



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 15, 2015

Title: Co9-05-24 CATALANO, ET AL. – MONA LISA ROAD REZONING

Introduction/Background:

The Board of Supervisors approved a Time Extension with modified conditions for this Rezoning on November 10, 2015.

Discussion:

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

Conclusion:

The time limit and conditions contained in Rezoning Ordinance No. 2008-112 may be amended by resolution.

Recommendation:

Staff recommends that the Board of Supervisors approve this Resolution.

Fiscal Impact:

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Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

[Signature]

Whisper for John Bernal 2/24/16

C. Delaney 2/24/16

Subject: Co9-05-24

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FOR MARCH 15, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Interim Planning Official
Public Works-Development Services Department-Planning Division
DATE: February 22, 2016

RESOLUTION FOR ADOPTION

Co9-05-24 **CATALANO, ET AL. – MONA LISA ROAD REZONING**
Owner: Catalano Family Revocable Trust
(District 1)

If approved, adopt RESOLUTION NO. 2016 - _____

OWNER: Catalano Family Revocable Trust
Attn.: Vincent and Donna Catalano
1920 W. Cassim Lane
Tucson, AZ 85704-1216

Stephen and Jennifer Nunn
2754 W. Appaloosa Road
Tucson, AZ 85742-8880

AGENT: None

DISTRICT: 1

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

CP/DP/ar
Attachments

cc: Co9-05-24 File

RESOLUTION 2016-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-05-24 CATALANO, ET AL. – MONA LISA ROAD REZONING; LOCATED ON THE NORTHEAST CORNER OF MONA LISA ROAD AND ORACLE JAYNES STATION ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2008-112.

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

1. On November 1, 2005, the owner of approximately 9.90 acres applied for a rezoning from SR (Suburban Ranch Zone) to CR-1 (Single Residence Zone).
2. On August 18, 2008, the Pima County Board of Supervisors approved the rezoning from SR (Suburban Ranch Zone) to CR-1 (Single Residence Zone), subject to standard and special conditions.
3. On December 2, 2008, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2008-112, as recorded in Docket 13449 at Page 1698, rezoning the approximately 9.90 acres described in rezoning case Co9-05-24 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions.
4. On August 13, 2015 the owner of approximately 9.90 acres conditionally rezoned by Ordinance No. 2008-112 applied for a five-year time extension.
5. On November 10, 2015, the Board of Supervisors decided against closure of the rezoning and approved a five-year time extension for approximately 9.90 acres with modified, deleted, and additional conditions.
6. Section 3 of Ordinance No. 2008-112 allows the Board of Supervisors to extend the time limit and amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1. The rezoning conditions in Section 2 of Ordinance 2008-112 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.

43. Provision of development related assurances as required by the appropriate agencies.
54. 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, ~~Document Services~~.
65. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
76. Transportation conditions:
- A. The property owner(s)/developer(s) shall dedicate 30 feet of right-of-way for Mona Lisa Road adjacent to the subject property.
 - B. The property owner(s)/developer(s) may be required to dedicate additional right-of-way for Mona Lisa Road/Oracle Jaynes Station Road adjacent to the subject property.
 - C. The property owner(s)/developer(s) shall provide off-site improvements to Mona Lisa Road and Oracle Jaynes Station Road as determined necessary by Pima County Department of Transportation.
87. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage report shall be submitted during the platting process for the Pima County Regional Flood Control District to determine 100-year water surface elevations for all lots, the regulatory status of the wash, erosion hazard setbacks and to analyze detention/retention requirements. Building envelopes shall be shown in a surveyable manner on the tentative plat and cumulative impacts to site drainage and on downstream properties must be evaluated.
 - C. The property owner(s)/developer(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 or critical basin.
 - D. The property owner(s)/developer(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, including but not limited to detention, flow dissipaters, and channels as the wash leaves the site.
 - E. All-weather access shall be provided to all lots to meet concurrency requirements.
 - F. A riparian mitigation plan shall be required for development in designated riparian areas.
 - G. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements, and drainageways.
 - H. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
98. Wastewater Management Reclamation conditions:

- ~~A. The owner(s)/developer(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 owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management 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 Wastewater Management Department.~~
- ~~C. The owner(s)/developer(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.~~
- ~~D. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, as determined necessary at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
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- 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 conveyance capacity not be available at that time, the owner/developer 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/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.

409. Environmental Quality conditions:

- A. The owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management Reclamation at the time of review of the tentative plat, development plan, or request for building permit. On-site wastewater disposal shall not be allowed for any of the proposed development.
- B. The proposed "common driveway" to serve the existing residence and two (2) additional home sites shall be improved to meet the paving requirements of Pima County.

4410. Natural Resources, Parks and Recreation condition:

The preliminary development plan does not provide for the required recreation area; with the development proposing less than 65 lots the developer shall pay the full in-lieu fee for off-site residential recreation areas.

4211. Environmental Planning conditions:

- A. ~~The developer(s) shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the proposed Subdivision, for the annual inspection and removal of invasive non-native plant species, including but not limited to those listed below.~~
- B. ~~The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision: Maintenance of Lots by Owners: Obligations of Owners shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below:~~

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 solstitialis	Yellow starthistle
Gortaderia spp.	Pampas grass

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

Upon the effective date of the Ordinance Resolution, 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.

~~43~~12. Design conditions:

- A. A minimum of 70 percent of all saguaros, greater than six feet in height, which currently exist on the site, shall be protected from disturbance.
- B. The set-aside option listed in Chapter 18.72 of the Pima County Zoning Code shall be used to meet native plant preservation requirements for the subdivision plat for this site. The minimum 30% percent Natural Open Space (NOS) required for that method shall include a minimum of 50% percent of the total of all saguaros within the subdivision and shall be configured to provide contiguous, large areas of natural open space (NOS).

- ~~14.~~ 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.

- ~~15~~13. In the event the subject property is annexed, the owner(s)/developer(s) 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.

~~46~~14. The property owner(s) 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(I)."

~~47~~15. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

~~48~~16. Grading shall not exceed 8,000 square feet, excluding driveways, per lot.

~~49~~17. Building heights shall not exceed 24 feet.

Section 2. Section 3 of Ordinance No. 2008-112 is amended and time limit extended as follows:

1. Conditions 1 through ~~49~~ 17 shall be completed by August 18, ~~2013~~ 2018.
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 Resolution until all conditions 1 through ~~49~~ 18 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 _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board


APPROVED AS TO FORM:



Deputy County Attorney
Lesley M. Lukach

1/20/16

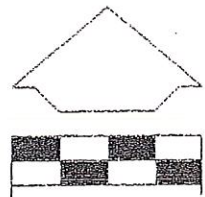
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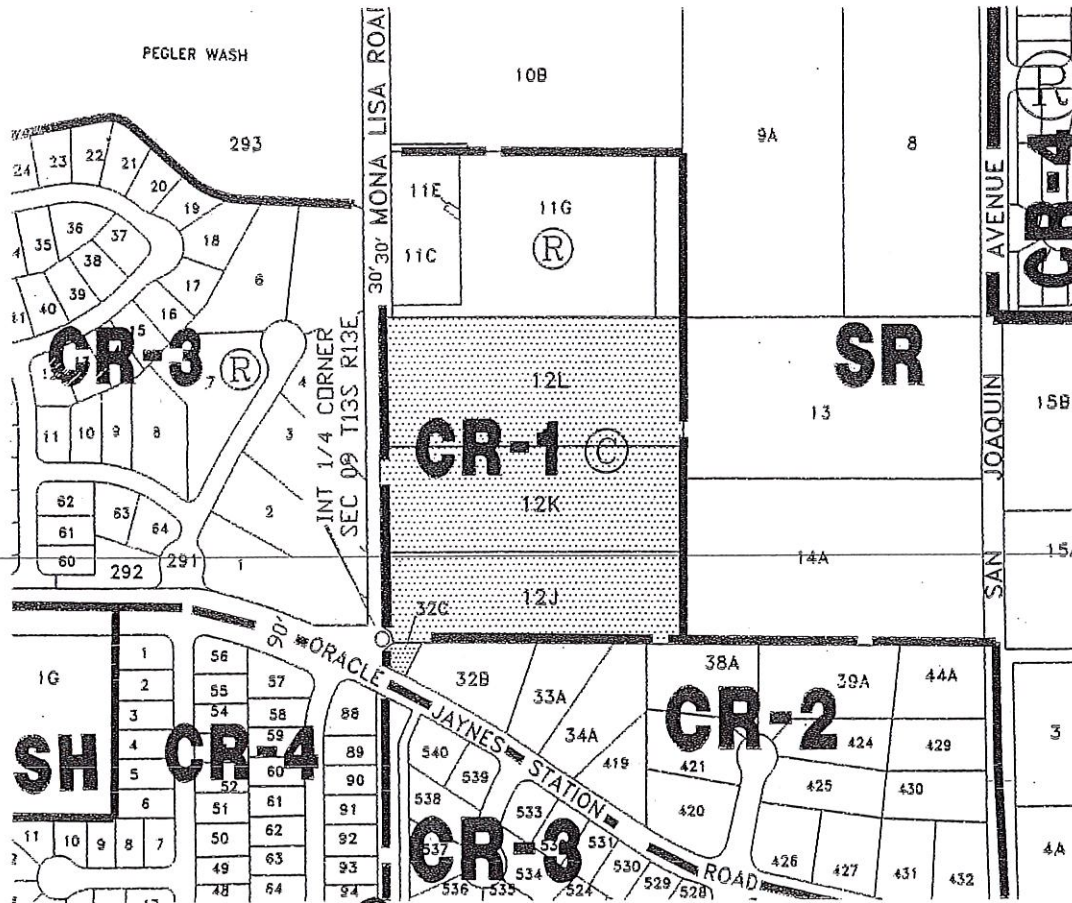
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO'S. 97 & 92 BY ORDINANCE NO. 2008-112
TO PIMA COUNTY ZONING MAP NO. 45.76 TUCSON, ARIZONA.
PARCELS 012J, 012K, 012L & LOT 416 (PORTION OF) OF CASAS
ADOBES PARK BEING A PART OF THE SW 1/4 OF THE NE 1/4
AND THE NW 1/4 OF THE SE 1/4 OF SECTION 09, T13S, R13E.



ADOPTED DECEMBER 2, 2008 EFFECTIVE DECEMBER 2, 2008



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EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 9.90 ac±
PJ-OCTOBER 29, 2008

Co9-05-24
Co7-00-20
101-09-012J THRU
101-09-012L &
101-12-032C

