



Board of Supervisors Memorandum

Subject: Co9-12-05

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FOR APRIL 1, 2014 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: March 19, 2014

ORDINANCE FOR ADOPTION

Co9-12-05 **SABINO CANYON GATEWAY LLC – SABINO CANYON ROAD REZONING**
Owner: Sabino Canyon Gateway LLC
(District 1)

If approved, adopt ORDINANCE NO. 2014 - _____

OWNER: Sabino Canyon Gateway LLC
574 Newark Avenue
Jersey City, NJ 07306-2323

AGENT: Star Consulting of AZ, Inc.
5405 E. Placita Hayuco
Tucson, AZ 85718-4645

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

CP/TT/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-12-05 File

ORDINANCE 2014-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 114-33-002E) IN CASE **Co9-12-05 SABINO CANYON GATEWAY LLC – SABINO CANYON ROAD REZONING** OF APPROXIMATELY 5.91 ACRES FROM SR (SUBURBAN RANCH) TO CR-4 (MIXED-DWELLING TYPE), LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF RIVER ROAD AND SABINO CANYON ROAD, AMENDING PIMA COUNTY ZONING MAP NO. 26.

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

Section 1. The 5.91 acres, located on the southwest corner of the intersection of River Road and Sabino Canyon Road, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No. 26 is hereby rezoned from SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type).

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. Offsite improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.
 - B. The property owner/developer shall provide a paved trail along the Sabino Canyon and River Road frontages.
 - C. Internal pedestrian access shall be provided.
 - D. A slip-lane to allow access to the site from northbound Sabino Canyon Traffic and a right turn deceleration lane for southbound Sabino Canyon Traffic shall be provided by the property owner/developer.
8. Flood Control conditions:
 - A. Drainage design, including underground cisterns and public drainage connections, must meet the requirements in place at the time the development plan is submitted.
 - B. A final Integrated Water Management Plan shall be approved prior to approval of a development plan.
9. Environmental Quality condition:

Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Wastewater Management 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.

11. Office of Sustainability and Conservation condition:

Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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. In the event that cultural resources are revealed during ground-disturbing activities, all construction shall cease, and consultation shall be initiated with Arizona State Museum (ASM) to assess the potential significance of any unearthed materials (ARS §41-841). If human skeletal remains or funerary objects are discovered, ASM will be contacted immediately (ARS §41-865 & §41-844).

12. Environmental Planning Condition:

Upon the effective date of the rezoning ordinance associated with this rezoning, 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 current any future 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.

13. Fifty three (53) units are the maximum number allowed on the subject rezoning site. The number of units shall be adjusted, if necessary, to comply with the Pima County Code.
14. Adherence to the preliminary development plan (EXHIBIT B), as approved at public hearing.
15. Building heights shall not exceed 24 feet.
16. 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.
17. 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 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)."

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 17 shall be completed by July 2, 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 Ordinance until all conditions 1 through 17 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.

Section 4. The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

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


Chair of the Board of Supervisors

ATTEST:

Clerk, Board of Supervisors



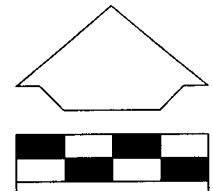
Deputy County Attorney
ANDREW FLAGG



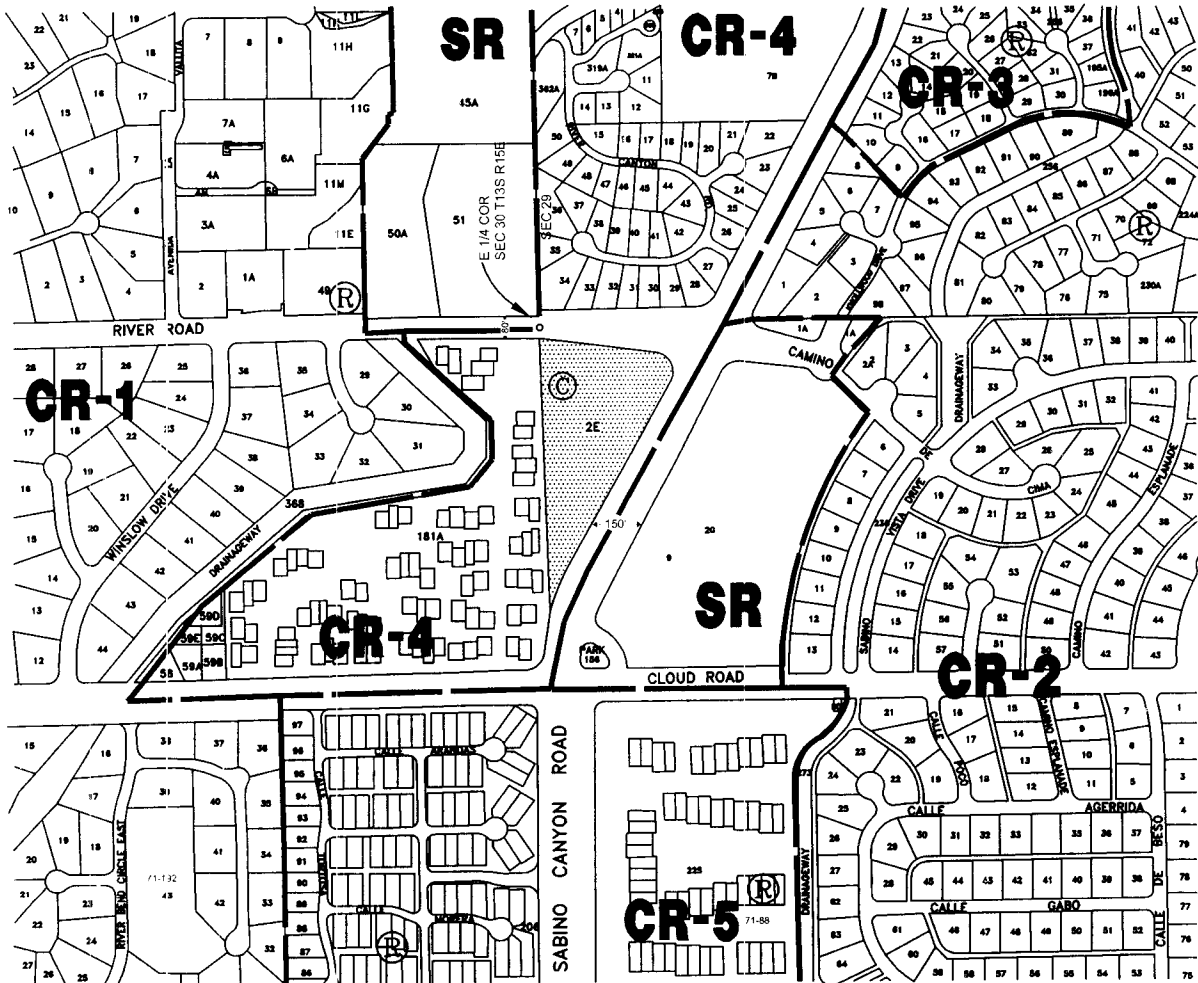
Executive Secretary,
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 26 TUCSON, AZ.
 BUSINESS AREA PORTION OF RIVER VIEW ESTATES
 BEING A PART OF SEC. 29, T13S R15E.



ADOPTED _____ EFFECTIVE _____

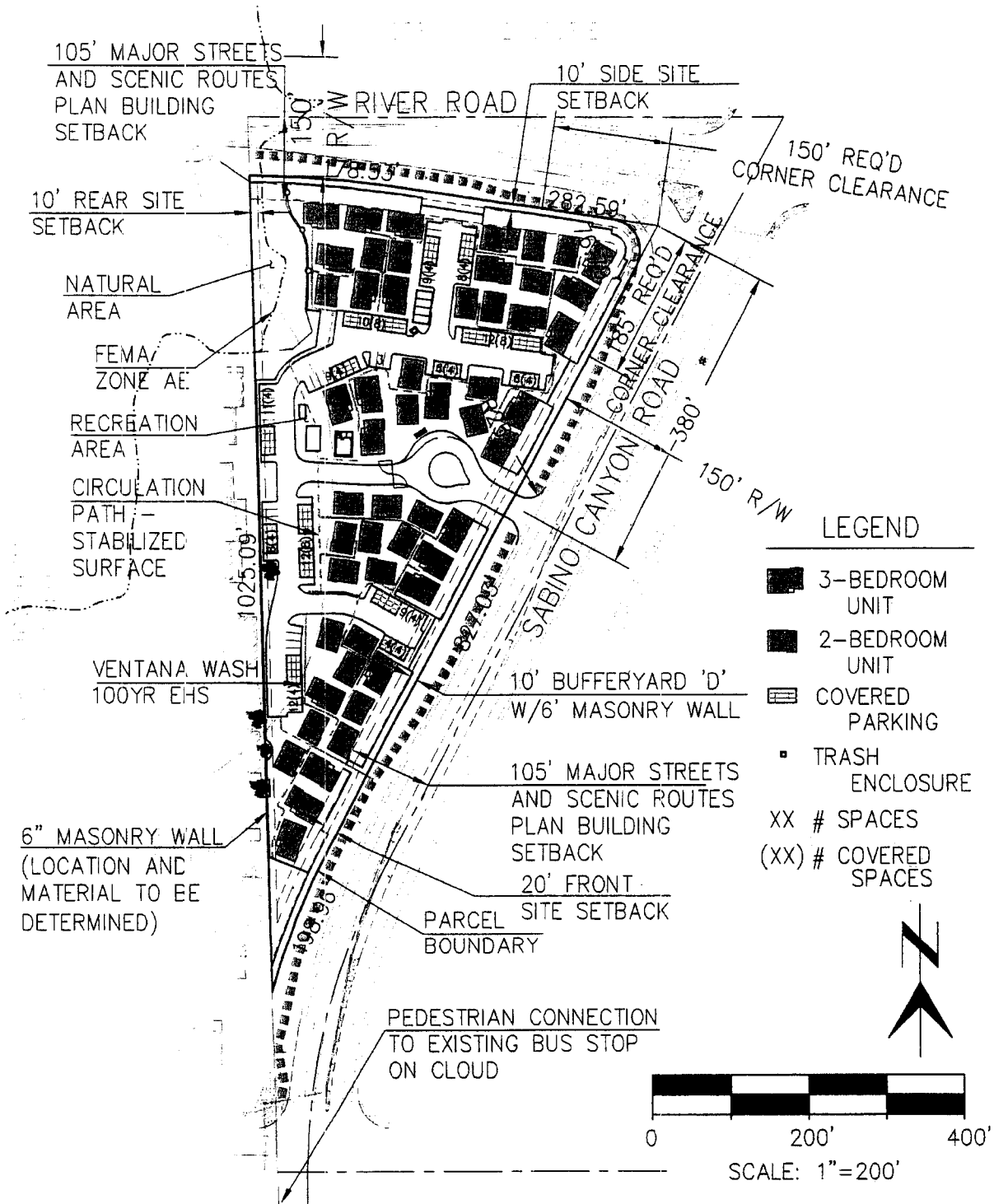


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 5.91 ac±
 ds-OCTOBER 16, 2013

CO9-12-05
 P13SI00011
 114-33-002E
 BK 3 PG 117

EXHIBIT II-B.1.2: PRELIMINARY DEVELOPMENT PLAN W/O TOPO (WITH ACETATE OVERLAY)



SOURCE: ALTA SURVEY 10/16/12