



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 7, 2016

**Title:** P16RZ00003 GST LLC, et al. - W. OVERTON ROAD REZONING

### **Introduction/Background:**

The applicant requests a rezoning from SR (Surban Ranch) to CR-3 (Single Residence) zone (58.6 acres) for a residential infill development of a 106 lot single family residential subdivision.

### **Discussion:**

There are two comprehensive plan designations on the property. The 39 acres is designated for LIU 3.0 and conforms to the plan with a 2.4 residences per acre (RAC). The comprehensive plan designation for the remaining 19.6 acres is MIU which requires a minimum RAC of 5. The applicant has obtained relief through the Planning Official for environmental constraints and is proposing a 1.2 RAC.

### **Conclusion:**

The proposed conditions of the rezoning would allow subdivision development similar to the residential densities surrounding the site while protecting the character of the adjacent neighborhoods.

### **Recommendation:**

Staff recommends approval of the rezoning with conditions; Planning & Zoning Commission also recommends approval subject to conditions with an amendment to rezoning condition #3A. (Vote 8-0)

### **Fiscal Impact:**

0

### **Board of Supervisor District:**

1       2       3       4       5       All

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Department: Pima County Development Services - Planning   Telephone: 520-724-9000

Department Director Signature/Date: J. M. Beal

Deputy County Administrator Signature/Date: C. Darkeberry

County Administrator Signature/Date: C. Darkeberry

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

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** May 16, 2016

**SUBJECT:** P16RZ00003 GST LLC, ET AL. – W. OVERTON ROAD REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 7, 2016** hearing.

**REQUEST:** For a rezoning of approximately 58.6 acres from the SR (Suburban Ranch) zone to the CR-3 (Single Residence) zone, on property located at the northwest corner of N. Pomona Avenue and W. Pine Street and on the southwest corner of W. Pine Street and N. Romero Avenue.

**OWNER:** GST LLC, et al.  
4813 E. Calle Jabali  
Tucson, AZ 85711

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

**DISTRICT:** 1

**STAFF CONTACT:** Terrill Tillman

**PUBLIC COMMENT TO DATE:** As of May 16, 2016, staff has received two (2) written comments in opposition to the rezoning citing concerns with increased density and traffic capacity of area roads. Staff has received 91 letters of conditional support requesting the 19 feet height limitation, no access into Mesaland, and to allow the reduced density in the Medium Intensity Urban comprehensive land use designation as proposed.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (8 – 0, Commissioners Membrila and Neeley were absent).

**STAFF RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

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

TD/TT/ar  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

**Subject:** P16RZ00003

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### **FOR JUNE 7, 2016 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Chris Poirier, Planning Official  
Public Works-Development Services Department-Planning Division

**DATE:** May 16, 2016

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### **ADVERTISED ITEM FOR PUBLIC HEARING**

#### **REZONING**

##### **P16RZ00003 GST LLC, ET AL. – W. OVERTON ROAD REZONING**

Request of GST LLC, et al., represented by Tucson Land & Cattle Co., for a rezoning of approximately 58.6 acres from the SR (Suburban Ranch) zone to the CR-3 (Single Residence) zone, on property located at the northwest corner of N. Pomona Avenue and W. Pine Street and on the southwest corner of W. Pine Street and N. Romero Avenue. The Pima County Comprehensive Plan designates the property for Low Intensity Urban 3.0 (39 acres) and Medium Intensity Urban (19.6 acres). On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Membrila and Neeley were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.  
(District 1)

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### **PLANNING AND ZONING COMMISSION HEARING SUMMARY (April 27, 2016)**

Staff presented information from the staff report to the commission with a recommendation of approval with conditions and discussed the applicant's request to amend rezoning condition #3A.

Staff clarified that the original planned access for the 19.6 acres portion was to Romero Road aligned with Avocado Street. Due to the neighborhood input, that proposal was amended to reflect the current Preliminary Development Plan (PDP) design that connects only to Overton Road.

A commissioner asked about the connection on the PDP to Romero Road and whether that was an emergency access. Staff responded that it is emergency access and further explained the proposed re-alignment of Romero Road and Pine Street to accommodate the proposed design.

The applicant's representative spoke. He presented additional information for the proposed development and described the collaborative work that he had done with the adjacent neighbors. He described how the neighbors strongly opposed connectivity into the Mesaland subdivision and that the proposal as amended was sensitive to the neighbors and the developer's desires. He discussed the requested change to rezoning condition #3A and proposed the condition be amended in accordance with the letter of request dated April 18, 2016.

A commissioner asked the details of the emergency access and whether that contained the pedestrian access to the school. The applicant's representative explained that the emergency access will contain a locked gate that only emergency personnel will have access to and the pedestrian access will be located at the same location.

The commissioner asked about neighborhood concerns regarding the Overton access and the representative responded that capacity exists and the intersection will be modified to meet the transportation standards. The roadway will be elevated and a buffer wall will be installed.

The commissioner asked if this was two separate projects. The representative stated that it is a single project with two product types, one being more exclusive on the 19 acre portion of the site.

Speaker #1 indicated that the notice given is too short and adequate time should be given to consider that requested action. She stated she has concerns for traffic volumes if the project connects into Mesaland. She further stated that she is concerned about the increased lighting.

Speaker #2 stated that maintaining the rural setting is important and supports the design of the project.

Speaker #3 stated that she prefers that the property be developed under the current SR zoning designation.

Speaker #4 stated that he supports the design and the proposed access.

Speaker #5 believes this is a good plan and that the developer and representative have been sensitive to the neighbors and requests that no traffic be allowed through Mesaland.

The representative stated that the lighting will meet the requirements for dark skies and balancing the project design with the neighbor's requests has been a priority.

A commissioner asked about Block 1 on the PDP. The representative explained that Block 1 will be given to church for their proposed future expansion.

The commissioner asked if the perimeter of open space will be undisturbed and whether that is a part of the overall 19 acres of open space. The representative stated that the perimeter open space is a part of the 19 acres of open space, will be undisturbed and there will be an equestrian easement dedicated along the northern boundary of the 39 acre portion of the site.

A commissioner asked about the requested amendment to rezoning condition #3A. The representative read the proposed condition into the record: "Private vehicular access for the project shall conform with the Preliminary Development Plan (PDP). A suitable physical barrier subject to Department of Transportation approval shall be provided to ensure that no vehicular migration occurs between the new street that connects the north and south parcels and Pine/Romero Street at

that point where these roads are in closest proximity to each other. Only fire and emergency access shall be allowed onto Romero Avenue for the southern twenty-acre parcel." The speaker further discussed the need to balance the developer's needs with the neighborhoods.

The public hearing was closed.

A commissioner thanked the developer/representative for the good communication with the neighbors.

Commissioner Matter made a motion to **APPROVE** the rezoning subject to standard and special conditions with amended condition #3A as presented.

Commissioner Johns gave second to the motion.

The commission voted to **APPROVE** the rezoning (8 – 0, Commissioners Membrila and Neeley were absent) with the following conditions:

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

1. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. ~~Additional access shall be provided for the site, including one access directly serving the southern portion of the site, unless an alternative design that connects the north and south portions of the site, and is acceptable to the Department of Transportation, is provided. Private vehicular access for the project shall conform with the Preliminary Development Plan (PDP). A suitable physical barrier subject to Department of Transportation approval shall be provided to ensure that no vehicular migration occurs between the new street that connects the north and south parcels and Pine/Romero Street at that point where these roads are in closest proximity to each other. Only fire and emergency access shall be allowed onto Romero Avenue for the southern twenty-acre parcel.~~
  - B. Access to the site shall provide access to the adjacent church. The access road shall not create an additional opening onto Overton Road.

4. Regional Flood Control District conditions:
  - A. Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.
  - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval with the Development Plan.
  - C. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.
5. Regional Wastewater Reclamation conditions:
  - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also

transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

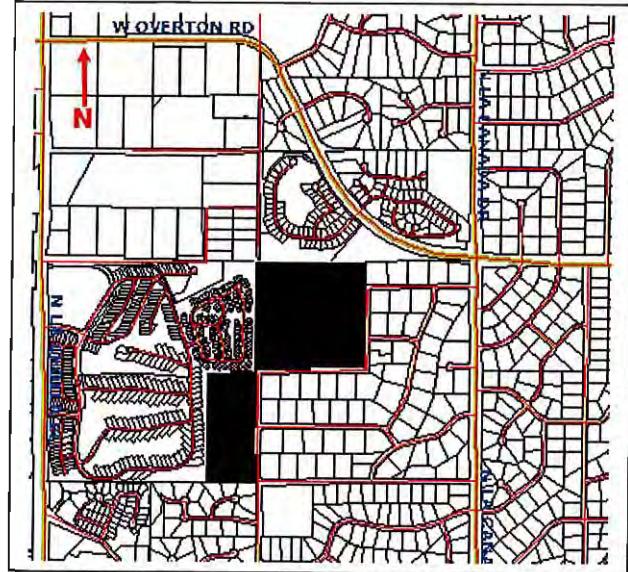
7. Cultural Resources condition: A caution must be noted concerning human burials. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the 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.
8. Natural Resources, Parks and Recreation condition: The owner shall dedicate a 15-foot public non-motorized trail easement for trail #220, Hardy Road alignment, as shown on the Pima Regional Trail System Master Plan.
9. Adherence to the preliminary development plan as approved at public hearing including the 106 lot limitation.
10. The maximum height is limited to one-story and 19 feet.
11. 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.
12. 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(l)."

TD/TT/ar  
Attachments

c: GST LLC, et al., 4813 E. Calle Jabali, Tucson, AZ 85711  
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane  
Tucson, AZ 85749-9460  
Tom Drzazgowski, Principal Planner  
P16RZ00003 File

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

HEARING April 27, 2016  
DISTRICT 1  
CASE P16RZ00003 GST, LLC, ET AL. - W. Overton Road Rezoning  
REQUEST Rezone 58.6 acres from SR (Suburban Ranch) to CR-3 (Single Residence) Zone  
OWNER GST, LLC, ET AL.  
4813 E. Calle Jabali  
Tucson, AZ 85711  
APPLICANT Projects International, Inc.  
Attn: Jim Portner  
10836 E. Armada Lane  
Tucson, AZ 85749



**APPLICANT'S PROPOSED USE**

The 58.6-acre site will be developed as a 106-lot, single-family one-story residential subdivision.

**APPLICANT'S STATED REASON**

The proposed rezoning is an "infill project that with its proposed land use intensity, natural bufferyards as well as landscape and architectural standards, will enhance the surrounding neighborhoods and is consistent with the existing CR-5 zoned subdivisions to the north and west and provides for an appropriate transition zone to the SH and CR-1 zoned subdivisions to the east and south of the subject property".

**STAFF REPORT SUMMARY**

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-3 (Single Residence) zone on approximately 58.6 acres for a 106-lot residential subdivision. The proposed residential subdivision is an infill project adjacent to residential uses that will contain approximately 18 acres of open space. A trail easement will be dedicated along the northern boundary of the site and a path is proposed through the on-site natural open space adjacent to Romero Avenue to provide additional pedestrian connectivity opportunities for the local neighborhoods and safe paths to school.

The applicant has done extensive neighborhood outreach based upon the preliminary development plan and has an understanding with the neighbors that there will be no connector road in the southern portion of the development into the Mesaland Subdivision adjacent to Romero Road. The Department of Transportation prefers that there be a local connector road to Romero Road and has conditioned the rezoning approval to require a direct connection for the southern portion of the parcel OR Department of Transportation approval of the proposed design. A solution that meets the transportation standards and the collaborative approach of both the

applicant and the neighborhoods as depicted on the preliminary development plan is important for a viable development.

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

The subject property lies outside the Maeveen Marie Behan Conservation Land System.

#### **COMPREHENSIVE PLAN**

There are two Comprehensive Plan land use designations for the subject property. The 39 acre portion is designated as Low Intensity Urban 3.0 (LIU 3.0) and the 19.6 acre portion is designated as Medium Intensity Urban (MIU). No special area or rezoning policies apply to the site.

The objective of the LIU 3.0 land use designation is low-density residential and other compatible uses incentivizing densities for conservation subdivisions that contain more natural open space. The proposed density for the 39 acre portion is 2.1 residences per acre (RAC) in conformance with the LIU 3.0 land use designation which has no minimum density and a maximum density of 3.0 RAC.

The 19.6 acre portion does not conform to the MIU designation minimum density of 5.0 RAC in the Comprehensive Plan. The objective of the MIU land use designation is to provide a mix of medium-density housing types as well as non-residential uses such as offices, medical, offices, and hotels with attention to site design to assure compatibility with adjacent lower-density residential uses. The proposed density for the 19.6 acre portion is 1.2 residences per acre and is compatible with the surrounding densities to the east and south. MIU allows for a maximum of 10 RAC which is much more intense than the existing densities to the east and south; however, compatible with the densities to the north and west of the subject property. The administration section of the Comprehensive Plan states that an applicant for rezoning may seek a reduction of the minimum density requirement from the Planning Director if the applicant believes that "environmental site constraints" preclude the ability to achieve the minimum density. The applicant has sought and obtained such relief demonstrating that the environmental constraints includes the application of the Hillside Development Zone (HDZ) which has a more restrictive bufferyard requirement (60 feet) and a maximum grading allowance of 70% of the site. Avoidance of the significant natural vegetation and to the riparian habitat are planned. Off-site drainage will be minimized due to the limited grading and vegetation removal. The benefit of the reduced density, from meeting the MIU minimum provides greater natural open space adjacent to existing neighborhoods.

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

North:	CR-5	Developed Residential Subdivision
South:	SH/CR-1	Developed Residential Subdivision
East:	SH	Developed Residential Subdivision
West:	CR-5	Developed Residential Subdivision

The surrounding neighborhoods are characterized by equestrian use with walking and riding trails including the Canada del Oro River Park. The properties to the east and south have a rural atmosphere due to the larger sized properties (1 acre lot to 2.34 acres) although they are located within an urbanized area. This rural atmosphere to the properties in the area is a result of the Romero Road connection abandonment just south of the elementary school creating a pocket of 63 lots known as the Mesaland Subdivision. The Mesaland Subdivision is located north of Sage Street, in between La Canada Road and the subject property. The nearest school is located at the southeast corner of Romero Road and Sage Street, across the street and just south of the subject property. The nearest services are located along the La Cholla Boulevard and Ina Road

corridors with restaurants, banking, retail, grocery and a shopping mall. The area to the north and west of the subject property contain higher-density residential uses and senior living

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

A previous rezoning was requested by Pulte Development Corporation in 2005 for CR-4 zoning and was withdrawn by the applicant. No public meeting for this proposal was held. The rezoning request was for 123 residential lots and included the church property to the north.

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

##### **Recent activity:**

The rezoning case P15RZ00009 – N. La Cholla Boulevard from TR (Transitional) to the CB-2 (General Business) zone for .88 acres for a restaurant and CB-1 uses except for automotive related uses, drive-through restaurants and stand-alone bars was approved by the Board of Supervisors on February 2, 2016.

##### **Past activity:**

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR zone. An attached map shows properties (in blue) within approximately one mile of the site for which rezoning requests have been made from 1988 to 2007. Most rezonings were approved.

Areas adjacent to and near the site were mostly rezoned in the early 2000's to the CR-2, CR-4, CR-5, and TR zones for single-family subdivision lot development for attached townhome and condominium style development.

#### **PLANNING REPORT**

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential uses. Adequate infrastructure exists to serve the use. The subject property is an infill property that is a good transition from the medium and lower density residential use as in the surrounding area and will nominally increase the use efficiency of the site and existing infrastructure.

The proposed single-family residential development consists of 106 subdivision lots. The northern portion of the site will consist of 83 lots ranging in size from 8,044 square feet to 10,170 square feet. The southern portion of the site will consist of 23 lots ranging in size from 10,150 square feet to 11,900 square feet. The lot size is shown within the range of the minimum lot size for CR-3 zoning. The proposed maximum building height is 19 feet.

Block 1 as demonstrated on the preliminary development plan is planned for future expansion of the church property to the north. The applicant is in negotiation with the church for a shared access driveway from Overton Road to serve the subject property and in return will provide an expansion site for the church. Multi-modal transportation opportunities are proposed from the internal street sections for pedestrian and bicycle connectivity to Overton Road. The nearest bus stops are located at the Hardy Road and La Canada Drive intersection.

The topography of the site contains slopes that are greater than 15% (HDZ) located within the northwestern third of the most northern portion of the site limiting the allowable on-site grading and area of disturbance to a maximum of 70% of the site. There is also an area of riparian habitat along the northernmost boundary of the site which has been remapped and avoided. The remaining northern and southern portion of the site is relatively flat and is mostly undisturbed and contains areas of important vegetation adjacent to Pine Street. There are also many significant

saguaro on site that mostly will remain preserved in place with the remainder being transplanted on-site within the proposed open space or bufferyards. There is a relatively dense population of saguaros that are less than 6 feet in height. The applicant will utilize both the preserved-in-place and transplanted on site method of preservation along with the required mitigation according to the native plant preservation plan ordinance and plan that will be submitted with the subdivision plat. The open space will account for approximately 18 acres or a minimum of 30% of the site. A required HDZ 40-foot natural bufferyard increasing to a HDZ 60-foot natural bufferyard is proposed along the north and eastern boundary of the 39 acre portion. Open space within the HDZ area of the northern portion of the site will be provided adjacent to the north and south. The 19.6 acre portion of the site will be buffered by 100 to 150-feet of natural open space around perimeter of the southern parcel.

#### Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments
TRANSPORTATION	Yes	No objection, subject to conditions.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "Will Serve" letter in site analysis
SCHOOLS	Yes	Capacity response letter from Amphitheater Public Schools in site analysis
AIR QUALITY	Yes	None

#### **TRANSPORTATION REPORT**

Transportation concurrency considerations have been met as roadways in the vicinity of this project are currently functioning below capacity. Access to this site will be via an offsite road that will connect the site with Overton Road. The proposed development shows a total of 106 single family home sites. Major roadways in the vicinity of this site include La Canada Drive, La Cholla Boulevard, Magee Road and Hardy Road.

Overton Road is a two lane low-volume arterial as shown on the Major Streets and Scenic Routes Plan with a planned future right-of-way of 90 feet. Adjacent to the subject site, the Overton Road has 150 feet of existing right-of-way. The posted speed is 45 mph, and the capacity is 15,930

ADT. The most recent traffic count is 6,239 ADT. La Canada Drive is a four lane medium volume arterial with an existing and planned future right-of-way of 150 feet. La Canada Drive has 150 feet of existing right-of-way, a posted speed of 45 mph, and a capacity of 35,820 ADT. The current traffic count is 17,695 ADT.

La Cholla Boulevard is a four lane medium volume arterial with an existing and planned future right-of-way of 150 feet south of Overton Road. The existing right-of-way varies from 150 feet to 50 feet north of Overton Road. La Cholla Boulevard beyond the intersection of Overton Road is a two lane cross section; however, it is scheduled for widening through the Regional Traffic Authority. The widening from Overton Road to Tangerine Road is under design and construction should begin in 2017. The posted speed is 45 mph, and the capacity will be 35,820 ADT. The current traffic count is 12,403 ADT.

Magee Road is a four lane medium volume arterial which was recently built to its 150 foot right-of-way. The posted speed on Magee Road is 45 mph, the capacity is 35,820 ADT, and the current traffic count is 17,361 ADT. Overton Road, east of La Canada Drive, becomes Hardy Road. Hardy Road is a low-volume arterial with 90 feet of future right-of-way for approximately  $\frac{1}{2}$  mile east of La Canada Drive. Beyond that, Hardy Road is in Oro Valley. The capacity for Hardy Road is 15,930 ADT and the current traffic count is 6,803 ADT.

Although pedestrian connections will be provided, vehicular connectivity to Mesa Verde Elementary School is limited to the arterial roadways. Vehicles traveling to the school would have to drive over a mile and a half in some instances to access the school, when the school is in fact diagonally adjacent to the site. The intent of the street standards is to reduce trip lengths and eliminate undue trips on the arterial roadways.

Access to the southern portion of the rezoning site is shown via an internal local street that will be adjacent to Romero Road. A right-of-way dedication would be necessary to accommodate this configuration. The developer would need to establish an agreement with the adjacent property owner of 8540 N. Romero Road to purchase additional land to accommodate the design, and would result in the absurd situation of two local streets, both with two way traffic, parallel to each other and separated by 30 feet. The Department of Transportation favors a direct connection from the project site to Romero at this intersection.

Additionally, the developer will need to execute an agreement with the Presbyterian Church to allow the construction of the access road to Overton Road. Access to the church will need to be reconfigured as part of the development in order to eliminate the need for additional access points onto Overton Road. In addition, the subdivision and development street standards will require a minimum 230 foot separation between the access road and the Sunridge Drive to the west, as well as 230 feet of separation between the access road and the entrance to the church to the east. As indicated on the preliminary development plan, the access road will replace the eastern most driveway to the church.

The Department of Transportation does not support the proposed design. The site has over 3,600 feet of public street frontage with several ideal locations for secondary access. It is unreasonable to not allow access anywhere along this frontage or provide access to the school, as these trips will occur and would otherwise be unnecessarily funneled onto the arterial roads. Secondary access, whether it is located on Romero Road, Pine Street, Pomona Avenue or Cypress Street, will primarily be used to access the school. The majority of the trips generated from this development will go to Overton Road and on through the signalized intersection.

The Department of Transportation recommends rezoning conditions #3A-B.

#### **FLOOD CONTROL REPORT**

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

1. The site includes Pima County Regulated Riparian habitat and a boundary modification request has been submitted and approved. The resulting habitat is contained within open space.
2. A satisfactory Preliminary Integrated Water Management Plan has been submitted.
3. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
  - A. The site is to be served by Metropolitan Water which does not deliver renewable supplies at this time.
  - B. Per the ADWR Well Inventory the closest wells had depths to groundwater between 130 and 300 feet, with the shallowest being adjacent to washes. Maps published by ADWR in 2014 indicate that the projected 2025 depth to water will be between 300 and 500 feet.
  - C. The site is not located within a covered subsidence zone.
  - D. The nearest Groundwater-Dependent Ecosystem is the intermittent section of Pima Wash 3.6 miles away and the perennial section of the Santa Cruz River is 4.4 miles away.
  - E. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

**The WRIA finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems.**

In conclusion the District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-C.

#### **WASTEWATER RECLAMATION REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-F.

#### **CULTURAL RESOURCES REPORT**

Cultural Resources has no objection to this request subject to the addition of condition #7.

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

Natural Resources, Parks and Recreation has no objection to the rezoning subject to the addition of condition #9.

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

US Fish and Wildlife has no comment.

#### **METRO WATER DISTRICT REPORT**

Metro Water District has no comment. A will-serve letter is contained within the site analysis.

## **SCHOOL DISTRICT REPORT**

The Amphitheatre Unified School District has no comment. A letter of capacity to accommodate future students is contained with the site analysis.

## **FIRE DISTRICT REPORT**

Mountain Vista Fire District has no comment.

## **PUBLIC COMMENT**

As of the writing of this staff report, staff has received three written letters in support of the rezoning request subject to conditions as cited (see attached letters) and one letter of objection (attached).

## **IF THE DECISION IS MADE TO APPROVE THE REZONING, 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. The owner shall:
  - A. Submit a development plan if determined necessary by the appropriate County agencies.
  - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
  - C. Provide development related assurances as required by the appropriate agencies.
  - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
  - A. Additional access shall be provided for the site, including one access directly serving the southern portion of the site, unless an alternative design that connects the north and south portions of the site, and is acceptable to the Department of Transportation, is provided.
  - B. Access to the site shall provide access to the adjacent church. The access road shall not create an additional opening onto Overton Road.
4. Regional Flood Control District conditions:
  - A. Pima County Regulated Riparian Habitat shall be contained in permanently identified open space through easement or dedication.
  - B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval with the Development Plan.
  - C. First flush retention for all impervious surfaces (retention of the first ½ inch of rainfall) shall be provided.

5. Regional Wastewater Reclamation conditions:
  - A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
  - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
  - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition: A caution must be noted concerning human burials. 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.

8. Natural Resources, Parks and Recreation condition: The owner shall dedicate a 15-foot public non-motorized trail easement for trail #220, Hardy Road alignment, as shown on the Pima Regional Trail System Master Plan.
9. Adherence to the preliminary development plan as approved at public hearing including the 106-lot limitation.
10. The maximum height is limited to one-story and 19 feet.
11. 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.
12. 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(l)."

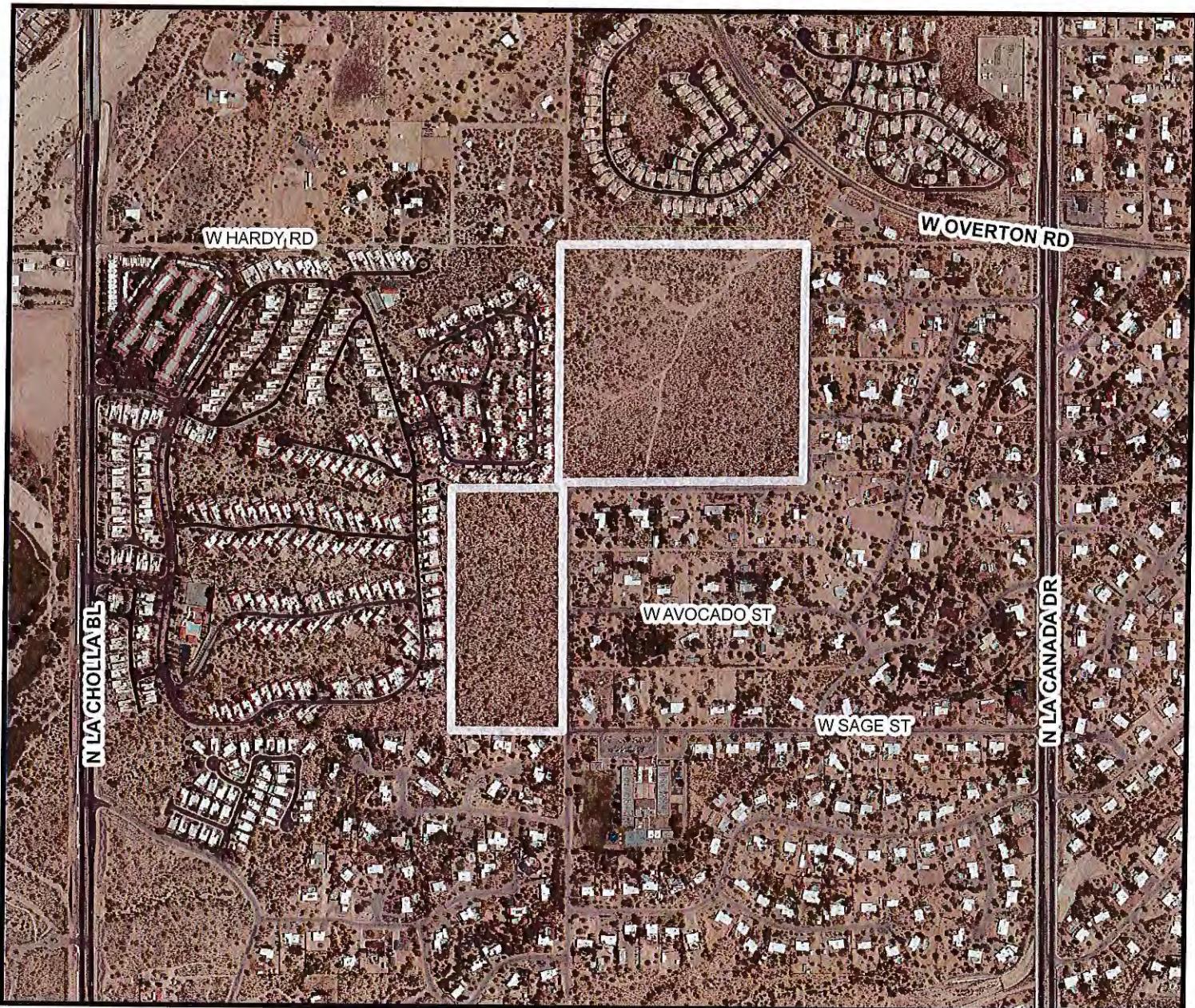
Respectfully Submitted,



\_\_\_\_\_  
Terrill Tillman  
Senior Planner

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

Case #: P16RZ00003  
Case Name: GST LLC, ET AL - W. OVERTON ROAD REZONING  
Tax Code(s): 225-21-0010



0 360 720 1,440 Feet

Proposed rezoning from SR to CR-3

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Planning & Zoning Hearing: 04/27/16 (scheduled)

Base Map(s): 115

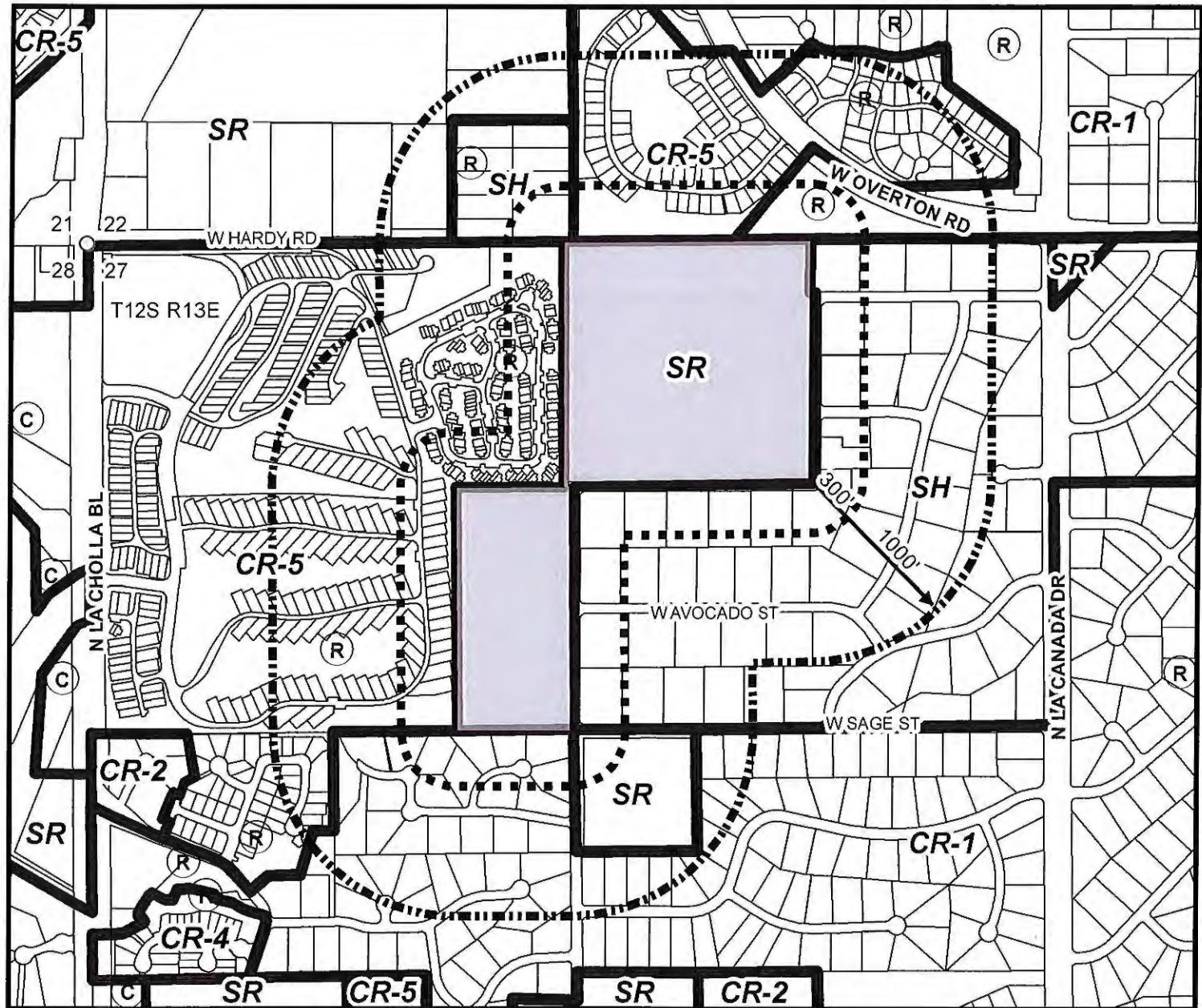
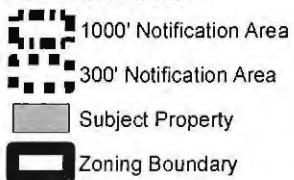
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Map Date: 04/04/2016



Case #: P16RZ00003  
 Case Name: GST LLC, ET AL - W. OVERTON ROAD REZONING

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0 360 720 1,440 Feet

Area of proposed rezoning from SR to CR-3



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
 PLANNING DIVISION



Notes:

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Planning & Zoning Hearing: 04/27/16 (scheduled)

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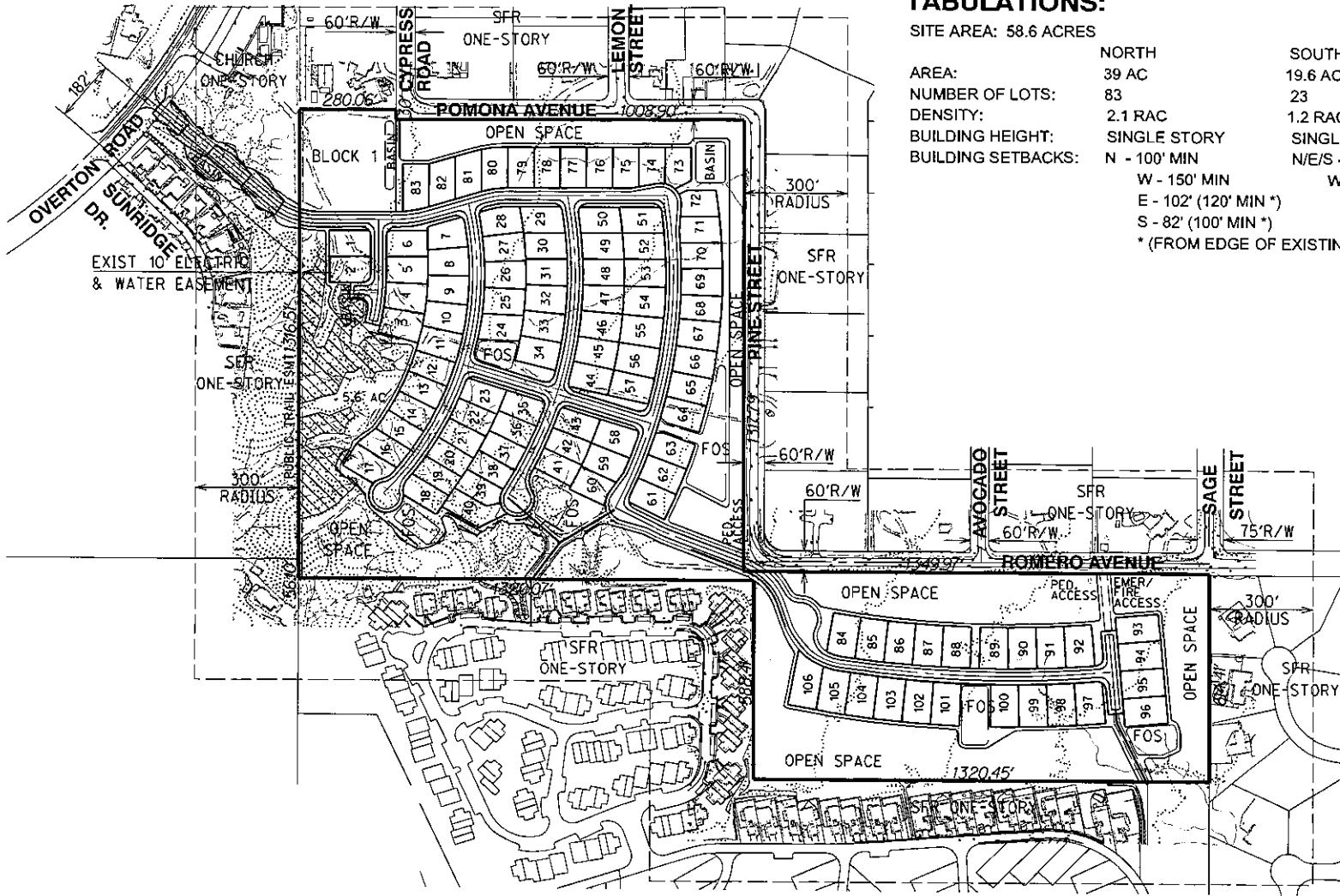
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Map Date: 04/04/2016



Exhibit II\_B:

Preliminary Development Plan



**TABULATIONS:**

SITE AREA: 58.6 ACRES

AREA: 39 AC

NUMBER OF LOTS: 83

DENSITY: 2.1 RAC

BUILDING HEIGHT: SINGLE STORY

BUILDING SETBACKS: N - 100' MIN

W - 150' MIN

E - 102' (120' MIN \*)

S - 82' (100' MIN \*)

\* (FROM EDGE OF EXISTING PAVEMENT)

SOUTH

19.6 AC

23

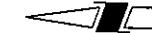
1.2 RAC

SINGLE STORY

N/E/S - 100' MIN

W - 150' MIN

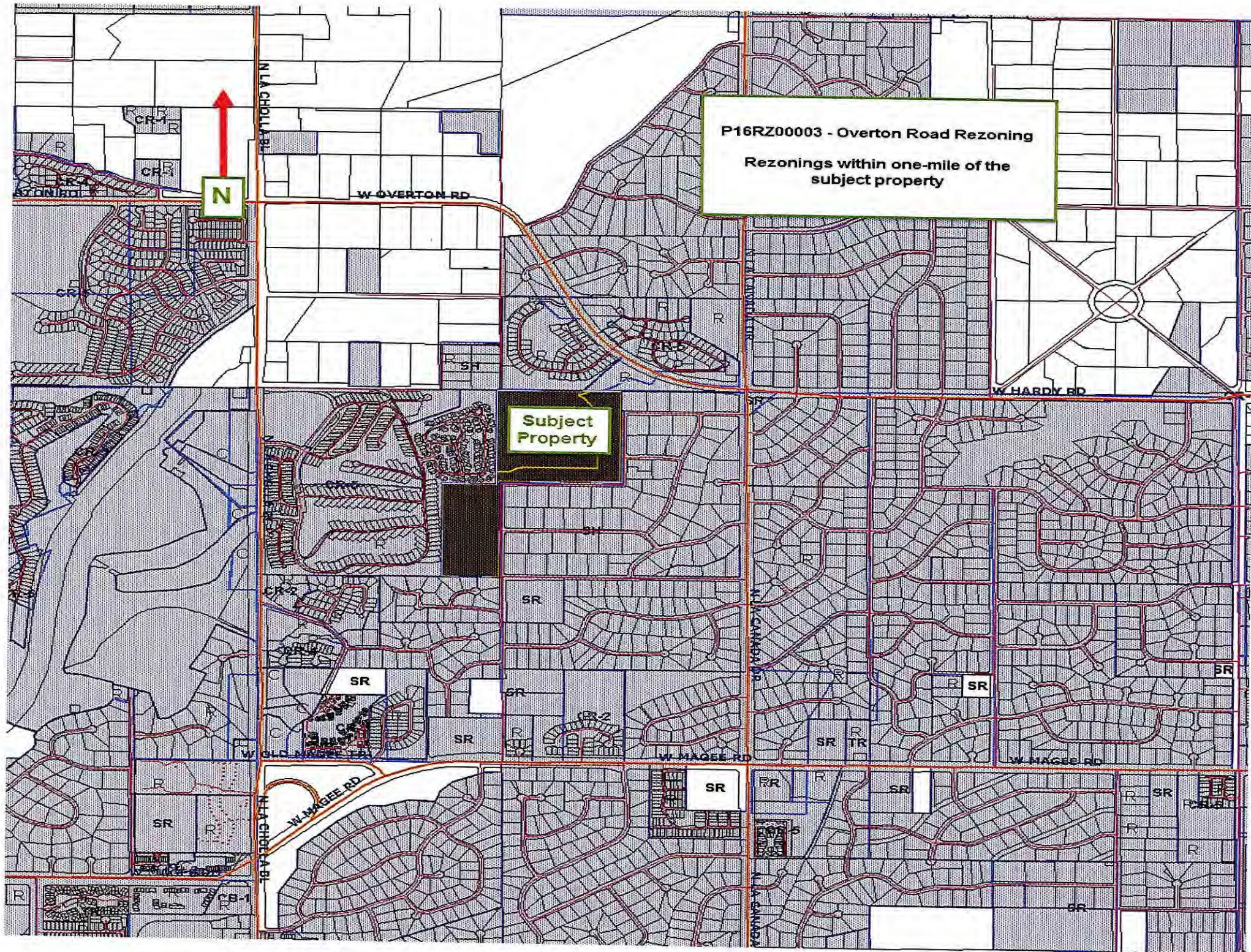
SCALE: 1" = 300'

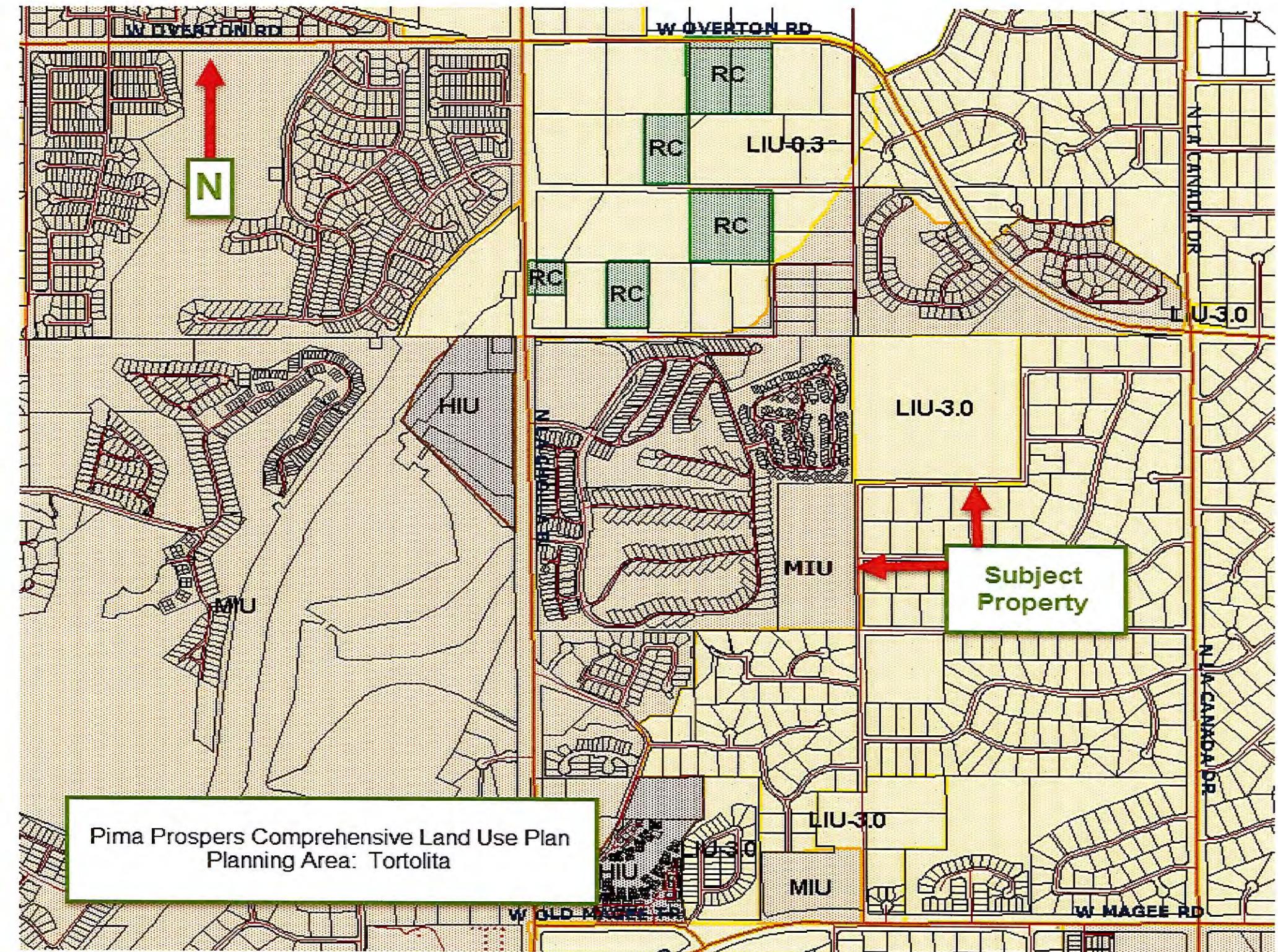


**LEGEND:**



RIPARIAN HABITAT





## Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

- a. Objective: To designate areas for low-density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and to be contiguous with other dedicated natural open space and public preserves.

### ***1) Low Intensity Urban 3.0 (LIU-3.0)***

- a) Residential Gross Density:
  - i) Minimum – none
  - ii) Maximum – 3.0 RAC.
- b) Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - i) Minimum density – 1.5 RAC
  - ii) Maximum density – 3.0 RAC.

## Medium Intensity Urban (MIU)

- a. Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.
- b. Residential Gross Density: Residential gross density shall conform to the following:
  - 1) Minimum – 5 RAC
  - 2) Maximum – 13 RAC.
- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - 1) Minimum – 5 RAC
  - 2) Maximum – 10 RAC.