

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 13, 2016

Title: Rezoning Ordinance P16RZ00005 Whisper Canyon Holdings, LLC - W. Hardy Road Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning September 9, 2016.

Discussion:

The rezoning was for SR (Suburban Ranch) to CR-5 (Multiple Residence) Zone (19.81 acres) to be developed as a 55-lot, single-family residential subdivision.

Conclusion:

This Ordinance reflects the Board of Supervisor's approval of the rezoning.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

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

Department Director Signature/Date: [Signature] 11-23-16

Deputy County Administrator Signature/Date: [Signature] 11/28/16

County Administrator Signature/Date: [Signature] 11/29/16

NOV 30 10 50 AM '16 PCL/KCF/ED



Subject: P16RZ00005

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FOR DECEMBER 13, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: November 21, 2016

ORDINANCE FOR ADOPTION

P16RZ00005 WHISPER CANYON HOLDINGS, LLC - W. HARDY ROAD REZONING
Owners: Whisper Canyon Holdings, LLC
(District 1)

If approved, adopt ORDINANCE NO. 2016 - _____

OWNER: Whisper Canyon Holdings, LLC
Attn: Steve Quinlan
4727 N. Camino Ocotillo
Tucson, AZ 85718

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

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

TD/TT/ar
Attachments

cc: P16RZ00005 File
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 20 ACRES OF PROPERTY (PARCEL CODE 225-02-029C) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-5 (MULTIPLE RESIDENCE) ZONE, IN CASE P16RZ00005 WHISPER CANYON HOLDINGS, LLC – W. HARDY ROAD REZONING, LOCATED ON THE NORTH SIDE OF WEST HARDY ROAD, APPROXIMATELY FIVE HUNDRED FEET EAST OF NORTH THORNYDALE ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 161.

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

Section 1. The 20 acres located on the north side of W. Hardy Road approximately five hundred feet east of N. Thornydale Road 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) 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 Hardy Road.
 - B. The property is limited to 2 access points as depicted on the preliminary development plan (Exhibit B).
4. 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, 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 with the Development Plan.
- B. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
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 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 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 shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 52 acres as Natural Open Space (NOS). No less than 7 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 52 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 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

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 (Exhibit B) including the one-story height limitation for specific lots as approved at public hearing.

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(I)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than September 6, 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:

 11/7/16

Deputy County Attorney
Lesley M. Lukach

Approved:

 11-23-16

Executive Secretary
Planning and Zoning Commission

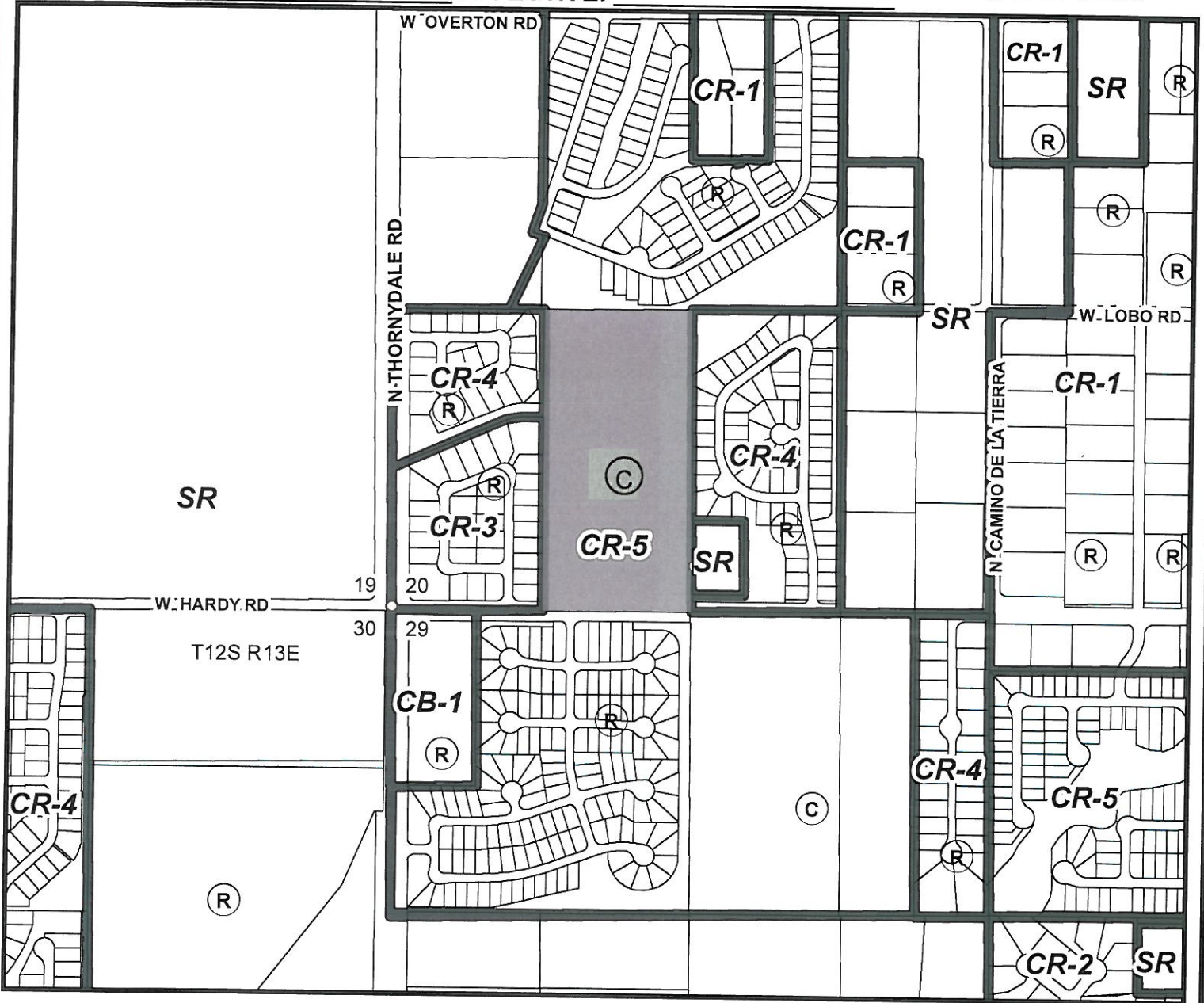
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 161 TUCSON AZ.
PARCEL 29C BEING A PART OF THE E 1/2 OF THE SW 1/4 OF THE SW 1/4
OF SEC 20, T12S R13E.



0 165 330 660 Feet
[Scale bar]

ADOPTED: _____ EFFECTIVE: _____

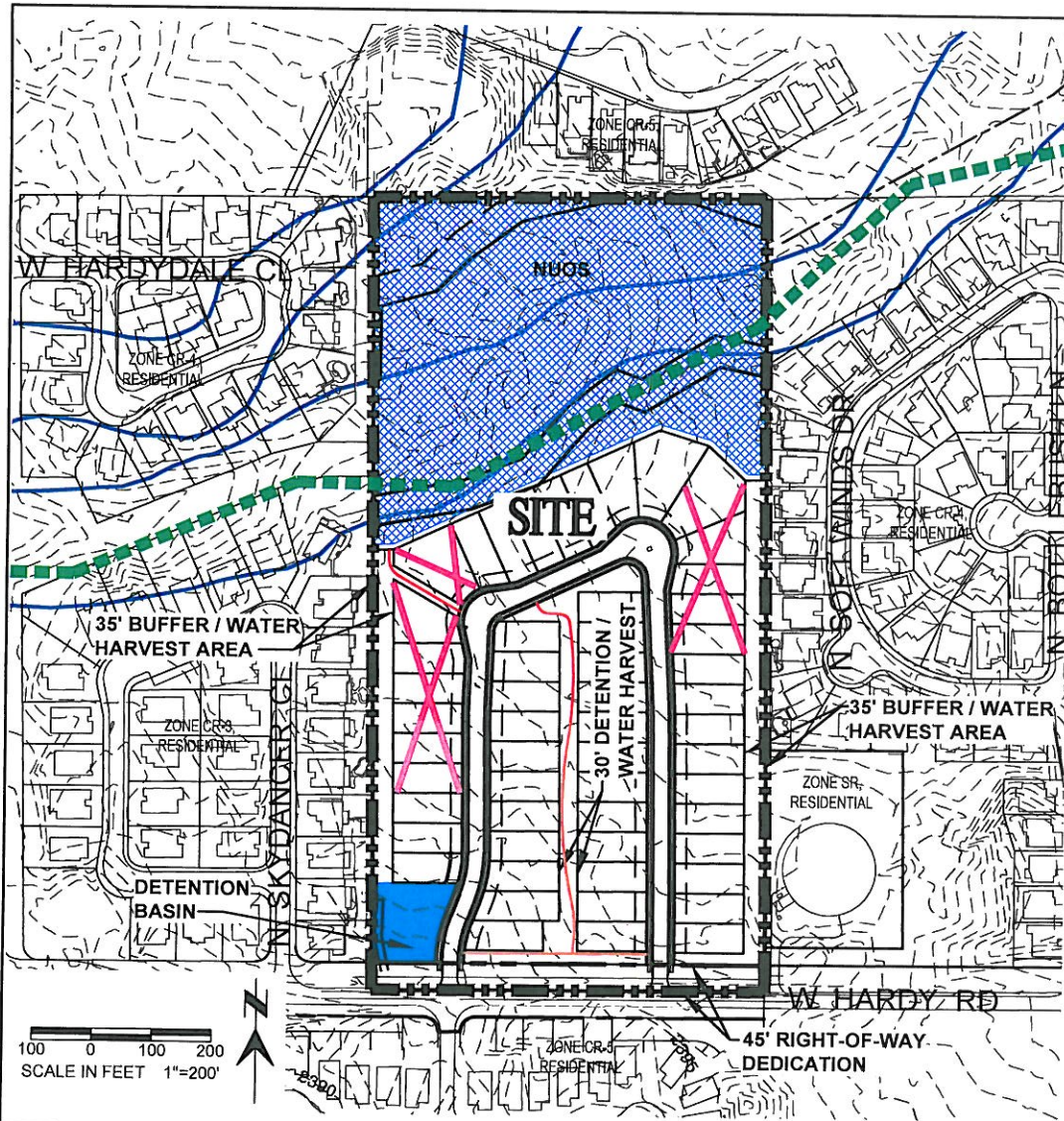


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓢ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 20.0 ac
ds-October 19, 2016

P16RZ00005
Co7-14-02
225-02-029C





LEGEND

- PDP Boundary
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Hardy Wash Trail #160
- On-site Pedestrian Path
- One-Story Only

PROJECT AREA

Gross Area: 20.00 AC (Approximate)
 Net Area (Post R.O.W. Dedication): 19.30 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning: SR
 Proposed Zoning: CR-5
 Comprehensive Plan: MLIU

PROPOSED USE(S)

Single-Family Residential Subdivision (55 Lots)
 Typical Lot Size: 50'x120' (6,000 SF)

BUILDING HEIGHT

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

ON-SITE STREETS

Proposed Right-of-Way Width: 45'
 Travel Lanes: Two (2) 12' Lanes; 2' Wedge Curbs
 Total Pavement Width: 28' (Including Wedge Curbs)
 Sidewalks: 4' Sidewalks Both Sides

PARKING

Parking will be in accordance with Section 18.75

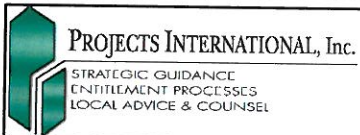
BUFFER YARDS

Bufferyard "A" is required along Hardy Road frontage. Bufferyard "C" is required along the east, west and north boundaries.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 7.0 AC

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



Hardy Estates
 NORTH SIDE HARDY RD, EAST OF THORNYDALE RD
 (Ownership Entity: Whisper Canyon Holdings, LLC)
 REZONING: SR to CR-5

Exhibit B
 PRELIMINARY DEVELOPMENT
 PLAN