



# MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION

**TO:** Honorable Ally Miller, Supervisor, District # 1

**FROM:** Arlan M. Colton, Planning Director 

**DATE:** December 20, 2013

**SUBJECT:** Co9-13-03 VISTOSO CATALINA LP – TWIN LAKES DRIVE REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JANUARY 7, 2014** hearing.

**REQUEST:** For a rezoning of approximately 2.9 acres from **GR-1 (Rural Residential)** to **CR-3 (Single Residence) (Cluster Development Option)**, on property located on the west side of Twin Lakes Drive and approximately 1,000 feet south of Hawser Street.

**OWNER:** Vistoso Catalina LP  
P.O. Box 43938  
Tucson, AZ 85737

**AGENT:** Floerchinger Sadler Steel Baker Inc.  
P.O. Box 69955  
Tucson, AZ 85737

**DISTRICT:** 1

**STAFF CONTACT:** Janet Emel

**PUBLIC COMMENT TO DATE:** As of December 20, 2013, staff has not received any written comment.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**, (7-0; Commissioners Bain, Membrilla, and Cook were absent).

**STAFF RECOMMENDATION:** **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** as amended by the Regional Wastewater Reclamation Department (see attached memos).

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS).

CP/JE/ar  
Attachments



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# Board of Supervisors Memorandum

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Subject: Co9-13-03

Page 1 of 8

**FOR JANUARY 7, 2014 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: December 20, 2013

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**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING**

**Co9-13-03 VISTOSO CATALINA LP – TWIN LAKES REZONING WITH CLUSTER OPTION**

Request of Vistoso Catalina LP (Alberto Moore), represented by Floerchinger Sadler Steele Baker, Inc., for a rezoning of approximately 2.9 acres from **GR-1 (Rural Residential)** to **CR-3 (Single Residence) (Cluster Development Option)**, on property located on the west side of Twin Lakes Drive and approximately 1,000 feet south of Hawser Street. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 7-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** (Commissioners Bain, Membrilla, and Cook were absent). Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** as amended by the Regional Wastewater Reclamation Department (see attached memos). (District 1)

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**Planning and Zoning Commission Public Hearing Summary (August 28, 2013)**

Staff presented the staff report to the commission.

A commissioner asked staff when you say there have been problems with shared driveways, what kind of problems do you mean. Staff responded that there have been disputes over maintenance of driveways, however, these applicants have committed to spelling out clearly who has what responsibilities so staff is no longer as concerned about this issue.

A commissioner asked whether there will be a homeowners association associated with the development to deal with the shared driveways. Staff said yes, it is likely.

Another commissioner asked what “functional” open space is. Staff responded that there may be recreational activities in functional open space – can have trails, play areas, etc. – versus natural open space which is to be left undisturbed.

A commissioner commented if the developer is proposing 40 percent open space and asked if staff is okay with that amount. Staff replied that they are good with the percentage but not with the fact that part of the common area is in the front yards. These are not really “common” areas. They will serve the purpose of the homeowners but are not really effective “common area”.

A commissioner asked whether cluster open space requires that it be common area and if it is common area then anyone could use the front yards. Staff replied that yes, that is the concept of cluster open space and common area. The commissioner asked if that means those front yards cannot be fenced or blocked off in any way. Staff replied that is their understanding of common area; it cannot be blocked off but has to be accessible by other residents. Staff added that there have been cluster subdivisions in the foothills where over the years townhome owners have taken on common area as their backyards and fences and walls have been built even though it is supposed to be common area.

A commissioner commented that if that does occur, then the county is basically out of it; it is just on paper. Staff responded this is true until someone puts in a complaint. Staff noted that the issue of how this project is designed and how it is regulated as a cluster project will come before the Design Review Committee (DRC) and the DRC will be looking at it whether it is truly “common area”. Staff added that it is based on the strength of the documentation and the paperwork and enforcement by the entity developing the site. Staff added that usually this is an issue for the rear of the property; we rarely see it at the front but this is just a phenomenon of this design. Staff noted that Pima County does not require homeowners associations (HOA’s). They are typically the mechanisms used but we do not require them. There are other mechanisms but an HOA is usually used.

A commissioner asked what the goal of Rezoning Condition #14 is (requiring a master block plat for both the subject rezoning site and the site to the west also owned by the applicants). Staff responded so that the two developments are coordinated properly because the one development does rely on the other for access and development to the west is being used as an argument for this rezoning.

A commissioner asked about the issue of Lot 1 and the Major Streets and Scenic Routes (MSSR) setback and how and when it should be addressed. Staff responded that they question the ability to utilize such a narrow lot without a variance and would like to know how the applicant plans to address it. Staff said that the issue should be addressed at the hearing today but said that if the applicant asks the DRC for no side setbacks (as they can with the Cluster option) that would add more buildable width to the lot.

The applicant described the project.

A commissioner commented that the City of Tucson just passed an ordinance where they are going to start constructing their streets so that they drain into the landscaping along the streetscape. She asked the applicant if that was part of their plan. The applicant responded that in this case the street drains into the larger basins. The driveways and walkways will drain into a shallow basin.

A commissioner commented that the applicant had mentioned meeting with the neighbor to the east about wanting a wall and asked if they are planning a wall around the perimeter. The applicant replied that the neighbor is located to the southeast and said that there would be pieces of a wall as necessary to give people private yards. It would be some type of berm wall, landscaped to provide her mainly with a separation from the project's entrance. The applicant said that he does not want walls at the entry but wants the architectural designs of the houses to show.

A commissioner asked about the entrances to the residences and secondly whether it would be a phased development. The applicant said the residences can be accessed from the front porch and at the back through the garage area. He said that this project is too small to be phased.

A commissioner asked about Lot 1 and the required setback. The applicant said that there is a 105-foot setback from the centerline of Twin Lakes Road including a 30-foot setback from the project property line where no buildings can be constructed. There can be landscaping within the setback. The required setbacks are shown on the preliminary development plan. He said that the lot widths will likely be wider on the final subdivision plat. He is going to make the lot's width 60 feet.

Another commissioner asked about the private street, how wide is it and where is the extra parking. The applicant responded that it is 28 feet wide with a 45-foot right-of-way and there is no parking on the street but there are several parking areas off of the street. The commissioner asked if someone has a big event, where will the people park. The applicant responded that this scenario could happen in any development. The homeowner would need to talk to their neighbors about allowing parking and quite a few cars could fit on the shared driveway.

A commissioner commented with regard to Condition #14 (requirement for a master block plat covering the applicant's two sites) that the private street is the main access to the adjacent development to the west. The commissioner commented that is why staff is concerned about how the projects line up.

A commissioner asked whether the pavement will extend beyond the 28-foot street width. The applicant responded that it would and that is where the extra parking spaces are as well as the aprons entering the driveways. He added there will also be a concrete walkway along the north side of the street. He said that he does not want to put extra paving on the south side of the street.

A commissioner commented that 732 trips per day along the private street seem to be a lot of traffic in front of residential houses not on a major street. He commented how desirable that is would be up to the purchasers.

A commissioner asked once the private street is done whether the HOA will just be for those ten houses along the street and whether there will be one HOA for the two projects; will the small development HOA take care of the private street. The applicant responded that the master HOA will take care of the core road and there will be a sub HOA as well.

There was no public comment from the audience.

A motion to close the public hearing was approved.

A commissioner commented that the open area in the front of the residences is critical; not having to see garages or cars is important. The common area is important to separate the homes from a busy street.

Another commissioner commented that this is not really a cluster development. The commissioner added that condition #14 is critical because the people who buy these 10 units need to be aware that the main street is access for the development to the west. The commissioner added that the vegetation in front is necessary to buffer the homes from the traffic.

A commissioner commented that they hope the Design Review Committee will make sure the landscaping is put in early and be maintained.

The motion to approve subject to the standard and special conditions passed 7-0 (Commissioners Bain, Cook and Membrila were absent).

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, 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. 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: The property owner(s) shall provide off-site improvements to Twin Lakes Drive as determined necessary by the Pima County Department of Transportation.
8. Regional Flood Control District:
  - A. A note shall be added to the Preliminary Development Plan indicating which common areas are to include drainage and water harvesting features that are to be maintained by the Homeowners Association, and these features shall be shown.
  - B. (Water Resources) Water conservation measures as proposed in Table B (II-K Water) of the Preliminary Integrated Water Management Plan (PIWMP) shall be followed. Where necessary, some water conservation measures may be implemented as Covenants, Conditions and Restrictions (CC&Rs). A Final Integrated Water Management Plan shall be presented in the development and landscape plans.
9. Environmental Planning: 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.
10. Regional Wastewater Reclamation:
  - 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 enter into a written agreement addressing ~~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 also enter into a written agreement concerning the funding, design and construction of 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, preliminary sewer layout, sewer construction plan or request for building permit.
- G. 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.

11. Environmental Quality: On-site wastewater disposal shall not be allowed.
12. Natural Resources, Recreation and Parks: This project shall provide the area and recreation features or equal, for the community park as described on the preliminary development plan.
13. Cultural Resources:
  - A. All work must be within the area as shown on the proposed project maps and plans in the submitted development plan and survey report.
  - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. 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.
14. A subdivision block plat which includes the subject rezoning site and the 15-acre property to the west represented by Co9-07-24 Arber LLC – Twin Lakes Road Rezoning shall be submitted prior to submittal of any individual subdivision plats or development plans.
15. The five shared driveways shall be designed, engineered and uniformly constructed from quality materials. Construction of the driveways shall occur concurrently with the development of the site and the construction of the ten residences. Maintenance and utilization of the drives within the common area shall be controlled through Covenants, Conditions, and Restrictions (CCRs) prepared in conjunction with the final subdivision plat and shall be funded by the homeowners' association assessment.
16. Adherence to the sketch plan and to the "Illustrative Plan" (page i of the site analysis) as approved at public hearing.
17. Residences are limited to one story where abutting existing residences.



18. Green conditions as specified in Section II.A.2.f. of the site analysis shall be provided including:
  - A. Each residential unit shall have a solar assisted domestic water heating system.
  - B. 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.
  - C. 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.
19. 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.
20. 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.
21. 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)."

CP/JE/ar  
Attachments

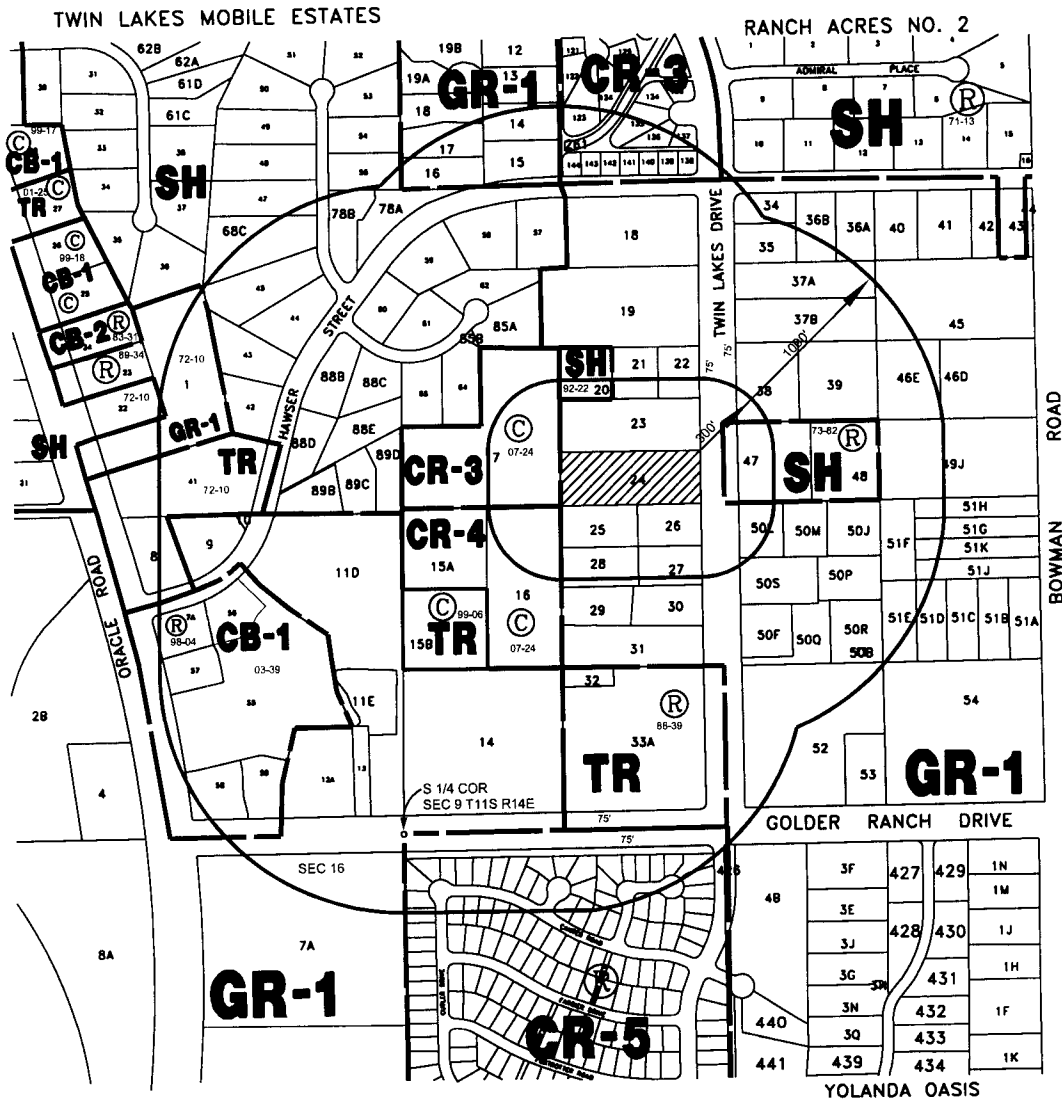
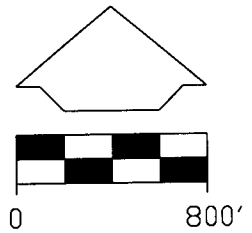
c: Vistoso Catalina LP, P.O. Box 43938, Tucson, AZ 85737  
Floerchinger Sadler Steel Baker Inc., P.O. Box 69955, Tucson, AZ 85737  
Chris Poirier, Assistant Planning Director  
Co9-13-03 File



Co9-13-003 VISTOSO CATALINA LP — TWIN LAKES DRIVE REZONING

2012

# PIMA COUNTY COMPREHENSIVE PLAN (C07-00-20)



Area of proposed rezoning from

**GR-1 to CR-3**



Notification area

BASE MAP 432

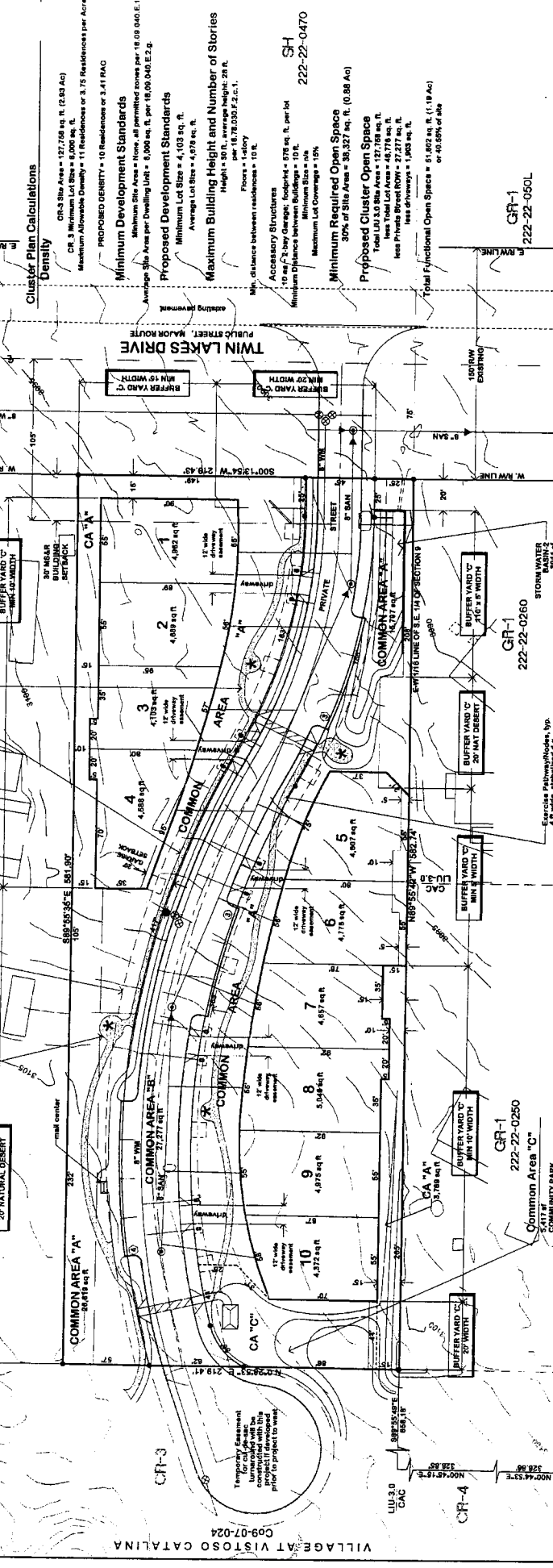
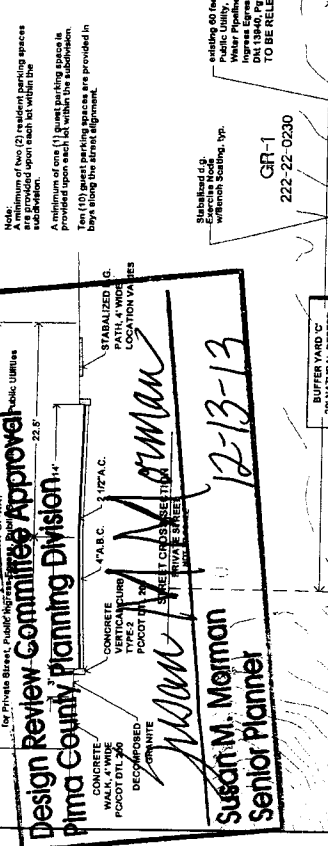
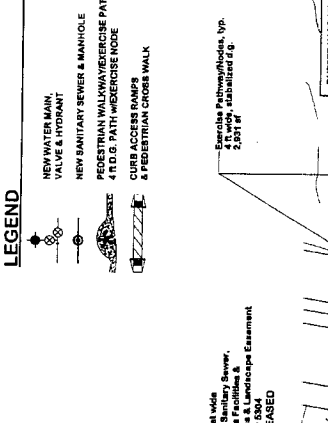
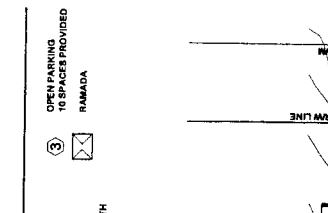
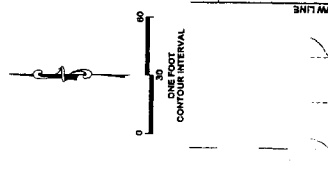
Notes \_\_\_\_\_

Tax codes 222-22-0240

Date 07/08/13  
Drafter DS

File no. C09-13-003  
VISTOSO CATALINA LP -  
TWIN LAKES DRIVE REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



**Floerchinger • Sadler • Steele • Baker**  
**INCORPORATED**  
architecture • civil engineering • planning  
P.O. Box 39925, Tucson, Arizona 85737 (520) 838-4144  
tucson@cs.com

INCORPORATED  
FLOERCHINGER, SADLER, STEELE & BAKER, INC. (A MEMBER COMPANY OF THE FLOERCHINGER GROUP) IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITY AND WOMEN ARE ENCOURAGED TO APPLY. FLOERCHINGER GROUP IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITY AND WOMEN ARE ENCOURAGED TO APPLY. FLOERCHINGER GROUP IS AN EQUAL OPPORTUNITY EMPLOYER. MINORITY AND WOMEN ARE ENCOURAGED TO APPLY.

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notes:

3. Bufferyards  
Bufferyards shall be planted at the density of the noted bufferyard type as

LANDSCAPING AND PLANNING GUIDELINES CONFORMANCE N

1. Internal Site Landscaping (Common Areas)

All landscaped areas shall include: trees, shrubs, flowering plants, mulch, walkways or 600mm wide paths, parking, vehicular access.

2019 cu ft

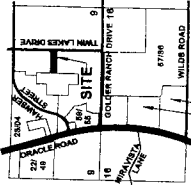
LANDSCAPING AND PLANNING GUIDELINES CONFORMANCE N

1. Internal Site Landscaping (Common Areas)

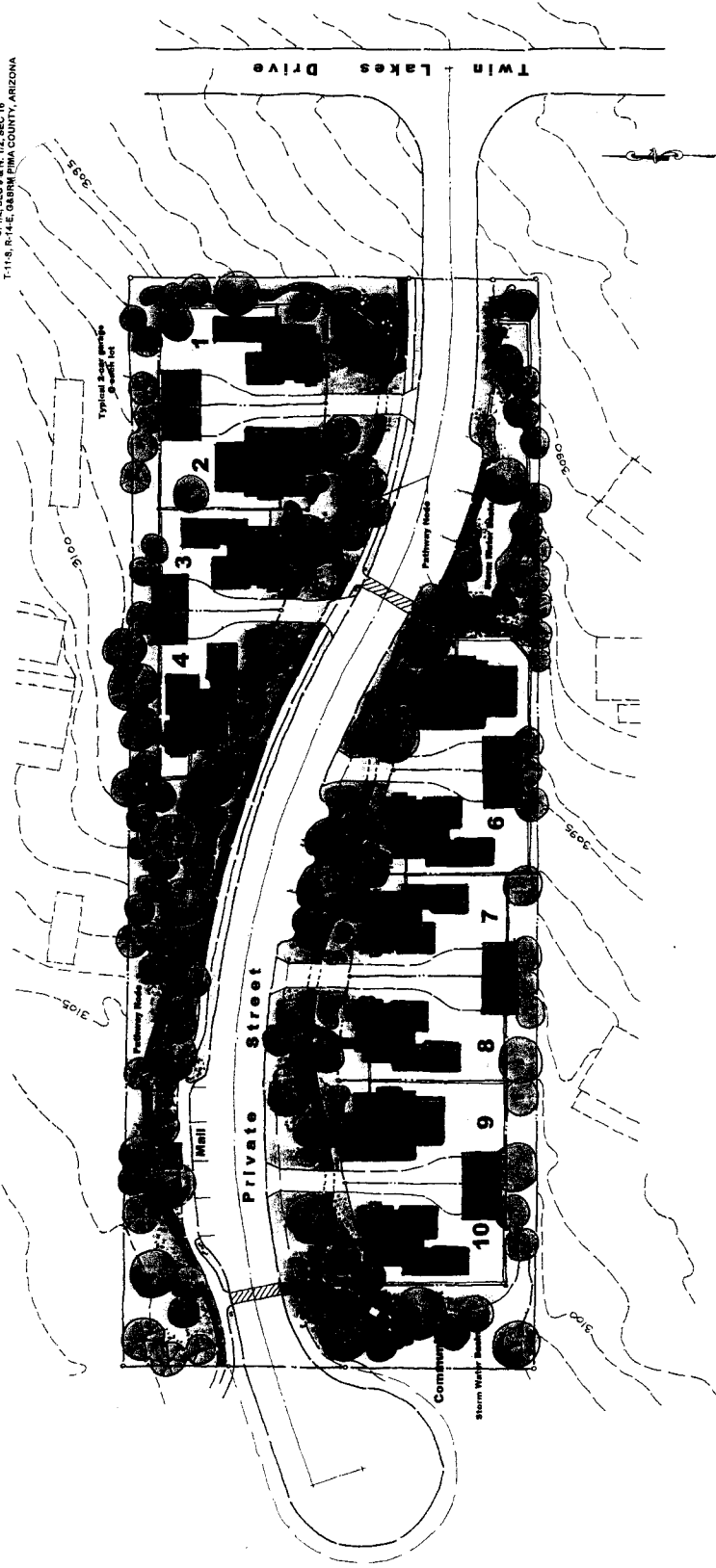
All landscaped areas shall include: trees, shrubs, flowering plants, mulch, walkways or 600mm wide paths, parking, vehicular access.

2019 cu ft





**LOCATION MAP**  
 1/4 SECTION 36, T11S, R14E, G4B2M, E1/4A, ARIZONA  
 1/4 SECTION 36, T11S, R14E, G4B2M, E1/4A, ARIZONA  
 1/4 SECTION 36, T11S, R14E, G4B2M, E1/4A, ARIZONA



0 20 40 60 80  
 FEET  
 ONE FOOT  
 CONTOUR INTERVAL

**FSSB**  
 Floerchinger Sadler Steele Baker, Inc.



DATE: December 20, 2013

TO: Honorable Board of Supervisors

FROM: Arlan Colton, Planning Director *mc*

SUBJECT: Co9-13-03 Vistoso Catalina LP – Twin Lakes Drive Rezoning  
Revision of Regional Wastewater Management Department conditions

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Planning staff requests the following revisions to the rezoning conditions as revised by the Regional Wastewater Management Department staff (see attached memo): *(added text is underlined, deletions in strikeout)*

10. Regional Wastewater Reclamation:

- 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 enter into a written agreement addressing ~~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 also enter into a written agreement concerning the funding, design and construction of 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, preliminary sewer layout, sewer construction plan or request for building permit.
- G. 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.



**Pima County  
Wastewater Management Department**

Jackson Jenkins  
Director

201 N. Stone Avenue  
Tucson, Arizona 85701  
(520) 724-6500

Visit our website:  
<http://www.pima.gov/wwm>

REVISED  
CONDITIONS

October 29, 2013

**TO:** Janet Emel, Senior Planner  
Planning Division, Pima County Development Services Department

**FROM:** Mirela Hromatka  
Mirela Hromatka, Program Manager  
Capital Planning Unit  
Pima County Regional Wastewater Reclamation Department

**SUBJECT:** Co9-13-03 Vistoso Catalina LP – Twin Lakes Drive Rezoning  
GR-1 to CR-3 (Cluster Option)  
Tax Parcel 222-22-0240; 2.9 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the proposed rezoning. Approval of the rezoning would allow 10 single-family residential lots.

**The PCRWRD has no objection to the proposed rezoning but adds the following conditions:**

**REZONING CONDITIONS**

Should the Board of Supervisors be inclined to approve this rezoning, the Pima County Regional Wastewater Reclamation Department recommends the following conditions:

1. 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.
2. 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 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.
3. 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.



4. 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.
5. 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.
6. The owner / developer and County shall also enter into a written agreement concerning the funding, design and construction 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, preliminary sewer layout, sewer construction plan or request for building permit.
7. 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.

If you wish to discuss the above comments/conditions, please contact me at 724-6488.

MH

Copy: Project



# MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

Planning Division

Design Review Committee

*Design Review  
Committee  
Decision  
Letter*

DATE: December 11, 2013  
TO: Marty Floerchinger, Mike Baker Sadler, Steele, Baker, Inc.  
FROM: Sue Morman, Senior Planner *SM*  
SUBJECT: **Co20-13-06 Twin Lakes Catalina  
Cluster Subdivision  
DRC Decision Letter**

## ***Meeting of November 21, 2013***

The Design Review Committee (DRC) found that the above cluster subdivision met the purpose and criteria of Pima County Zoning Code Section 18.09.040. The proposed subdivision layout of garden, single-family detached homes design and architectural standards and guidelines is approved by unanimous vote of 6-0. Julie Davis was present as a voting member from Catalina Village Council. Motion by Member Colton and second by Member Laidlaw with the following conditions:

1. Approval is conditioned on the approval of the Co9-13-03 rezoning by the Board of Supervisors.
2. This subdivision shall be included into a Master Plat with the adjacent west condominium project as approved by the Board and is of the same owner to ensure coordination between the two projects.
3. A note shall be placed on the subdivision plat that the DRC's approval expires two years from the date of DRC approval (and the exact date shall be included in the note), unless a tentative plat has been approved by the County.
4. The individual "garden" units front, rear, and side setbacks for the Cluster Development Option shall be zero.
5. Minimum Cluster Site Setbacks shall be: Front-30-feet/Side 5-feet/Rear 25-feet.
6. There shall be a minimum of 10-feet between buildings.
7. A decorative, 6-foot high masonry wall with a landscape berm on the north side of the wall with the length of the wall/berm up to 110-feet. The wall/berm shall be strategically placed along the southeast portion of the property line to buffer traffic from the existing residence.
8. Homes shall be earth tones with low light reflective value as shown in the attached Cluster submittal exhibit.
9. Copies of the approved PCDD signed by the Case Planner and the Co20-13-06 Decision Letter shall be transmittal to all Pima County Subdivision and

Development Review Committee members, when the subdivision plat is submitted to the Subdivision Coordination office for review.

10. CC&R's recorded with the subdivision plat must comply with the following sections of the Code: 18.09.040.J.1, 18.09.040.J.3c, 18.09.040.J.3.d, 18.09.040.J.3.e, 18.09.040.J.3.f, 18.09.040.J.3.m, 18.09.040.2a and shall be approved by Planning prior to recording the final plat.

DRC Development Standards:

1.	Average Lot Size	4,678 sf
2.	Minimum Lot Size	4,103 sf
3.	Site Setbacks: Front Side Rear	30 feet 5 feet 25 feet
4.	Front, Side, and Rear Yard General Setbacks for Garden Homes and Accessory Structures (Garages)	Zero Lot Line
5.	Maximum Lot Coverage for Accessory Structures	15%
6.	Maximum Building Height	30- feet (Code maximum is 34-feet, 2-stories)
7.	Minimum Distance Between Buildings	10-feet

For details, refer to the DRC meeting minutes, audiotapes, and/or the applicant's DRC CD submittal.

If you have any questions or need clarification, please contact me at 724-9000.

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

**HEARING**      August 28, 2013

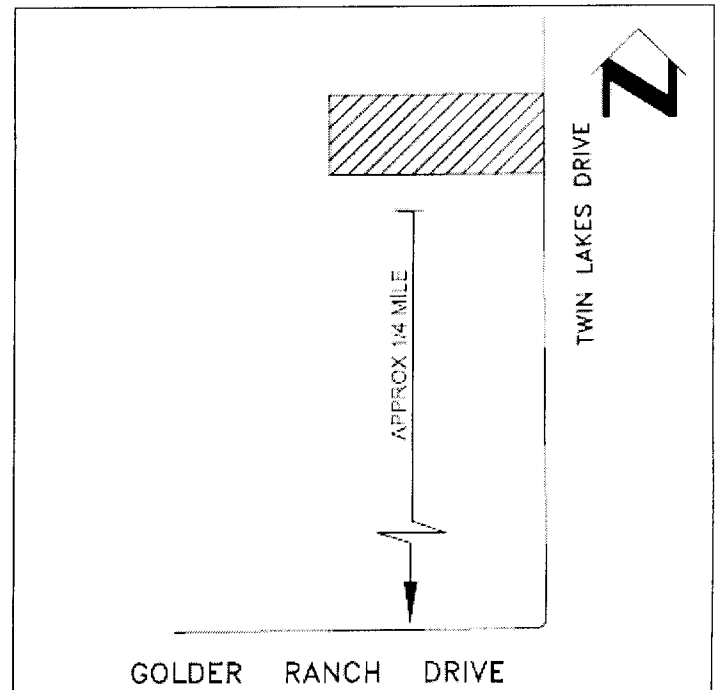
**DISTRICT**     1

**CASE**          Co9-13-03 Vistoso Catalina LP  
                     – Twin Lakes Drive Rezoning

**REQUEST**     GR-1 (Rural Residential) to CR-3  
                     (Single Residence Zone)  
                     (Cluster Development Option)  
                     2.9 acres

**OWNER**        Vistoso Catalina LP  
                     P.O. Box 43938  
                     Tucson, AZ 85737

**AGENT**        Floerchinger Sadler Steel Baker  
                     Inc.  
                     P.O. Box 69955  
                     Tucson, AZ 85737



**APPLICANT'S PROPOSED USE**

"...ten single family, single story garden homes which conform to the scale of the existing neighborhood."

**APPLICANT'S STATED REASON**

"...the project will provide an alternative housing style which will contribute to and encourage diversity in the housing opportunities available in the Catalina area. The proposed site plan presents a unique approach to the often typical streetscape dominated by minimum setbacks and visually repetitive garage doors. The project features include garages set to the rear of the lots, shared driveways constructed of pervious naturally colored materials, and attractive pedestrian ways which meander through a water harvest xeriscape."

**STAFF REPORT SUMMARY**

The Development Services Department recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** subject to the applicant addressing the concerns described on page four.

The subject property lies on the edge of a large Comprehensive Plan- designated Community Activity Center (CAC) which proposes commercial and higher-density residential uses. The property has proximity to existing, commercial services. This request is a continuation of the approved, equally or more dense proposed development to the west. The subject site lies outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS), it meets concurrency, and there are no saguaros or ironwoods on the site. The design elements will provide desirable residential variety compared to the standard layouts.

### **COMPREHENSIVE PLAN**

The subject property is designated as Low Intensity Urban 3.0 (LIU 3.0) by the Pima County Comprehensive Plan. The rezoning request to CR-3 complies with the LIU 3.0 designation. At 2.9 acres, the LIU 3.0 designation allows a maximum of three residences per acre resulting in eight residences. An additional LIU 3.0 option allows a maximum gross density of four residences per acre (11 units) if the development complies with the Cluster Development Option (Zoning Code Section 18.09.040) including the provision of 30 percent cluster open space. The applicant proposes this project as a cluster development to allow 10 residences.

The subject site is not within a Growth Area and there are no special area or rezoning policies applicable to the site.

### **MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM CLASSIFICATION (MMBCLS)**

The subject property is located outside the MMBCLS.

### **SURROUNDING LAND USES/GENERAL CHARACTER**

North	GR-1	Single-family residential
South	GR-1	Single-family residential
East	SH	Single-family residential
West	CR-3/CR-4	126 proposed condominium units (also owned by applicant – portion is a cluster development)

The property is surrounded on three sides by low-density, single-family residential development. Twin Lakes Drive abuts the east side of the property. To the west and southwest of the subject property is a proposed 126-unit condominium development by the applicant. The condominium development is based on a rezoning (Co9-07-24) to the CR-3 (Single Residence) (Cluster Option) and CR-4 (Mixed Dwelling Type) zones approved by the Board of Supervisors on April 17, 2012. While much of the existing, surrounding development is low-density, single-family residential development, the subject property is approximately one-quarter mile from a large retail center on Oracle Road that includes a major grocery store and smaller businesses. There have been three rezonings to CB-1 (Local Business) along Oracle Road approved in 1985, 1998, and 2003 and subsequently developed. Several other rezonings for commercial uses have been approved farther north on Oracle Road. Higher-density developments are found within one-half mile of the property such as the Black Horse Subdivision, a 150-acre rezoning approved in 2001 and located to the south on Golder Ranch Road. There are several CR-3/TR subdivisions approximately one-quarter mile to the north of the subject property on Hawser Street. And, there is an approximately 7.5 acres TR-zoned property at the northwest corner of Twin Lakes Drive and Golder Ranch Road proposed for up to 126 retirement apartments for members of the church that owns the property.

### **PUBLIC COMMENT**

Staff has not received any written comments to date.

### **PREVIOUS REZONING CASES ON PROPERTY**

The subject property is designated as future SH (Suburban Homestead) by the Lago del Oro Zoning Plan (CO13-63-17B). Zoning plans were adopted for limited portions of the county in the late 1950's and early 1960's. Zoning plans are pre-approved rezonings to a stipulated zone attained by submittal of an approved subdivision plat. Several of the zoning plans have been repealed and replaced by the Comprehensive Plan Land Use Intensity designations, however, the Lago del Oro Zoning Plan remains in effect. There have been no other rezoning requests for the subject property.

### **PREVIOUS REZONING CASES IN GENERAL AREA**

Co9-07-24 Arber LLC – Twin Lakes Drive Rezoning with Cluster Option (located to the west of the subject site by the same applicants)

GR-1 (7.5 acres) and GR-1 (GZ) (7.5 acres) to CR-3 (7.5 acres) (cluster development option) and CR-4 (GZ) (7.5 acres) for 126 condominium units. Approved by the Board of Supervisors on April 17, 2012. Ordinance (Ord. 2012-35) approved August 7, 2012.

<b>CONCURRENCY CONSIDERATIONS</b>		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	Condition recommended
FLOOD CONTROL	Yes	Conditions recommended
WASTEWATER	Yes	Conditions recommended
PARKS AND RECREATION	Yes	Condition recommended
WATER	Yes	Within Lago del Oro Water Company Service area although they do not have a renewable water supply
SCHOOL	-	Neither the school district nor the applicant have provided information

### **PLANNING REPORT**

The rezoning request is for ten, single-family residential lots. As proposed, the garages would be located to the rear of the property, set back from the street, with all of the driveways shared. To attain a higher density of 3.4 residences per acre (10 units) within the property's Comprehensive Plan designation of Low Intensity Urban 3.0 (LIU 3.0), the applicant proposes this project as a "cluster development" which requires review and approval by the Design Review Committee. The applicant would otherwise be limited to eight units. The average lot size is 4,678 square feet, with the smallest lot (Lot 3) being 4,103 square feet. Without the cluster option, the standard minimum lot size for the CR-3 zone is 8,000 square feet.

The applicant proposes the following cluster open space ("cluster open space" can be natural and/or functional open space and compensates for the smaller lot size allowed by the cluster option):

127,758 square feet – total rezoning site

48,679 square feet - proposed developed lot area including driveways

27,277 square feet - proposed developed roadway

-----  
51,802 square feet (or 40.55% of the site) of cluster open space including a 5,417 square foot community park

In November 2011, staff recommended approval of the adjacent Co9-07-24 rezoning request for a 126-unit condominium development by the same applicants because it met concurrency criteria, conformed to the Comprehensive Plan, is located outside of the Maeveen Marie Behan Conservation Lands System (MMBCLS), was an infill site in Catalina in close proximity to commercial services along Oracle Road (meeting Growing Smarter policies) and would provide a land use in short supply in Catalina. The same can be said for the subject rezoning. Additionally with the subject rezoning, there are no

major drainage or slope issues and 36 percent of the site will be revegetated. Green features such as water harvesting on the landscaped pedestrian areas adjacent to the private street, pervious drives and walkway surfaces, roof gutters to facilitate rainwater collection for private gardens, and solar assisted domestic water heating for each residence plus photovoltaic lighting of selected walkway paths are also proposed. Staff recommends Rezoning Condition #16 which not only requires adherence to the PDP but also to the "Illustrative Plan" on page i of the site analysis to ensure that the unique features (e.g. recessed garages, shared driveways) of the development are implemented.

Staff has four issues that the applicant (and the Design Review Committee (DRC) for item #1) needs to address:

- 1) It is not obvious to staff that the layout qualifies as a "cluster development" in accordance with Pima County Zoning Code Section 18.09.040. Since the applicant's original submittal, however, the layout (i.e. the Preliminary Development Plan (PDP)) has improved and is looking more like a cluster development. The applicant decreased the number of lots from 11 to 10, adding more contiguous cluster open space. Ways to make the layout more "cluster like" would include incorporating more duplexes in place of detached homes, renderings that better show how the streetscape will work, and larger, more consolidated common areas instead of piecemeal common areas in front yards. Per Section 18.09.040 "cluster open space intended for a recreation or common use shall be easily accessible to pedestrians, and accessibility shall meet the needs of the handicapped and elderly" and "individual lots, buildings and units shall be arranged and situated to relate to surrounding properties, to improve the view of buildings, and to minimize the land area devoted to motor vehicle access". A cluster design should group development into a compact area while preserving the maximum amount of natural resources on the site in common open space. While the common areas located on the northwest and southwest portions of the subject site meet these criteria, the "front yard" common areas (between the lots and the street) will not serve much purpose other than as a buffer for individual lots from the street. The driveways bisecting the front yard common areas reduce the value of that open space. Nonetheless, after the commission hearing the Design Review Committee will determine whether the layout denotes a true "cluster development".
- 2) Twin Lakes Drive is designated a "Major Route" by the Major Streets and Scenic Routes Plan therefore requiring a minimum building setback of one-half right-of-way plus a 30-foot (meaning a 30-foot building setback from the side property line). This may affect Lot 1's viability; the lot's buildable width would be reduced by 15 feet. Most of the lots have a roughly minimum buildable width of 45 to 55 feet (if the applicant requests reduced side setbacks during the Cluster Review before the DRC), whereas Lot 1 is rendered a maximum of 40 feet wide due to the Major Streets and Scenic Routes setback. The applicants state: "the Sketch Plan scales an approximate 27 foot setback from property line. Minor adjustment will be made in the final plat and permit site plan for Lot 1 as necessary."
- 3) The applicant requests a Bufferyard Type "A" along Twin Lakes Drive, however, Twin Lakes Drive is considered a "Major Highway" per the Landscape Design Manual and therefore requires a Bufferyard Type "C" – which may include a berm as desired by the applicant.
- 4) The applicant requests further clarification and discussion on Rezoning Condition #14 which requires one block plat cover both the Co9-13-03 and Co9-07-24 rezoning sites, which have the same owners. This rezoning has been advocated in part based on the approved development to the west proposed by the same applicant. The two sites will complement each other; therefore staff believes they should act as one coordinated site. It appears that this rezoning site may not have

been included in the first rezoning because of the ownership at the time. Requiring a block plat is a minimal way to ensure some coordination between the sites.

Prior to the current PDP which has been revised from the original submittal, staff was concerned about adequate buffering of the existing neighbors particularly because at the time of the rezoning case to the west (Co9-07-24) the subject property was to contain two single-family residences and act as a buffer for the surrounding low-density development. The applicant's current PDP reflects increased bufferyards and according to the applicant also reflects discussions with the abutting neighbors about which bufferyards and setbacks are acceptable.

While staff commends the applicant's proposal to locate garages at the rear, in the past shared driveways in common areas have presented maintenance problems between neighbors. The applicants have committed to providing coordinated, consistent quality of the driveways and their management. Staff has reflected this commitment in Rezoning Condition #15.

### **TRANSPORTATION REPORT**

Concurrency concerns have been met since within a one-mile radius of this proposed rezoning, major roads are operating below traffic capacity. The proposed 11 units could generate 110 Average Daily Trips (ADT). The property is located on the west side of Twin Lakes Drive between Golder Ranch Road and Hawser Street.

Twin Lakes Drive is a two-lane, paved, county-maintained, collector roadway approximately 1.75 miles in length, designated a major route with 150 feet existing and planned right-of-way per the Major Streets and Scenic Routes Plan. No dedication of right-of-way is recommended on Twin Lakes Drive as a condition of rezoning. Twin Lakes Drive has a traffic count of 1,300 ADT from 2008 and a traffic capacity of 15,000 ADT. The posted speed limit is 40 mph for this segment of Twin Lakes Drive. There are funded plans to extend Twin Lakes Drive and Mainsail Boulevard, both north and west of Mainsail Boulevard/Twin Lakes Drive intersection to provide more regional access and continuity in the Catalina area. Construction is not scheduled until beyond 2014.

Golder Ranch Road is a paved, two-lane, county-maintained, collector roadway approximately 1.75 miles in length. It is designated a scenic major route per the Major Streets and Scenic Routes Plan. Golder Ranch Road has a recent traffic count of 9,300 ADT from 2012 and a traffic capacity of almost 15,000 ADT. There are no funded roadway improvements planned for Golder Ranch Road.

Oracle Road is a paved, five-lane wide, undivided, arterial highway, maintained by the State of Arizona. Per the Pima County Major Streets and Scenic Routes Plan, it is designated a scenic major route. The most current traffic count on Oracle Road between Golder Ranch Road and Pinal County line, from 2010 is 10,000 ADT. Capacity improvements on Oracle Road are scheduled to begin in fall 2013 between Tangerine Road and the Pima/Pinal county line.

Hawser Street, Wilds Road and Lago del Oro Parkway are paved, two-lane, county-maintained, collector roadways. Wilds Road and Lago del Oro Parkway are also major routes per the Major Streets and Scenic Routes Plan. They are operating below capacity and have no funded major improvements planned.

Subdivision and Development Street Standards modifications may be necessary for a sidewalk on only one side of the internal street, intersection offsets and sight distance requirements for the access on Twin Lakes Drive. The applicant needs to address maintenance and other issues associated with driveways, paths and front yards located in common areas between the street and the individual lots.



Transportation staff has no objection to the request for rezoning and recommends Condition #7.

### **REGIONAL FLOOD CONTROL DISTRICT REPORT**

- The site does not include FEMA Special Flood Hazard Area, locally delineated floodplains or Pima County Regulated Riparian Habitat.
- The PDP (Exhibit IIB) contains a note indicating that Common Area C will be a community park, and contains access and landscape easements. The PDP however shows only Common Area A. The Hydrology Exhibit (11-D) shows a detention basin located in the southwest corner of the site in Common Area A. Furthermore, the site analysis narrative indicates that the common areas are to include water harvesting features. Prior to approval by the Board of Supervisors, the PDP labeling should be corrected and a note added indicating which common area(s) is to include the retention/detention basin, water harvesting features and any other proposed drainage features.  
*[Staff note: This issue has been addressed by the applicant.]*

### **Water Resources Division:**

A Water Supply Impact Analysis and review of the Preliminary Integrated Water Management Plan (PIWMP) has been conducted on the proposed rezoning and the site analysis. Pima County conducts a Water Supply Impact Analysis on a rezoning determining how the proposal would affect five critical issues.

<b>PIMA COUNTY'S WATER SUPPLY IMPACT ANALYSIS</b>		
	<b>CRITICAL ISSUE</b>	<b>RESPONSE</b>
1.	Water Service and Renewable Water Supply Options	The applicant has indicated that they have received a letter from Lago del Oro Water Company (LDO) that they will serve this parcel, once a 100-year Assured Water Supply is obtained from ADWR. <b>LDO does not have access to renewable and potable water supply in its service area.</b> CAP conveyance infrastructure is significantly distant from this area to be cost effective and mining of groundwater is the only cost effective option.
2.	Current and Projected Depth to Groundwater and Groundwater Trend Data	The average depth to groundwater in this area is approximately 230 feet. <b>Groundwater at this depth is not likely to support vegetation or aquatic ecosystems.</b> Groundwater levels have declined in the area between 1987 and 2012 as much as 1 foot/year. Groundwater levels are projected to <b>decline</b> by 15 feet over the next 15 years, according to the ADWR-TAMA model Base Case.
3.	Proximity to Areas of Known or Potential Ground Subsidence	The proposed rezoning is in an area of low subsidence.
4.	Proximity to known Groundwater-Dependent Ecosystems	The proposed rezoning area is 2.2 miles from the Sutherland Shallow <b>Groundwater Area dependent ecosystem.</b>
5.	Location within a Hydrogeologic Basin, including Depth to Bedrock	The proposed rezoning is located in the Canada del Oro Hydrogeologic sub-basin area. <b>This sub-basin has been identified as being sensitive to groundwater removal.</b> Depth to bedrock in this area is estimated at greater than 1000 feet.

**Pima County's Water Supply Impact Analysis finds that, under existing conditions, the rezoning property does not have access to renewable and potable water.** In addition, contrary to the site analysis report, documented water-level declines over the last 20-24 (1988-2012) years have been more like 1 foot/year, based upon nearby City of Tucson ADWR-GWSI documented wells (ADWR Well # 55-619866, 55-619867 and 55-504655). The resulting 100-year water-levels should be more in line with 506 feet bls (*below land surface*).

**The current site analysis does have a Preliminary Integrated Water Management Plan (PIWMP) with water conservation measures.** This rezoning site will end up increasing site water demand. As such, the applicant has provided a Preliminary Integrated Water Management Plan (PIWMP) that goes beyond the general criteria. A description of the indoor and outdoor water conservation measures is included using Table B of the PIWMP, and has a blend of indoor and exterior water conservation measures. They include: item I-8 - installing toilets that meet the EPA Watersense rating of 1.28 gpf; installing I-6 lavatory faucets that meet the EPA Watersense criteria, or have a maximum flow of 1.5 gpm" and 1-7, "installing showerheads that meet the EPA Watersense criteria or have a maximum flow rate of 1.5 gpm" for the estimated 11 single-family units. The water demand was estimated at approximately 3.5 Acre Feet per Year (AF/yr) based on 11 individual dwelling units, and common area exterior use. Exterior water harvesting has also been proposed.

**Water conservation measures proposed within this plan will become Condition #8b.** Where necessary, some measures may also be required to be included in the project's CC&Rs.

#### **WASTEWATER MANAGEMENT REPORT**

Staff has no objection to the proposed rezoning subject to rezoning Conditions #10A – G.

#### **DEVELOPMENT SERVICES ENVIRONMENTAL QUALITY AIR QUALITY REPORT**

The Department's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution.

#### **NATURAL RESOURCES, PARKS AND RECREATION REPORT**

The department recommends rezoning Condition #12.

#### **CULTURAL RESOURCES REPORT**

Staff recommends rezoning Conditions #13A and B. Staff reviewed the cultural resources survey report submitted with the rezoning request and sent a review confirming that no cultural or historic resources would be negatively affected by the proposed development.

Pima County cultural resources requirements have been met and a cultural resources clearance is recommended for this development. The project proponent can submit this clearance memo with the development plan and/or grading and paving permit application to demonstrate that the project has met County cultural resources requirements.

#### **UNITED STATES FISH AND WILDLIFE REPORT**

No comments had been received to date.

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, 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. 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: The property owner(s) shall provide off-site improvements to Twin Lakes Drive as determined necessary by the Pima County Department of Transportation.
8. Regional Flood Control District:
  - A. A note shall be added to the Preliminary Development Plan indicating which common areas are to include drainage and water harvesting features that are to be maintained by the Homeowners Association, and these features shall be shown.
  - B. (Water Resources) Water conservation measures as proposed in Table B (II-K Water) of the Preliminary Integrated Water Management Plan (PIWMP) shall be followed. Where necessary, some water conservation measures may be implemented as Covenants, Conditions and Restrictions (CC&Rs). A Final Integrated Water Management Plan shall be presented in the development and landscape plans.
9. Environmental Planning: 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.
10. Regional Wastewater Reclamation:
  - 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 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, preliminary sewer layout, sewer construction plan or request for building permit.
  - G. 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.
- 11. Environmental Quality: On-site wastewater disposal shall not be allowed.
  - 12. Natural Resources, Recreation and Parks: This project shall provide the area and recreation features or equal, for the community park as described on the preliminary development plan.
  - 13. Cultural Resources:
    - A. All work must be within the area as shown on the proposed project maps and plans in the submitted development plan and survey report.
    - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities

from compliance with State burial protection laws. 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.

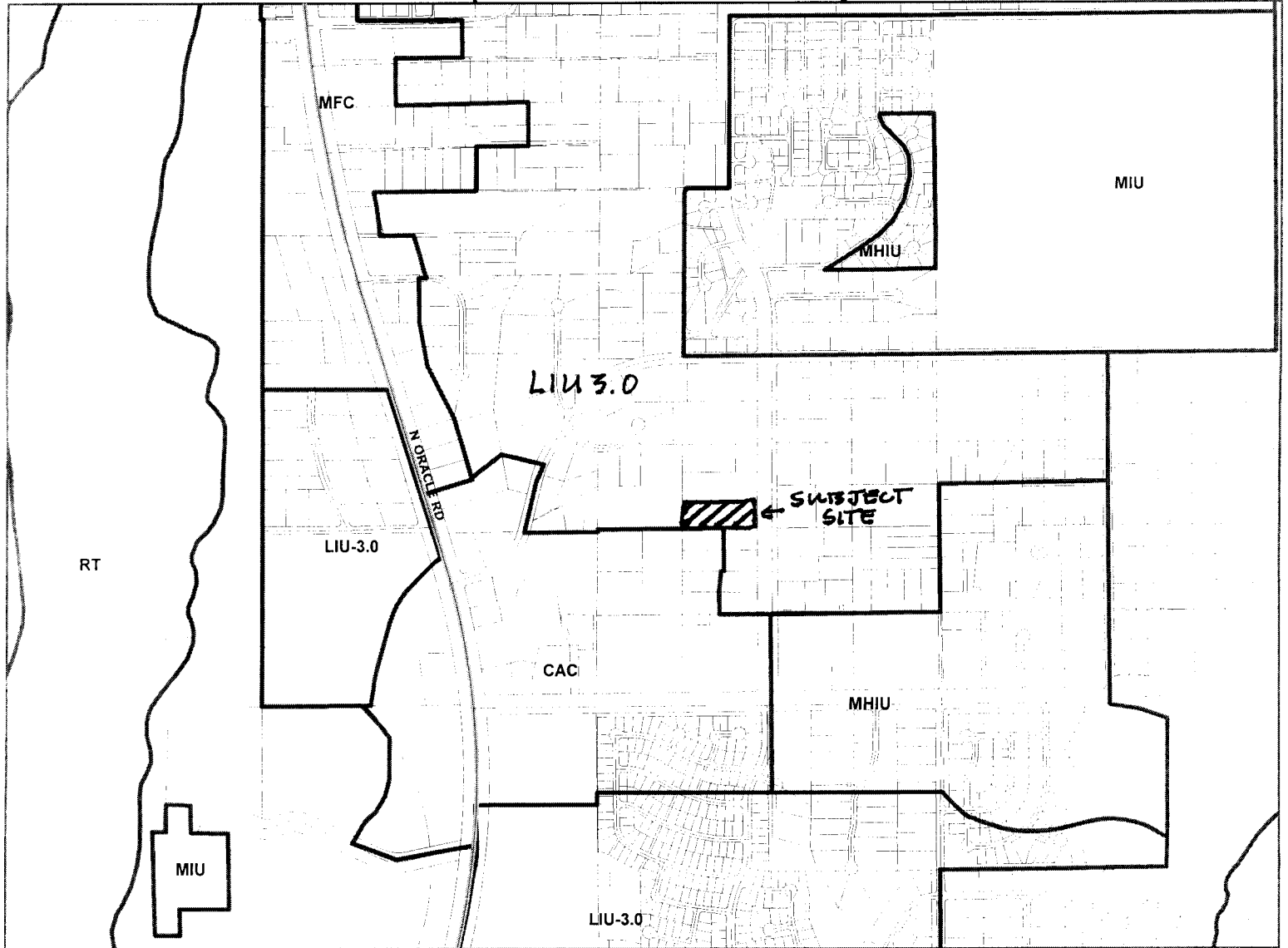
14. A subdivision block plat which includes the subject rezoning site and the 15-acre property to the west represented by Co9-07-24 Arber LLC – Twin Lakes Road Rezoning shall be submitted prior to submittal of any individual subdivision plats or development plans.
15. The five shared driveways shall be designed, engineered and uniformly constructed from quality materials. Construction of the driveways shall occur concurrently with the development of the site and the construction of the ten residences. Maintenance and utilization of the drives within the common area shall be controlled through Covenants, Conditions, and Restrictions (CCRs) prepared in conjunction with the final subdivision plat and shall be funded by the homeowners' association assessment.
16. Adherence to the sketch plan and to the "Illustrative Plan" (page i of the site analysis) as approved at public hearing.
17. Residences are limited to one story where abutting existing residences.
18. Green conditions as specified in Section II.A.2.f. of the site analysis shall be provided including:
  - A. Each residential unit shall have a solar assisted domestic water heating system.
  - B. 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.
  - C. 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.
19. 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.
20. 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.
21. 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)."

Respectfully Submitted,

  
\_\_\_\_\_  
Janet Emel, Senior Planner

# Comprehensive Plan designations



## **LOW INTENSITY URBAN-3.0 (LIU-3.0)**

(C on the Land Use Plan Maps)

### **Purpose:**

To designate areas for low density residential and other compatible uses; to provide incentives for clustering residential development and providing natural open space; and to provide opportunities for a mix of housing types throughout the region.

### **Residential Gross Density:**

Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Projects utilizing any of the cluster options set forth in this section shall conform with the provisions of Section 18.09.040 Cluster Development Option. Residential gross density shall conform with the following:

- (a) Minimum - (none)
- (b) Maximum - 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:
  - (i) Gross density of 4.0 RAC with 30 percent cluster open space.

### **Zoning Districts:**

Within Low Intensity Urban 3.0 and Low Intensity Urban 1.2, only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under Section 18.89.060D major resort community, Section 18.89.030A3b plan policies, or Section 18.90.030E specific plans:

- 1) GC Golf Course Zone
- 2) SR Suburban Ranch Zone
- 3) SR-2 Suburban Ranch Estate Zone
- 4) SH Suburban Homestead Zone
- 5) CR-1 Single Residence Zone
- 6) CR-2 Single Residence Zone
- 7) CR-3 Single Residence Zone
- 8) CR-4 Mixed-Dwelling Type Zone
- 9) CR-5 Multiple Residence Zone
- 10) CMH-1 County Manufactured And Mobile Home-1 Zone
- 11) MR Major Resort Zone



**PIMA COUNTY PLANNING DIVISION  
APPLICATION FOR REZONING**

Vistoso Catalina LP	PO Box 43938 Tucson, AZ 85733	622-5050
Owner Floerchinger Sadler Steele Baker, Inc.	Mailing Address PO Box 69955 Tucson, AZ 85737	Email Address/Phone daytime / (FAX) fssb@cox.net 628-4144
<b>Martin Floerchinger, Principal</b>		
Applicant (if other than owner) 15425 N Twin Lakes Drive	Mailing Address	Email Address/Phone daytime / (FAX) 222-22-0240

Legal description / property address			Tax Parcel Number
2.9	GR-1	CR-3	Northwest/LIU-3.0/NA
Acreage	Present Zone	Proposed Zone	Comprehensive Plan Subregion / Category / Policies

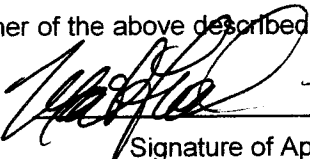
The following documentation must be attached:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's Property Inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

2.17.2013

Date

  
Signature of Applicant

Floerchinger Sadler Steele Baker, Inc.  
Martin Floerchinger, Principal

**FOR OFFICIAL USE ONLY**

VISTOSO CATALINA LP - N. TWIN LAKES TRDR. Co9- 13-03

Case name

GR-1

CR-3

432

5517.00

1

Rezoning from

Rezoning to

Official Zoning Base Map Number

Fee

Supervisor District

N/A

Conservation Land System category

Lago del Oro (designated SH)

NORTHWEST

LIU 3.0

Cross reference: Co9-, Co7-, other

Comprehensive Plan Subregion / Category / Policies

Received by JE

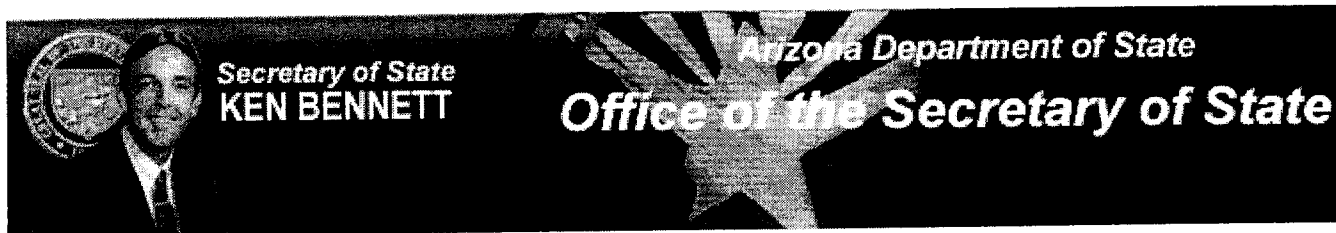
Date 2/21/13

Checked by JS

Date 2-26-13

Lago Del Oro ZP COB-63-17

**FEB 21 2013 REC'D JE**



## Registered Name

### Information Search

Generated by TnT Names Search Version 3.11

### Instructions

### Agent General Information

Agent ID	5929
Lastname	ALBERTO P MOORE
Address 1	5151 E. BROADWAY, STE. 1610
City	TUCSON
State	AZ
ZIP	85711-0000

### Agent/Owner References

File ID	Type	Status	Name	Code	Begin	End
2006723	LP	Active	VISTOSO CATALINA LIMITED PARTNERSHIP	SERVICEOFPROCESS		

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Please email your comments or questions regarding this system to [trades@azsos.gov](mailto:trades@azsos.gov). We appreciate any feedback.

### Disclaimer

February 12, 2013

Pima County Development Services  
Planning Division  
201 N. Stone Avenue, 2<sup>nd</sup> Floor  
Tucson, AZ 85701

RE: **Twin Lakes**  
Parcel No. 222-22-0240  
In Section 9, Township 11 South, Range 14 East,  
Gila and Salt River Meridian, Pima County, Arizona  
Parcel Address: 15425 N Twin Lakes Drive

To Whom It May Concern:

Please accept this letter as notification that Floerchinger Sadler Steele Baker, Inc. is hereby authorized to apply for a change in zoning upon the above referenced parcel. Vistoso Catalina Limited Partnership, an Arizona Partnership, is the sole owner of these land parcels. General Partners of Vistoso Catalina Limited Partnership are Alberto Moore and Michael Byrne.

Thank you.

Respectively yours,

VISTOSO CATALINA LIMITED PARTNERSHIP

By:  

Cc: Floerchinger Sadler Steel Baker, Inc.

# EXHIBIT B

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

**BUILDING DATA**  
34' MIN. HEIGHT  
BLOCK-1: 10 UNITS  
BLOCK-2: 9 UNITS  
BLOCK-3: 12 UNITS  
BLOCK-4: 14 UNITS  
BLOCK-5: 14 UNITS  
BLOCK-6: 12 UNITS  
BLOCK-7: 8 UNITS  
TOTAL: 79 UNITS

MAXIMUM RESIDENTIAL DENSITY (R-8.4)  
COMMUNITY CENTER  
34' MIN. HEIGHT

**PARKING DATA**  
TOTAL: 44 SPACES  
OPEN: 132 SPACES

ALL LANDSCAPING SHALL BE DROUGHT  
RESISTANT LOWWATER USING PLANTS

**COMMUNITY PARK-1**  
COMMUNITY PARK-1  
1.5 ACRES

**COMMUNITY PARK-2**  
COMMUNITY PARK-2  
1.5 ACRES

**COMMUNITY PARK-3**  
COMMUNITY PARK-3  
1.5 ACRES

**COMMUNITY PARK-4**  
COMMUNITY PARK-4  
1.5 ACRES

**COMMUNITY PARK-5**  
COMMUNITY PARK-5  
1.5 ACRES

**COMMUNITY PARK-6**  
COMMUNITY PARK-6  
1.5 ACRES

**COMMUNITY PARK-7**  
COMMUNITY PARK-7  
1.5 ACRES

**COMMUNITY PARK-8**  
COMMUNITY PARK-8  
1.5 ACRES

**COMMUNITY PARK-9**  
COMMUNITY PARK-9  
1.5 ACRES

**COMMUNITY PARK-10**  
COMMUNITY PARK-10  
1.5 ACRES

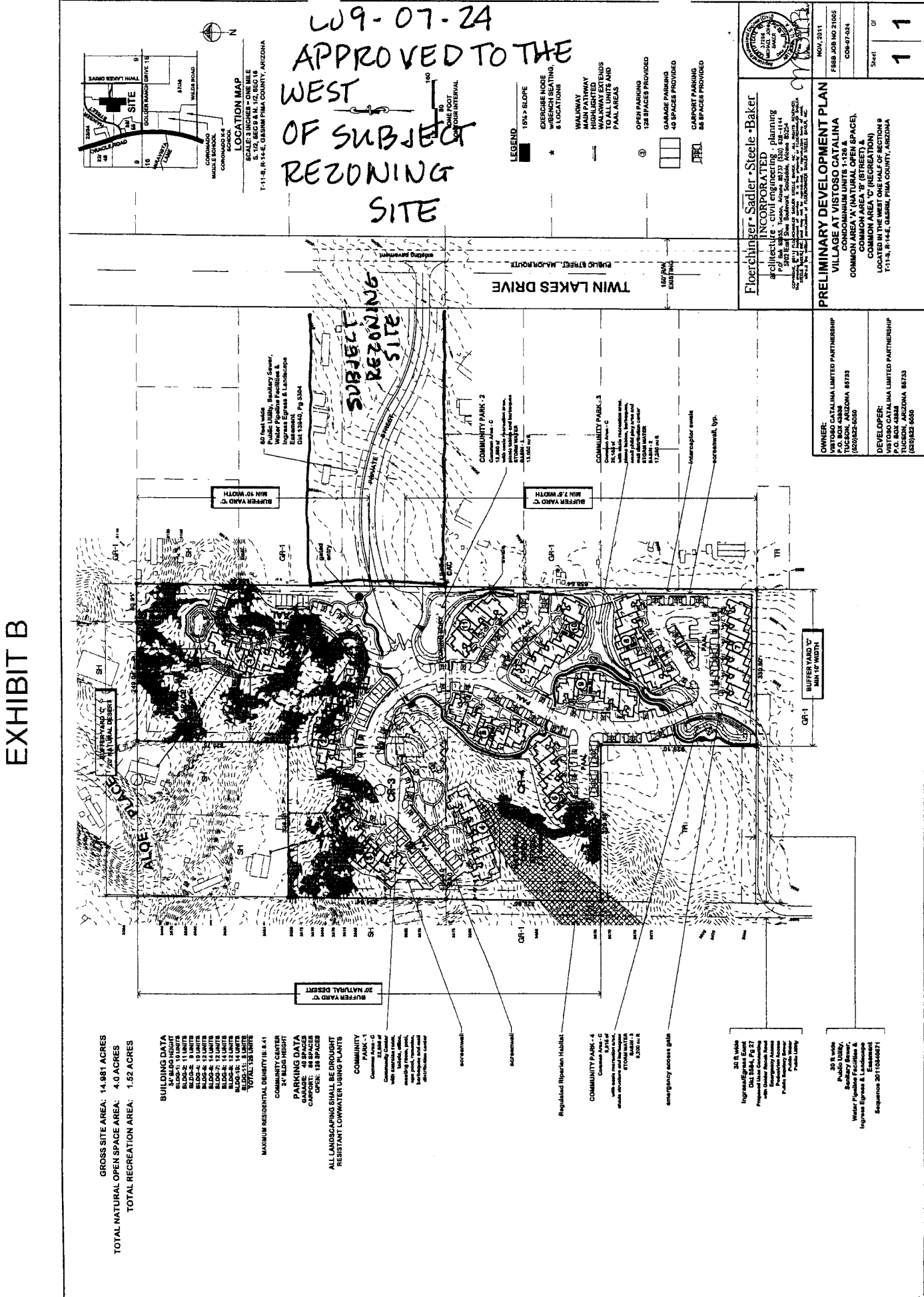
**COMMUNITY PARK-11**  
COMMUNITY PARK-11  
1.5 ACRES

**COMMUNITY PARK-12**  
COMMUNITY PARK-12  
1.5 ACRES

**COMMUNITY PARK-13**  
COMMUNITY PARK-13  
1.5 ACRES

**COMMUNITY PARK-14**  
COMMUNITY PARK-14  
1.5 ACRES

**COMMUNITY PARK-15**  
COMMUNITY PARK-15  
1.5 ACRES



**FOR REFERENCE**  
W09-07-24  
APPROVED TO THE  
WEST  
OF SUBJECT  
REZONING  
SITE

**LEGEND**

- 15%+ SLOPE
- EXERCISE NODE
- WHEELCHAIR SEATING
- MAIN PATHWAY
- HIGHLIGHTED AREAS
- TO ALL UNITS AND PAUL AREAS
- OPEN PARKING
- 128 SPACES PROVIDED
- CARPORT PARKING
- 88 SPACES PROVIDED

**LOCATION MAP**

SCALE: 1/4" = 100' - ONE MILE

T-11-4, R-14-E, GERM PIMA COUNTY, ARIZONA

**PRELIMINARY DEVELOPMENT PLAN**

VILLAGE AT VISTOSO CATALINA

COMMON AREA 'A' (NATURAL OPEN SPACE), COMMON AREA 'B' (STREET) & COMMON AREA 'C' (RECREATION)

LOCATED IN THE WEST PART OF SECTION 9, T-11-4, R-14-E, GERM PIMA COUNTY, ARIZONA

**OWNER:**  
VISTOSO CATALINA LIMITED PARTNERSHIP  
P.O. BOX 4388  
TUCSON, ARIZONA 85733  
(520) 422-4008

**DEVELOPER:**  
VISTOSO CATALINA LIMITED PARTNERSHIP  
P.O. BOX 4388  
TUCSON, ARIZONA 85733  
(520) 422-4008

**Floerhinger Sadler Steele Baker**  
INCORPORATED  
Planning  
502 East San Bernardino, Suite 200  
Tucson, Arizona 85704  
(520) 422-4008

NOV. 2011  
FIRM JOB NO 21055  
JOB NO 424  
SHEET  
11

APPROVED AT PUBLIC HEARING  
4/17/12