

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 19, 2016

Title: P15RZ00004 MANDARIN ASSOCIATES - N. THORNYDALE ROAD REZONING

# Introduction/Background:

The Board of Supervisors approved this rezoning on January 19, 2016.

### Discussion:

The approved rezoning was for a 17.77 acre parcel at the northwest corner of N. Thornydale Road and W. Magee Road Road. The request was to rezone the property from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone for a residential subdivision and multi-family/apartments.

# Conclusion:

This Ordinance with special and standard rezoning conditions reflects the Board of Supervisor's approval of the rezoning.

# **Recommendation:**

Staff recommends that the Board of Supervisors approve this Ordinance.

# **Fiscal Impact:**

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Board of Supervisor District:							
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Department: Pima County Development Services - Planning Telephone: 520-724-9000							
Department Director Signature/Date: March A Mult March 24, 2016 (for C Poirier)							
Deputy County Administrator Signature/Date:							
County Ad	ministrator Signatu	ire/Date:	C.D.	hebter	4/4/16		
				/			



#### Subject: P15RZ00004

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### FOR APRIL 5, 2016 MEETING OF THE BOARD OF SUPERVISORS

- TO: HONORABLE BOARD OF SUPERVISORS
- **FROM:** Chris Poirier, Planning Official M (for CP) Public Works-Development Services Department-Planning Division
- **DATE:** March 14, 2016

#### **ORDINANCE FOR ADOPTION**

### P15RZ00004 MANDARIN ASSOCIATES – N. THORNYDALE ROAD REZONING Owner: Mandarin Associates (District 1)

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

OWNER: Mandarin Associates Attn: Lawrence C. Lueng, Inc. 8710 N. Thornydale Road, Ste. 120 Tucson, AZ 85742-5032

AGENT: Projects International, Inc. Attn: Jim Portner, Principal 10836 E. Armada Lane Tucson, AZ 85749-9460

DISTRICT: 1

STAFF CONTACT: David Petersen

CP/DP/ar Attachments

cc: P15RZ00004 File

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

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 17.77 ACRES OF PROPERTY, LOCATED AT THE NORTHWEST CORNER OF N. THORNYDALE ROAD AND W. MAGEE ROAD, FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-5 (MULTIPLE RESIDENCE) ZONE, IN CASE P15RZ00004 MANDARIN ASSOCIATES – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 114.

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

Section 1. The 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 114, is rezoned from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) 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/developer shall dedicate 45 feet of right-of-way for Magee Road.
  - B. The property is limited to two access points as depicted on the preliminary development plan (Exhibit B). No direct access to Thornydale Road shall be permitted.

- 4. Flood Control conditions:
  - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
  - B. 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. Flows from the eastern drainage channel shall be directed to the public drainageway in Orangewood Estates, and required infrastructure within the right-of-way or at the entrance to the drainageway shall be completed at no cost to Pima County.
  - D. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
  - 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 Plan shall be submitted to the District for review and approval at the time of development. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis requirements or additional conservation measures shall be identified to offset the increased use per Pima Prospers Policy.
- 5. Wastewater Reclamation conditions:
  - A. The owner/developer 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/developer to that effect.
  - B. The owner/developer 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/developer shall have 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/developer 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/developer 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/developer 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/developer 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.
- 6. Environmental Planning conditions:
  - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) conservation guidelines by providing a total of 38 acres as Natural Open Space (NOS). No less than six acres of NOS will be provided on-site; the difference between the total 38 acres of 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 Conservation Lands System Mitigation Lands) and comply with all of the following:

1) The site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site NOS;

2) Off-site NOS is acceptable to the Pima County Planning Director or their designee; and

3) 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 Director 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. 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:

Ailanthus altissima	Tree of Heaven	
Alhagi pseudalhagi	Camelthorn	
Arundo donax	Giant reed	
Brassica tournefortii	Sahara mustard	
Bromus rubens	Red brome	
Bromus tectorum	Cheatgrass	
Centaurea melitensis	Malta starthistle	
Centaurea solstitalis	Yellow starthistle	
Cortaderia spp.	Pampas grass	

Cynodon dactylon Bermuda grass (excluding sod hybrid) Digitaria spp. Craborass Elaeagnus angustifolia Russian olive Eragrostis spp. Lovegrass (excluding E. intermedia, plains lovegrass) Natal grass Melinis repens Mesembryanthemum spp. Iceplant Peganum harmala African rue Pennisetum ciliare Buffelgrass Pennisetum setaceum Fountain grass Rhus lancea African sumac Salsola spp. Russian thistle Schinus spp. Pepper tree Schismus arabicus Arabian grass Schismus barbatus Mediterranean grass Johnson grass Sorghum halepense Tamarisk Tamarix spp.

- 7. 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 as approved at public hearing (Exhibit B).
- 9. 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 any rights or claims under the Private Property Rights pursuant to A.R.S. § 12-1134(I)."
- 10. 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.

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than January 19, 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:

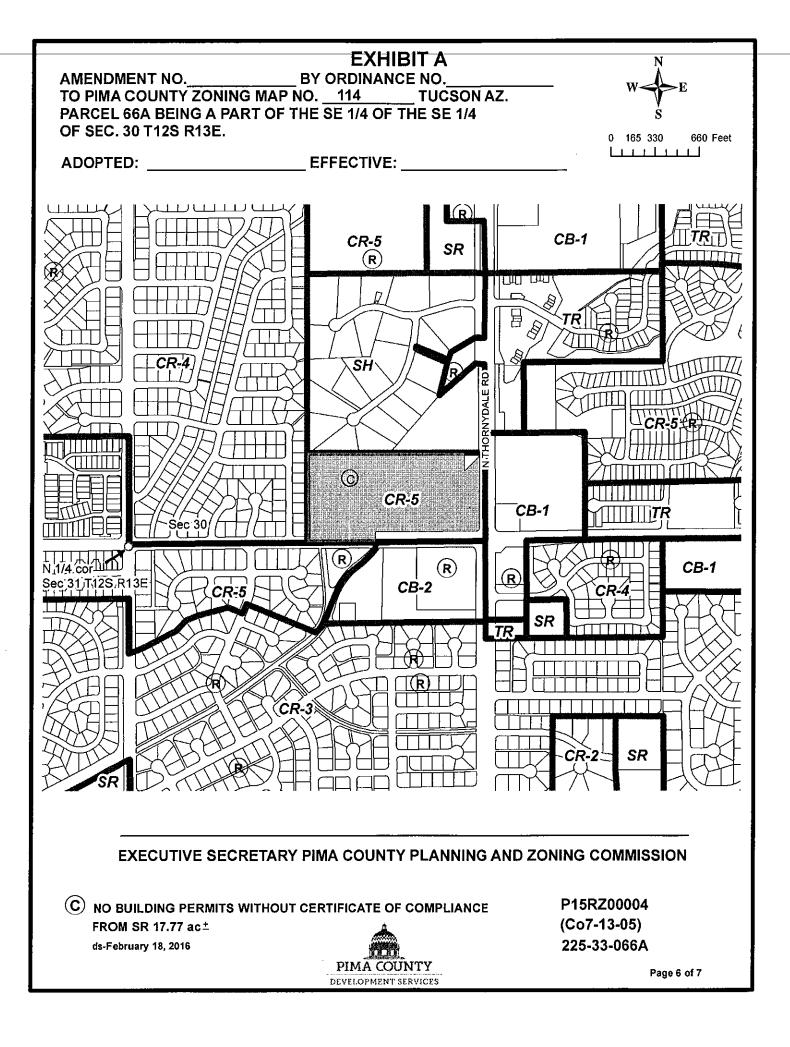
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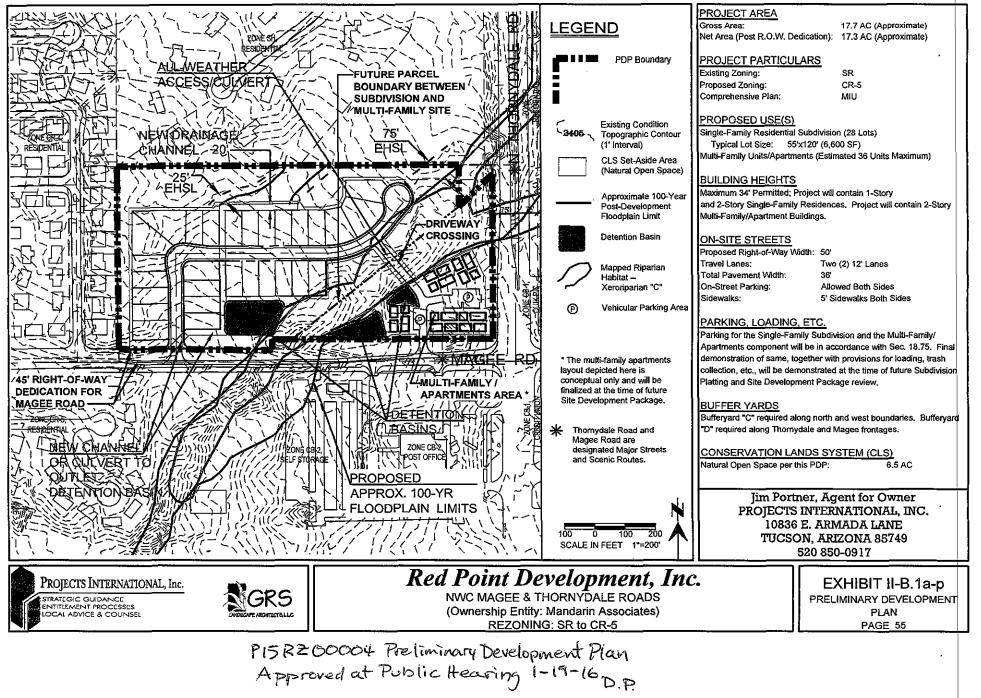
Lesley M. Lukach

Approved: 3-22-16

Executive Secretary, Planning and Zoning Commission

P15RZ00004





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