



Subject: Co9-13-16

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FOR NOVEMBER 18, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Public Works-Development Services Department-Planning Division

DATE: November 5, 2014

ORDINANCE FOR ADOPTION

Co9-13-16 SABINO CANYON ROAD PROPERTIES, LLC – SABINO CANYON ROAD REZONING

Owner: Alta Vista Communities Sabino – River East, LLC
(District 1)

If approved, adopt ORDINANCE NO. 2014 - _____

OWNERS: Alta Vista Communities Sabino – River East, LLC
700 E. Broadway Blvd., Ste. 200
Tucson, AZ 85719-5784

AGENT: STAR Consulting, Inc.
Attn: Erin Harris
5405 E. Placita Hayuco
Tucson, AZ Tucson, AZ 85718

DISTRICT: 1

STAFF CONTACT: David Petersen

CP/DP/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-13-16 File

ORDINANCE 2014-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 114-33-002G) IN CASE Co9-13-16 SABINO CANYON ROAD PROPERTIES, LLC – SABINO CANYON ROAD REZONING OF APPROXIMATELY 15.14 ACRES FROM SR (SUBURBAN RANCH) TO CR-4 (MIXED-DWELLING TYPE), LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF SABINO CANYON ROAD AND CLOUD ROAD, AMENDING PIMA COUNTY ZONING MAP NO. 26.

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

Section 1. The 15.14 acres located at the northeast corner of Sabino Canyon Road and Cloud Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 26, is rezoned from SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

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:
 - A. A Traffic Impact Study shall be submitted to Pima County Department of Transportation for review and approval. Off-site improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.

- B. Access onto Cloud Road shall be egress only unless the Traffic Impact Study determines that full ingress and egress is necessary and feasible.
- C. Access onto Sabino Canyon Road shall be right-in right-out as shown on the preliminary development plan.
- D. A paved trail shall be provided along Sabino Canyon Road and Cloud Road as shown on the preliminary development plan.
- E. Improvements to the existing bus stop on Cloud Road shall be provided including a bench and shade structure, provided bus or shuttle service is maintained along Cloud Road and the bus stop still exists at the time of development.

8. Flood Control conditions:

- A. Prior to development, the property owner shall submit to the Pima County Flood Regional Control District for review and approval: a drainage report (including Hydraulic Analysis and Erosion Hazard Setback Reduction Analysis) that addresses the impacts of development to local area drainage and to determine maximum encroachment limits, building sites, elevations, and setbacks.
- B. Development shall provide on-site retention/detention, including retention of the first flush or $\frac{1}{2}$ inch of rainfall from all impervious and disturbed surfaces including parking lots and rooftops in surface water harvesting basins to support landscaping. Should this requirement conflict with desired development density, the use of permeable pavements should be considered to reduce the impervious area.
- C. Underground cisterns shall be designed to provide infiltration and shall meet maximum disposal times.
- D. 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 at the time of development.

9. Wastewater Reclamation conditions:

- 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/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 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.

10. Natural Resources, Parks and Recreation conditions:

- A. Provision of a minimum 10-foot trail corridor along the eastern property line measured from the inside of the block wall inward.
- B. Locate a four-foot decomposed granite path within the north, south, and west bufferyards.
- C. The bufferyard along Sabino Canyon Road shall vary from 20 to 30 feet in width.

11. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.

12. Along the Sabino Canyon Road frontage, no more than three successive units in a row shall have the same building setback and the differences in setback transition shall be a minimum of 10 feet.

13. Diversity of the external architectural features, materials, and color palate of dwellings shall remain for the life of the project. The external architectural features, materials, and color palate shall be those, or similar to those, described and shown on pages 104 -108 of the site analysis. Changes to these external elements shall be approved by the Planning Director. The Planning Director's decision is appealable to the Design Review Committee.

14. Mechanical equipment on roofs shall be screened through use of parapet walls on the building elevations.

15. Individual trash enclosures shall be partially located below grade. The depressed trash enclosures shall be screened with vegetation and painted to match the colors of dwellings. Large trash bins, if any, shall be fully screened.

16. The property owner shall execute and record the following disclaimer regarding Prop 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)."

17. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.
18. 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.
19. There shall be a maximum of 130 one-story homes each containing 1,244 square feet.
20. Homes shall be depicted as shown on the exhibit (Exhibit C) as presented at public hearing including earth tone color with two additional highlight colors and a small amount of stone façade.
21. The setback for units 83-101 (58-77 on the revised preliminary development plan) shall be a minimum of fifty feet from the eastern property line. The landscaping, path, screening wall and channel as depicted on the preliminary development plan shall be located within the setback.
22. The perimeter walls shall be a combination of masonry split block and wrought iron capped and staggered with no long straight runs and shall be five feet high on the north, south, and west perimeters and six feet high on the east perimeter.
23. There shall be no "For Rent" signs placed along Cloud Road or Knollwood Drive.
24. Approximately 40% of homes will have a garage space available for rent (a minimum of 52 garage spaces) and nearly half of those will be two-car garages.
25. The outside perimeter landscaping will use some existing trees, with additional native trees spaced so that once grown, they will provide a nearly continuous canopy.
26. Within the Bufferyard C along the eastern boundary the split faced block masonry wall shall be constructed with the decorative or rough side of the block facing east. The masonry wall will vary in alignment between five feet and six feet west of the property line with decorative columns placed at an average spacing of 200 feet. The five-foot to six-foot landscape area east of the wall shall be planted with a variety of drought tolerant vegetation and a minimum of one 24-inch boxed tree directly west of each of Lots 9 through 13 of Sabino Vista No. 1 as recorded in Book 16 at Page 70.

27. Additional trees shall be provided in the channel area, outside of the bufferyard, east of the proposed dwellings to provided additional screening. The additional trees shall be a minimum size of 15 gallon and shall be provided at a rate of one tree per proposed dwelling.
28. Buildings shall be limited to one-story and a maximum of 16 feet in height.
29. A revised preliminary development plan, acceptable to the Development Services Department Planning Director as meeting all conditions, shall be submitted prior to scheduling the conditional rezoning ordinance for adoption by the Board of Supervisors.

Section 3. Time limits of conditions. Conditions 1 through 29 of Section 2 shall be completed no later than May 6, 2019.

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.

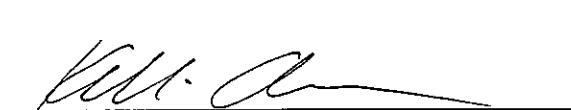
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2014.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:



Kelli A.

Deputy County Attorney

Approved:



A.W. McCall

Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 26 TUCSON, AZ.
 PORTION OF BLOCKS 1, 2, 3, 4 & ABANDON ROADS OF
 RIVERVIEW ESTATES BEING A PART OF THE SW 1/4
 OF SEC 29, T13S R15E.



ADOPTED _____ EFFECTIVE _____

0 600'

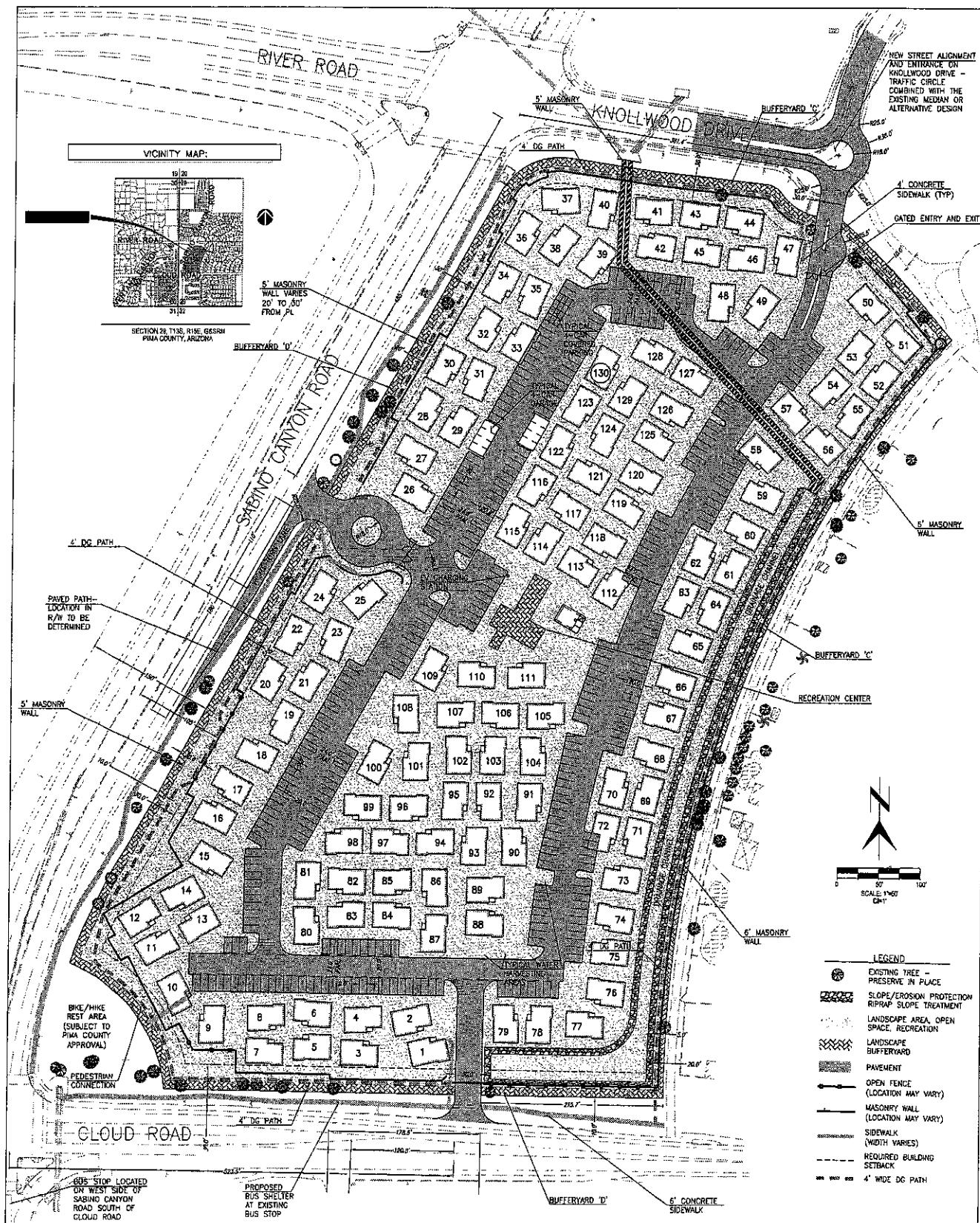


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 15.14 ac±
 ds-SEPTEMBER 4, 2014

CO9-13-16
 114-33-002G
 BK 9 PG 117

EXHIBIT B



Co9-13-16 PDP Approved by BOS 5-16-14. N.P.



**AVILLA SABINO EAST
PREFERRED APARTMENT
BUILDERS**

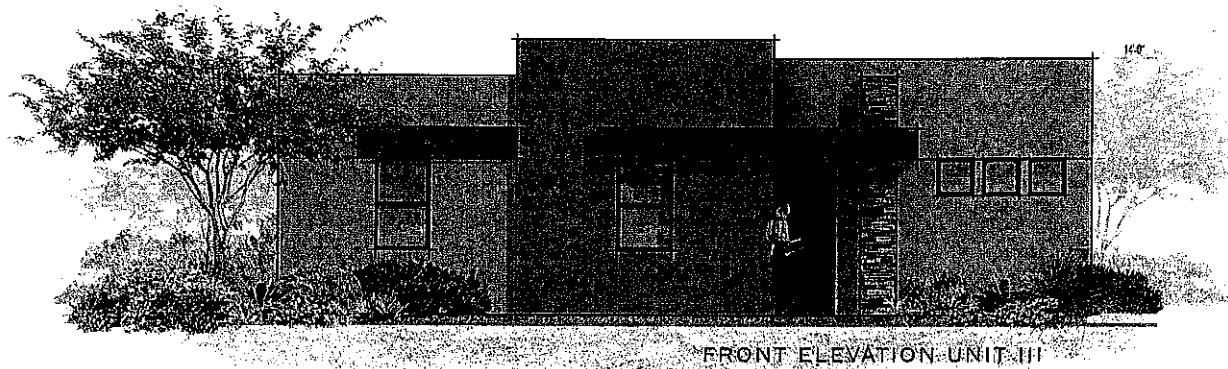
PRELIMINARY SITE PLAN
130 UNITS



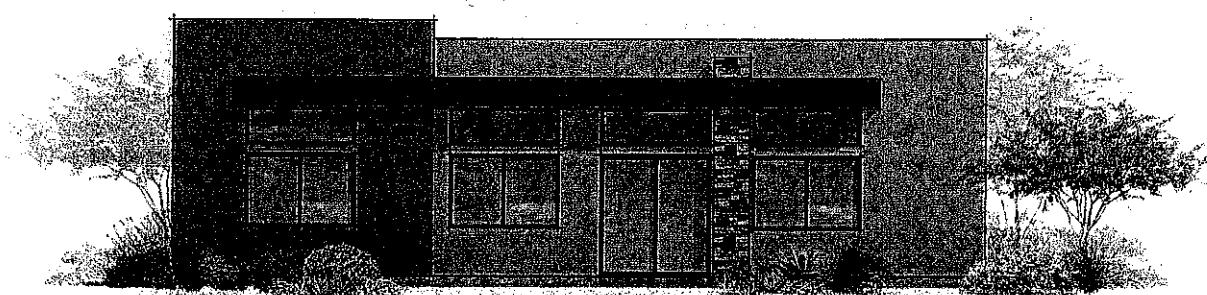
No: DATE: REVISIONS:

DATE: 04/26/14

EXHIBIT C



FRONT ELEVATION UNIT III



REAR ELEVATION UNIT III

Co9-13-16
Exhibit presented at BOS Hearing 5-6-14 D.P. Page 8 of 8