



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 19, 2016

Title: Co9-15-02 PRF3, LLC – W. BRIAR ROSE LANE REZONING

Introduction/Background:

The Board of Supervisor's approved this rezoning on September 15, 2015.

Discussion:

The rezoning was for 9.79 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type) zone for development a 34-lot subdivision located west of W. Briar Rose Lane, approximately 1,200 feet east of Thornydale Road and 400 feet south of W. Linda Vista Boulevard.

Conclusion:

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

Recommendation:

Staff recommends that the Board of Supervisors approve this Ordinance.

Fiscal Impact:

0

Board of Supervisor District:

- 1 2 3 4 5 All

Department: Development Services - Planning Telephone: 724-9000

Department Director Signature/Date: *[Signature]* 12/23/2015

Deputy County Administrator Signature/Date: *[Signature]* 12/30/15

County Administrator Signature/Date: *[Signature]* 12/31/15



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-15-02

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FOR JANUARY 19, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services Department-Planning Division
DATE: December 28, 2015

ORDINANCE FOR ADOPTION

Co9-15-02 **PRF3, LLC – W. BRIAR ROSE LANE REZONING**
Owner: PRF3, LLC
(District 1)

If approved, adopt ORDINANCE NO. 2016- _____

OWNER: PRF3, LLC
5760 E. Territory Avenue
Tucson, AZ 85750-1801

AGENT: MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85710

DISTRICT: 1

STAFF CONTACT: David Petersen

CP/DP/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-15-02 File

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 9.79 ACRES OF PROPERTY, LOCATED WEST OF W. BRIAR ROSE LANE, ON THE NORTH SIDE OF THE W. FREER DRIVE ALIGNMENT, APPROXIMATELY 1,200 FEET EAST OF N. THORNYDALE ROAD AND 400 FEET SOUTH OF W. LINDA VISTA BOULEVARD, FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE Co9-15-02 PRF3, LLC – W. BRIAR ROSE LANE REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 161.

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

Section 1. The 9.79 acres located west of W. Briar Rose Lane, on the north side of the W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard 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) zone to the CR-4 (Mixed-Dwelling Type) zone 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 the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation Conditions:
 - A. The property shall be served by one access point built at Briar Road Lane as shown on the preliminary development plan.

- B. Briar Road Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.
7. Flood Control conditions:
- A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
 - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
8. 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.
9. Environmental Planning conditions:

- A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
- B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - b. Vegetation community type (s);
 - c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - d. Surface water or unique landforms such as rock outcrops;
 - e. Contribution to landscape connectivity; and
- C. 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. 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:

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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

10. Adherence to the preliminary development plan as approved at public hearing (Exhibit B).
11. 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(I)."
13. 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.
14. All saguaros 14 feet in height or less and all ironwood trees meeting the transplanting criteria of the Zoning Code Chapter 18.72 Native Plant Preservation Ordinance and the Native Plant Preservation Manual shall be preserved in place or salvaged and transplanted on-site where practicable. For saguaros and ironwood trees that cannot be transplanted on-site, at the time of grading the property owner/developer shall move and plant a maximum of 10 saguaros and move 10 ironwood trees to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site movement of saguaros and ironwood trees. Off-site movements of saguaros and ironwood trees shall not occur prior to approval of the Native Plant Preservation Plan.
15. The property owner/developer shall move a maximum of 10 palo verde trees at the time of grading to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site palo verde tree movements. Off-site movements of palo verde trees shall not occur prior to approval of the Native Plant Preservation Plan.
16. Prior to grading of the site, the property owner/developer shall provide written notification to and sufficient time for Tucson Audubon Society and Tucson Cactus and Succulent

Society to salvage vegetation on-site that is not identified for preservation or transplanting on the Native Plant Preservation Plan. Pima County shall be copied on the written notification(s).

17. Lots numbers 1, 3, 5, 7, 14, and 15 as depicted on the preliminary development plan shall be limited to one-story construction.

Section 3. Time limits of conditions. Conditions 1 through 17 of Section 2 shall be completed no later than September 15, 2020.

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 _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:



Michael LeBlanc
Deputy County Attorney

Approved:



Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 161 TUCSON AZ.
PARCELS 4P, 4Q, AND 4V BEING A PART OF THE N 1/2 OF THE NW 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 9.79 ac ±
ds-October 15, 2015



Co9-15-02
Co7-14-01
Co7-13-10 (IR-8)
225-02-004P, 4Q, 4V
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