



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 01/19/2016

Title: P15RZ00001 Lawrence C. Lueng, Inc - N. Thornydale Road Rezoning

Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) (5 acres) and CR-5 (Multiple Residence) (13.01 acres) for residential infill development of a 36-lot single-family residential subdivision on 18.01 acres.

Discussion:

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

Conclusion:

Requested rezoning conforms to the Comprehensive Plan; rezoning on site would allow subdivision development similar to most of the residential density and zoning of surrounding neighborhoods with buffer provision to the equivalent densities of the adjacent properties to the east and south.

Recommendation:

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

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 724-9000

Department Director Signature/Date:

C. S. M... 12/22/2015

Deputy County Administrator Signature/Date:

John L. ... 12/30/15

County Administrator Signature/Date:

C. D. ... 12/31/15



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District #1
FROM: Arlan M. Colton, Planning Director
DATE: December 28, 2015
SUBJECT: P15RZ00001 LAWRENCE C. LUENG, INC – N. THORNYDALE ROAD
REZONING

A handwritten signature in black ink, appearing to read "A. Colton", written over the "FROM:" line.

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

REQUEST: A rezoning of approximately 18.01 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed-Dwelling Type) (5 acres) and CR-5 (Multiple Residence)(13.01 acres) zone, on property located at the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard.

OWNER: Lawrence C. Lueng, Inc.
Attn: Red Point Development
8710 N. Thornydale Road, Ste. 120
Tucson, AZ 85742-5032

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

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of December 28, 2015, staff has received two written comments in opposition to the rezoning citing concerns with traffic capacity of area roads, impacts to views, and destruction of the natural vegetation including three night blooming cereus.

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

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) classified as Important Riparian Area, Multiple Use Management Area, and Special Species Management Area.

CP/TT/ar
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P15RZ00001

Page 1 of 6

FOR JANUARY 19, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Arlan M. Colton, Planning Director
Public Works-Development Services Department-Planning Division
DATE: December 28, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P15RZ0001 **LAWRENCE C. LUENG, INC – N. THORNYDALE ROAD REZONING**
Request of Lawrence C. Lueng, Inc represented by Projects International, Inc for a rezoning of approximately 18.01 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed Dwelling Type) (5 acres) and CR-5 (Multiple Residence)(13.01 acres) zone, on property located at the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Neighborhood Activity Center (5 acres) and Medium Intensity Urban (13.01 acres). On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Cook and Peabody were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

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

Staff presented information from the staff report to the commission with a recommendation of approval with conditions and with an amendment to rezoning condition #4C.

The applicant's representative spoke. He presented additional information for the proposed development and described the on-site and off-site compliance with the MMBCLS. He described the comprehensive plan designation of the Neighborhood Activity Center (NAC) and the lower intensity use proposed as residential rather than the commercial uses allowed under the NAC. He discussed the allowable higher densities allowed under both the subject property's comprehensive plan land use designations of NAC and MIU (Medium Intensity Urban) and the desire to maintain a density similar to the surrounding developments and the constraints related to the CLS.

A commissioner asked if the proposed development would contain both one and two-story houses. The applicant's representative said that it was the intent to build both one and two-story homes driven by market demand.

The commissioner asked about the size of the lots adjacent to the subject property to the east. The representative indicated that the lots adjacent to the subject property are equivalent to the size of the proposed lots which are around 6,300 square feet. The commissioner asked for a demonstration of 50 feet to understand the width of the proposed natural bufferyard to the properties to the east. The representative stated it would be approximately the full length of the board room to the outside edge of the porch and that the homeowner's association will maintain the common areas and bufferyards.

Speaker #1 indicated that he lives south of the subject property and stated opposition to the design of the rezoning. He stated he cleaned and cared for the parcel of land over the years and has concerns about the impact to the javelina and the night blooming cereus. He stated he has safety concerns with the javelina getting into the streets or biting of school children.

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

A commissioner asked the speaker whether or not the minimum of preservation was adequate, questioning why the developer did not choose to give additional acreage over and above the CLS conservation guidelines. The speaker said that she was concerned about the full compliance of the CLS but that the applicant will be giving a combination of the on-site and off-site natural open space to attain the full amount of required CLS.

Speaker #3 stated her opposition to the rezoning. She has concerns regarding the NAC designation that will not contain commercial uses, whether or not the detention basins will be located to the south of the property, and whether or not Freer Drive will be developed. The representative addressed the speaker stating that they did not intend to have commercial uses, that the detention areas are not located to the south or in natural areas, and that the Freer Drive easement will not be built.

The applicant's representative indicated that the minimum of CLS is a very large amount of land and that the challenge of breaking down the four comprehensive plan amendments that worked together into useful, understandable numbers for each individual parcel ensures that the CLS compliance will be obtained.

A commissioner discussed the rich native plant properties of the subject property. The representative indicated that the existing resources will be managed by adding on-site and transplanted amenity landscaping to the bufferyards and streetscape areas and areas that can be enhanced or enriched by the on-site resources.

The public hearing was closed.

Commissioner Neeley made a motion to **APPROVE** the rezoning subject to standard and special conditions with amended condition #4C as presented.

Commissioner Matter gave second to the motion.

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

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Transportation conditions:
 - A. The property owner/developer shall dedicate 45 feet of right-of-way for Thornydale Road.
 - B. The property is limited to 2 access points, one on Thornydale Road and one on Linda Vista Boulevard, as depicted on the preliminary development plan.
4. Regional Flood Control District conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. ~~FEMA Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided; however, boundary modifications are permitted.~~
 - C. The following shall be contained in permanently identified natural open space through easement or dedication and be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat.
 - 1) Post-development FEMA and developer mapped floodplains.
 - 2) Pima County Regulated Riparian Habitat. Boundary modifications may be made to accurately map the existing habitat. Nominal disturbance of riparian habitat is acceptable.

- D. 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 at the time of development.
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 complete the construction of all necessary public and/or private regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning conditions:
- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 33 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site; the difference between the total 33 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:
 - 1) The site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site NOS;
 - 2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
 - 3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

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

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

- 7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- 8. Adherence to the preliminary development plan as approved at public hearing.

9. 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.

10. 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)."

CP/TT/ar
Attachments

c: Lawrence C. Lueng, Inc., Attn: Red Point Development, 8710 N. Thornydale Road, Ste. 120
Tucson, AZ 85742-5032
Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane
Tucson, AZ 85749-9460
Chris Poirier, Assistant Planning Director
P15RZ00001 File

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

HEARING November 25, 2015

DISTRICT 1

CASE P15RZ00001 Lawrence C. Lueng, Inc - N. Thornydale Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type)(5 acres) and CR-5 (Multiple Residence) (13.01 acres) Zone

OWNER Lawrence C. Lueng, Inc.
Attn: Red Point Development
8710 N. Thornydale Rd., Ste 120
Tucson, AZ 85742

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



APPLICANT'S PROPOSED USE

The 18.01-acre site will be developed as a 36-lot, single-family residential subdivision.

APPLICANT'S STATED REASON

"The proposed rezoning is an infill development that fits well within its surrounding, urbanizing context and will make efficient use of the existing network of public and utility infrastructure that exists."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-4 (Mixed Dwelling Type) on approximately 5 acres and CR-5 (Multiple Residence) zone on 13.01 acres for a 36-lot residential subdivision with 8 acres of on-site natural open space and 25 acres of off-site natural open space to meet the rezoning policies of the comprehensive plan amendment and the Maeveen Marie Behan Conservation Lands System. The site is an infill project and consistent with the density of the nearby and surrounding neighborhoods. A path will be provided through the on-site natural open space to create additional connectivity opportunities for the local neighborhoods to services and safe paths to school.

COMPREHENSIVE PLAN

A plan amendment from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity Center (NAC) for approximately 5 acres and Medium Intensity Urban (MIU) for approximately 13.01 acres was approved for by the Board of Supervisor's in 2014 by case Co7-13-03. Rezoning Policy 134 was established within the approved plan amendment and is listed below:

- A. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
- B. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
- C. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.
- D. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
 - the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
 - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
 - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
 - the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

The Comprehensive Plan Update, Pima Prospers, did not change the planned land use designations of the site but both the former NAC and MIU designation and the existing NAC and MIU under Pima Prospers differs slightly. This rezoning application was received prior to the approval of Pima Prospers, therefore, the approved comprehensive plan land use designation by case Co7-13-03 applies. The rezoning application is in conformance with the approved comprehensive planned land use plan in case Co7-13-03. For comparison, the following table demonstrates the resultant changes of the comprehensive plan update.

Pima Prospers Changes to the Map Legend (Land Use Designations)

Designation	Proposed Change	Reason for Change	Existing Density Range	Proposed Density Range	Zone Change
NAC Neighborhood Activity Center	Retain designation; add minimum & extend maximum density; delete list of zones for which rezoning requests have to comply. Generally less than 25 acres.	New minimum RAC of 5 RAC may help preclude lower-density residential uses from consuming some planned activity centers.	0-10 RAC For TDRs - 3-5 RAC	5-12 RAC For TDRs - 5-8 RAC	Delete CR-2 thru 4, TR, CMH-1, CMH-2, RVC, CB-1, CB-2
MIU Medium Intensity Urban	Retain designation; add minimum & extend maximum density; delete list of zones for which rezoning requests have to comply.	Non-residential transitional uses are now more appropriate bundled with higher-density residential development above new 5 RAC minimum.	0-10 RAC For TDRs - 3-5 RAC	5-13 RAC For TDRs - 5-10 RAC	Delete GC, CR-1 thru 5, SH, CMH-1, CMH-2, MR, TR

The objective of the NAC land use designation is to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs without attracting vehicle trips from outside the immediate service area. Neighborhood Activity Centers may include a mix of medium density housing types and commercial uses, but do not require a commercial component. The applicant has provided a connectivity path through the on-site natural open space to accommodate one of the objectives of the NAC land use designation providing access to convenience goods and services. The density within the NAC designation portion of the site is .45 residences per acre and conforms to the land use designation which allows a maximum of 10 residences per acre.

The objective of the MIU land use designation is to provide a variety of residential type developments with attention to site design to assure compatibility with adjacent lower density residential uses. The proposed density within the MIU land use designation is .52 residences per acre which conforms to the land use designation MIU that allows a maximum of 10 residences per acre and is compatible with the surrounding densities.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Undeveloped Residential
South:	CR-5	Developed Residential Subdivision
East:	TR	Developed Residential Subdivision
West:	SR	Mountain View High School

Located at the northwest corner of Linda Vista Boulevard and Thornydale, is the nearest bank, retail, grocery and shopping center providing local neighborhood services. Recreational opportunities exist within the Arthur Pack Regional Park which is west and south of Mountain View High School and southwest of the subject property on the west side of Thornydale Road. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trails.

PREVIOUS REZONING CASES ON PROPERTY

A previous rezoning was requested in 1992 for CB-1 zoning and was closed due to the fact that no action was taken within the four-month time limit in by the zoning code in affect at that time.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case Co9-15-02 - Briar Rose Lane for SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) was approved by the Board of Supervisors October 15, 2015.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, CR-5, and TR (Transitional) with resultant single-family subdivision lot development despite some instances of original rezoning approvals for attached townhome and condominium style development. There has also been a number of lower density CR-1 (Single Residence) rezonings in the general area as shown by acre-sized parcels.

Rezonings resulting in commercial service and apartment development have also occurred, including a shopping center and apartments at and near the northwest corner of Thornydale Road and Linda Vista Boulevard and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) classified as Important Riparian Area, Multiple Use Management Area, and Special Species Management Area. The policies of the comprehensive plan amendment address the MMBCLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided within this project totals 7.6 acres or 42% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining difference and be calculated during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, public recreational opportunities, public school, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area.

The property is relatively flat, is mostly undisturbed and is traversed by several washes. The limitations of the site arise from the MMBCLS designations and riparian areas around the

washes. The vegetative qualities of the property contain relatively dense populations of saguaros and ironwood trees. Seventy percent of the ironwood trees and thirty-one percent of saguaros will be preserved in place in the on-site natural open space. Much of the salvaged vegetation from on-site will be incorporated into the proposed bufferyards and streetscapes within the subdivision. A native plant preservation plan will be submitted with the subdivision plat. A 50-foot natural bufferyard is proposed to the eastern boundary of the property and the southern boundary of the property will contain a very large natural area. A minimum 10-foot bufferyard "D" is proposed along both Linda Vista Boulevard and Thornydale Road, both designated as Major Streets and Scenic Routes (MSSR) on the Major Streets and Routes plan.

The site will be accessed by one driveway onto Thornydale Road and one driveway onto Linda Vista Boulevard. The proposal includes both two-story and one-story dwelling units with a maximum height of 34 feet. Within 200 feet of the MSSR, a maximum height of 24 feet is allowed and the structures are required to be earth tone in color. The remaining lots that are unaffected by the scenic area of applicability along Linda Vista Boulevard and Thornydale Road may be two-story subject to the two-story ordinance.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
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 Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over capacity nature of Thornydale Road. The subject property is located at the southeast corner of Thornydale Road and Linda Vista Boulevard. This intersection is a signalized intersection. Both

streets are listed on the Major Streets and Scenic Routes Plan with a planned future right-of-way of 150 feet. Thornydale has an existing right-of-way of approximately 100 feet. Linda Vista has an existing right-of-way of approximately 75 feet. The rezoning is proposing 36 single-family homes which could generate approximately 360 ADT. Access is shown on both Thornydale Road and Linda Vista Road.

Thornydale Road is a three-lane roadway with a continuous center left turn lane. There are no curbs, sidewalks, or bike lanes along the frontage of the rezoning site. The posted speed is 35 mph, with a capacity estimated at 13,200 ADT. Thornydale is scheduled to be widened, at which time the capacity will be approximately 34,000 ADT. The most recent traffic count is 18,193 ADT between Overton and Linda Vista, and 7,985 ADT between Linda Vista and Lambert.

Linda Vista Boulevard is a two-lane road with a left turn bay at the intersection with Thornydale. There are no curbs, sidewalks, or bike lanes and the speed limit is 35 mph. Linda Vista dead ends to the east of the rezoning site. Traffic counts are not available for the segment of Linda Vista adjacent to this site; however, west of Thornydale the current count is 10,675 ADT.

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista. This project was approved through the RTA bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #3A-B.

FLOOD CONTROL REPORT

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

1. Two regulatory watercourses impact the site. FEMA Special Flood Hazard Area Zone A impacts the wash in the northwest corner of the site. Minor encroachments have been proposed. Encroachment into the FEMA floodplain should be avoided.
2. Pima County Regulated Riparian Habitat (PCRRH) classified as Xeroriparian C and as Important Riparian Area (IRA) is associated with these washes and their tributaries. Minor encroachments have been proposed.
3. The proposal includes encroachment into floodplains and PCRRH that are identified on the Regional Hydrology Maps, which is in non-conformance with Pima Prosper's and the intent of PCC Title 16. Unless justified, Resource Areas shown on the Regional Hydrology Maps including floodplains and riparian habitat shall be avoided, contained within open space and dedicated to the District if determined necessary during the platting process. Modified Development Standards process should be employed to maintain lot yield. Post development floodplains and Pima County Regulated Riparian Habitat including mitigation areas will be included in the Pima Prosper's Regional Hydrology Maps.
4. A Preliminary Integrated Water Management Plan (PIWMP) has been included. In addition to meeting the Site Analysis Requirements, and in order to address the Pima Prosper's Water Element, the applicant included Metropolitan Water's "Annual Water Level Monitoring Report" dated March 9, 2015. This report provided well location and more detailed groundwater trends information. This information facilitates the following staff review for compliance with the Water Policy.
5. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
 - A. The site is within the Metropolitan Water District service area. They *do not utilize a renewable source.*

- B. Per the ADWR Well Inventory, those wells within 1 mile had depths to groundwater between 187' and 416' however dates tested range from 1982-1989. Per "Mason, Dale, 2014, Technical memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources", between the years 2010 and 2025 groundwater depth at the site is predicted to change between minus 10 to plus 10 and be 351 to 400 feet below the surface by 2025.
- C. The site is within a mapped subsidence zone. Between 1987 and 2005, 0 - 1 inch of subsidence was detected.
- D. The nearest Groundwater-Dependent Ecosystem to the site is the perennial section of the Santa Cruz River 3.17 miles away.
- E. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

Pima County's Water Resources Impact Assessment finds that the proposed **project will not have access to renewable water**. However, based upon use projections provided (18.89 af/yr) in the PIWMP, the medium size scale of the project and the distance to shallow groundwater areas, the additional water use **is not likely to have significant adverse impacts on groundwater dependent ecosystems**. Per Resolution 2008-72 and the currently effective Comprehensive Plan this finding results in a positive recommendation. Per Pima Prospers Water Resources Element Goal 3 Policy 9c & 9d, additional offsets would be required to reduce the increased water use to that of existing zoning. This method has not yet been codified and use of conservation measures committed to and identified on Table B accomplishes this offset under the approved Site Analysis Requirements.

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

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-E.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The entire 18-acre site lies within the CLS; designations are Multiple Use Management Area and Important Riparian Area both with Special Species Management Area overlay.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- On-site resource conditions: Multiple riparian areas cross the site and are regulated by RFCD as Important Riparian Areas. Saguaros (110) and ironwood trees (84) occur on the site.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County owns and manages two properties in this area for conservation – Arthur Pack Regional Park and an approx. 20-acre PCDOT mitigation property. The subject site lies approx. 1.9 miles northeast of the PCDOT mitigation property and approx. 1500' northeast of the open space component of Arthur Pack Regional Park; it is also approx. 3900' northeast of the Tucson Audubon Society's Mason Center.
- The site is identified for acquisition under both the 2004 Open Space Conservation Bond Program and the proposed 2015 Open Space Conservation Bond Program.

- **Landscape context:** Land uses in the vicinity of the subject property are predominantly residential with some business uses along Thornydale. Other land uses in the area are a mixture of high intensity residential uses, low intensity residential uses that are more compatible with retaining native biological resources, and properties preserved as open space. The low intensity residential uses that are more compatible with retaining native biological are much more prevalent north of Linda Vista. While resources of the subject property are not physically connected to open space properties in the area, they are associated with those land uses north of Linda Vista that are more compatible with native biological resources. In this regard, the subject property does make a limited contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS

According to the PDP, approx. 7.6 ac will be retained as natural open space and includes nearly all of the Important Riparian Area, 31% of the saguaros (including at least 2 of the 5 saguaros over 18' tall) and 70% of the ironwood trees. Impacts to these on-site resources will occur at later stages in the development process. Namely, the Important Riparian Area will be addressed by the *Watercourse and Riparian Habitat Protection and Mitigation Requirements (Title 16; Ch. 16.30)*; impacts to native vegetation and specifically saguaros and ironwood trees will be addressed when the proposed development is subject to the applicability of the *Native Plan Preservation Ordinance (Title 18; Ch. 18.72)*.

In keeping with Rezoning Policies established for this proposed project, a total of 33 acres of natural open space will be provided in a combination of on- and off-site areas. The PDP proposes on-site natural open space of approx. 7.6 acres; the balance is to be provided off-site.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the following recommended Special Conditions, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

Recommendations

Should the Board of Supervisors approve this rezoning request, staff recommends the addition of conditions #6A-B.

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 comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

FWS concerns remain the same as submitted earlier under the proposed Comp Plan Amendment. We strongly urge compliance with the Special Species Management Area guidelines as outlined in the Comp Plan Amendment, Section 2 D. The species potentially impacted is the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), an endangered species listed under the Endangered Species Act, and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), a species formerly listed under the Endangered Species Act and a species proposed for coverage under Pima County's Multi-Species Conservation Plan (MSCP). The proposed amendment occurs in an area where lesser long-nosed bats have been documented foraging and moving between roosts and foraging areas. It is our recommendation that if there the saguaros occurring within the parcel be preserved in place or salvaged and

replanted within the parcels or within conservation lands in this general area. By so doing, there should be no net loss of lesser long-nosed bat forage resources.

With regard to the pygmy-owl, this parcel occurs in an area where various design elements have been incorporated into existing roadways and developments to reduce impacts to and facilitate movement by pygmy-owls. This parcel has significant ironwood and saguaro resources that not only have value to the pygmy-owl, but is also a sensitive and valuable vegetation community. Without on-site or off-site natural open space set asides as required by the CLS guidelines, the proposed rezoning has the potential to render these actions ineffective. The pygmy-owl is a proposed covered species under Pima County's MSCP and this area is a special species management area for the pygmy-owl under the existing Comprehensive Plan. We strongly recommend that the guidelines outlined within the CLS and Comprehensive Plan be applied to this parcel if this rezoning application approved, with no more than 20% of the parcel developed and the remaining 80% configured as natural open space in a way that maintains habitat connectivity as anticipated through existing development and transportation facilities. We recommend that this parcel complies with the CLS guidelines for the special species management designation through either on-site or off-site natural open space set asides. Given the proposed configuration of potential development on this site, it appears that off-site natural open space set asides will need to be included.

METRO WATER DISTRICT REPORT

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

SCHOOL DISTRICT REPORT

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

FIRE DISTRICT REPORT

Northwest Fire District has no objection to this request.

PUBLIC COMMENT

As of the writing of this staff report, staff has received one letter (attached) in opposition that was submitted by the applicant. The opposition letter was a result of the neighborhood meeting held by the applicant. The letter cites concerns for wildlife constriction, increased traffic and pedestrian safety, as well as concern for destruction of natural desert habitat to include three night blooming cereus.

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.