

**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: December 13, 2016

**Title:** Co9-15-04 Landmark Title TR 18109 - W. Sunset Road Rezoning (Ordinance)

**Introduction/Background:**

The Board of Supervisors approved this rezoning on July 5, 2016.

**Discussion:**

The rezoning was for 77.9 acres on property located on the south side of W. Sunset Road approximately 1,300 feet west of Camino de Oeste from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch - Buffer Overlay) zone and the SR (PR-2) (Suburban Ranch - Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate - Buffer Overlay) zone and the SR-2 (PR-2) (Suburban Ranch Estate - Hillside Development Overlay (Level 2 Peaks & Ridges)) zone subject to the conditions in the Ordinance.

**Conclusion:**

This ordinance reflects the Board of Supervisors' approval of the rezoning and conditions.

**Recommendation:**

Staff recommends that the Board of Supervisors approve this Ordinance.

**Fiscal Impact:**

None

**Board of Supervisor District:**

1       2       3       4       5       All

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

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Subject: Co9-15-04

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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

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**ORDINANCE FOR ADOPTION**

**Co9-15-04** **LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING ORDINANCE**  
Owners: Landmark Title TR 18109 / Kai Sunset 80 Property LLC  
(District 3)

**If approved, adopt ORDINANCE NO. 2016 - \_\_\_\_\_**

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**OWNER:** Landmark Title TR 18109  
Kai Sunset 80 Property LLC  
P.O. Box 2305  
Cortaro, AZ 85652

**AGENT:** The WLB Group, Inc.  
4444 E. Broadway Blvd.  
Tucson, AZ 85711

**DISTRICT:** 3

**STAFF CONTACT:** Janet Emel

TD/JE/ar  
Attachments

cc: Co9-15-04 File  
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 77.9 ACRES OF PROPERTY FROM THE SR (SUBURBAN RANCH) ZONE, SR (BZ) (SUBURBAN RANCH – BUFFER OVERLAY) ZONE, AND SR (PR-2) SUBURBAN RANCH – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE TO THE SR-2 (SUBURBAN RANCH ESTATE) ZONE, SR-2 (BZ) (SUBURBAN RANCH ESTATE – BUFFER OVERLAY) ZONE, AND SR-2 (PR-2) (SUBURBAN RANCH ESTATE – HILLSIDE DEVELOPMENT OVERLAY (LEVEL 2 PEAKS & RIDGES)) ZONE IN CASE CO9-15-04 LANDMARK TITLE TR 18109 – WEST SUNSET ROAD REZONING, ON PROPERTY LOCATED ON THE SOUTH SIDE OF W. SUNSET ROAD, APPROXIMATELY 1,300 FEET WEST OF N. CAMINO DE OESTE, AMENDING PIMA COUNTY ZONING MAPS NO. 43 AND 44.

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

Section 1. The 77.9 acres of land located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps No. 43 and 44, is rezoned from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) 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. The owner shall adhere to the preliminary development plan as approved at public hearing (Exhibit B), with the exception of changes in number, size, or configuration of lots due to a required provision of common area for detention basins if an alternative is not accepted by the Floodplain Administrator.
4. Transportation conditions:
  - A. The property shall be limited to two access points as indicated on the preliminary development plan (Exhibit B).
  - B. The eastern access point shall align with the access point on the north side of Sunset Road.
5. Flood Control conditions:
  - A. Native riparian vegetation shall be used to enhance drainage improvements.
  - B. First flush retention (retention of the first ½ inch of rainfall from impervious and disturbed surfaces) shall be provided.
  - C. Regulatory floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
  - D. Development shall meet Critical Basin detention requirements.
  - E. Maintenance responsibility for stormwater infrastructure, including detention basins, shall be assigned to the homeowners association or other designated representative by Conditions, Covenants and Restrictions.
  - F. Detention basins shall be located in common area unless an alternative is proposed and accepted by the Floodplain Administrator. Placement of basins in common area may result in fewer lots or changes in size and/or configuration of lots than shown on the conceptual layout on the preliminary development plan.
  - G. Building envelopes shall be identified during the platting process and shall be oriented to avoid or minimize impacts to local, unregulated drainageways.
6. Environmental Planning conditions:
  - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing 52 acres as on-site natural open space (NOS) and 19 acres as off-site NOS. On-site NOS will conform to the approximate location and configuration as shown on the approved Preliminary Development Plan. 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) Conservation Lands System Mitigation Lands) and comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or designee; and
  - 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 designee.
- B. The maximum amount of grading per lot shall not exceed 15,000 square feet and will occur entirely within the buildable part of the lot as demarcated on the Preliminary Development Plan by the 'No Build Line'.
- C. 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. 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.

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

*Sorghum halepense* Johnson grass  
*Tamarix* spp. Tamarisk

7. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
8. The property owner shall execute and record the following disclaimer regarding Prop 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)."
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. During the development plan stage, the applicant shall contact Tucson Unified School District (TUSD) concerning the provision of adequate space for safe bus stops, bus turn- arounds and pedestrian access to the appropriate schools.
11. Structures shall be limited to a maximum height of 24 feet and shall be sited and landscaped to minimize negative visual impacts. The color of structures shall be in context with the surrounding environment.
12. In addition to the requirements of the Native Plant Preservation Ordinance, all transplantable saguaros 6 ft or less in height inside the disturbance area envelopes shall either be preserved in place or transplanted within the site.
13. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat to explore ways to reduce the need for large basins located along the downstream edge of the property while still meeting detention requirements. Any basins to be constructed throughout the site shall be designed using permaculture concepts and incorporate gradual slopes of natural materials in order to facilitate wildlife movement.
14. The developer shall consult with the Coalition for Sonoran Desert Protection and Pima County prior to submittal of a subdivision plat on lot configuration and placement of building envelopes, particularly those that are impacted by "flows under the regulatory threshold per the submittal, but are significant," (reference Commission staff report pg. 8) and on lots 19 and 22 where buildable area incurs into the Erosion Hazard Setback.

15. Signage indicating the prohibition of motorized vehicles shall be posted on trail easements.
16. The "Proposed Pedestrian Access Easement to TUSD School Property" shall be removed from the Preliminary Development Plan.
17. Perimeter lot fencing within the designated natural open space is prohibited.

Section 3. Time limits of conditions. Conditions 1 through 17 of Section 2 shall be completed no later than July 5, 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.

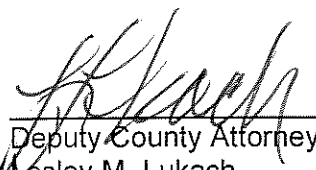
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk, Board of Supervisors

Approved As To Form:

 11/4/16  
\_\_\_\_\_  
Deputy County Attorney  
Wesley M. Lukach

Approved:

 11-23-16  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

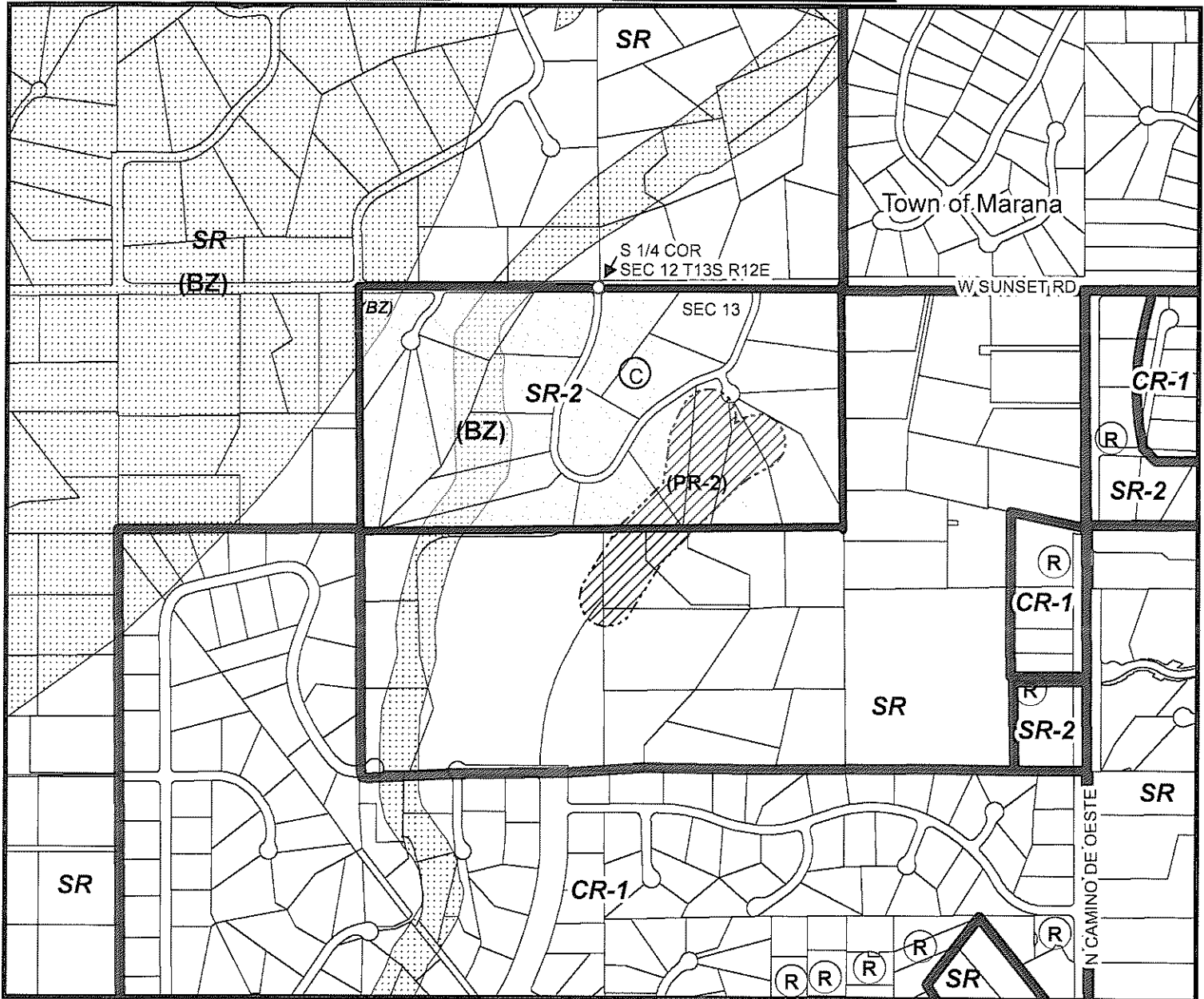
# EXHIBIT A

AMENDMENT NO. \_\_\_\_\_ BY ORDINANCE NO. \_\_\_\_\_  
TO PIMA COUNTY ZONING MAP NO. 43, 44 TUCSON AZ.  
LOTS 1 THRU 22 OF DESERT SENNA ESTATES BEING A PART OF THE  
N 1/2 OF SEC 13, T13S R12E.



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ADOPTED: \_\_\_\_\_ EFFECTIVE: \_\_\_\_\_



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
FROM SR, SR (BZ), and SR (PR-2) 77.9 ac  
ds-October 20, 2016

CO9-15-04  
Co7-13-10  
214-23-2950 thru 3160





