



**BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: June 20, 2017

**Title:** Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING (Time Extension)

**Introduction/Background:**

Applicant requests a five-year time extension for a 15.0-acre rezoning from GR-1 (Rural Residential) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (Mixed-Dwelling Type) (7.50 acres) which was approved by the Board of Supervisors on April 17, 2012 and expired on April 17, 2017.

**Discussion:**

The applicant indicates that "severe economic conditions" has delayed completion of rezoning conditions, but notes some progress with establishing ingress/egress access and utility agreements. The approved rezoning preliminary development plan for 128 condominium units remains a suitable infill use and will provide a housing type that is not prevalent in the Catalina area. Commercial and public services exist in the area of the site and there are job center locations within short range to the south. Concurrency of infrastructure exists (for those agencies that reported) and Oracle Road has undergone capacity improvements. With the recent Pima Prospers comprehensive plan update, the proposed residential density in the CR-3 portion is slightly higher at 3.8 RAC than the maximum of 3.0 RAC now allowed within the Low Intensity 3.0 (RAC) plan designation. No reduction in density is recommended as this area will be cluster development.

**Conclusion:**

A time extension is warranted due to the historical economic recession. The proposed condominium use remains a suitable and desirable use for the Catalina area. Services exist in close proximity to the site; and there is concurrency of infrastructure. The rezoning remains largely compliant with the comprehensive plan. Reversion to GR-1 zoning with low-density residential use would not conform to the south half of the site that is planned Medium Intensity Urban. The recommended modified conditions update certain conditions to current standard language and policy treatment. The recommended Flood Control conditions modifications delete conditions that will essentially be covered by code requirements, but add a single condition pertaining to achieving water conservation.

**Recommendation:**

Staff recommends approval of a five-year rezoning time extension subject to conditions as modified.

**Fiscal Impact:**

N/A

**Board of Supervisor District:**

1       2       3       4       5       All

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

Department Director Signature/Date: [Signature] 5/25/17

Deputy County Administrator Signature/Date: [Signature] 5/31/17

County Administrator Signature/Date: C. P. [Signature] 5/13/17



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Ally Miller, Supervisor, District 1  
**FROM:** Chris Poirier, Planning Official *CP* Tom Drzazgowski  
Public Works-Development Services Department-Planning Division  
**DATE:** May 26, 2017  
**SUBJECT:** Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 20, 2017** hearing.

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**REQUEST:** For a five-year **time extension** for the above-referenced rezoning from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres). The site is located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive.

**OWNERS:** Vistoso Catalina, LP  
P.O. Box 43938  
Tucson, AZ 85733

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

**DISTRICT:** 1

**STAFF CONTACT:** David Petersen

**PUBLIC COMMENT TO DATE:** As of May 26, 2017, staff has received no written public comments.

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

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

TD/DP/ar  
Attachments



**PIMA COUNTY**

DEVELOPMENT SERVICES

**BOARD OF SUPERVISORS MEMORANDUM**

Subject: Co9-07-24

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**FOR TUESDAY, JUNE 20, 2017 MEETING OF THE BOARD OF SUPERVISORS**

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: MAY 26, 2017

**ADVERTISED ITEM FOR PUBLIC HEARING**

**REZONING TIME EXTENSION**

**Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING**

Request of Vistoso Catalina, LP, represented by Floerchinger Sadler Steel Baker, Inc., for a five-year **time extension** for the above-referenced rezoning from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres). The subject site was rezoned in 2012. The rezoning expired on April 17, 2017. The site is located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive. Staff recommends **APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS.**  
(District 1)

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of a five-year time extension to April 17, 2022 as per the applicant's request for the original 15-acre rezoning from GR-1 (Rural Residential) (7.50 acres) and GR-1 (GZ) (Rural Residential – Gateway Overlay Zone) (7.50 acres) to CR-3 (Single Residence) (Cluster Development Option) (7.50 acres) and CR-4 (GZ) (Mixed-Dwelling Type – Gateway Overlay Zone) (7.50 acres), subject to the modified 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.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:  
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes Road Drive as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
  - ~~A. The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.~~
  - ~~B. The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.~~
  - ~~C. All weather access shall be provided to all lots to meet concurrency requirements.~~
  - ~~D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.~~

At the time of development, conservation measures sufficient to obtain 15 points on Table B of the Site Analysis Checklist Preliminary Integrated Water Management Plan in effect at the time shall be identified on the site construction permits and covenants to ensure they remain in place.
9. Wastewater Reclamation conditions:
  - A. The property owner(s) / developers(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
  - B. The property owner(s) / developers(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

- C. The property owner(s) / developers(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - D. The property owner(s) / developers(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - E. The property owner(s) / developers(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - F. The property owner(s) / developers(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality condition:  
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
  - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation condition:  
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be determined made at time of platting.

13. Environmental Planning condition:  
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~
14. The property owner / developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
  - A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
  - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
  - C. Each residential unit shall have a solar assisted domestic water heating system.
  - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
  - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
16. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- ~~17. The owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~
- ~~17.~~ 17. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 42-1134(t) 12-113."



1918. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

2019. Design conditions:

- A. The western end units of buildings along the west property line shall be limited to one story.
- B. There shall be a forty-foot bufferyard along the west property line.
- C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

### **STAFF REPORT**

Staff supports the five-year rezoning time extension requested by the applicant. The rezoning from GR-1 and GR-1 (GZ) to CR-3 (Cluster Development Option) and CR-4 (GZ) was approved in 2011 for 128 condominium units spread among 11 building areas. The request letter indicates that the development of the rezoning site has been delayed by "severe economic conditions". Progress "toward the solidification of ingress/egress access and utility agreements" is stated. Staff acknowledges the historic recession and its link and impact to housing development.

The recommended modified conditions update certain conditions to current standard language and policy treatment. The recommended Flood Control conditions modifications delete conditions that will essentially be covered by code requirements, but add a single condition pertaining to achieving water conservation as entailed in the Rezoning Site Analysis Checklist Preliminary Integrated Water Management Plan effective at the time of condition compliance. Condition #17 pertaining to contributions to the affordable housing trust fund is recommended for deletion due to a change in County policy related to monetary exactions.

The proposed higher density residential condominium use remains suitable for the site and will provide a housing type that is not prevalent in the Catalina area. A variety of housing types is desirable from the standpoints of housing affordability and suiting the needs of individuals. The site is located outside of the MMB Conservation Lands System.

Staff finds concurrency of infrastructure per reporting agencies, including conditions requiring improvements to Twin Lakes Drive as may be necessary and requiring adequate sewage treatment and conveyance capacity at the time of development. However, Lago del Oro Water Company and Amphitheater Unified School District did not respond to a request for comments. Oracle Road has undergone capacity improvements.

Commercial services exist nearby and there are job center locations beginning approximately three miles to the south. These include technology manufacturing, medical, and commercial services. A Sun Shuttle stop is located at the nearby Golder Ranch Commercial Center at Oracle Road and Golder Ranch Drive. A fire station, sheriff station, library, post office, and regional park are also located near the rezoning site. Oro Valley Hospital, located approximately four miles south on Tangerine Road near Oracle Road was developed about the time of the initial rezoning application in 2007.

Apart from continued growth of the nearby master planned developments of Saddlebrook to the north in Pinal County and Rancho Vistoso to the southwest in the Town of Oro Valley, there has been some newer residential subdivision development that has occurred in Catalina proper, but these were mostly zoned and platted prior to the approval of the subject rezoning. These subdivisions set a precedent for higher density modern residential infill in Catalina which is generally

characterized by acre-lot, non-subdivided development with some exceptions, especially nearer to Oracle Road where older higher density subdivisions and strip commercial development exists. Design provisions are in place under re-numbered condition #19 to reduce impacts of the development. Further, the development is proposed to be clustered, leaving four acres or approximately 27% of the site as natural open space including sloped areas. Recreational area is proposed for 1.52 acres.

The recent Pima Prospers Comprehensive Plan Update resulted in a change of the plan designation of the CR-4 south half of the rezoning from Community Activity Center (CAC) to Medium Intensity Urban (MIU). The approximate 11.5 residences per acre (RAC) in this south half of the rezoning is at the higher end of the MIU range allowance (13 RAC maximum) and more closely associates with MIU than CAC which provides for medium and higher intensity commercial service mixed use districts. MIU designates areas for a mix of medium density housing types including attached dwellings as proposed.

However, while the CR-3 north half of the rezoning remains plan designated as Low Intensity Urban 3.0 (RAC), the Plan Update took away the density bonus allowance of up to 4.0 RAC with provision of 30 percent cluster open space. The approximate 3.8 RAC approved under the Cluster Development Option thus exceeds the current 3.0 RAC maximum. Density bonuses are still provided within the other LIU categories (1.2, 0.5, and 0.3 RAC). Staff does not recommend any reduction in density approved for this area.

Since the subject rezoning was approved, several commercial rezonings have been approved for lots along Oracle Road in the Catalina area (adding to potential services and job opportunities) and one residential rezoning was approved to add a residence on a developed lot. Of note, a 2.9-acre GR-1 to CR-3 rezoning request (Co9-13-03) adjacent to the subject property was denied by the Board of Supervisors on January 14, 2014. The site of this rezoning serves as the proposed eastern road access to Twin Lakes Drive for the subject rezoning site as shown on the approved preliminary development plan (attached). The rezoning was proposed to add 10 residential units to the overall development project that includes the subject property.

Denial of the time extension will cause the site to revert to unrestricted SR zoning. SR zoning, which provides predominantly low density housing and certain other uses, would not comply with the site's MIU plan designation portion which requires a minimum of five residences per acre for residential development. Closure of the rezoning would not preclude the possibility of a future CR-3 and CR-4 rezoning.

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

North: SH (Suburban Homestead) & GR-1 (Rural Residential) / Residential  
 South: GR-1 & TR (Transitional) / Undeveloped  
 East: GR-1 & SH / Residential & Undeveloped  
 West: GR-1 & TR / Residential & Undeveloped & Shopping Center (near)  
 Southeast: TR / Apartments

The TR zoned property to the east and west is conditionally approved for an 80-unit assisted living facility under rezoning case Co9-99-06. The property is owned by the owners of the subject property.



<b>CONCURRENCY CONSIDERATIONS</b>		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	
TRANSPORTATION	Yes	Subject to condition for off-site improvements as necessary.
FLOOD CONTROL	Yes	
WASTEWATER	Yes	Subject to conditions for construction of on- and off-site sewers as necessary.
PARKS AND RECREATION	N/A	
WATER	No response	
SCHOOLS	No response	
AIR QUALITY	Yes	

**TRANSPORTATION REPORT**

The Department of Transportation has no objection to this request. No changes to the rezoning conditions are requested at this time. All major roadways in proximity to this site are still operating below traffic capacity. Access to the site is via parking and access lanes. Primary access will be off a proposed private street with access on to Twin Lakes Drive. No additional right-of-way will be necessary for Twin Lakes Drive. Since the approval of this rezoning, improvements have been made to Oracle Road including additional travel lanes and pedestrian and landscape enhancements. The proposed residential uses will generate between 750 - 800 average daily trips.

**FLOOD CONTROL REPORT**

The existing conditions related to flood control are not necessary and may be removed although retaining them is okay as well. Since the time of the original rezoning, a policy regarding water conservation has been adopted. The following condition is recommended:

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

**WASTEWATER RECLAMATION REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the 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 Canada del Oro Interceptor. The existing public sewer consists of an 8-inch sewer line G-2002-117 located in Golder Ranch Drive. Installation of public sanitary sewer line within the Golder Ranch Drive right-of-way is required to service this development.

The PCRWRD has no objection to the referenced request for a five-year time of the rezoning. The existing wastewater conditions in rezoning Ordinance 2011-35 adopted on August 7, 2012 by the Board of Supervisors do not require any revision.

**NATURAL RESOURCES, PARKS AND RECREATION REPORT**

Natural Resources, Parks and Recreation staff have no objection to this request.

**CULTURAL RESOURCES REPORT**

Office of Sustainability and Conservation (OSC) has reviewed the time extension request and has no objection subject to existing conditions #11A-C pertaining to cultural resources requirements.

**WATER DISTRICT REPORT**

To date, no comments have been received from Lago del Oro Water Company.

**SCHOOL DISTRICT REPORT:**

To date, no comments have been received from Amphitheater Unified School District.

**FIRE DISTRICT REPORT**

To date, no comments have been received from Golder Ranch Fire District.

**U.S. FISH & WILDLIFE SERVICE REPORT**

To date, no comments have been received from the USFWS.

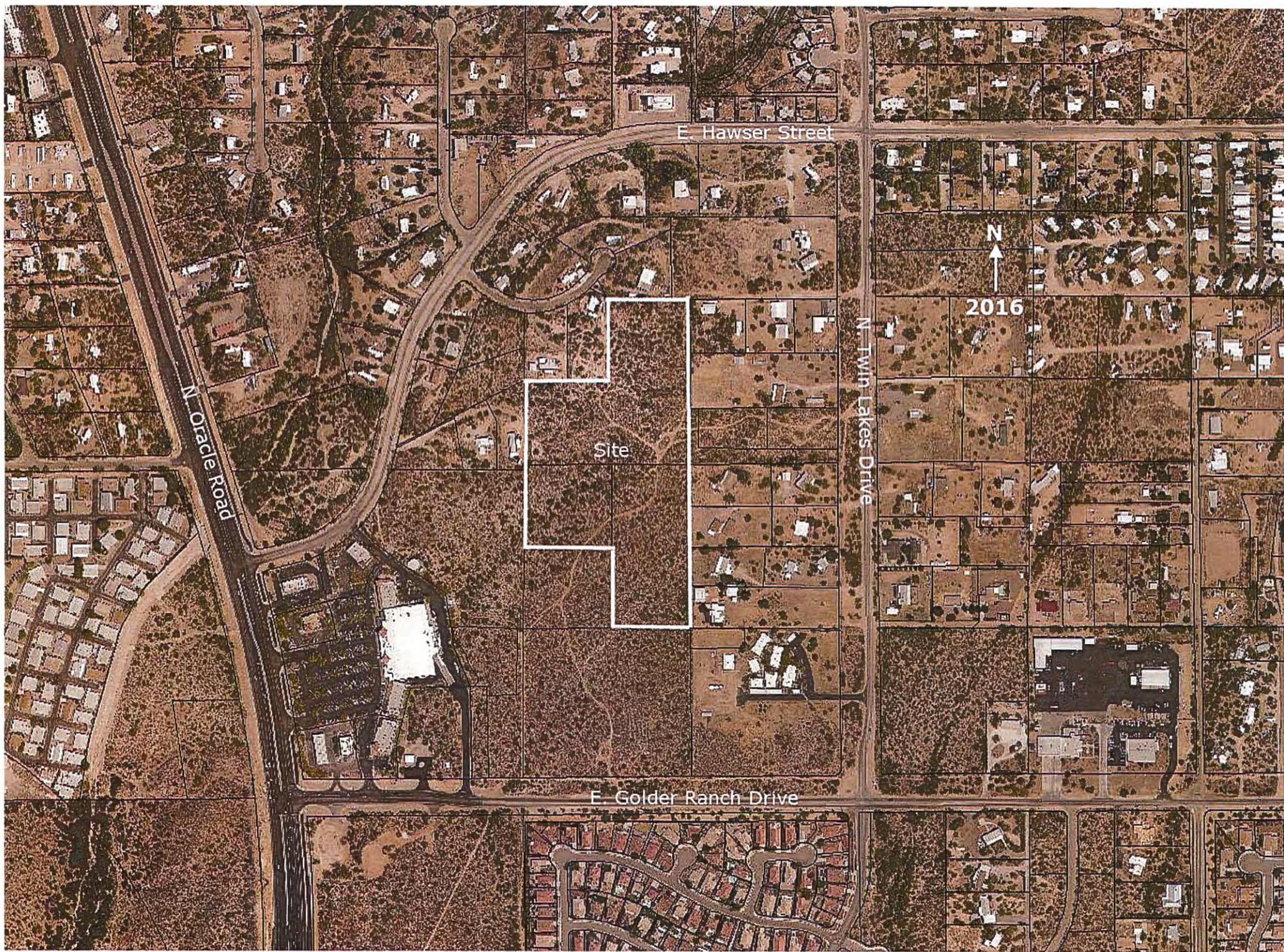
**PUBLIC COMMENT**

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

TD/DP/ar  
Attachments

cc: Vistoso Catalina, LP, P.O. Box 43938, Tucson, AZ 85733  
Floerchinger Sadler Steel Baker, Inc., Attn: Martin Floerchinger, Architect  
P.O. Box 69955, Tucson, AZ 85737  
Tom Drzazgowski, Principal Planner  
Co9-07-24 File







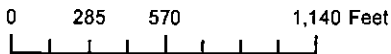
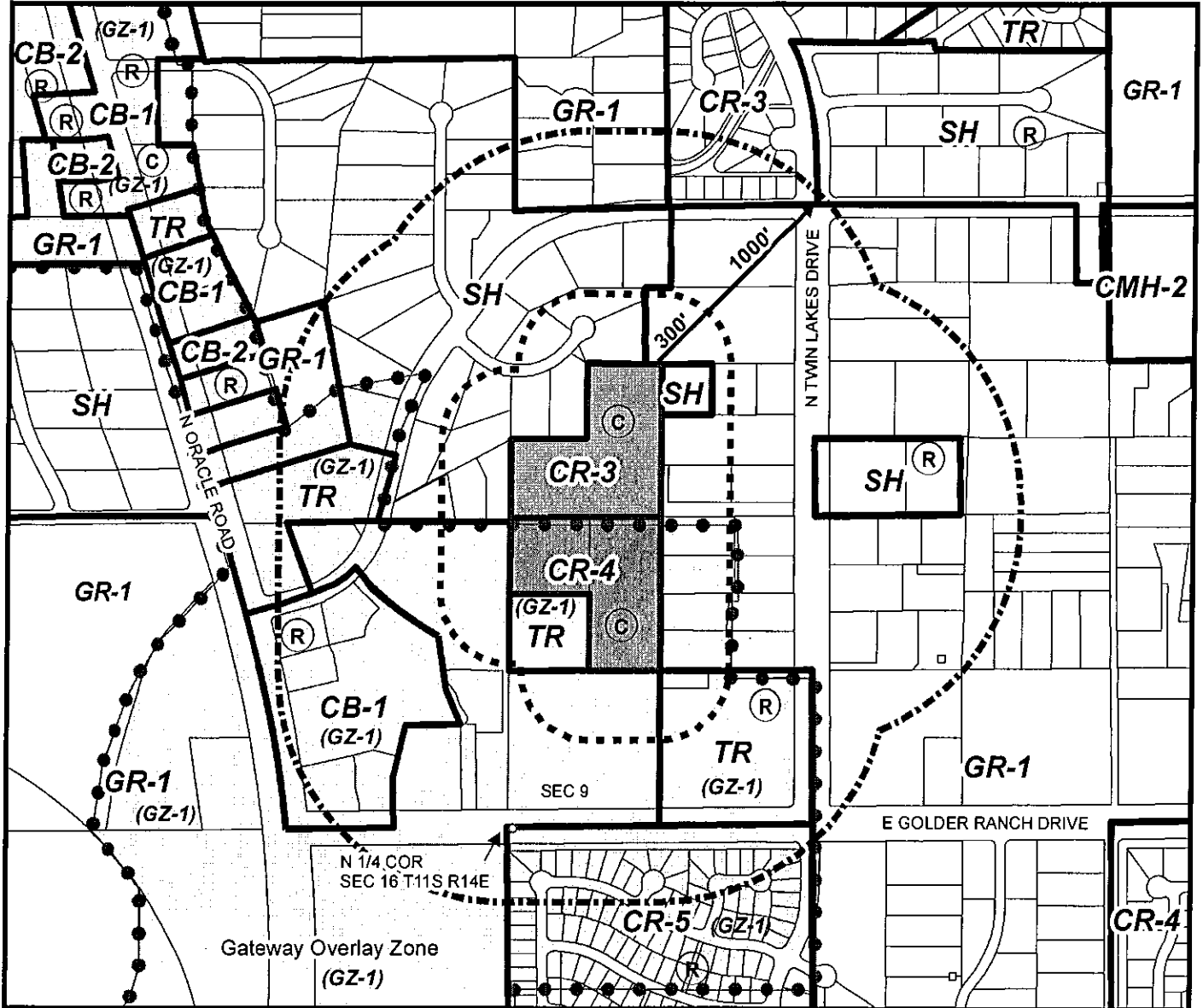


Case #: Co9-07-24

Case Name: ARBER LLC - TWIN LAKES DRIVE REZONING

Tax Code(s): 222-22-015A, 222-22-0160 & 222-22-017B (Portion)

-  Subject Property
-  Gateway Overlay Zone (GZ-1)



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

Notes: **Rezoning Time Extension**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 6/20/17 (scheduled)

Base Map(s): 432

Map Scale: 1:8,000

Map Date: 5/22/2017 - ds



# EXHIBIT B

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

**BUILDING DATA**  
 34' BLDG HEIGHT  
 BLDG-1: 19 UNITS  
 BLDG-2: 11 UNITS  
 BLDG-3: 9 UNITS  
 BLDG-4: 10 UNITS  
 BLDG-5: 12 UNITS  
 BLDG-6: 14 UNITS  
 BLDG-7: 12 UNITS  
 BLDG-8: 14 UNITS  
 BLDG-9: 12 UNITS  
 BLDG-10: 14 UNITS  
 BLDG-11: 5 UNITS  
 TOTAL: 128 UNITS

MAXIMUM RESIDENTIAL DENSITY IS: 8.41  
 COMMUNITY CENTER  
 34' BLDG HEIGHT

**PARKING DATA**  
 GARAGE: 46 SPACES  
 CARPORT: 66 SPACES  
 OPEN: 128 SPACES

ALL LANDSCAPING SHALL BE DROUGHT RESISTANT LOWWATER USING PLANTS

**COMMUNITY PARK - 1**  
 Common Area - C  
 22,589 sq ft  
 Community Center  
 With exercise room,  
 tables, coffee,  
 meeting room, pool,  
 bike pool, tennis,  
 basketball and mini  
 gymnasium center

screenwall

screenwall

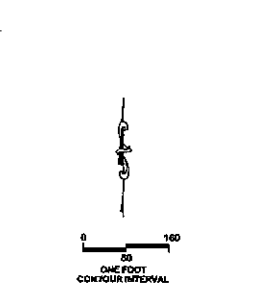
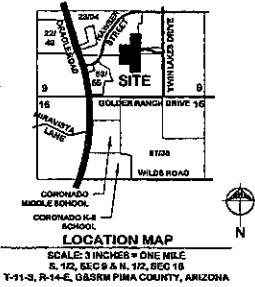
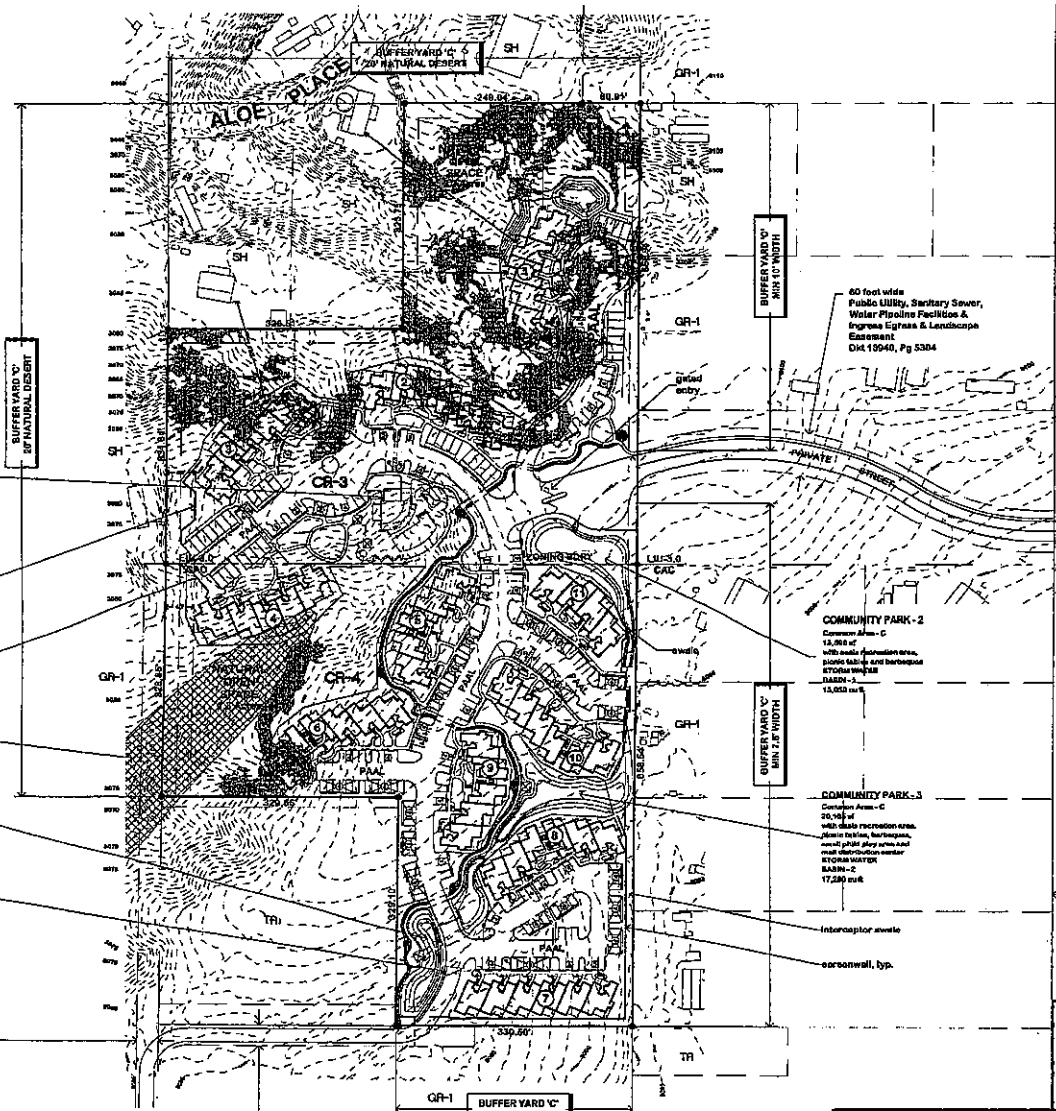
Regulated Riparian Habitat

**COMMUNITY PARK - 4**  
 Common Area - C  
 8,075 sq ft  
 with table recreation area,  
 shade structure and bar/terrace  
 87 GPM WATER  
 8,520 sq ft

emergency access gate

30 ft wide  
 Egress/Escort Easement  
 Det 3554, Pg 27  
 Proposed Use: Connecting  
 with Older Ranch Road  
 Emergency Access  
 Pedestrian Access  
 Public Water  
 Municipality

30 ft wide  
 Public Utility,  
 Sanitary Sewer,  
 Water Pipeline Facilities &  
 Ingress Egress & Landscape  
 Easement  
 Sequence 20110540671



- LEGEND**
- 10%+ SLOPE
  - EXERCISE NODE w/BENCH SEATING, 6 LOCATIONS
  - WALKWAY MAIN PATHWAY HIGHLIGHTED WALKWAY EXTENDS TO ALL UNITS AND PAAL AREAS
  - OPEN PARKING 128 SPACES PROVIDED
  - GARAGE PARKING 46 SPACES PROVIDED
  - CARPORT PARKING 66 SPACES PROVIDED

Floerichinger • Sadler • Steele • Baker  
 INCORPORATED  
 architecture • civil engineering • planning  
 P.O. Box 63955, Tucson, Arizona 85777 (520) 628-4144  
 5200 East Shea Boulevard, Scottsdale, Arizona 85254  
 COMMERCIAL, CIVIL & ENVIRONMENTAL ENGINEERING, ARCHITECTURE, PLANNING & INTERIOR DESIGN  
 2004 National Green Building Award for GreenSource, Inc. (2004) GreenSource, Inc. (2004)  
 2004 National Green Building Award for GreenSource, Inc. (2004) GreenSource, Inc. (2004)



**OWNER:**  
 VISTOSO CATALINA LIMITED PARTNERSHIP  
 P.O. BOX 43838  
 TUCSON, ARIZONA 85735  
 (520)822-6050

**DEVELOPER:**  
 VISTOSO CATALINA LIMITED PARTNERSHIP  
 P.O. BOX 48838  
 TUCSON, ARIZONA 85735  
 (520)822-6050

**PRELIMINARY DEVELOPMENT PLAN**  
 VILLAGE AT VISTOSO CATALINA  
 CONDOMINIUM UNITS 1-128 &  
 COMMON AREA 'A' (NATURAL OPEN SPACE),  
 COMMON AREA 'B' (STREET) &  
 COMMON AREA 'C' (RECREATION)  
 LOCATED IN THE WEST ONE HALF OF SECTION 9  
 T-11-S, R-14-E, Q45RM, PINA COUNTY, ARIZONA

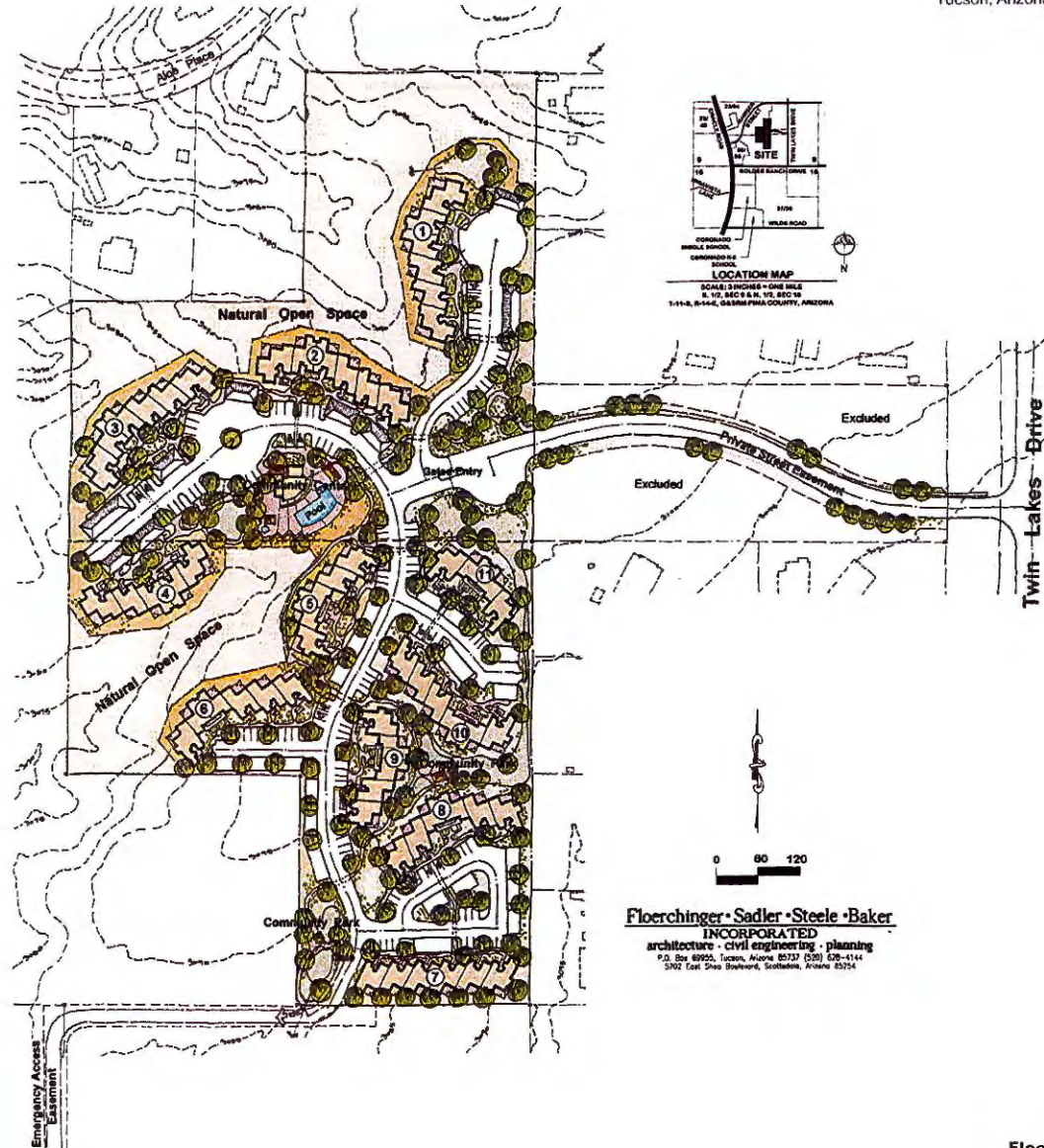
NOV, 2011  
 F89B JOB NO 21005  
 CO9-07-024  
 Sheet 1 of 1

APPROVED AT PUBLIC HEARING  
 4/17/12

M.J. Baker, F558, INC. 2/22/2012 1:11:11 AM 1 Building

**Village at Vistoso Catalina**  
Tucson, Arizona FSSB 21005

**INTRODUCTION**  
Illustrative Plan



**Floerchinger • Sadler • Steele • Baker**  
INCORPORATED  
architecture • civil engineering • planning  
P.O. Box 69925, Tucson, Arizona 85727 (520) 526-4144  
3102 East Shea Boulevard, Scottsdale, Arizona 85254

Floerchinger Sadler Steele Baker

**Floerchinger · Sadler · Steele · Baker**

INCORPORATED

architecture · civil engineering · planning

David Petersen  
Thomas Drzazgowski  
Pima County Development Services  
201 North Stone Ave.  
Tucson, Arizona 85701

March 20, 2017

RE: **REQUEST FOR REZONING TIME EXTENSION**  
Co9-07-24 ARBER LLC – Twin Lakes Rezoning

*P17SA-00005*

On behalf of our client, Vistoso Catalina LP, we are hereby applying for a five year time extension for this rezoning per Pima County Zoning Code 18.91.100C. The conditional approval for the above referenced rezoning will expire on April 17, 2017.

Since the time of the rezoning approval severe economic conditions have delayed the development of this property. During this time period progress has been made toward the solidification of ingress/egress access and utility agreements.

Current mailing address: Vistoso Catalina LP  
P.O. Box 43938  
Tucson, Arizona 85733

Current Tax Code Numbers: 222-22-015A, 222-22-0160 and 222-22-17B

Acreage of the conditionally approved zoning: 14.981 acres.

**Applicable Time Extension Fee**

Per Table 1 of the Development Services Department Fees, attached is a check in the amount of \$4,726.75 payable to Pima County Treasurer.

**Proof and Disclosure of Current Ownership**

Attached are the current Pima County Assessor documents for this property. Property ownership is stated as Vistoso Catalina LP. The general partners of which are Michael Byrne and Alberto Moore. No change has occurred in the ownership of this property since the time of the conditional zoning approval.



Pima County Development Services  
March 20, 2017  
Page 2

**Letter of Authorization**

Attached is the standard Pima County Letter of Authorization with original signatures.

**Biological Impact Statement**

A review letter for the original Co9-07-24 Rezoning Site Analysis prepared by Novak Environmental Services is attached.

Please contact me if you have any questions regarding this application or require additional information.

Thank you,

**Floerchinger Sadler Steele Baker, Inc.**



Martin Floerchinger, Architect



**Novak Environmental, Inc.**

4574 North First Avenue

Suite 100

Phone 520.206.0591

Fax 520.882.3006



March 14, 2017

Pima County Development Services  
201 N. Stone Ave  
Tucson, AZ 85701

Subject: Arber LLC - Twin Lakes Rezoning Co9-07-24  
Site Analysis – Update re: Federally Listed Endangered Species

To Whom It May Concern:

I have reviewed for the Twin Lakes Rezoning Site Analysis dated June 27, 2011 by NE, Inc. as part of the rezoning case Co9-07-24 and find no significant differences in the site today as presented in our previous report.

A review of the most recent (2016) aerial photos from Pima County Mapguide confirms that the status of the property has changed very little since 2011.

There have been no changes to any federally threatened or endangered species listings that would be applicable to this property since the 2011 report.

Please let me know if you need more information.

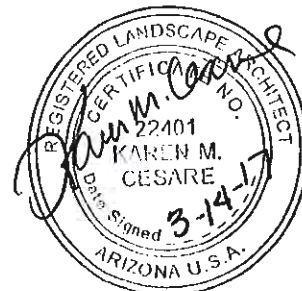
Sincerely,

A handwritten signature in black ink that reads 'Karen Cesare'.

Karen Cesare, RLA

President

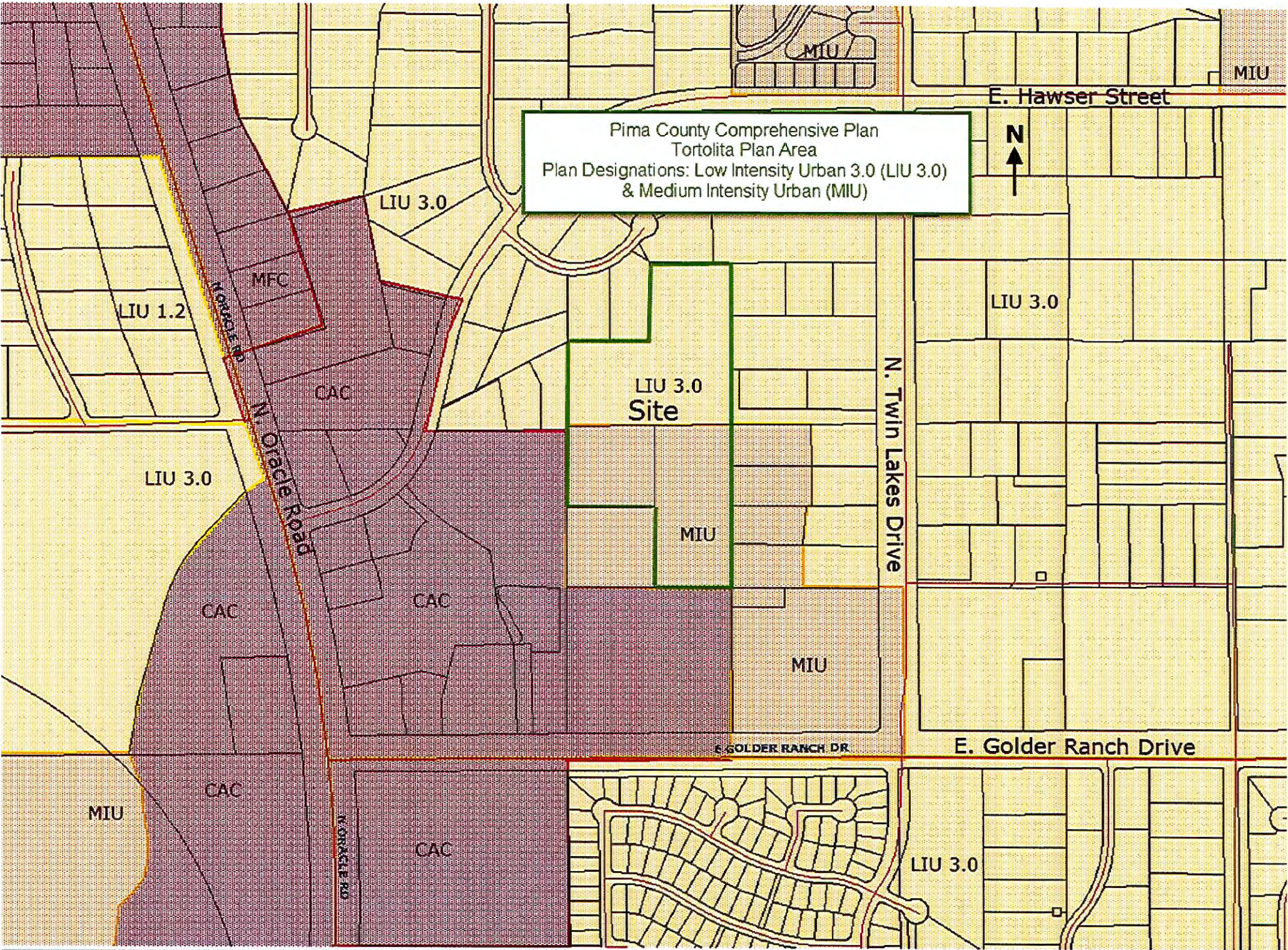
Novak Environmental, Inc.



EXPIRES 9-30-18



Pima County Comprehensive Plan  
Tortolita Plan Area  
Plan Designations: Low Intensity Urban 3.0 (LIU 3.0)  
& Medium Intensity Urban (MIU)





## 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.

## 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.

F. ANN RODRIGUEZ, RECORDER  
Recorded By: LD  
DEPUTY RECORDER  
41

P0230  
PIMA CO CLERK OF THE BOARD  
PICKUP



SEQUENCE: 20122270624  
NO. PAGES: 8  
ORDIN 08/14/2012 18:00  
PICK UP  
AMOUNT PAID: \$0.00

ORDINANCE 2012- 35

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODES 222-22-015A, 222-22-0160, AND 222-22-0170) OF APPROXIMATELY 7.50 ACRES FROM GR-1 (RURAL RESIDENTIAL) AND APPROXIMATELY 7.50 ACRES FROM GR-1 (GZ) (GATEWAY OVERLAY ZONE) TO APPROXIMATELY 7.50 ACRES CR-3 (SINGLE RESIDENCE) (CLUSTER DEVELOPMENT OPTION), AND APPROXIMATELY 7.50 ACRES CR-4 (GZ) (MIXED DWELLING TYPE) **IN CASE Co9-07-24 ARBER LLC – TWIN LAKES DRIVE REZONING;** LOCATED ON THE WEST SIDE OF TWIN LAKES DRIVE, APPRXIMATELY 1/2-MILE NORTH OF GOLDER RANCH DRIVE (CATALINA), AMENDING PIMA COUNTY ZONING MAP NO 432.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**Section 1.** The approximately 15.00 acres, located on the west side of Twin Lakes Drive, approximately ½-mile north of Golder Ranch Drive, illustrated by the shaded area on the attached rezoning ordinance map (EXHIBIT A), which amends Pima County Zoning Map No 432 is hereby rezoned from 7.50 acres from GR-1 (Rural Residential) and approximately 7.50 acres from GR-1 (GZ) (Gateway Overlay Zone) to approximately 7.50 acres CR-3 (Single Residence) (Cluster Development Option), and approximately 7.50 acres CR-4 (GZ) (Mixed Dwelling Type).

**Section 2. Rezoning Conditions.**

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

2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:  
The property owner(s) / developers(s) shall provide offsite improvements to Twin Lakes Road as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
  - A. The property owner(s) / developers(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
  - B. The property owner(s) / developers(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
  - C. All-weather access shall be provided to all lots to meet concurrency requirements.
  - D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.
9. Wastewater Reclamation conditions:
  - A. The property owner(s) / developers(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner / developer to that effect.
  - B. The property owner(s) / developers(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning

area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner / developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.

C. The property owner(s) / developers(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.

D. The property owner(s) / developers(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

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

F. The property owner(s) / developers(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

10. Environmental Quality condition

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

11. Cultural Resources conditions:

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



B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.

C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Natural Resources, Parks and Recreation condition:

The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be determined at time of platting.

13. Environmental Planning condition:

Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

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

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

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

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

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

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

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

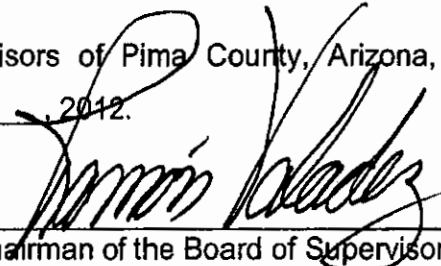
16. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
17. The owner(s) / developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
18. 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 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)."
19. Adherence to the preliminary development plan as approved at public hearing EXHIBIT B).
20. A. The western end units of buildings along the west property line shall be limited to one story. B. There shall be a forty-foot bufferyard along the west property line. C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

### **Section 3. Time limits, extensions and amendments of conditions.**

1. Conditions 1 through 20 shall be completed by April 17, 2017.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 20 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

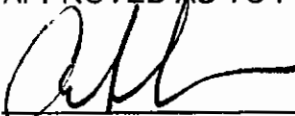
**Section 4.** The effective date of this Ordinance shall be on the date of the signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this  
7th day of August, 2012.

  
\_\_\_\_\_  
Chairman of the Board of Supervisors  
**AUG 07 2012**

ATTEST:   
  
\_\_\_\_\_  
Clerk, Board of Supervisors

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney  
**ANDREW FLAGG**

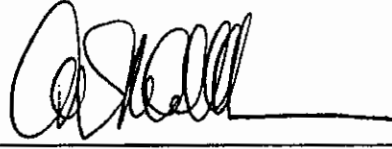
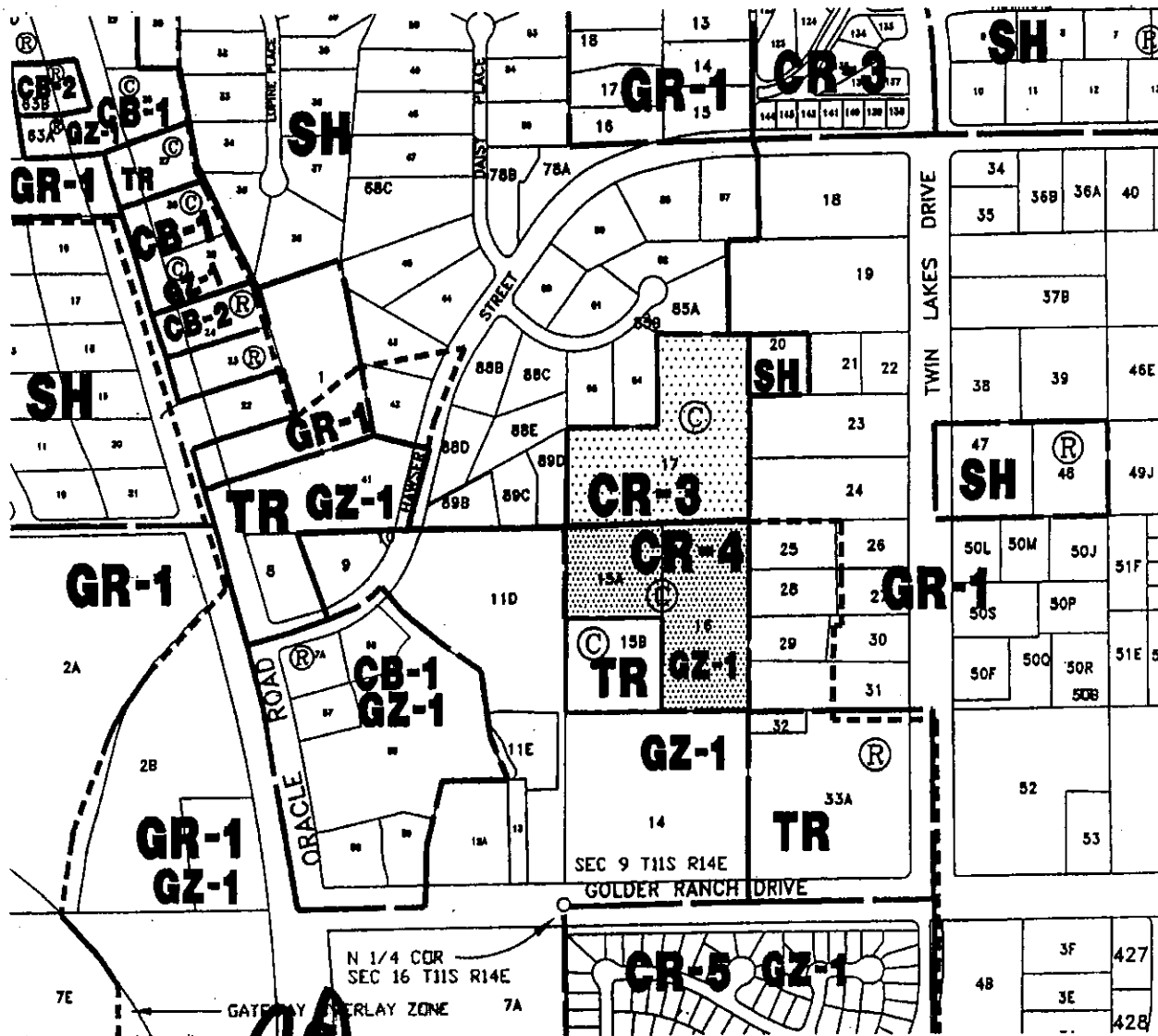
  
\_\_\_\_\_  
Executive Secretary,  
Planning and Zoning Commission

EXHIBIT A

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



ADOPTED August 7, 2012 EFFECTIVE August 7, 2012



PLC 0812PM1252 P000X1-F-80

*[Handwritten signature]*

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

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

CO9-07-24  
222-22-015A,  
222-22-0160 &  
222-22-0170



# Original Rezoning Approval Co9-07-24

## BOS Minutes 4-17-12

Arlan Colton, Planning Director, briefed the Board and stated that staff had received four letters expressing concern or opposition to the site. He acknowledged that the property was affected by the Conservation Land System (CLS) and the applicant had agreed to comply with the CLS. He added that the Green Valley Coordinating Council supported the project.

Mark Reddie, LVA Urban Design Studio, briefed the Board on the project and stated that the applicant agreed with the recommendations of staff.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-11-01, subject to rezoning policies.

### 12. DEVELOPMENT SERVICES: REZONING WITH CLUSTER OPTION

#### Co9-07-24, ARBER L.L.C. – TWIN LAKES DRIVE REZONING WITH CLUSTER OPTION

Request of Vistoso Limited Partnership represented by Fleorchinger, Sadler, Steele, Baker, Inc., for a rezoning of approximately 7.50 acres from GR-1 (Rural Residential) and approximately 7.50 acres from GR-1 (GZ) (Gateway Overlay Zone) to approximately 7.50 acres CR-3 (Single Residence) (Cluster Development Option), and approximately 7.50 acres CR-4 (GZ) (Mixed Dwelling Type), on property located on the west side of Twin Lakes Drive, approximately 1/2 mile north of Golder Ranch Drive in the Catalina area. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Holdridge and Membrilla voting "NAY," Commissioners Poulos and Neely were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation condition:  
The property owner(s)/developer(s) shall provide offsite improvements to Twin Lakes Road as determined necessary by the Pima County Department of Transportation.
8. Flood Control conditions:
  - A. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.

- B. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
  - C. All-weather access shall be provided to all lots to meet concurrency requirements.
  - D. Disturbance of greater than 1/3 of an acre of Regulated Riparian Habitat shall require a Riparian Habitat Mitigation Plan.
9. Wastewater Reclamation conditions:
- A. The property owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
  - B. The property owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
  - C. The property owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
  - D. The property owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
  - E. The property owner(s)/developer(s) shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
  - F. The property owner(s)/developer(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality condition:  
As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
  - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.



12. Natural Resources, Parks and Recreation condition:  
The project shall use section II-O Recreation and Trails from the site analysis as a guideline for development of the recreation facilities. A final determination of recreation facilities shall be determined at time of platting.
13. Environmental Planning condition:  
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
14. The property owner/developer shall provide documentation at the time of final plat review that there is legal and adequate access for the project.
15. The development shall conform to the sustainable, solar and water harvesting design features described in the site analysis in Section II-R (Other) on page 113. These include:
  - A. Proposed development will include solar water heating of the pool and spa and photovoltaic lighting of selected walkway paths.
  - B. Photovoltaic on-grid power generation will be provided for the Community Center building to partially offset pool filtration, air conditioning and lighting power demand.
  - C. Each residential unit shall have a solar assisted domestic water heating system.
  - D. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
  - E. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
16. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
17. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
18. 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 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)."
19. Adherence to the preliminary development plan as approved at public hearing.
20. A. The western end units of buildings along the west property line shall be limited to one story.  
B. There shall be a forty-foot bufferyard along the west property line.  
C. Opaque screen walls shall be prohibited in areas adjacent to natural open space.

Arlan Colton, Planning Director, briefed the Board on the proposed project. He explained that the project had to go through the Design Review Committee because of the cluster and gateway, and that they supported the project. He stated that the project was located outside of the Conservation Land System. The Planning and Zoning Commission recommended the addition of Condition No. 20. Staff had received a total of 11 protests but only 3 were within 300 feet so a supermajority was not required.

Supervisor Elías inquired about the nature of the complaints.

Mr. Colton responded the main concerns were traffic noise, additional population in the area, future sales of currently owned property, privacy and safety.

The following speakers addressed the Board:

- Art Evans
- Martin Floershtinger, Fleorchinger, Sadler, Steele, Baker, Inc., representing the developer

They provided the following comments:

- Support was expressed for the proposal and the Board was asked to approve the rezoning request.
- The project proposal is a good use of the piece of land and is well situated in Catalina.
- There is about 70% open space in the design which are the areas of substantial vegetation and drainage.
- A lot of community amenities were built into the project.
- The developer had worked closely with the neighbors to address their concerns.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Elías was not present for the vote, to close the public hearing and approve Co9-07-24, with standard and special conditions.

13. **DEVELOPMENT SERVICES: ZONING CODE TEXT/FEE AMENDMENT**

Co8-12-01, GUEST HOUSE AND DWELLING UNIT KITCHENS TEXT AMENDMENT

An ordinance amending the Pima County Zoning Code, Title 18, Section 18.03.020 to revise the definition of a guest house and dwelling unit as it relates to kitchens, and amend Section 18.09.020 to relax the kitchen regulations in a guest house and secondary dwelling, to decrease the minimum distance between a guest house and a main dwelling and to repeal the subsection related to temporary kitchens. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 22