BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: January 14, 2020

Title: ORDINANCE: P19RZ00003 LUMINEX LLC - OLD VAIL ROAD REZONING

Introduction/Background:

The Board of Supervisors' approved this rezoning September 17, 2019.

Discussion:

The rezoning was for approximately 38.78 acres from the RH (Rural Homestead) and the GR-1 (Rural Residential) zones to the CR-4 (Mixed-Dwelling Type) zone for a 140 lot single-family residential subdivision.

Conclusion:

The Ordinance reflects the Board of Supervisors' approval of the rezoning.

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: 12-19-19

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

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

DEC 24 1:48 PM '19 PCC

PIMA COUNTY
DEVELOPMENT SERVICES

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

ORDINANCE FOR ADOPTION

P19RZ00003 LUMINEX LLC, ET AL. - E. OLD VAIL ROAD REZONING
Owners: Luminex LLC, Et Al.
(District 4)

If approved, adopt ORDINANCE NO. 2020 - _____

OWNERS: Luminex LLC, Et al.
Attn: Steve Lenihan
2200 E. River Road, Ste. 115
Tucson, AZ 85718

AGENT: The Planning Center
Attn: Lexy Wellott
2 E. Congress Street, Ste. 600
Tucson, AZ 85701

DISTRICT: 4

STAFF CONTACT: Terrill Tillman, Principal Planner

STAFF RECOMMENDATION: **APPROVAL.**

CP/TT/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P19RZ00003 File

DEC 24 '19 PM 1:45 BOS/CLERK OF BD

ORDINANCE 2020-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 33.78 ACRES OF PROPERTY (PARCEL CODES 305-09-012E, 305-07-001G AND 305-07-001F) FROM THE RH (RURAL HOMESTEAD) AND THE GR-1 (RURAL RESIDENTIAL) ZONES TO THE CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P19RZ00003 LUMINEX LLC, ET AL. – E. OLD VAIL ROAD REZONING, LOCATED APPROXIMATELY 300 FEET NORTH OF THE INTERSECTION OF E. OLD VAIL ROAD AND S. FREEMAN DRIVE ALIGNMENT, NORTH OF THE UNION PACIFIC RAILROAD TRACK, AND AMENDING PIMA COUNTY ZONING MAP NO. 134.

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

Section 1. The 33.78 acres located approximately 300 feet north of the intersection of E. Old Vail Road and S. Freeman Drive alignment, north of the Union Pacific Railroad Track and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 134, is rezoned from the RH (Rural Homestead) and the GR-1 (Rural Residential) zones to the CR-4 (Mixed-Dwelling Type) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. Design and location of the northeast driveway connection as shown on the Preliminary Development Plan (Exhibit B) shall ensure alignment with the adjacent MAC 25 residential street and any required right-of-way shall be obtained and recorded prior to approval of the site construction plan for that work.
   B. Prior to approval of the Tentative Plat, proof of coordination with the City of Tucson regarding the Traffic Impact Study and any subsequent City of Tucson requirements shall be provided to Pima County Development Services.
   C. If construction of the adjacent MAC 25 Subdivision and the subsequent offsite connection to Mary Ann Cleveland does not proceed, the developer of this subdivision shall be required to build out the connection or revise their layout to provide and construct an alternative access point to the public right-of-way.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
   A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes

an agreement with the owner(s) to that effect.

B. The owner(s) 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(s) 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(s) 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(s) 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(s) 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(s) 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.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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.

6. Cultural Resources condition: 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.

7. Natural Resources, Parks and Recreation conditions: The property owners shall dedicate to Pima County and construct a 20-foot "Public Non-Motorized Trail Easement" along the southern border of the project and a 30-foot "Public Non-Motorized Trail Easement" as depicted on the Preliminary Development Plan (Exhibit B) for the Esmond Station Greenway.

8. A Pima Pineapple Cactus survey is required. Written coordination with US Fish and Wildlife Service for any necessary conservation or mitigation shall be provided.
9. Adherence to the Preliminary Development Plan (Exhibit B) as approved at public hearing including the 4.5 maximum residences per acre on the western parcel designated as MLIU. There shall be no increase in the number of lots adjacent to the Davis Monthan Air Force Base ADC.
10. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
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 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 September 17, 2024.

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 Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day

of _____, 2020.

_____
Chairman, Pima County Board of Supervisors

ATTEST:

_____
Clerk, Board of Supervisors

APPROVED AS TO FORM:

12/4/2019
Deputy County Attorney
Lesley M. Lukach

APPROVED:

12-19-19
Executive Secretary
Planning and Zoning Commission

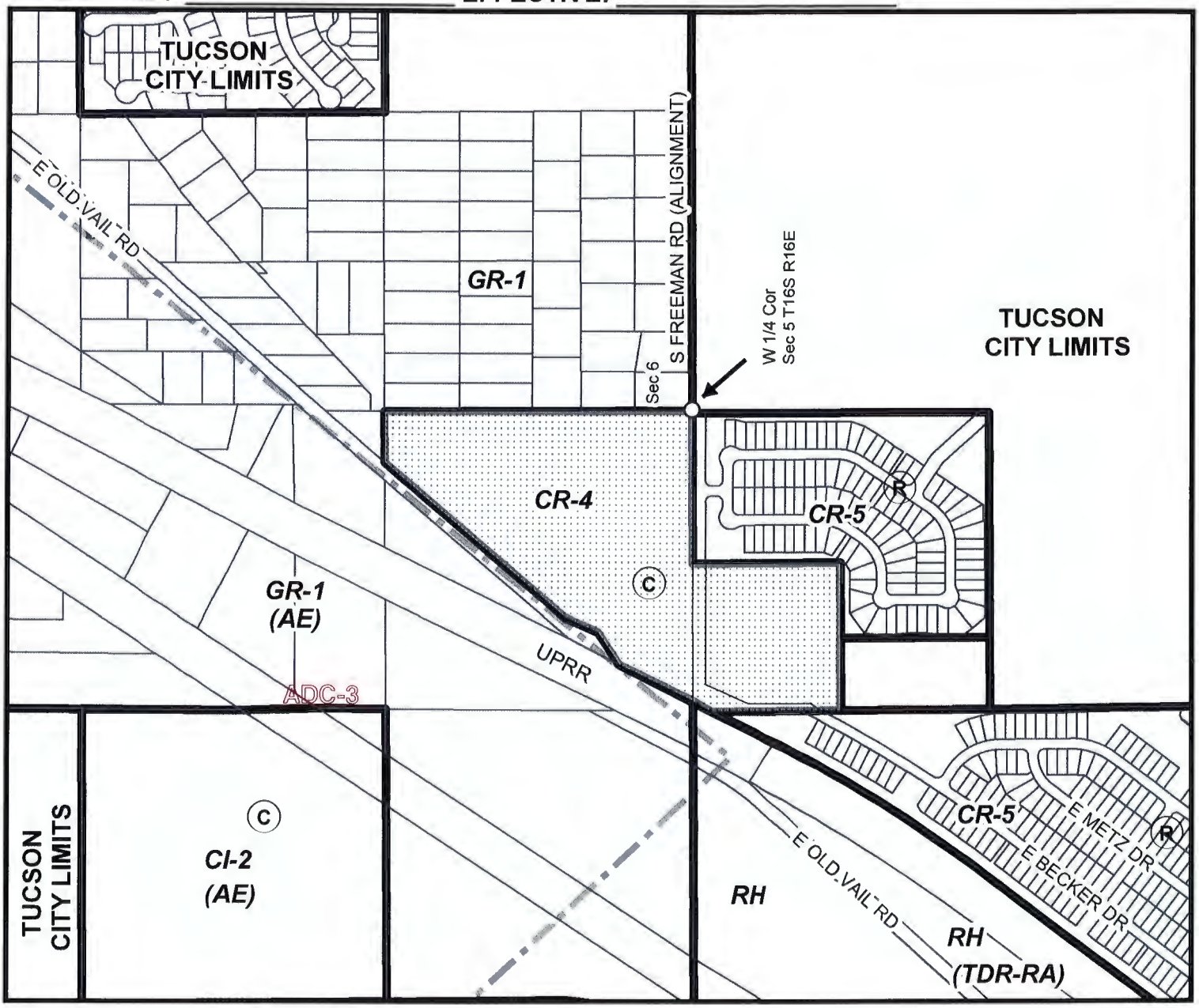
EXHIBIT A

AMENDMENT NO._____ BY ORDINANCE NO._____
TO PIMA COUNTY ZONING MAP NO. 134 TUCSON AZ. LOCATED
IN THE SW 1/4 AND THE SE 1/4 OF SECTIONS 5 AND 6 OF T16S R16E.

N W E S

0 165 330 660 Feet

ADOPTED: _____ EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH & GR-1 33.78 ac
ds-November 15, 2019

PIMA COUNTY
DEVELOPMENT SERVICES

P19RZ00003
30509012E, 30507001G
AND 30507001F

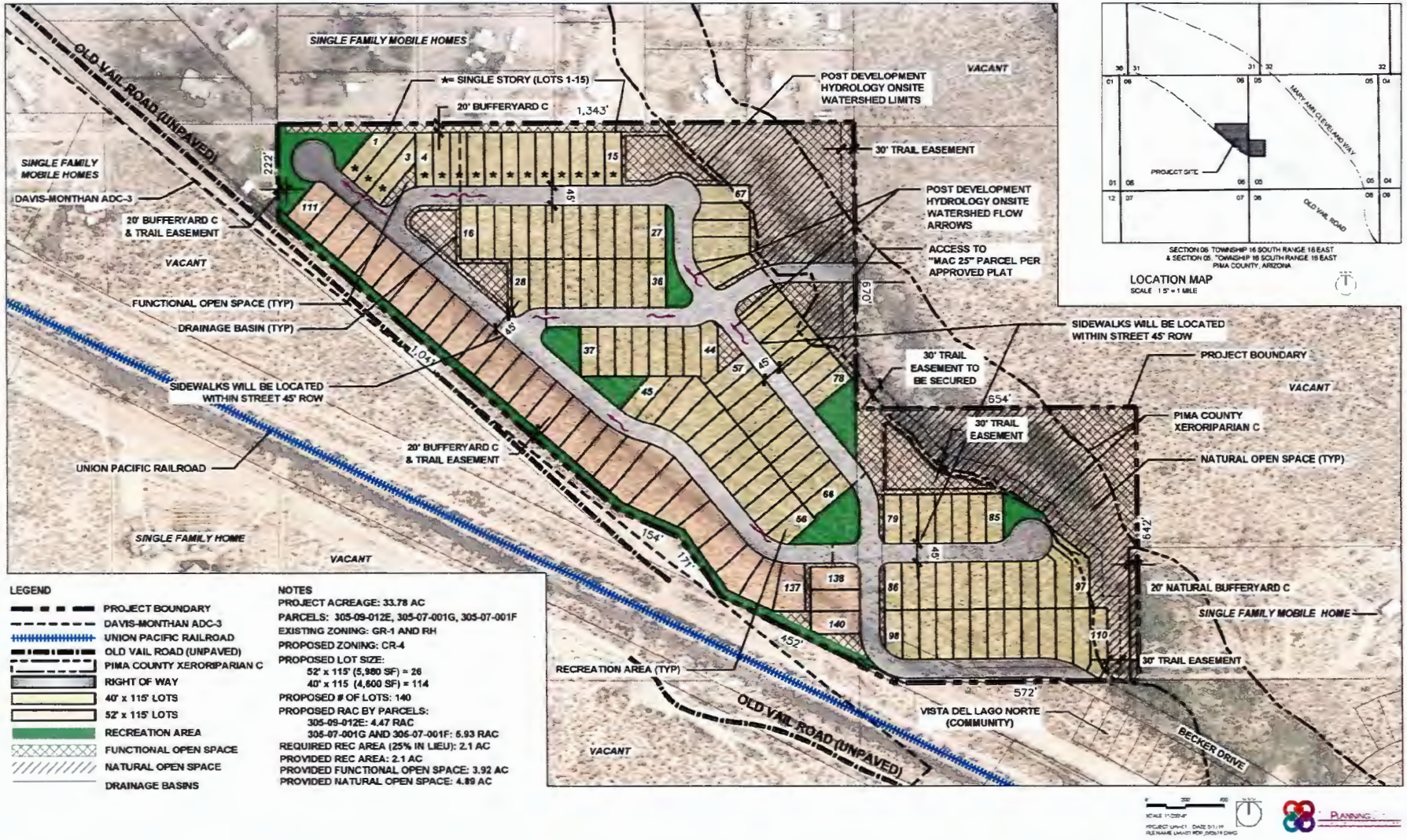



Exhibit II.B.1: Preliminary Development Plan