



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 2, 2019

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

Introduction/Background:

The applicant requests closure of a 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence).

Discussion:

The rezoning site was conditionally approved for a 10-lot subdivision on August 18, 2008. One time extension has been granted. The current time limit expired on August 18, 2018. The applicant owners indicate that they no longer wish to pursue the rezoning. No rezoning conditions have been satisfied. Closure will cause the property to revert to SR zoning which would likely allow the development of three single residences depending on the precise square footage of the site. SR zoning exists to the north and east of the site. Neither SR nor CR-1 zoning comply with the minimum five-acre density requirement of the Medium Intensity Urban plan designation assigned under to Comprehensive Plan Update. Natural site resources and constraints limit potential density and caused staff to recommend denial of the original rezoning request. The site remains in its natural state. The site is not within the MMB Conservation Lands System. The Transportation, Flood Control, and Wastewater reports state no objection to the rezoning closure.

Conclusion:

The applicant requests closure of the rezoning, and there has been no progress toward satisfying rezoning conditions. The rezoning was approved in 2008 for 10 residences. Reversion to SR could reduce impacts to the site which contains significant natural resources and topographical and hydrological constraints but is not within the Conservation Lands System.

Recommendation:

Staff recommends approval of closure of the rezoning.

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:  3/14/19

Deputy County Administrator Signature/Date:  3/13/19

County Administrator Signature/Date:  3/13/19



TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

Tom Drargowski

DATE: March 6, 2019

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

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, APRIL 2, 2019** hearing.

REQUEST: To **close** Co9-05-24, an approximate 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) located on the northeast corner of Mona Lisa Road and Oracle Jaynes Station Road. The owners have written that they no longer wish to pursue the rezoning.

OWNERS: 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

PUBLIC COMMENT TO DATE: As of March 6, 2019, staff has received no public comment.

STAFF RECOMMENDATION: **CLOSURE** of the 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) for the use of 10-lot residential subdivision.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The site is located outside of the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-05-24

Page 1 of 2

FOR APRIL 2, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division

Tam Przegowski

DATE: March 6, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

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

Request of the property owners to **close** Co9-05-24, an approximate 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) located on the northeast corner of Mona Lisa Road and Oracle Jaynes Station Road. The rezoning was conditionally approved in 2008 and expired on August 18, 2018. Staff recommends **CLOSURE**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of the 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) for the use of 10-lot residential subdivision. The owners have written that they no longer wish to pursue the rezoning.

STAFF REPORT

The rezoning from SR to CR-1 was conditionally approved on August 18, 2008. Rezoning Ordinance 2008-112 was adopted on December 2, 2008. A five-year time extension was granted in 2015 with the new time limit and modified conditions memorialized in Resolution 2016-19 adopted on March 15, 2016. The rezoning expired on August 18, 2018. The conditions remain to be satisfied. The site is undeveloped and contains undisturbed natural vegetation. The zoning code requires a public hearing to close the rezoning and cause the property to revert to its previous SR zoning classification (Section 18.91.100.F.1). SR Zoning exists to the north and east of the site.

Due to the low density nature of the SR and the CR-1 zones, neither allow sufficient density to comply with the site's Medium Intensity Urban (MIU) comprehensive plan designation which allows a maximum of 13 residences per acre (RAC) but requires a minimum of five RAC. Under the Pima Prospects Comprehensive Plan Update, which occurred prior to the rezoning approval, the site was down-planned from Medium High Intensity Urban (MHIU) to Medium Intensity Urban (MIU). However, the topography and other desirable natural features of this particular area of the larger MIU designated area do not lend to achieving medium residential density. The former MHIU designation did not have an absolute minimum density requirement in the designation description, but there was a general Regional Plan Policy that called for not less than half the maximum density for rezonings in MHIU correlating to 12 RAC. The density of the rezoning would have been 1.01 RAC before 30-foot right-of-way dedication that would have been required for Mona Lisa Road.

Depending upon precise square footage of the rezoning site, reversion to SR would appear to allow three residences to be developed on the property with no subdivision plat. The property consists of four parcels, three of which are over three acres in size. The fourth parcel adjacent to Oracle Jaynes Station Road is very small and needs to be combined with the adjacent parcel to the north. The minimum lot size required for SR is approximately 3.31 acres or 144,000 square feet. CR-1 requires approximately .83 acres (36,000 square feet) per lot and dwelling.

SR and CR-1 allow single detached dwellings, but not permanent manufactured homes. SR provides for more non-residential conditional uses. Besides a nearby church, the surrounding area is residential.

Staff originally recommended denial of the rezoning because of the impacts the development would have on the site which contains steep slopes, over 200 saguaros and other significant vegetation, and a small bisecting wash. Rezoning conditions were recommended and approved that were designed to mitigate impacts to these resources. Closure of the rezoning may not preclude the possibility of future CR-1 rezoning of the subject property because the natural constraints of the site would likely allow administrative waiver of the five RAC minimum density requirement. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

TRANSPORTATION REPORT

No objection to closure.

FLOOD CONTROL REPORT

No objection to closure.

WASTEWATER REPORT

No objection to closure.

TD/DP/ar
Attachments

cc: 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
Tom Drzazgowski, Chief Zoning Inspector
Co9-05-24 File

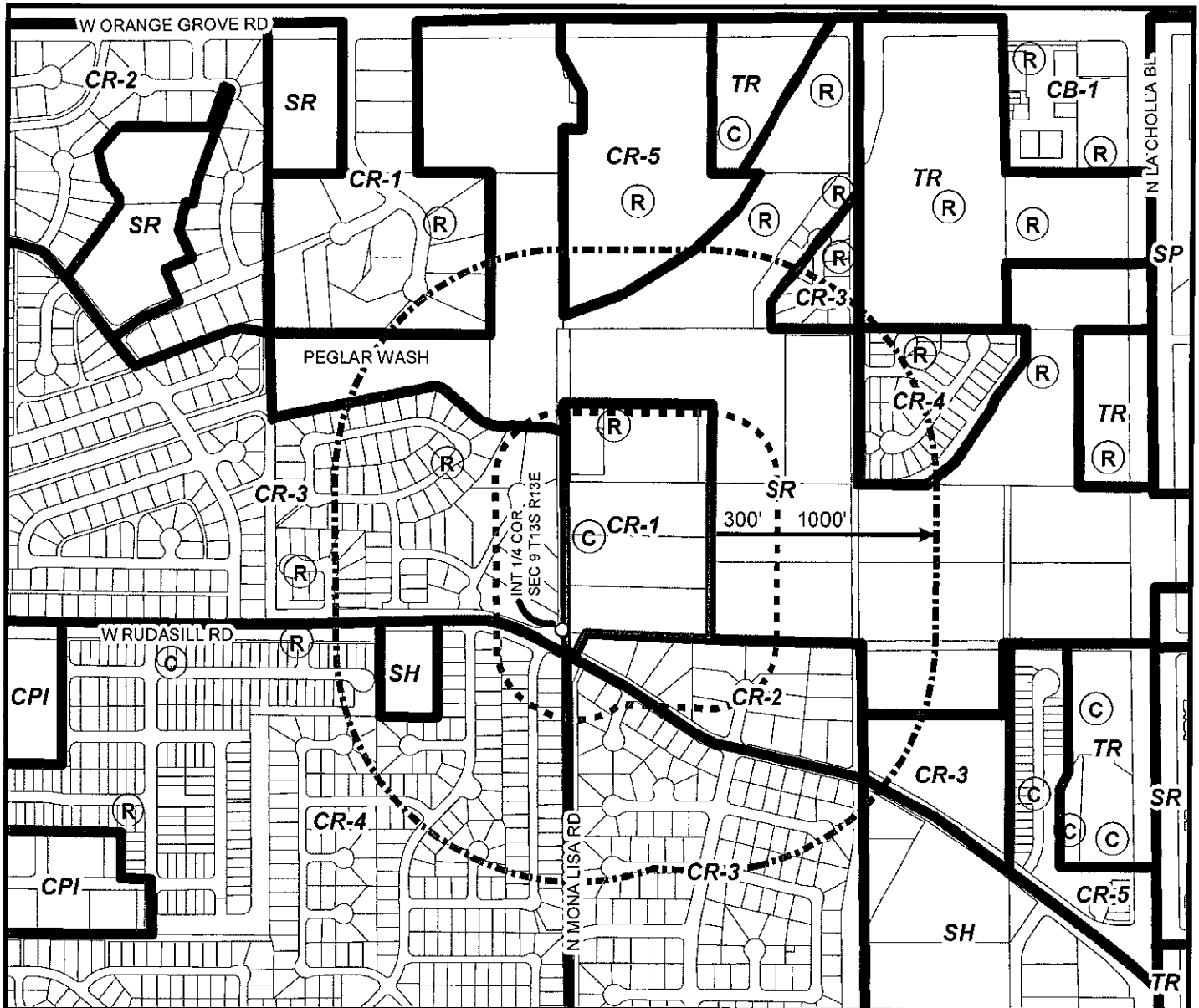


Case #: Co9-05-24

Case Name: CATALANO ET AL - MONA LISA ROAD REZONING

Tax Code(s): 101-09-012J, 101-09-012K, 101-09-012L, 101-12-032C

- 1000' Notification Area
- 300' Notification Area
- Zoning Boundary



0 285 570 1,140 Feet

Subject Property

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes: Rezoning Closure

PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)

Board of Supervisors Hearing: 4/2/19 (scheduled)

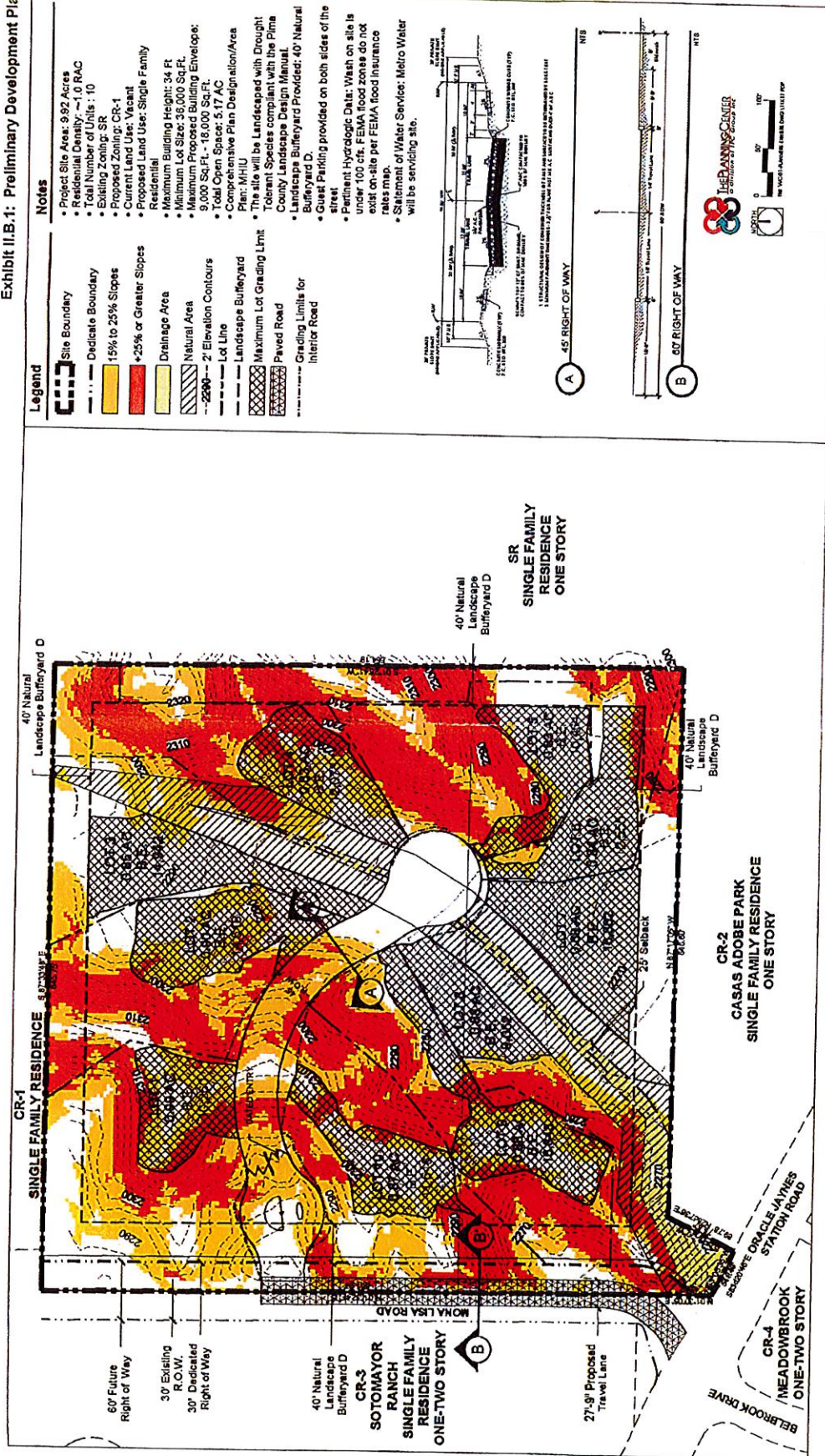
Base Map(s): 45, 76

Map Scale: 1:8,000

Map Date: 02/22/2019



Exhibit II.B.1: Preliminary Development Plan



1920 W. Cassim Ln.
Tucson, AZ 85704
520-400-4226
vince@vvcdesign.com

Date: January 28, 2019

Subject: Mona Lisa Rezoning Case Co9-05-24

Dear Terrill Tillman:

Stephen and Jennifer Nunn, and Vincent and Donna Catalano, the owners of parcels 101-09-12J, 101-09-12K, 101-12-032C and 101-0-012L have decided to not move forward with the rezoning process, Case #Co9-05-24 Mona Lisa. Please move forward and schedule this Case for closure to the Board of Supervisors. We are aware that the property will revert back to the original SR- Suburban Ranch zoning.

Please let us know if you have questions.

Thank you,


Vincent Catalano


Donna Catalano


Stephen Nunn


Jennifer Nunn

Excerpt from Pima Prospects FINAL (as adopted 2015)

Land Use Legend

The Land Use Intensity Legend is composed of a number of “urban/suburban”, “rural” land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

A. Urban/Suburban Intensity Categories

The following land use intensity categories shall be applied to designate planned land use within urban and suburban areas only:

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7. Medium Intensity Urban (MIU)

- a. Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.
- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – 5 RAC
 - 2) Maximum – 13 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - 1) Minimum – 5 RAC
 - 2) Maximum – 10 RAC.

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RESOLUTION 2016- 19

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.~~

- 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.

4110. 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
Cortaderia 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.

4312. 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.~~

4513. 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.

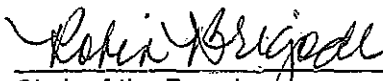
Section 2. Section 3 of Ordinance No. 2008-112 is amended and time limit extended as follows:

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 15th day of March, 2016.


Chair, Pima County Board of Supervisors

ATTEST:


Clerk of the Board

APPROVED AS TO FORM:

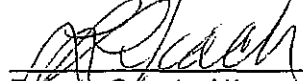
 1/20/16
Deputy County Attorney
Lesley M. Lukach

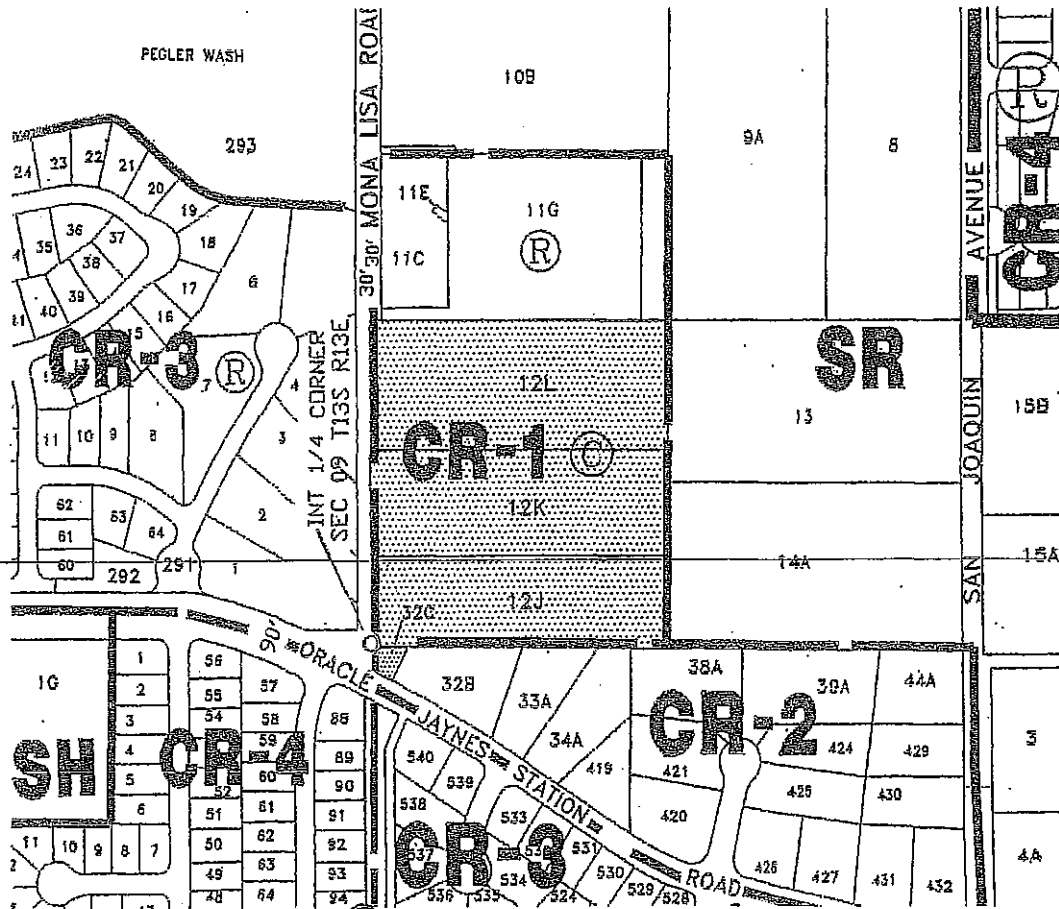
EXHIBIT A

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.



0 400'

ADOPTED DECEMBER 2, 2008 EFFECTIVE DECEMBER 2, 2008



[Handwritten signature]

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



Co9-05-24 Rezoning Time Extension Approval

29. Hearing - Rezoning Resolution

BOS Minutes 11-10-15

RESOLUTION NO. 2015 - 72, Co9-04-17, Lee Plaza L.C. - Valencia Road Rezoning. Owner: Mark Road L.C. (District 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

→ 30. Hearing - Co9-05-24 CATALANO, ET AL. - MONA LISA ROAD REZONING

A. Rezoning Closure

Proposal to close Co9-05-24, a 9.90-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) located on the northeast corner of Mona Lisa Road and Oracle Jaynes Station Road. The rezoning was conditionally approved in 2008 and expired on August 18, 2013. Staff recommends AGAINST CLOSURE. (District 1)

B. Rezoning Time Extension

Request of Catalano Family Revocable Trust, et al., for a five-year time extension for the above-referenced rezoning from SR (Suburban Ranch) to CR-1 (Single Residence). The subject site was rezoned in 2008. The rezoning expired on August 18, 2013. The site is approximately 9.90 acres located on the northeast corner of Mona Lisa Road and Oracle Jaynes Station Road. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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.~~
- ~~32.~~ 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.~~
 - 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
Cortaderia 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.

4312. 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.~~

4513. 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.

4614. 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)."

- 4715. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).
- 4816. Grading shall not exceed 8,000 square feet, excluding driveways, per lot.
- 4917. Building heights shall not exceed 24 feet.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and accept the recommendation against closure.

It was then moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension for Co9-05-24, subject to original and modified standard and special conditions.

TRANSPORTATION

31. Hearing - Traffic Resolution

RESOLUTION NO. 2015 - 74, of the Board of Supervisors, permitting the temporary closure of portions of Yucca Via in Pima County, Arizona, for the El Tour de Tucson on Saturday, November 21, 2015. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

32. Hearing - Traffic Resolution

RESOLUTION NO. 2015 - 75, of the Board of Supervisors, permitting the temporary closure of portions of Swan Road in Pima County, Arizona, for the El Tour de Tucson on Saturday, November 21, 2015. Staff recommends APPROVAL. (Districts 1, 3 and 4)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

32. Hearing - Traffic Resolution

RESOLUTION NO. 2015 - 76, of the Board of Supervisors, permitting the temporary closure of portions of Silverbell Road in Pima County, Arizona, for the El Tour de Tucson on Saturday, November 21, 2015. Staff recommends APPROVAL. (Districts 1 and 3)

Co9-05-24 Original Rezoning Approval BOS Minutes 8-18-08

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and failed by a 2-3 vote, Chairman Elias and Supervisors Bronson and Valadez voting "Nay," to close the public hearing and adopt Ordinance No. 2008-80.

24. DEVELOPMENT SERVICES: REZONING

Co9-07-02, PARK COMPANY OF ARIZONA, INC.-DUVAL MINE ROAD REZONING
Request of Park Company of Arizona, Inc., represented by Tierra Planning Services, for a rezoning of 53.00 acres from RH (Rural Homestead) to CR-4 (Mixed Dwelling Type), on property located on the south side of Duval Mine Road and on north side of the Camino Casa Verde alignment in Green Valley. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrilla was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

Tom Hudson, Acting Senior Planner, stated the applicant requested a continuance to allow time to clarify several technical issues and questions that have arisen.

Supervisor Carroll noted that the delay related to the Green Valley Community Water Company. The water supply assurance was of concern to area residents.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to continue the item to September 16, 2008.

→ 25. DEVELOPMENT SERVICES: REZONING

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

Request of Vincent and Donna Catalano and Stephen and Jennifer Nunn, represented by The Planning Center, for a rezoning of approximately 9.90 acres from SR (Suburban Ranch) to CR-1 (Single Residence), on property located on the west east side of Mona Lisa Road north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Gungle and Matter voting **NAY**, Commissioner Membrilla was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **DENIAL**. (District 1)

"Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan or subdivision plat 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 conditions:
 - A. The property owner(s)/developer(s) shall dedicate 30 feet 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 offsite improvements to Mona Lisa Road and Oracle Jaynes Station Road as determined necessary by Pima County Department of Transportation.
8. 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 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.
9. Wastewater Management 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.
10. Environmental Quality conditions:
- A. The owner(s)/developer(s), 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 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.
11. Natural Resources, Parks and Recreation condition:
- A. 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.
12. Environmental Planning condition:
- A. The developer 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.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven	Eragrostis spp.	Lovegrass (excluding
Alhagi pseudalhagi	Camelthorn	E. intermedia, plains lovegrass)	
Arundo donax	Giant reed	Melinis repens	Natal grass
Brassica tournefortii	Sahara mustard	Mesembryanthemum spp.	Iceplant
Bromus rubens	Red brome	Peganum harmala	African rue
Bromus tectorum	Cheatgrass	Pennisetum ciliare	Buffelgrass
Centaurea melitensis	Maia starthistle	Pennisetum setaceum	Fountain grass
Centaurea solstitialis	Yellow starthistle	Rhus lancea	African sumac
Cortaderia spp.	Pampas grass	Salsola spp.	Russian thistle
Cynodon dactylon	Bermuda grass	Schismus arabicus	Arabian grass
(excluding sod hybrid)		Schismus barbatus	Mediterranean grass
Digitaria spp.	Crabgrass	Sorghum halepense	Johnson grass
Elaeagnus angustifolia	Russian olive	Tamarix spp.	Tamarisk

13. Design conditions:
 - A. A minimum of 70 percent of all saguaros, greater than six feet in height, that 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% Natural Open Space required for that method shall include a minimum of 50% of the total of all saguaros within the subdivision and shall be configured to provide contiguous, large areas of 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. 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.
16. 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 to 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)."
17. Adherence to the preliminary development plan as approved at public hearing.
18. Grading shall not exceed 8,000 square feet, excluding driveways, per lot.
19. Building heights shall not exceed 24 feet."

Tom Hudson, Acting Senior Planner, stated that the published notice contained a typo in the site location. However, all maps and parcel numbers were correct. The number of residents would increase from 3 to 10. The only public comment was one letter of protest. The site was outside the Conservation Lands System. Adding Condition 18 did improve development conditions, made the site more compatible and helped mitigate impacts on vegetation, open space and drainage. Formal review and platting may result in approving fewer lots than the 10 in the submitted preliminary development plan.

In response to Supervisor Day's query about staff's denial, Mr. Hudson replied there was fragmented open space, drainage concerns and too many lots. Supervisor Day stated that the applicant addressed neighborhood concerns, agreed to mitigation and made concessions. She added that staff and some of the Commission preferred a cluster development, but neighbors opposed it.

Vince Catalano, owner/applicant, stated he worked through the process, hired engineers and a hydrologist, worked and continued to work with the neighbors, worked with Tucson Succulents Society and addressed each issue. He agreed to deal with retention. Chairman Elías asked if he would meet with staff to mitigate

items relevant to the denial. Mr. Catalano replied he tried to work with staff but some requests were insurmountable. He did not take their concerns lightly. He was a long-time active neighborhood resident. A 60-foot natural wildlife corridor runs through the site. Most of the hillside was undisturbed. Almost half the lot was untouched. Each property line has 40-foot buffers. Grading was very limited.

Arlan Colton, Planning Official, stated some items can be resolved through platting with additional conditions. Chairman Elías noted that although the site was urban, it was still vital to retain the integrity of the Sonoran Desert. Mr. Catalano agreed with Supervisor Day that he would go above and beyond zoning requirements. He verified for Chairman Elias that he would continue to work with staff.

The Chairman inquired whether anyone wished to be heard.

The following addressed the Board:
Michael Toney

Comments included the following:
The City and County both need open space.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to close the public hearing and approve Co9-07-02, as amended.

26. ~~DEVELOPMENT SERVICES: REZONING~~

~~Co9-07-27, NOSECK/DAVIS-CAMINO DOROTEA REZONING~~

~~Request of Ronald, Denise and Raymond Noseck and Michael Davis, represented by Psomas, for a rezoning of approximately 38.46 acres from RH (Rural Homestead) and approximately 12.6 acres from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to approximately 38.46 acres SR-2 (Suburban Ranch Estate) and approximately 12.6 acres SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone), on property located on the north side of the Camino Dorotea alignment and at the southern terminus of Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrilla was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)~~

~~"Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:~~

- ~~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 conditions:
The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.~~