



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 17, 2018

Title: P17RZ00006 Wong Family, LP - W. Sumter Drive Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning January 2, 2018.

Discussion:

The rezoning was for approximately 77.95 acres from SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) zone for a 200-lot single-family residential subdivision with on-site and off-site natural open space to meet the Maeveen Marie Behan Conservation guidelines.

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:

[Signature] 3/28/18

Deputy County Administrator Signature/Date:

[Signature] 3/29/18

County Administrator Signature/Date:

[Signature] 3/29/18



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: P17RZ00006

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FOR APRIL 17, 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: March 26, 2018

ORDINANCE FOR ADOPTION

P17RZ00006 WONG FAMILY LP - W. SUMTER DRIVE REZONING

Owners: Wong Family Limited Partnership
(District 1)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Wong Family Limited Partnership
5975 E Speedway Blvd.
Tucson, AZ 85712

AGENT: MJM Consulting, Inc.
Attn: Michael Marks, AICP
6401 E. Shepherd Hills Dr.
Tucson, AZ 85710

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

STAFF RECOMMENDATION: APPROVAL

TD/TT/ar
Attachments

cc: P17RZ00006 File
Tom Drzazowski, Chief Zoning Inspector

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 77.95 ACRES OF PROPERTY (PARCEL CODES 224-44-060A AND 224-44-0710) FROM THE SR (SUBURBAN RANCH) TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P17RZ00006 WONG FAMILY LP – W. SUMTER DRIVE REZONING, LOCATED ON THE SOUTH SIDE OF W. SUMTER DRIVE, BETWEEN N. THORNYDALE ROAD AND N. SHANNON ROAD, AND AMENDING PIMA COUNTY ZONING MAPS NOS. 161 AND 162.

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

Section 1. The 77.95 acres located on the south side of W. Sumter Drive, between N. Thornydale Road and N. Shannon Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps Nos. 161 and 162, is rezoned from the SR (Suburban Ranch) to the CR-4 (Mixed-Dwelling Type) 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 developer shall dedicate 45 feet of right-of-way (ROW) for the north half of Linda Vista Boulevard. Beginning approximately 600 feet east of Thornydale Road and going east, the ROW dedication may be reduced to more fully utilize the existing road and 75 foot ROW, provided that the minimum ROW is 90 feet and the developer provides a roadway alignment that is acceptable to the Department of Transportation.
 - B. The developer shall dedicate 15 feet of right-of-way for Shannon Road as shown on the preliminary development plan (Exhibit B).
 - C. The developer shall dedicate 45 feet of right-of-way for Thornydale Road as shown on the preliminary development plan. This dedication shall be made as part of the subdivision plat, or by separate instrument within 45 days upon request by Pima County, if such a request is made prior to the subdivision plat being recorded.
 - D. The developer shall dedicate right-of-way for Sumter Drive in the amount of 40 feet from the Shannon Road intersection (i.e. the westerly edge of the future 90-foot Shannon Road right-of-way) westerly for 150 feet and 20 feet for the next 100 feet.
 - E. The two legs of Linda Vista Boulevard shall align across the intersection at Shannon Road.
 - F. The developer shall be required to construct the north half Linda Vista Boulevard for the entire frontage of the rezoning site in accordance with standard detail 10 in the Subdivision and Development Street Standards.

- G. If the improvements to Linda Vista Boulevard are phased, roadway improvements shall be constructed in such a way that regional needs for circulation, access and continuity are addressed. Improvements shall also be coordinated with adjacent development.
 - H. It is understood that Pima County Department of Transportation may request improvements to Linda Vista Boulevard beyond those required by the rezoning conditions or the traffic study. Such improvements will be paid for by waiving impact fees. The developer shall fully document the cost of any additional improvements requested by Pima County.
 - I. All of this project's obligated Linda Vista Boulevard improvements shall be completed prior to release of final assurances for the project.
3. Regional Flood Control District conditions:
- A. Encroachment into Flood Control Resource Areas as shown on the Pima Prospers Regional Hydrology Maps shall be avoided.
 - 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 conditions:
- A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (MMBCLS) conservation guidelines by providing a total of 175.6 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the PDP, the property owner shall provide a minimum of 4 acres of natural open space for every acre developed to achieve full compliance with the MMBCLS conservation guidelines. No less than 23 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved Preliminary Development Plan. The difference between the total 175.6 acres (or less depending upon developed area) NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 of Conservation Lands System Mitigation Lands) and comply with all of the following:
- 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources condition: 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.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
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 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 9 of Section 2 shall be completed no later than January 2, 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 Chair of the Board of Supervisors signs this Ordinance.

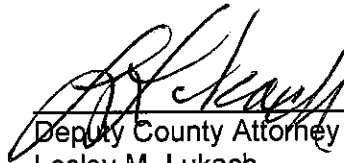
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:

 3/9/2018
Deputy County Attorney
Lesley M. Lukach

Approved:


Executive Secretary
Planning and Zoning Commission

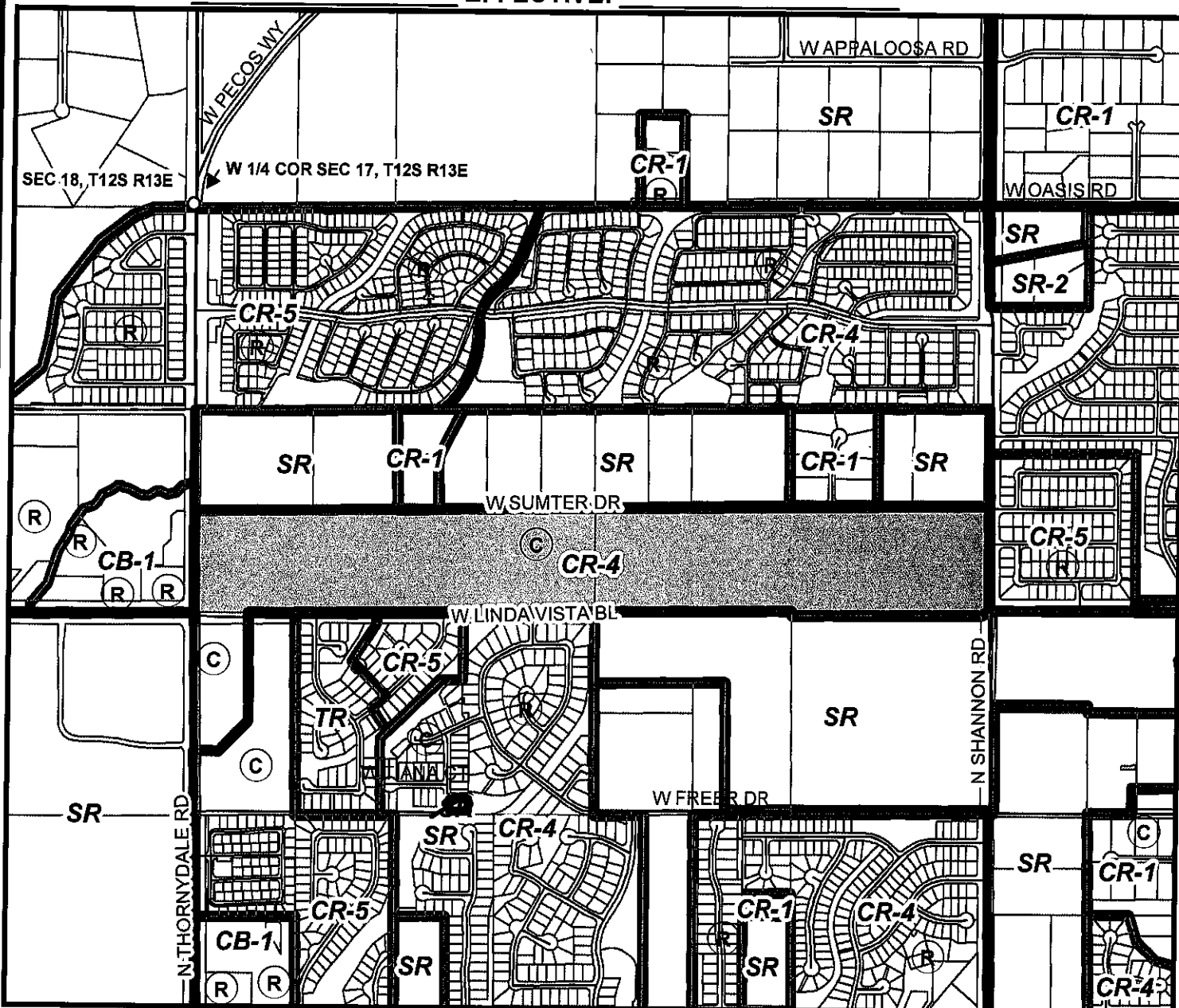
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 161, 162 TUCSON AZ.
PARCELS 60A AND 71 BEING A PART OF THE S 1/2 OF THE S 1/2
OF SEC 17 T12S R13E.



0 250 500 1,000 Feet
[Scale bar]

ADOPTED: _____ EFFECTIVE: _____

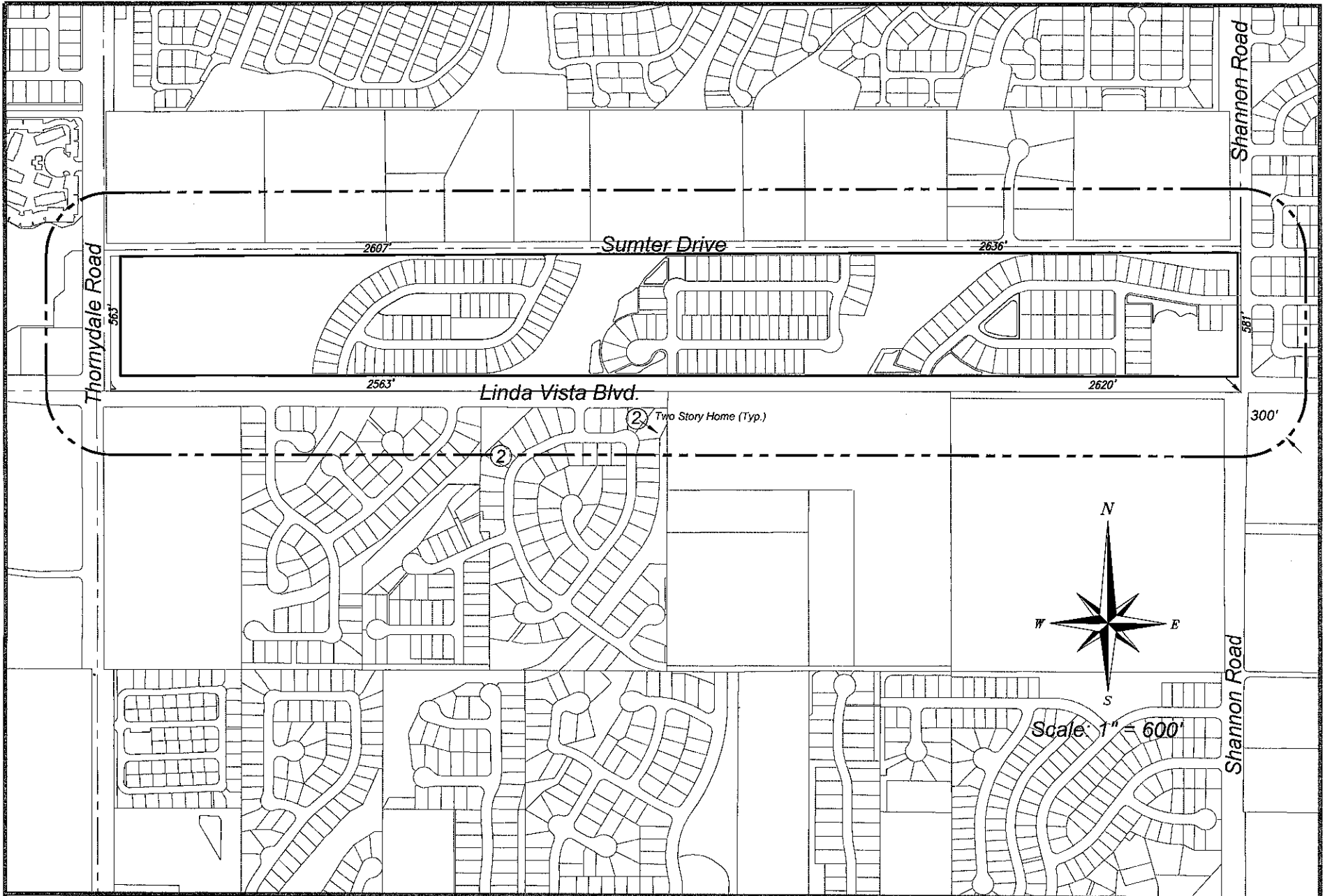


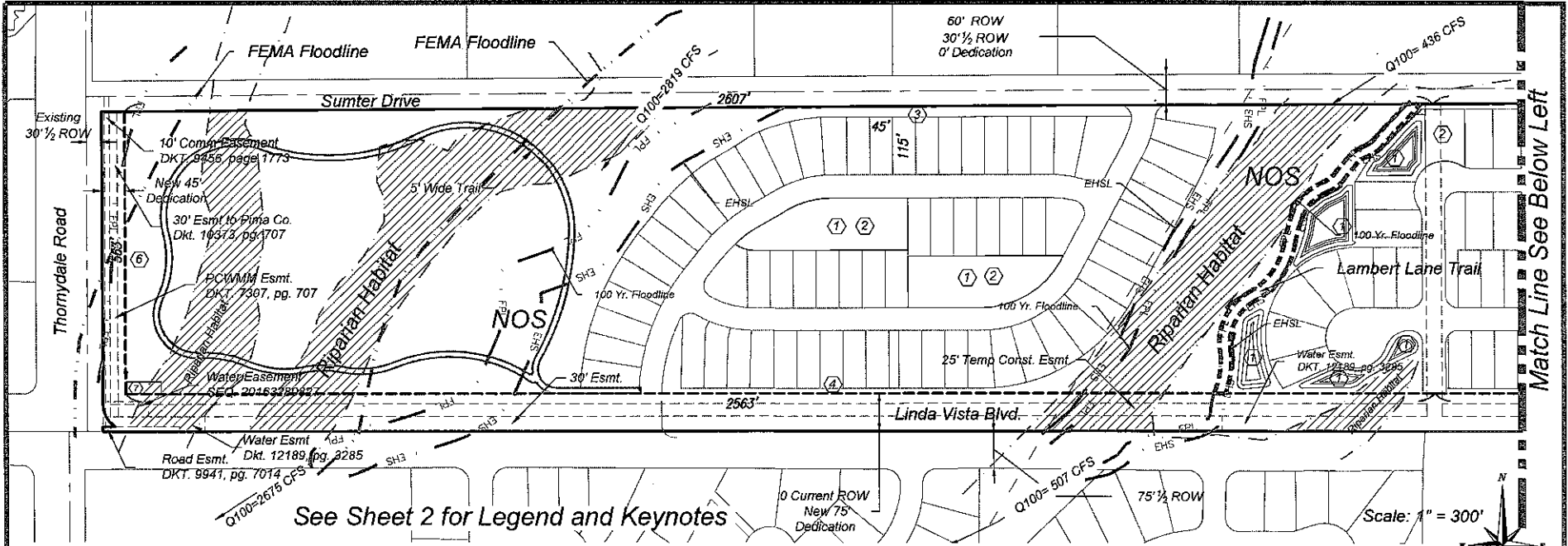
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 77.95 ac
ds-February 26, 2018

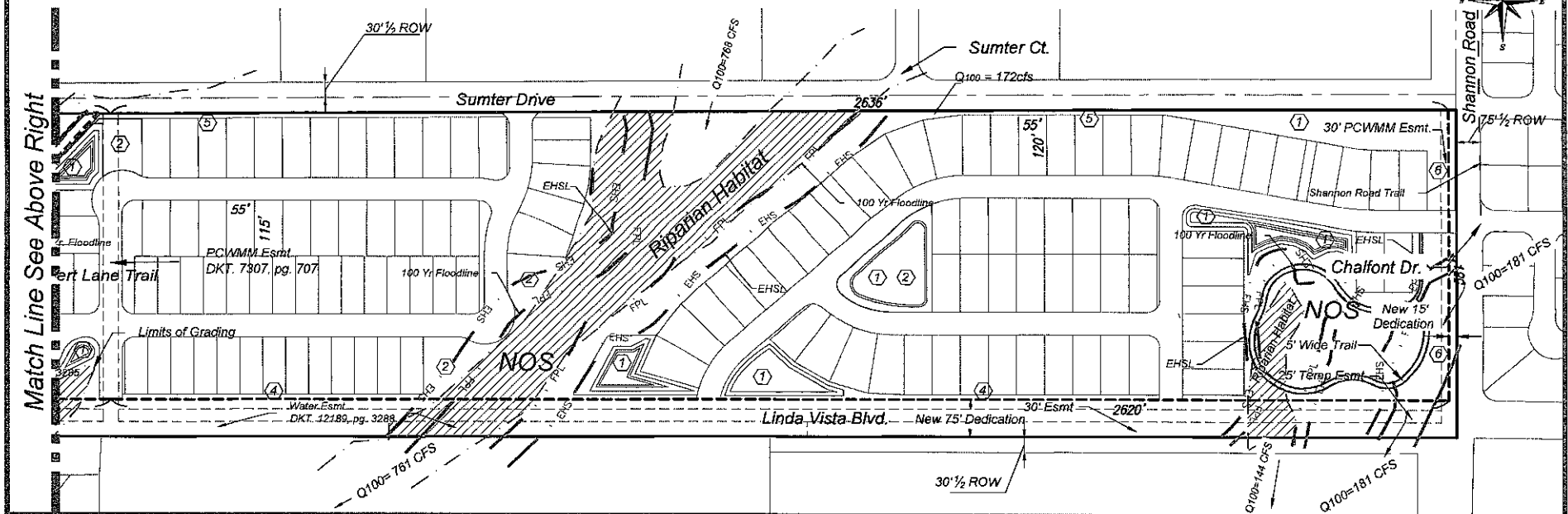
P17RZ00006
P16CA00002/Co7-13-10
22444060A & 224440710







See Sheet 2 for Legend and Keynotes



Keynote Legend

- ① - Detention/Retention Basin
- ② - Recreation Areas
- ③ - 20' Bufferyard C
- ④ - 10' Bufferyard D
- ⑤ - 10' Bufferyard C
- ⑥ - 40' Bufferyard D
- ⑦ - Cell Tower Location (not a part of the rezoning)

Legend

- 1. NOS = Natural Open Space
- 2. FPL = Regulatory Floodplain Lines
- 3. EHSL = Erosion Hazard Setback Line
- 4. Limits of Grading

Notes:

- 1. The total number of lots is 200.
- 2. The Net Density is 2.95 RAC.
- 3. The total Open Space is 23.86 acres.
- 4. Compliance with the CLS will be partially by onsite preservation and partially by offset mitigation land.
- 5. The net area (i.e. 67.75 AC) of offsite mitigation land required is 151.70 acres, based on 43.89 acres of disturbed MU/SS @ 4:1 being 175.56, less 23.86 acres of preserved onsite IRA & MU/SS.