



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan M. Colton, Planning Director 

DATE: April 2, 2014

SUBJECT: Co9-03-32 LEE, ET AL. – ORANGE GROVE ROAD REZONING

The above referenced Rezoning Closure/Time Extension within your district is scheduled for the Board of Supervisors' **APRIL 15, 2014** hearing.

***This case requires 2 motions.**

- REQUEST:**
- A. To **close** an 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone.
 - B. For a five-year **time extension** for an 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone.

OWNERS:

Lee Tony & Bella Family Revoc TR $\frac{3}{4}$
Lee Gregory & Julia Family Revoc TR $\frac{1}{4}$
3441 E. Speedway Blvd
Tucson, AZ 85716

AGENT:

Presidio Engineering, Inc.
John Wood, P.E.
639 E. Speedway Blvd.
Tucson, AZ 85705

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of April 2, 2014, no written public comments have been received.

STAFF RECOMMENDATION: A) AGAINST CLOSURE. B) APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL MODIFIED STANDARD AND SPECIAL CONDITIONS. (Conditions 7B, 8D, 8E, 16 and 17.)

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

CP/TT/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-03-32

Page 1 of 9

FOR APRIL 15, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director
Development Services Department-Planning Division

DATE: April 2, 2014

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE / TIME EXTENSIONS

A. CLOSURE

Co9-03-32 LEE, ET AL. – ORANGE GROVE ROAD REZONING

Proposal to close a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone. The 9.55 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends **AGAINST CLOSURE**.
(District 1)

B. TIME EXTENSION

Co9-03-32 LEE, ET AL. – ORANGE GROVE ROAD REZONING

Request of Lee Family Trust 3/4, et al. represented by Presidio Engineering, Inc., for a five-year time extension of a 8.90 acre rezoning (approximately 9.55 original acres minus approximately .65 acres of dedicated right-of-way) from the SR (Suburban Ranch) to TR (Transitional) (5.11 acres) and SR® (Suburban Ranch-Restricted) (4.44 acres) zone. The 8.90 acre subject site was rezoned in 2003. The rezoning will expire on April 13, 2014. The site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **AGAINST CLOSURE AND APPROVAL** of a **five-year time extension** to **April 13, 2019** for the approximately **8.90** acres with **additional, modified standard and special conditions #'s 7B, 8D, 8E, 8F, 16, and 17**. Condition #7B has been deleted because the required right-of-way for Orange Grove Road has been dedicated. Conditions #8D, 8E, and 8F pertain to post development flood control improvements, riparian habitat mitigation, and a final integrated water management plan. Condition #16 requires compliance with State of Arizona burial laws and condition #17 is related to proposition 207 rights.

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

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 properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
 - B. ~~The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.~~
 - CB. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
 - DC. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.

8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
 - C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
 - D. Post-development floodplains and flood control improvements shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for drainage and maintenance purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
 - E. Pima County Regulated Riparian Habitat, including mitigation areas shall be identified on the Plat or Development Plan as separate open space parcels and/or where they are contained within development parcels dedicated as right-of-way or easements for preservation, mitigation and monitoring purposes to the Pima County Regional Flood Control District and/or the Homeowners Association.
 - F. At the time of development, the applicant shall submit a Final Integrated Water Management Plan consisting of the table identifying internal and external water conservations measures and a site plan showing the location of external measures. First flush retention shall be provided.
9. Regional Wastewater Reclamation Department Management condition:

~~The property owner(s) shall 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.~~

 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner/developer shall 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. Natural Resources, Parks and Recreation condition:
The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004 (EXHIBIT B).
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:
A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.

Fountain grass (*Pennisetum setaceum*)
 Buffelgrass (*Pennisetum ciliare*)
 Johnson grass (*Sorghum halapense*)
 Giant reed (*Arundo donax*)
 Common crabgrass (*Digitaria sanguinalis*)
 Pampas grass (*Cortaderia selloana*)
 Red brome (*Bromus rubens*)
 Mediterranean grass (*Schismus spp.*)
 Tree of heaven (*Ailanthus altissima*)
 African sumac (*Rhus lancea*)
 Russian olive (*Eleagnus angustifolia*)
 Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
 Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)

- B. ~~Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, t~~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 current and any future 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.

15. Building heights shall be limited to a maximum of 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.
16. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

17. The property owner(s)/developer(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

STAFF REPORT

Staff recommends against closure, but, closure must be considered prior to the consideration of a time extension based upon zoning code provision which limits the time to complete rezoning conditions to 10 years from the date of rezoning approval. The rezoning was conditionally approved by the Board of Supervisors April 13, 2004. A five-year time extension along with a modification of rezoning condition #16 to allow the building heights to be increased to 34 feet was granted in 2009 with a rezoning expiration date of April 13, 2014.

Staff supports the requested five-year time extension. The applicant states that the financial challenges presented by the recent downturn in the economy precluded the development, but believes the current economic conditions to be improving. Staff finds that concurrency of infrastructure is met. The rezoning site is located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The original acreage of the rezoning site was 9.55 acres. A 45 foot right-of-way dedication (.65 acres) to Pima County to satisfy rezoning condition #7B was made for the improvements that are nearly complete along Orange Grove Road decreasing the acreage of the site to approximately 8.90 acres. Orange Grove Road is designated on the Pima County Major Streets and Scenic Routes Plan as a Major Street and Route. Along with the Orange Grove Road improvements, an 8" public sewer extension to the project was installed to satisfy a portion of rezoning condition #9. The proposed uses for general office and/or medical and dental office are planned to support the uses of the nearby Northwest Medical Center and benefit the residential neighbors with services. The preliminary development plan demonstrates the TR (Transitional) conditionally zoned area for offices (approximately 4.6 acres) and the conditionally approved SR® (Suburban Ranch) (Restricted) for the Peglar Wash area as set-aside open space for the flood area and regulated riparian habitat. No changes to the approved preliminary development plan are proposed.

The subject property lies within the Northwest Subregion of the Pima County Comprehensive Plan and is designated as Medium High Intensity Urban (MHIU) and Resource Transition (RT). The TR (Transitional) zone conforms to the comprehensive plan designation. Denial of the rezoning time extension shall cause the rezoning case to be closed and the site shall revert to the previous zone of SR (Suburban Ranch) which is not

in conformance with the Pima County Comprehensive Plan. Closure of the rezoning does not preclude the possibility of future rezoning of the subject property. The site is not located within a designated growth area and is an infill property. Recent development in the area includes the Orange Grove Casitas to the west of the subject property.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The site lies outside the Maeveen Marie Behan Conservation Lands System.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-1	Single Family Residential/Peglar Wash
South:	CR-5/SR®/CR-3	Orange Grove Casitas/Peglar Wash/Residential Subdivision
East:	TR	Las Palomas Multi-Family Residential
West:	CR-5	Orange Grove Casitas/Faith Community Church

CONCURRENCY CONSIDERATIONS		
Department	Concurrency Considerations Met: Yes / No / N/A	Other Comments
TRANSPORTATION	Yes/Secondary Concern	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS	Yes	No comment
WATER	Yes	No comment

TRANSPORTATION REPORT

There is a Secondary Concurrency Concern since major roads within two miles of the proposed rezoning are operating near capacity. The rezoning is located within an infill area near Northwest Hospital and many other residential, commercial and office/transitional developments. Most surrounding or adjacent parcels have been rezoned or developed, with only a few residual low density residential sites remaining. The site is located 1,300 feet west of the intersection of Orange Grove Road and La Cholla Boulevard and is on the south side of Orange Grove Road. San Joaquin Avenue is located along the east property boundary; however, Pegler Wash runs diagonally from the northeast corner of the rezoning site to the southwest corner, eliminating access from the site to San Joaquin Avenue.

Orange Grove has been widened to a five lane, urban principal arterial. The current traffic count is 23,283 ADT and the capacity is 37,600 ADT. La Cholla is a six lane urban principal arterial. The current traffic count is 24,952 ADT, and the capacity is 53,910 ADT. La Canada will be a four lane divided urban minor arterial upon completion of improvements which are currently under construction. The current traffic count is 14,631 ADT, and upon completion of the improvements, the capacity will be 35,820 ADT. Ina Road is a four lane, divided, urban principal arterial. The current traffic count is 35,416, and the capacity is 35,800 ADT. River Road is a four lane, divided, urban principal arterial. The current traffic count is 35,703 ADT, and the capacity is 35,800 ADT. With the exception of a portion of Ina Road and a portion of River Road, these major roads are county maintained within a two mile buffer of the rezoning site.

A Traffic Impact Study and right turn lane will automatically be triggered for the higher traffic volume medical/dental office usage but the general office development would not automatically trigger either per the Subdivision and Development Street Standards. The rezoning could generate about 330 ADT based upon general office use or up to 1,080 ADT for medical/dental office use, for a 30,000 square feet development.

The rezoning required a 70 foot right-of-way dedication for Orange Grove Road. A 45 foot right-of-way was purchased for the improvements to Orange Grove Road in 2011. The planned future right-of-way for Orange Grove Road was 150 feet when the rezoning was originally approved; however, the planned future right-of-way is currently 150 feet. The 45 feet of right-of way purchased in 2011 brings the existing right-of-way to 150 feet. DOT will not require any additional right-of-way, and therefore is modifying condition 7B. The setback from the centerline is 105 feet per the major streets and scenic routes plan.

Staff has **no objection** subject to the existing conditions and deletion of condition 7B.

REGIONAL FLOOD CONTROL DISTRICT (PCRFCD) REPORT

District staff has reviewed the subject request and has the following comments:

1. The Pegler Wash, a regulatory watercourse runs along the eastern site boundary. FEMA special Flood Hazard Area Zone A and Pima County Regulated Riparian Habitat classified as Xeroriparian C are associated with the Pegler and impact roughly half of the site.
2. Since the original rezoning, the County adopted the Comprehensive Plan Regional Water Policy. While the requirement for a Preliminary Integrated Management Plan is not applicable as the Site Analysis was submitted prior to adoption of the policy, when the development plan is submitted, the applicant will be required to adopt water conservation measures consistent with this policy and a Final Integrated Water Management Plan consisting of Table B identifying selected measures shall be required. Furthermore new standards requiring first flush retention have been adopted.

RFCD has **no objection** to the time extension request subject to the addition of conditions #8D, 8E, and 8F.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT (RWRD) REPORT

The PCRWRD has **no objection** to the proposed five-year time extension of the rezoning subject to the modified conditions # but offers the following conditions that should replace the existing wastewater condition in rezoning Co9-03-032 adopted June 16, 2009 by the Board of Supervisors:

TUCSON CITY WATER

Tucson City water has **no comment**.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has **no comment**.

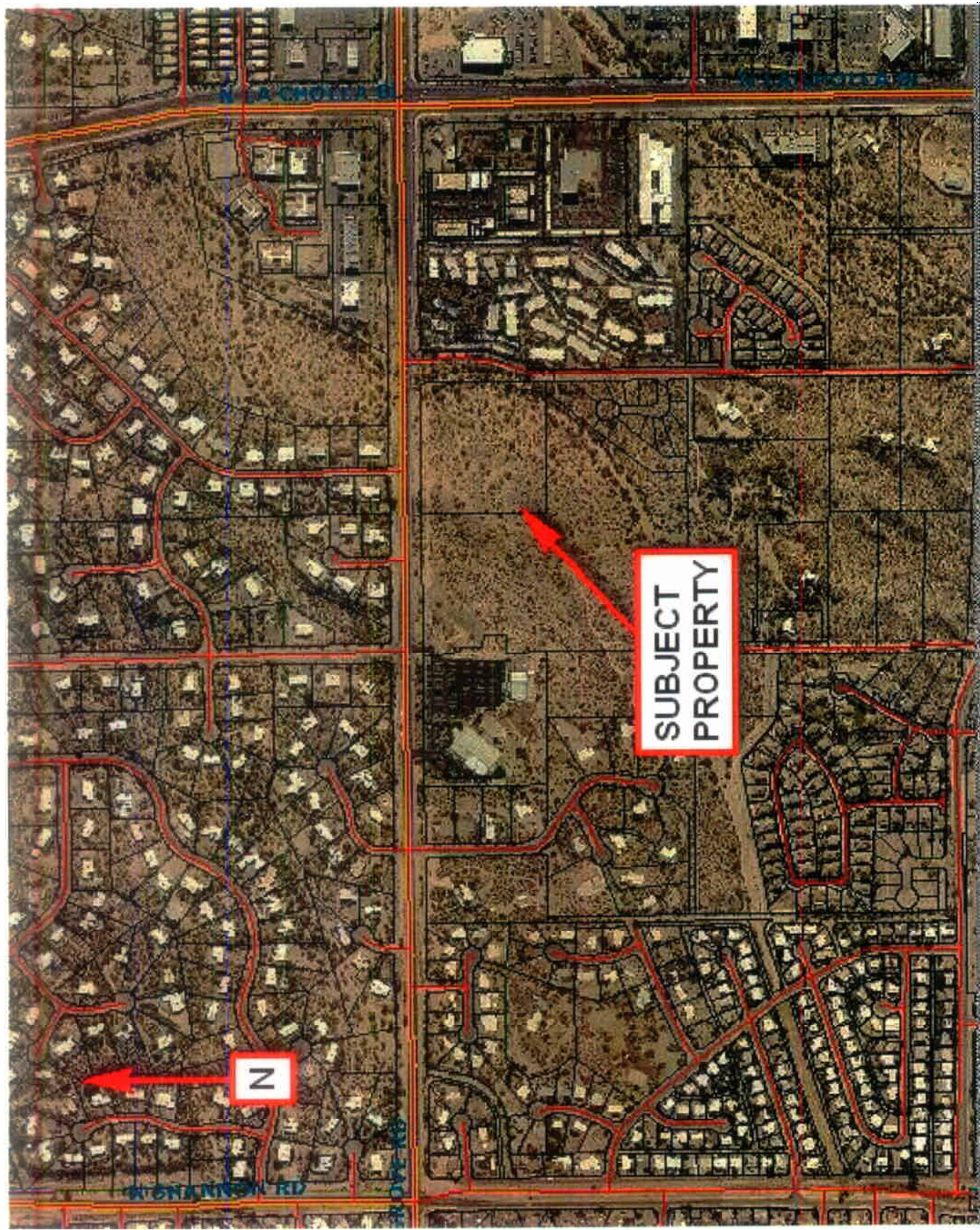
CULTURAL RESOURCES REPORT

An archaeological survey was conducted on the property in 2003 (Stephen 2003, P.A.S.T. Cultural Resources Report No. 031589). The survey report was submitted in support of the site analysis document prepared for this rezoning in 2003. The result of the survey was a finding of no archaeological or historic sites and it was recommended that the proposed development on the property may proceed without further archaeological investigation. As far as Pima County's Cultural Resources & Historic Preservation Office is concerned, it is unlikely that this time extension request will have an effect on cultural resources. Therefore, the County cultural resources requirements have been met.

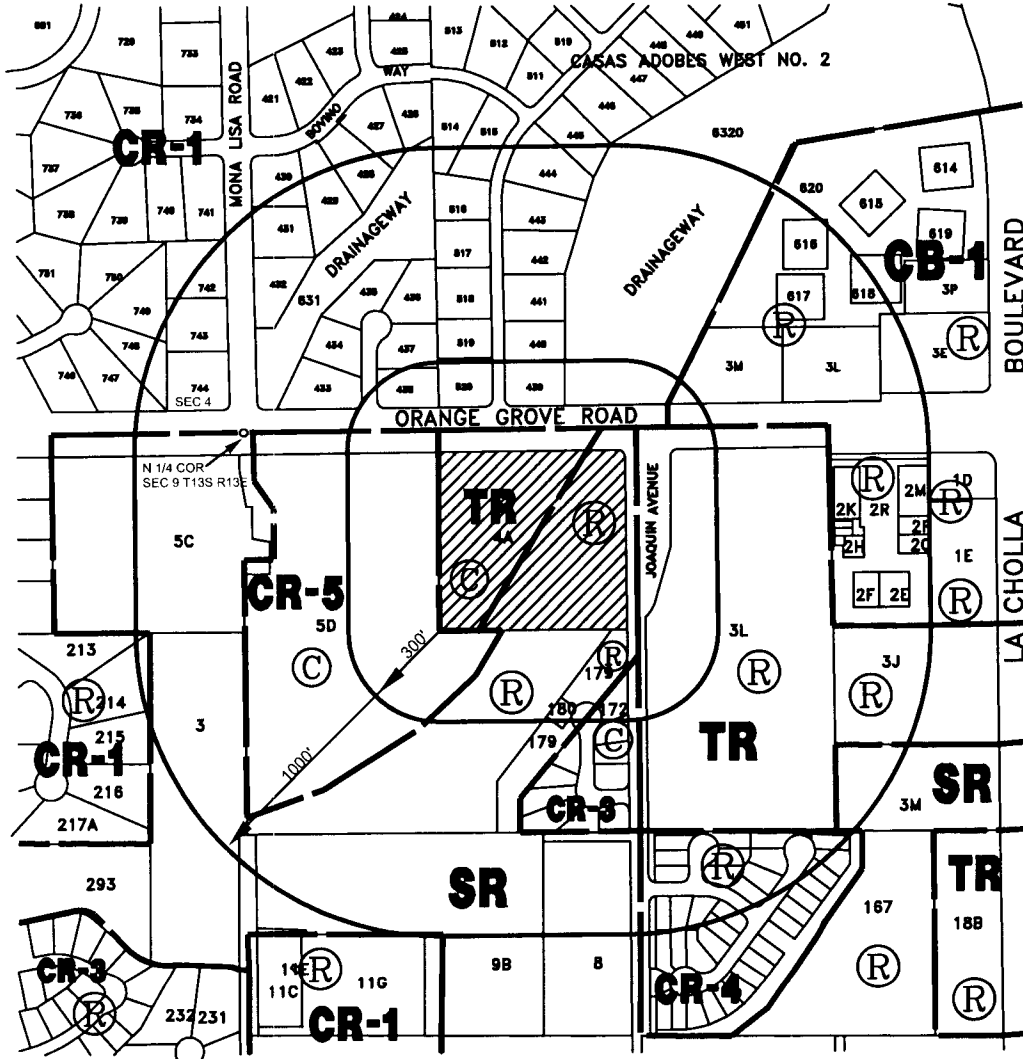
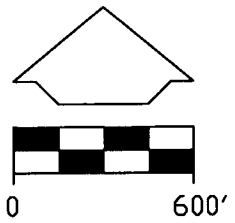
Cultural Resources staff has **no objection** to the proposed time extension contingent upon the addition of rezoning condition #16.


CP/TT/ar
Attachments


- c: Lee Tony & Bella Family Revoc TR ³/₄, Lee Gregory & Julia Family Revoc TR ¹/₄
3441 E. Speedway Blvd., Tucson, AZ 85716
Presidio Engineering, Inc., John Wood, P.E., 639 E. Speedway Blvd.
Tucson, AZ 85705
Chris Poirier, Assistant Planning Director
Co9-03-32 File



Co9-03-32 Lee, et al - Orange Grove Road Rezoning
Five-Year Time Extension Request



Petition area 

Notification area 

BASE MAP 76

Notes REZONING CLOSURE / TIME EXTENSION

Tax codes 101-09-004A

Date 03/11/14

File no. CO9-03-32

Drafter DS

LEE ET AL -

ORANGE GROVE ROAD REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Site area: 9.55 acres

TR 5.11 acres
SR 4.44 acres

Total building area:
30,000 sf.

Building height:
one and two stories
(maximum of 34')

Parking required:
100 spaces

Parking provided:
103 spaces

Exhibit IIB.1

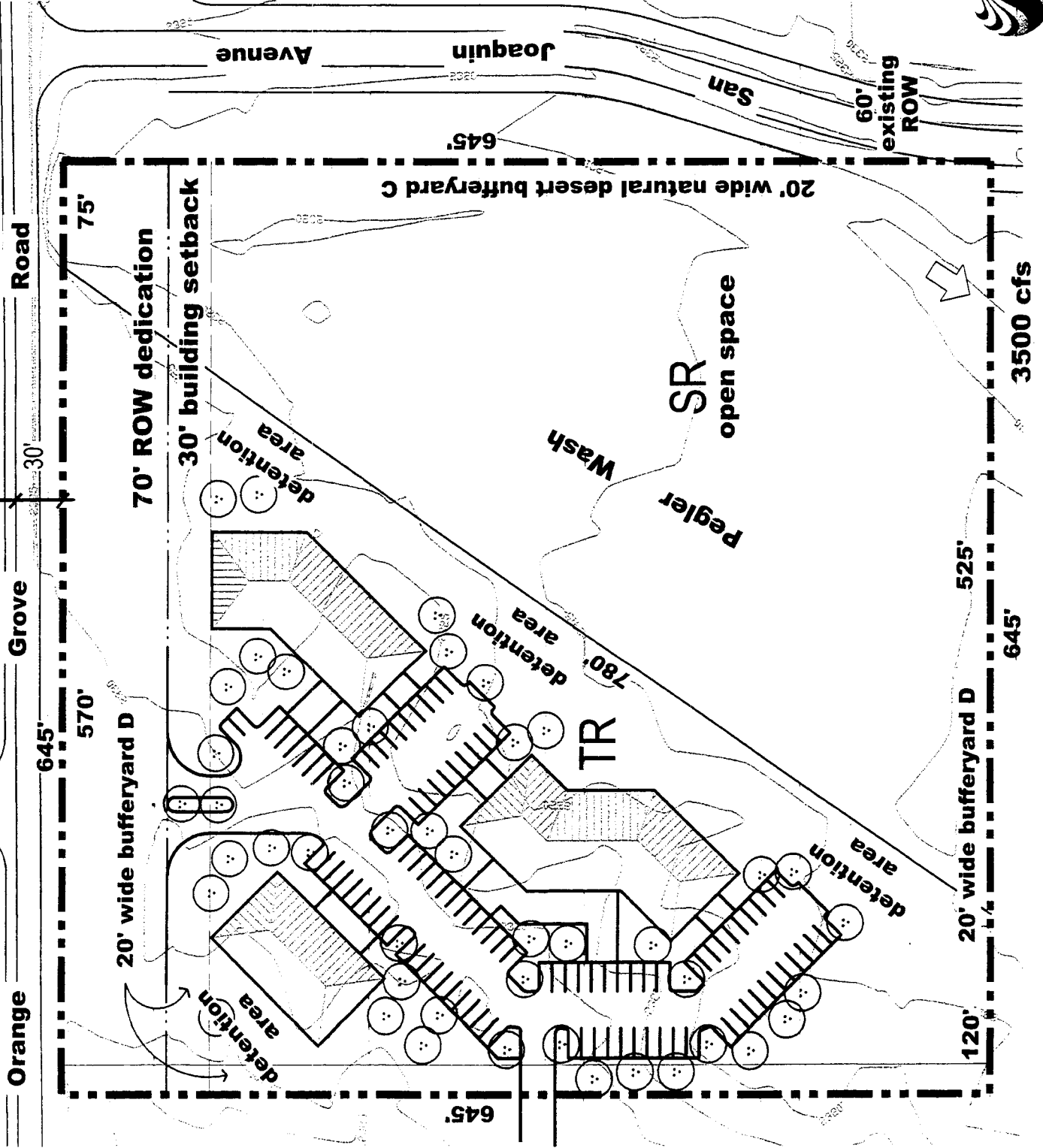
Preliminary Development Plan



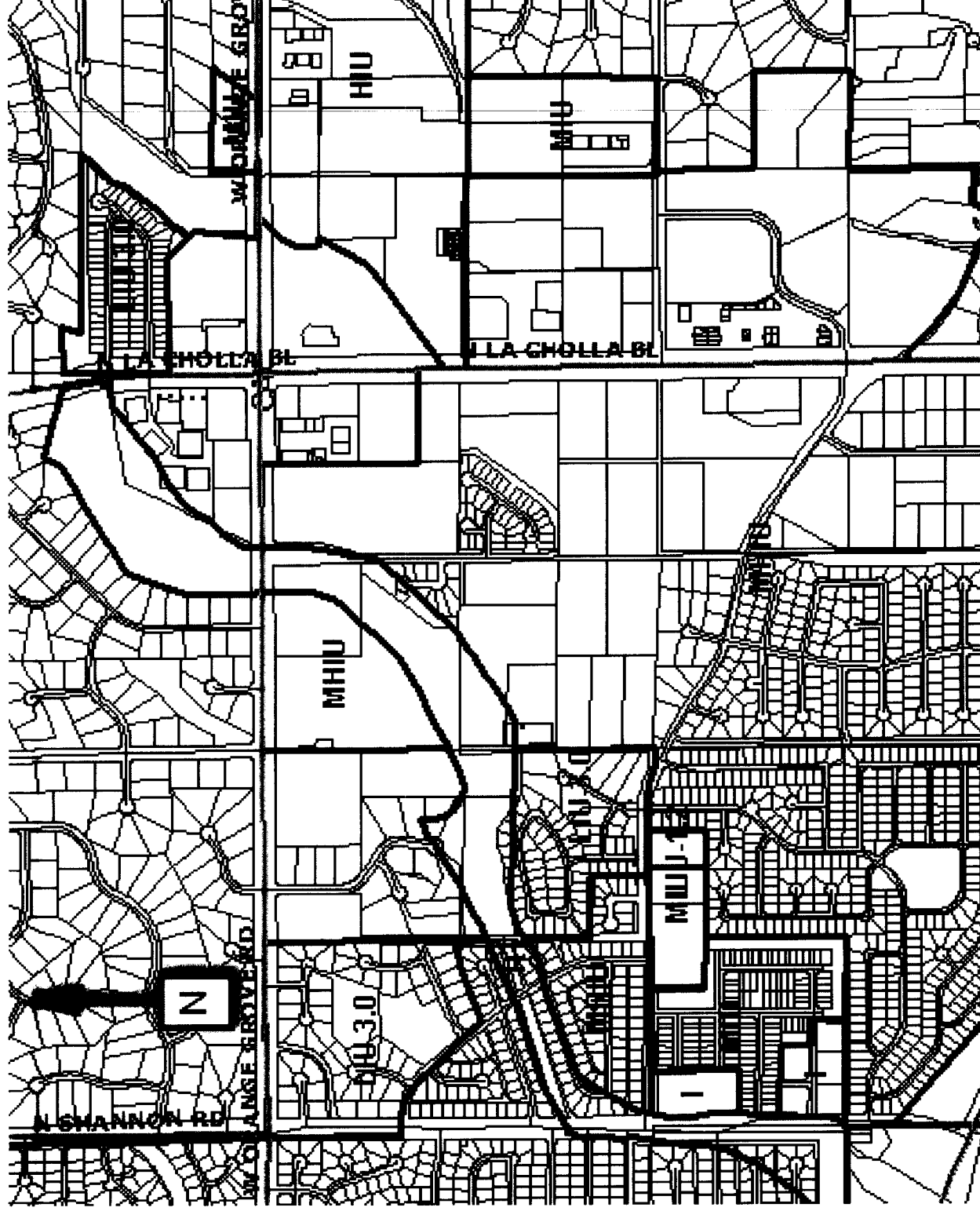
Planning and Landscape Group
201 N. Santa Ave.
Tucson, Arizona 85745
Tel: (620) 760-7474
Fax: (620) 760-7470
www.stantec.com



Stantec



SWC Orange Grove / San Joaquin



Pima County Comprehensive Plan

Subregion: Northwest

Designation: Medium High Intensity Urban (MHU)

Medium/High Intensity Urban
'MHIU' or 'E' on the Land Use Plan Maps

a. Purpose: To designate areas for a mix of medium to high density housing types and other compatible uses.

b. Objective: These areas provide opportunities for a variety of residential housing types, including cluster option developments, single family attached dwellings, and apartment complexes. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.

c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:

- 1) Minimum - none
- 2) Maximum - 24 RAC

d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.

- 1) Minimum – 3 RAC
- 2) Maximum – 6 RAC

e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:

- 1) GC Golf Course Zone
- 2) CR-1 Single Residence Zone
- 3) CR-2 Single Residence Zone
- 4) CR-3 Single Residence Zone
- 5) CR-4 Mixed-Dwelling Type Zone
- 6) CR-5 Multiple Residence Zone
- 7) TR Transitional Zone
- 8) CMH-1 County Manufactured And Mobile Home-1 Zone
- 9) CMH-2 County Manufactured And Mobile Home-2 Zone
- 10) MR Major Resort Zone
- 11) CPI Campus Park Industrial Zone

Resource Transition
'RT' on the Land Use Plan Maps

a. Purpose: Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas.

b. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:

- 1) Minimum - none
- 2) Maximum - 0.3 RAC

c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:

- 1) Minimum – none
- 2) Maximum – 0.3 RAC

d. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:

- 1) RH Rural Homestead Zone
- 2) SR Suburban Ranch Zone
- 3) MR Major Resort

e. Open Space Standard for MR Major Resort Zone: In Resource Transition a minimum of 30 percent natural open space shall be required within areas rezoned MR Major Resort Zone. Open space for purposes of this requirement shall be natural open space.



Presidio
ENGINEERING, INC.

CIVIL • LAND DEVELOPMENT • WATER RESOURCES

February 14, 2014

Ms. Terri Tillman
Pima County Development Services
Planning Department
201 N. Stone Avenue
2nd Floor
Tucson, AZ 85701

Subject: Supplemental Information in Support of Time Extension Request
Co9-03-32 – Orange Grove Rezoning
Tax Code No. 101-09-004A
Presidio Engineering Job #111011-02-0103

Dear Ms. Tillman:

This letter has been prepared in order to provide supplemental information in support of the applicant's January 3, 2014 request for time extension of the above referenced conditional approval of rezoning.

As was previously mentioned in the January 3, 2014 request letter, the financial challenges presented by the recent downturn in the economy precluded the development of the site under the existing conditional rezoning. However, it is important to note that the applicant demonstrated their intent to ultimately develop the site per the approved conditional zoning by:

1. Dedicating 45' of public rights-of-way along its frontage with Orange Grove Road per Sequence No. 20111920138. This dedication provides 45' of the required 70' of dedication as stipulated by Rezoning Condition 7B. The remaining 25' dedication will be made via separate instrument at the time a Development Plan is processed.
2. Constructing an 8" public sewer extension to the project's frontage per RWRD Plan No. G-2012-012. The extension was coordinated with PCDOT so as to avoid any conflicts with Pima County's recent pavement widening improvement along the project's frontage per the "Orange Grove Road, Camino de la Tierra to La Cholla Road, WO No. 40GCAM project. The extension of this 8" public sewer is intended to satisfy the off-site portion of Rezoning Condition No. 9.

Further, the applicant has confirmed that Metro Water extended the existing 12" stub located along the project's frontage to terminate at a point outside the limits of the current pavement widening improvements and that the new off-site water distribution system installed for the adjacent Orange Grove Casitas project, per Metro Plan No. M-11-015 has included an 8" stub within rights-of-way. Thus, this project now has two points of connection for providing a looped system to provide for domestic and fire flow service.

In addition to the above supplemental information, find attached the following:

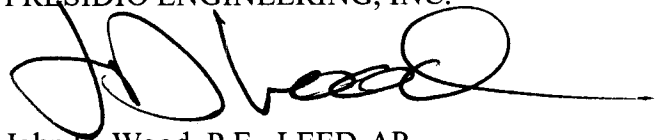
1. Biological Impact Report update letter dated February 10, 2014 from Tim Jordan, Senior Biologist at Tierra Right of Way, in support of requested time extension.
2. Time extension review fee check (no. 9301) in the amount of \$1,364.25 and check (no. 3210) in the amount of \$4,092.75 payable to Pima County Treasurer for a total amount of \$5,457.00.

Consequently, Presidio Engineering, Inc., on behalf of Mark Road, LLC, acting as their agent, is by way of this letter, respectfully requesting that said conditional rezoning case not be closed by the Board, but rather that the Board grant an additional 5-year time extension.

Thank you for your time and we look forward to the Board's decision.

Please do not hesitate to contact me at 795-7255 ext. 103 should you need additional information or have questions in order to process the above time extension request.

Sincerely,
PRESIDIO ENGINEERING, INC.

A handwritten signature in black ink, appearing to read 'J. Wood', with a long horizontal flourish extending to the right.

John D. Wood, P.E., LEED-AP
PRESIDENT

Attachments

cc: Jason Wong, Mark Road, LLC w/ attachments
File w/ attachments

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: !
DEPUTY RECORDER
1956 PE-2

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13588
PAGE: 4395
NO. OF PAGES: 7
SEQUENCE: 20091230724
06/26/2009
RES 18:00
PICKUP
AMOUNT PAID \$ 0.00

RESOLUTION 2009-129

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING IN CASE Co9-03-32 LEE, ET AL - ORANGE GROVE ROAD REZONING LOCATED ON THE SOUTHWEST CORNER OF ORANGE GROVE ROAD AND SAN JOAQUIN AVENUE; AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 AND TIME LIMITS SET FORTH IN SECTION 3 OF ORDINANCE NO. 2004-67.

WHEREAS, on October 3, 2003, the owner(s) of approximately 9.55 acres applied for a rezoning from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR® (Suburban Ranch) (Restricted) for approximately 4.44 acres;

WHEREAS, on April 13, 2004, the Pima County Board of Supervisors approved the rezoning, subject to standard and special conditions;

WHEREAS, on August 16, 2004, the Pima County Board of Supervisors adopted rezoning Ordinance No. 2004-67, as recorded in Docket 12369 at Page 2801, rezoning the approximate 9.55 acres described in rezoning case Co9-03-32 (as shown on the map attached hereto as EXHIBIT A) and memorializing the standard and special conditions;

WHEREAS, on August 22, 2008, the owner(s) of approximately 9.55 acres applied for a modification (substantial change) of rezoning condition #16 and a five-year rezoning time-extension;

WHEREAS, on March 10, 2009 the Pima County Board of Supervisors approved a modification (substantial change) of rezoning condition #16 and a five-year rezoning time-extension subject to modified conditions, and;

WHEREAS, Ordinance No. 2004-67 allows the Board of Supervisors to amend the rezoning conditions and time limits by resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby reaffirms the rezoning conditions represented in Section 2 of Ordinance No. 2004-67, 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 properties without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. ~~The property owner(s) shall provide pavement widening on Orange Grove Road to provide for a continuous center left turn lane from where the existing left turn/center lane ends to the west of the rezoning site (east of the Mona Lisa Road intersection) and tie the center left turn lane widening into the west edge of the La Cholla Boulevard improvements west of the La Cholla Boulevard and Orange Grove Road intersection, as approved by the Department of Transportation.~~ The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road as determined necessary by the Department of Transportation. These improvements shall include, but may not be limited to, construction of a right turn lane.
 - B. The property owner(s) shall dedicate to Pima County 70 feet of right-of-way for Orange Grove Road and shall provide a building setback of 130 feet from the centerline of the right-of-way for Orange Grove Road.
 - C. One access point shall be allowed on Orange Grove Road. No access shall be allowed via San Joaquin Avenue.
 - D. Internal access shall be provided to the west of the property as shown on the Preliminary Development Plan.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.

- C. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a critical basin.
9. **Wastewater Management condition:**
The property owner(s) shall 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.
10. **Natural Resources, Parks and Recreation condition:**
The property owner(s) shall provide a non-motorized public recreational trail easement over the entirety of the Pegler Wash corridor.
11. Adherence to the preliminary development plan as approved at public hearing on April 13, 2004 (EXHIBIT B).
12. A minimum of 95% of the Pegler Wash riparian area shall be preserved as natural open space as defined in the zoning code. The limits of the Pegler Wash riparian area shall be delineated using the Harris Riparian Maps generated for the Sonoran Desert Conservation Plan and shall be shown on all development plans, grading plans, and native plant preservation plans.
13. Detention/retention basins shall be revegetated with plant species native to the site. The plan for the revegetation of the basins shall be shown on the landscape plan(s) required to be submitted for review and approval by the Development Services Department.
14. Environmental Planning conditions:
A. Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Revegetated areas shall establish multiple height layers of vegetation that create a ground cover layer, a shrub mid-story layer, and a canopy layer. The following plants are prohibited anywhere within the rezoning site.
Fountain grass (*Pennisetum setaceum*)
Buffelgrass (*Pennisetum ciliare*)
Johnson grass (*Sorghum halapense*)
Giant reed (*Arundo donax*)
Common crabgrass (*Digitaria sanguinalis*)
Pampas grass (*Cortaderia selloana*)
Red brome (*Bromus rubens*)
Mediterranean grass (*Schismus spp.*)
Tree of heaven (*Ailanthus altissima*)
African sumac (*Rhus lancea*)
Russian olive (*Eleagnus angustifolia*)
Salt cedar/Tamarisk (*Tamarix pertandra* & *T. ramosissima*)
Bermuda grass(*Cynodon dactylon*) exluding sod hybrid Bermuda

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

B. Should the Board approve the modification (substantial change) of rezoning conditions and subsequently the 5-year time extension, 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 current and any future 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.

15. ~~Unless the U.S. Fish & Wildlife Service provides information to the contrary, the site shall be surveyed for the presence/absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service. Or, heavy construction activity shall occur only between August 1 and January 31 of any given calendar year. If surveys are performed, results of these surveys and copies of any data collected shall be provided to Development Services.~~
16. Building heights shall be limited to a maximum of 24 34 feet. Building colors shall be earth tone and shall not exceed a light reflectivity of 60%.

NOW, THEREFORE, BE IT RESOLVED, that the Pima County Board of Supervisors hereby modifies the time limits represented in Section 3 of Ordinance No. 2004-67, as follows:

1. Conditions 1 through 46 15 shall be completed by April 13, 200914.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 46 15 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

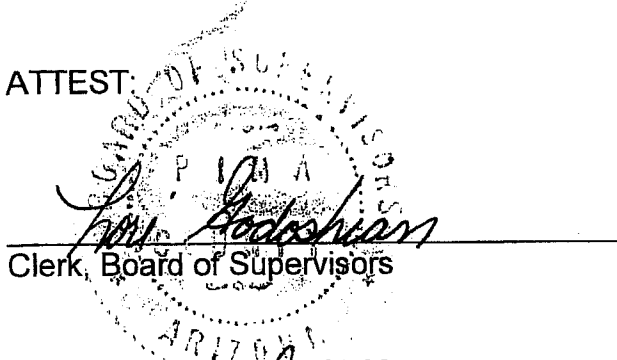
Passed and adopted this 16th day of June, 2009, by the
Board of Supervisors of Pima County, Arizona.

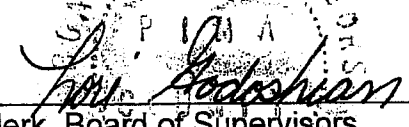


Chairman, Board of Supervisors

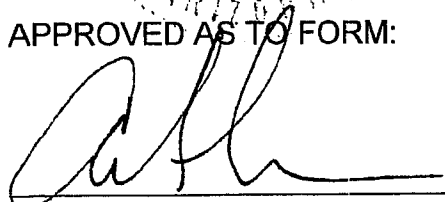
6/16/09

ATTEST:



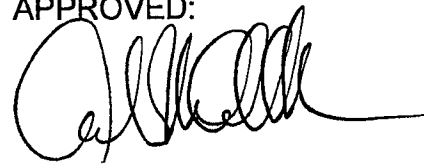

Clerk, Board of Supervisors

APPROVED AS TO FORM:


Deputy County Attorney

ANDREW FLAGG

APPROVED:

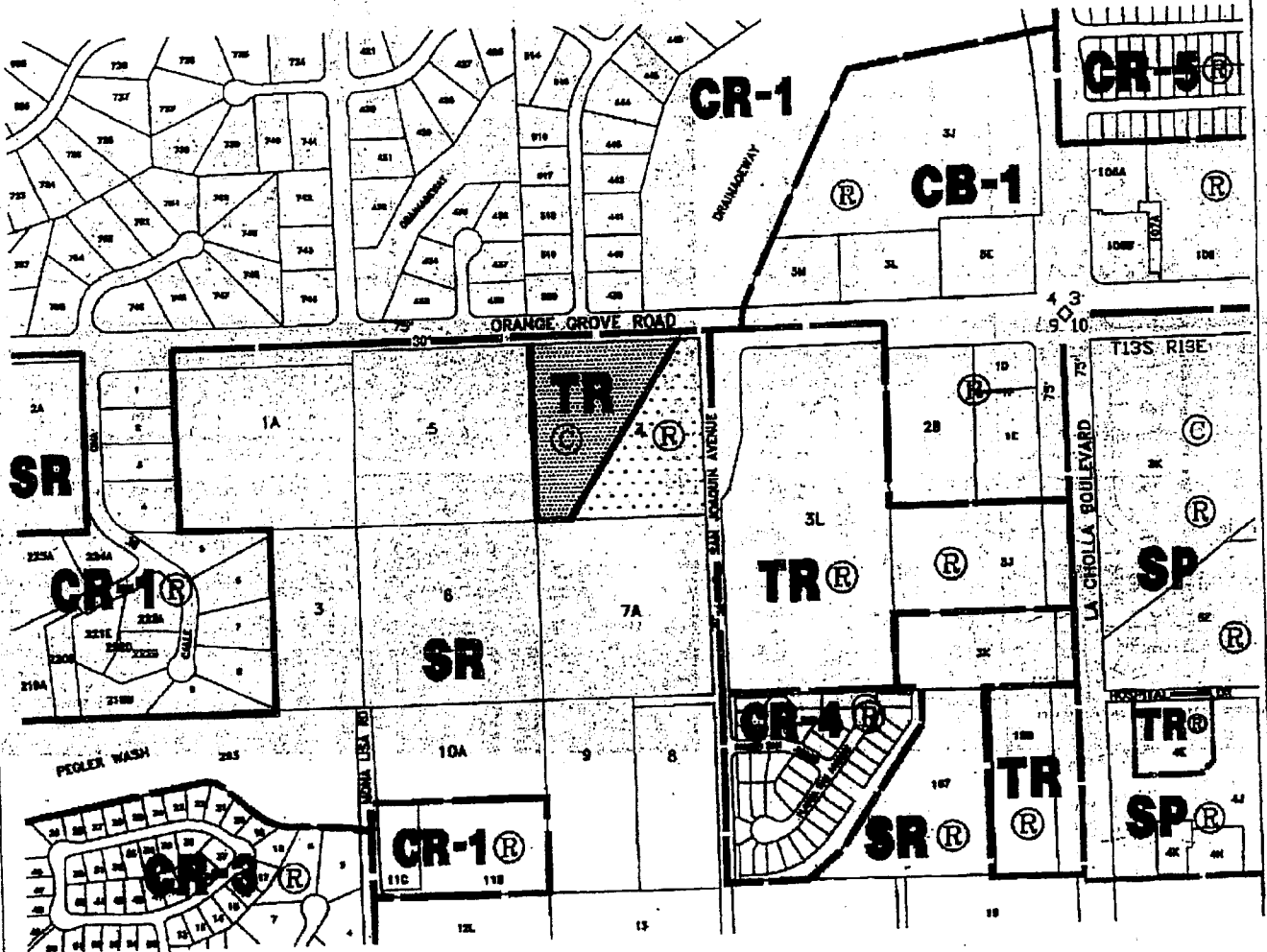
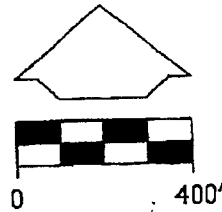


Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. **88** BY ORDINANCE NO. **2004-61**
 TO PIMA COUNTY ZONING MAP NO. 76 TUCSON, AZ.
 PARCEL 4 BEING A PART OF THE NW 1/4 OF THE NE 1/4 OF
 SEC 9, T13S R13E.

ADOPTED **8-16-04** EFFECTIVE **8-16-04**



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM SR 9.55 ac± (TR, 5.11ac - SR(R), 4.44ac)
 ds-JULY 2, 2004

CD9-03-32
 CD7-00-20
 101-09-0040

Site area: 9. / acres
 TR 5.11 acres
 SR 4.44 acres

Total building area:
 30,000 sf.

Building height:
 one and two stories
 (maximum of 34')

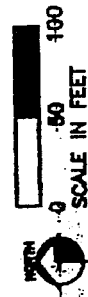
Parking required:
 100 spaces

Parking provided:
 103 spaces

EXHIBIT B

Exhibit IIB.1

Preliminary Development Plan

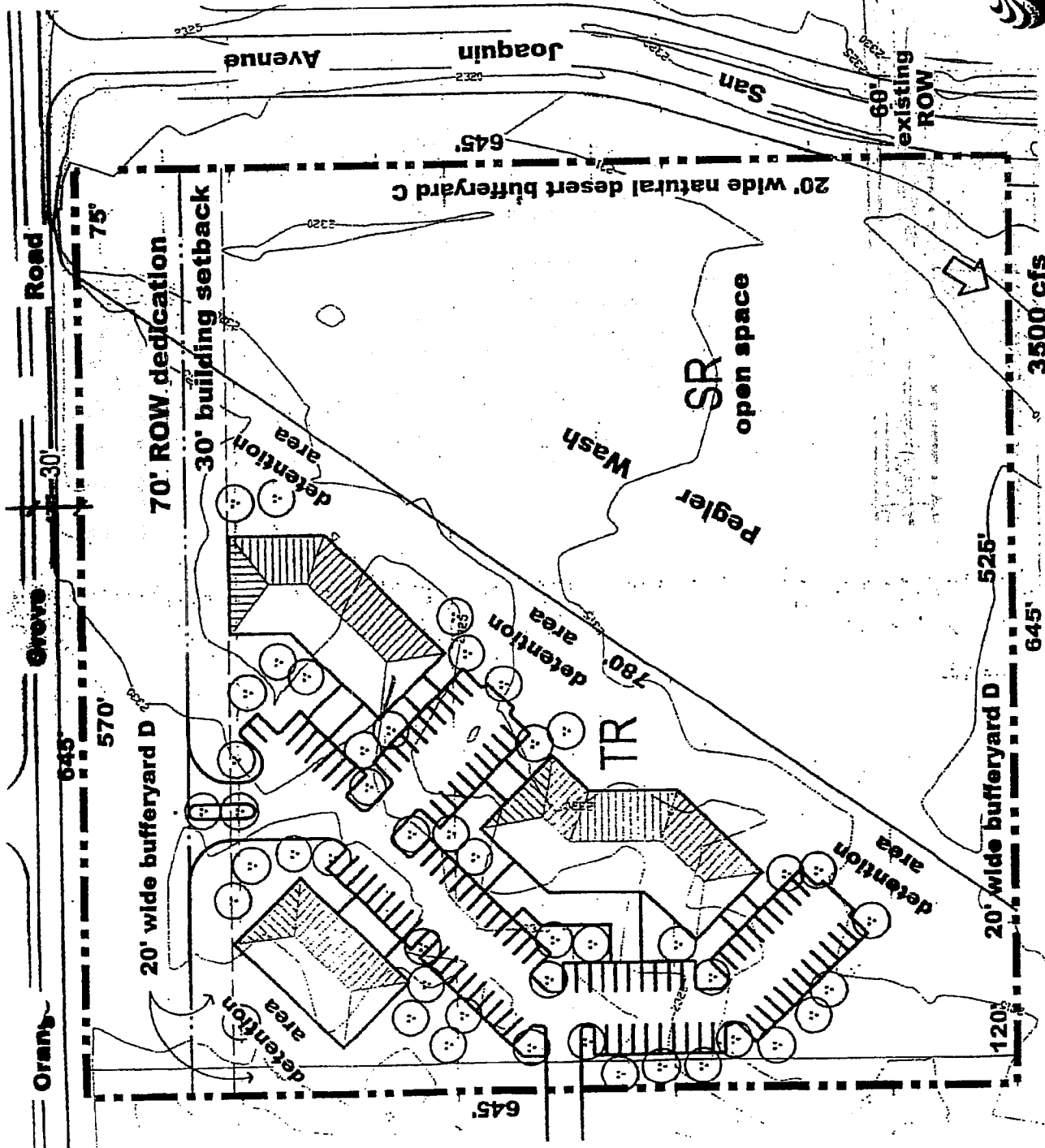


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Stantec

Co7-03-32 PDF



SWC Orange Grove / San Joaquin

HEAD QUARTERS

BOS 412.204