



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: April 7, 2020

Title: RESOLUTION: Co9-07-21 STEWART TITLE AND TRUST TR 3652 - NORTH COMO DRIVE
REZONING

Introduction/Background:

On September 17, 2019, the Board of Supervisors denied Closure this Rezoning and approved a five-year Rezoning Time Extension subject to modified standard and special conditions.

Discussion:

The time limit and conditions contained in Rezoning Ordinance 2010-55, as amended by Resolution 2015-68 may be modified by resolution.

Conclusion:

This Resolution reflects the Board of Supervisors' approval.

Recommendation:

Approval.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: David Petersen, Senior Planner Telephone: 520-724-9508

Department Director Signature/Date:  3/11/2020

Deputy County Administrator Signature/Date:  3/13/2020

County Administrator Signature/Date:  3/16/20



Subject: Co9-07-21

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APRIL 7, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

Tom Drzazgowski

DATE: March 6, 2020

RESOLUTION FOR ADOPTION

Co9-07-21 **Stewart Title and Trust TR 3652 – North Como Drive Rezoning**
Owners: Stewart Title and Trust TR 3652, Aboud & Aboud, P.C.
(District 1)

If approved, adopt RESOLUTION NO. 2020 - _____

OWNERS: Stewart Title and Trust TR 3652
Aboud & Aboud, P.C.
Attn.: Michael Aboud
1661 N. Swan Road, Ste. 234
Tucson, AZ 85712-4053

AGENT: Michael Aboud
1661 N. Swan Road, Ste. 234
Tucson, AZ 85712-4053

DISTRICT: 1

STAFF CONTACT: David Petersen, Senior Planner

STAFF RECOMMENDATION: APPROVAL.

CP/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-07-21 File

RESOLUTION 2020-_____

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 DRIVE AND 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 2010-55 AS AMENDED BY RESOLUTION 2015-68.

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

1. On May 5, 2009, in rezoning case Co9-07-21, the Pima County Board of Supervisors approved the rezoning of approximately 59.91 acres located approximately 2,500 feet west of North Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard as shown on Exhibit A from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate), subject to standard and special conditions.
2. On September 21, 2010, the Pima County Board of Supervisors adopted rezoning Ordinance 2010-55, recorded at Sequence 20101870831, rezoning the approximate 59.91 acres described in rezoning case Co9-07-21 and memorializing the standard and special conditions.
3. The owner of the rezoning site applied for a five-year extension of the time limit approved by the Pima County Board of Supervisors on May 5, 2009.
4. On July 7, 2015, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions.
5. On October 6, 2015, the Pima County Board of Supervisors adopted Resolution 2015-68, recorded at Sequence No. 20152820844, memorializing the new time limit and modified standard and special conditions.
6. The owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2010-55, as amended by Resolution 2015-68.
7. On September 17, 2019, the Pima County Board of Supervisors denied closure of the rezoning and approved a five-year time extension subject to modified standard and special conditions.
8. Section 3 of Ordinance No. 2010-55 and the Pima County Code allow the Board of Supervisors to amend the rezoning time limit and conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance No. 2010-55, as amended by Resolution 2015-68, are restated and modified as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~3. Provision of development related assurances as required by the appropriate agencies.~~
- ~~4. 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.~~
- ~~51.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~62.~~ 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).
- ~~73.~~ 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.
- ~~84.~~ 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.

95. Wastewater Reclamation 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.

406. 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. 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.~~

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 |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |
| Tamarix spp. | Tamarisk |

- C. 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.
- 447. 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.
- 428. 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.
- 439. 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.
- 4410. 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)."

4511. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

12. There shall be a maximum of 18 residences.

Section 2. Section 3 of Ordinance No. 2010-55, as amended by Resolution 2015-68, is restated and modified as follows:

1. Conditions 1 through 4512 shall be completed by May 5, 20192024.
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 Ordinance until all conditions 1 through 4512 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 _____, 2020.

Chairman, Pima County Board of Supervisors

ATTEST:


APPROVED AS TO FORM:

Clerk of the Board



Deputy County Attorney
Lesley M. Lukach

APPROVED:



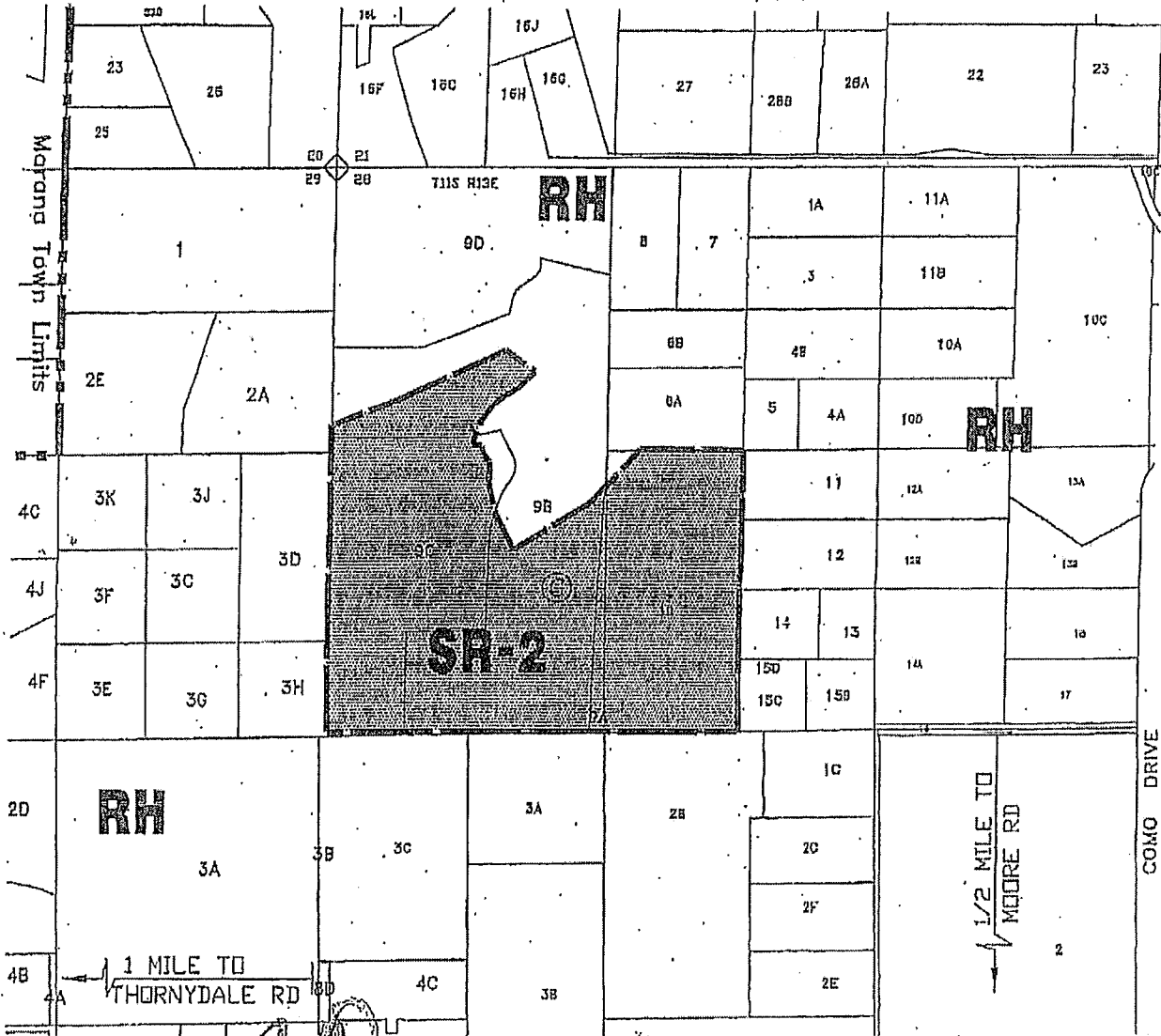
Executive Secretary
Planning and Zoning Commission

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

