BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 2, 2021

Title: Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING

Introduction/Background:

The applicant requests closure of the remaining 7.5-acre portion of the 15.0-acre rezoning from GR-1 (GZ) (Rural Residential - Gateway Overlay) to the CR-4 (Mixed-Dwelling Type - Gateway Overlay) zone.

Discussion:

The rezoning site was approved for condominium units on April 17, 2012; a five-year time extension was granted in 2017 and closure of the northern 7.5-acres of rezoning site was approved by the Board on August 17, 2020. The rezoning will expire on April 17, 2022. The site remains undeveloped and no progress has been made to satisfy the rezoning conditions. The site lies outside of the MMBCLS. Closure will cause the CR-4 (GZ) portion of the rezoning to revert to GR-1 (GZ) zoning, which complies with the Medium Intensity Urban plan designation.

Conclusion:

The owner requests closure of the remaining 7.5-acre portion of the rezoning. Zoning will revert to GR-1 (GZ).

Recommendation:

Staff recommends APPROVAL of closure of the subject 7.5-acre portion of rezoning and revert zoning to GR-1 (GZ).

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

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

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

Department Director Signature/Date: Paula L Blackwell 2/5/2021

Deputy County Administrator Signature/Date: 2/5/2021

County Administrator Signature/Date: C. Richelberg 2/8/21

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Rex Scott, Supervisor, District 1

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

DATE: February 10, 2021

SUBJECT: **Co9-07-24 ARBOR LLC – TWIN LAKES DRIVE REZONING**

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MARCH 2, 2021** hearing.

REQUEST: Proposal to close and revert zoning to the original GR-1 (GZ) (Rural Residential – Gateway Overlay) on the remaining 7.5-acre portion of the original rezoning (parcel codes 222-22-015A and 222-22-0160) from GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay) zone located approximately 600 feet west of N. Twin Lakes Drive and approximately 600 feet north of E. Golder Ranch Drive.

OWNER: Vistoso Catalina LP
Attn: Hinderaker & Rauh PLC
2401 E. Speedway Boulevard
Tucson, AZ 85719

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

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of February 10, 2021, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF CLOSURE.

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

TD/DS
Attachments

PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-07-24

FOR MARCH 2, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: February 1, 2021

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

Co9-07-24 **ARBER LLC – TWIN LAKES DRIVE REZONING**
Vistoso Catalina LP, represented by Jim Portner, requests **closure** of the CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay) 7.5-acre portion of rezoning Co9-07-24 (parcel codes 222-22-015A and 222-22-0160). The original 15-acre rezoning was from the GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay) (7.50 acres) zones to the CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay) (7.50 acres) zones located approximately 600 feet west of N. Twin Lakes Drive and approximately 600 feet north of E. Golder Ranch Drive. The rezoning was conditionally approved in 2012 and expires on April 17, 2022. Staff recommends **CLOSURE.**
(District 1)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of the 7.5-acre portion of the rezoning from GR-1 (GZ) (Rural Residential – Gateway Overlay) to the CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay) zone for Condominium Units including portions of Common Area "A" (Natural Open Space), Common Area "B" (Street) and Common Area "C" (Recreation). Vistoso Catalina LP, the owner of the remaining two parcels of the rezoning site, requests closure of the CR-4 (GZ) portion of the rezoning

REQUEST OF APPLICANT

The applicant has submitted a letter requesting closure of the case, noting that the northern 7.5 acres of rezoning Co9-07-24 was previously closed via Board of Supervisors action on August 17, 2020.

PLANNING REPORT

The rezoning from GR-1 and GR-1 (GZ) zones to the CR-3 (Cluster Development Option) and CR-4 (GZ) zones was conditionally approved on April 17, 2012. Rezoning Ordinance 2012-35 was adopted on August 7, 2012. A five-year time extension to complete rezoning conditions was

approved by the Board on June 20, 2017, subject to modified rezoning conditions. A rezoning closure of the CR-3 (Cluster Development Option) zone for 7.5 acres was previously approved by the Board on August 17, 2020. This action reverted the zoning to GR-1 for the northern portion of the rezoning site.

The rezoning for the remaining 7.5 acres will expire on April 17, 2022. The conditions remain to be satisfied. The zoning code requires a public hearing to close a portion of the rezoning and cause the property to revert to its previous GR-1 (GZ) zoning classification (Section 18.91.100.F).

GR-1 (GZ) zoning complies with the intent of the site's Medium Intensity Urban (MIU) comprehensive plan designation. The minimum site area per dwelling in the GR-1 (GZ) zone is 36,000 square feet. A total of five lots can be produced without a subdivision plat but fewer lots may be necessary to meet any slope density requirement.

The original rezoning site consisted of three parcels of 7.5, 5.0, and 2.5 acres. This closure request is for the rezoning sites southern 5-acre and 2.5-acre parcels.

The rezoning site is undeveloped and contains mostly undisturbed natural vegetation. An SH (Suburban Homestead) residential subdivision is located northwest of the subject parcel. The parcel to the north is vacant GR-1 zoned land. To the east GR-1 (GZ) and GR-1 zones containing unsubdivided residential properties and GR-1 (GZ) zoned vacant land to the south and west of the rezoning site.

Closure of portion of the rezoning does not preclude the possibility of future rezoning of the subject parcel. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

TRANSPORTATION REPORT
No objection to closure.

FLOOD CONTROL REPORT
No objection to closure.

WASTEWATER RECLAMATION REPORT
No objection to closure.

TD/DS
Attachments

cc: Projects International, Inc., Attn: Jim Portner, 10836 E. Armada Lane, Tucson, AZ 85749
Tom Drzazgowski, Chief Zoning Inspector
Co9-07-24 File

EXHIBIT B

GROSS SITE AREA: 14.981 ACRES
TOTAL NATURAL OPEN SPACE AREA: 4.0 ACRES
TOTAL RECREATION AREA: 1.52 ACRES

BUILDING DATA
24' BLDG HEIGHT
BLDG-1: 10 UNITS
BLDG-2: 11 UNITS
BLDG-3: 6 UNITS
BLDG-4: 10 UNITS
BLDG-5: 12 UNITS
BLDG-6: 14 UNITS
BLDG-7: 12 UNITS
BLDG-8: 14 UNITS
BLDG-9: 12 UNITS
BLDG-10: 14 UNITS
BLDG-11: 6 UNITS
TOTAL: 126 UNITS

MAXIMUM RESIDENTIAL DENSITY IS: 8.41

COMMUNITY CENTER
24' BLDG HEIGHT

PARKING DATA
GARAGE: 40 SPACES
CARPORT: 66 SPACES
OPEN: 126 SPACES

ALL LANDSCAPING SHALL BE DROUGHT RESISTANT LOWWATER USING PLANTS

COMMUNITY PARK - 1
Common Area - C
72,690 sf
Community Center with exercise room, lounge, office, meeting room, pool, spa pool, ramadas, barbecues and mail distribution center

screenwall

screenwall

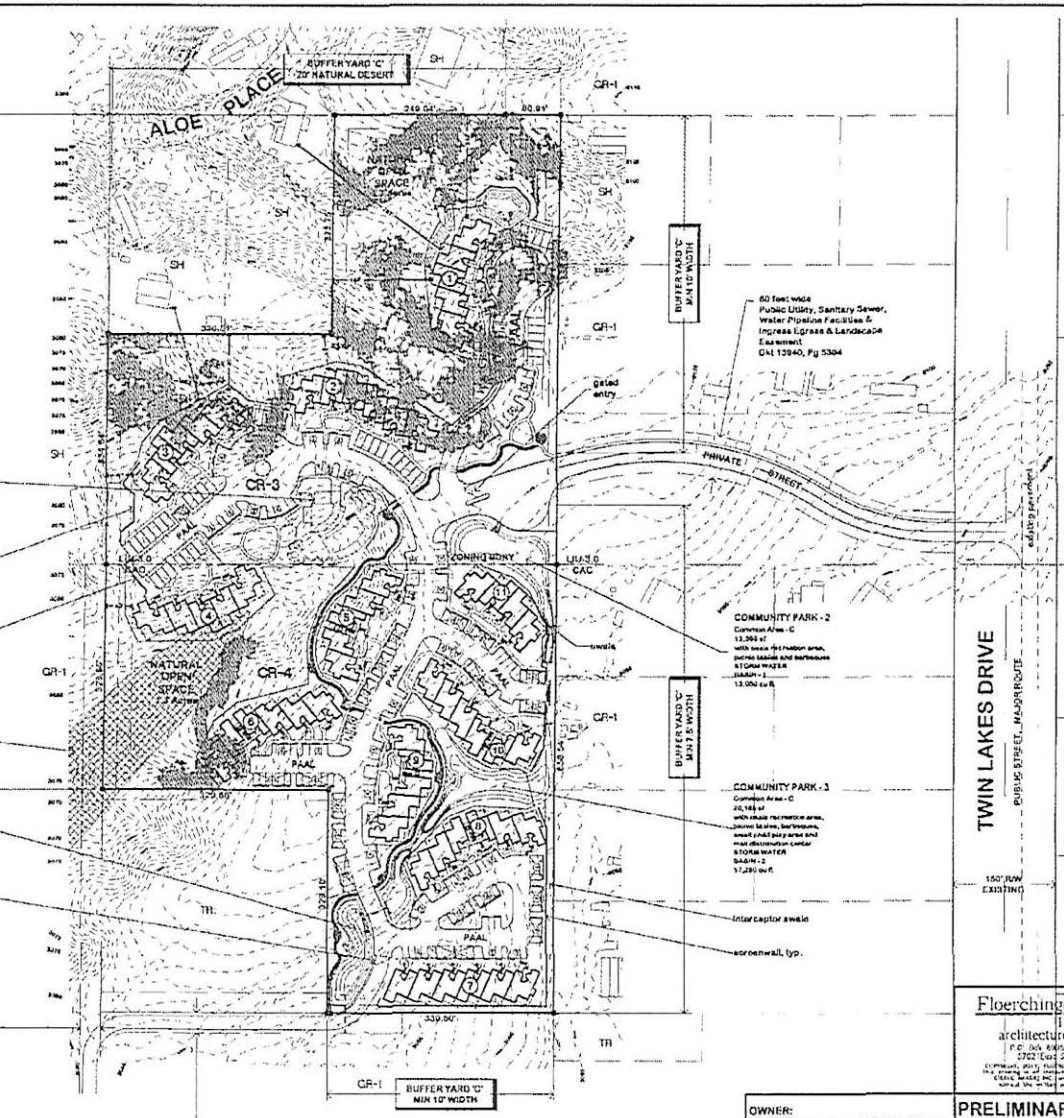
Regulated Riparian Habitat

COMMUNITY PARK - 4
Common Area - C
9,816 sf
with basic recreation area, shade structure and barbecues
STORM WATER BASIN - 3
9,230 sq ft

emergency access gate

30 ft wide Ingress/Egress Easmt Dkt 3584, Pg 27
Proposed Use Connecting with Golder Ranch Road
Emergency Access
Pedestrian Access
Public Sanitary Sewer
Public Water
Public Utility

30 ft wide Public Utility, Sanitary Sewer, Water Pipeline Facilities & Ingress Egress & Landscape Easement Sequence 20110340671



TWIN LAKES DRIVE
PUBLIC STREET, MAJOR ROUTE
150' ROW EXISTING

LOCATION MAP
SCALE: 3 INCHES = ONE MILE
S. 1/2, SEC 12 & N. 1/2, SEC 13
T-11-S, R-14-E, G&SRM PIMA COUNTY, ARIZONA

0 150
60
ONE FOOT CONTOUR INTERVAL

LEGEND
15% > SLOPE
EXERCISE NODE w/BENCH SEATING, 6 LOCATIONS
WALKWAY MAIN PATHWAY HIGHLIGHTED WALKWAY EXTENDS TO ALL UNITS AND PAAL AREAS
OPEN PARKING 126 SPACES PROVIDED
GARAGE PARKING 40 SPACES PROVIDED
CARPORT PARKING 66 SPACES PROVIDED

Floerchinger • Sadler • Steele • Baker
INCORPORATED
architecture - civil engineering - planning
P.O. Box 69055, Tucson, Arizona 85737 (520) 628-4144
2702 East 2nd Boulevard, Scottsdale, Arizona 85254
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OWNER:
VISTOSO CATALINA LIMITED PARTNERSHIP
P.O. BOX 43938
TUCSON, ARIZONA 85733
(520)622-5050

DEVELOPER:
VISTOSO CATALINA LIMITED PARTNERSHIP
P.O. BOX 43938
TUCSON, ARIZONA 85733
(520)622-5050

PRELIMINARY DEVELOPMENT PLAN
VILLAGE AT VISTOSO CATALINA
CONDOMINIUM UNITS 1-126 &
COMMON AREA 'A' (NATURAL OPEN SPACE),
COMMON AREA 'B' (STREET) &
COMMON AREA 'C' (RECREATION)
LOCATED IN THE WEST ONE HALF OF SECTION 6
T-11-S, R-14-E, G&SRM, PIMA COUNTY, ARIZONA

NOV. 2011
FSSB JOB NO 21065
CO9-07-024
Sheet 1 Of 1

APPROVED AT PUBLIC HEARING
4/17/12

Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): 222-22-015A & 222-22-0160

AERIAL EXHIBIT

0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

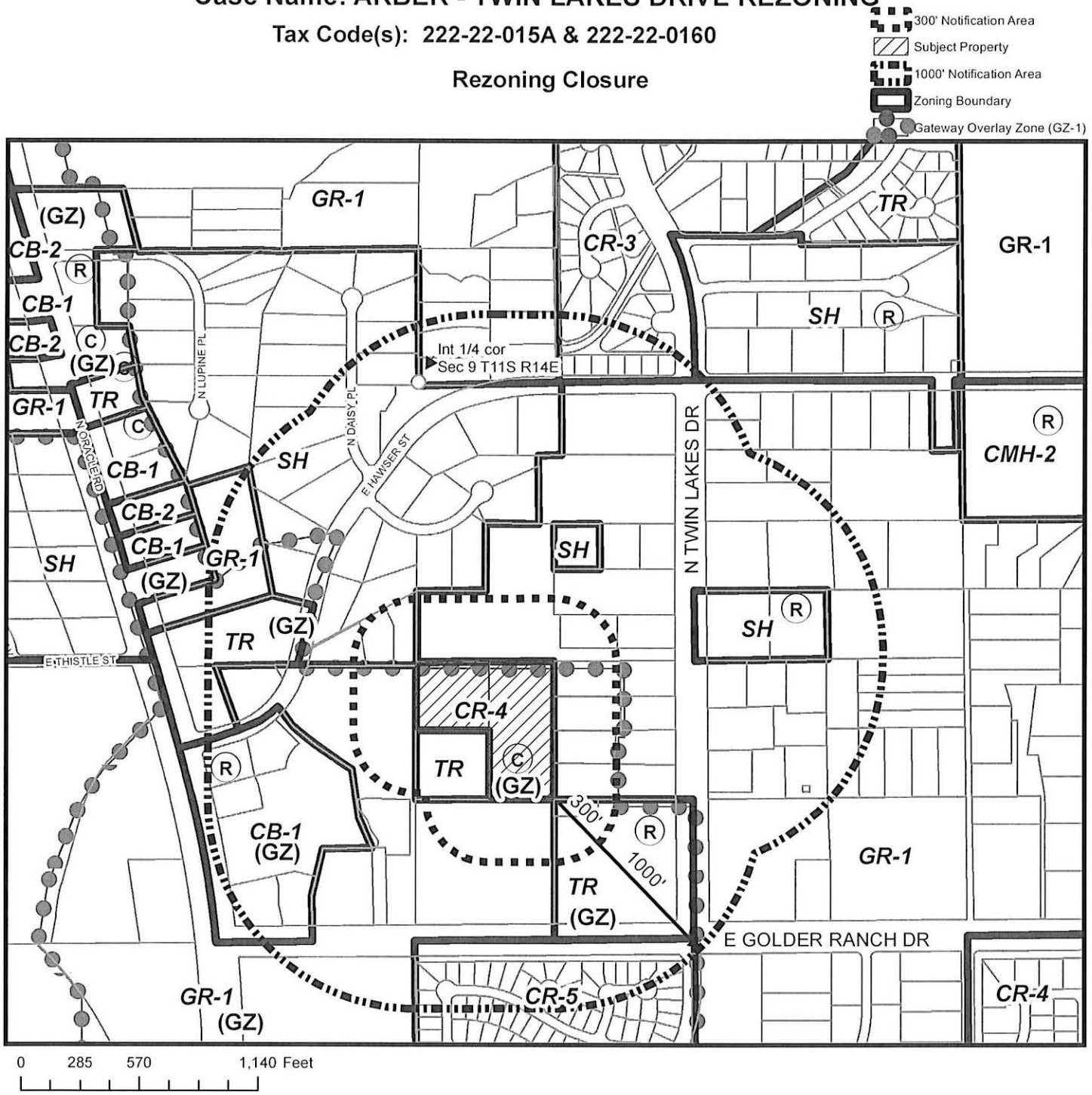
Notes: **Rezoning Closure** **Ref Case #: P20SA00014**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:8,000 | Map Date: 1/25/2021 - ds

N W E S

Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): 222-22-015A & 222-22-0160
Rezoning Closure



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Rezoning Closure		Ref Case #: P20SA00014
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Board of Supervisors Hearing: March 2, 2021	
Base Map(s): 432	Map Scale: 1:8,000	Map Date: 1/25/2021 - ds

N
W E
S

Medium Intensity Urban (MIU)

Objective: To designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

- Residential Gross Density: Minimum- 5 RAC; Maximum- 13 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 5 RAC; Maximum- 10 RAC

Case #: Co9-07-24
Case Name: ARBER - TWIN LAKES DRIVE REZONING
Tax Code(s): 222-22-015A & 222-22-0160

COMPREHENSIVE PLAN EXHIBIT

0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Rezoning Closure** Ref Case #: P20SA00014

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:8,000 | Map Date: 1/25/2021 - ds

N W E S

PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

10836 E. Armada Lane
Tucson, Arizona 85749-9460
520-850-0917
portner@projects-pi.com
www.projects-pi.com

Delivery Via Email

December 17, 2020

Mr. Chris Poirier, Pima County Planning Official
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

RE: REQUEST TO CLOSE TWO (2) REZONING CASES
Case No. Co9-07-24 (Southern 7.5 Acres) & Case No. Co9-99-06 (2.5 Acres)

Dear Mr. Poirier:

This letter constitutes my formal request, on behalf of the property owner, to close the following rezoning cases:

- Case No. Co9-99-06, governing the 2.5-acre tax parcel No. 222-22-015B, and
- The remaining active portion of Case No. Co9-07-24 comprised of tax parcel Nos. 222-22-015A & 222-22-0160 (the southern 7.5 acres of the original rezoning case).

Both of the above cases and all of the cited tax parcels are owned by the same entity, namely Catalina Vistoso, LP. A separate authorization letter from this entity has also been submitted.

Please note that the northern 7.5 acres of Case No. Co9-07-24 was previously closed via Board of Supervisors action on August 17, 2020. We are now requesting that the remainder of the rezoning case also be closed, along with Case No. Co9-99-06.

Please let me know if you have any questions or require any additional information from me.

Best Regards,
PROJECTS INTERNATIONAL, INC.

Jim Portner, Principal
Designated Representative of the Property Owner

VISTOSO CATALINA, LP
Attn: Hinderaker & Rauh, PL
2401 E. Speedway Boulevard
Tucson, AZ 85719

December 15, 2020

Mr. Chris Poirier, Planning Official
Pima County Development Services Department
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

RE: LETTER OF AUTHORIZATION
Closure of Rezoning Case Nos. Co9-99-06 & Co9-07-24

Dear Mr. Poirier:

We are the owners-of-record of the following properties that comprise rezoning Case Nos. Co9-99-06 and Co9-07-24:

- Tax Parcel 222-22-015B, which comprises the entire acreage of Case No. Co9-99-06
- Tax Parcels 222-22-015A & 222-22-0160, which collectively comprise the southern 7.5 acres of Case No. Co9-07-24

We hereby authorize Jim Portner of Projects International, Inc. to represent us as the applicant and agent in the closure of both of these rezoning cases. Please note that the northern 7.5 acres of Case No. C09-07-24 was previously closed via Board of Supervisors action on August 17, 2020. We now request that the remainder of the above rezoning cases also be closed.

The corporate officers of Vistoso Catalina, LP are as follows:

Alberto Moore, Partner
Mike Byrne, Partner

12/15/20

Sincerely,
VISTOSO CATALINA, LP

Alberto Moore
Partner

12/15/20

RESOLUTION **2017-** 88

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING; LOCATED ON THE WEST SIDE OF TWIN LAKES DRIVE, APPROXIMATELY ½-MILE NORTH OF GOLDER RANCH DRIVE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2012-35.

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

1. On April 17, 2012, in rezoning case Co9-07-24, the Pima County Board of Supervisors approved the rezoning of approximately 15.0 acres located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive, as shown on Exhibit A, from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres), subject to standard and special conditions.
2. On August 7, 2012, the Pima County Board of Supervisors adopted rezoning Ordinance 2012-35, recorded at Sequence 20122270624, rezoning the approximate 15.0 acres described in rezoning case Co9-07-24 and memorializing the standard and special conditions.
3. On March 20, 2017, the owner of the rezoning site applied for a five-year extension of the time limit set forth in Section 3 of Ordinance No. 2012-35;
4. On June 20, 2017, the Pima County Board of Supervisors approved a five-year time extension subject to modified standard and special conditions;
5. Section 3 of Ordinance No. 2012-35 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. 2012-35 are restated and modified as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

2. Recording of a covenant holding Pima County harmless in the event of flooding.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.

5. 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.

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

7. Transportation condition:
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes ~~Road~~ Drive as determined necessary by the Pima County Department of Transportation.

8. Flood Control conditions:
~~A. The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.~~

~~B. The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.~~

~~C. All-weather access shall be provided to all lots to meet concurrency requirements.~~

~~D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.~~

At the time of development, conservation measures sufficient to obtain 15 points on Table B of the Site Analysis Checklist Preliminary Integrated Water Management Plan in effect at the time shall be identified on the site construction permits and covenants to ensure they remain in place.

9. Wastewater Reclamation conditions:
   A. The property owner(s) / developers(s) shall construe no 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 / developer to that effect.

   B. The property owner(s) / developers(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have 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 Pima County Regional Wastewater Reclamation Department.

C. The property owner(s) / developers(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 Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

D. The property owner(s) / developers(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, sewer construction plan, or request for building permit.

E. The property owner(s) / developers(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

F. The property owner(s) / developers(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.

10. Environmental Quality condition:
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.

11. Cultural Resources conditions:

A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.

B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County 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.

C. 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.

12. Natural Resources, Parks and Recreation condition:
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be ~~determined~~ made at time of platting.

13. Environmental Planning condition:
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. ~~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.~~

14. The property owner / developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.

15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:

A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.

B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.

C. Each residential unit shall have a solar assisted domestic water heating system.

D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.

E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.

16. 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.

~~17. The owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~

~~18~~17. 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 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)~~ 12-113."

~~19~~18. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

~~20~~19. Design conditions:

A. The western end units of buildings along the west property line shall be limited to one story.

B. There shall be a forty-foot bufferyard along the west property line.

C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

Section 2. Section 3 of Ordinance No. 2012-35 is restated and modified as follows:

1. Conditions 1 through ~~20~~ 19 shall be completed by April 17, ~~2017~~ 2022.

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 ~~20~~ 19 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 21st day of November, 2017.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

8/21/17

Deputy County Attorney
Lesley M. Lukach

APPROVED:

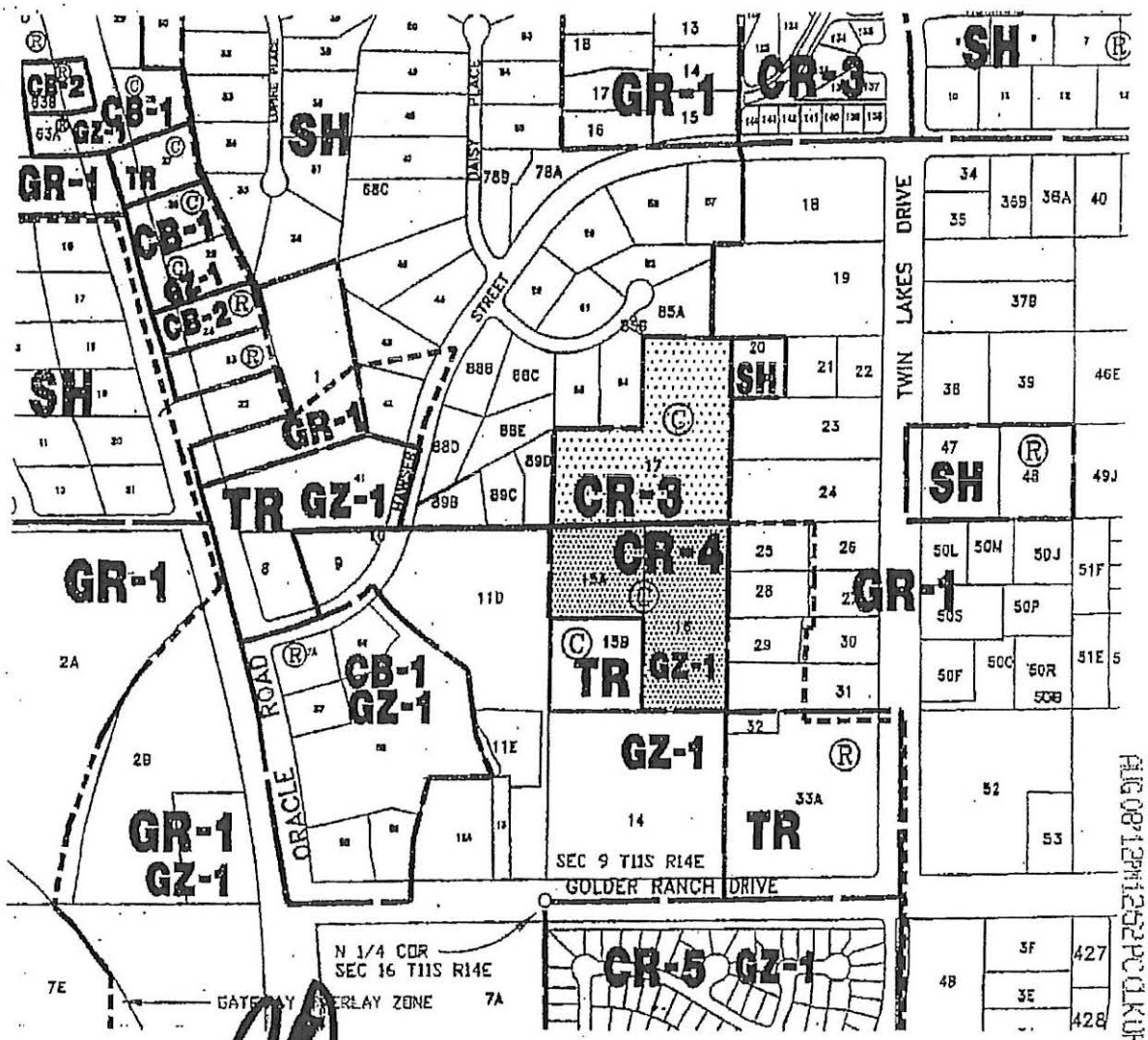
Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. 51 BY ORDINANCE NO. 2012-35
TO PIMA COUNTY ZONING MAP NO. 432 TUCSON, AZ.
PARCELS 15A, 16 & 17 BEING A PORTION OF THE W 1/2 OF THE SE 1/4 OF SEC. 9, T11S R14E.

0 600'

ADOPTED August 7, 2012 EFFECTIVE August 7, 2012



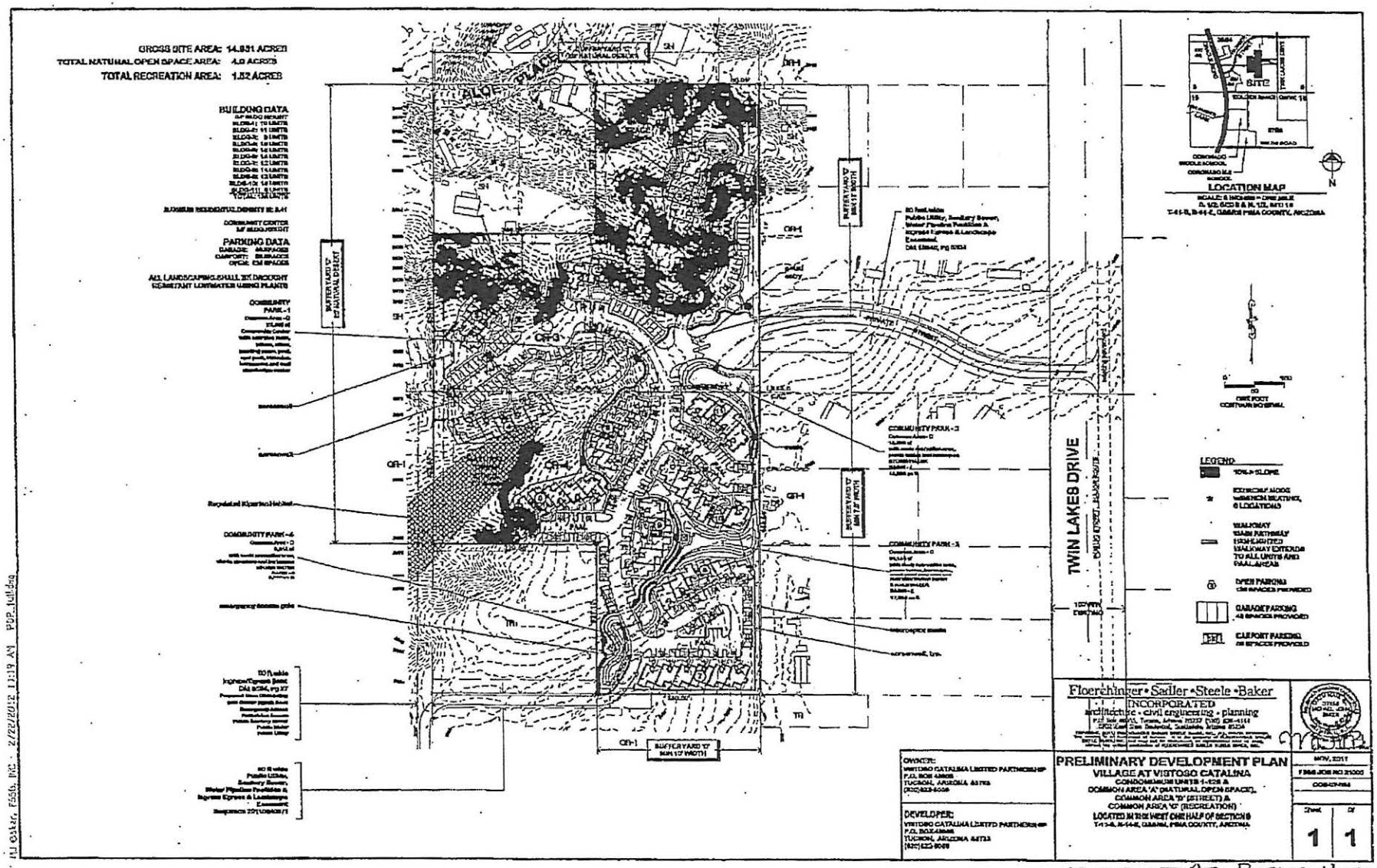
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

AUG 08 12 PM 12:52 PC CLK OF BD

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM GR-1 & GR-1 (GZ) 15.0 ac±
ds-JUNE 13, 2012

C09-07-24
222-22-015A,
222-22-0160 &
222-22-0170

EXHIBIT B



APPROVED AT PUBLIC HEARING
4/17/12