BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 22, 2021

Title: ORDINANCE: P20RZ00014 STEWART TITLE AND TRUST TR 3734 - W. CURTIS ROAD REZONING

Introduction/Background:

The Board of Supervisors approved this rezoning on March 3, 2021.

Discussion:

The rezoning was for approximately 1.28 acres from the CR-5 (Multiple Residence) to the CI-1 (Light Industrial-Warehousing) zone for three RV spaces and a 15,000 square foot building containing a warehouse, office and two residences for Habitat for Humanity's Center of Opportunity.

Conclusion:

The Ordinance reflects the Board of Supervisors' approval.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date: 5/28/21

Deputy County Administrator Signature/Date: 5/28/2021

County Administrator Signature/Date: C. Duhelbeis 5/28/21

PIMA COUNTY
DEVELOPMENT SERVICES

JUNE 22, 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: June 1, 2021

ORDINANCE FOR ADOPTION

P20RZ00014 STEWART TITLE AND TRUST TR 3734 – W. CURTIS ROAD REZONING
Owners: Stewart Title and Trust TR 3734, Attn: Joshua Swinney, P.O. Box 42200, Tucson, AZ 85733
(District 3)

If approved, adopt ORDINANCE NO. 2021 - _____

OWNERS: Stewart Title and Trust TR 3734
Attn: Joshua Swinney
P.O. Box 42200
Tucson, AZ 85733

AGENT: The WLB Group
Rob Longacre
4444 E. Broadway Boulevard
Tucson, AZ 85711

DISTRICT: 3

STAFF CONTACT: Terrill Tillman AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL.

TD/TT/ds
Attachments

cc: Stewart Title and Trust TR 3734, Attn: Joshua Swinney
Tom Drzazgowski, Chief Zoning Inspector
P20RZ00014 File

ORDINANCE 2021-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 1.28 ACRES OF PROPERTY (PARCEL CODE 101-15-004B) FROM THE CR-5 (MULTIPLE RESIDENCE) TO THE CI-1 (LIGHT INDUSTRIAL- WAREHOUSING) ZONE, IN CASE P20RZ00014 STEWART TITLE AND TRUST TR 3734 – W. CURTIS ROAD REZONING, LOCATED ON THE SOUTHWEST CORNER OF W. CURTIS ROAD AND N. DAVIS AVENUE, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The approximately 1.28 acres located on the southwest corner of W. Curtis Road and N. Davis Avenue, addressed 2811 W. Curtis Road, and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 45, is rezoned from the CR-5 (Multiple Residence) to the CI-1 (Light Industrial-Warehousing) 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 dedicate 25 feet right-of-way for the corner spandrel at the northeast property boundary for Curtis Road and Davis Avenue.
   B. The location and design of the bus stop shall be subject to approval by the Department of Transportation at the time of development plan submittal.
3. 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.

4. 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.
5. Cultural Resources conditions: 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.
6. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
7. 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.
8. 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 8 of Section 2 shall be completed no later than March 16, 2026.

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.

_____
Chair, Pima County Board of Supervisors

ATTEST:

_____
Clerk, Board of Supervisors

APPROVED AS TO FORM:

_____
Deputy County Attorney

APPROVED:

_____
Executive Secretary
Planning and Zoning Commission

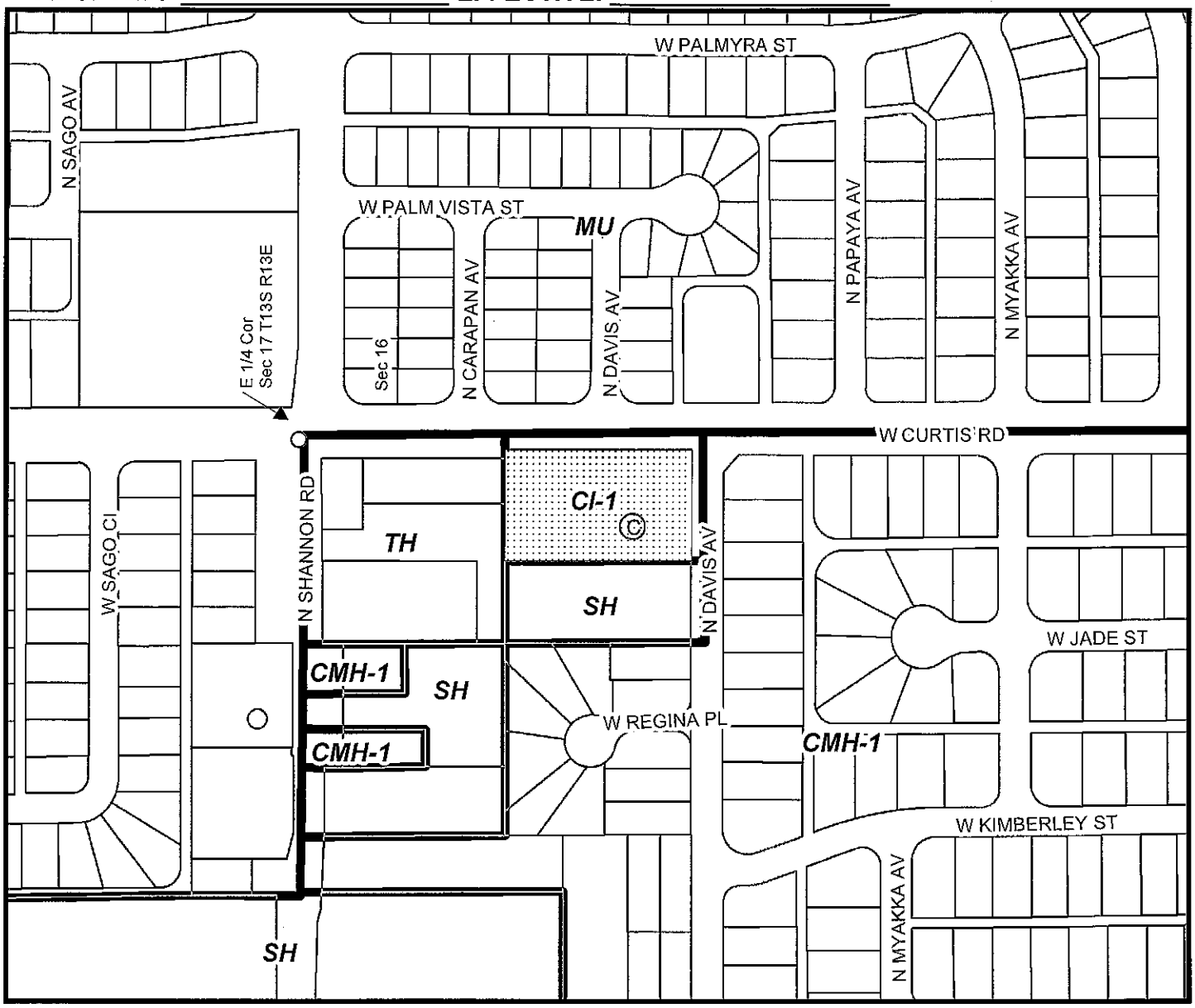
EXHIBIT A

AMENDMENT NO._____ BY ORDINANCE NO._____
TO PIMA COUNTY ZONING MAP NO. 45 TUCSON AZ BEING A PART OF GIBSON TRACT, PORTION OF LOT 4. LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 16 OF T13S R13E.

N
W E
S

0 60 120 240 Feet

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM CR-5 1.28 ac
ds-April 16, 2021

PIMA COUNTY
DEVELOPMENT SERVICES

P20RZ00014
Ref: Co9-12-01
10115004B

PDP INFORMATION

- PROPERTY BOUNDARY
- BUILDING SETBACK
- LANDSCAPE BUFFER
- TRASH ENCLOSURE

NOTES:

1. THE PROPERTY IS 1.28± ACRES.
2. THE PROPOSED STRUCTURE WILL CONTAIN TWO RESIDENCES, AN OFFICE SPACE, AND A WAREHOUSE.
3. ALL BUILDINGS WITHIN 300 FEET OF THE SITE ARE SINGLE STORY.
4. THERE WILL BE NO ONSITE WASTEWATER TREATMENT. PROJECT WILL CONNECT TO PUBLIC SEWER SYSTEM.
5. THE SIDE YARD BUILDING SETBACK IS 0'.
6. THE FRONT SETBACK OF 19 FEET IS TO ALLOW FOR POTENTIAL FUTURE RIGHT-OF-WAY TO BE DEDICATED ON THE SOUTH SIDE OF CURTIS ROAD. IF ADDITIONAL RIGHT-OF-WAY IS DEDICATED IN THIS AREA, THEN BASED ON THIS SETBACK, THE BUILDING WILL BE LOCATED A MINIMUM OF ONE FOOT SOUTH OF THE POTENTIAL FUTURE RIGHT-OF-WAY LINE.

NOTES CONT.:

7. THE PROPERTY OWNER WILL CONTINUE TO WORK WITH THE PIMA COUNTY DEPARTMENT OF TRANSPORTATION ON THE RELOCATION OF THE BUS STOP. THE PROPERTY OWNER WILL PROVIDE A CONCRETE PAD FOR THE BUS SHELTER AND THE BUS SHELTER WILL BE PROVIDED BY PIMA COUNTY.

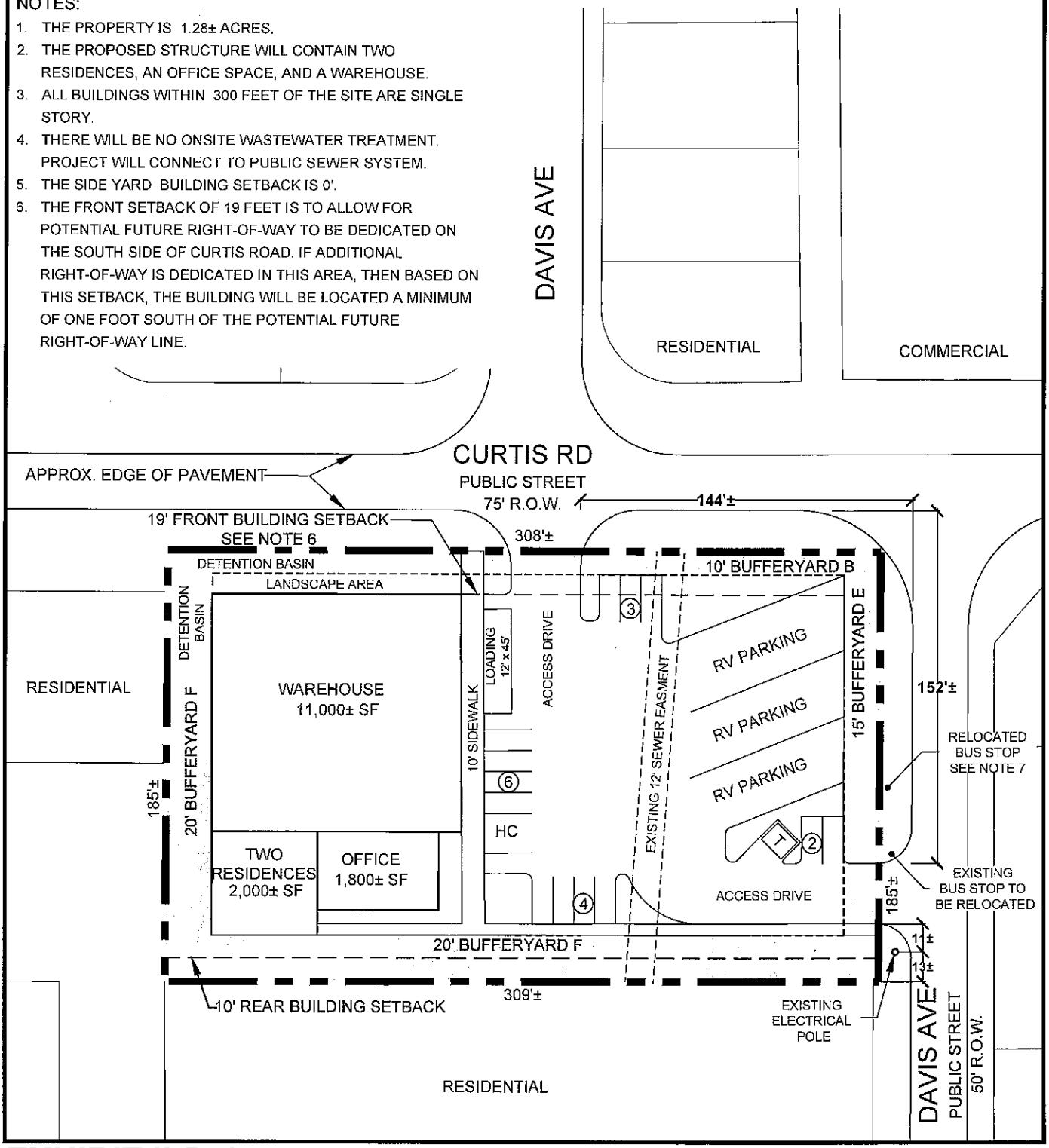


EXHIBIT II-B-1
PRELIMINARY DEVELOPMENT PLAN

0' 60'

The WLB Group WLB

Habitat For Humanity Tucson Opportunity Center