



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 7, 2018

Title: P18RZ00001 Wong Family Limited Partnership - N. Thornydale Road Rezoning

Introduction/Background:

The Board of Supervisors approved this rezoning May 1, 2018.

Discussion:

The rezoning was for approximately 18.3 acres from the SR (Suburban Ranch) to the CB-1 (Local Business)(3.0 acres) and CR-5 (Multiple Residence)(15.3 acres) zones for a 18,000 square feet single-tenant commercial use and a 52-lot, single-family residential subdivision with approximately 3 acres of on-site natural open space and approximately 49 acres of off-site natural open space to meet the conservation guidelines of the Maeveen Marie Behan Conservation Lands System.

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

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

Department Director Signature/Date:  7/18/18

Deputy County Administrator Signature/Date:  7/20/18

County Administrator Signature/Date:  7/20/18



Subject: P18RZ00001

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FOR AUGUST 7, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official *Tom Drzazgowski*
Public Works-Development Services Department-Planning Division
DATE: July 18, 2018

ORDINANCE FOR ADOPTION

P18RZ00001 **WONG FAMILY LIMITED PARTNERSHIP - N. THORNYDALE ROAD REZONING**
Owners: Wong Family Limited Partnership
(District 1)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Wong Family Limited Partnership
Attn: Dan Wong
3855 N. Camino Blanco
Tucson, AZ 85718-7237

AGENT: Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749-9460

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

STAFF RECOMMENDATION: APPROVAL.

CP/TT/ar
Attachments

cc: P18RZ00001 File

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 18.3 ACRES OF PROPERTY (PARCEL CODES 225-02-027F, 225-02-027G and 225-02-027J) FROM THE SR (SUBURBAN RANCH) TO THE CB-1(LOCAL BUSINESS)(3.0 ACRES) AND CR-5 (MULTIPLE RESIDENCE)(15.3 ACRES) ZONES, IN CASE P18RZ00001 WONG FAMILY LIMITED PARTNERSHIP – N. THORNYDALE ROAD REZONING, LOCATED AT THE SOUTHEAST CORNER OF N. THORNYDALE ROAD AND W. OVERTON ROAD, AND AMENDING PIMA COUNTY ZONING MAP NO. 161.

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

Section 1. The 18.3 acres located at the southeast corner of N. Thornydale Road and W. Overton 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 CB-1(Local Business)(3.0 acres) and CR-5 (Multiple Residence)(15.3 acres) zones 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 property owner shall dedicate 45 feet of right-of-way for Thornydale Road, the right-of-way shall be dedicated to Pima County within 45 days of Board of Supervisors approval of the rezoning.
 - B. The property owner shall dedicate 15 feet of right-of-way for Overton Road.
 - C. The property is limited to two access points on Thornydale Road, and one access point on Overton Road.
 - D. An emergency access/pedestrian crossing shall be located between the rezoning site and Ironwood Meadows Drive.
 - E. The subdivision shall be designed to the greatest extent possible to create cohesive pedestrian access. The proposed detention basin on the eastern boundary of the property shall not be walled off from the neighboring subdivision.
3. Regional Flood Control District conditions:
 - A. The Tentative Plat shall show on-site habitat mitigation and first flush retention in the overbank floodplain area and shall be designed to utilize on-site drainage that is proposed to be received from the northern residential watershed shown on the PDP.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points including water harvesting to support the riparian habitat mitigation area.

4. Regional Wastewater Reclamation Department conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) 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(s) 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(s) 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(s) 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(s) 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(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.
5. Environmental Planning conditions:
 - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 52 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the Preliminary Development Plan (PDP) (Exhibit B), the property owner shall provide a minimum of four (4) acres of natural open space for every acre developed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 3 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total 52 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies found in Pima Prospers, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4 Environmental Element, Policy 11: "Conservation Lands System Mitigation Lands") and must 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) 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.

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 condition: 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.
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 May 1, 2023.

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 Chairman 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.

Chairman, 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

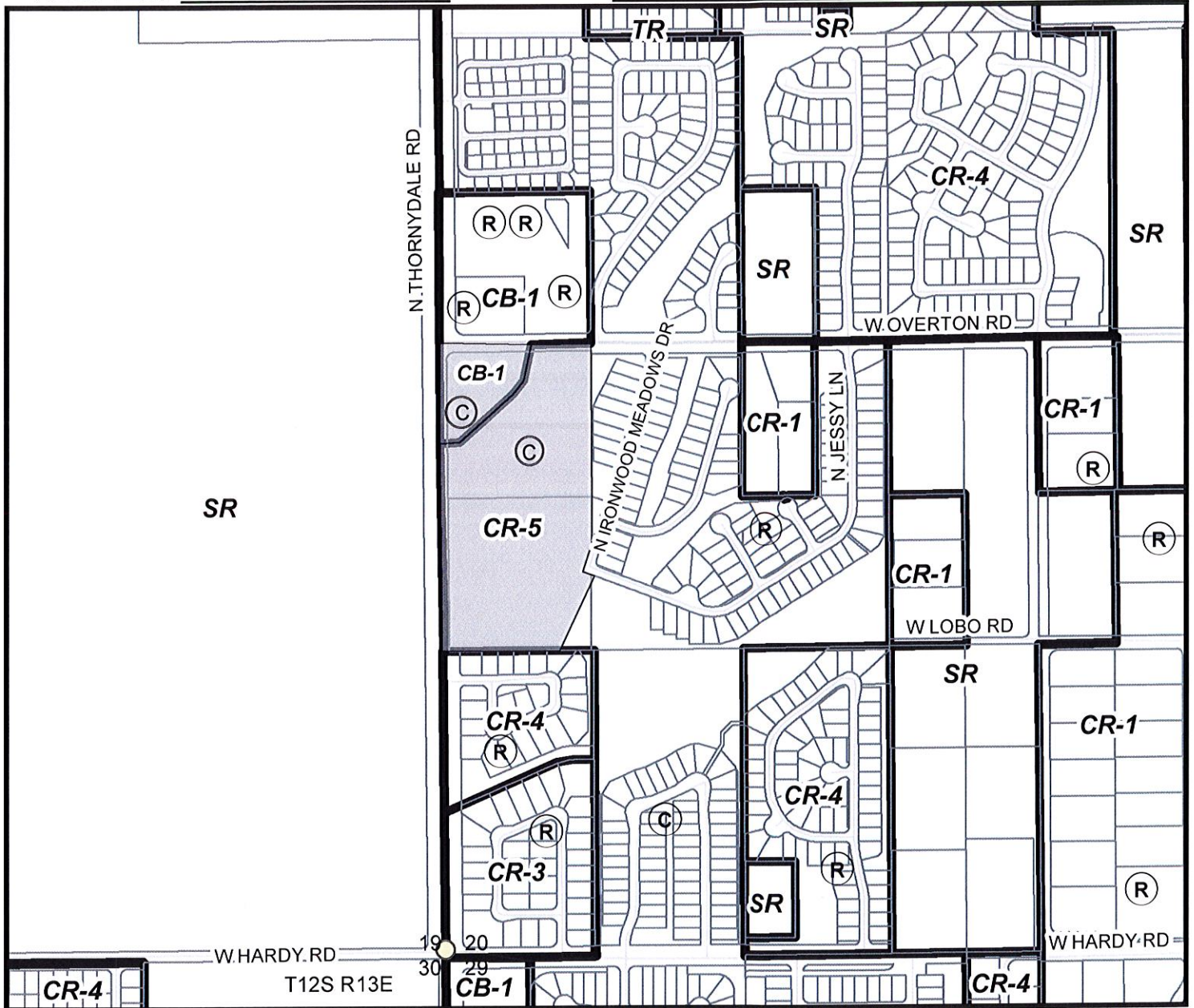
AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 161 TUCSON AZ. PARCEL 27F,
27J AND 27G BEING A PART OF THE NW 1/4 OF THE SW 1/4 OF SEC 20 T12S R13E.



0 165 330 660 Feet
[Scale bar with markings at 0, 165, 330, and 660 feet]

ADOPTED: _____

EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 18.03 ac
ds-June 19, 2018



P18RZ00001
22502027F, 27J, 27G

PROJECT AREA
 Overall Rezoning Site Area: 18.30 AC
 Site Area After R.O.W. Deductions: 16.80 AC

PROJECT PARTICULARS
 Existing Zoning: SR
 Comprehensive Plan Designations: NAC & MLIU
 Proposed Zoning: CB-1 & CR-5

PROPOSED USES
 AREA A: Commercial/Retail Use with an approximate gross floor area of 18,000 sf. The PDP layout presented here is conceptual in nature and subject to change and refinement at the time the final End-User/Tenant is identified. The intent of this rezoning and PDP is to depict a typical single-tenant commercial development.
 AREA B: A single-family detached residential subdivision containing approximately fifty-two (52) lots. Typical lot size is 50'x118'.

BUILDING HEIGHT
 AREA A: Maximum commercial building height is thirty-nine (39').
 AREA B: Maximum residential height is thirty-four (34'). Project will contain both 1-story and 2-story residences per market needs.

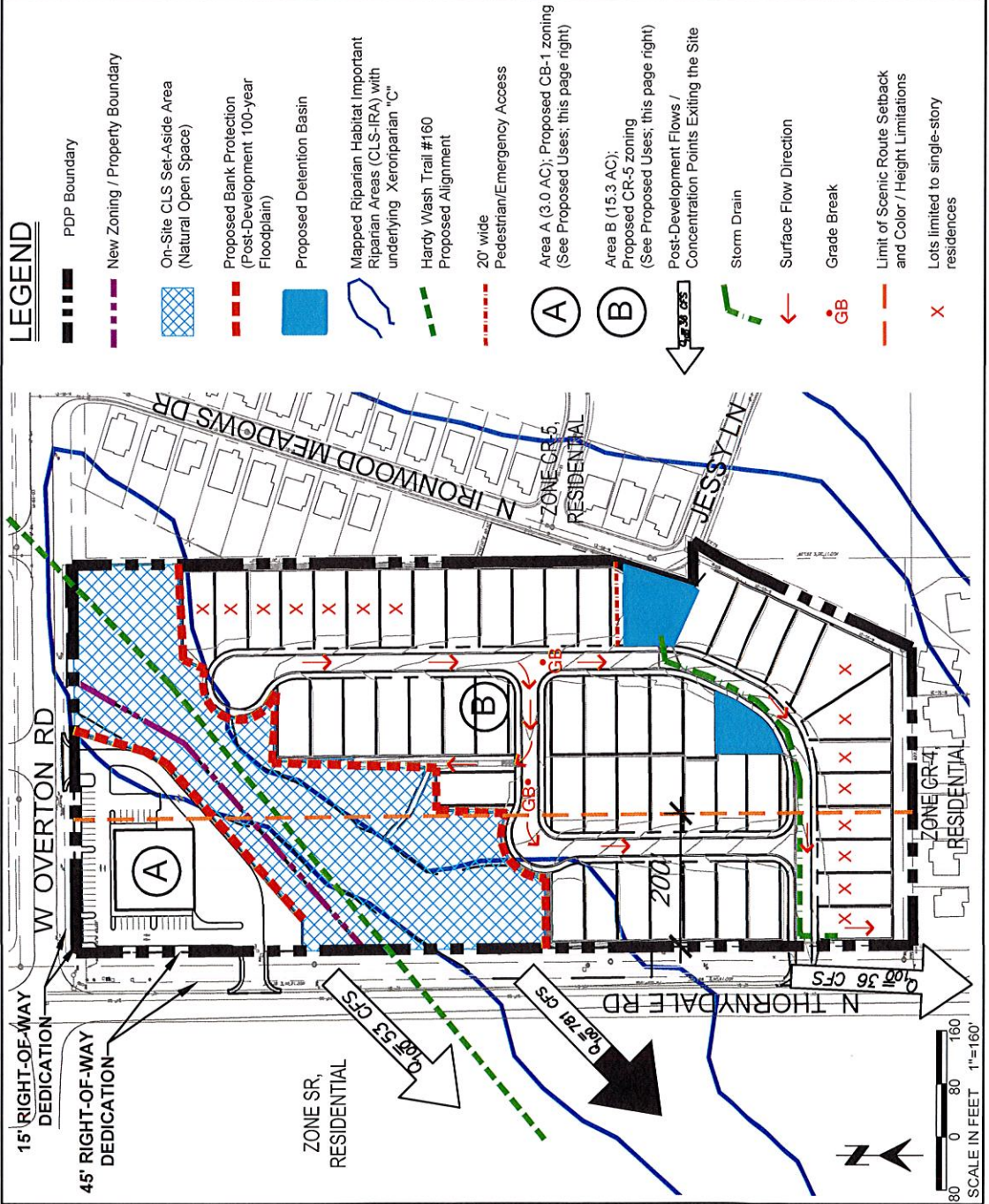
PARKING & LOADING
 Parking and loading will be in accordance with Section 18.75 (Parking & Loading Standards). Final design and compliance with same will be demonstrated at the time of future site development package (for commercial area) and residential subdivision plat review.

RESIDENTIAL SUBDIVISION PUBLIC STREETS
 Proposed Right-of-Way Width: 45'
 Travel Lanes: Minimum Two (2) 12' Lanes
 Curbing: 2' Wedge Curbs on both sides
 Sidewalks: 5' Sidewalks on both sides
 On-Street Parking: Allowed both sides

CONSERVATION LANDS SYSTEM (CLS) PARTICULARS
 Total Natural Open Space provided on-site: Minimum 3.0 AC

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

EXHIBIT B
 PRELIMINARY DEVELOPMENT PLAN
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Thornydale/Overton
 SEC THORNYDALE ROAD at OVERTON ROAD
 (Ownership Entity: Wong Family Limited Partnership)
 REZONING: SR to CR-5 & CB-1

PROJECTS INTERNATIONAL, Inc.
 STRATEGIC GUIDANCE
 ENTITLEMENT PROCESSES
 LOCAL ADVICE & COUNSEL

GRS
 LANDSCAPE ARCHITECT'S, LLC

ALLIANCE
 ENGINEERING, PC
 CIVIL ENGINEERING