



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 1, 2020

Title: ORDINANCE: P20RZ00002 BOHLMANN - E. BECKER DRIVE REZONING

Introduction/Background:

The Board of Supervisors approved the rezoning at the May 19, 2020 public hearing.

Discussion:

The request was to rezone approximately 5.0 acres from the RH (Rural Homestead) to the CR-4 (Mixed-Dwelling Type) zone for a 19-lot single-family residential subdivision.

Conclusion:

The Ordinance 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, Planning Division Telephone: 520-724-8800

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

Department Director Signature/Date:  8/6/2020

Deputy County Administrator Signature/Date:  8/7/2020

County Administrator Signature/Date:  8/9/2020



SUBJECT: P20RZ00002

Page 1 of 1

SEPTEMBER 1, 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: August 7, 2020

ORDINANCE FOR ADOPTION

P20RZ00002 BOHLMANN – E. BECKER DRIVE REZONING

Owners: Scott & Cynthia Bohlmann
(District 4)

If approved, adopt ORDINANCE NO. 2020 - _____

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

STAFF RECOMMENDATION: APPROVAL.

TD/DS/ds
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P20RZ00002 File

ORDINANCE 2020-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 5.0 ACRES OF PROPERTY (PARCEL CODE 305-07-001C) FROM THE RH (RURAL HOMESTEAD) ZONE TO CR-4 (MIXED-DWELLING TYPE) ZONE, IN CASE P20RZ00002 BOHLMANN – E. BECKER DRIVE REZONING, 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, AND AMENDING PIMA COUNTY ZONING MAP NO. 134.

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

Section 1. The 5.0 acres 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, 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) zone 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. 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 (Exhibit B). 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)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than May 19, 2025.

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:

 7/28/20

Deputy County Attorney

APPROVED:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

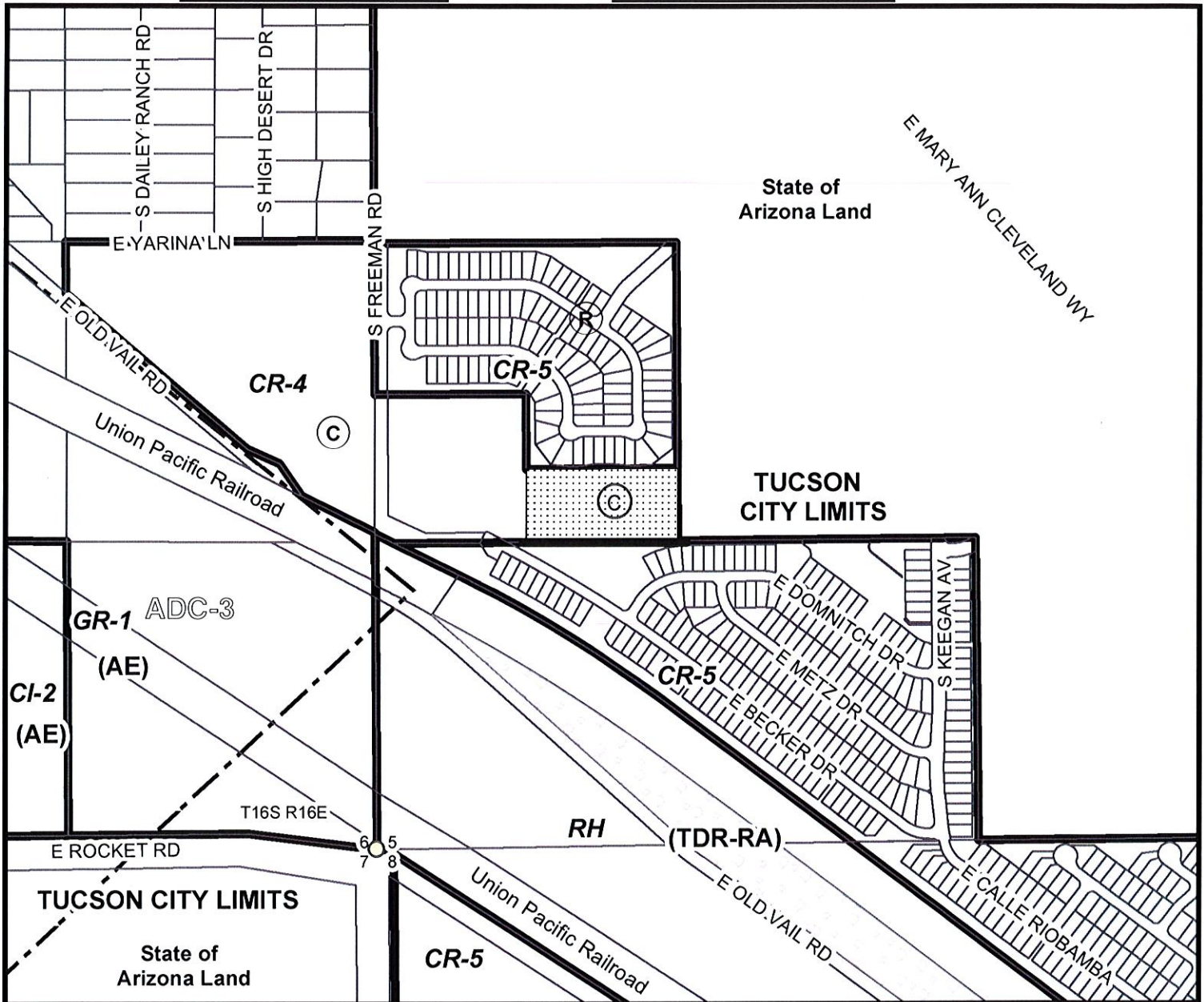
AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 134 TUCSON AZ. LOCATED
IN THE SE 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 5 OF T16S R16E.



0 165 330 660 Feet
[Scale bar with markings at 0, 165, 330, and 660 feet]

ADOPTED: _____

EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM RH 5.0 ac
ds-June 11, 2020

P20RZ00002
30507001C

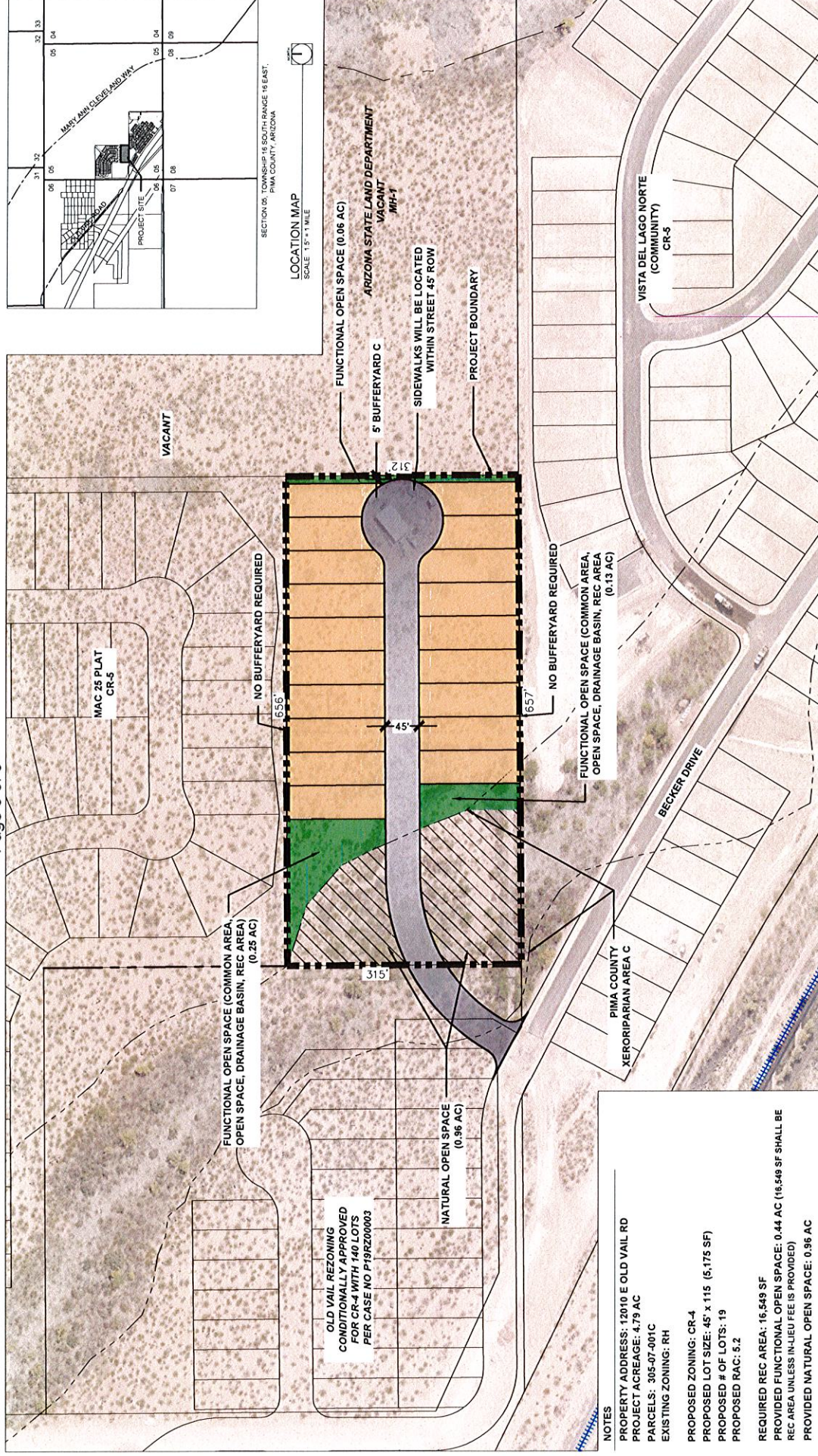


Exhibit B

P20RZ00002

Page 5 of 5

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.