



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 17, 2017

Title: Co23-08-02 Pomegranate Farms Specific Plan Modification (Resolution)

Introduction/Background:

The Board of Supervisors approved a Modification (Substantial/Non-substantial Changes) of Pomegranate Farms Specific Plan subject to staff's recommendation on October 18, 2016.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Modification (Substantial/Non-substantial Changes) of Pomegranate Farms Specific Plan.

Conclusion:

The Pomegranate Farms Specific Plan and the specific plan conditions contained in Rezoning Ordinance 2009-41 may be waived or amended by resolution.

Recommendation:

Staff recommends that the Board of Supervisors approve this Resolution.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1

☐ 2

☒ 3

☐ 4

☐ 5

☐ All

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

Department Director Signature/Date: _____

[Signature] 12-28-16

Deputy County Administrator Signature/Date: _____

[Signature] 12-29-16

County Administrator Signature/Date: _____

C. Duckert 12/29/16



Subject: Co23-08-02

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FOR JANUARY 17, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division
DATE: December 27, 2016

RESOLUTION FOR ADOPTION

Co23-08-02 **POMEGRANATE FARMS SPECIFIC PLAN MODIFICATION**
Owner: Pomegranate Farms Tucson LLC and Pomegranate Farms Commercial
Tucson LLC
(District 3)

If approved, adopt RESOLUTION NO. 2017 - _____

OWNER: Pomegranate Farms Tucson LLC and
Pomegranate Farms Commercial Tucson LLC
3808 N. Sullivan Road, Ste. 202 Bldg N15
Spokane Valley, WA 99216-1608

AGENTS: LVA Urban Design Studio LLC
120 S. Ash Avenue
Scottsdale, AZ 85281

Psomas
333 E. Wetmore Road
Tucson, AZ 85705

DISTRICT: 3

STAFF CONTACT: Janet Emel

STAFF RECOMMENDATION: APPROVAL.

CP/JE/ar
Attachments

cc: Co23-08-02 File
Tom Drzazgowski, Principal Planner

RESOLUTION 2017-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE CO23-08-02 POMEGRANATE FARMS SPECIFIC PLAN; LOCATED SOUTH OF AJO HIGHWAY, APPROXIMATELY 2,000 FEET EAST OF THE INTERSECTION OF W. VALENCIA ROAD AND AJO HIGHWAY IN SECTION 18, T15S, R12E, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF ORDINANCE NO. 2009-41 AND AMENDING POMEGRANATE FARMS SPECIFIC PLAN.

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

1. On February 17, 2009, in specific plan case Co23-08-02, the Pima County Board of Supervisors approved the rezoning of approximately 645 acres located on the south side of Ajo Highway, approximately 2,000 feet east of the intersection of W. Valencia Road and Ajo Highway in Section 18, T15S, R12E, as shown on Exhibit A from RH (Rural Homestead) to SP (Specific Plan) subject to conditions.
2. On May 5, 2009, the Pima County Board of Supervisors adopted rezoning Ordinance 2009-41, recorded in Docket 13555 at Page 3475, rezoning the approximate 645 acres described in rezoning case Co23-08-02 and memorializing the conditions.
3. On June 30, 2016, the owner(s) of the approximately 645 acres applied for a modification (substantial and non-substantial changes) to: 1) amend rezoning conditions #19, #23, and #24 of Ordinance 2009-41; 2) amend certain primary features of the Specific Plan; and, 3) amend certain design standards of the Specific Plan.
4. On October 18, 2016, the Board of Supervisors approved the requested modification.
5. Section 6 of Ordinance 2009-41 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions and the Specific Plan by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 2009-41 are restated and modified as follows:

1. Not more than 60 days after the Board of Supervisors approves the amended Specific Plan, the owner(s) / developer(s) shall submit to the Planning Director the amended specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.

2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
3. Recording of a covenant holding Pima County harmless in the event of flooding.
4. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
5. Provision of development related assurances as required by the appropriate agencies.
6. 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.
7. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors.
8. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
10. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in the development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat.
11. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance.
12. Transportation Department requirements:
 - A. The property owner/developer(s) shall dedicate ~~200~~ 25 feet ~~full of~~ half right-of-way, ~~or 100 feet half right of way as applicable,~~ for Valencia Road as designated by the Major Streets and Scenic Routes Plan. ~~The alignment of Valencia Road shall require approval by the Department of Transportation and shall be coordinated with adjacent development. The right-of-way shall be dedicated within 90 days of Board of Supervisors approval of the modification of the specific plan.~~

B. ~~The property owner/developer(s) shall dedicate 450 45 feet half right-of-way, or 75 feet half right-of-way as applicable, for Los Reales Road and 120 feet right-of-way, or 60 feet half right-of-way as applicable, for Desert Sunrise Trail per recommended findings of the Southwest Infrastructure Plan necessary right-of-way for the internal loop road, north/south connector road, and shared access road to Valencia Road as indicated in the Traffic Impact Study, when approved.~~

C. ~~A building setback of 130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway). For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail, within high density and commercial developed areas, reduction of setbacks to 10 feet plus half of the required right-of-way may be allowed as previously discussed by the Design Review Committee. The property owner/developer(s) shall provide improvements to Valencia Road and Los Reales Road as determined necessary by an approved traffic study. Construction of Los Reales Road is the responsibility of the property owner/developer(s).~~

D. ~~The property owner/developer(s) shall provide on-site and off-site improvements to Valencia Road, Los Reales Road and Desert Sunrise Trail as determined necessary by the Department of Transportation. Construction of Los Reales Road and Desert Sunrise Trail are the responsibility of the property owner/developer(s) and the property owner/developer(s) may be eligible to receive impact fee credits after construction is completed. Los Reales Road construction includes the north half ultimate cross section of a four-lane divided or five-lane desert parkway/urban major collector. Desert Sunrise Trail construction includes the full cross section of a four-lane divided or five-lane desert parkway/urban major collector. Improvements to Valencia Road could include, but may not be limited to, additional pavement for travel, turn or multi-use lanes, outside curb and sidewalks. This condition may be clarified or amended pursuant to a Board of Supervisors approved Development Agreement between Pima County and the owner/developer(s). Adequate circulation shall be provided by including cross access between the project and all adjacent undeveloped areas.~~

E. ~~The property owner/developer(s) shall dedicate right-of-way and construct a major collector road (within E.1 and D.4 districts), to be located opposite Collector 2 that is located within the Town Center. The road shall provide a connection between Valencia Road and the north property line. It is located within the commercial and multiple use areas designated E.1 and D.4 to provide future access to property located north of the specific plan. The width of said road shall be subject to approval during platting process, depending upon what type of commercial development is planned. In the event that Valencia Road is not aligned as indicated in the Specific Plan, then this condition is not applicable. A detailed and up-to-date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by the Department of Transportation throughout the development of the specific plan.~~

F. ~~Minimum separation between driveways and streets shall be 600 feet along Valencia Road, Los Reales Road and Desert Sunrise Trails. All access shall require~~

~~Department of Transportation approval. One Park and Ride facility shall be designated in the commercial area along Valencia Road and its location shall be coordinated with Suntran. Commercial parking lots with greater than 50 parking spaces shall not prohibit commuter parking.~~

G. ~~Provision of access from the internal loop road to the southeast boundary of the specific plan to provide future access to undeveloped property to the east. Access shall be designed to provide cross access between commercial developments. Shared driveways shall be used along Valencia Road to minimize the number of access points.~~

H. ~~Provision of a detailed and up to date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by Department of Transportation throughout the development of the specific plan. Each parcel shall be designed to establish coordinated bicycle and pedestrian connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~

I. ~~Two Park & Ride facilities shall be provided for within the specific plan, one within the town center or commercial uses along Valencia Road and one along Los Reales Road. The property owner/developer(s) shall provide a study/report that addresses transit issues for the specific plan and how it interrelates within the southwest area.~~

J. ~~Each district shall be designed to establish coordinated pedestrian and transit oriented connections within the specific plan and plan for future connections beyond the limits of the specific plan.~~

13. Regional Flood Control District requirements:

A. Drainage improvements required to remove the developable portions of the site from the FEMA floodplain will be identified in a drainage report to be finalized with the Master Block Plat. Approval of the Drainage Report and CLOMR shall be required prior to recordation of the Block Plat and approval of the Certificate of Compliance. Approval of the LOMRs by the District and submittal to FEMA is required prior to ~~issuance of any building permits~~ release of assurances for each Block.

B. Drainage corridors identified in the Specific Plan are to be enhanced to provide riparian habitat connectivity across the site as well as recreational and aesthetic amenity to the residents. ~~If a riparian mitigation plan is required, it~~ A Conservation Plan shall be submitted for approval with the Block Plat and prior to the Certificate of Compliance in order to ensure sustainability principles identified by the County and Specific Plan are implemented.

C. Drainage improvements shall be designed in coordination with Ajo Highway and neighboring developments.

D. Due to the proposed land use intensities and severe flood and erosion hazards, flood control improvements within the flow corridors and regulatory floodplains within the Blocks shall be constructed with natural bottoms and with channel banks protected with concrete, gunite, soil cement, or other structural methods. Unless otherwise justified as non-erosive, ~~Earthen channels~~ banks shall not be allowed. Channels associated with

non-regulatory flows may be fully lined.

E. Flow corridors shall be a minimum of 200 feet wide.

F. Water conservation measures identified in the Specific Plan shall be implemented with the development. Where necessary as determined at the time each subdivision plat or development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and final conservation measures shall be submitted to the District for review and approval.

G. Riparian habitat mitigation plans for each Block, if required, shall enhance the flow corridors by providing mitigation within the corridor and within the detention and first flush retention facilities located adjacent to the corridors.

14. Wastewater Reclamation Department requirements:

A. The owner / developer shall construe no 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 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, 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.

15. Natural Resources, Parks and Recreation Department requirements:

A. Prior to the release of assurances for ~~the 1,038th lot (30%~~ 75% of the lots), the approximate seven-acre park and all associated and required recreation elements shall be constructed.

B. Prior to the release of assurances for ~~the lots greater than 75% of the total lots within each district parcel~~ as shown on the Phasing Plan (Exhibit IV-A-6I), recreation elements and trail locations shall be built as conceptually shown on Exhibit II-ML within that ~~district~~ parcel.

C. The 10-foot shared-use path and eight-foot stabilized trail within the residential collector road shall be constructed by the developer and maintained by a Homeowners Association.

D. A Homeowners Association shall maintain all shared-use paths and stabilized trails throughout the development.

E. 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 each district parcel. Each district parcel shall meet the recreation requirements as stated in Section 18.69.090 and the Recreation Area Design Manual.

F. A Recreation Area Plan (RAP) shall be submitted with the Tentative Master Block Plat. The RAP shall show the alignment of the trails within the open space as shown on Exhibit II-~~ML~~. The RAP shall include the park and show the required recreation elements.

16. Cultural Resources requirements:

A. Two archaeological sites, AZ AA:16:481(ASM) and AZ AA:16:482(ASM), both eligible for listing in the National Register of Historic Places, are located on the property. Cultural resources mitigation of the archaeological sites is required. The preferred mitigation strategy is avoidance and preservation of sites AZ AA:16:481(ASM) and AZ AA:16:482(ASM). A mitigation plan shall include a preservation strategy that runs with the land; such as a Conservation Easement, a Restrictive Covenant, or recordation on the original Plat submitted to the County. In recording the sites, the Plat map must clearly delineate the spatial extents of the sites with buffer zones and must include a descriptive Plat Note. If avoidance and preservation are not possible, data recovery will be required. If data recovery should become necessary, all archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any 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.

B. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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.

17. In the event the subject property is annexed, the 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.

18. 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(I)."

19. Adherence to the amended specific plan document as approved at the Board of Supervisor's public hearing.
20. If required by the Drexel Heights Fire District (District), the developer shall provide a fire station site within the project that is compatible with adjacent land use and acceptable to the developer and the District and to be shown on the applicable subdivision plat or development plan. The developer shall provide for the transfer of that property to the District.
21. The developers shall include disclosure statements regarding Ryan Airfield in all sales contracts, public reports, and the recorded covenants. The developers shall also establish aviation easements relative to Ryan Airfield. The specific language for inclusion in the disclosure statements and the enactment of the aviation easements shall be coordinated with the Tucson Airport Authority. Land use restrictions shall be coordinated with Ryan Airfield operations to ensure compatibility of proposed land uses with current and projected future airport operations.
- ~~22. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer, including but not limited to impact fees. A development agreement to address, at minimum, infrastructure commitments, phasing, and funding shall be developed and approved by the Board of Supervisors prior to submittal of a Master Block Plat. No permits shall be issued until the revisions to the Pima County development impact fee program are adopted by the Board of Supervisors.~~
- ~~23. Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within ¼ - ½ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 48.90.080.~~
- ~~24.22. Owner/Developer shall reach an agreement with Tucson Unified School District (TUSD) or another public school provider regarding the provision of a school location within the development as shown and described in the sSpecific Plan. TUSD and Owner/Developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent dated February 13, 2009 between Owner/Developer and TUSD or otherwise mutually acceptable to TUSD and Owner/Developer.~~

Section 2. The Pima County Board of Supervisors hereby amends the Pomegranate Farms Specific Plan, originally adopted in Section 3 of Ordinance No. 2009-41 and attached as Exhibit B to Ordinance No. 2009-41. The amended Pomegranate Farms Specific Plan is attached as Exhibit B to this Resolution (it is not recorded, but may be viewed at the office of the Pima County Development Services Department – Planning Division).

Section 3. The Pima County Board of Supervisors hereby reaffirms Section 4 of Ordinance No. 2009-41.

Section 4. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 22 are satisfied and the Planning Official issues a Certificate of Rezoning Compliance.

Section 5. The Pima County Board of Supervisors hereby reaffirms Section 6 of Ordinance No. 2009-41.

Section 6. This Resolution shall become effective upon adoption.


Passed and adopted, this _____ day of _____, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

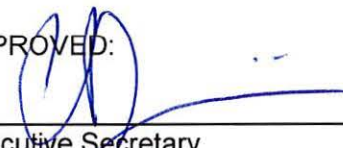
APPROVED AS TO FORM:

Clerk of the Board

 12/19/16

Deputy County Attorney
Lesley M. Lukach

APPROVED:

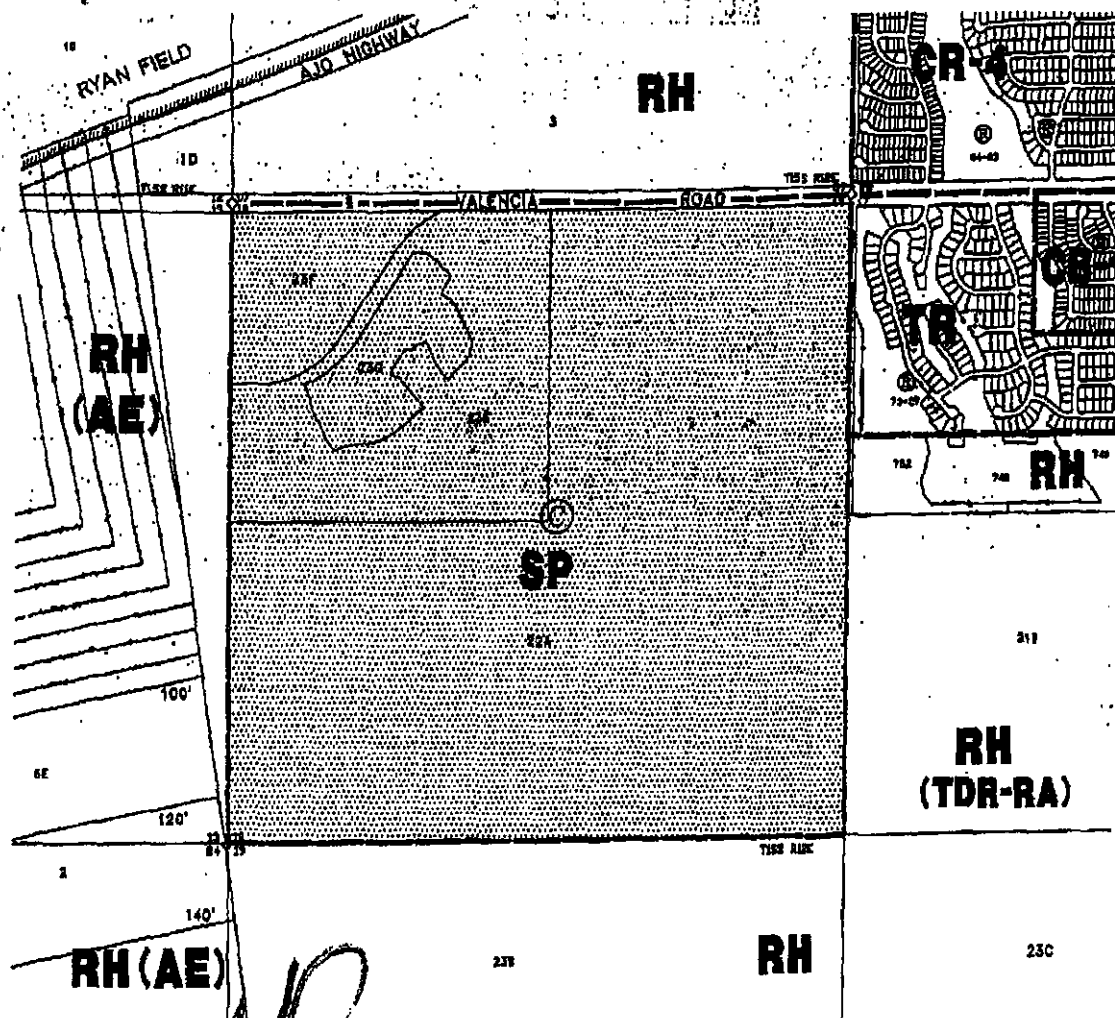
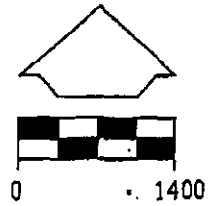


Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO'S. 13, 4 BY ORDINANCE NO. 2009-41
TO PIMA COUNTY ZONING MAP NO'S. 65, 102 TUCSON, ARIZONA
PARCELS 22A, 23E, 23F & 23G BEING SECTION 18, T15S R12E.

ADOPTED MAY 5, 2009 EFFECTIVE JUNE 5, 2009



for  EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

©NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 644.93 ac±
ds-APRIL 6, 2009

Co23-08-02
Co7-06-12
Co7-07-31
210-40-022A,
210-40-023E,
210-40-023F
21040023G

EXHIBIT B

Exhibit B is the Pomegranate Farms Specific Plan document approved by the Pima County Board of Supervisors on February 17, 2009 and amended by the Pima County Board of Supervisors on October 18, 2016.

The document is not recorded but may be viewed at the office of the Pima County Development Services Department, Planning Division, at the following address:

County-City Public Works Building
201 N. Stone Avenue, 2nd Floor
Tucson, Arizona