



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: May 19, 2020

Title: P20RZ00002 BOHLMANN - E. BECKER DRIVE REZONING

Introduction/Background:

The applicant requests a rezoning of 5.00 acres from RH (Rural Homestead) zone to the CR-4 (Mixed-Dwelling Type) zone for a 19-lot single-family residential subdivision.

Discussion:

Current RH zoning allows for one, single-family residence to be developed. The Comprehensive Plan designation of Medium Intensity Urban plans for a minimum density of 5 residences per acre (RAC) up to 13 RAC.

Conclusion:

The proposed 5.2 RAC is in conformance with the Comprehensive Plan.

Recommendation:

Staff and the Planning and Zoning Commission recommend approval subject to standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

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

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date:  4/24/2020

Deputy County Administrator Signature/Date:  4/24/2020

County Administrator Signature/Date:  4/24/20



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Steve Christy, Supervisor, District 4
FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division
Tom Drzewowski
DATE: April 17, 2020
SUBJECT: P20RZ00002 BOHLMANN – E. BECKER DRIVE REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MAY 19, 2020** hearing.

REQUEST: For a **rezoning** of 5.0 acres from the RH (Rural Homestead) to the CR-4 (Mixed-Dwelling Type) zone, approximately 660 feet northeast of the intersection of E. Old Vail Road and S. Freeman Road Alignment, approximately 400 feet north of the Union Pacific Railroad track, and 75 feet east of E. Becker Drive **addressed as 12010 E. Old Vail Road.**

OWNERS: Scott & Cynthia Bohlmann
7217 E. 28th Street
Tucson, AZ 85710

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

DISTRICT: 4

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of April 17, 2020, staff has received no written public comment, however, one voice mail was received in opposition to the request.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (10 – 0).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside of the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DS/tt
Attachments



PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P20RZ00002

Page 1 of 4

FOR MAY 19, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

Tom Dragsowski

DATE: April 17, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P20RZ00002 BOHLMANN – E. BECKER DRIVE REZONING

Request of Scott and Cynthia Bohlmann, represented by the Planning Center, for a **rezoning** of approximately 5.0 acres from the RH (Rural Homestead) to the CR-4 (Mixed-Dwelling Type) zone located approximately 660 feet northeast of the intersection of E. Old Vail Road and S. Freeman Road Alignment, approximately 400 feet north of the Union Pacific Railroad track, and 75 feet east of E. Becker Drive, **addressed as 12010 E. Old Vail Road**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (10-0)**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 4)

Planning and Zoning Commission Public Hearing Summary (March 25, 2020)

Chairman Johns and Commissioner Membrilla were present in the hearing room; the remainder of the commissioners participated via telephone as a public health precaution due to the coronavirus pandemic.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions.

A commissioner asked about the ownership of the adjacent property due to the access being over the property to the west. Staff stated that the applicant could better answer the question, it may be a similar ownership group.

The applicant's representative presented information for the proposed development. The property to the west has been rezoned by the same group and they plan on platting and engineering both properties together, if rezoned. He discussed that the property is in an area that is experiencing growth. The access ties into Becker Road. A neighborhood meeting was held but no one attended.

A commissioner asked about the subject sites' proximity to the airport environs zone and if there are any special design guidelines so that the development does not interfere with airport operations. The applicant stated that the Planning Center met with the Davis-Monthan Air Force Base staff, who expressed no specific concerns. An aviation easement that informs the buyer of the airport environ zone will be recorded for individual lots on the property.

A commissioner asked about the ingress/egress to the north. The applicant stated that the future plan is to extend Becker Drive through the project to the west and connect to the MAC 25 subdivision to the north and eventually to Mary Ann Cleveland Way.

The commission opened the public hearing.

A speaker stated concerns about apartments but that concern has been alleviated. The speaker requested a larger buffer and asked if the street access is accurate? The applicant responded that the closest lot will be 150 feet from any lot that is located on Becker Drive. The access to Becker Drive is accurate.

The public hearing was closed.

Commissioner Matter made a motion to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, Commissioner Membrilla gave second.

The commission voted to recommend **APPROVAL** of the rezoning (10 – 0) with the following conditions:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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. 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.
 - B. Any required right-of-way shall be obtained prior to the Final Plat approval.
 - C. Access shall be designed to prohibit subdivision access to Old Vail Road.
3. Flood Control condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation Department 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.

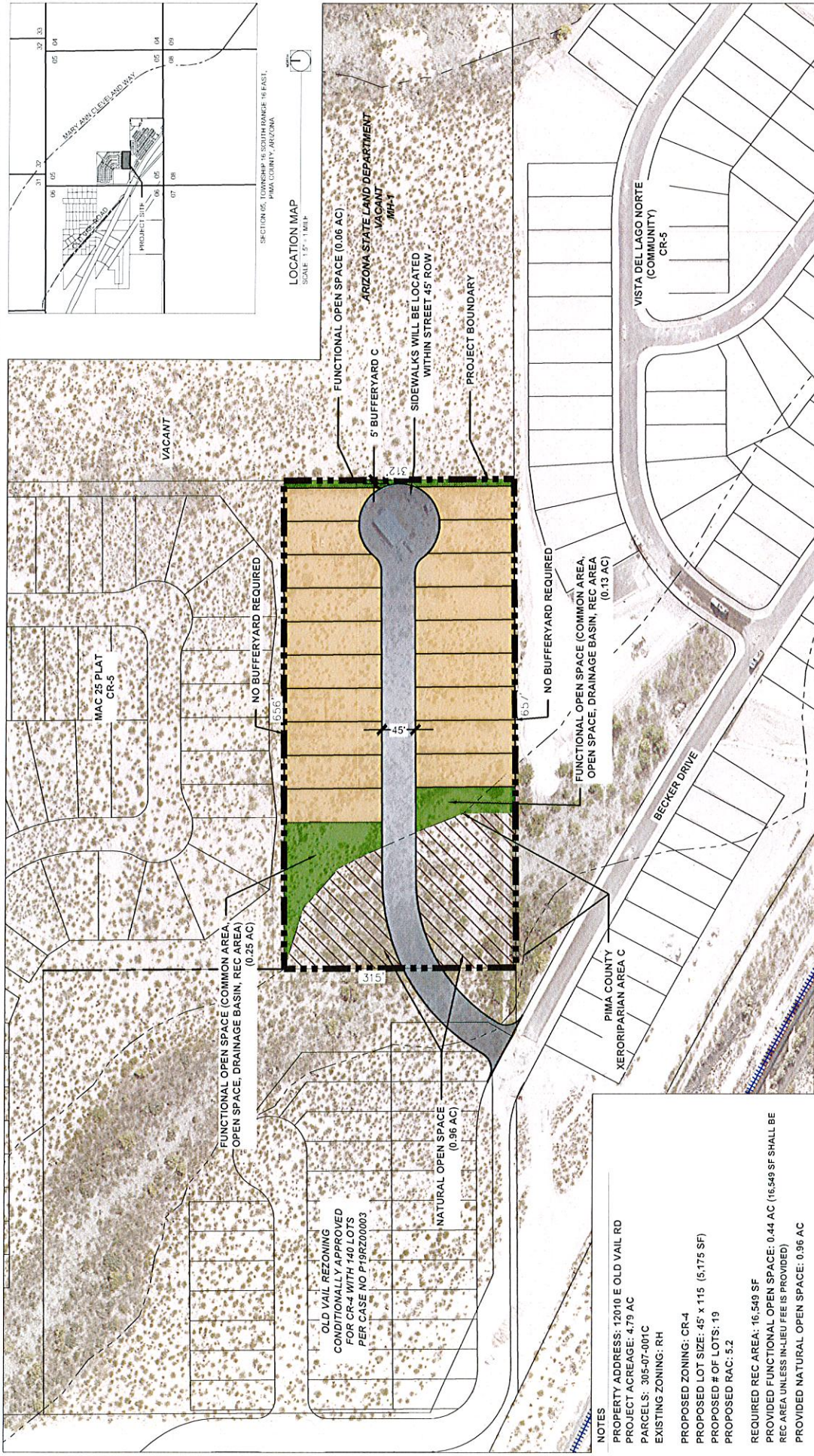
- B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, 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. 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.
 - 6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property 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. 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.
 - 7. Adherence to the sketch plan as approved at public hearing. A minimum net density (total acreage minus natural and functional open space acreage) of five residences per acre shall be required.
 - 8. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
 - 9. 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.

10. 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)."

TD/DS/tt
Attachments

cc: Scott & Cynthia Bohlmann, 7217 E. 28th Street, Tucson AZ 85710
The Planning Center, Attn: Lexy Wellott, Project Manager, 2 E. Congress Street, Suite 600,
Tucson AZ 85701
Tom Drzazgowski, Chief Zoning Inspector
P20RZ00002 File

ATTACHMENT A: PRELIMINARY SKETCH PLAN

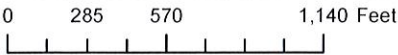
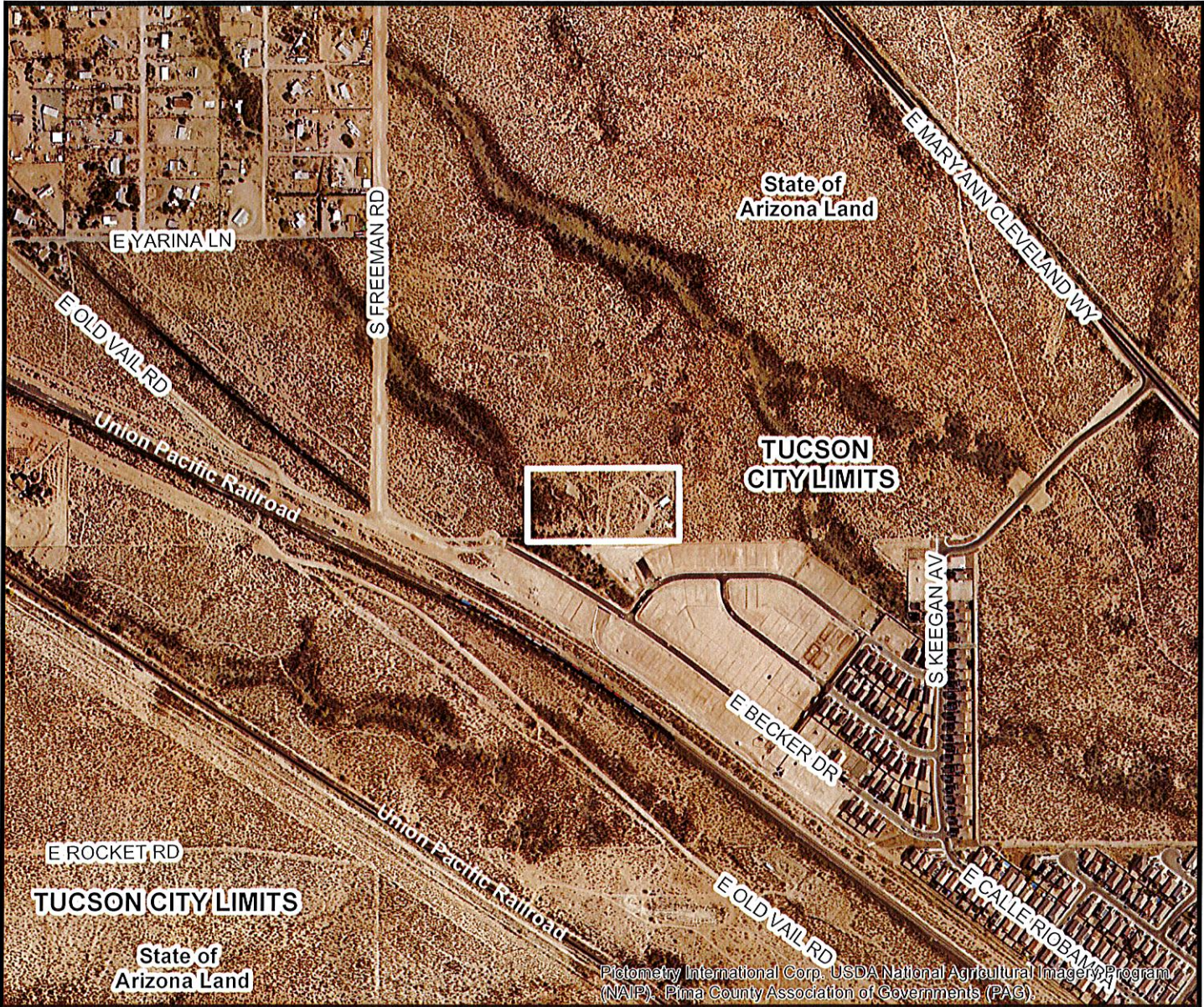


12010 EAST OLD VAIL REZONING

THIS EXHIBIT WAS CREATED UTILIZING PRELIMINARY DATA AND IS SUBJECT TO CHANGE BASED ON DETAILED STUDIES.



Case #: P20RZ00002
Case Name: BOHLMANN - E. BECKER DRIVE REZONING
Tax Code(s): 305-07-001C



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:



Map Scale: 1:8,000

Map Date: 2/20/2020 - ds

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING March 25, 2020

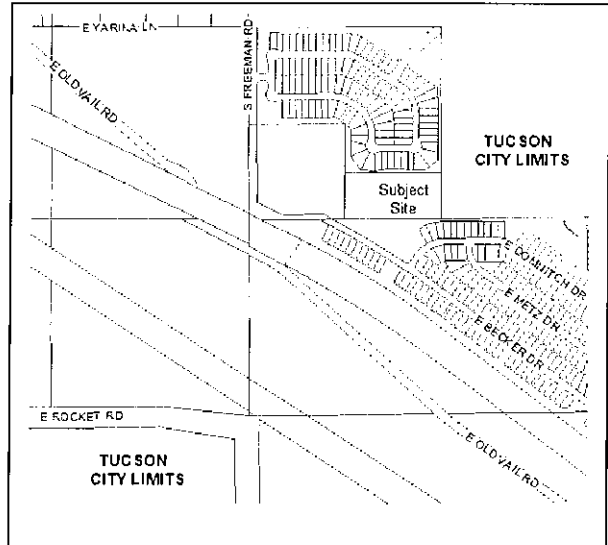
DISTRICT 4

CASE P20RZ00002 Bohlmann - E. Becker Drive Rezoning

REQUEST Rezone 5.0 acres from RH (Rural Homestead) zone to CR-4 (Mixed-Dwelling Type) zone

OWNER Scott & Cynthia Bohlmann
7217 E. 28th Street
Tucson, AZ 85710

APPLICANT The Planning Center
Attn: Lexy Wellott, Project Manager
2 E. Congress Street, Suite 600
Tucson, AZ 85701



APPLICANT'S PROPOSED USE

The applicant proposes a 19-lot, single-family residential subdivision on 5.0 acres of land.

APPLICANT'S STATED REASON

The proposed rezoning "...will be an extension of the planned subdivisions in the area and will develop in conjunction with the neighboring properties which were recently rezoned to CR-4 for 140 single-family lots."

STAFF REPORT SUMMARY

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a 19-lot residential development subdivision as an extension of an already approved rezoning for a 140-lot residential subdivision. The proposal conforms to the Comprehensive Plan land use designation of Medium Intensity Urban and is a continuation of a trend of higher density residential rezonings in the area.

PUBLIC COMMENT

Staff has not received any written public comments as of March 10, 2020.

COMPREHENSIVE PLAN

The comprehensive plan designates the property as Medium Intensity Urban (MIU). MIU allows a mix of medium density housing types such as attached dwellings, garden apartments, and single family uses with a minimum density of five residences per acre (RAC) and a maximum of 13 RAC. MIU also allows office, medical office and hotel commercial uses. The proposed net density of 5.2 RAC conforms to the plan based upon the development area of 3.65 acres by excluding the 1.35 acres of natural and functional open space. There are no rezoning or special area policies applicable to the property. The current RH zoning does not comply with MIU.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-5	Undeveloped Residential Subdivision
South:	CR-5	Developed/Undeveloped Residential Subdivision
East:	City of Tucson	Undeveloped State of Arizona Land
West:	CR-4	Undeveloped Land Planned for Residential Subdivision

Undeveloped State Land is dominant in the area; however, private land in the vicinity of the Union Pacific Rail Lines has been undergoing rezonings for residential subdivision development. There is State Land adjacent to the east side and a 140-lot planned residential subdivision will be located on the west side of the subject site.

PREVIOUS REZONING CASES ON PROPERTY

The one previous rezoning on the site and surrounding area, Co9-83-33 Southeast Area Plan Rezoning from CI-2 (General Industrial) to the GR (Rural Residential) zone has been closed.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case P19RZ00003 – E. Old Vail Road Rezoning from the RH (Rural Homestead) and the GR-1 (Rural Residential) to CR-4 (Mixed-Dwelling Type) zone for 33.78 acres containing three contiguous properties located adjacent to and west of the subject site. The rezoning was approved by the Board of Supervisors on September 17, 2019.

Rezoning case Co9-13-15 – S. Freeman Road Rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence - Small Lot Option) zone for 25 acres adjacent to the subject site to the north. The rezoning was approved by the Board of Supervisors on March 11, 2014.

Rezoning case Co9-07-18 – Rocket Road Alignment Rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence) zone for 43.9 acres located adjacent to and south of the subject site. The rezoning was approved by the Board of Supervisors on January 13, 2009.

Past activity:

Other residential rezonings from 2006 through 2019 to the CR-4 and CR-5 zones have occurred in the area of the site and have resulted in subdivisions northeast of the Union Pacific Railroad. There has been a large amount of subdivided land as a result of the Vail Valley Ranch Specific Plan rezoning approved in 1998 located east of the site which caused development of Mary Ann Cleveland Way linking the area to Houghton Road. An attached rezoning history map shows properties within approximately one-half mile of the site for which rezoning requests have been made from 1983 to 2019. Most rezonings were approved. Some have been closed.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff supports the request because the proposed CR-4 residential development will meet the density requirement for the MIU comprehensive plan designation. The current RH zoning does not comply with MIU. Also, the proposal is a 19-lot extension of a 140-lot CR-4 rezoning recently approved by the Board of Supervisors. Additionally, concurrency of infrastructure exists except for an elementary and a middle school which are currently functioning over capacity. However, an agreement between the Vail Unified School District and the developer for a fee of \$1,200 per residence has been provided in the application materials. To ensure compliance with the

minimum five RAC requirement for MIU, staff recommends condition #7 which requires adherence to the proposed sketch plan and a minimum five RAC net density.

The subject site is located within a rapidly growing area of the county. Subdivision development has spurred the growth of commercial centers along Houghton Road and in Vail. Currently, Sun Tran Shuttle routes are located approximately three miles away. Increased density may contribute to the promotion of additional access to transit.

Schools, commercial services, and recreation opportunities exist in the area. Cienaga High School, Old Vail Middle School and Esmond Station Elementary School are located within two miles of the rezoning site. The nearest grocery, other retail, and services are located approximately two miles to the southeast. A major commercial center is located four miles to the west at Houghton Road and Mary Ann Cleveland Way. Recreation opportunities such as hiking and biking exist north of the subject property within the Atturbury Wash South Fork Greenway and along the Esmond Station Greenway. Additionally, a golf course is located three miles southeast of the subject site.

The site is located approximately one-eighth of a mile east of the Airport Environs Zone Approach-Departure Corridor 3 for Davis Monthan Air Force Base where density is restricted. Also, the site is approximately 400 feet north of the Union Pacific Rail Road tracks.

The site is relatively flat and natural vegetation is partially disturbed with a manufactured home currently existing on the eastern portion of the property. Vegetation on the site consists of Sonoran Desert Scrub; and it appears that there are no saguaros on-site. A wash with a flow of 500 to 1,000 cubic feet per second and xeroriparian habitat class "C" traverses the southwest portion of the site. The applicant proposes to set aside 0.96 acres of natural open space and 0.44 acres of functional open space in the area of the wash. The functional space includes common area, open space, a drainage basin, and a recreation area. Approximately, 16,549 square feet for a recreation area will be provided on the subject property but if an on-site recreation area is not feasible an in-lieu fee option may be used. A 5-foot-wide bufferyard 'C' will be provided on the eastern property boundary; bufferyards are not required on any of the other property boundaries.

The proposed 19-lot subdivision will contain one and two-story single-family dwellings with a potential maximum height of 34 feet allowed in the CR-4 zone on lots of approximately 5,175 square feet. This rezoning request is an extension of previously approved rezonings and subdivision development on private property aligned along the railroad tracks. The recent CR-4 rezoning (P19RZ00003) contiguous and west of the subject site, will be platted with the subject site should it also be approved for rezoning according to the applicant. As shown on the applicant's preliminary site plan, the ingress/egress for the subject site is currently running through two lots, a trail easement, and natural open space within the approved preliminary development plan for the rezoning to the west. Proposed access is via Becker Road through the Vista Del Lago Subdivision located south of the subject site. Mary Ann Cleveland Way is the primary access to Vista Del Lago Norte Subdivision. While the intent for access has been shown to be via Becker Road, should this development not be platted with the property to the west, other provisions may be necessary for access. Recommended condition #2C prohibits access from unimproved Old Vail Road.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Vail Water Company – No comment
SCHOOLS	Schools functioning over capacity (<i>Acacia Elementary and Old Vail Middle School</i>)	No comment from Vail USD; Agreement provided for payment of education fees to Vail USD.

TRANSPORTATION REPORT

Access for the proposed rezoning site is provided via Becker Road, a local public street within Vista Del Lago Norte Subdivision with Mary Ann Cleveland Way as the primary access to this Subdivision.

Mary Ann Cleveland Way between Colossal Cave and Houghton Roads is within the City of Tucson jurisdictional limits and maintained by the City of Tucson Transportation Department. There is a continuous 150-foot right-of-way for Mary Ann Cleveland Way. It is a two-lane-wide, paved, rural minor arterial that is designated a scenic major route per the City Major Streets and Routes Plan and Pima County Major Streets and Scenic Routes Plan, with a planned right-of-way of 150 feet. The capacity of the roadway system is 14,900 average daily trips (ADT). The current traffic volume is 12,680 ADT per the MAC 25 Traffic Impact Study for a recently recorded subdivision directly north of the subject site.

Access to the site is subject to access provided through the neighboring property to the west, recently rezoned under P19RZ00003 (the Old Vail Rezoning) for a 140-lot subdivision. The subject site is intended to be developed in conjunction with the P19RZ00003 rezoning. During the Pima County Planning and Zoning Commission meeting on August 30, 2018 public input was received concerning access from Old Vail Road. Access shall be designed to prohibit subdivision access to Old Vail Road.

Based on the traffic generation for the proposed 19-lot subdivision and the recently approved Old Vail Rezoning, it appears Mary Ann Cleveland Way will function below capacity. The Traffic Impact Study shall address trip generation from both subdivisions in addition to any requirement from the City of Tucson.

This development is concurrent with the Pima County roadway network. Pima County Department of Transportation has no objection and recommends rezoning conditions #2A-C.

FLOOD CONTROL REPORT

The site includes Pima County Regulated Riparian Habitat that needs to be avoided and as shown on the preliminary development plan is largely avoided. The District has no objection subject to condition #3.

WASTEWATER RECLAMATION REPORT

The rezoning area is within the Pima County Regional Wastewater Reclamation Department (PCRWRD) service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. Capacity for the proposed development is currently available within the 12" public sewer G-2016-065, downstream from manhole 2506-11 (Type I 2020-10 dated January 21, 2020). PCRWRD has no objection to the request subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no comment.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection subject to rezoning condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

United States Fish and Wildlife did not respond to a request for comments.

WATER DISTRICT REPORT

Vail Water Company did not respond to a request for comments. The applicant did provide a will-serve letter with the application submittal.

SCHOOL DISTRICT REPORT

The Vail School District did not respond to a request for comments. The applicant submitted an agreement between the school district and the developer for \$1,200 per residence fee.

FIRE DISTRICT REPORT

Rural Metro Fire District did not respond to a request for comments.

DAVIS MONTHAN AIRFORCE BASE (DMAFB) REPORT

DMAFB did not respond to a request for comments.

TUCSON ELECTRIC POWER (TEP) COMPANY REPORT

TEP did not respond to a request for comments.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

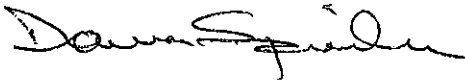
Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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. 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.
 - B. Any required right-of-way shall be obtained prior to the Final Plat approval.
 - C. Access shall be designed to prohibit subdivision access to Old Vail Road.
3. Flood Control condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation Department 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. 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.
6. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan

for any identified archaeological and historic sites on the subject property 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. 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.

7. Adherence to the sketch plan as approved at public hearing. A minimum net density (total acreage minus natural and functional open space acreage) of five residences per acre shall be required.
8. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
9. 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.
10. 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)."

Respectfully Submitted,







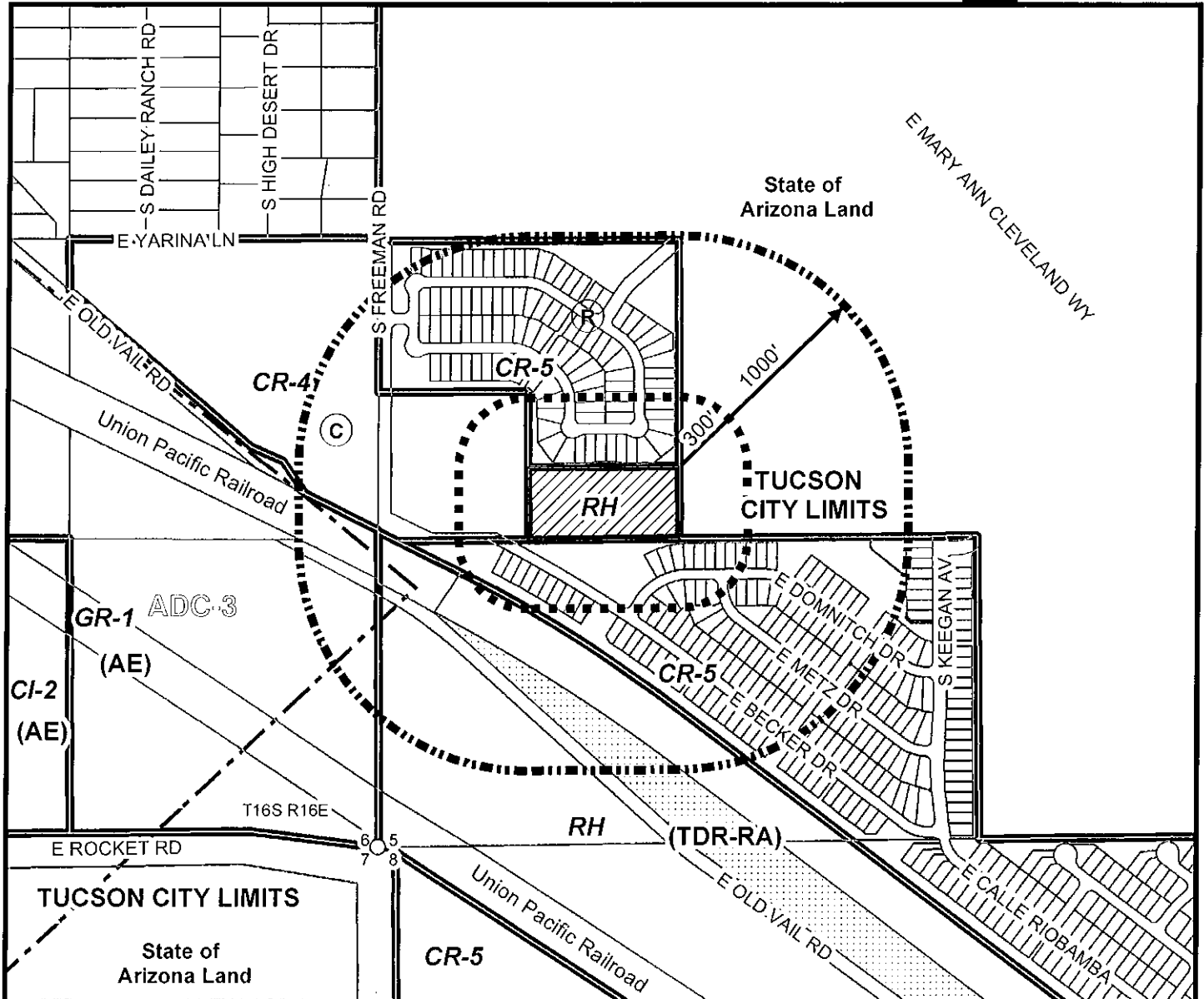
Donna Spicola
Planner

TD/DS/ar
Attachments

c: The Planning Center, Attn: Lexy Wellott, Project Manager, 2 E. Congress Street,
Tucson, AZ 85701
Scott & Cynthia, 7217 E. 28th Street, Tucson, AZ 85710

Case #: P20RZ00002
Case Name: BOHLMANN - E. BECKER DRIVE REZONING
Tax Code(s): 305-07-001C

-  1000' Notification Area
-  300' Notification Area
-  Subject Property
-  Zoning Boundary



0 285 570 1,140 Feet

Area of proposed rezoning from RH to CR-4



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Planning & Zoning Hearing: 3/25/20 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 134

Map Scale: 1:8,000

Map Date: 2/19/2020 - ds

