

TO:

Honorable Ally Miller, Supervisor, District # 1

FROM:

Arlan M. Colton, Planning Director,

DATE:

March 4, 2015

SUBJECT:

Co9-04-16 ST. PHILLIPS FOOTHILLS, LLC - CAMPBELL AVENUE

REZONING

The above referenced Rezoning Closure/Time Extension is within your district and is scheduled for the Board of Supervisors' TUESDAY, MARCH 17, 2015 hearing.

*THIS ITEM WILL REQUIRE 2 MOTIONS.

REQUEST:

A. Proposal to close a rezoning of 7.02 acres from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 Restricted.

B. A five-year time extension for a rezoning of 7.02 acres from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 Restricted.

OWNER:

Campbell Foothills Investors, LP

Attn: The Schomac Group, Inc.

6418 E. Tanque Verde Road, Ste. 105

Tucson, AZ 85715-3846

AGENT:

The Planning Center

Attn: Kelly Lee

110 S. Church Ave., Ste. 6320

Tucson, AZ 85701

DISTRICT:

1

STAFF CONTACT: David Petersen

<u>PUBLIC COMMENT TO DATE</u>: As of March 4, 2015, staff has received no public comments.

<u>STAFF RECOMMENDATION</u>: A) AGAINST CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS.

<u>MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM</u>: The subject property lies outside the Maeveen Marie Behan Conservation Lands System.

CP/DP/ar Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-04-16

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FOR MARCH 17, 2015 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:

March 4, 2015

*THIS ITEM WILL REQUIRE 2 MOTIONS.

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE/TIME EXTENSION

A. Rezoning Closure

Co9-04-16 ST. PHILLIPS FOOTHILLS, LLC - CAMPBELL AVENUE REZONING

Proposal by <u>Pima County</u> to close Co9-04-16, a rezoning of approximately 7.02 acres from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 Restricted located on the east side of Campbell Avenue, approximately one-fourth mile north of River Road. The rezoning was conditionally approved in 2005 and expired on January 4, 2015. Staff recommends **AGAINST CLOSURE**.

(District 1)

B. Rezoning Time Extension

Co9-04-16 ST. PHILLIPS FOOTHILLS, LLC - CAMPBELL AVENUE REZONING

Request of <u>Campbell Foothills Investors</u>, <u>LP</u>, represented by <u>The Planning Center</u>, for a five-year time extension for the above-referenced rezoning from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 Restricted. The subject site was rezoned in 2005. The rezoning expired on January 4, 2015. The site is approximately 7.02 acres located on the east side of Campbell Avenue, approximately one-fourth mile north of River Road. Staff recommends **APPROVAL** of a five-year time extension subject to original and modified standard and special conditions. (District 1)

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STAFF RECOMMENDATION

Staff recommends **AGAINST CLOSURE** of the rezoning and **APPROVAL** of a five-year time extension to January 4, 2020 as per the applicant's request for the original 7.02-acre rezoning from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type), subject to original and modified standard and special conditions as follows:

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 32. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 43. Provision of development related assurances as required by the appropriate agencies.
- 54. 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.
- 65. There shall be no further lot splitting or subdividing beyond the sixteen lots shown on the Preliminary Development Plan without the written approval of the Board of Supervisors.
- 76. Transportation conditions:
 - A. Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
 - B. Provision of improvements to Campbell Avenue, including but not limited to, widening of pavement to provide left or right turn lanes, or a continuous left-turn lane.
 - C. The property owner shall dedicate 45 feet right-of-way for Campbell Avenue.

87. Flood Control conditions:

A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

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B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

- C. All weather access shall be provided to all lots to meet concurrency requirements.
- D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local drainage area at the time of platting. This study should also determine erosion setback hazard areas and in particular the western portion of the rezoning site.
- E. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
- F. As provided for in Pima County Code Section 18.07.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.
- G. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant and commitment to serve from Tucson Water shall be submitted with the Development Plan.

98. Wastewater Management Reclamation conditions:

- A. The owner/developer shall <u>not</u> construe no <u>any</u> 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 <u>Pima County Regional Wastewater Reclamation Department</u> (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, <u>preliminary sewer layout</u>, 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 <u>enter into a written agreement addressing have</u> 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 <u>Pima County Regional Wastewater Reclamation Department PCRWRD</u>.
- C. 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 the Development Services Department PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.

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<u>D.</u> 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.

- 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.
- 409. Environmental Quality conditions:
 - A. The subject parcel(s) shall connect to the public sewer.
 - B. The existing road to serve the parcel(s) shall be improved to meet paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- 4110. Cultural Resources and Historic Preservation condition:

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.

- 1211. Natural Resources, Parks and Recreation condition:
 The developer shall provide a "Public Non-Motorized Trail Easement and Public Utility Easement" over the Campbell Wash, coinciding with the Flood Plain boundaries, for the Campbell/Camino Real Trail #182.
- 4312. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
- 1413. There shall be a maximum of 16 dwelling units in the rezoning area.
- 1514. Building heights are limited to <u>a maximum of</u> 24 feet unless the Board of Supervisors provides specific written authorization to exceed 24 feet.

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16. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall-be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.

17<u>15</u>. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (Pennisetum setaceum)

Buffelgrass (Pennisetum ciliare)

Johnson grass (Sorghum-halapense)

Giant-reed (Arundo-donax)

Common crabgrass (Digitaria sanguinalis)

Pampas grass (Cortaderia selloana)

Red-brome (Bromus rubens)

Mediterranean-grass (Schismus spp.)

Tree of heaven (Ailanthus altissima)

African sumac (Rhus lancea)

Russian olive(Eleagnus angustifolia)

Salt cedar/Tamarisk (Tamarix pertandra-& T. ramosissima)

Bermuda grass (Cynodon dactylon) excluding sod hybrid-Burmuda

Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)

African-rue (Peganum-harmala)

Iceplant (Mesembryanthemem crystallinum)

Arabian Grass (Schisums arabicus)

Natal Grass (Melinis repens (=Rhynchelythrum repens))

Upon the effective date of the Ordinance Resolution, 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.

4816. In the event the subject property is annexed into the City of Tucson, 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.

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- 1917. Ninety-five percent of the Campbell Wash shall remain undisturbed.
- 2018. 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 to 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)."
- 21. The owner/developer shall execute and record a document acceptable to the Pima County-Department of Community-Services 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.

Original condition #2 is recommended for deletion because recording of a "hold harmless" against flooding is no longer a standard requirement requested by the Flood Control District.

Condition 6A is recommended for modification to delete the wording linking required transportation improvements to satisfaction of concurrency requirements. Overcapacity operation of River Road and Campbell Avenue south of River Road will not be resolved with the road improvements to Campbell Avenue north of River Road which may be required for this rezoning as determined by the required Traffic Impact Study.

Additions to conditions under #7 are recommended by the Flood Control District. New condition 7E requires on-site retention of the first half-inch of rainwater related to a Board approved performance standard policy.

New condition 7F requires proposal of modification of zoning development standards, as allowed by the zoning code, to avoid Regulated Riparian Habitat associated with the Campbell Wash which runs through the site. (There will be a bridge over the wash to access the proposed subdivision development which will require a Riparian Habitat Mitigation Plan, but it is not yet known what, if any, zoning standards will need to be modified for the larger subdivision development to facilitate riparian habitat protection. An expired tentative plat (P1208-091) shows proposed lots outside of Xeroriparian "C" Habitat. Types of modifications include requirements for setbacks, minimum lot sizes, parking, bufferyards, or other zoning standards. At the time of the rezoning in 2004, riparian habitat was noted in the staff report as proposed for the Campbell Wash.)

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New condition 7G requires submittal of a Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant and commitment to serve from Tucson Water. In 2004, submittal of a Preliminary Integrated Water Management Plan was not yet a Rezoning Site Analysis requirement. The site remains within Tucson Water's service area.

Modification and addition to conditions under #8 are recommended to update Wastewater Reclamation Department conditions to current standards for the required use of sewerage.

Condition #14 is recommended to be modified to clarify a *maximum* building height of 24 feet.

Condition #15 is recommended to be modified to substitute the listing of prohibited exotic plant species for the current standard language for the on-going requirement to remove invasive buffelgrass from the site as pertains to sites outside of the MMB Conservation Lands System.

Original condition #16, which potentially requires surveys for the cactus ferruginous pygmy owl, is recommended by Environmental Planning for deletion because the existing development densities in the area do not lend to the owl's presence and none have been detected in the Tucson area since 2006.

Condition #21, pertaining to contributions to the affordable housing trust fund, is recommended for deletion due to a change in County policy related to monetary exactions.

STAFF REPORT:

Staff recommends against closure of the rezoning; but, closure must be considered prior to consideration of a time extension based on a code provision which limits time to complete conditions to 10 years from the date of rezoning approval. The time extension request was received prior the case expiration date of January 4, 2015. The applicant acknowledges that the case must be considered initially for closure and requests that it not be closed.

Approval of the requested time extension will provide a total of 15 years to complete rezoning conditions from the initial January 4, 2005 rezoning approval by the Board. The rezoning allows a maximum of 16 dwelling units to be developed within a proposed subdivision plat in addition to preservation of most of the Campbell Wash which runs through the property near Campbell Avenue. The 16 units are eight more than potentially allowed under the original CR-1 zoning.

The applicant cites the lack of a market for residential development in recent years as the reason for the time extension request. The applicant did not address whether any progress has been made toward satisfying rezoning conditions. Files for subdivision plat review opened in 2005 (P1205-088) and 2008 (P1208-091) have been closed due to inactivity. Transportation review indicates that a traffic study for the proposed development was approved in 2008 as part of the P1208-091 tentative plat as required per condition 6A.

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Approximately 15 former guest casitas structures, including accessory buildings, have been removed from the site since rezoning approval. An internal driveway wash crossing remains, as does an overhead utility line which also traverses the wash in the western portion of the site. Immediate surrounding residential development and zoning, including higher density TR (Transitional), remains the same as when the rezoning was approved. Commercial development exists at River Road.

The site is located on the east side of Campbell Avenue, north of River Road. There is a Minor Transportation Concurrency Concern related to over capacity operation of River Road and Campbell Avenue south of River Road. The "minor concern" relates to the relatively low additional traffic count (80 average daily trips) expected to be generated by the rezoning. More information is provided in the Transportation Report below. The "minor concern" category of concurrency considerations did not exist at the time of the original rezoning and the case was recommended by staff for denial on the basis of lack of transportation concurrency as per policy at the time. This explains the recommendation for partial deletion of wording in condition 6A for required road improvements "to meet concurrency requirements".

The CR-4 rezoning is compliant with the portion of the site's Low Intensity Urban 3.0 (LIU 3.0) comprehensive plan designation where the subdivision development will occur. That area is restricted to 16 residential units per Rezoning Policy 50 (RP 50). The Campbell Wash floodplain area within the site is designated Resource Transition and was also rezoned to CR-4 with a restriction to retain the Campbell Wash in its natural state as depicted on the rezoning preliminary development plan for which adherence is required.

The site is not located within the Maeveen Marie Behan Conservation Lands System. It contains natural vegetation, including saguaros, but also has experienced past disturbance from the former guest casitas use.

A five-year time extension was approved by the Board of Supervisors on October 20, 2009. The approval included modified conditions as an update to the original rezoning conditions approved on January 4, 2005.

Denial of the time extension will cause the site to revert to CR-1 which conforms to the Low Intensity Urban 3.0 (LIU 3.0) plan designated portion, but does not conform to the Resource Transition (RT) plan designated portion. Closure of the rezoning would not preclude the possibility of a future CR-4 rezoning.

SURROUNDING LAND USES/GENERAL CHARACTER:

North: CR-1 Vacant/Residence South: TR & CR-1 Vacant/Residential East: CR-1 Vacant/Residential

West: TR & CR-1 Campbell Avenue/Residential

CONCURRENCY CONSIDERATIONS		
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments
TRANSPORTATION	Yes	Minor Concurrency Concern with capacities of Campbell Avenue south of River Road and River Road. Subject to conditions for Campbell Avenue improvements.
FLOOD CONTROL	Yes	Subject to conditions for on- and off-site drainage improvements.
WASTEWATER	Yes	Subject to conditions for sewerage.
PARKS AND RECREATION	Yes	Subject to condition for trail easement.
WATER	Yes	Onsite or offsite requirements for domestic and fire flow water supply to be determined per 2004 letter.
SCHOOLS		No comments received from school district.
AIR QUALITY	Yes	

ENVIRONMENTAL PLANNING COMMENTS

Based on the following, the likelihood of cactus ferruginous pygmy owls (CFPO) occurring in the project area is remote:

- Existing land uses in the area are not conducive to the presence of CFPO. (CR-1 zoning density roughly one home/acre is a density that historically has not been closely associated with the potential presence of CFPO.)
- No CFPO have been detected in the Tucson area since 2006 when the last known CFPO was captured in Northwest Tucson and placed in a captive breeding program.

The Office of Sustainability & Conservation – Environmental Planning therefore recommends the deletion of condition #16.

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TRANSPORTATION REPORT:

Minor Transportation Concurrency Concern within a one-mile radius has been met for this proposed rezoning based on the criteria that the project will generate a net increase of less than 250 ADT (80 ADT from 8 additional residential units) on an over capacity road within the area of impact. The rezoning is served by Campbell Avenue and is located 1/3 mile north of River Road on the east side of Campbell Avenue. Both segments of River Road have been completed to a four lane divided roadway cross section but are already operating over capacity.

Campbell Avenue, south of River Road, is operating over capacity, with no planned major improvements. Campbell Avenue, between River Road and Skyline Drive, is operating near capacity and the entire segment rated in poor condition with narrow shoulders and has poor alignment. Traffic counts for Campbell north of River is 12,510 ADT and south of River to Prince Road is 37,507. The traffic capacity for the two lane section of Campbell Avenue north of River Road is 13,122 ADT and the most recent traffic count is 12,285 ADT.

The traffic capacity of both sections of River Road and Campbell Avenue, south of River Road is 35,820 ADT. The most recent traffic counts are 42,000 ADT for River Road, west of Campbell Avenue; 38,200 ADT, east of Campbell Avenue.

An intersection improvement project was completed on Campbell Avenue at Camino Luz, located 1/3 mile north of the rezoning. It was completed in 2009. This improvement was completed with the intent of alleviating traffic accidents in this area, since the segment of Campbell Avenue, between River Road and Camino Luz, had a high incident rate of accidents. Although the majority of the accidents have been located near Camino Luz, some have been located in the section adjacent to the rezoning site.

A traffic impact study for this project was approved in 2008 as part of a tentative plat (P1208-091) for Cambella. No offsite improvements have been proposed based upon the low impact from the 8 additional residential lots. The site is located in the Catalina Foothills Impact Fee Benefit Area. Campbell Avenue, between River Road and Skyline Drive, is targeted for capacity and safety improvements to intersections along the 2.8 mile roadway segment. The intersection of Camino Luz and Campbell Avenue is the first intersection to be improved, with funding from Impact fees and Regional Transportation Authority funding from the half cent sales tax.

Staff has no objection to the requested time extension and recommends the conditions remain.

FLOOD CONTROL REPORT:

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

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1. The site is impacted by Campbell Wash and there is FEMA Special Flood Hazard Area Zone A as well as Pima County Regulated Riparian Habitat associated with it. The entire site is within the geologic floodplain and may be subject to channel migration erosion hazards.

- No drainage complaints have been filed against the property.
- 3. Since the last time extension the County has adopted the Water Element of the Comprehensive Plan. However as time extensions do not require a site analysis no Preliminary Integrated Water Management Plan or Water Resources Impacts Assessment is required. It is worth noting however that the project is within the Tucson Water Designated Service Area and as such will be served by renewable and potable water.
- 4. Since the last time extension the District had adopted a first flush requirement.

The District has no objection subject to continuance of the existing conditions and addition of the following conditions:

- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
- b. As provided for in PCC Section 18.07.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.
- c. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant and commitment to serve from Tucson Water shall be submitted with the Development Plan.

WASTEWATER RECLAMATION REPORT:

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced request for a rezoning time extension and offers the following comments for your use.

The proposed development is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the North Rillito Interceptor. The nearest public sewer consists of a 12-inch sewer line (S-510-003) along the west side of Campbell Avenue.

The PCRWRD has no objection to the proposed 5 year extension of the rezoning.

The PCRWRD requests the existing wastewater conditions in rezoning Resolution 2010-58 adopted March 16, 2010 by the Board of Supervisors be replaced with updated conditions under #8 above.

NATURAL RESOURCES, PARKS AND RECREATION REPORT:

Natural Resources, Parks and Recreation has no objection to the closure request and has no additional conditions.

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UNITED STATES FISH AND WILDLIFE SERVICE REPORT

Staff has not received a response to a request for comments.

WATER DISTRICT REPORT

Tucson Water has not responded to a request for comments. The site is within Tucson Water's service area.

SCHOOL DISTRICT REPORT

Staff has not received a response to a request for comments from Catalina Foothills School District.

FIRE DISTRICT REPORT

Staff has not received a response to a request for comments from Rural/Metro Fire District.

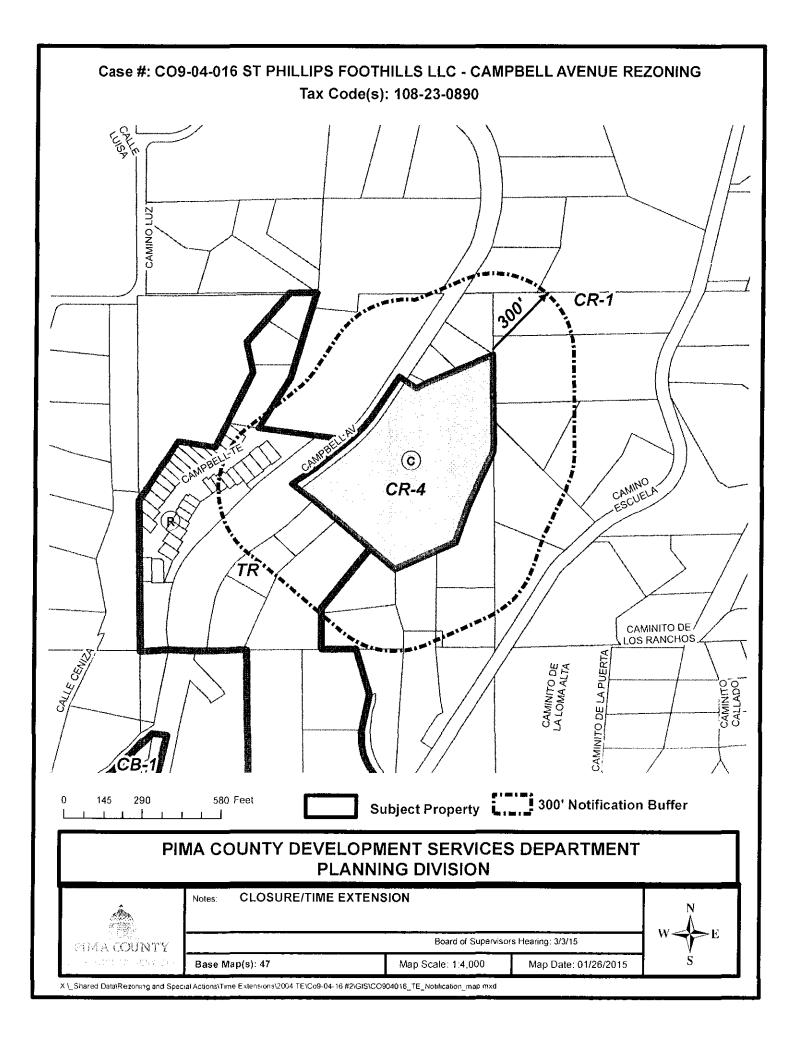
PUBLIC COMMENTS

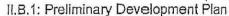
Notice has been mailed to property owners within 1,000 feet of the rezoning site. To date, no written public comments have been received.

CP/DP/ar Attachments

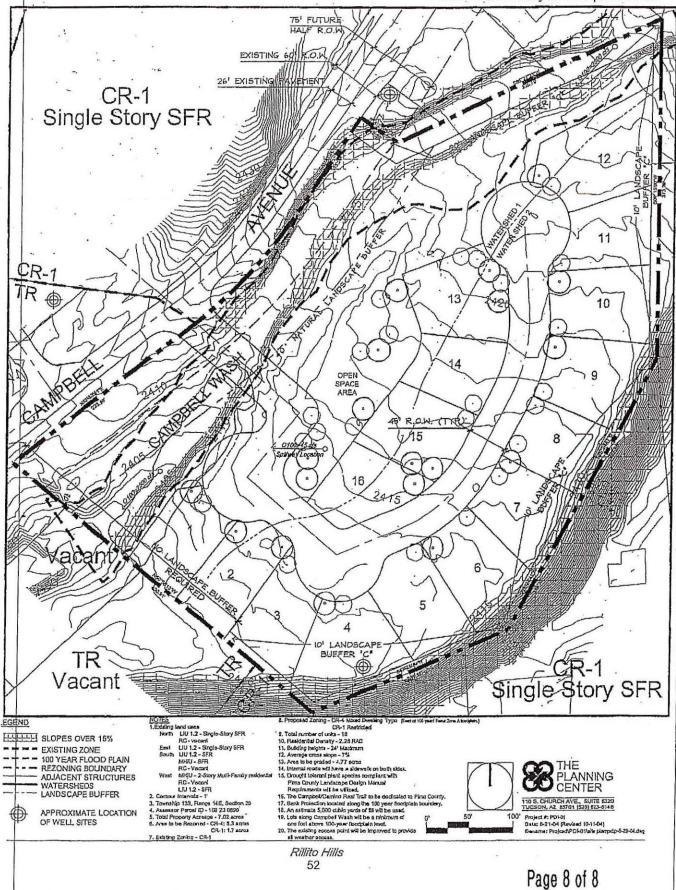
 c: Campbell Foothills Investors, LP, Attn: The Schomac Group, Inc. 6418 E. Tanque Verde Road, Ste. 105, Tucson, AZ 85715-3846
 The Planning Center, Attn: Kelly Lee, 110 S. Church Ave., Ste. 6320, Tucson, AZ 85701
 Chris Poirier, Assistant Planning Director Co9-04-16 File







13772 62754





December 17, 2014

Chris Poirier
Assistant Planning Director
Pima County Development Services
201 North Stone, 2nd Floor
Tucson, AZ 85701-1207

Subject:

Co9-04-16 ST PHILLIPS LLC- Campbell Avenue Rezoning

SCH-18

Dear Chris:

On behalf of Campbell Foothills Investors LP/Schomac Development Inc., we are requesting a denial of the rezoning closure and a 5-year time extension for rezoning Case #Co9-04-16, Campbell Avenue Rezoning. The subject site is approximately 7 acres on Campbell Avenue, approximately 2,000 feet north of River Road, and located in Township 13 South, Range 14 East, Section 20, on County Assessor's Parcel number 108-23-0890. See enclosed location map.

This parcel is still vacant, and since there has been no market for residential development in recent years, a 5-year time extension is necessary for the residential market to recover.

If you have any questions, please don't hesitate to contact me.

Sincerely,

THE PLANNING CENTER

Tim Craven Planner

SPECIAL MEETING OF THE BOARD OF DIRECTORS SCHOMAC DEVELOPMENT, INC.

As General Partner CAMPBELL FOOTHILLS, L.P. December 17, 2014

By waiving Notice hereof, and by unanimous vote of the Board, the following Resolutions are hereby made and ratified by the Board of Directors of the Corporation as of December 17, 2014:

WHEREAS: The Corporation is the General Partner of Campbell Foothills, L.P., and has the designated authority to review, authorize and sign documents regarding the business of development of the Property of the Partnership, herein named as that certain parcel located at Campbell Avenue, Pima County, Arizona, Assessor's Parcel #108-23-0890;

WHEREAS: Ryan M. Schoff, President, is authorized to act on behalf of the Partnership for those activities related to the development of the Property;

IT IS HEREBY RESOLVED that Ryan M. Schoff, President has full authority to execute any and all documents on behalf of the Corporation and the Partnership relating to the continued maintenance and development of the above-referenced Property. And,

IT IS HEREBY ALSO RESOLVED that any and all actions previously taken by any and all officers of the Corporation in connection with the matters stated above are hereby confirmed, ratified, and approved, regardless of whether said actions were taken as individuals or as representatives of the corporation.

By the signatures below, each of the undersigned, representing all of the Board of Directors, hereby ratifies these Resolutions as of the date first written above.

W. Michael Schoff, Chairman

Ryan M. Schoff, Director

I certify this is a true and complete Resolution of the Corporation.

Cynthia A. Moos, Secretary

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FLOOD CONTROL

DATE:

January 22, 2015

TO:

David Peterson, DSD

Senior Planner

FROM:

Greg Saxe, Ph.D.

Env. Plg. Mgr

SUBJECT:

Co9-04-16 St Phillips Foothills, LLC - Campbell Avenue Rezoning Time Extension

I have reviewed the request and have the following comments:

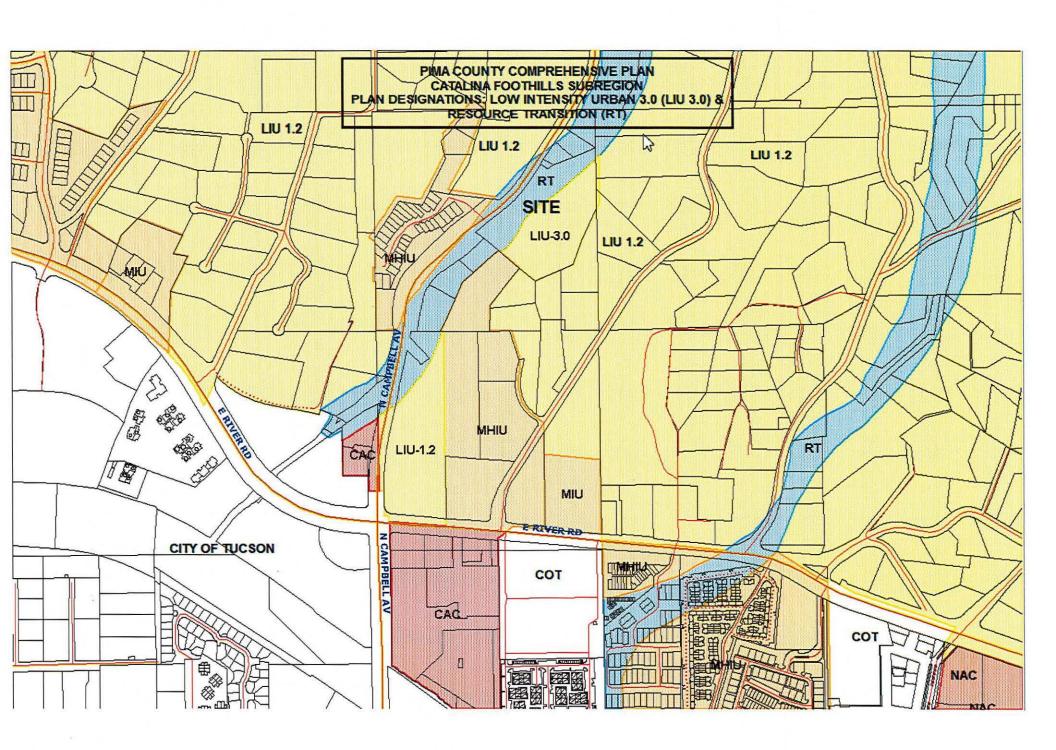
- The site is impacted by Campbell Wash and there is FEMA Special Flood Hazard Area Zone
 A as well as Pima County Regulated Riparian Habitat associated with it. The entire site is
 within the geologic floodplain and may be subject to channel migration erosion hazards.
- 2. No drainage complaints have been filed against the property.
- 3. Since the last time extension the County has adopted the Water Element of the Comprehensive Plan. However as time extensions do not require a site analysis no Preliminary Integrated Water Management Plan or Water Resources Impacts Assessment is required. It is worth noting however that the project is within the Tucson Water Designated Service Area and as such will be served by renewable and potable water.
- 4. Since the last time extension the District had adopted a first flush requirement.

The District has no objection subject to continuance of the existing conditions and addition of the following conditions:

- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces.
- b. As provided for in PCC Section 18.70.080 Modification of Development Standards shall be proposed at the time of development in order to avoid Regulated Riparian Habitat.
- c. A Final Integrated Water Management Plan consisting of Water Conservation Measures identified by the applicant and commitment to serve from Tucson Water shall be submitted with the Development Plan.

GS

Cc: File



Low Intensity Urban

(Low Intensity Urban 3.0, 1.2, 0.5, and 0.3)

- a. 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.
- b. 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:

1) Low Intensity Urban 3.0

'LIU-3.0' or 'C-3.0' on the Land Use Plan Maps

- (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.
- (c) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - (i) Minimum density 1.5 RAC
 - (ii) Maximum density 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:
 - (1) Gross density of 4.0 RAC with 30 percent cluster open space.

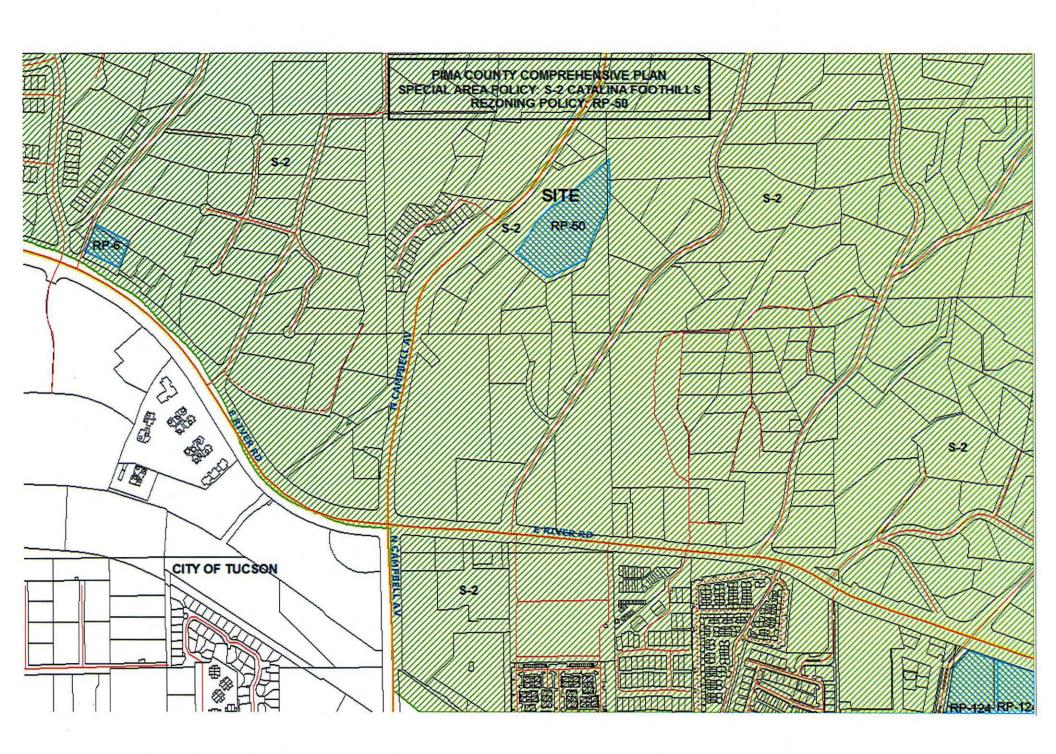
Zoning Districts

- 1) 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 the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - (a) GC Golf Course Zone
 - (b) SR Suburban Ranch Zone
 - (c) SR-2 Suburban Ranch Estate Zone
 - (d) SH Suburban Homestead Zone
 - (e) CR-1 Single Residence Zone
 - (f) CR-2 Single Residence Zone
 - (g) CR-3 Single Residence Zone
 - (h) CR-4 Mixed-Dwelling Type Zone
 - (i) CR-5 Multiple Residence Zone
 - (i) CMH-1 County Manufactured and Mobile Home-1 Zone
 - (k) MR Major Resort Zone

Resource Transition

'RT' on the Land Use Plan Maps

- a. Purpose: Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas.
- b. 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. Residential gross density shall conform with the following:
 - 1) Minimum none
 - 2) Maximum 0.3 RAC
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - 1) Minimum none
 - 2) Maximum 0.3 RAC
- d. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) RH Rural Homestead Zone
 - 2) SR Suburban Ranch Zone
 - 3) MR Major Resort
- e. Open Space Standard for MR Major Resort Zone: In Resource Transition a minimum of 30 percent natural open space shall be required within areas rezoned MR Major Resort Zone. Open space for purposes of this requirement shall be natural open space.



Special Area Policy

S-2 Catalina Foothills (CF) [2-19]

General location

North of E. River Road, west of Sabino Creek, south of Coronado National Forest, and east of N. Oracle Road and N. Northern Avenue.

Policy

No construction of building exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.

Rezoning Policy

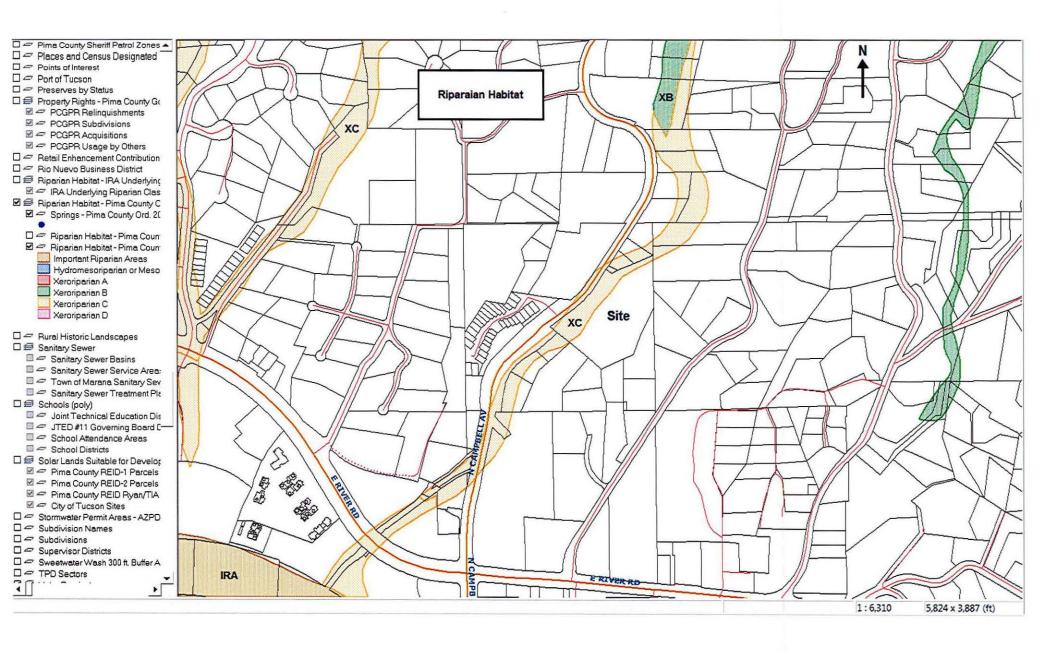
RP-50 North Campbell Avenue (CF)

General location

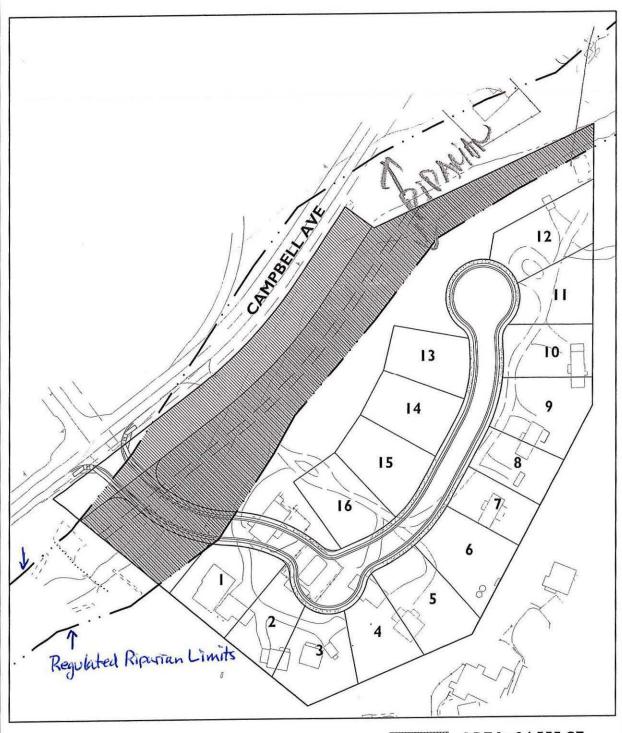
A 4.16-acre site located north of E. River Road and east of N. Campbell Avenue, in Section 20 of Township 13 South, Range 14 East (Ref. Co7-01-15).

Policy

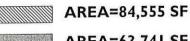
The overall density shall be limited to a maximum of sixteen residential units.













F. ANN RODRIGUEZ, RECURDER RECORDED BY: RJ

DELLY RECORDER
9544 PE-2

P0230 PIMA CO CLERK OF THE BOARD PICKUP



DOCKET: 13//2

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SEQUENCE: 20100560691

03/24/2010

RES 18:00

PICKUP

AMOUNT PAID \$ 0.00

RESOLUTION **2010**- 58

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE Co9-04-16 ST. PHILLIPS FOOTHILLS, LLC - CAMPBELL AVENUE REZONING; LOCATED ON THE EAST SIDE OF CAMPBELL AVENUE, APPROXIMATELY 1/4 MILE NORTH OF RIVER ROAD; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND THE TIME LIMIT SET FORTH IN SECTION 3 OF ORDINANCE NO. 2006-37.

WHEREAS, on June 22, 2004, the owner of approximately 7.02 acres applied for a rezoning from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type);

WHEREAS, on January 4, 2005 the Pima County Board of Supervisors approved the rezoning from CR-1 (Single Residence) to CR-4 (Mixed-Dwelling Type) and CR-4 (R) (Mixed-Dwelling Type) (Restricted), subject to standard and special conditions;

WHEREAS, on May 2, 2006 the Pima County Board of Supervisors adopted rezoning Ordinance No. 2006-37, as recorded in Docket 12798 at Page 04268, rezoning the approximate 7.02 acres described in rezoning case Co9-04-16 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on July 16, 2009 the owner of approximately 7.02 acres applied for a five-year rezoning time extension;

WHEREAS, on October 20, 2009 the Pima County Board of Supervisors approved the five-year time extension subject to modified rezoning condition number 9

TOTAL DEPOSIT

and additional rezoning conditions numbered 20 and 21; and

WHEREAS, Ordinance No. 2006-37 allows the Board of Supervisors to amend the rezoning conditions and time limits by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms and modifies the rezoning conditions represented in Section 2 of Ordinance No. 2006-37 as follows:

- 1. Submittal of a development plan if determined necessary by the appropriate County agencies.
- 2. Recording of a covenant holding Pima County harmless in the event of flooding.
- 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 4. Provision of development related assurances as required by the appropriate agencies.
- 5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
- 6. There shall be no further lot splitting or subdividing beyond the sixteen lots shown on the Preliminary Development Plan without the written approval of the Board of Supervisors.
- 7. Transportation conditions:
 - A. A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
 - B. Provision of improvements to Campbell Avenue, including but not limited to, widening of pavement to provide left or right turn lanes, or a continuous left-turn lane.

Co9-04-16 Page 2 of 8

C. The property owner shall dedicate 45 feet right-of-way for Campbell Avenue.

8. Flood Control conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
- C. All weather access shall be provided to all lots to meet concurrency requirements.
- D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local drainage area at the time of platting. This study should also determine erosion setback hazard areas and in particular the western portion of the rezoning site.
- 9. Wastewater Management conditions:

The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permits.

- A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
- B. The owner/developer shall obtain written documentation from the 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, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
- C. The 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 the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

Co9-04-16 Page 3 of 8

- 10. Environmental Quality conditions:
 - A. The subject parcel(s) shall connect to the public sewer.
 - B. The existing road to serve the parcel(s) shall be improved to meet paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- 11. Cultural Resources and Historic Preservation condition:

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.

- 12. Natural Resources, Parks and Recreation condition:
 The developer shall provide a "Public Non-Motorized Trail Easement and Public Utility Easement" over the Campbell Wash, coinciding with the Flood Plain boundaries, for the Campbell/Camino Real Trail #182.
- 13. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
- 14. There shall be a maximum of 16 dwelling units in the rezoning area.
- 15. Building heights are limited to 24 feet' unless the Board of Supervisors provides specific written authorization to exceed 24 feet.
- 16. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.
- 17. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (Pennisetum setaceum)

Buffelgrass (Pennisetum ciliare)

Johnson grass (Sorghum halapense)

Co9-04-16

Giant reed (Arundo donax)

Common crabgrass (Digitaria sanguinalis)

Pampas grass (Cortaderia selloana)

Red brome (Bromus rubens)

Mediterranean grass (Schismus spp.)

Tree of heaven (Ailanthus altissima)

African sumac (Rhus lancea)

Russian olive(Eleagnus angustifolia)

Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)

Bermuda grass (Cynodon dactylon) excluding sod hybrid Burmuda

Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)

African rue (Peganum harmala)

Iceplant (Mesembryanthemem crystallinum)

Arabian Grass (Schisums arabicus)

Natal Grass (Melinis repens (=Rhynchelythrum repens))

- 18. In the event the subject property is annexed into the City of Tucson, 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.
- 19. Ninety-five percent of the Campbell Wash shall remain undisturbed.
- 20. 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 to 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)."
- 21. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services 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.

* * *

- NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2006-37 as follows:
- 1. Conditions 1 through 19 21 shall be completed by January 4, 2010 2015.
- 2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
- 3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 49 21 are satisfied and the Planning Official issues a Certificate of Compliance.
- 4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

RESOLVED by the Board of Supervisors of Pima County, Arizona,

this 16th day of March , 2010.

Chairman, Board of Supervisors

MAR 16 2010

Clerk, Board of Supervisors

APPROVED AS TO FORM:

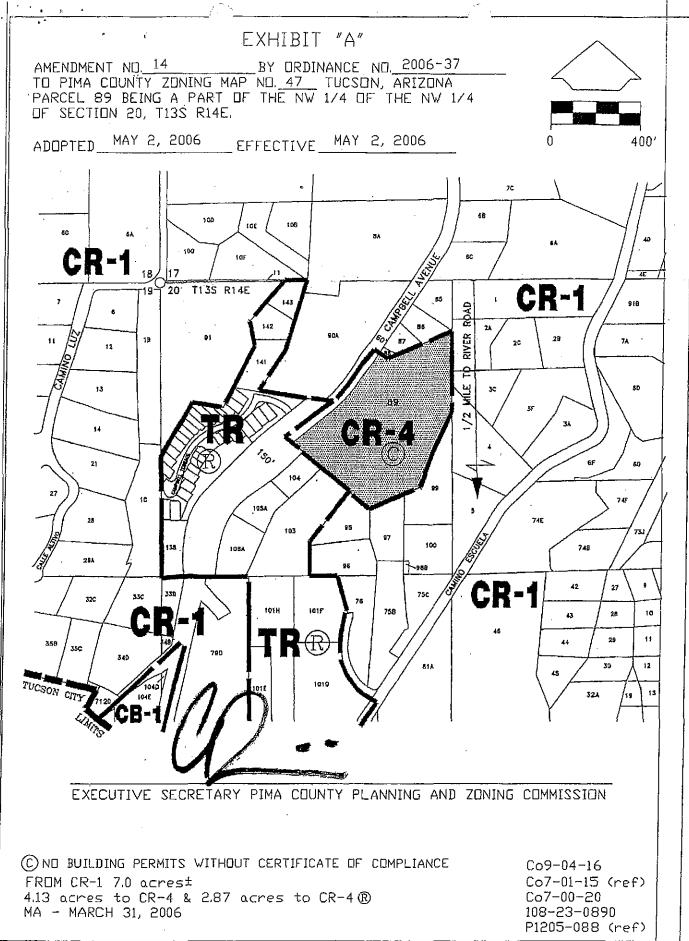
Deputy County Attorney

ANDREW FLAGG

APPROVED:

Executive Secretary

Planning and Zoning Commission



Rezoning Time Extension Approval Cog-04-16 BOS Minutes 10-20-09

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Carroll was not present for the vote, to close the public hearing and approve the request for a five-year time extension with original, modified and additional standard and special conditions.

20. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-04-16, ST. PHILLIPS FOOTHILLS L.L.C., - CAMPBELL AVENUE REZONING

Request of <u>Campbell Foothills Investors</u>, L.P., for a five-year time extension of a rezoning from CR-1 (Single Residence)—of approximately 7.02 acres to CR-4 (Mixed-Dwelling Type) (4.13 acres) and CR-4 (Mixed-Dwelling Type) (Restricted) (2.89 acres) located on the east side of Campbell Avenue, approximately 1/4 mile north of River Road. The subject site was rezoned in 2005 and will expire in 2010. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

STAFF RECOMMENDATION

Staff recommends APPROVAL of a five-year time extension for approximately 4.13 acres to CR-4 (Mixed-Dwelling Type) and approximately 2.89 acres to CR-4 (Mixed-Dwelling Type) (Restricted) with additional and modified standard and special conditions.

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

- Submittal of a development plan if determined necessary by the appropriate County agencies.
- Recording of a covenant holding Pima County harmless in the event of flooding.
- Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- Provision of development related assurances as required by the appropriate agencies.
- 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.
- There shall be no further lot splitting or subdividing beyond the sixteen lots shown on the Preliminary Development Plan without the written approval of the Board of Supervisors.
- Transportation conditions:
 - A. A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
 - B. Provision of improvements to Campbell Avenue, including but not limited to, widening of pavement to provide left or right turn lanes, or a continuous left-turn lane.
 - The property owner shall dedicate 45 feet right-of-way for Campbell Avenue.
- 8. Flood Control conditions:
 - Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - All weather access shall be provided to all lots to meet concurrency requirements.
 - D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local drainage area at the time of platting. This study should also determine erosion setback hazard areas and in particular the western portion of the rezoning site.
- Wastewater Management condition:
 The property owner must connect to the public sewer-system at the location and in the manner specified by Wastewater-Management at the time of review of the tentative plat, development plan or request for building

- A. The owner / developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
- B. The owner / developer shall obtain written documentation from the 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, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
- C. The 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 the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- 10. Environmental Quality conditions:
 - A. The subject parcel(s) shall connect to the public sewer.
 - B. The existing road to serve the parcel(s) shall be improved to meet paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- 11. Cultural Resources and Historic Preservation condition:

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.

12. Natural Resources, Parks and Recreation condition:

The developer shall provide a "Public Non-Motorized Trail Easement and Public Utility Easement" over the Campbell Wash, coinciding with the Flood Plain boundaries, for the Campbell/Camino Real Trail #182.

13. Adherence to the preliminary development plan as approved at public hearing.

14. There shall be a maximum of 16 dwelling units in the rezoning area.

- Building heights are limited to 24' unless the Board of Supervisors provides specific written authorization to exceed 24'.
- Unless Development Services is provided with information from the U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.
- 17. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

Fountain grass (Pennisetum setaceum)

Buffelgrass (Pennisetum ciliare)

Johnson grass (Sorghum halapense)

Giant reed (Arundo donax)

Common crabgrass (Digitaria sanguinalis)

Pampas grass (Cortaderia selloana)

Red brome (Bromus rubens)

Mediterranean grass (Schismus spp.)

Tree of heaven (Allanthus altissima)

African sumac (Rhus lancea)

Russian olive (Eleagnus angustifolia)

Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima)

Bermuda grass (Cynodon dactylon) excluding sod hybrid Burmuda

Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis intermedia)

African rue (Peganum harmala)

Iceplant (Mesembryanthemem crystallinum)

Arabian Grass (Schlsums arabicus)

Natal Grass (Melinis repens (=Rhynchelythrum repens)

- 18. In the event the subject property is annexed into the City of Tucson, 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.
- 19. 95% of the Campbell Wash shall remain undisturbed.
- 20. 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 to 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)."

21. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services 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 issue

The Chairman inquired whether anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 4-0 vote, Supervisor Carroll was not present for the vote, to close the public hearing and approve the request for a five-year time extension with additional and modified standard and special conditions.

21. DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION

Co9-92-07. HARDY-THORNYDALE ASSOCIATES - THORNYDALE ROAD REZONING

Request of Parific Income Properties, L.L.C., for a modification (substantial change) of Rezoning Condition No.12 of Ordinance No. 1992-112 which states. "Uses shall be restricted to TR uses except apartments." The applicant requests to allow CB-1 (Local Business) uses except for the following list of uses normally allowed in the CB-1 Zone, auto mechanical repair; auto parking lot; automobile lubrication and oil change operation; automobile tires, batteries and accessories installation in conjunction with adepartment store; billiard or poolhall; feed store; fix-it shop, small appliances; frozen food locker; garage for public storage; gasoline service station; hotel; laundromat; mechanical and electronic games arcade; pet grooming; pet shop; religious rescue mission or temporary revival; station, bus or stage; taxicab stand; theater; tire store; trailer rental; upholstery shop and supplies; water, telephone or electrical receiving or distribution station; wholesale of oil; and trailer, manufactured or mobile home for caretaker. The subject site is 4.87 acres zoned CB-1 and is located at the southeast corner of the intersection of Thornydale Road and Hardy Road. Reference case: P1200-014. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle, Cook and Membrila were absent) to recommend APPROVAL OF MODIFICATION TO REZONING CONDITION NO. 12. Staff recommends APPROVAL OF MODIFICATION TO REZONING CONDITION NO. 12. (District 1)

Staff recommends APPROVAL of the request modify rezoning condition #12 as follows:

12. Uses shall be restricted to TR uses except apartments. Prohibited uses shall include Apartments; Auto mechanical repair; Auto parking lot; Automobile lubrication and oil change operation; Automobile tires, batteries, and accessories installation in conjunction with a department store; Billiard or poolhall; Feed store; Net shop, small appliances; Frozen food locker; Garage for public storage; Gasoline service station; Hotel; Lauri Comat; Mechanical and electronic games arcade; Motel; Pet grooming; Pet shop, Religious rescue mission or temporary revival; Station, Bus or stage; Taxicab stand; Theater; Tire store; Trailer rental; Upholstery shop and supplies; Water, telephone or electrical receiving or distribution station; Wholesale of oil; and Trailer, manufactured or mobile home for caretaker.

The Chairman inquired whether anyone wished to be heard. No one appeared.

Original Rezoning Approval Co9-04-16 BOS Minutes 1-4-05

18. ENVIRONMENTAL QUALITY: GRANT APPLICATION

On consideration, it was moved by Chair Bronson, seconded by Supervisor Elías, and unanimously carried by a five to zero vote, to pass and adopt Resolution No. 2005 - 7.

19. FRANCHISE/LICENSE/PERMIT: FIREWORKS PERMIT

Bobby Ritz, a Paloma Country Club, 3660 E. Sunrise Drive, January 15, 2005 at approximately 8:30 p.m.

The Chair inquired whether anyone wished to be heard. Notice appeared. It was thereupon moved by Chair Bronson, seconded by Supervisor Elías, and unanimously carried by a five to zero vote, to close the public hearing and approve the Fireworks Permit.

20. DEVELOPMENT SERVICES: REZONING

Co9-04-16, ST. PHILLIPS FOOTHILLS, L.L.C. - CAMPBELL AVENUE REZONING

Request of St. Phillips Foothills, L.L.C., represented by The Planning Center, for a rezoning of about 7.7 acres from CR-1 (Single Residence Zone) to CR-4 (Mixed Dwelling Zone) on property located on the east side of Campbell Avenue approximately 1/4 mile north of River Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Gungle was absent) to recommend APPROVAL WITH CONDITIONS and standard and special requirements. Staff recommends DENIAL. (District 1)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS 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.

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

 Recording of the necessary development related covenants as determined appropriate by the various County agencies. 4. Provision of development related assurances as req ed by the

appropriate agencies.

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 beyond the sixteen lots shown on the Preliminary Development Plan without the written approval of the Board of Supervisors.

7. Transportation conditions:

- A Traffic Impact Analysis (TIA) shall be provided by the property owner(s) for this rezoning for review and approval by the Department of Transportation, prior to the first development plan or tentative plat submittal. The results of the approved TIA shall be used to establish required transportation improvements, and phasing of said improvements, to the area roadway system. The property owner(s) shall be responsible for construction of improvements as required by the Department of Transportation to meet concurrency requirements.
- B. Provision of improvements to Campbell Avenue, including but not limited to, widening of pavement to provide left or right turn lanes, or a continuous left-turn lane.
- C. The property owner shall dedicate 45 feet right-of-way for Campbell Avenue.

8. Flood Control conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
- B. The property owner(s) shall provide all necessary drainage related improvements created by the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.

C. All weather access shall be provided to all lots to meet

concurrency requirements.

- D. A drainage study shall be submitted for review and approval that addresses the impacts of development to the federally mapped floodplain and local drainage area at the time of platting. This study should also determine erosion setback hazard areas and in particular the western portion of the rezoning site.
- 9. Wastewater Management condition:
 The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permits.

10. Environmental Quality conditions:

- A. The subject parcel(s) shall connect to the public sewer.
- B. The existing road to serve the parcel(s) shall be improved to meet paving specifications defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
- 11. Cultural Resources and Historic Preservation condition:
 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.

12. Natural Resources, Parks and Recreation condition: The developer shall provide a "Public Non-Motorized Trail Easement and Public Utility Easement" over the Campbell Wash, coinciding with the Flood Plain boundaries, for the Campbell/Camino Real Trail #182.

Adherence to the preliminary development plan as approved at public 13. hearing.

There shall be a maximum of 16 dwelling units in the rezoning area. 14.

Building heights are limited to 24' unless the Board of Supervisors 15.

provides specific written authorization to exceed 24'.

- Unless Development Services is provided with information from the 16. U.S. Fish & Wildlife Service which indicates a site survey is not necessary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy-owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. If surveys are performed, results of these surveys and copies of any data collected shall be provided to
- Development Services. Under no circumstances shall the following exotic plant species be 17. planted anywhere on the site: Fountain grass (Pennisetum setaceum) Buffelgrass (Pennisetum ciliare) Johnson grass (Sorghum halapense) Giant reed (Arundo donax) Common crabgrass (Digitaria sanguinalis) Pampas grass (Cortaderia selloana) Red brome (Bromus rubens) Mediterranean grass (Schismus spp.) Tree of heaven (Ailanthus altissima) African sumac (Rhus lancea)

Russian olive (Eleagnus angustifolia)

Salt cedar/Tamarisk (Tamarix pertandra & T. ramosissima) Bermuda grass (Cynodon dactylon) excluding sod hybrid Bermuda Lovegrasses (Eragrostis spp.) excluding Plains lovegrass (Eragrostis

intermedia) African rue (Peganum harmala)

Iceplant (Mesembryanthemem crystallinum)

Arabian Grass (Schismus arabicus)

Natal Grass (Melinis repens (Rhynchelythrum repens)

- 18. In the event the subject property is annexed into the City of Tucson, 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.
- 95% of the Campbell Wash shall remain undisturbed." 19.

Arlan Colton, Planning Official, stated this is a request to rezone 7.53 acres from CR-1 to CR-4 with the remainder to remain CR-1 restricted to retain Campbell Wash in its natural state. The Planning and Zoning Commission recommended approval with the addition of Condition No. 19, that would set the 95 percent preservation area for new disturbance of the wash. Planning staff recommended denial due to concurrency issues. One neighbor addressed the Planning and Zoning Commission in support, and Planning

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staff received no protests. If the request is approved, 10 casitas would be removed and replaced with 16 single family homes. An alternative access point would serve the property, and the existing access point would be revegetated and the 95 percent disturbance area would not count against the revegetation of that access.

The Chair inquired whether anyone wished to address the Board in opposition? No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Chair Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve the request for Co9-04-16, subject to conditions and standard and special requirements

21. DEVELOPMENT SERVICES: REZONING

CO9-04-18, CRUZ - ELVADO ROAD REZONING Request of Armando and Sally Cruz, for a rezoning of about 0.98 acres from GR-1 (Rural Residential) to SH (Suburba Homestead) on a property located on the northwest corner of Elvado and Sparrow Roads, approximately 1/2 mile east of Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Cuyugan was absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends APPROVAL WITH CONDITIONS and standard and special requirements. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZON OG, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED

Completion of the following requirements within five years from the date the rezoning request is approved by the Ford of Supervisors:

1. Submittal of a development plan determined necessary by the

- appropriate County agencies.
- Recording of a covenant holding Pima County harmless in the event of 2.
- Recording of the necessary development related covenants as determined appropriate by the various County agencies.

 Provision of development related assurances as required by the appropriate agencies.
- Prior to the pregration of the development related covenants and any required defication, a title report (current to within 60 days) evidencing owership of the property shall be submitted to the Development services Department.
- There shall be no further lot splitting or subdividing without the 6. written opproval of the Board of Supervisors.
- 7. Transportation conditions:
 - Any common, private, road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six months of issuance of building permits.
- Flood Control conditions:
 - Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

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F. ANN RODRIGITEZ, RECORDER RECORDED BY:

> DEPUTY RECORDER RO09 1963

P0230 PIMA CO CLERK OF THE BOARD PICKUP

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PICKUP

AMOUNT PAID 0.00

RESOLUTION NO. 2002-14

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 4.16 ACRES IN SECTION 20 OF TOWNSHIP 13 SOUTH, RANGE 14 EAST, IN THE CATALINA FOOTHILLS SUBREGION.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY. ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Catalina Foothills Subregion, is hereby amended to change the planned land use classification for approximately 4.16 acres, as referenced in Co7-01-15, located north of River Road and east of Campbell Avenue, as shown on the map attached hereto as Exhibit A and incorporated herein by this reference, from Low Intensity Urban 1.2 (LIU 1.2) to Low Intensity Urban 3.0 (LIU 3.0).

Section 2. The Pima County Comprehensive Plan Rezoning Policies are also hereby amended to add the following policy:

Campbell Avenue North of River Road (CF)

General location: North of River Road and east of Campbell Avenue in Section 20. Township 13 South, Range 14 East.

Policy: The overall density shall be limited to a maximum of sixteen residential units.

perform all acts necessary to give effect to this resolution.

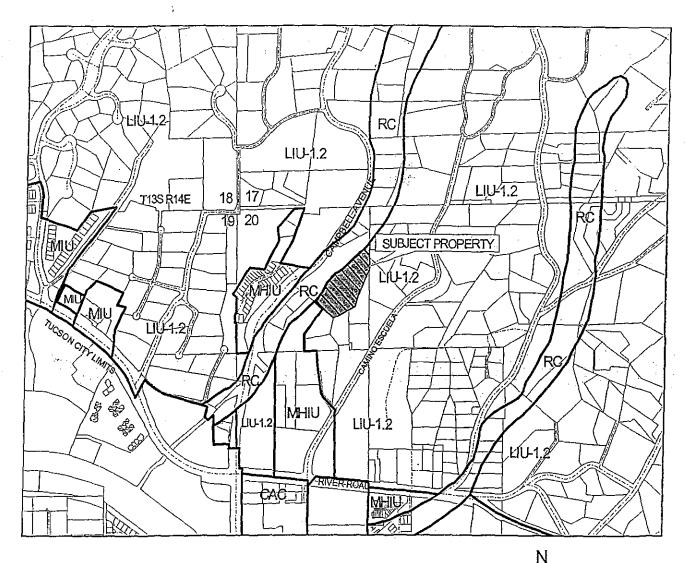
Section 3. The various County officers and employees are authorized and directed to

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EXHIBIT A

Comprehensive Plan Amendment - Planned Land Use



Amendment area:

From: Low Intensity Urban 1.2 (LIU 1.2)

Low Intensity Urban 3.0 (LIU 3.0) To:

Subregion Map: Catalina Foothills

Tax Codes: 108-23-0890

portion

Date: May 7, 2002

File No.: Co7-01-15 St Phillips Foothills LLC-

Campbell Avenue