



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 01/19/2016

Title: P15RZ00004 Mandarin Associates – N. Thornydale Road Rezoning

Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to CR-5 (Multiple Residence) for residential infill development of a 28-lot single-family residential subdivision and a 36-unit multi-family/apartment complex on 17.77 acres.

Discussion:

Current SR zoning allows only five single-family residences to be developed. A Comprehensive Plan amendment was approved for the site in 2014.

Conclusion:

Requested rezoning conforms to the Comprehensive Plan; rezoning on site would allow subdivision development similar to most of the residential density and zoning of surrounding neighborhoods with buffer provision for lower density to the north. Multi-family/apartments to be located nearest to the major street intersection.

Recommendation:

Staff recommends approval of the rezoning with conditions; Planning & Zoning Commission also recommends approval with conditions.

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services - Planning Telephone: 724-9000

Department Director Signature/Date: [Signature] 12/22/2015

Deputy County Administrator Signature/Date: [Signature] 12/30/15

County Administrator Signature/Date: [Signature] 12/31/15



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District # 1
FROM: Arlan M. Colton, Planning Director *AMC*
DATE: December 28, 2015
SUBJECT: P15RZ00004 MANDARIN ASSOCIATES – N. THORNYDALE ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 19, 2016** hearing.

REQUEST: A rezoning of approximately 17.77 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located at the northwest corner of N. Thornydale Road and W. Magee Road.

OWNER: Mandarin Associates
Lawrence C. Lueng, Inc.
8710 N. Thornydale Road, Ste. 120
Tucson, AZ 85742-5032

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

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of December 28, 2015, staff has received one written comment in opposition to the rezoning citing concerns with traffic capacity of area roads including Magee Road where access is proposed to the rezoning site, proposed rerouting of water runoff towards the letter writer's back wall, impact on plant and wildlife including saguaros, ironwoods, and the pygmy owl, and light pollution from commercial lighting. The letter writer also spoke at the public hearing and expressed these concerns.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT STANDARD AND SPECIAL CONDITIONS (6 – 1, Commissioner Holdridge voted NAY, Commissioners Peabody, Membrila, and Cook were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) with designations of Multiple Use Management Area on most of the site and Special Species Management Area on the eastern approximately two-thirds of the site.

CP/DP/ar
Attachments



PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P15RZ00004

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FOR JANUARY 19, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director 
Public Works-Development Services Department-Planning Division

DATE: December 28, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P15RZ00004 MANDARIN ASSOCIATES – N. THORNYDALE ROAD REZONING

Request of **Mandarin Associates**, represented by **Projects International, Inc.**, for a rezoning of approximately 17.77 acres from the SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) zone, on property located at the northwest corner of N. Thornydale Road and W. Magee 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 6 - 1 to recommend **APPROVAL SUBJECT STANDARD AND SPECIAL CONDITIONS** (Commissioner Holdridge voted NAY, Commissioners Peabody, Membrilla, and Cook were absent). Staff recommends **APPROVAL SUBJECT STANDARD AND SPECIAL CONDITIONS.**
(District 1)

PLANNING AND ZONING COMMISSION HEARING SUMMARY (November 25, 2015)

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

The applicant's representative spoke. He presented the plan of the proposed development. He described surrounding development including subdivisions to the north, west, and south. He described the two areas proposed for development on the site which included natural buffers from existing adjacent residential development and wash corridor preservation separating the areas proposed for development. The proposed multi-unit development would likely be boutique apartments that would have higher rents due to the small size of the development. He indicated that the smaller of the two washes on site would be channelized and would handle a small amount of slow-moving water due to the relatively flat land in the area. He indicated that it is not being re-channelized, but collected and directed to a basin and drainage channel. He noted that off-site Conservation Lands System mitigation is also proposed.

A commissioner asked if entry to the proposed apartment complex was from Magee Road. The applicant's representative said that it was, but the site plan also featured a crossing of the primary wash within the site to meet fire code requirements for two access points. A variance from the fire code requirement may be sought to avoid the wash crossing.

The commissioner asked about flood insurance implications for the FEMA floodplain within the site. The representative indicated that there are formal ways to modify the bounds of the FEMA floodplain associated with the wash and that it was intended that no lots would be within the floodplain. The commissioner asked if the floodplain is required to be disclosed. The representative indicated that the plat would show the floodplain and that the plat is part of the information that is provided with purchaser sales contracts.

Speaker #1 indicated that he lived in Orangewood Estates and stated opposition to the rezoning. He stated concerns with additional traffic on Magee Road which he described as operating over capacity. He also noted concern with proposed re-routing of drainage near his wall which is next to the wash. He was also concerned with impact on the desert, including removal of two-thirds of saguaros and ironwoods. He was also concerned with impact on wildlife, including the pygmy owl, and with impact from commercial light pollution.

Speaker #2 stated that she represented the Coalition for Sonoran Desert Protection which supports the rezoning.

A commissioner asked if the speaker was aware of the presence of pygmy owls in the area. The speaker said that she was not aware. Staff indicated that the last sighting in the northwest metropolitan region was in 2006, but not in the particular vicinity of the rezoning site.

The applicant's representative indicated that staff had evaluated the traffic issue and that improvements to Thornydale Road are planned. He was not sure about planned improvements for Magee Road, but that safe Magee Road ingress and egress will be done. He noted that drainage cannot be directed into Speaker #1's wall if drainage is not already hitting the wall, i.e. drainage cannot be made worse. He indicated that the required Native Plant Preservation Plan will have plant salvage requirements and that all properties will be subject to the stringent Pima County Lighting Code including requirements for downward light projection.

The public hearing was closed.

Commissioner Matter made a motion to **APPROVE** the rezoning subject to standard and special conditions as presented.

Commissioner Neeley gave second to the motion.

The commission voted to **APPROVE** the rezoning (6 – 1, Commissioner Holdridge voted Nay, Commissioners Peabody, Membrilla, and Cook were absent) 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. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.

- B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
- A. The property owner/developer shall dedicate 45 feet of right-of-way for Magee Road.
 - B. The property is limited to two access points as depicted on the preliminary development plan. No direct access to Thornydale Road shall be permitted.
4. Flood Control conditions:
- A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Flows from the eastern drainage channel shall be directed to the public drainageway in Orangewood Estates, and required infrastructure within the right-of-way or at the entrance to the drainageway shall be completed at no cost to Pima County.
 - D. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
 - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management Plan shall be submitted to the District for review and approval at the time of development. The FIWMP shall include a demonstration that no hydrologic connectivity exists between the wells serving the project and shallow groundwater areas per the Site Analysis requirements or additional conservation measures shall be identified to offset the increased use per Pima Prospers Policy.
5. Wastewater Reclamation conditions:
- A. The owner/developer 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/developer to that effect.
 - B. The owner/developer 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/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 PCRWRD.

- C. The owner/developer 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/developer 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/developer 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/developer 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.
6. 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 38 acres as Natural Open Space (NOS). No less than six acres of NOS will be provided on-site; the difference between the total 38 acres of NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) The site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Director or their designee; and
 - 3) 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 Director 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:

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
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

7. 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.
8. Adherence to the preliminary development plan as approved at public hearing.
9. The property owner shall execute and record the following disclaimer regarding Prop 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)."
10. 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.

c: Mandarin Associates, Attn: Lawrence C. Lueng, Inc., 8710 N. Thornydale Road, Ste. 120
Tucson, AZ 85742-5032
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749-9460
Chris Poirier, Assistant Planning Director
P15RZ00004 File

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

HEARING November 25, 2015

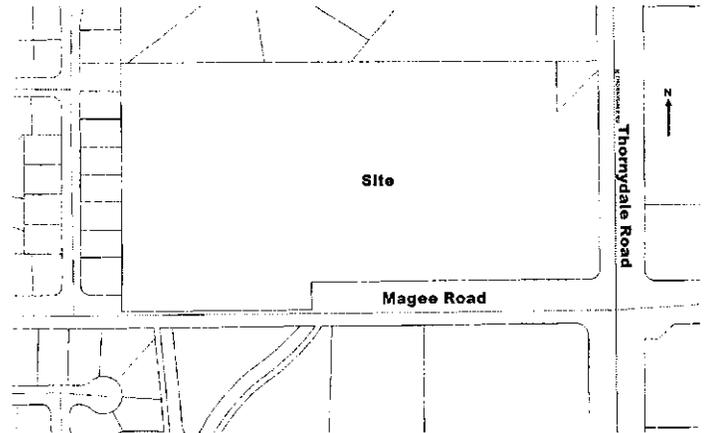
DISTRICT 1

CASE P15RZ00004 Mandarin Associates --
N. Thornydale Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to
CR-5 (Multiple Residence) (17.77
acres)

OWNER Mandarin Associates
% Lawrence Leung
8710 N. Thornydale Road,
Ste. 120
Tucson, AZ 85742-5032

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



APPLICANT'S PROPOSED USE

"Single-family residential subdivision" west of the bisecting primary wash and "small multi-family/apartment complex" on approximately 2.2 acres east of the primary wash.

APPLICANT'S STATED REASON

"The proposed rezoning can rightly be viewed as an infill development that will fit well within its surrounding, urbanizing context and will make efficient use of the existing network of public and utility infrastructure that is already in place." The intent of the proposed subdivision west of the primary wash, "...is to be generally consistent in density and character with the existing subdivisions already in place to the west, northwest, and southwest." The proposed multi-family use, "...is appropriate given: 1) its location at the immediate intersection of Thornydale and Magee Roads; and 2) the general greater intensity of uses that are already immediately concentrated around this intersection, including a self-storage facility and post office to the south, a convenience store to the east, and a credit union and fast-food restaurant to the southeast."

COMPREHENSIVE PLAN DESIGNATION

On February 8, 2014, a plan amendment from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) was approved for the site under case Co7-13-05. The requested CR-5 rezoning and proposed overall density of 3.60 residences per acre (RAC) conform to the amended MIU plan designation which allows a maximum of 10 RAC and requires no minimum RAC.

The more recently approved Pima Prospers Comprehensive Plan Update retained the MIU plan designation, but MIU now does not list conforming zones and requires a *minimum of five RAC* and a maximum of 13 RAC. The proposed overall density of approximately 3.60 RAC is below the

minimum required density. However, the rezoning application was submitted on August 4, 2015, prior to the August 17, 2015 effective date of the comprehensive plan update. Therefore, staff is processing the rezoning under the former plan.

Descriptions for both the former MIU and present MIU plan designations are attached. The proposed CR-5 rezoning conforms to both the former and current MIU objectives. The objective of the former MIU was to provide opportunity for a variety of residential types, including cluster developments and single family attached dwellings with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses.

The objective of the current MIU is 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.

The Co7-13-05 plan amendment was approved with Rezoning Policies listed in the attached Resolution 2014-116. The policies address requirements for identification and protection of post-development floodplains and riparian habitat and for compliance with the Special Species Management Area conservation objectives as per the Conservation Lands System. These Rezoning Policies have carried over as RP-136 under the Pima Prospers comprehensive plan update and are addressed in the report analyses and recommended conditions below.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SH (Suburban Homestead)	Residential Subdivision & Undeveloped Lot
Northeast	TR (Transitional)	Thornydale Road / Undeveloped
South:	CB-2 (General Business)	Magee Road / Post Office, Self-Storage
	CR-5 (Multiple Residence)	Magee Road / Residential Subdivision & Undeveloped Lot
Southeast	CB-1 (Local Business)	Street Intersection / Credit Union / Restaurant
East:	CB-1	Thornydale Road / Convenience Store, Undeveloped
West:	CR-4 (Mixed-Dwelling Type)	Residential Subdivision

PREVIOUS REZONING CASES ON PROPERTY

The site has had two past rezoning approvals that have been closed. The first was Co9-78-97 from SR to CR-5 for the entire site. The second was Co9-80-5 from SR to TR for all but the western one-fourth of the site.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Approximately one mile to the north of the subject property, case Co9-15-02 was approved on September 15, 2015 for a rezoning from SR to CR-4 for a 34-lot subdivision on 9.79 acres located east of Thornydale Road and south of Linda Vista Boulevard.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1959 to the present. Most rezonings were approved. Some were withdrawn or denied; and some approved cases were closed via re-rezoning or time limit expiration.

All property surrounding the site has been rezoned, resulting in single-family subdivision development and business service development, including a post office, fronting the arterial roads at or near the intersection. Some commercial and office sites have not yet been developed. The single-family residential development includes CR-4 and CR-5 subdivisions to the immediate west and southwest an SH subdivision with acre or greater-sized lots to the immediate north.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions**. The applicant proposes a CR-5 (Multiple Residence) rezoning of a 17.77-acre mostly undisturbed infill site at the northwest corner of the intersection of Thornydale Road and Magee Road. The proposal consists of detached single-family residential development west of the primary wash that runs diagonally from the northeast corner of the site to the middle south boundary, and multi-family development within a smaller area east of the primary wash near the street intersection.

The proposed single-family residential development consists of 28 subdivision lots representing 1.85 residences per acre (RAC) after road right-of-way dedication. The typical lot size is shown at 6,600 square feet which is within the range of lot sizes within CR-4 and CR-5 subdivisions within an eighth-mile of the site. The outlier is the acre-plus lots within the SH subdivision to the north for which a 150-foot natural bufferyard is proposed.

The proposed estimated maximum 36-unit multi-family/apartment buildings development is on approximately 2.2 acres of the site representing 16.4 RAC. It is optimally located near the major street intersection furthest away from existing single-family residential development and nearest to existing and future services that also offer potential employment. It is also adjacent to the transit route along Thornydale Road. The multi-family units will provide an appropriate mix of housing opportunity and increases the use efficiency of the site and existing infrastructure and planned improvements.

Approximately one-half mile north of the site, Thornydale Road north of Cortaro Farms Road is currently operating over capacity, but this segment is tentatively scheduled for capacity improvements in 2018. Also, Cortaro Farms Road, linking to Interstate 10 west of Thornydale Road, is operating over capacity. Its improvement is under design. Concurrency of infrastructure is otherwise met.

The site will be served by Metropolitan Domestic Water Improvement District. The District is not a renewable Central Arizona Project water supplier. As a result, staff recommends condition #4E which requires implementation of water conservation measures identified in the Preliminary Integrated Water Management Plan.

The site is located within the Maeveen Marie Behan Conservation Lands System (CLS) with designations of Multiple Use Management Area on almost the entire site and Special Species Management Area on the eastern approximate two-thirds. On- and off-site natural open space set-aside is proposed to meet the full measure of CLS policy for these designations. Approximately 6.5 acres is proposed to be preserved on-site, including within most of the Regulated Riparian Habitat of the larger of two washes that traverse the site and also within natural bufferyards, including a 150-foot bufferyard adjacent to large residential lots to the north. Based on Rezoning Policies approved for the comprehensive plan amendment of the site, staff recommends conditions under #6, which include a requirement for a total of 38 acres of on- and off-site natural open space set-aside to achieve compliance with CLS Conservation Guidelines and specific Comprehensive Plan Rezoning Policy "C" approved for the site in 2014 (Co7-13-05).

Rezoning Policy "B" requires post development floodplains and riparian habitat to be preserved as open space and be identified on the subdivision plat and development plan along with management responsibility and also be protected by covenant. Staff recommends condition #4D to achieve compliance with the Rezoning Policy.

Rezoning Policy "A" calls for remaining 100-year floodplain and Regulated Riparian Habitat to revert to the plan designation of Resource Transition (RT) [or Low Intensity Urban 0.3 (LIU 0.3) under the revised Pima Prospers Rezoning Policy for the site since RT is no longer a plan designation]. The spirit of this policy will be achieved by reflecting post development floodplains and Pima County Regulated Riparian Habitat including mitigation areas on the Pima Prospers Regional Hydrology Maps as noted in the Flood Control Report below.

Planning Analysis

Staff supports the request because the plan for proposed detached and multi-unit residential development, as designed, represents compatible infill with adjacent detached residential development. Also, concurrency of infrastructure exists or is scheduled to serve the proposed higher density uses. There are commercial services, a regional park, public schools, a fire station, and a post office in the vicinity. However, major employment centers are not located in this suburban area; and the only public transit available is a limited service Sun Tran shuttle route along Thornydale Road.

The proposed overall density is 3.60 RAC. The current SR zoning, which provides a maximum residential density of 0.3 RAC (3.3 acres per residence), does not allow sufficient density to conform to the Medium Intensity Urban plan designation of the site and thus provides for inefficient residential land use given the area's higher residential densities, available infrastructure including water service, public schools with excess capacity, existing and planned commercial services, and recreational amenities.

Maximum building heights of 34 feet are proposed in line with the CR-5 maximum. The single-family residential portion of the site development is proposed for one- and two-story homes. The site analysis indicates that there are one- and two-story detached homes within one-fourth mile of the site, but homes adjacent to the site are single-story. The proposed 150-foot common area natural bufferyard will serve to buffer any two-story homes from existing one-story homes on large lots to the north of the site. The bufferyard narrows to 50 feet where no adjacent development exists to the north and where only one lot is proposed within the subject site. A minimum 50-foot common area natural bufferyard is proposed along most of the west boundary adjacent to existing one-story homes on small lots. Any two-story homes proposed on the six lots proposed closest to the west boundary of the site will be subject to Zoning Code section 18.09.110 Two-story Residential Buffer Setback. The provision requires a 60-foot setback between proposed two-story development and existing one-story development's property line. The purpose of the setback is to reduce views into the side and rear yards of existing adjoining developments and to encourage less intrusive siting of two-story development in residential zones.

The site is relatively flat and consists of natural vegetation. Approximately 11 acres of the 17.77 acres will be disturbed. The disturbance will include the re-routing of the smaller western wash to enable the detached residential lot layout as proposed. More work will be needed pertaining to this re-routing as detailed in item #4 of the Flood Control Report. Of the 309 saguaros on the site, approximately 82 will be preserved within the approximate one-third of the site that will remain undisturbed. Of the 263 ironwood trees on the site, approximately 81 will be preserved within undisturbed areas. In addition to codified native plant preservation and mitigation requirements, the disturbance of what are significant numbers of these protected species will be further mitigated by the requirement for off-site natural open space set-aside of similarly valued desert habitat.

Two access points are proposed from Magee Road, one for the detached single-family residential portion of the proposed development and one for the proposed multi-family/apartment buildings portion. The proposed driveway culvert crossing of the larger eastern wash will link the two development areas and satisfy emergency access requirements for two points of drivable all-weather access. Additional right-of-way dedication to perfect the planned north half right-of-way for Magee Road is recommended per condition #3A.

Sewer connection will be made with the existing line within the Magee Road right-of-way.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road and Cortaro Farms Road north of site.
FLOOD CONTROL	Yes	No objection, subject to conditions.
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis, subject to any needed facilities.
SCHOOLS	Yes	Per school capacity response email from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over capacity nature of Thornydale Road and Cortaro Farms Road. The subject property is located on the north side of Magee Road, west of Thornydale Road. The rezoning is proposing 28 single family homes and 36 multi-family homes which could generate approximately 520 average daily trips (ADT). Two access points on Magee Road are proposed. An all-weather access driveway is depicted on-site connecting the single family residential to the multi-family residential.

Magee Road is a paved county maintained low-volume arterial road with a planned future right-of-way of 90 feet. From the intersection of Thornydale and Magee west approximately 780 feet, the existing right-of-way is 120 feet. Along the western 500 feet of frontage, the right-of-way narrows down to 45 feet. An additional 45 feet will need to be dedicated for Magee Road as a condition of this rezoning. The current traffic count west of Thornydale Road is 5,488 ADT, and the capacity is approximately 16,000 ADT.

Thornydale has an existing right-of-way of approximately 150 feet. Thornydale Road was established in 1931 with 60 feet of right of way, 30 feet on each side of the centerline (also the section line). In 2004, the county acquired an additional 45 feet for the western half of Thornydale through eminent domain proceedings. Thornydale Road is a four-lane roadway adjacent to this site with curbs, sidewalks, or bike lanes. It is listed on the Pima County Major Streets and Scenic Route Plan as a medium volume arterial with a planned future right-of-way of 150 feet. The posted speed is 35 mph, with a capacity estimated at 35,000 ADT. The most recent traffic count is 23,093 ADT for the segment south of Cortaro Farms Road.

Other significant roadways in the vicinity of this project include Lambert Lane (current count 5,610 ADT, capacity 13,122 ADT), Overton Road (current count 6,701 ADT, capacity 14,000 ADT), Cortaro Farms Road (west of Thornydale Road current count 18,749 ADT, capacity 13,122 ADT), Linda Vista Boulevard (current count 10,675, capacity 14,000 ADT), Camino de Oeste (current count 4,441 ADT, capacity 13,122 ADT), Shannon Road (current count 10,220 ADT, capacity 13,122 ADT), and La Cholla Boulevard (current count 11,905 ADT, capacity 35,820 ADT).

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista. This project was approved through the RTA bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018. Cortaro Farms Road west of Thornydale to Camino de Oeste is under design. This project will widen the road to a four lane cross section with bike lanes, curb, sidewalk, and a landscaped median. Both projects will increase the capacity to the respective road ways to 35,000 ADT.

The Department of Transportation has no objection to this request subject to the following conditions:

- The property owner/developer shall dedicate 45 feet of right-of-way for Magee Road.
- The property is limited to two access points as depicted on the preliminary development plan. No direct access to Thornydale Road shall be permitted.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site. The western floodplain has been mapped by the developer and the eastern floodplain is FEMA Special Flood Hazard Area (SFHA) Zone A. The District has mapped a Special Studies floodplain for the eastern wash which extends further to the north than the Zone A designation. The Floodplain Ordinance requires a Letter of Map Revision when subdivision improvements modify the SFHA.
2. The preliminary development plan shows that the western floodplain will be channelized including culverts at road crossings. Bank protection and fill is proposed to narrow this channel from over 200 feet to 25 feet. A flow dissipater to return flows to the existing natural discharge is proposed on the downstream side. Minor encroachments are also proposed within the FEMA floodplains.