



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 7, 2015

Title: Co9-07-21 Stewart Title and Trust TR 3652 - N Como Drive Rezoning (Time Extension)

Introduction/Background:

Applicant requests a five-year time extension for the rezoning from RH Rural Homestead to SR-2 Suburban Ranch Estates of 59.91 acres at N. Como Drive approved by the Board of Supervisors on May 5, 2009

Discussion:

The applicant states that there has been no market for larger lot single family residential development in recent years in this region, requiring the need for a rezoning time extension

Conclusion:

A time extension is warranted on the 59.91-acre rezoning site

Recommendation:

Staff recommends APPROVAL of the 5-year time extension to May 5, 2019 on the 59.91-acre rezoning site

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

Department: Development Services Dept., Planning Div Telephone: 724-9000


Department Director Signature/Date: *[Signature]* 6/17/2015

Deputy County Administrator Signature/Date: *[Signature]* 6/23/15

County Administrator Signature/Date: *[Signature]* 6/23/15



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District # 1
FROM: Arlan M. Colton, Planning Director 
DATE: June 15, 2015
SUBJECT: Co9-07-21 STEWART TITLE AND TRUST TR 3652 – NORTH COMO DRIVE REZONING

The above referenced Rezoning Time Extension is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 7, 2015** hearing.

REQUEST: Request for a five-year **time extension** for a 59.91-acre rezoning from RH (Rural Homestead) zone to SR-2 (Suburban Ranch Estates) zone

OWNER: Stewart Title and Trust TR 3652
(Beneficiaries: Michael and Sally Aboud,
John Eli Aboud, Paula Aboud, A. Jean Aboud)
1661 N Swan Road, Suite 234
Tucson, AZ 85712

AGENT: The Planning Center
Attn: Tim Craven
110 S Church Street, Suite 6320
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Mark Holden

PUBLIC COMMENT TO DATE As of June 15, 2015, staff has received no public comments.

STAFF RECOMMENDATION: **Approval** of the time extension for the 59.91-acre rezoning

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS:

Important Riparian Area -	2.5 ac.
Multiple Use Management Area -	57.41 ac.
Special Species Management Area -	59.91 ac.

CP/MH/ar
Attachments




BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-07-21

Page 1 of 8

FOR July 7, 2015 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: June 15, 2015

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING TIME EXTENSION

Co9-07-21 STEWART TITLE AND TRUST TR 3652– NORTH COMO DRIVE REZONING

Request of **Stewart Title and Trust TR 3652**, represented by **The Planning Center**, for a five-year time extension for approximately 59.91 acres from the RH (Rural Homestead) zone to the SR-2 (Suburban Ranch Estates) zone. The rezoning was approved in 2009 and expired on May 5, 2014. The rezoning is located on the west side of N. Como Drive easement, approximately ½ mile north of the intersection of W. Moore Road and N. La Cholla Boulevard. Staff recommends **APPROVAL** of a five-year time extension subject to original and modified standard and special conditions. (District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of a five-year rezoning time extension to May 5, 2019 for 59.91 acres from the RH (Rural Homestead) zone to SR-2 (Suburban Ranch Estates) zone with original standard and special conditions and the following staff-recommended changes listed below:

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.~~
- 2 3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- 3 4. Provision of development related assurances as required by the appropriate agencies.

- 4 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.
- 5 6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 6 7. Transportation conditions:
- A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
 - B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
- 7 8. Environmental Quality conditions:
- A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
 - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
 - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
- 8 9. Flood Control conditions:
- A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - B. Off-site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the preliminary development plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
 - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
- 9 10. Wastewater Reclamation Management condition
- The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

10 44. Environmental Planning conditions:

- A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
- ~~B. These elements listed in Appendix A (EXHIBIT B) of the site analysis shall be included in the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision.~~
- B.G. 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 transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current 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.
- ~~D. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:~~
 - ~~1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.~~
 - ~~2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.~~

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

CE. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.

11 42. Cultural Resources conditions:

- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
- B. 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 43. The following conditions shall be required in support of County Sustainability Initiatives:

- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.

~~44. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.~~

13 45. 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.

14 46. 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)."

15 47. Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.

Original conditions #2 (hold harmless covenant for flooding) and #14 (affordable housing trust fund) are no longer standard rezoning conditions and are removed. Original condition #11 is updated to reflect the current standard Environmental Planning conditions.

The modified conditions are not substantial changes and do not require a public hearing before the Planning and Zoning Commission.

Staff Report

Staff supports the requested five-year time extension to May 5, 2019. The applicant states there has been no market for larger lot single family residential development in recent years and the time extension is necessary for the residential market to recover.

The rezoning conforms to the Low Intensity Rural (LIR) Comprehensive Plan land use designation for allowable zoning districts and maximum residential density. The land use designation on the site also remains LIR under the 2015 Pima Prospers Comprehensive Plan update. The rezoning also meets all concurrency criteria; although staff received no current comments from the water provider (Tucson Water), they stated intent to provide service at the original rezoning.

The site is within the Maeveen Marie Behan Conservation Lands System (MMBCLS) – designations include 2.5 acres of Important Riparian Area and 57.41 acres of Multiple Use Management Area, and the entire site is also overlain by Special Species Management Area. Environmental Planning rezoning conditions limit total grading to around 20% of the rezoning site. The rezoning from RH to SR-2 would potentially increase the number of residences on the 60-acre site from 14 to 36, but the preliminary development plan proposes only half that number of residential lots (18). As mentioned in the original staff report, the rezoning would preserve more open space under MMBCLS guidelines than if developed under the original RH zoning.

If the Board of Supervisors denies the time extension, the rezoning case will be closed and the site will revert to unrestricted RH zoning. Closure of the rezoning would not preclude the possibility of a similar future rezoning. If the time extension is approved, a resolution will be forwarded to the Board of Supervisors for adoption to memorialize the new rezoning time limit and any changes in rezoning conditions.

Surrounding Zoning / Land Uses & General Character

North:	RH	Low-density rural residential, vacant land
South:	RH	Low-density rural residential, vacant land
East:	RH	Low-density rural residential, vacant land
West:	RH	Low-density rural residential, vacant land

Since the initial rezoning, land use changes and development in the vicinity of the site have been minimal. The site is located about ¼ mile from the Town of Marana and ½ mile from the Town of Oro Valley but there have been no annexations in the region by either jurisdiction since the 2007 rezoning.

Concurrency Considerations		
<i>Department</i>	<i>Concurrency Considerations Met: Yes / No / N/A</i>	<i>Other Comments</i>
Transportation	Yes	No objection
Flood Control	Yes	No objection
Wastewater	Yes	No objection
Parks & Recreation	Yes	No objection
Tucson Water	Yes	No comments received
Environmental Quality	Yes	No comments received

Pima County Regional Flood Control District

The District has no objection to the rezoning time extension request with continuation of the existing conditions.

Pima County Department of Transportation

The site is located in the northwest quarter of Section 28, Township 11 South, Range 13 East, northwest of Moore Road and Como Drive. There are 18 single-family residential lots proposed, which could generate 180 ADT. A 9-lot RH subdivision to the north of the rezoning site was also shown on the preliminary site plan. This subdivision could generate 90 ADT. Both sites are utilizing the same access to Moore Road and Como Drive and the same common area, which will be a private street within the rezoning and subdivision site.

The proposed access to the site is via an existing 50-foot-wide easement that is a privately maintained, unpaved local collector road which extends 0.5 mile west from Como Drive. It will need to be improved to meet Subdivision and Development Street Standards for access to the proposed subdivisions.

Como Drive is a two-lane, paved, County maintained, residential collector with an existing 50-foot-wide right-of-way from Moore Road north for approximately 1.0 mile. Como Drive extends north and south of the existing paved portion both as an easement and an unpaved county road. No traffic counts are available for Como Drive and the traffic capacity is 5,000 to 10,000 ADT.

Moore Road is a two-lane, paved, County maintained, major collector that is designated a scenic major route with a planned 150-foot right-of-way per the Major Streets and Scenic Routes Plan. The County portion is approximately 2.0 miles in length but connects to Oro Valley and Marana maintained portions of Moore Road. The most recent traffic count from 2012 on Moore Road is 2004 ADT and the traffic capacity is 15,930 ADT.

Area roads are operating below their capacities. The only major roadway improvement in the area is the widening of Tangerine Road to four lanes with sidewalks and multi-use lanes. This project will also eliminate dip crossing and upgrade culverts to avoid road closures due to flooding; additional turn lanes, upgraded signalization, and wildlife crossings are also part of the design. This improvement has been funded and is currently under design. Construction should begin in 2016. The property is located in the Catalina Foothills Impact Fee Benefit Area.

The Department of Transportation has no objection to the time extension request. Concurrency considerations have been met, and no changes are proposed to the existing rezoning conditions.

Pima County Regional Wastewater Reclamation Department

The Department reviewed the request for a five-year time extension for the above-referenced rezoning case. The subject site is not within the area currently served by the Pima County Regional Wastewater Reclamation Department. There are no current or proposed plans to extend public sewers to the area and the project will be required to utilize individual septic systems.

The Department has no objection to the 5-year rezoning time extension. The existing wastewater condition in rezoning Ordinance 2010-55 adopted September 21, 2010 by the Board of Supervisors is concurrent and does not require revision.

Pima County Department of Environmental Quality

No comments were received. As the site will employ on-site septic disposal systems, original rezoning conditions #8 A, B and C still apply.

Pima County Natural Resources, Parks & Recreation Department

The Department reviewed the rezoning time extension request and had no comments.

Pima County Cultural Resources and Historic Preservation Division

The Division reviewed the rezoning time extension and stated that original conditions #12 A and B still apply to the rezoning.

Tucson Water

No comments were received. At the original rezoning, Tucson Water provided a letter stating intent to provide service to the proposed development; however, this letter was valid for only one year after the date of its issuance (July 7, 2008). The applicant may present a letter of intent to provide water service at the time of the tentative plat, per original rezoning condition #9 C.

Golder Ranch Fire District

The District Fire Marshal reviewed the rezoning time extension request and had no comments.

Public Comments

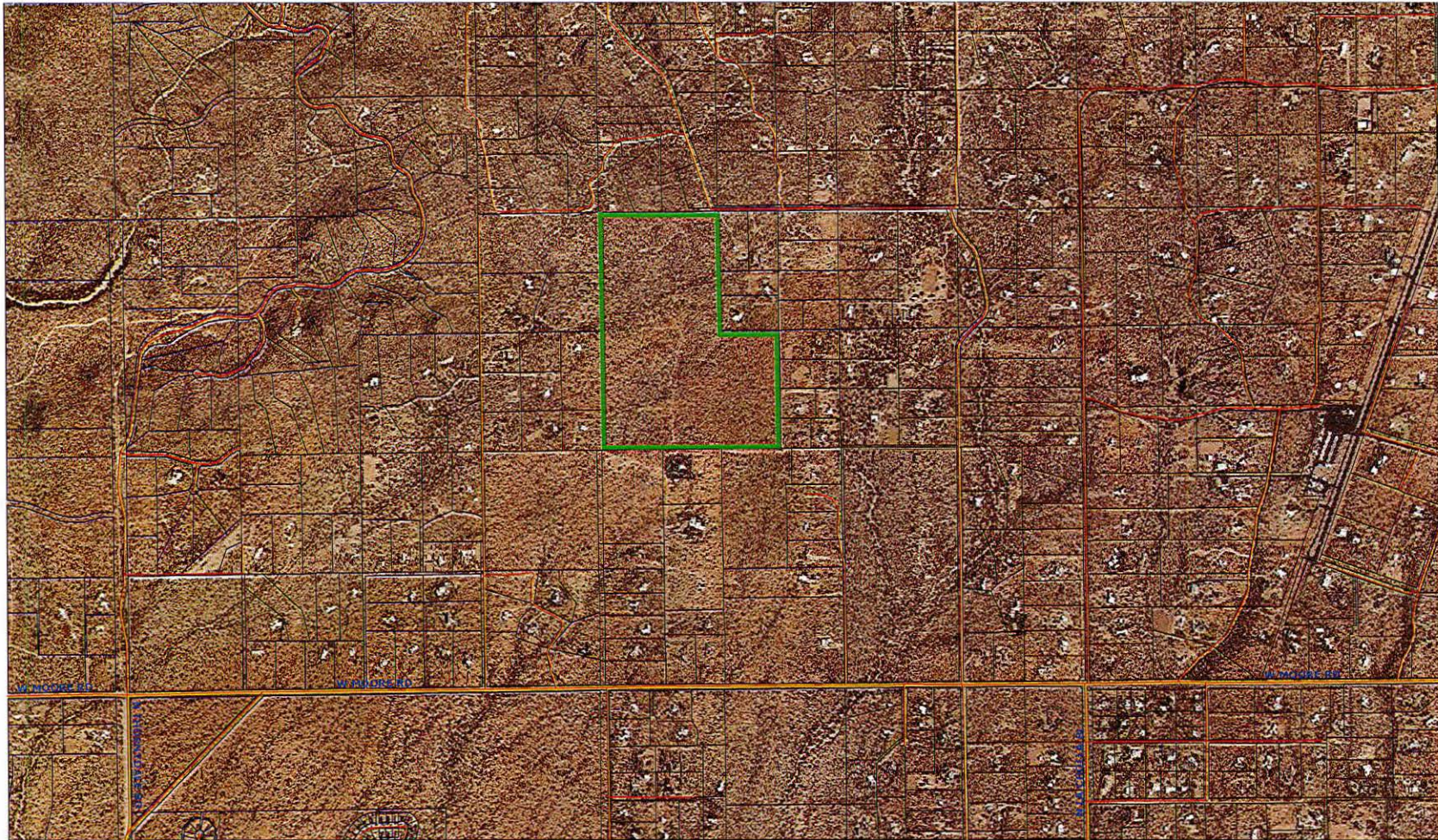
No public comments have been received as of the date of submittal of this staff report.

CP/MH/ar
Attachments

- c: Stewart Title and Trust TR 3652, (Beneficiaries: Michael and Sally Aboud, John Eli Aboud, Paula Aboud, A. Jean Aboud), 1661 N Swan Road, Suite 234, Tucson, AZ 85712
The Planning Center, Attn: Tim Craven, 110 S. Church Avenue, Ste. 6320,
Tucson, AZ 85701
Chris Poirier, Assistant Planning Director
Co9-07-21 File

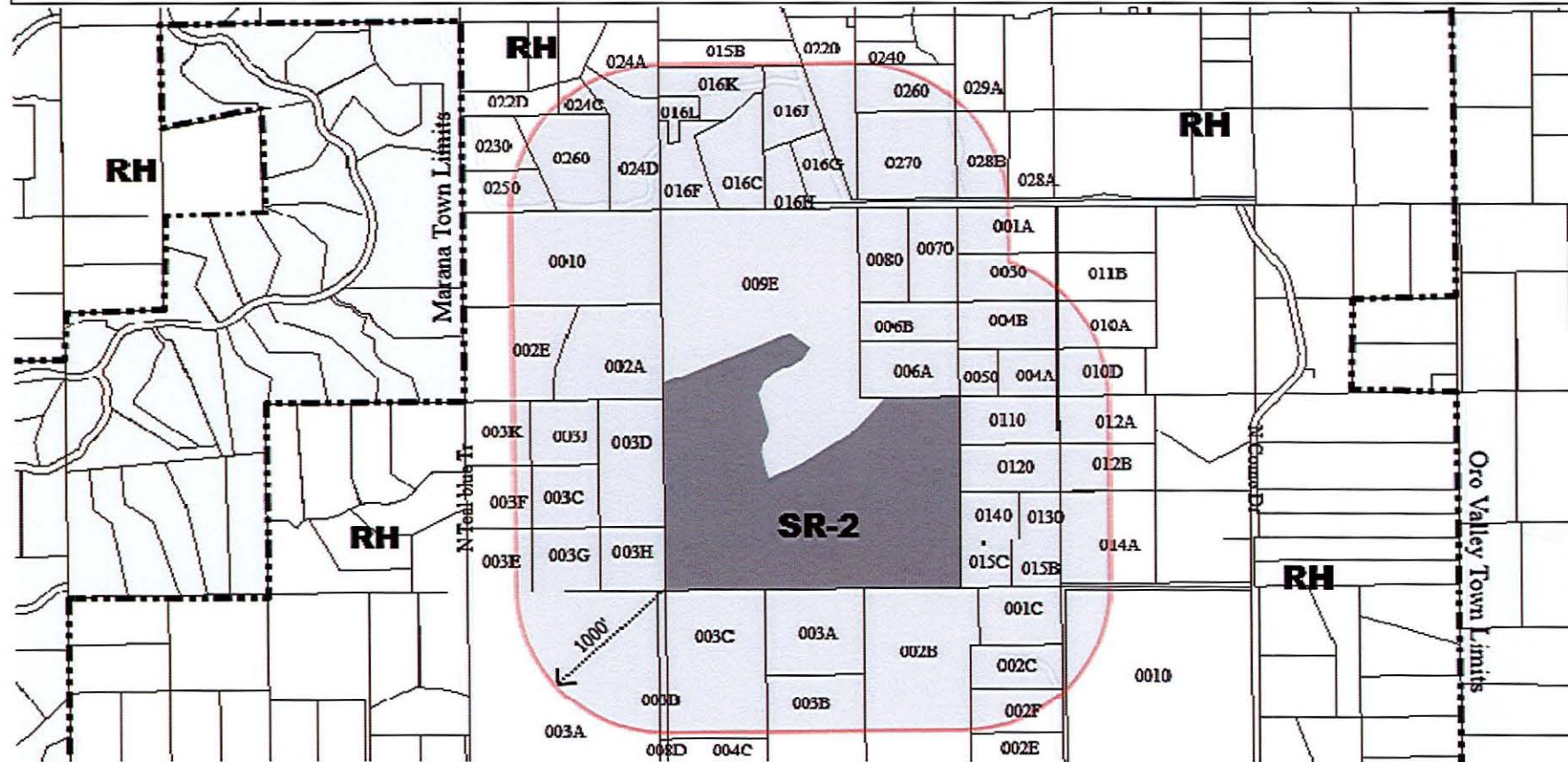
Co9-07-21 Stewart Title & Trust TR 3652 – N Como Drive Rezoning (Time Extension)

Aerial Photo



June 1, 2015

STEWART TITLE TR 3652—N. COMO DRIVE REZONING



File no.:

Co9-07-021

Application:

TIME EXTENSION

Tax Code(s):

219-26-009E

Base Map:

351

Board of Supervisors

7/7/15

Hearing:



6/1/2015



May 5, 2015

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

Subject: **Time Extension Request for Co9-07-21 - North Como Drive Rezoning**
AAA-03

Dear Chris:

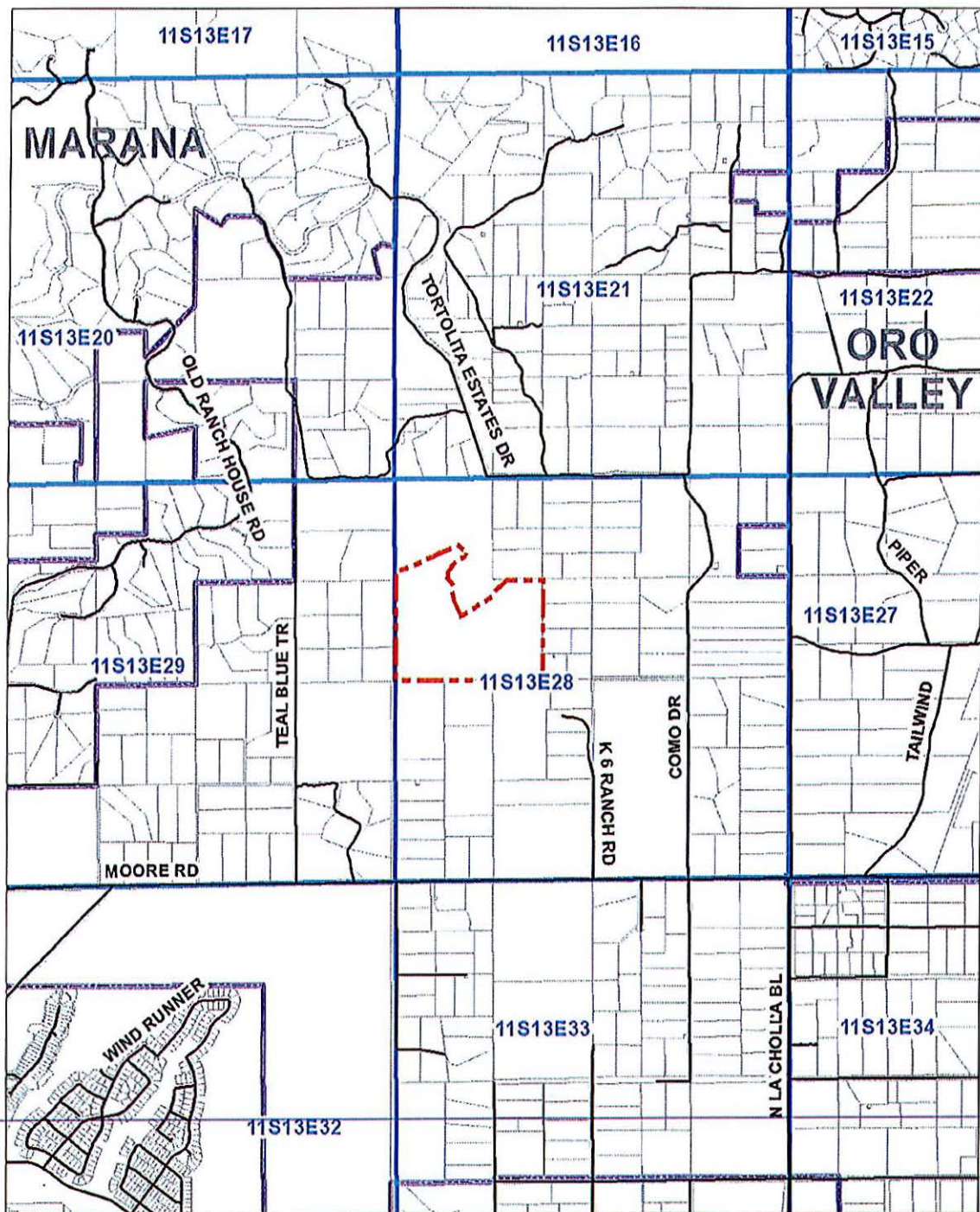
On behalf of Stewart Title & Trust No. 3652, landowners of the subject property, we are requesting a denial of the rezoning closure and a 5-year time extension for rezoning Case #Co9-07-21, North Como Drive Rezoning. The subject site is approximately 59.91 acres, roughly 2,500 west of Como Drive in Pima County, and located in Township 11 South, Range 13 East, Section 28, on County Assessor's Parcel number 219-26-009E. See enclosed location map.

This parcel is still vacant, and since there has been no market for larger lot single family residential development in recent years, a 5-year time extension is necessary for the residential market to recover. In addition, during the time period since the initial rezoning, the property owner has successfully worked with Tucson Water and surrounding property owners to have Tucson Water infrastructure extended to the subject property.




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

Sincerely,
THE PLANNING CENTER

Tim Craven
Planner

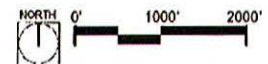


LEGEND

-  Site Boundary
-  Township, Range & Section
-  Jurisdictional Boundaries

Notes:

Project Site is located at:
Township 11S, Range 13E, and Section 28
Acreage: Approx. 59.9 AC
Parcel ID # 219-26-009E



FILE NAME: location_6x8.mxd
SOURCE: Pima County GIS, 2015

April 29, 2015

Pima County Development Services
Planning and Zoning Division
201 North Stone, 2nd Floor
Tucson, AZ 85701

Subject: **Saguaro Ridge Estates Rezone**
Assessor's Parcel Number: 219-26-009E
AAA-01

To Whom It May Concern:

As owner of the above-mentioned parcels, I hereby authorize The Planning Center to act as our agent throughout the rezoning time extension application process.

Very Truly Yours,

Stewart Title & Trust of Tucson, an Arizona corporation as Trustee
under Trust 3652 and not otherwise.


Doris J. Clark, Trust Officer

The beneficiaries of the Trust are disclosed in Docket 13105 at page 2804

Beneficiaries are: Michael and Sally Aboud, John Eli Aboud, Paula Aboud, and A. Jean Aboud-
all c/o 1661 North Swan, Suite 234 Tucson, Arizona 85712

*If the ownership is held within a trust, the original signature of the Trust Officer is required along
with a disclosure of the beneficiaries of the trust.

*If the ownership is shown to be an LLC, LLP, corporation or company, an original signature from
an officer with his/her title is required along with a disclosure of the officers of the entity.

DECLARATION OF TRUST AND AFFIDAVIT

STEWART TITLE & TRUST OF TUCSON, an Arizona corporation, was employed to act in a Trustee capacity under its Trust No. 3652 and hereby declares that it has acquired title to various parcels of property in the name of Trust No. 3652.

The beneficiary (ies) of said Trust No. 3652 is (are):

NAME _____

ADDRESS

MICHAEL J. ABOUD & SALLY ABOUD

c/o ABOUD & ABOUD
100 N. Stone, 3rd floor
Tucson, AZ 85701

JOHN E. ABOUD

" "

PAULA A. ABOUD

" "

A. JEAN ABOUD

" "

SHELLEY LYNN ABOUD

" "

JEFFREY M. HOLZMAN & LESLIE ABOUD HOLZMAN

" "

ABOUD & ABOUD, P.C. PROFIT SHARING PLAN

" "

Properties in Section 28-11-13

Dated this 26th day of JULY, 2007.

STEWART TITLE & TRUST OF TUCSON, an
Arizona corporation, as Trustee under
Trust No. 3652, as Trustee only and
not otherwise.

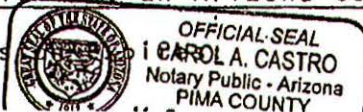
Pat Spaulding Trust Officer

STATE OF ARIZONA)

County of Pima) ss:

This instrument was acknowledged before me this 26th day of JULY, 2007 by Pat Spaulding as Trust Officer for Stewart Title & Trust of Tucson, an Arizona corporation, as Trustee only & not otherwise.

My Commis



Notary Public



REGIONAL WASTEWATER RECLAMATION DEPARTMENT
201 NORTH STONE AVENUE
TUCSON, ARIZONA 85701-1207

JACKSON JENKINS
DIRECTOR

PH: (520) 724-6500
FAX: (520) 724-9635

May 22, 2015

TO: Mark Holden, Principal Planner
Planning Division
Pima County Development Services Department

FROM: *Mirela Hromatka*
Mirela Hromatka, Senior Planner
Planning and Engineering Division
Pima County Regional Wastewater Reclamation Department

SUBJECT: **Rezoning Time Extension for Co9-07-21 Stewart Trust & Trust No. 3652 – North Como Drive Rezoning**
Tax Parcel# 219-26-009E; 60 acres

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request for a five year time extension for the above referenced rezoning case and offers the following comments for your use. The 60-acre rezoning site is located approximately one half mile northwest of the intersection of Moore Road and La Cholla Blvd. The subject site is currently zoned SR-2 for a low density residential development (18 units).

The subject site is not within the area currently served by PCRWRD. There are no current or proposed plans to extend public sewers to the area. The project will utilize individual septic systems.

The PCRWRD has no objection to the 5 year extension of the rezoning. The existing wastewater condition in rezoning Ordinance 2010-55 adopted September 21, 2010 by the Board of Supervisor is concurrent and does not require revision.

If you wish to discuss the above conditions, please contact me at 724-6488.

MH
Copy: Project



DEPARTMENT OF TRANSPORTATION
201 NORTH STONE AVENUE, FOURTH FLOOR
TUCSON, ARIZONA 85701-1207

PRISCILLA S. CORNELIO, P. E.
DIRECTOR

(520) 724-6410
FAX (520) 724-6439

Memorandum

Date: May 28, 2015
To: Mark Holden, Principal Planner, Pima County Development Services
From: Jeanette DeRenne, AICP, Principal Planner, Pima County Department of Transportation
Subject: Co9-07-21 Time Extension

The site is located in the northwest quarter of Section 28, Township 11 South, Range 13 East (northwest of Moore Road and Como Drive). There are 18 single family residential lots proposed, which could generate 180 ADT. A 9 lot RH subdivision to the north of the rezoning site was also shown on the preliminary site plan. This subdivision could generate 90 ADT. Both sites are utilizing the same access to Moore Road and Como Drive and the same common area, which will be a private street within the rezoning and subdivision site.

The proposed access to the site is via an existing 50 feet wide easement that is a privately maintained, unpaved local collector road which extends 0.5 mile west from Como Drive. It will need to be improved to meet Subdivision and Development Street Standards for access to the proposed subdivisions.

Como Drive is a two lane, paved, County maintained, residential collector with an existing 50 feet wide right-of-way from Moore Road north for approximately 1.0 mile. Como Drive extends north and south of the existing paved portion both as an easement and an unpaved county road. No traffic counts are available for Como Drive and the traffic capacity is 5,000 to 10,000 ADT.

Moore Road is a two lane, paved, County maintained, major collector that is designated a scenic major route with a planned 150 feet right-of-way per the Major Streets and Scenic Routes Plan. The County portion is approximately 2.0 miles in length but connects to Oro Valley and Marana maintained portions of Moore Road. The most recent traffic count from 2012 on Moore Road is 2004 ADT and the traffic capacity is 15,930 ADT.

Area roads are operating below their capacities. The only major roadway improvement in the area is the widening of Tangerine Road to four lanes with sidewalks and multi-use lanes. This project will also eliminate dip crossing and upgrade culverts to avoid road closures due to flooding. Additional turn lanes, upgraded signalization, and wildlife crossings are also part of the design. This improvement has been funded and is currently under design. Construction should begin in 2016. The property is located in the Catalina Foothills Impact Fee Benefit Area.

The Department of Transportation has no objection to the time extension request. Concurrency considerations have been met, and no changes are proposed to the existing rezoning conditions.

RE: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

From: Courtney Rose

Sent: Tue 05/12/2015 10:26 AM

To: Mark Holden; Chris Poirier

Hi Mark,

The same cultural resources conditions (12 A and B) apply to the Time Extension and Rezoning.

Thank you,
Courtney

From: Mark Holden

Sent: Wednesday, May 06, 2015 2:08 PM

To: Chris Poirier

Subject: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

Stewart Title & Trust No. 3652-North Como Drive, represented by the Planning Center, is requesting a 5-Year Time Extension for an approximately 59-acre rezoning from RH Rural Homestead zone to SR-2 Suburban Ranch Estate about ½ mile NE of the intersection of W Moore Rd and N La Cholla Boulevard.

Please review the attached application and Ordinance with rezoning conditions and provide new or updated conditions. Please email comments to me by May 29, 2015. Thank you,

Mark Holden
Principal Planner

RE: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

Greg Saxe

Sent: Tues 05/26/2015 2:54 PM

To: Mark Holden

I have no objection to the time extension with continuation of the existing conditions. However please note that the language in conditions (A & B requiring certain items "before approval of the tentative plat" is a bit odd and I don't know where it came from.....this sounds like something Mark F added to my recommendation..... It probably should say that the Drainage Report submitted with the Plat must include these items. But for ease I think we just leave it as is and we can interpret at the time it comes in.

Greg Saxe

Environmental Planning Manager

Floodplain Management Division

Pima County Regional Flood Control District

97 East Congress Street

Tucson, AZ 85701

(520)724-4600

From: Mark Holden

Sent: Wednesday, May 06, 2015 2:08 PM

To: Chris Poirier

Subject: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

Stewart Title & Trust No. 3652-North Como Drive, represented by the Planning Center, is requesting a 5-Year Time Extension for an approximately 59-acre rezoning from RH Rural Homestead zone to SR-2 Suburban Ranch Estate about ½ mile NE of the intersection of W Moore Rd and N La Cholla Boulevard.

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Mark Holden

Principal Planner

RE: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

Greg Hagen

Sent: Thu 05/07/2015 12:01 PM

To: Mark Holden

Mark,

NRPR has no objection to the time extension request.

Thank you,

Greg Hagen

From: Mark Holden

Sent: Wednesday, May 06, 2015 2:08 PM

To: Chris Poirier

Subject: Co9-07-21 Stewart Title & Trust No 3652-N Como Dr rezoning - Time Extension request

Stewart Title & Trust No. 3652-North Como Drive, represented by the Planning Center, is requesting a 5-Year Time Extension for an approximately 59-acre rezoning from RH Rural Homestead zone to SR-2 Suburban Ranch Estate about ½ mile NE of the intersection of W Moore Rd and N La Cholla Boulevard.

Please review the attached application and Ordinance with rezoning conditions and provide new or updated conditions. Please email comments to me by May 29, 2015. Thank you,

Mark Holden
Principal Planner



GOLDER RANCH FIRE DISTRICT

Fire and Life Safety Division

2012 International Fire Code Compliance Review

TO: Pima County Development Services Planning Division
FROM: William R. Loesche
DATE: 05/11/15
PROJECT: Co9-07-21 Stewart Title & Trust No.3652 – North Como Dr., Pima County
REVIEW: **Fire Code Compliance Review of Rezoning 5-year Time Extension**
Review Type: Rezoning Request **Received on: 05/06/15**
Review Status: Comments Only

Occ. Type	Const. Type	Area S.F	Stories	Height	Occ. Load	Sprinkler	Fire Alarm	Fire Flow
Submittal Represents			APN 219-26-009E					
Deferred Submittals								
Water Plan Status								
Current Fire Flow Status								
Current Fire Apparatus Access Status								
IFC Standard 901 Acknowledgment								
Does Fire Approve of Permit Issuance?			Comments Only					

The permit application of the above referenced project is in review for compliance with the Golder Ranch Fire District Fire Code and Standards.

Section I – GRFD/TOV IFC Standard 901 :

1.1 N/A

Section II – Rezoning Application Fire Code Review Comments

2.1 No comments

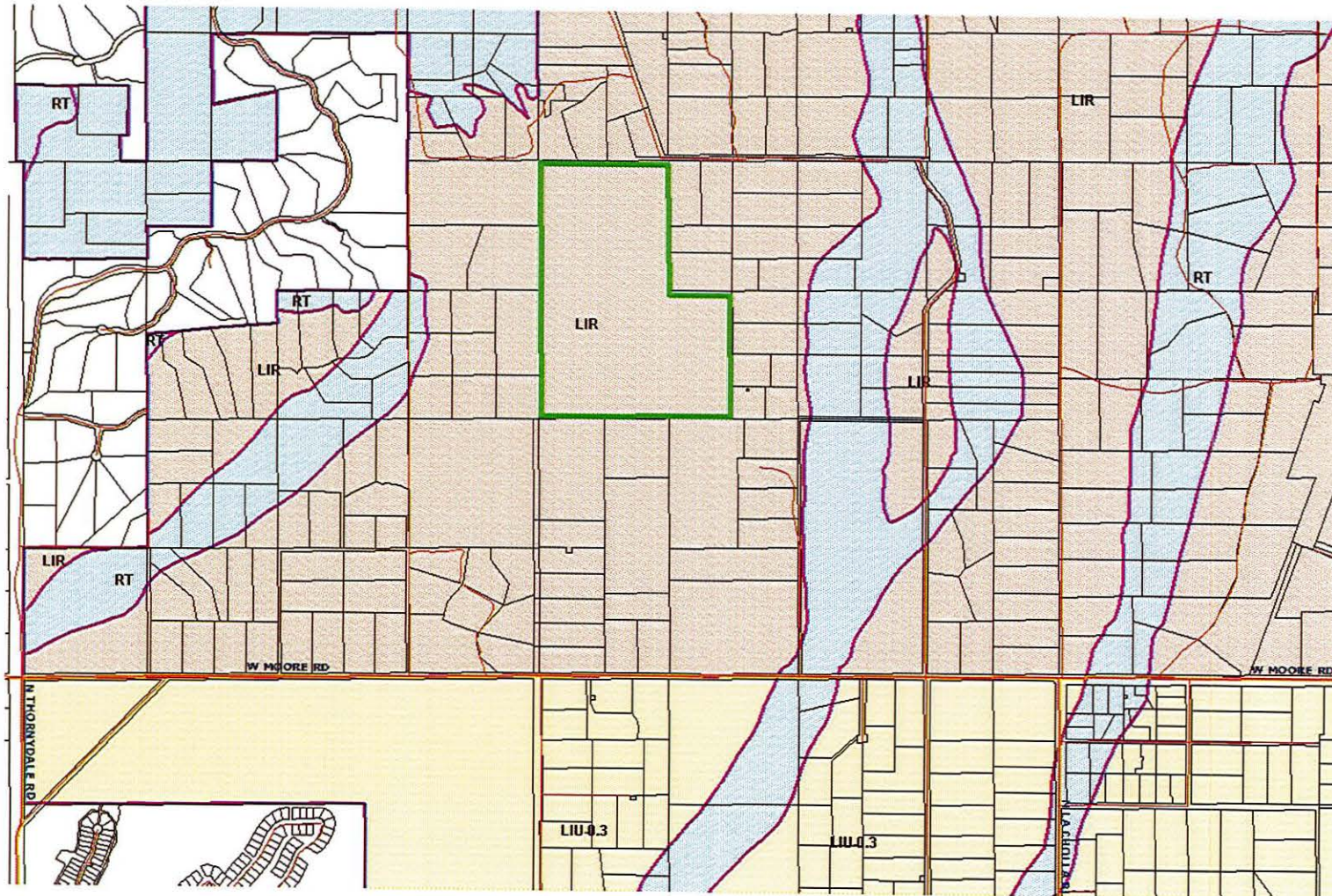
Please email or call me with any questions.

William R. Loesche
District Fire Marshal
(520) 818-1017

Golder Ranch Fire District – Fire and Life Safety Division 3885 E. Golder Ranch Dr., Tucson, Arizona 85739
520-818-1017 Fax 520-825-8043 www.grfdaz.org wloesche@grfdaz.gov
Proudly Serving Our Community with Strong Hands & Caring Hearts Since 1977.
Serving as the Fire Marshal for the Town of Oro Valley since 1999.

Co9-07-21 Stewart Title & Trust TR 3652 – N Como Drive Rezoning (Time Extension)

Comprehensive Plan Land Use Designation



June 1, 2015

Co9-07-21 Stewart Title & Trust TR 3652 – N Como Drive Rezoning (Time Extension)

Comprehensive Plan Land Use Designation: Low Intensity Rural (LIR)

Purpose: To designate areas for residential uses at densities consistent with rural and resource-based characteristics

Residential Gross Density:

Minimum - none

Maximum - 0.3 RAC

Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan:

- 1) RH Rural Homestead Zone
- 2) SR Suburban Ranch Zone
- 3) SR-2 Suburban Ranch Estate Zone
- 4) GR-1 Rural Residential Zone
- 5) MR Major Resort

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.

13. 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.
14. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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)."
15. Property owner/developer shall adhere to the preliminary development plan as approved by the Board of Supervisors.

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

On consideration, it was moved by Chairman Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-13 with standard and special conditions.

24. DEVELOPMENT SERVICES: REZONING

Co9-07-21, STEWART TITLE AND TRUST TR. NO. 3652 – NORTH COMO DRIVE REZONING

Request of Stewart Title and Trust Tr. No. 3652, represented by The Planning Center, for a rezoning of approximately 59.91 acres from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate), on property located approximately 2,500 feet west of North Como Drive, approximately one half mile northwest of the intersection of Moore Road and La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"Rezoning conditions were recommended as follows:

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
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 conditions
 - A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
 - B. Offsite improvements shall be required for the access between the rezoning subject property

and Como Drive as determined necessary by the Department of Transportation (Shown as Street A on the Preliminary Development Plan).

8. Environmental Quality conditions:
 - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
 - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the primary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
 - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
9. Flood Control conditions:
 - A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - B. Off site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the Preliminary Development Plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
 - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
 - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
10. Wastewater Management condition:

The owner/developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
11. Environmental Planning conditions:
 - A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
 - B. Those elements listed in Appendix A of the site analysis shall be included in the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision.
 - C. 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 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.
 - D. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:
 1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.
 2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome

Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- E. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.
12. Cultural Resources conditions:
- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development 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.
- B. 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.
13. The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with ~~curb cuts and depressed planter islands~~ subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.
14. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
15. 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.
16. 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(I)."
17. Adherence to the preliminary development plan as approved at public hearing."

Tom Hudson, Zoning Administrator, provided a report and recommended approval with standard and special conditions. Staff received two protest letters from residents who own property to the East of the proposed rezoning area and three neighbors spoke at the public hearing expressing concerns about increased density and possible disturbances.

The following speakers addressed the Board:

1. Glenn Phillips
2. Allan Zimmerman

They provided the following comments:

- A. The proposal was an excellent project and positive input for their community.
- B. They appreciated the fact that the County would be regulating the community and maintaining high standards.
- C. Opposition of the proposal was expressed. Ecologically sound concepts and the conservation of natural open space were encouraged.

Linda Morales, representative from the Planning Center, stated all the legal easements were in place and their engineer had been coordinating with the property owner adjacent to the South of the easement on some of the features that had been put into the easement over the years. She stated that some common areas of open spaces along the washes and some large archeological sites would be preserved.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-21 with standard and special conditions.

25. DEVELOPMENT SERVICES: REZONING

Co9-08-12. FIDELITY NATIONAL TITLE TR. 10756 - OLD VAIL ROAD REZONING

Request of Fidelity National Title Trust 10756, represented by Rick Engineering, for a rezoning of approximately 21.30 acres from RH (Rural Homestead) to CI-1 (Light Industrial/Warehousing), on property located on the north and south sides of Old Vail Road, approximately 2,500 feet northwest of Colossal Cave Road, between two Union Pacific railroad tracks. The proposed rezoning conforms to the Pima County Comprehensive Plan. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

"Rezoning conditions were recommended as follows:

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

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