



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: November 21, 2017

**Title:** Co9-07-24 ARBER LLC - TWIN LAKES DRIVE REZONING (Resolution)

**Introduction/Background:**

The Board of Supervisors approved a five-year Time Extension subject to original and modified conditions for this Rezoning on June 20, 2017.

**Discussion:**

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

**Conclusion:**

The time limit and conditions contained in Rezoning Ordinance 2012-35 may be modified by resolution.

**Recommendation:**

Approval of the Resolution.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 10-23-17

Deputy County Administrator Signature/Date: [Signature] 11/2/17

County Administrator Signature/Date: [Signature] 11/2/17

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**Subject: Co9-07-24**

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**FOR NOVEMBER 21, 2017 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS  
**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division  
**DATE:** October 30, 2017

**RESOLUTION FOR ADOPTION**

**Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING**  
Owner: Vistoso Catalina, LP  
(District 1)

**If approved, adopt RESOLUTION NO. 2017 - \_\_\_\_\_**

**OWNERS:** Vistoso Catalina, LP  
P.O. Box 43938  
Tucson, AZ 85733

**AGENT:** Floerchinger Sadler Steel Baker, Inc.  
Attn: Martin Floerchinger, Architect  
P.O. Box 69955  
Tucson, AZ 85737

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

**STAFF RECOMMENDATION: APPROVAL.**

TD/DP/ar  
Attachments

cc: Co9-07-24 File  
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING; LOCATED ON THE WEST SIDE OF TWIN LAKES DRIVE, APPROXIMATELY ½-MILE NORTH OF GOLDER RANCH DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-35.**

The Board of Supervisors of Pima County, Arizona finds that:

1. On April 17, 2012, in rezoning case Co9-07-24, the Pima County Board of Supervisors approved the rezoning of approximately 15.0 acres located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive, as shown on Exhibit A, from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres), subject to standard and special conditions.
2. On August 7, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-35, recorded at Sequence 20122270624, rezoning the approximate 15.0 acres described in rezoning case Co9-07-24 and memorializing the standard and special conditions.
3. On March 20, 2017, the owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-35;
4. On June 20, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. Section 3 of Ordinance No. 2012-35 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2012-35 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:  
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes Road Drive as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
  - A. ~~The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.~~
  - B. ~~The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.~~
  - C. ~~All-weather access shall be provided to all lots to meet concurrency requirements.~~
  - D. ~~Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.~~

At the time of development, conservation measures sufficient to obtain 15 points on Table B of the Site Analysis Checklist Preliminary Integrated Water Management Plan in effect at the time shall be identified on the site construction permits and covenants to ensure they remain in place.

9. Wastewater Reclamation conditions:
  - A. The property owner(s) / developers(s) shall construe no 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 property owner(s) / developers(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, 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 Pima County Regional Wastewater Reclamation Department.

- C. The property owner(s) / developers(s) 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - D. The property owner(s) / developers(s) 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, sewer construction plan, or request for building permit.
  - E. The property owner(s) / developers(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - F. The property owner(s) / developers(s) 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.
10. Environmental Quality condition:  
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

- C. 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.
12. Natural Resources, Parks and Recreation condition:  
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be ~~determined~~ made at time of platting.
13. 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. ~~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.~~
14. The property owner / developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
- A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
  - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
  - C. Each residential unit shall have a solar assisted domestic water heating system.
  - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
  - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
16. 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.

~~17.~~ The owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.

~~18~~17. 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. § 42-1134(~~l~~) 12-113."

~~19~~18. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

~~20~~19. Design conditions:

- A. The western end units of buildings along the west property line shall be limited to one story.
- B. There shall be a forty-foot bufferyard along the west property line.
- C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

Section 2. Section 3 of Ordinance No. 2012-35 is restated and modified as follows:

1. Conditions 1 through ~~20~~ 19 shall be completed by April 17, ~~2017~~ 2022.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through ~~20~~ 19 are satisfied and the Planning Official issues a Certificate of Compliance.
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.

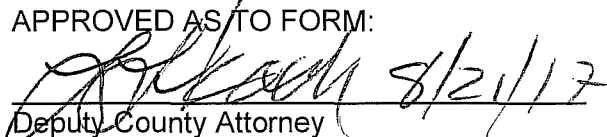
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach

APPROVED:

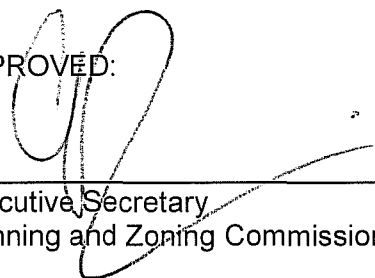
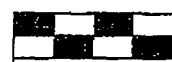
  
\_\_\_\_\_  
Executive Secretary  
Planning and Zoning Commission



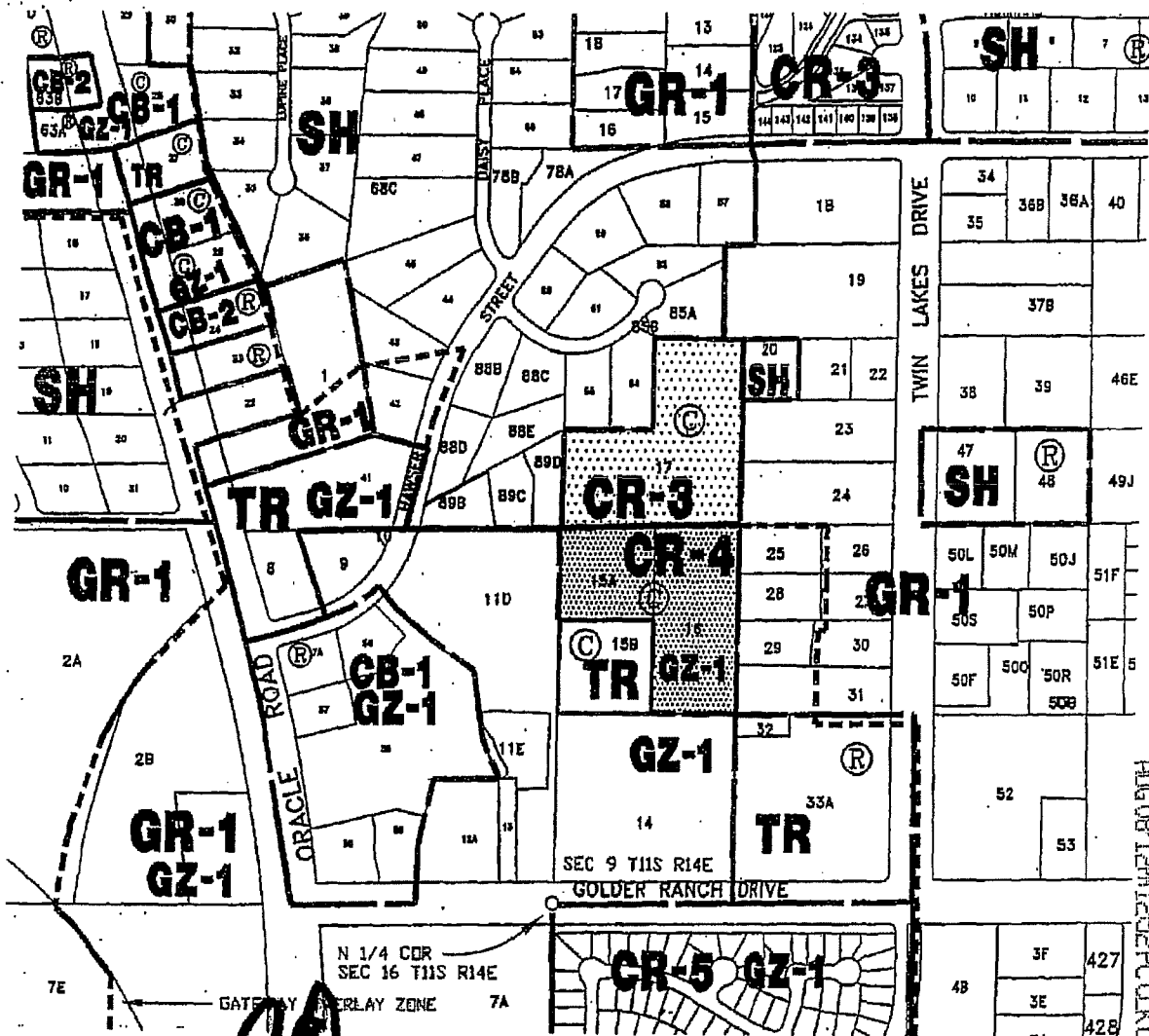
EXHIBIT A

AMENDMENT NO. 51 BY ORDINANCE NO. 2012-35  
 TO PIMA COUNTY ZONING MAP NO. 432, TUCSON, AZ,  
 PARCELS 15A, 16 & 17 BEING A PORTION OF THE W 1/2 OF  
 THE SE 1/4 OF SEC. 9, T11S R14E.



0 600'

ADOPTED August 7, 2012 EFFECTIVE August 7, 2012



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM GR-1 & GR-1 (GZ) 15.0 ac±  
 ds-JUNE 13, 2012

CO9-07-24  
 222-22-015A,  
 222-22-0160 &  
 222-22-0170

