



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 6, 2016

Title: Rezoning Ordinance P16RZ00003 GST LLC, et al. - W. Overton Road Rezoning

Introduction/Background:

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

Discussion:

The 58.6 acres rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) zone will be developed as a 106-lot, single-family, one-story residential subdivision in accordance with the approved preliminary development plan.

Conclusion:

This Ordinance reflects the Board of Supervisors approval of the rezoning and conditions.

Recommendation:

Approval of the Ordinance

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____



Subject: P16RZ00003

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FOR SEPTEMBER 6, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department Planning Division
DATE: August 15, 2016

ORDINANCE FOR ADOPTION

P16RZ00003 GST, LLC, ET AL. - W. OVERTON ROAD REZONING

Owner: GST, LLC, ET AL.
(District 1)

If approved, adopt ORDINANCE NO. 2016 - _____

OWNER(S): GST, LLC, ET AL.
4813 E. Calle Jabali
Tucson, AZ 85711

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

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

TD/TT/ar
Attachments

cc: P16RZ00003 File
Tom Drzazgowski, Principal Planner

ORDINANCE 2016-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 58.6 ACRES OF PROPERTY (PARCEL CODE 225-21-0010) FROM THE SR (SUBURBAN RANCH) ZONE TO THE CR-3 (SINGLE RESIDENCE) ZONE, IN CASE P16RZ00003 GST LLC, ET AL. – WEST OVERTON ROAD REZONING, LOCATED AT THE NORTHWEST CORNER OF N. POMONA AVENUE AND W. PINE STREET AND ON THE SOUTHWEST CORNER OF W. PINE STREET AND N. ROMERO AVENUE, AND AMENDING PIMA COUNTY ZONING MAP NO. 115.

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

Section 1. The 58.6 acres located on the northwest corner of N. Pomona Avenue and W. Pine Street and on the southwest corner of W. Pine Street and N. Romero Avenue and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 115, is rezoned from SR (Suburban Ranch) zone to the CR-3 (Single Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. Private vehicular access for the project shall conform with the Preliminary Development Plan (PDP). A suitable physical barrier subject to Department of Transportation approval shall be provided to ensure that no vehicular migration occurs between the new street that connects the north and south parcels and Pine/Romero Street at that point where these roads are in closest proximity to each other. Only fire and emergency access shall be allowed onto Romero Avenue for the southern twenty-acre parcel.
 - B. Access to the site shall provide access to the adjacent church. The access road shall not create an additional opening onto Overton Road.

4. Regional Flood Control District conditions:
 - A. Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.
 - B. 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 shall be submitted to the District for review and approval with the Development Plan.
 - C. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
5. Regional Wastewater Reclamation conditions:
 - A. The owner 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 to that effect.
 - B. The owner 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 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 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 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 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 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 condition: 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.

7. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
8. Natural Resources, Parks and Recreation condition: The owner shall dedicate a 15-foot public non-motorized trail easement for trail #220, Hardy Road alignment, as shown on the Pima Regional Trail System Master Plan.
9. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing including the 106 lot limitation.
10. The maximum height is limited to one-story and 19 feet.
11. 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.
12. 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 of conditions. Conditions 1 through 12 of Section 2 shall be completed no later than June 7, 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:



Michael LeBlanc
Deputy County Attorney

Approved:

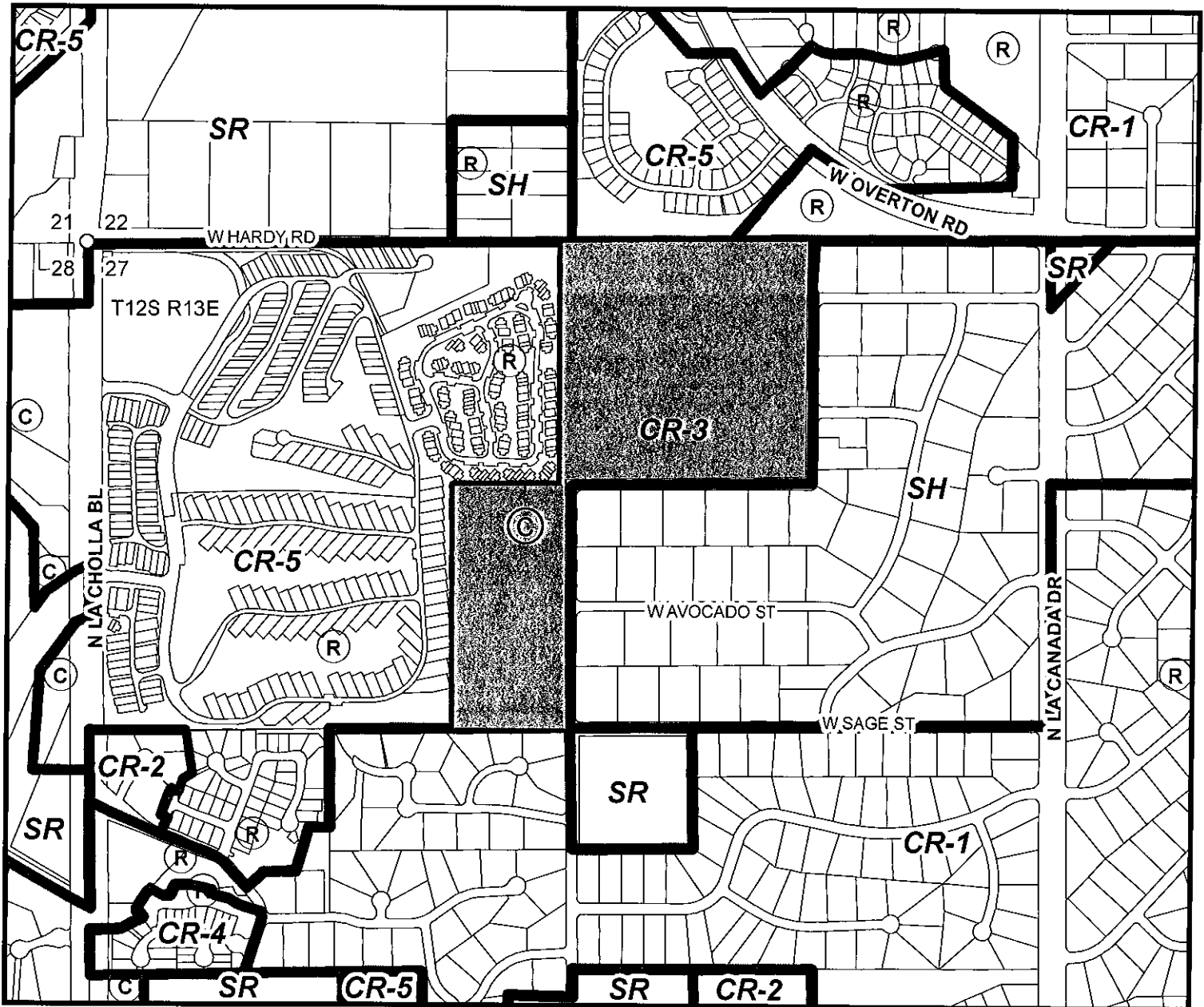
Executive Secretary
Planning and Zoning Commission

EXHIBIT A
 AMENDMENT NO. _____ BY ORDINANCE NO. _____
 TO PIMA COUNTY ZONING MAP NO. 115 TUCSON AZ.
 PARCEL 01 BEING A PART OF THE N 1/2 OF SEC. 27 T12S R13E.



ADOPTED: _____ EFFECTIVE: _____

0 210 420 840 Feet



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 58.6 ac
 ds-July 14, 2016

P16RZ00003
Co7-13-10
225-21-0010



Exhibit II.B:
Preliminary Development Plan

TABULATIONS:

SITE AREA: 58.6 ACRES

	NORTH	SOUTH
AREA:	39 AC	19.6 AC
NUMBER OF LOTS:	84	23
DENSITY:	2.2 RAC	1.2 RAC
BUILDING HEIGHT:	SINGLE STORY	SINGLE STORY
BUILDING SETBACKS:	N/W - 100' MIN E/S - 67' MIN	N/E/S/W - 100' MIN
HDZ BUFFERYARD:	40' W/ 40' OPEN FENCE	60' NATURAL BUFFER



- 30% MINIMUM OPEN SPACE AND TWO PLUS ACRES FUNCTIONAL OPEN SPACE
- ACCESS OFF OF OVERTON ROAD. TRAFFIC REPORT TO BE PERFORMED.
- EXIT FROM SOUTH PARCEL IS FIRE/EMERGENCY EXIT ONLY (CODE REQUIREMENT).
- PERIMETER BUFFER YARDS TO BE PRIMARILY NATURAL DESERT.
- 4-5' HIGH DECORATIVE SCREEN WALL WITH LANDSCAPING ALONG ENTRANCE AND CONNECTOR ROAD.

LEGEND:



RIPIARIAN HABITAT

