



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** October 6, 2015

**Title:** Co9-07-21 Stewart Title and Trust TR 3652 - N Como Drive Rezoning (Time Extension) Resolution

### **Introduction/Background:**

Resolution for a five-year time extension for the rezoning from RH Rural Homestead to SR-2 Suburban Ranch Estates of 59.91 acres at N. Como Drive.

### **Discussion:**

The Board of Supervisors approved the requested five-year time extension on July 7, 2015.

### **Conclusion:**

The Resolution memorializes the Board of Supervisors' decision to approve the five-year time extension.

### **Recommendation:**

Staff recommends APPROVAL of the Resolution.

### **Fiscal Impact:**

N/A

### **Board of Supervisor District:**

☒ 1      ☐ 2      ☐ 3      ☐ 4      ☐ 5      ☐ All

Department: Development Services Dept., Planning Div. Telephone: 724-9000

Department Director Signature/Date: *[Signature]* 9/11/15

Deputy County Administrator Signature/Date: *[Signature]* 9/15/15

County Administrator Signature/Date: *[Signature]* 9/15/15





Subject: Co09-07-21

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**FOR OCTOBER 6, 2015 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:** September 14, 2015

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**RESOLUTION FOR ADOPTION**

**Co9-07-21** **STEWART TITLE AND TRUST TR 3652- NORTH COMO DRIVE REZONING**  
Owner: Stewart Title and Trust TR 3652  
(District 1)

**If approved, adopt RESOLUTION NO. 2015 - \_\_\_\_\_**

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**OWNERS:** Stewart Title and Trust TR 3652  
1661 N Swan Road, Suite 234  
Tucson, AZ 85712

**AGENT:** The Planning Center  
Attn: Tim Craven  
110 S Church Street, Suite 6320  
Tucson, AZ 85701

**DISTRICT:** 1

**STAFF CONTACT:** Mark Holden

**STAFF RECOMMENDATION: APPROVAL**

CP/MH/ar  
Attachments

cc: Chris Poirier, Assistant Planning Director  
Co9-07-21 File



RESOLUTION 2015-\_\_\_\_\_

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-21 STEWART TITLE AND TRUST TR 3652 – NORTH COMO DRIVE REZONING; LOCATED APPROXIMATELY 2,500 FEET WEST OF NORTH COMO ROAD, APPROXIMATELY ONE-HALF MILE NORTHWEST OF THE INTERSECTION OF MOORE ROAD AND LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2010-55.**

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

1. On May 5, 2009, the Pima County Board of Supervisors approved the rezoning from RH (Rural Homestead Zone) to SR-2 (Suburban Ranch Estates) in rezoning case Co9-07-21 – North Como Drive Rezoning, subject to standard and special conditions.
2. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2010-55, recorded in Docket 13903 at Page 3866, rezoning the approximate 59.91 acres described in rezoning case Co9-07-21 - North Como Drive Rezoning (shown on Exhibit A) and memorializing the standard and special conditions.
3. On May 5, 2015 the owner of the 59.91 acres applied for a five-year time extension.
4. On July 7, 2015, the Board of Supervisors approved a five-year time extension for the 59.91 acres in rezoning case Co9-07-21 - North Como Drive Rezoning (shown on Exhibit A) with modified rezoning conditions.
5. Section 3 of Ordinance No. 2010-55 allows 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. 2010-55 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. ~~2.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.



43. Provision of development related assurances as required by the appropriate agencies.
54. 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.
65. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
76. Transportation conditions:
- A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
  - B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
87. Environmental Quality conditions:
- A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
  - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
  - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
98. Flood Control conditions:
- A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
  - B. Off-site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the preliminary development plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
  - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
  - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.



409. Wastewater Reclamation Management condition  
The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

4410. Environmental Planning conditions:

- A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
- ~~B. Those elements listed in Appendix A (EXHIBIT B) of the site analysis shall be included in 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.~~
- CB. 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 transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current 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.
- ~~D. 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:~~
  - ~~1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.~~
  - ~~2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including 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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

EC. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.

4211. Cultural Resources conditions:

- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
- B. 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.

4312. The following conditions shall be required in support of County Sustainability Initiatives:

- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.

~~14. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services 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.~~



4513. 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.
4614. 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)."
4715. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

Section 2. Section 3 of Ordinance No. 2010-55 is amended and time limit extended as follows:

1. Conditions 1 through 4715 shall be completed by May 5, 2014 2019.
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 4715 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.

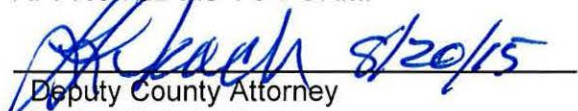
Passed and adopted, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Chair, Pima County Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
Lesley M. Lukach



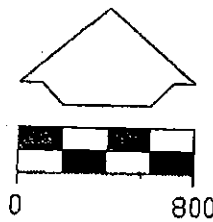
APPROVED:

A handwritten signature in blue ink, appearing to be "A. Stoddard", written over a horizontal line.

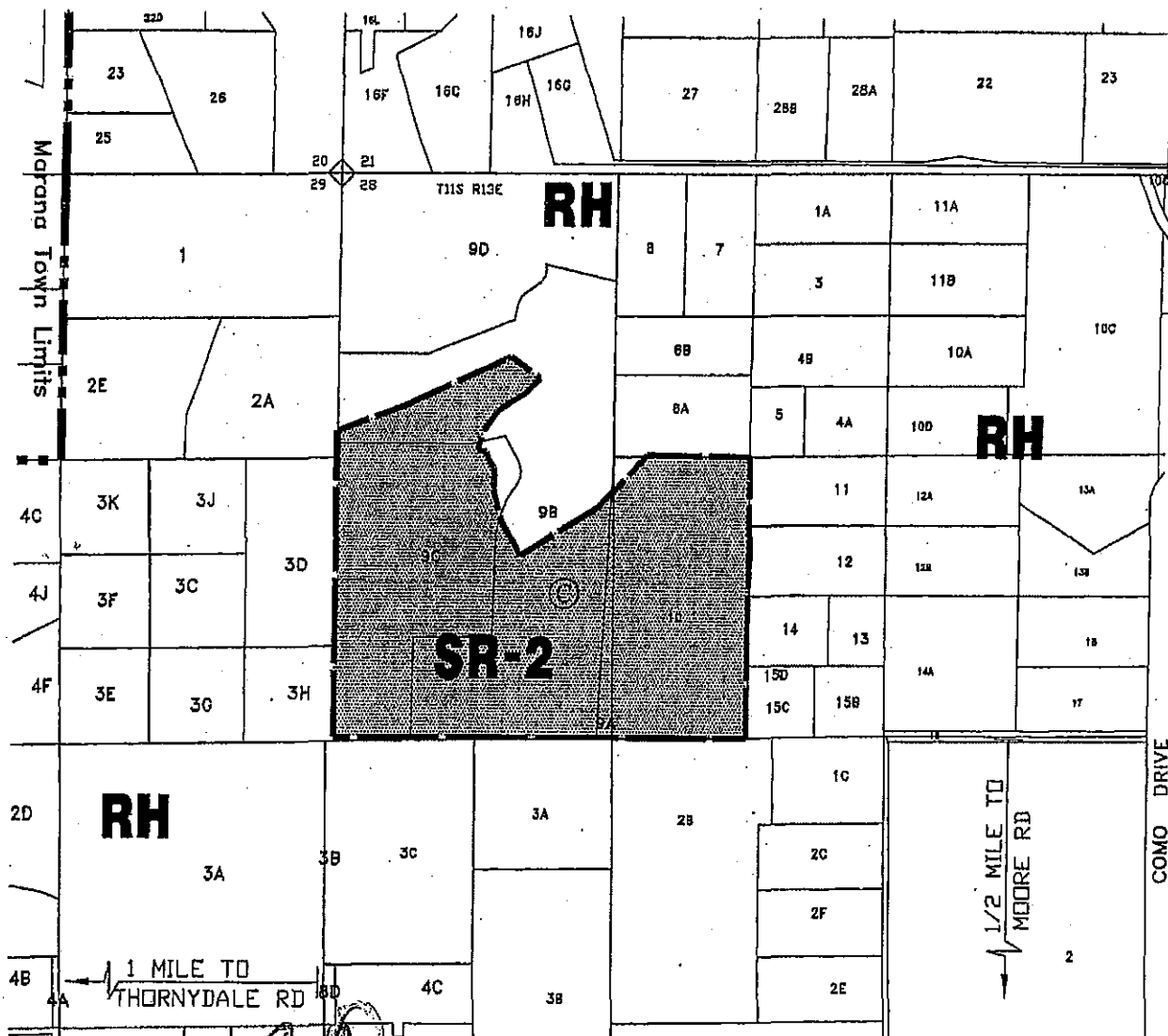
Executive Secretary  
Planning and Zoning Commission



EXHIBIT A  
 AMENDMENT NO. 1 BY ORDINANCE NO. 2010-55  
 TO PIMA COUNTY ZONING MAP NO. 351 TUCSON, AZ.  
 PORTION OF PARCELS 009A, 009B, 009C & 0100 BEING A PART  
 OF THE NW 1/4 OF SEC. 28, T11S R13E.



ADOPTED SEPTEMBER 21, 2010 EFFECTIVE SEPTEMBER 21, 2010



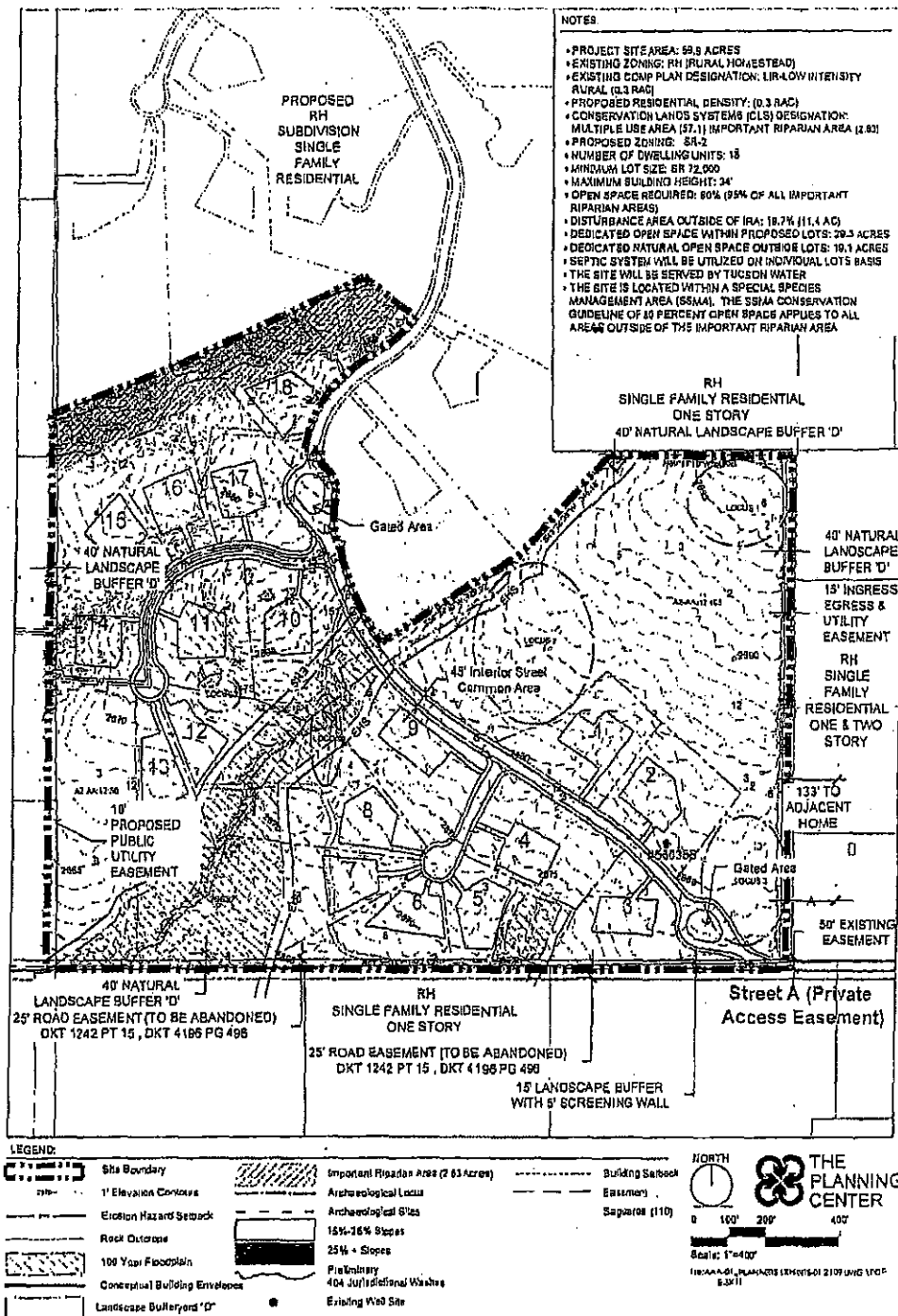
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE  
 FROM RH 59.91 ac±  
 ds-JULY 26, 2010

CD9-07-021  
 219-26-009A, 009B,  
 009C & 0100



# EXHIBIT C

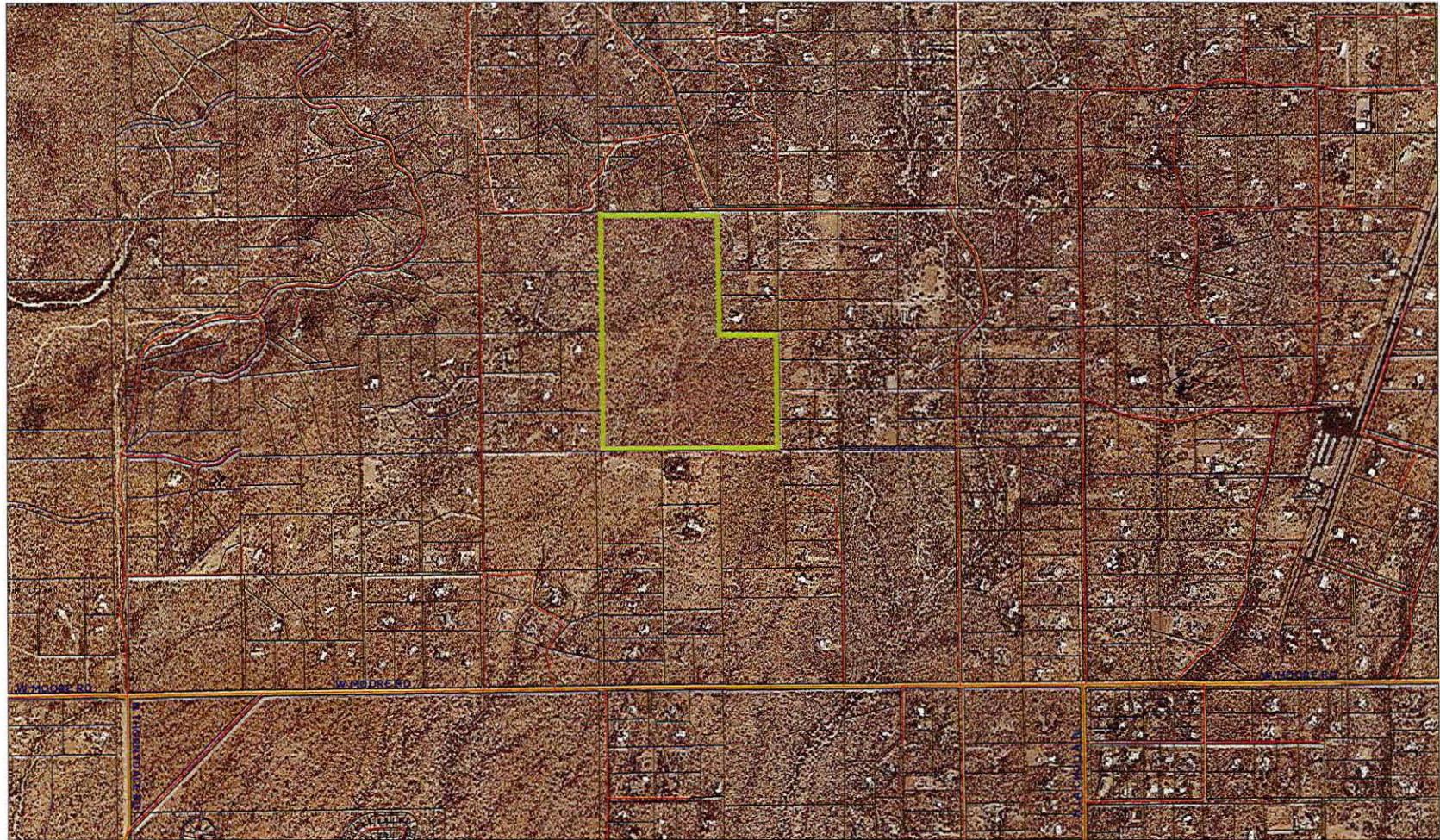


BOS app'd 5-5-09



Co9-07-21 Stewart Title & Trust TR 3652 – N Como Drive Rezoning (Time Extension)

Aerial Photo

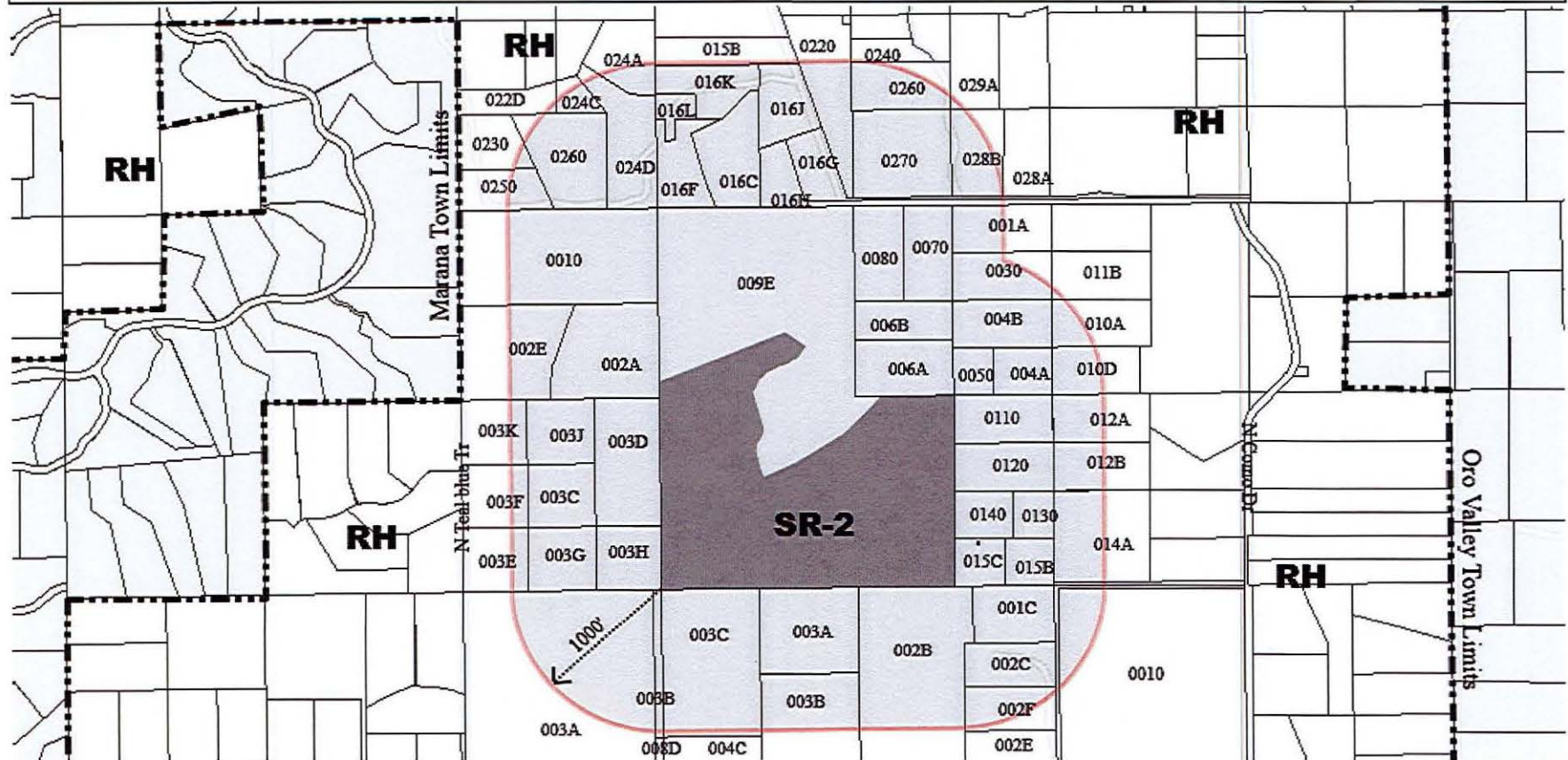


June 1, 2015



# NOTIFICATION MAP

## STEWART TITLE TR 3652—N. COMO DRIVE REZONING



### LEGEND





Subject Property



Notification Area

### NOTES

File no.:	Co9-07-021	Tax Code(s):	219-26-009E
Application:	TIME EXTENSION	Base Map:	351
		Board of Supervisors	7/7/15
		Hearing:	



6/1/2015



