



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 14, 2020

Title: RESOLUTION: Co9-00-39 SMITH - LA CRESTA ROAD REZONING (MODIFICATION - SUBSTANTIAL CHANGE)

Introduction/Background:

The Board of Supervisors' approved the modification of rezoning conditions #6 and #11 on September 3, 2019.

Discussion:

The modification to the rezoning was for the northwestern approximately 2.25 acre portion of the rezoning area to allow for one additional parcel of land and one additional residence.

Conclusion:

The Resolution reflects the Board of Supervisors' approval of the modification of rezoning conditions #6 and #11.

Recommendation:

Approval

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, AICP, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date: [Signature] 12-19-19

Deputy County Administrator Signature/Date: [Signature] 12/19/19

County Administrator Signature/Date: C. Dulcetany 12/20/19

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PIMA COUNTY
DEVELOPMENT SERVICES

Subject: Co9-00-39

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JANUARY 14, 2020 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 18, 2019

RESOLUTION FOR ADOPTION

Co9-00-39 **SMITH – LA CRESTA ROAD REZONING**
Owners: Clarence R. and Helen E. Roman
(District 1)

If approved, adopt RESOLUTION NO. 2020 - _____

OWNERS/ Clarence R. and Helen E. Roman
AGENT: 2322 W. La Cresta Road
Tucson, AZ 85742

DISTRICT: 1

STAFF CONTACT: Terrill Tillman, Principal Planner

STAFF RECOMMENDATION: APPROVAL.

CP/TT/ar
Attachments

cc: Co9-00-39 File

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RESOLUTION 2020-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-00-39 SMITH - LA CRESTA ROAD REZONING; LOCATED APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF OVERTON ROAD AND LA CRESTA ROAD, APPROXIMATELY 1,000 FEET WEST OF LA CHOLLA BOULEVARD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF ORDINANCE NO. 2001-31.

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

1. The owner of approximately 4.75 acres applied for a rezoning from SR (Suburban Ranch) to the CR-1 (Single Residence) zone.
2. On October 17, 2000 the Pima County Board of Supervisors approved the approximately 4.75 acres for a rezoning from SR (Suburban Ranch) to the CR-1 (Single Residence) zone, subject to standard and special conditions.
3. On February 20, 2001 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2001-31, as recorded in Docket 11499 at Page 1628, for an approximately 4.75 acre rezoning described in rezoning case Co9-00-39, as shown on the map attached to Ordinance 2001-31 as Exhibit A ("rezoning area") from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone memorializing the standard and special conditions.
4. On September 3, 2019 the Pima County Board of Supervisors approved a modification of rezoning conditions, numbers 6 and 11 for the northwestern 2.26 acre portion of the rezoning area, as shown in Exhibit B attached to this Resolution, subject to modified and additional standard and special rezoning conditions.
5. Section 3 of Ordinance No. 2001-31 and the Pima County Zoning 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 2001-31 are restated and modified for the northwestern 2.26 acre portion of the area rezoned by Ordinance 2001-31, as shown in Exhibit A to this Resolution, 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 Department of Transportation, Real Property Division.~~

- 6.1. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
- 7.2. Transportation conditions:
- A. All lots shall be served by one common, paved private road/driveway from La Cresta Road. ~~The private road/driveway shall be paved (chip sealed) within six (6) months of the issuance of the first building permit.~~
 - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
8. Flood Control conditions:
- A. ~~The property owner(s) must submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management section will determine if building permits may be issued and/or if a more detailed hydrologic and hydraulic study will be required.~~
 - B. ~~Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~
- 9.3. Department of Environmental Quality conditions:
- A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. There is a minimum setback of 50 feet from the septic system to the wash.
- 10.4. ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service~~ condition: No saguaros or trees greater than 10 feet tall shall be removed from the site.
- 11.5. The subject property shall be divided into no more than three four lots and limited to no more than one residence per lot.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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 also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- Invasive Non-Native Plant Species Subject to Control
- | | |
|--------------------------------------|---|
| <u><i>Ailanthus altissima</i></u> | <u>Tree of Heaven</u> |
| <u><i>Alhagi pseudalhagi</i></u> | <u>Camelthorn</u> |
| <u><i>Arundo donax</i></u> | <u>Giant reed</u> |
| <u><i>Brassica tournefortii</i></u> | <u>Sahara mustard</u> |
| <u><i>Bromus rubens</i></u> | <u>Red brome</u> |
| <u><i>Bromus tectorum</i></u> | <u>Cheatgrass</u> |
| <u><i>Centaurea melitensis</i></u> | <u>Malta starthistle</u> |
| <u><i>Centaurea solstitialis</i></u> | <u>Yellow starthistle</u> |
| <u><i>Cortaderia</i> spp.</u> | <u>Pampas grass</u> |
| <u><i>Cynodon dactylon</i></u> | <u>Bermuda grass (excluding sod hybrid)</u> |
| <u><i>Digitaria</i> spp.</u> | <u>Crabgrass</u> |
| <u><i>Elaeagnus angustifolia</i></u> | <u>Russian olive</u> |
| <u><i>Eragrostis</i> spp.</u> | <u>Lovegrass (excluding <i>E. intermedia</i>, plains lovegrass)</u> |
| <u><i>Melinis repens</i></u> | <u>Natal grass</u> |
| <u><i>Mesembryanthemum</i> spp.</u> | <u>Iceplant</u> |

<u>Peganum harmala</u>	<u>African rue</u>
<u>Pennisetum ciliare</u>	<u>Buffelgrass</u>
<u>Pennisetum setaceum</u>	<u>Fountain grass</u>
<u>Rhus lancea</u>	<u>African sumac</u>
<u>Salsola spp.</u>	<u>Russian thistle</u>
<u>Schinus spp.</u>	<u>Pepper tree</u>
<u>Schismus arabicus</u>	<u>Arabian grass</u>
<u>Schismus barbatus</u>	<u>Mediterranean grass</u>
<u>Sorghum halepense</u>	<u>Johnson grass</u>
<u>Tamarix spp.</u>	<u>Tamarisk</u>

7. Adherence to the sketch plan approved at public hearing including the location of the residence within previously disturbed areas of the property.
8. 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.
9. The property owner shall execute 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(l)."

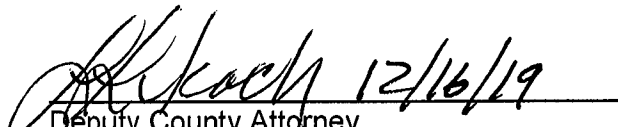
Passed and adopted, this _____ day of _____, 2020.

Chairman, Pima County Board of Supervisors

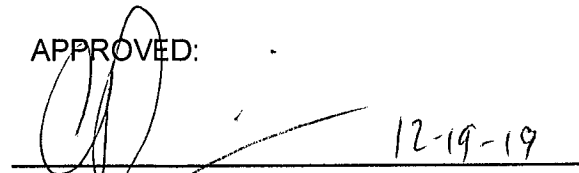
ATTEST:

Clerk, Board of Supervisors

APPROVED AS TO FORM:

 12/16/19
Deputy County Attorney
Lesley M. Lukach

APPROVED:

 12-19-19
Executive Secretary
Planning and Zoning Commission

The map displays a grid of land parcels with the following details:

- Section 21, T12S R13E:** The central area of the map.
- Major Roads:**
 - CAMINO DEL AURORA:** Located at the top of the map.
 - OVERTON ROAD:** A horizontal road at the bottom.
 - LA CHOLLA BOULEVARD:** A vertical road on the right side.
- Zoning Designations:**
 - SR:** Single Residential, located in the upper left and upper right.
 - CR-1:** Community Residential, located in the center and middle left.
 - CR-1R:** Community Residential, located in the center.
 - CR-4:** Community Residential, located in the lower left.
 - CR-5:** Community Residential, located at the bottom.
- Lot Numbers:**
 - Top left: 6, 7, 12.
 - Top center: 1A, 2.
 - Top right: 6, 7, 8.
 - Middle left: 6, 7C, 7E, 7F.
 - Middle center: 5B, 4A, 3H, 3D.
 - Middle right: 16, 14, 17, 18.
 - Bottom left: 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48.
 - Bottom center: 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263.
 - Bottom right: 470A.
- Other Features:**
 - FOSTORIA PLACE:** A small street in the lower left.
 - LA CRESTA ROAD:** A street running through the center.
 - LA CHOLLA BOULEVARD:** A street running vertically on the right.

C09-00-39
C07-89-2
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