



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 13, 2016

Title: Rezoning Ordinance P16RZ00001 Huebner 50% Et Al.- N. La Cholla Boulevard Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning September 9, 2016.

Discussion:

The rezoning was for SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) (Small Lot Option) (7.3 acres) and TR (Transitional) (3 acres) zones for infill development of a 37-lot single-family residential subdivision and a 60-unit medical care center on 10.3 acres.

Conclusion:

This Ordinance reflects the Board of Supervisor's approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

NOV 30 16 PM 03:27 PC CLK/TF ED RR

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

Department Director Signature/Date: [Signature] 11-23-16

Deputy County Administrator Signature/Date: [Signature] 11/28/16

County Administrator Signature/Date: [Signature] 11/29/16



Subject: P16RZ00001

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FOR DECEMBER 13, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: November 21, 2016

ORDINANCE FOR ADOPTION

P16RZ00001 HUEBNER 50% ET AL. - N. LA CHOLLA BOULEVARD REZONING
Owners: Huebner 50% & Markland Investments, LLC 50%
(District 1)

If approved, adopt ORDINANCE NO. 2016 - _____

OWNER: Huebner 50% & Markland Investments, LLC 50%
Attn: Mark Weinberg
7422 N. Mystic Canyon Drive
Tucson, AZ 85718

AGENT: The Planning Center
Attn: Brian Underwood
110 S. Church Ave., Suite 6320
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

TD/TT/ar
Attachments

cc: P16RZ00001 File
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 10.3 ACRES OF PROPERTY (PARCEL CODES 101-12-001C AND 101-12-002D) FROM THE SR (SUBURBAN RANCH) (10.3 ACRES) TO CR-5 (MULTIPLE RESIDENCE-SMALL LOT OPTION) (7.3 ACRES) AND TR (TRANSITIONAL) (3.0 ACRES) ZONES, IN CASE P16RZ00001 HUEBNER 50% ET AL. – NORTH LA CHOLLA BOULEVARD REZONING, LOCATED ON THE NORTHWEST CORNER OF WEST ORACLE JAYNES STATION ROAD AND NORTH LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 45.

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

Section 1. The 10.3 acres located on the northwest corner of W. Oracle Jaynes Station Road and N. La Cholla Boulevard 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 SR (Suburban Ranch) (10.3 acres) to CR-5 (Multiple Residence-Small Lot Option) (7.3 acres) and TR (Transitional) (3.0 acres) zones 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 site is limited to two access points on Oracle Jaynes Station Road as shown on the preliminary development plan.
 - B. The site is limited to one access point on La Cholla Boulevard as shown on the preliminary development plan.
4. Regional Flood Control District conditions:
 - A. The use of modified development standards or a reduction in the number of lots may be necessary to reduce the extent of floodplain encroachment, provide sufficient detention and retention facilities, and mitigate the potential for increasing flood risk.

- B. Easements, maintenance agreements and covenants running with the land shall be required for shared drainage facilities to be identified on the plat. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Shared detention/retention facilities shall be constructed with the first development permit, either the residential or the commercial permit whichever is constructed first, and shall be maintained solely by the property owner or homeowners association in the event the second development does not occur concurrently.
 - D. When public drainage facilities connect to private drainage facilities, junction structures to separate maintenance responsibility shall be provided.
 - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - F. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
5. Regional Wastewater Reclamation conditions:
- A. Any off-site public sanitary sewer line shall be placed within the public right-of-way or in a public sewer easement as required by the 2016 Engineering Design Standards.
 - B. 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.
 - C. 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.
 - D. 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.
 - E. 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.
 - F. 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.

- G. The owner shall complete the construction of all necessary public and/or private 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.
6. 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.
 7. 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.
 8. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
 9. 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.
 10. 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 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than September 6, 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 Chair of the Board of Supervisors signs this Ordinance.

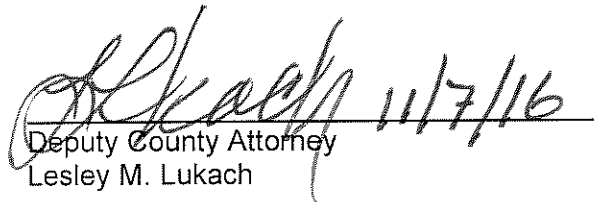
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day
of _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

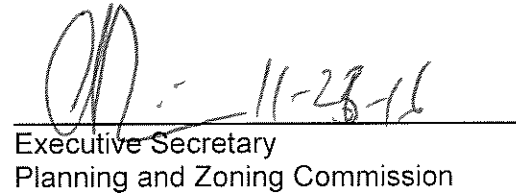
Clerk, Board of Supervisors

Approved As To Form:

 11/7/16

Deputy County Attorney
Lesley M. Lukach

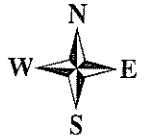
Approved:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

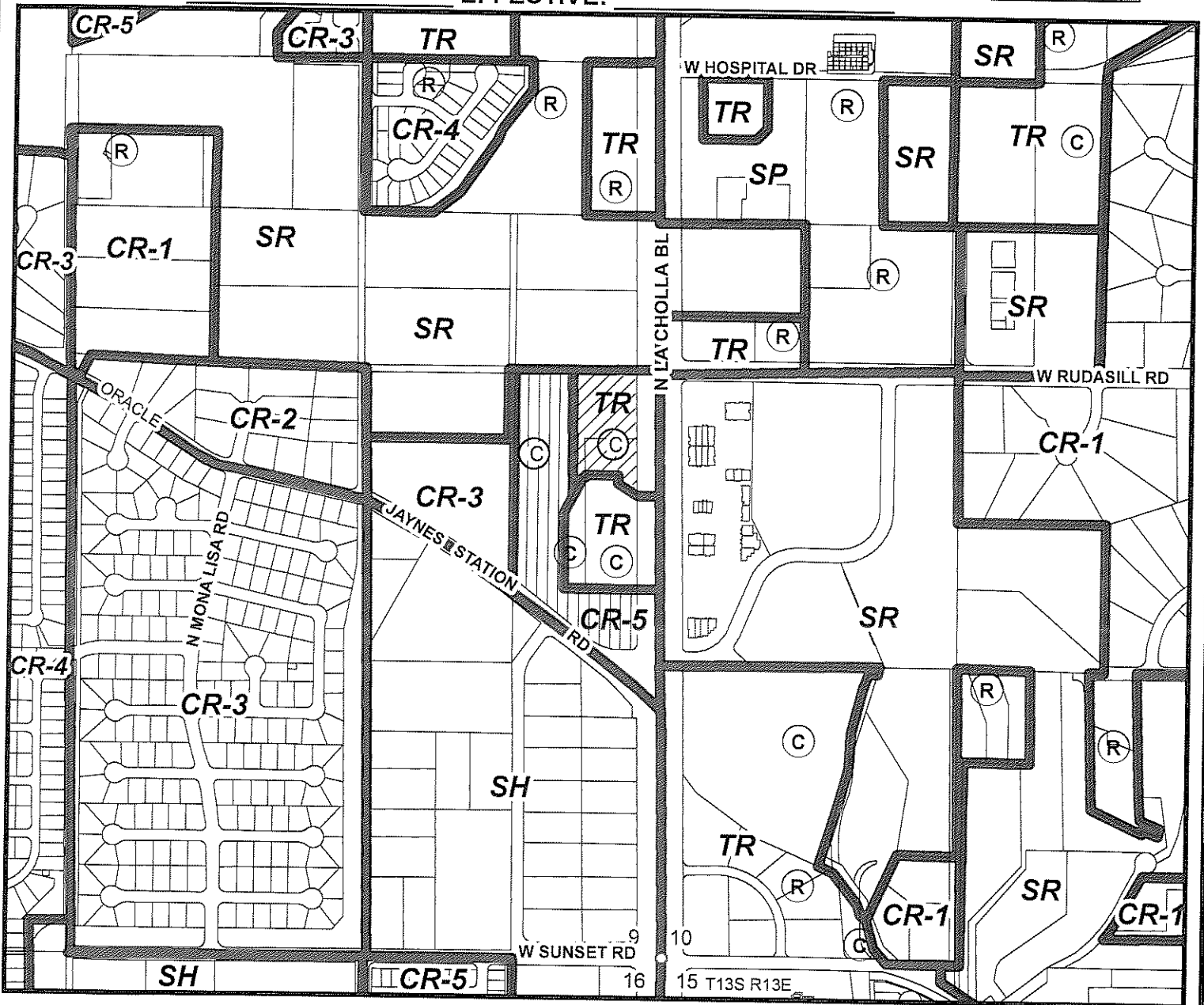
AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 45 TUCSON AZ.
 PARCELS 1C & 1D BEING A PART OF THE NE 1/4 OF THE SE 1/4 OF
 SEC 9, T13S R13E.



0 165 330 660 Feet

ADOPTED: _____

EFFECTIVE: _____



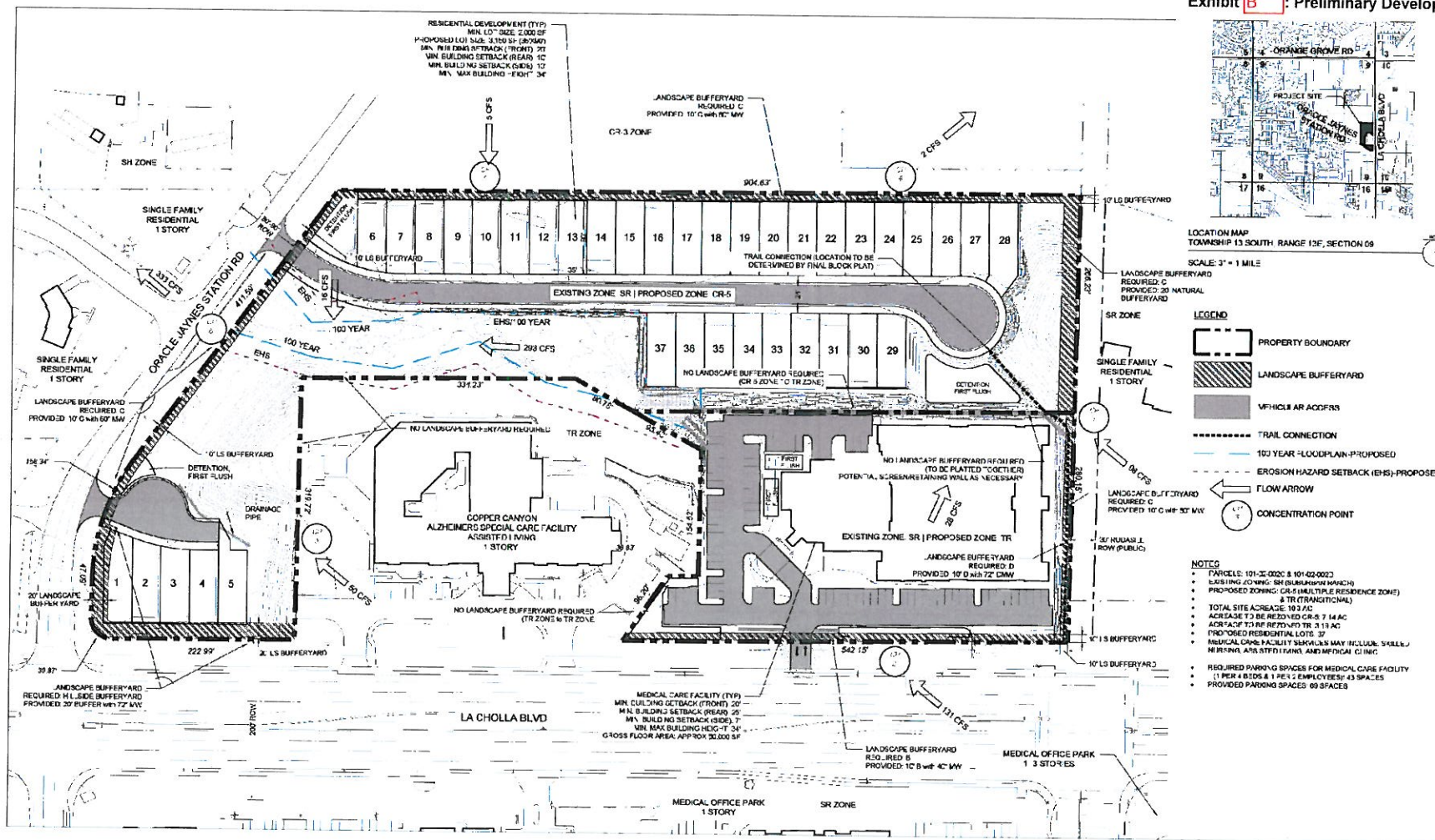
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 10.3 ac
 ds-November 7, 2016

P16RZ00001
 Co7-13-10
 101-12-001C, 101-12-002D



Exhibit B: Preliminary Development Plan



LA CHOLLA & ORACLE JAYNES STATION REZONE

THE DIRM WAS CREATED AND IS NOT BEING PROVIDED FOR PUBLIC REVIEW. THE DATA PROVIDED BY THE DIRM IS FOR INFORMATIONAL PURPOSES ONLY. THE DIRM IS NOT TO BE USED FOR ANY OTHER PURPOSE. PROJECT 202414 DATE 07/20/24 P.L. NAME: 202414.PDF