



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 19, 2021

Title: ORDINANCE: P16RZ00010 6500 WESTOVER AVE., LLC - S. WESTOVER AVENUE REZONING

Introduction/Background:

On November 22, 2016, the Board of Supervisors approved this rezoning subject to standard and special conditions as recommended by the Planning and Zoning Commission.

Discussion:

The rezoning was for .91 acres from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone for a single-story fast food restaurant with drive-through.

Conclusion:

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

Recommendation:

Approval

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ All

Department: Development Services Department - Planning Telephone: 520-724-8800

Contact: Nick Coussoulis - Senior Planner Telephone: 520-724-6692

Department Director Signature/Date: Carla J. Duckenell 12-21-2020

Deputy County Administrator Signature/Date:  12-23-2020

County Administrator Signature/Date: C. K. Kurbatov 12/23/20



Subject: P16RZ00010

Page 1 of 1

JANUARY 19, 2021 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 17, 2020

ORDINANCE FOR ADOPTION

P16RZ00010 6500 WESTOVER AVE., LLC – S. WESTOVER AVENUE REZONING
Owners: 6500 Westover Ave LLC.
(District 5)

If approved, adopt ORDINANCE NO. 2021 - _____

OWNERS: 6500 Westover Ave LLC
2870 N. Swan Road Suite 100
Tucson AZ 85712

AGENT: The WLB Group, Inc.
Attn: Ed Roll
4444 E. Broadway Blvd.
Tucson, AZ 85711

DISTRICT: 5

STAFF CONTACT: Nick Coussoulis, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/NC
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P16RZ00010 File

ORDINANCE 2021-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY .91 ACRES OF PROPERTY (PARCEL CODE 138-25-5910) FROM THE GR-1 (RURAL RESIDENTIAL) ZONE TO CB-1 (LOCAL BUSINESS) ZONE, IN CASE P16RZ00010 6500 WESTOVER AVE., LLC – S. WESTOVER AVENUE REZONING, LOCATED ON THE SOUTHWEST CORNER OF W. VALENCIA ROAD AND S. WESTOVER AVENUE, AND AMENDING PIMA COUNTY ZONING MAP NO. 62.

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

Section 1. The .91 acres located on the southwest corner of W. Valencia Road and S. Westover Avenue and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 62, is rezoned from the GR-1 (Rural Residential) zone to the CB-1 (Local Business) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road.
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 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
6. Cultural Resources condition: OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.
7. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
8. 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.

9. 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(l)."

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than November 22, 2021.

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.

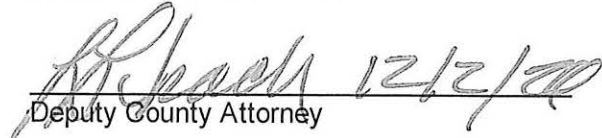
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2021.

Chairman, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:

 12/12/20

Deputy County Attorney

APPROVED:

Executive Secretary
Planning and Zoning Commission

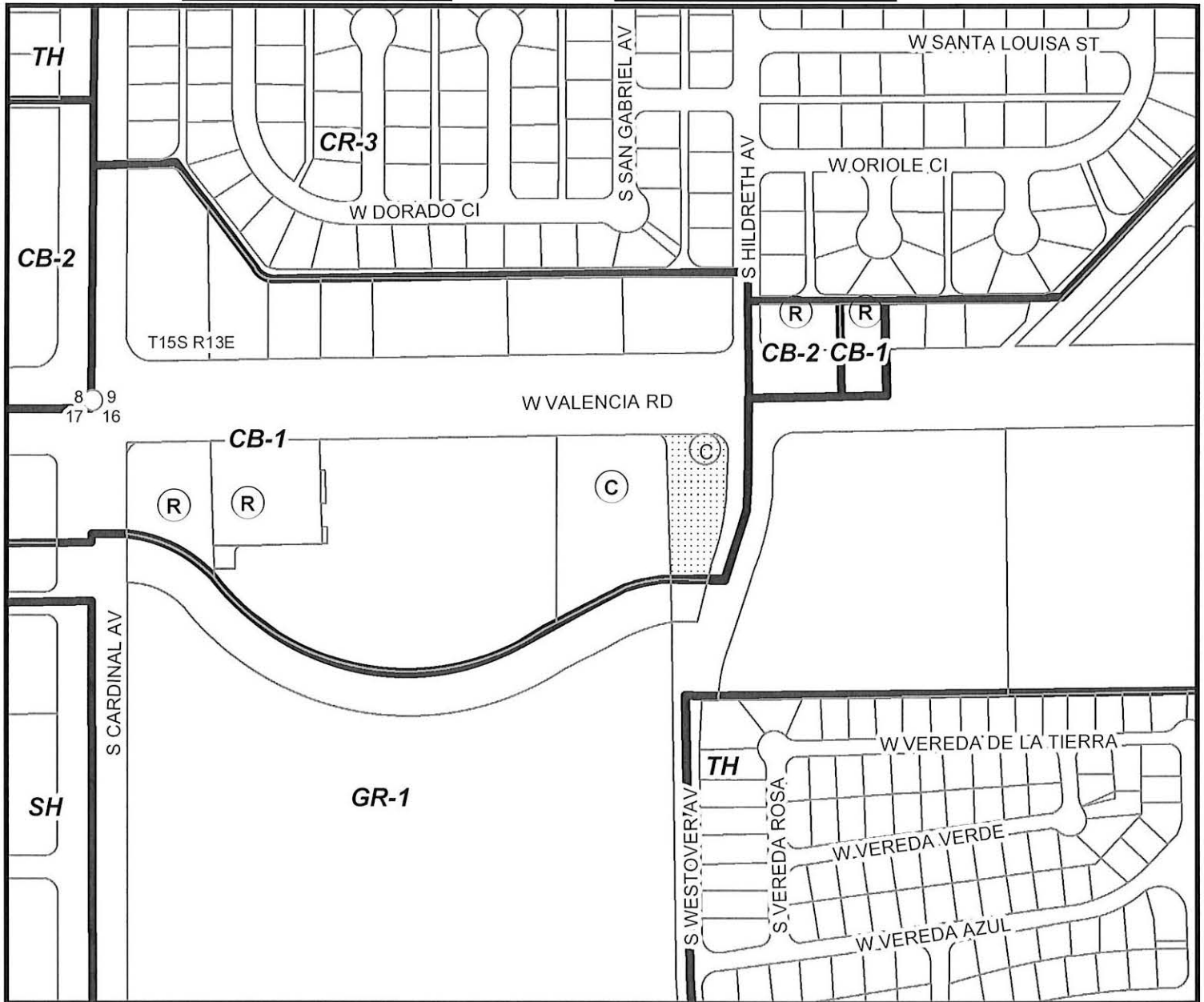
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 62 TUCSON AZ. LOCATED
IN THE NW 1/4 OF SECTION 16 OF T15S R13E.



0 80 160 320 Feet
[Scale bar with markings at 0, 80, 160, and 320 feet]

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

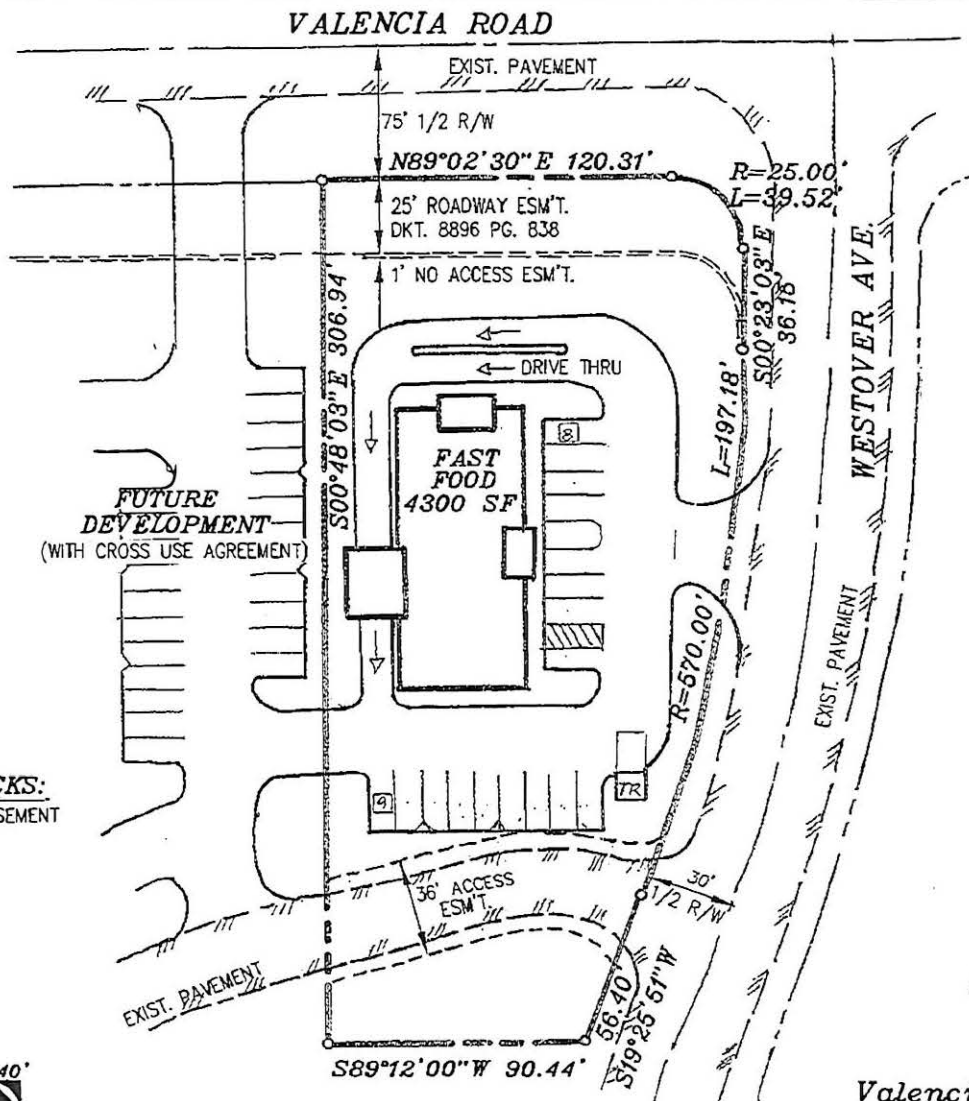
C NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 0.91 ac
ds-October 22, 2020

P16RZ00010
138255910



EXHIBIT B

Original PDP



PROPOSED BUILDING SETBACKS:

FRONT: 30' FROM EXIST. 25' ROADWAY EASEMENT
SIDE: 0'
REAR: 25'

REF.: R.O.S. BK 76 PG 72

The WLB Group

Engineering, Planning, Surveying
Civil, Mechanical, Electrical, Environmental
Soils, Traffic, and other disciplines
11501 VALENCIA & WESTOVER



WLB 115014A-001-0100

REZONING SKETCH

0.91 Acre Parcel
Southwest Corner
Valencia Rd. and Westover Ave.

Page 6 of 6