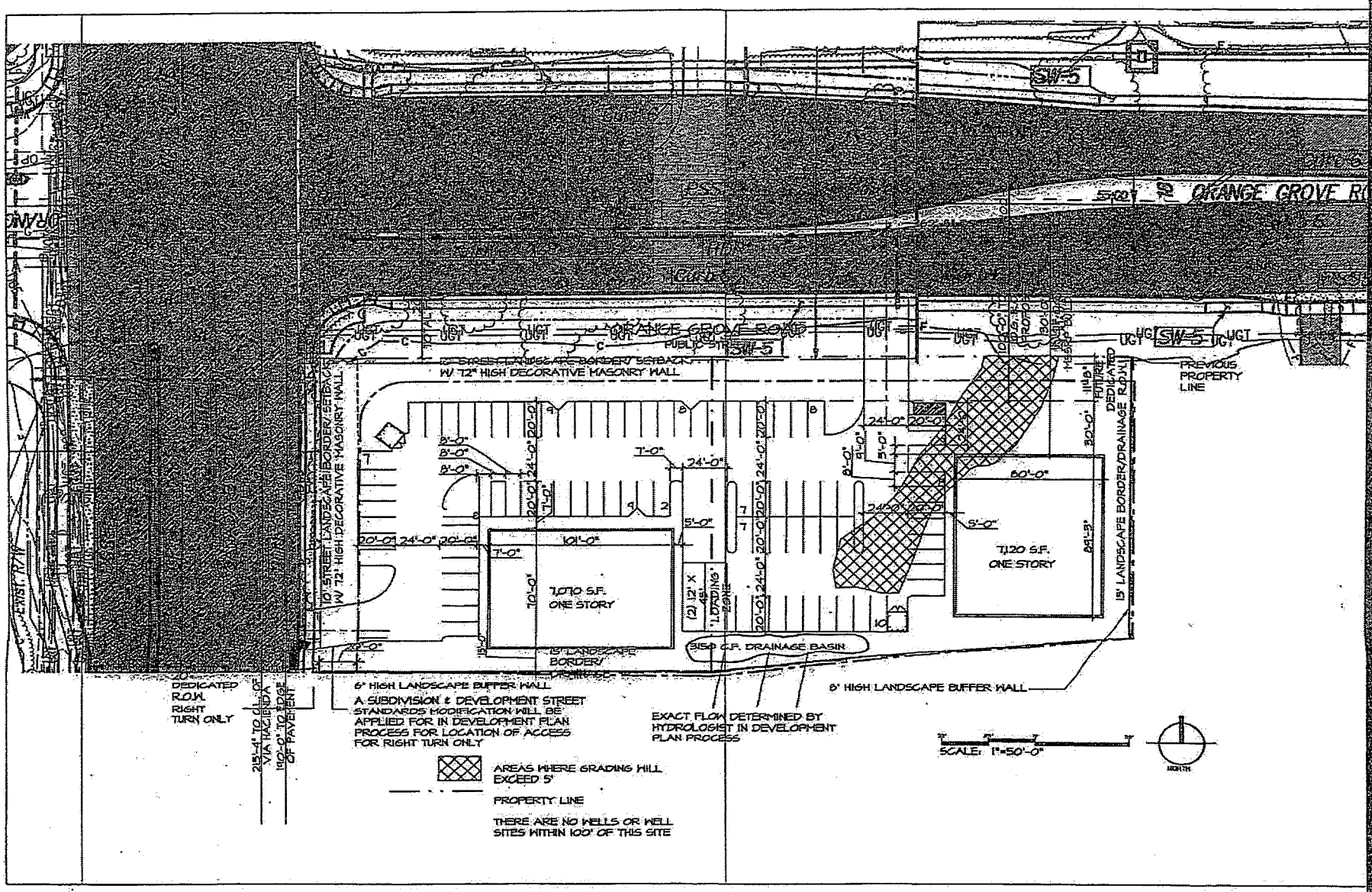



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EXHIBIT C

ORANGE GROVE AND LA CANADA REZONING
1321 AND 1341 E. ORANGE GROVE ROAD
TUCSON, ARIZONA 85705

DATE:06-11-20
EXHIBIT NUMBE

PDP.I

PAGE NUMBER 2

Co9-09-09 Approved Rezoning Preliminary Development Plan 8-16-13
(Version "B")