



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 05/19/2015

Title: Co9-09-01 VAIL UPRR SOUTH LLC, ET AL – ROCKET ROAD REZONING

Introduction/Background:

The Board of Supervisors' approved the request for a Rezoning Time Extension on February 17, 2015.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Rezoning Time Extension.

Conclusion:

Grants a Time Extension to the rezoning.

Recommendation:

Staff recommends that the Board of Supervisors' approve this Resolution.

Fiscal Impact:

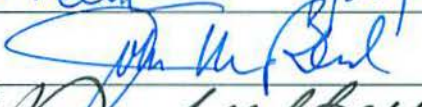
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Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services/Planning Telephone: 724-9000

Department Director Signature/Date:  4/27/2015

Deputy County Administrator Signature/Date:  4/29/15

County Administrator Signature/Date:  4/30/15



Subject: Co09-09-01

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FOR MAY 19, 2015 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: April 27, 2015

RESOLUTION FOR ADOPTION

Co9-09-01 **VAIL UPRR SOUTH LLC, ET AL – ROCKET ROAD REZONING**
Owner: Vail UPRR South LLC and Vail UPRR Russo LLC
(District 4)

If approved, adopt RESOLUTION NO. 2015 - _____

OWNERS: Vail UPRR South LLC
PO Box 64132
Tucson, AZ 85728-4132

Vail UPRR Russo LLC
PO Box 64132
Tucson, AZ 85728-4132

AGENT: The Lenihan Company
Attn: Stephen J. Lenihan
1050 E. River Road, Suite 300
Tucson, AZ 85718

DISTRICT: 4

STAFF CONTACT: Artemio Hoyos

CP/AH/ar
Attachments

cc: Chris Poirier, Assistant Planning Director
Co9-09-01 File

RESOLUTION 2015-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-09-01 VAIL UPRR SOUTH LLC, ET AL – ROCKET ROAD REZONING; LOCATED ON THE EASTERN TERMINUS OF ROCKET ROAD, APPROXIMATELY 1,000 FEET WEST OF OLD VAIL ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-39.

The Board of Supervisors of Pima County, Arizona finds that:

1. On January 19, 2010, in rezoning case Co9-09-01, the Pima County Board of Supervisors approved the rezoning of approximately 158 acres located on the eastern terminus of Rocket Road, approximately 1,000 feet west of Old Vail Road, as shown on Exhibit A from RH (Rural Homestead) to CR-5 (Multiple Residence Zone), subject to standard and special conditions.
2. On May 19, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-39, recorded in Docket 13816 at Page 2442, rezoning the approximately 158 acres described in rezoning case Co9-09-01 and memorializing the standard and special conditions.
3. On December 2, 2014 the owner of the approximately 158 acres applied for a five-year time extension.
4. On February 17, 2015, the Board of Supervisors approved a five-year time extension with standard and special rezoning conditions.
5. Section 3 of Ordinance No. 2010-39 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2010-39 are restated and modified as follows:

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, Document Services.
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. Offsite improvements to Colossal Cave Road shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - B. The property owner/developer shall provide for and construct paved, legal access from the east boundary of the site to Colossal Cave Road (Segment 1, as shown on Exhibit II.K.2 of the site analysis), or other means of paved legal access, as approved by the Department of Transportation. The roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, shoulders and an ADA acceptable pedestrian/bicycle path on one side of the roadway. The property owner/developer may be required to continue the pedestrian access south to Acacia Elementary if no pedestrian access exists at the time of improvement plan review.
 - C. The property owner/developer shall provide for and construct a major collector within the site, between the eastern property boundary and the easternmost road within Block 2 (Segment 2, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes, one center turn lane and two bike lanes, with curb and sidewalk or path on one side.
 - D. The property owner/developer shall provide for and construct a residential collector within the site, between the west property boundary and the easternmost street within Block 2 (Segment 3, as shown on Exhibit II.K.2 of the site analysis). This roadway shall be designed as a 90-foot wide major collector, with allowance for future widening. The property owner/developer shall construct a minimum of two travel lanes and two bike lanes, with curb and sidewalk or path on one side.
 - E. The property owner/developer shall provide for and construct onsite turnaround for the interior collector until such time that a through connection is provided, as required by the Department of Transportation.
 - F. Through access shall be provided to the west and south of the rezoning by the owner/developer.
 - G. Written certification from the City of Tucson stating satisfactory compliance with all its requirements shall be submitted to the Pima County Development Review Section prior to the approval of the final plat.
8. Flood Control conditions:
 - A. The property owner/developer shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as

a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- B. Trail and drainage channels must be separate.
- C. A riparian mitigation plan shall be required for development in designated riparian areas.
- D. The property owner/developer shall submit a water conservation plan in conjunction with the tentative plat. Development Services and Regional Flood Control District must approve the water conservation plan prior to approval of the final plat. The plan shall include indoor and outdoor conservation measures and, if turf areas are allowed, indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&Rs.
- E. Low Intensity Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
- F. The property owner/developer shall submit a signed letter of intent to serve from the Vail Water Company with the submittal of the tentative plat.

9. Wastewater Management Reclamation conditions:

- A. The property 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 property owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, 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 Pima County Regional Wastewater Reclamation Department.
- C. The property 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 property 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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- E. The property 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, sewer construction plan or request for building permit.
- F. The property owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and

up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

- G. The property owner/developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
- H. The property 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. Environmental Quality condition:

- A. The property owner/developer must connect to the public sewer system at the location and in the manner specified by Wastewater Reclamation Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
- B. 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.

11. Natural Resources, Parks and Recreation conditions:

- A. The property owner/developer shall provide a five-foot paved pedestrian path within the proposed 90-foot right-of-way along the northern boundary of the project to its intersection with Colossal Cave Road.
- B. This project shall provide 871 square feet of recreation area per lot. The final determination of recreation areas and elements required shall be determined with a Recreation Area Plan (RAP), which shall be submitted and approved prior to the approval of the tentative plat. A RAP shall be submitted for the overall trail system and for each subdivision block. Each block shall meet the recreation requirements as stated in section 18.69.090 and the Recreation Area Design Manual.

12. Environmental Planning conditions:

- A. Upon the effective date of the Ordinance, 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 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.

- B. ~~The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:~~

~~Maintenance of Common Area by Association: The HOA shall be responsible for the removal of buffelgrass from Common Areas.~~

~~Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to those listed below.~~

~~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
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

13. Noise abatement conditions:
- A. Residences in the first row of lots along the northern boundary of the site shall be built to have an exterior building envelope sound Transmission Class such that the interior noise levels that are due to exterior noise shall not exceed 45 dBA.
- B. Walls constructed along the northern boundary of the site, in proximity to the access road, shall be at least six feet in height.
14. ~~The property owner/developer shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~

- 14.15. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
- 15.16. 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 to 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)."
- 16.17. Adherence to the preliminary development plan [Exhibit B] as approved at public hearing.
- 17.18. The property owner/developer shall coordinate development of the property with Kinder-Morgan and shall adhere to Kinder-Morgan's design and construction guidelines as they apply to the area of the Kinder-Morgan easement(s) along the northern portion of the property.

Section 2. Section 3 of Ordinance No. 2010-39 is amended and time limit extended as follows:

1. Conditions 1 through 48 17 shall be completed by January 19, 2015 2020.
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 Resolution until all conditions 1 through 48 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.

Passed and adopted, this _____ day of _____, 2015.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board


APPROVED AS TO FORM:



Deputy County Attorney

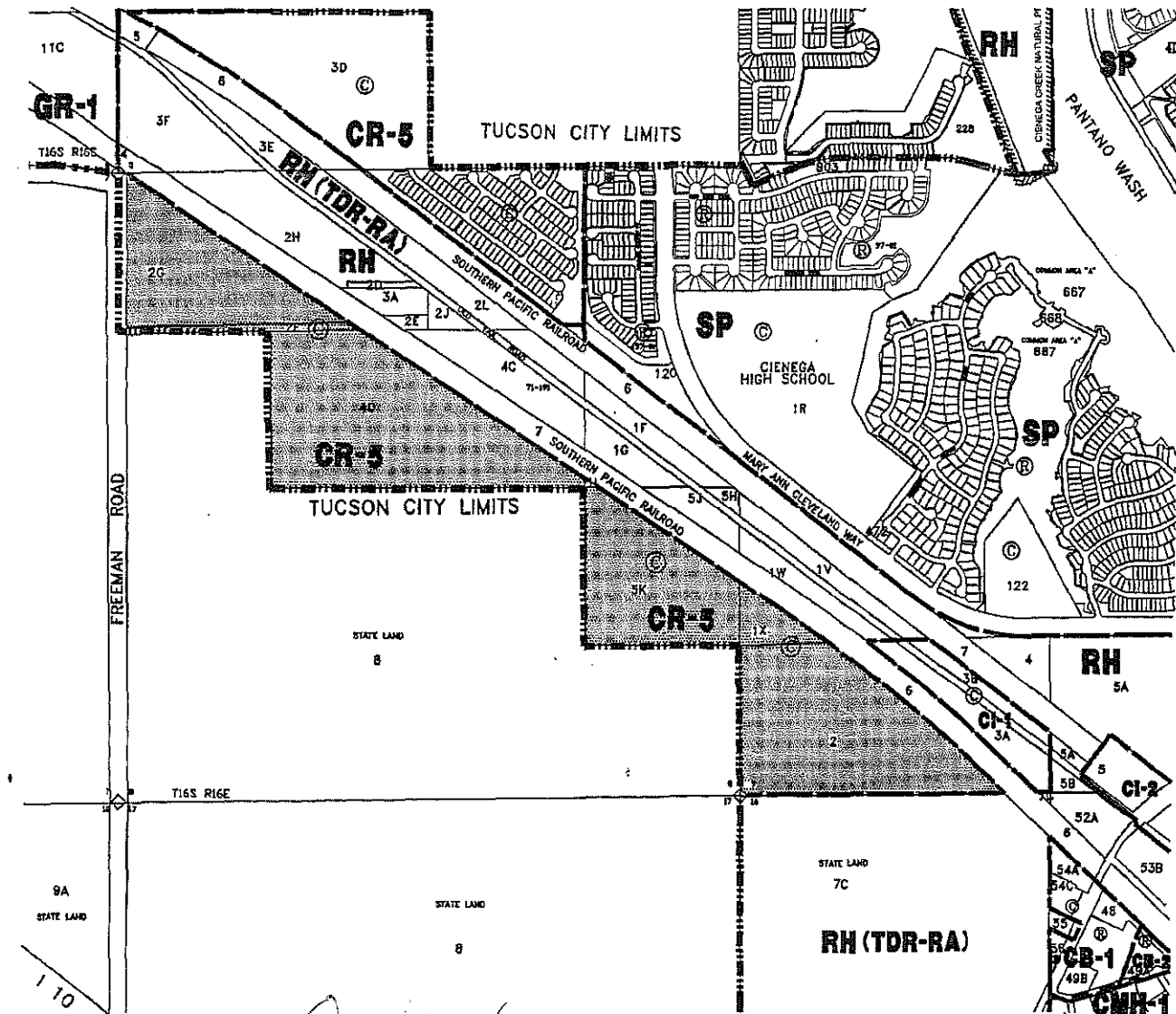
MICHAEL LEBLANC

APPROVED:



Executive Secretary
Planning and Zoning Commission

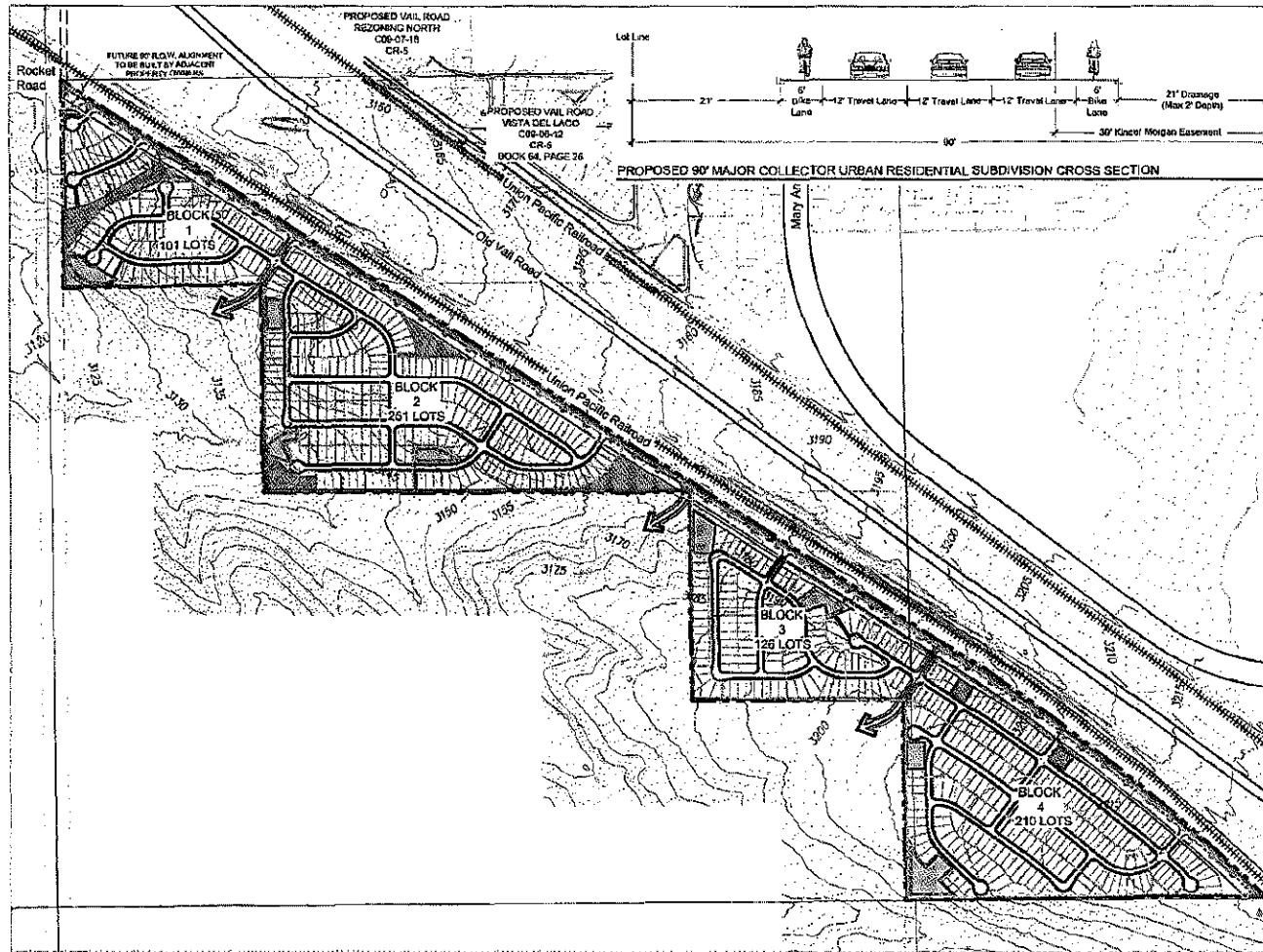
AMENDMENT NO.'S 17. 1 BY ORDINANCE NO. 2010-39
TO PIMA COUNTY ZONING MAP NO.'S 184, 185 TUCSON, AZ.
PARCELS 01H, 02F, 02G, 04D, 05K, 01X & 02 BEING A PART OF
SEC 8 AND THE SW 1/4 OF THE SW 1/4 OF SEC. 9 T16S, R16E.



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C09-09-001
C07-06-015
305-08-001H, 2F, 2G,
4D, 5K, 1X & 2
PG 8 of 9

EXHIBIT II.B: Preliminary Development Plan (overall)



LEGEND

- Site Boundary
- 2' Elevation Contours
- Union Pacific Railroad
- Landscape Bufferyard
- Recreation Park Area
- Recreation/Drainage Area
- Drainage Area
- Trail
- Watershed Boundary
- 100' Temporary Kinder Morgan Gas Easement
- 30' Permanent Kinder Morgan Gas Easement
- Proposed Xeroriparian Area (2.82 AC)

NOTES:

- Site Area: 2156 AC
- Residential Density: 4.3 RAC
- Existing Zoning: RH
- Proposed Zoning: CR-5
- Existing Comprehensive Plan: MIU (Allows up to 24 RAC)
- Average Lot Size: 50' x 115'
- 45' x 115'
- Max Building Height: 34'
- Proposed Recreation and Trail Area: 11.8 AC
- Total Lot Yield: 688
- All landscaping will be in accordance with Pima County Land Use Code requirements.



Engineering and Environmental Consultants, Inc.
1000 N. 1st Avenue, Suite 100
Tucson, Arizona 85711 520-325-6838 www.eec-inc.com



PDP APPROVED BY BOS
11/19/10