



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September, 2020

Title: ORDINANCE: P19RZ00012 HARBOUR TRUST 1/3, ET AL. - N. LA CHOLLA BOULEVARD
REZONING

Introduction/Background:

The Board of Supervisors' approved this rezoning on May 19, 2020.

Discussion:

The rezoning was for approximately 50.7 acres from the SR (Suburban Ranch) to the CR-5 (Multiple Residence) zone for a 139-lot single-family residential subdivision with on site and off site natural open space to meet the conservation guidelines of the Maeveen Marie Behan Conservation Lands System (CLS).

Conclusion:

The Ordinance reflects the Board of Supervisors' approval.

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:  8/7/2020

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

County Administrator Signature/Date:  8/9/2020



SUBJECT: P19RZ00012

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

P19RZ00012 **HARBOUR TRUST 1/3, ET AL. - N. LA CHOLLA BOULEVARD REZONING**

Owners: Harbour Trust 1/3, et al.
(District 1)

If approved, adopt ORDINANCE NO. 2020 - _____

OWNERS: Harbour Trust 1/3, et al.
PO Box 35604
Tucson, AZ 85740-5604

AGENT: Projects International, Inc.
Attn: Jim Portner
10836 E. Armada Lane
Tucson, AZ 85749-9460

DISTRICT: 1

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

STAFF RECOMMENDATION: APPROVAL.

TD/TT/ds
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P19RZ00012 File

ORDINANCE 2020-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 50.7 ACRES OF PROPERTY (PARCEL CODES 225-04-002A, 225-04-002C, 225-04-003P AND 225-04-008B) FROM THE SR (SUBURBAN RANCH) TO THE CR-5 (MULTIPLE RESIDENCE) ZONE IN CASE P19RZ00012 HARBOUR TRUST 1/3, ET AL. - N. LA CHOLLA BOULEVARD REZONING, LOCATED AT THE NORTHWEST CORNER OF W. OVERTON ROAD AND N. LA CHOLLA BOULEVARD, AND AMENDING PIMA COUNTY ZONING MAP NO. 162.

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

Section 1. The approximately 50.7 acres located on the northwest corner of W. Overton Road and N. La Cholla Boulevard and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 162, is rezoned from the SR (Suburban Ranch) to the CR-5 (Multiple Residence) 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. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the subdivision platting process. The Traffic Impact Study shall use projected traffic counts identified in the adjacent capital improvement project OV-30-04/05-26. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Written proof of coordination with the Town of Oro Valley regarding any improvements identified by the Traffic Impact Study in conjunction with the Town of Oro Valley Capital Improvement Project for La Cholla Boulevard shall be provided to Pima County.
3. Regional Flood Control District conditions:
 - A. FEMA approval of the Conditional Letter of Map Revision is required prior to recording of the Final Plat.
 - B. At the time of development, the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - C. First flush retention shall be distributed throughout the subdivision and be placed in Common Areas.
 - D. The maintenance plan shall require inspection and maintenance of drainage infrastructure after both the winter and summer storm seasons and after significant storm events.

4. Regional Wastewater Reclamation conditions:
 - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner 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 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 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 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 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 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 conditions:
 - A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 140 acres as Natural Open Space (NOS). Should the disturbed area be reduced from that which is reflected in the Preliminary Development Plan (PDP), the property owner shall provide a minimum of four (4) acres of natural open space for every acre disturbed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 14.2 acres of NOS will be provided on-site and will conform to the approximate location and configuration shown on the approved PDP. The difference between the total NOS to be provided and the NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policy of Pima Prosperis, Pima County's 2015 Comprehensive Land Use Plan (Section 3.4, Policy 11), and also must comply with the following:
 - 1) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 2) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

- 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 also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the 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

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

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. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
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(I)."

Section 3. Time limits of conditions. Conditions 1 through 9 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:


Deputy County Attorney

APPROVED:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

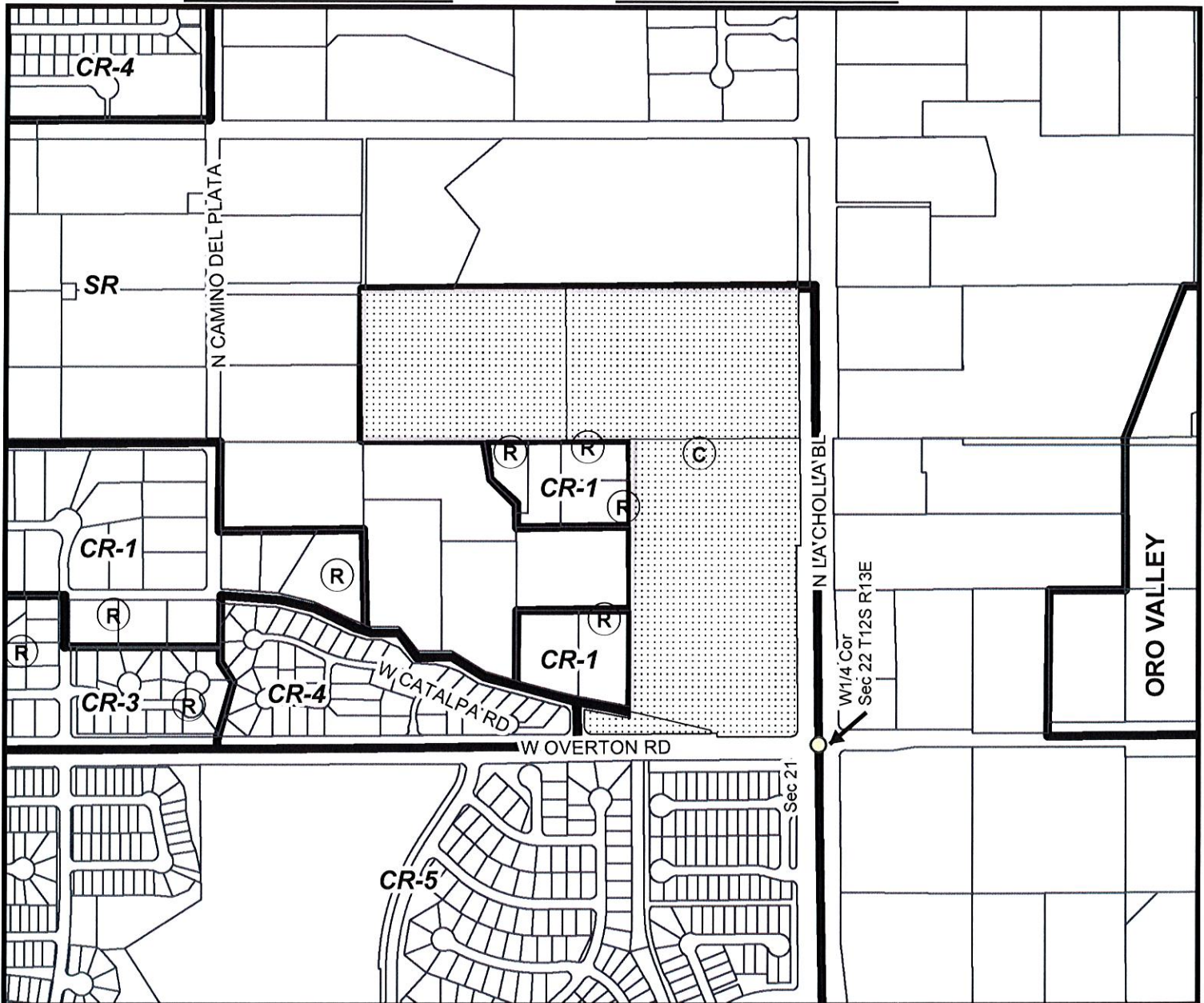
AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 162 TUCSON AZ. LOCATED
IN THE SE 1/4 OF SECTION 21 OF T12S R13E.



0 165 330 660 Feet
[Scale bar with 4 segments]

ADOPTED: _____

EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 50.7 ac
ds-July 14, 2020



P19RZ00012
22504002A, 002C,
003P & 008B

PROJECT AREA
 Overall Rezoning Site Area: 50.70 AC
 Site Area After R.C.W. Deductions: 50.70 AC

PROJECT PARTICULARS
 Existing Zoning: SR
 Comprehensive Plan Designations: MLU & LU-1.2
 Proposed Zoning: CR-5

PROPOSED USE
 A single-family detached residential subdivision containing approximately one hundred thirty-nine (139) lots, together with related drainage and detention facilities, perimeter buffers, etc.

BUILDING HEIGHT
 Maximum residential height is thirty-four (34') per the Pima County Zoning Code. Project will contain both 1-story and 2-story residences per market needs.

PARKING & LOADING
 Parking and loading will be in accordance with Section 18.75 (Parking & Loading Standards). Final design and compliance with same will be demonstrated at the time of future site residential subdivision plat review.

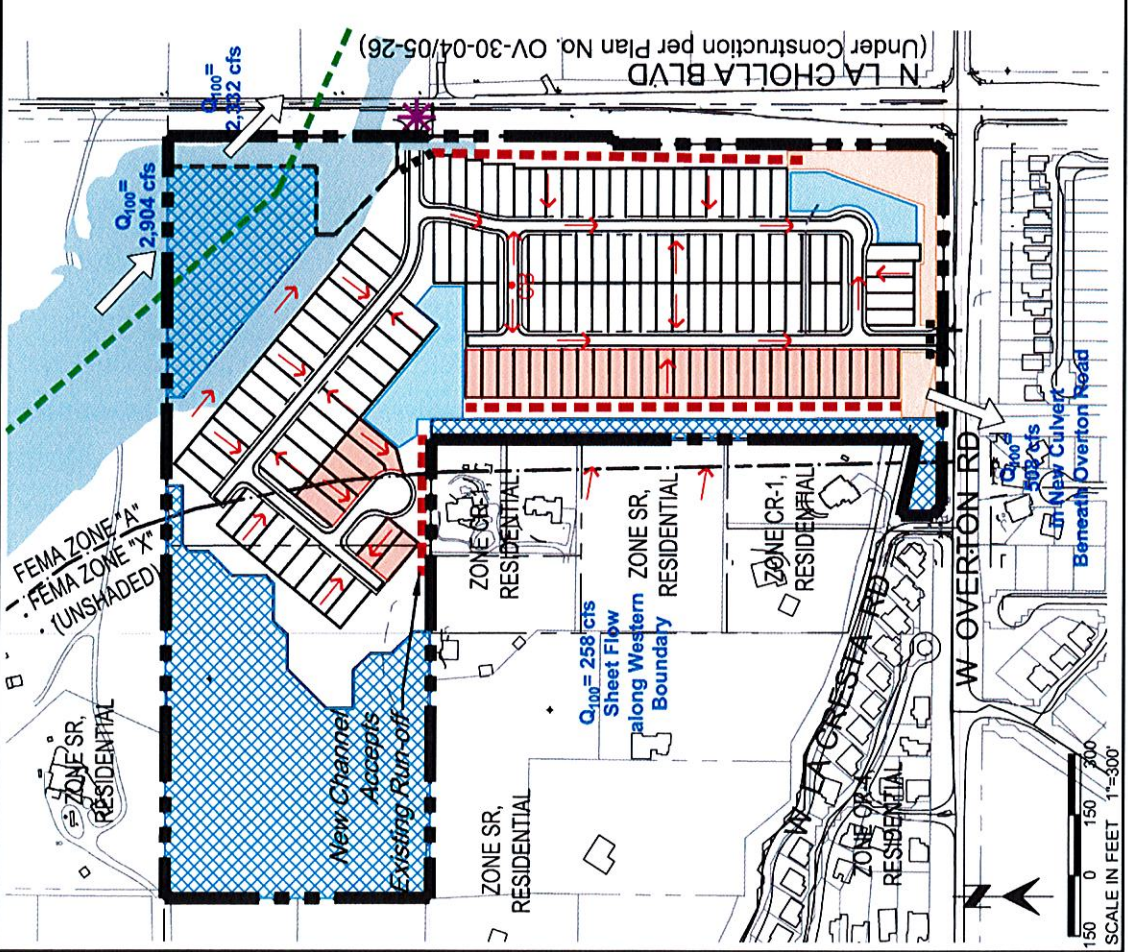
RESIDENTIAL SUBDIVISION PUBLIC STREETS
 Proposed Right-of-Way Width: 45'
 Travel Lanes: Minimum Two (2) 12' Lanes
 Curbing: 2' Wedge Curbs on both sides
 Sidewalks: 5' Sidewalks on both sides
 On-Street Parking: Allowed both sides

PERIMETER LANDSCAPE BUFFERS
 Perimeter landscape buffers are provided to protect adjacent lower-density residences and vacant property located to the west of the rezoning site. These perimeter buffers will be a combination of natural desert and graded/re-landscaped areas using salvaged and transplanted specimens from the property. Final details of same will be provided in the required NPPO plan at the time of future subdivision platting.

CONSERVATION LANDS SYSTEM (CLS) PARTICULARS
 For CLS purposes, the Project Area is 49.2 AC
 (this figure excludes the Public Drainage Easement).
 Total Natural Open Space provided on-site: Minimum 14.2 AC

LEGEND

- PDP Boundary
- On-Site CLS Set-Aside Area (Natural Open Space)
- Proposed Detention or Sediment Control Basin for On-Site Drainage
- Proposed Detention Basin for Regional Flow
- Proposed Earthen-Bottomed Channels
- Accept/Convey La Cholla Wash Break-out Flow and Incoming Flows from the West
- Limits of La Cholla Wash Floodplain
- FEMA Zone Boundary
- Proposed La Cholla / Honeybee Loop #033 (Secondary Trail)
- Post-Development Flow Quantities and Concentration Points Entering or Exiting the Site (See Exhibit II-D.1 for further detail)
- RCBC beneath Entry Roads
- Surface Flow Direction
- Grade Break
- Median Opening per La Cholla Boulevard 4-lane Arterial Roadway Plans
- Limits of Public Drainage Easement for La Cholla Boulevard Improvements by Pima County/Town of Oro Valley (Graded and Cleared Area)
- Lots Restricted to Single Story



PROJECTS INTERNATIONAL, Inc.
 STRATEGIC GUIDANCE
 INITIATING PROCESS
 LOCAL ADVICE & COUNSEL

GRS
 LANDSCAPE ARCHITECTS, LLC

Presidio
 ENGINEERING, INC.

La Cholla Boulevard Rezoning
 NWC OVERTON ROAD at LA CHOLLA BOULEVARD
 (Ownership: NW Bible Church, Quest Land Group, Harbour Trust et al.)
 REZONING: SR to CR-5

EXHIBIT B
Page 6 of 6