



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 19, 2016

Title: Rezoning Ordinance P15RZ00001 Lawrence C. Lueng, Inc. – N. Thornydale Road Rezoning

Introduction/Background:

Rezoning Ordinance for Adoption

Discussion:

Rezoning Ordinance for Adoption with an edit to Wastewater standard condition #5E.

Conclusion:

A portion of the Wastewater standard condition #5E was inadvertently omitted. The omitted language is consistent with the intent of the condition and is not a substantial change. The additional language is as follows: ... "sewerage facilities as required by all applicable agreements with Pima County and all applicable"...

Recommendation:

Approval

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: *Mark A. Held* March 24, 2016 (for C. Poirier)

Deputy County Administrator Signature/Date: *[Signature]* April 4/4/16

County Administrator Signature/Date: *C. Poirier* 4/4/16



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: P15RZ00001

Page 1 of 1

FOR APRIL 5, 2016 MEETING OF THE BOARD OF SUPERVISORS

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

ORDINANCE FOR ADOPTION

P15RZ00001 LAWRENCE C. LUENG, INC – N. THORNYDALE ROAD REZONING

Owner: Lawrence C. Lueng, Inc.
(District 1)

If approved, adopt ORDINANCE NO. 2016- _____

OWNER: Lawrence C. Lueng, Inc.
Attn: Red Point Development
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: Terrill Tillman

CP/TT/ar
Attachments

cc: P15RZ00001 File

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 18.01 ACRES OF PROPERTY (PARCEL CODE 225-02-004M) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-4 (MIXED DWELLING TYPE)(5 ACRES) AND CR-5 (MULTIPLE RESIDENCE)(13.01 ACRES) ZONES, ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH THORNYDALE ROAD AND WEST LINDA VISTA BOULEVARD IN CASE P15RZ00001 LAWRENCE C. LUENG, INC – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 161.

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

Section 1. The 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 161, is rezoned from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type)(5 acres) and CR-5 (Multiple Residence)(13.01 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 property owner/developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
 - B. The property is limited to 2 access points, one on Thornydale Road and one on Linda Vista Boulevard, as depicted on the preliminary development plan (Exhibit B).

- C. No building permit final inspections shall be approved prior to completion of construction of the Thornydale Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
4. Regional Flood Control District 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. The following shall be contained in permanently identified natural open space through easement or dedication and be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat.
 - 1) Post-development FEMA and developer mapped floodplains.
 - 2) Pima County Regulated Riparian Habitat. Boundary modifications may be made to accurately map the existing habitat. Nominal disturbance of riparian habitat is acceptable.
 - D. 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.
5. 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 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 conservation guidelines by providing a total of 33 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site; the difference between the total 33 acres 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 Co7-13-04, 05, and 06 are not eligible to serve as off-site NOS;
- 2) Off-site NOS is acceptable to the Pima County Planning Official 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 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. 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
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

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 as approved at public hearing (Exhibit B).
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(l)."

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:

 3/8/16
Deputy County Attorney
Lesley M. Lukach

Approved:


 March 24, 2016
Executive Secretary
Planning and Zoning Commission
(for C. Pointer)

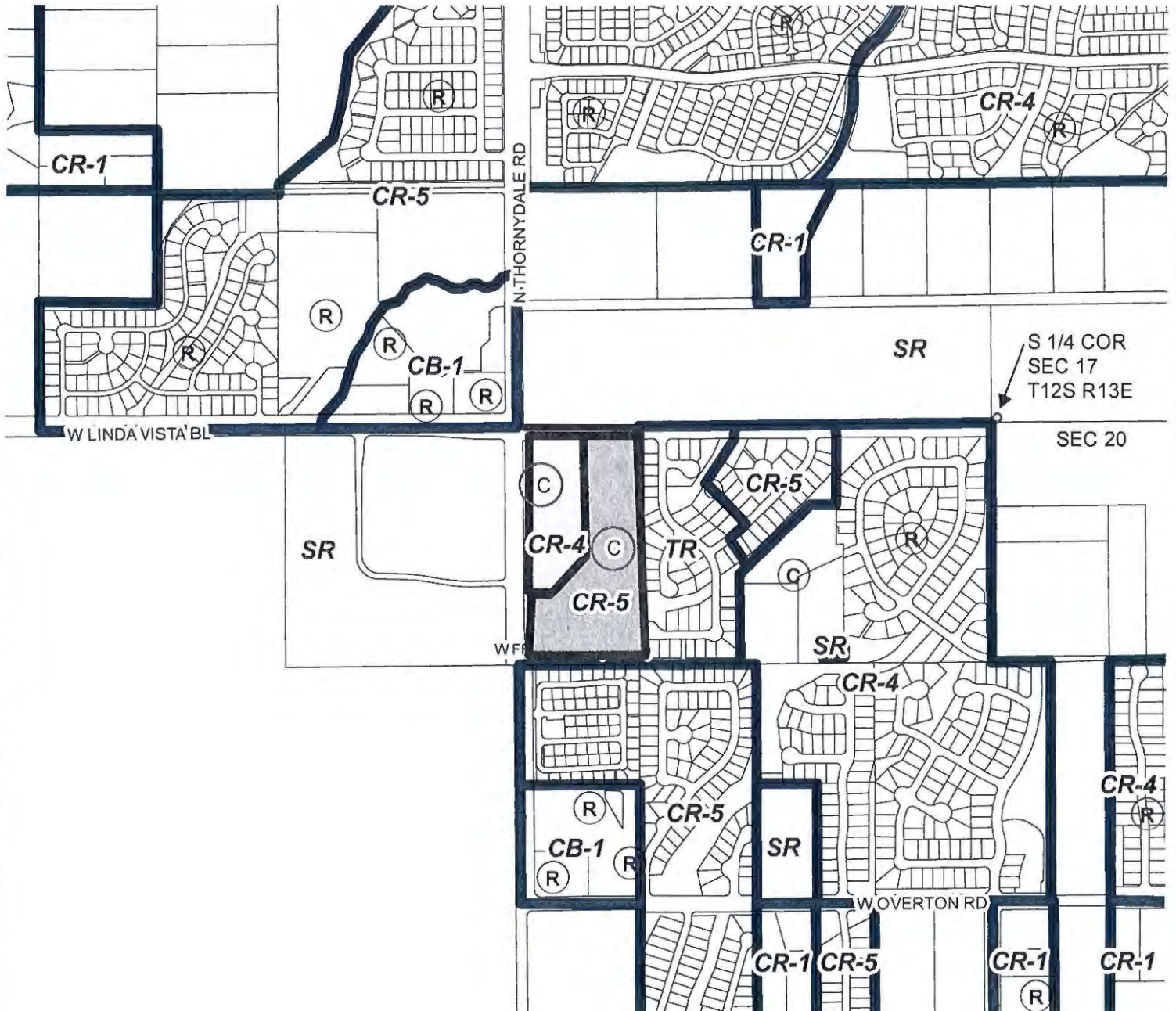
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 161 TUCSON AZ.
 PARCEL 4M BEING A PART OF THE NW 1/4 OF THE NW 1/4
 OF SEC. 20 T12S R13E.



0 205 410 820 Feet

ADOPTED: _____ EFFECTIVE: _____

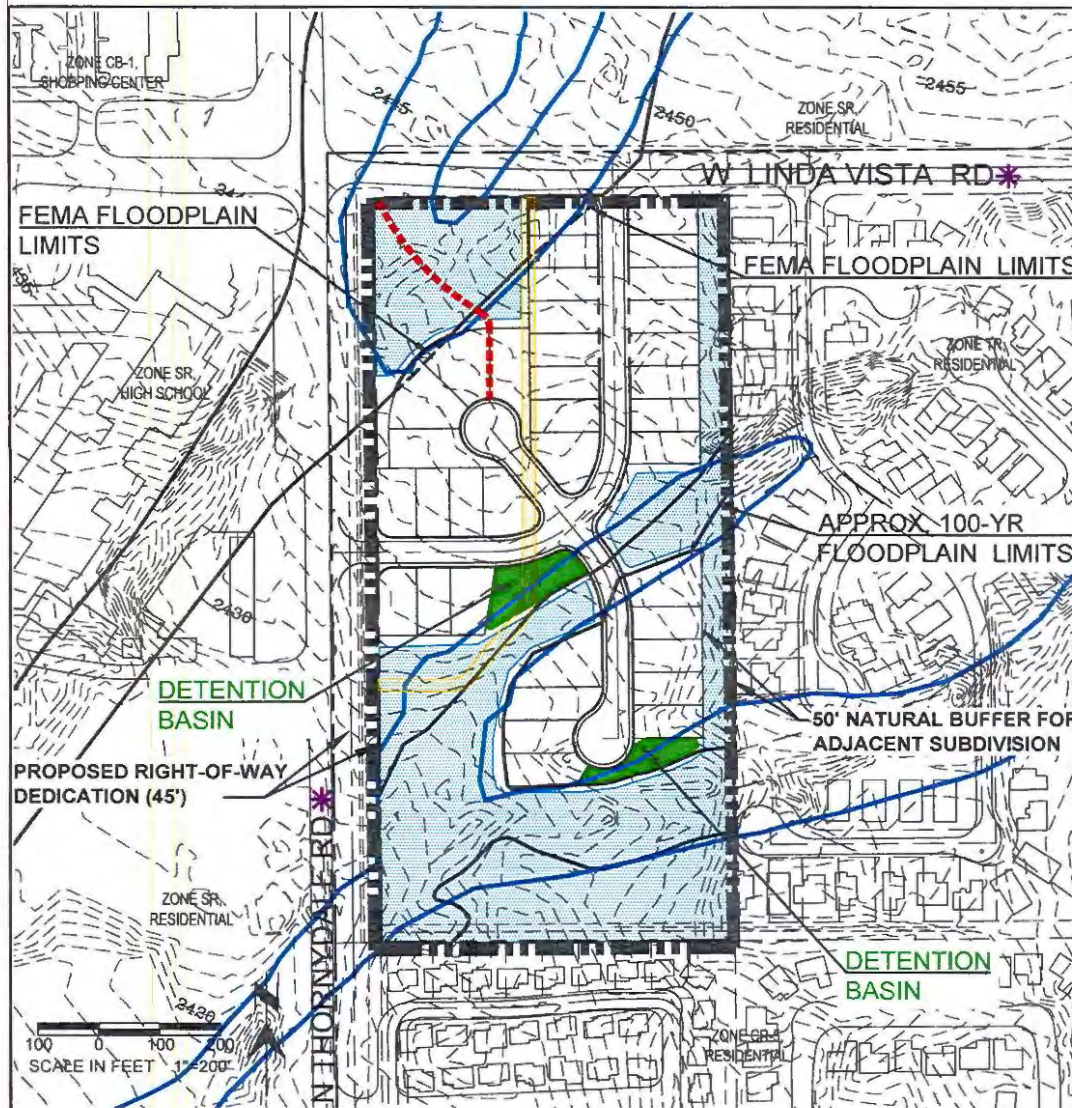


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 18.01 ac ±
 ds-February 23, 2016

P15RZ00001
 225-02-004M





LEGEND

- PDP Boundary
- Limit of Neighborhood Activity Center (NAC) District
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- 4' Pedestrian Path for Improved Neighborhood Connectivity to Surrounding Uses
- Approximate 100-Year Post-Development Floodplain Limit
- FEMA Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Thornydale Road and Linda Vista Boulevard are designated Major Streets and Scenic Routes.

PROJECT AREA

Gross Area: 18.0 AC (Approximate)
Net Area (Post R.O.W. Dedication): 16.7 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning: SR
Proposed Zoning: CR-5
Comprehensive Plan: NAC & MIU

PROPOSED USE(S)

Single-Family Residential Subdivision (36 Lots)
Typical Lot Size: 55'x115' (6,325 SF)

BUILDING HEIGHT

Maximum 34' Permitted; Project will contain 1-Story and 2-Story Residences.

ON-SITE STREETS

Proposed Right-of-Way Width: 50'
Travel Lanes: Two (2) 12' Lanes
Total Pavement Width: 36'
On-Street Parking: Allowed Both Sides
Sidewalks: 5' Sidewalks Both Sides

PARKING

Parking will be in accordance with Section 18.75

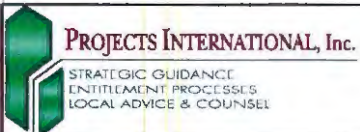
BUFFER YARDS

Bufferyard "D" required along Thornydale and Linda Vista frontages.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 7.6 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917



Red Point Development, Inc.

SEC LINDA VISTA BLVD & THORNYDALE ROAD
(Ownership Entity: Lawrence C. Leung, Inc.)
REZONING: SR to CR-5

Exhibit B

PRELIMINARY DEVELOPMENT
PLAN

Page 7 of 7