



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 03/06/2018

Rezoning Ordinance - P16RZ00012 Tucson Linda-Vista 20 LTD Partnership, Et Al - N. Shannon
Title: Road Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning November 7, 2017.

Discussion:

The rezoning was for approximately 78.6 acres from SR (Suburban Ranch) to CR-2 (CL) (Single Residence - Cluster) for a 94-lot cluster residential subdivision.

Conclusion:

The Ordinance reflects the Board of Supervisors approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

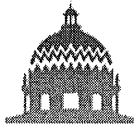
Department: Pima County Development Services - Planning Telephone: 520-724-9000

Contact: Terrill L. Tillman, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date:  2/13/18

Deputy County Administrator Signature/Date:  02/14/18

County Administrator Signature/Date:  2/15/18




PIMA COUNTY

DEVELOPMENT SERVICES

Subject: P16RZ00012

Page 1 of 1

FOR MARCH 6, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official 
Public Works-Development Services Department-Planning Division
DATE: February 12, 2018

ORDINANCE FOR ADOPTION

P16RZ00012 TUCSON LINDA-VISTA 20 LTD PARTNERSHIP, ET AL. – N. SHANNON ROAD REZONING

Owners: Tucson Linda-Vista 20 Ltd. Partnership
(District 1)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Tucson Linda-Vista 20 Ltd. Partnership
6088 W. Arizona Pavilions Dr., Ste. 1
Tucson, AZ 85743

AGENT: The WLB Group, Inc.
Attn: Paul Oland
4444 E. Broadway Boulevard
Tucson, AZ 85711

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

STAFF RECOMMENDATION: APPROVAL

TD/TT/ar
Attachments

cc: P16RZ00012 File
Tom Drzazgowski, Chief Zoning Inspector

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 78.6 ACRES OF PROPERTY (PARCEL CODES 225-02-001B, 225-02-002E, AND 225-04-014G) FROM THE SR (SUBURBAN RANCH) TO THE CR-2 (CL) (SINGLE RESIDENCE – CLUSTER) ZONE, IN CASE P16RZ00012 TUCSON LINDA-VISTA 20 LTD PARTNERSHIP, ET AL – N. SHANNON ROAD REZONING, LOCATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF THE LINDA VISTA BOULEVARD ALIGNMENT AND SHANNON ROAD, AND AMENDING PIMA COUNTY ZONING MAPS NOS. 161 AND 162.

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

Section 1. The 78.6 acres located at the southeast and southwest corners of the Linda Vista Boulevard alignment and Shannon Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Maps Nos. 161 and 162, is rezoned from the SR (Suburban Ranch) to the CR-2 (CL) (Single Residence – Cluster) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The developer shall dedicate a minimum of 45 feet of right-of-way, or sufficient right-of-way to construct the first half of the Linda Vista extension.
 - B. The developer shall dedicate 30 feet of right-of-way for Linda Vista at the south east corner of Linda Vista and Shannon Road as shown on the preliminary development plan (Exhibit B).
 - C. The extension of Linda Vista Road shall align with the existing intersection of Linda Vista and Shannon Road.
 - D. The developer shall be required to construct Linda Vista Road for the entire frontage of the rezoning site.
 - E. An easement for future access to the school shall be provided as shown on the preliminary development plan (Exhibit B).
 - F. Sidewalk or a multi-use path shall be constructed along Freer Drive to provide safe pedestrian access to Ironwood Elementary School.
 - G. Linda Vista Blvd. roadway improvements to be constructed by the developer shall generally be consistent with those agreed to with the Pima County Department of Transportation. Roadway development impact fees for the entire development shall be waived subject to the following:
 - 1) The portion of Linda Vista Blvd. along the project frontage west of Shannon Rd. shall be constructed in two phases. Phase 1 of the Linda Vista Blvd.

improvements, which is the segment from Shannon Rd. west to the project entrance, shall be developed concurrently with initial project construction.

- 2) Phase 1 improvements consist of the full 90 foot cross section depicted as Standard Detail #10, Major Collector Street Urban Residential Subdivision as outlined in the Pima County Subdivision and Development Street Standards.
 - 3) Construction of the Phase 2 of the Linda Vista Blvd. improvements, which is the segment west of Phase 1 extending to the west edge of the project's Linda Vista Blvd. frontage, shall begin no later than the application for the 51st building permit on the portion of the project lying to the west of Shannon Road.
 - 4) Phase 2 improvements consist of the south half of the full 90 foot cross section depicted as Standard Detail #10, Major Collector Street Urban Residential Subdivision as outlined in the Pima County Subdivision and Development Street Standards.
 - 5) Both Phases of this project's obligated Linda Vista Blvd. improvements shall be completed prior to release of final assurances for the project.
 - 6) Should the property to the north advance construction of north half of Linda Vista before the phasing threshold is met, the developer would advance construction of the south half concurrently.
3. Regional Flood Control District conditions:
- A. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these 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.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
4. 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 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 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.
5. Environmental Planning conditions:
- A. The property owner shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 107 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the PDP, the property owner shall provide a minimum of 4 acres of natural open space for every acre developed to achieve full compliance with the MMBCLS conservation guidelines. No less than 49 acres NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved preliminary development plan (Exhibit B). The difference between the total 107 acres (or less depending upon developed area) 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 of Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) 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

6. Cultural Resources conditions:

- A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.

- 7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
- 8. 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.
- 9. The property owner shall execute 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 9 of Section 2 shall be completed no later than November 7, 2022.

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 _____, 2018.

Chair, Pima County Board of Supervisors

ATTEST:

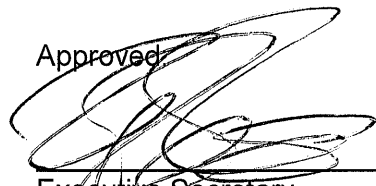
Clerk, Board of Supervisors

Approved As To Form:



Deputy County Attorney
Lesley M. Lukach

Approved



Executive Secretary
Planning and Zoning Commission

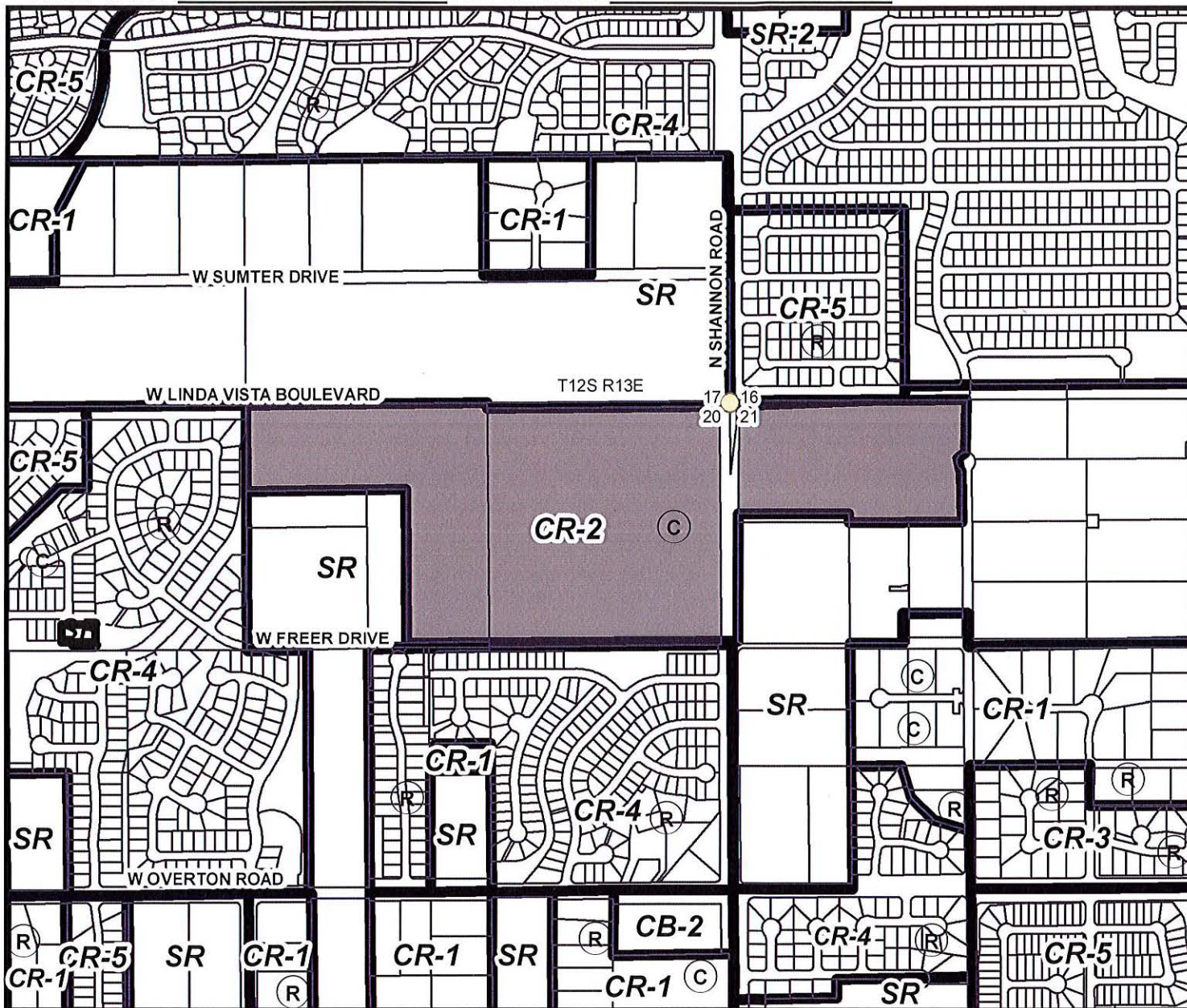
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 161, 162 TUCSON AZ.
PARCELS 1B, 2E & 14G BEING A PART OF THE N 1/2 OF THE NE 1/4 OF
SEC 20 T12S R13E AND THE NW 1/4 OF THE NW 1/4 OF SEC 21 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 78.6 ac
ds-January 4, 2018



P16RZ00012
Co7-13-10
22502001B, 22502002E &
22504014G

