

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 19, 2016

Title: P15RZ00005 Pacific International Properties, LLP - N Thornydale Road Rezoning

Introduction/Background:

The Board of Supervisors approved the proposed rezoning on January 19, 2016.

Discussion:

The 55 acres located at the northwest corner of N. Thornydale Road and W. Cortaro Farms Road will be rezoned from SR zone to CB-1 and SR (restricted) zones, with about 9 acres of commercial zoning and 46 acres of natural open space, respectively.

Conclusion:

The Ordinance memorializes the Board of Supervisors' action on the rezoning.

Recommendation:

Staff recommends APPROVAL of the rezoning Ordinance.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: Mark A. Miller March 24, 2016 (for C. Poirier)

Deputy County Administrator Signature/Date: [Signature] (Sent 4/4/16)

County Administrator Signature/Date: C. Poirier 4/4/16



PIMA COUNTY
DEVELOPMENT SERVICES

Subject: P15RZ00005

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FOR APRIL 5, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official *MH (for CP)*
Public Works-Development Services Department-Planning Division
DATE: March 14, 2016

ORDINANCE FOR ADOPTION

**P15RZ00005 PACIFIC INTERNATIONAL PROPERTIES, LLP – NORTH THORNYDALE
ROAD REZONING**

Owner: Pacific International Properties, LLP
(District 1)

If approved, adopt ORDINANCE NO. 2016- _____

OWNER: Pacific International Properties, LLP
Attn: Lawrence C. Lueng, Inc.
8710 N. Thornydale Road, Ste. 120
Tucson, AZ 85742-5032

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

DISTRICT: 1

STAFF CONTACT: Mark Holden

CP/MH/ar
Attachments

cc: P15RZ00005 File

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 55 ACRES OF PROPERTY, LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF N. THORNYDALE ROAD AND W. CORTARO FARMS ROAD, REZONING APPROXIMATELY 8.19 ACRES FROM THE SR (SUBURBAN RANCH) ZONE TO THE CB-1 (LOCAL BUSINESS) ZONE, AND APPROXIMATELY 46.7 ACRES FROM THE SR (SUBURBAN RANCH) ZONE TO THE SR® (SUBURBAN RANCH-RESTRICTED) ZONE IN CASE P15RZ00005 PACIFIC PROPERTIES INTERNATIONAL, LLP – N. THORNYDALE ROAD REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 114.

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

Section 1. The approximately 55 acres located at the northwest corner of the intersection of N. Thornydale Road and W. Cortaro Farms Road and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 114, is rezoned from the SR (Suburban Ranch) zone to the CB-1 (Local Business) zone for approximately 8.19 acres and the SR® (Suburban Ranch-Restricted) zone for approximately 46.7 acres subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The owner shall:
 - A. Submittal of a development plan if determined necessary by the appropriate County agencies.
 - B. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provision of development related assurances as required by the appropriate agencies.
 - D. 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.
2. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
3. Transportation conditions:
 - A. The property is limited to 3 access points as depicted on the preliminary development plan.
 - B. The property owner / developer shall dedicate 45 feet of right-of-way for Cortaro Farms Road within six (6) months of Board of Supervisors approval.

- C. The property owner / developer shall dedicate 45 feet of right-of-way for Thornydale Road within six (6) months of Board of Supervisors approval.
 - D. No building permit final inspections shall be approved or certificates of occupancy issued prior to completion of construction of the Thornydale Road and Cortaro Farms Road improvements, or entering into an acceptable Development Agreement with the Department of Transportation.
4. Flood Control conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. Post development floodplain and Pima County Regulated Riparian Habitat shall be contained in permanently protected on-site Natural Open Space identified for the rezoning site under Maeveen Marie Behan Conservation Lands System conservation guidelines and shall be identified on the development plan.
 - C. 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 Plan shall be submitted to the District for review and approval at the time of development.
5. 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 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.

6. Environmental Planning conditions:

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 46 acres on-site as Natural Open Space (NOS). Prior to the approval of the Development Plan, the 46-acre on-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

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

- C. The property owner/developer shall provide safeguards for the natural open space parcel as follows:
- 1) Light standards shall be located and fixtures shall be oriented so as to allow no light scatter onto the adjacent open space parcel.
 - 2) The western and northwestern boundary of the commercial development shall be buffered from the on-site natural open space. Buffering will employ techniques and materials suitable for mitigating noise and discouraging wildlife access to the commercial development; suitable buffering techniques and materials may include, but are not limited to, structures, natural materials, wildlife-exclusionary fencing, or vegetative screening. Suitable buffering techniques and materials will be authorized by the Planning Official in consultation with the Office of Sustainability and Conservation prior to approval of the development plan.
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. 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)."
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

Section 3. Time limits of conditions. Conditions 1 through 9 of Section 2 shall be completed no later than January 19, 2021.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day
of _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:


Clerk, Board of Supervisors

Approved As To Form:

 2/18/16

Deputy County Attorney
Lesley M. Lukach

Approved:

 March 24, 2016

Executive Secretary,
Planning and Zoning Commission
(for C. Poirier)

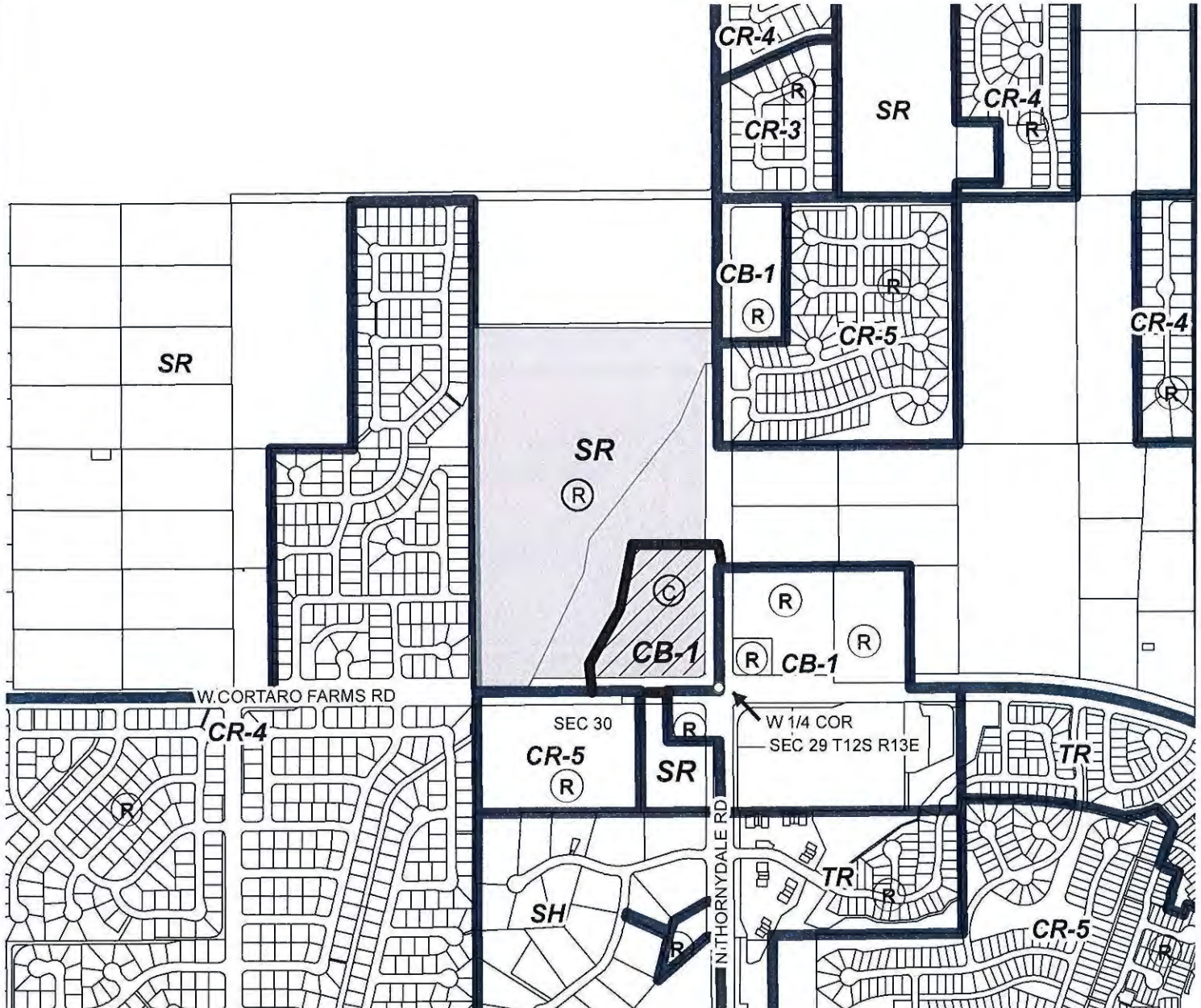
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 114 TUCSON AZ.
PARCELS 32A & 33D BEING A PART OF THE SE 1/4 OF THE NE 1/4
OF SEC. 30 T12S R13E.



0 205 410 820 Feet
[Scale bar with markings at 0, 205, 410, and 820 feet]

ADOPTED: _____ EFFECTIVE: _____



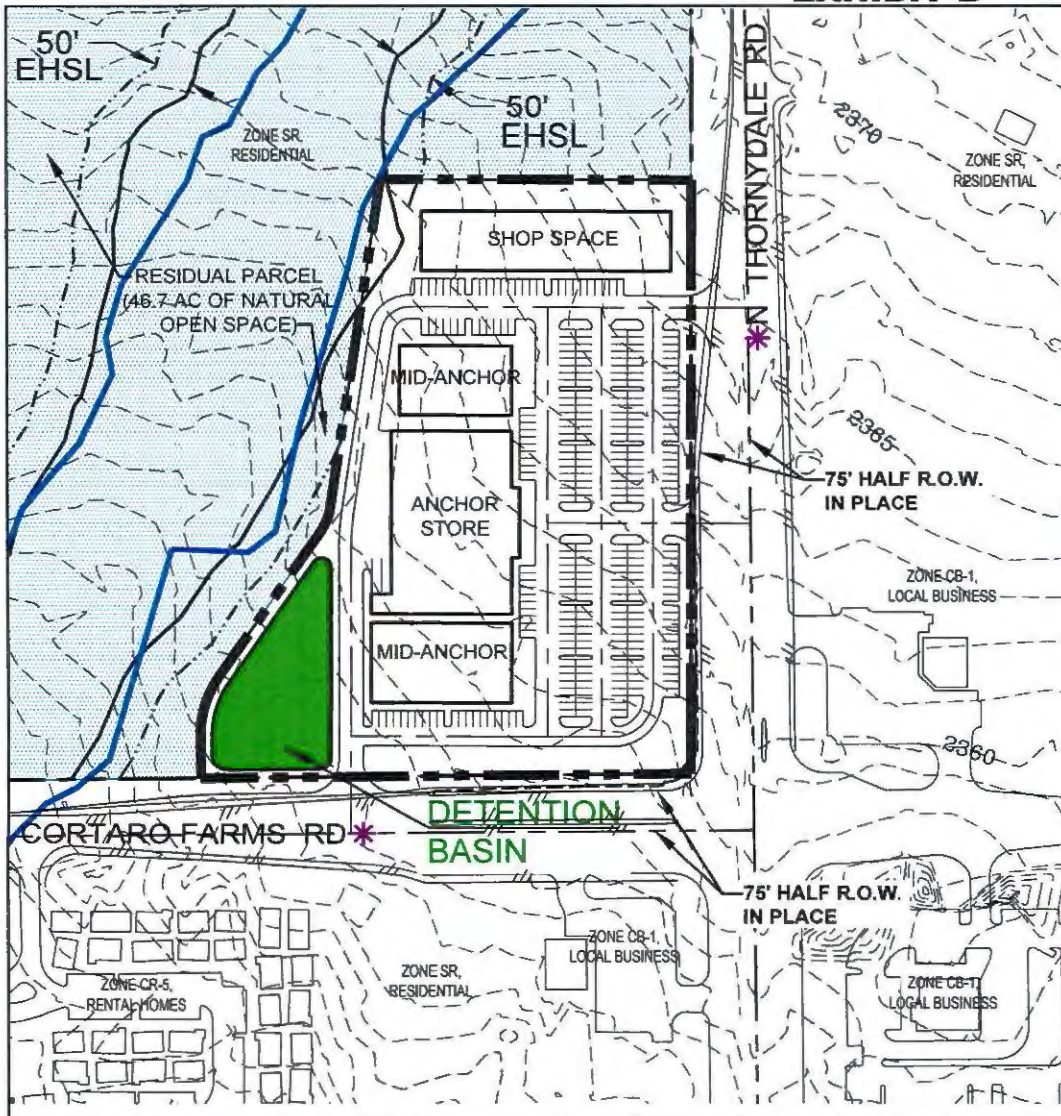
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 55.0 ac±
ds-February 17, 2016



P15RZ00005
Co7-00-20
225-33-032A & 225-33-033D

EXHIBIT B



LEGEND

- PDP Boundary & Limit of Rezoning Parcel
- Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- Approximate 100-Year Post-Development Floodplain Limit
- Erosion Hazard Setback Limit
- Detention Basin
- Edge of Existing Street Pavement
- Mapped Riparian Habitat - Xeroriparian "C"

NOTES:

The entire subject property is shown on RFCO Flood Hazard maps as a sheet flow zone with an average depth of 0.5 feet.

- * Thornydale Road and Cortaro Farms Road are designated Major Streets and Scenic Routes.

75 0 75 150
SCALE IN FEET 1"=150'

PROJECT AREA

Overall/Original Subject Property: 54.9 AC (Approximate)
Rezoning Parcel: 8.2 AC (Approximate)
Residual Parcel: 46.7 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning: SR
Proposed Zoning of Rezoning Parcel: CB-1
Proposed Zoning of Residual Parcel: SR (No Change)
Comprehensive Plan Designation (Rezone Parcel): NAC
Comprehensive Plan Designation (Residual Parcel): MIU

PROPOSED USE (REZONING PARCEL)

A Commercial Shopping Center containing a primary anchor, supporting mid-size/junior anchors and shop space. Total Retail Area is estimated at approximately 102,000 sf.

NOTE: The PDP layout presented here is conceptual in nature and subject to change and refinement at the time actual anchors and tenants emerge. The intent of this rezoning and PDP is to depict a conventional anchored shopping center with accompanying and supporting retail uses and complimentary neighborhood services.

PROPOSED USE (RESIDUAL/REMAINING PARCEL)

The remaining 46.7 ac of the original subject property lying outside of the rezoning parcel shall remain as Natural Open Space.

BUILDING HEIGHT

Maximum 39' Permitted. Proposed commercial buildings will be at or below this prescribed CB-1 height.

PARKING & LOADING

Parking will be in accordance with Sec. 18.75, Parking & Loading Standards. Final design and compliance with same will be demonstrated at the time of Site Development Package review.

BUFFER YARDS

Bufferyard "D" required along north and west boundaries, and along Thornydale and Cortaro frontages.

CONSERVATION LANDS SYSTEM (CLS)

On-Site Natural Open Space on Rezoning Parcel: 0.0 AC
On-Site Natural Open Space on Residual Parcel: 46.7 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
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