BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 5, 2016

Title: Co9-15-04 LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING

Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to SR-2 (Suburban Ranch Estate) for 77.9 acres for a 45-lot residential development.

Discussion:

The SR zoned site is currently platted (Desert Senna Estates (P1209-091)) for 22 lots proposing notably less open space than the rezoning proposes. A Comprehensive Plan amendment (Co7-13-08) was approved for the site in 2013.

Conclusion:

Requested rezoning conforms to the Comprehensive Plan; rezoning on site would provide greater open space including protecting the entire peak, floodplain, and most area within the Erosion Hazard Setback.

Recommendation:

Staff and the Planning & Zoning Commission recommend approval subject to standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date:

Deputy County Administrator Signature/Date: 6/14/16

County Administrator Signature/Date: 6/14/16

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

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

DATE: June 13, 2016

SUBJECT: **Co9-15-04** **LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 5, 2016** hearing.

REQUEST: For a rezoning of approximately 77.9 acres from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone, on property located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste.

OWNER: Kai Sunset 80 Property LLC
P.O. Box 2305
Cortaro, AZ 85652

AGENT: The WLB Group, Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711

DISTRICT: 3

STAFF CONTACT: Janet Emel

PUBLIC COMMENT TO DATE: As of June 13, 2016, staff has received one letter of opposition from the Tucson Mountains Association was received. A letter of support subject to six additional rezoning conditions from the Coalition for Sonoran Desert Protection was received.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (5-2-1, Commissioners Matter and Membrila voted NAY, Commissioner Mangold ABSTAINED, and Commissioners Cook and Neeley were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

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

TD/JE/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

FOR JULY 5, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: **June 13, 2016**

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

Co9-15-04 **LANDMARK TITLE TR 18109 – W. SUNSET ROAD REZONING**
Request of **Landmark Title TR 18109**, represented by **The WLB Group**, for a rezoning of approximately 77.9 acres from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, and SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay) zone, and SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone, on property located on the south side of W. Sunset Road, approximately 1,300 feet west of N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-13-10. On motion, the Planning and Zoning Commission voted 5-2-1 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Matter and Membrila voted NAY, Commissioner Mangold ABSTAINED, and Commissioners Cook and Neeley were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**
(District 3)

PLANNING AND ZONING COMMISSION HEARING SUMMARY (March 30, 2016)

Staff presented the staff report to the commission.

A commissioner asked how the substantial number of saguaros on this property will be preserved. Staff responded that the combination of the Native Plant Preservation Ordinance (NPPO) requirements with the conditions that the Coalition for Sonoran Desert Protection (Coalition) requested should address the saguaro issue. Staff said that the saguaros are fairly well dispersed (as opposed to huge clusters) so there is opportunity to locate structures around them.

The applicants' representative began his presentation discussing the Comprehensive Plan amendment that led to this rezoning request and the site plan that was approved then. He said the rezoning site plan is an improvement over the plan amendment site plan. After meeting with Department of Transportation staff, one access onto Sunset Road has been eliminated which will improve driver visibility. On the rezoning site plan, the corridor along the E. Idle Hour Wash which is the significant corridor going north/south in this property is widened and density along the western edge of the property and the southeast corner is reduced.

The representative explained that Sunset Road is hilly, but there is no traffic capacity issue. The proposed plan would double the traffic volume of 220 Average Daily Trips (ADT) associated with the existing plat. The issue with the road has more to do with safety than volume. The representative pointed out the specific hill that the County trimmed down a few years ago to increase site visibility. Overall, he said the proposed layout is an improvement traffic wise over the existing plat.

The representative said the existing plat provides less open space protection than the proposed rezoning site plan. The tradeoff is the additional homes. He referenced his exhibits showing the areas that are currently protected by the existing plat versus the proposed rezoning. The representative said he knows the argument could be made that not everyone who develops on a SR lot is going to grade as much as they can, but the fact is that some people do. The plat as it exists today does not provide as much protection. Most of the saguaros are in the northern portion of the site which is less restricted by the plat. He noted that approximately 35% of the platted site is protected. The proposed rezoning has two things that will increase the open space protection: 1) "No-build" lines throughout the development, and 2) Within each lot, a maximum of 15,000 square feet of disturbance allowed for each home. He said the net change in open space from the existing plat to the proposed development is 35% to a little over 70%. Along the wash, the open space has been widened. The representative said that working with the Coalition for Sonoran Desert Protection, the building pads have been moved away from the wash and mostly out of the Erosion Hazard Setback.

The representative referenced a map showing regional wildlife movement and commented that he understands that development should be porous to wildlife. In his experience, developing in restricted areas within CR-1 lots does allow for wildlife movement. A restriction on the buildable area is something that the applicants have done at their Stone Canyon development with success. The E. Idle Hour Wash is the corridor that the applicants focused on widening. The point is that while SR does have the larger lots, there is that trade off of increased open space with a cluster. The rezoning proposes much larger contiguous green areas than found in SR development, plus preserving the entire peak.

It was confirmed that the applicants are in agreement with the conditions proposed by the Coalition.

A commissioner commented that the representative's open space exhibits are very informative. The commissioner asked about discussions with Tucson Unified School District (TUSD) and the status of the adjacent TUSD property. The representative said they have a verbal agreement and TUSD is working on the written agreement and as soon as the district sends it, it will be signed. The request is for $1500 per roof top in line with other school districts. The commissioner asked about access to the school property. The representative responded that the district has no plans to develop the property; they will probably sell it.

A commissioner asked how conversations with Tucson Water have gone. The representative said they have signed the pre-annexation agreement and copies will be delivered after this hearing. The commissioner asked if the waste management would be septic systems and the representative responded that it would be as there is no sewer in the area.

Another commissioner said looking at the biological exhibit in the site analysis, there are several lots which show a large amount of saguaros within the buildable areas. The commissioner said there are four lots in particular – 34, 39, 40, 42 that seem to have a lot of saguaros. The commissioner asked if those can be viably transplanted. The representative responded that a number of the saguaros on the property are spears with no arms which are easier to transplant. He said that saguaros are an amenity and something the builder will want to protect. The lots are large enough that the homeowners are going to orient houses around views and saguaros. The representative said the existing plat does not have any of those areas protected, so more saguaros will be protected by the proposed rezoning layout right off.

Another commissioner asked where the septic fields will be located. The representative said that septic systems and fields are typical for this area and that the 15,000 sq.ft. buildable area within each lot will include the septic systems and leach fields, house driveway and walled-in patio.

Another commissioner asked if the TUSD agreement is a private agreement. The representative responded it is as private as TUSD gets and that TUSD sent a letter saying they wanted roof top amount because they are already over population at Tucson High. The commissioner questioned whether the agreement is between the property owner and TUSD, that it is not a condition of zoning. Staff noted that it would never be a rezoning condition. A commissioner asked what the money is for since school districts are funded by the State. The representative said that he asked the same question but that would be a good question for TUSD.

A commissioner asked about drainage on the site. The representative said in working with the Coalition they were asked to widen the open space for E. Idle Hour Wash. He said that all but two lots are out of Erosion Hazard Setback (EHS) and all are out of the floodplain. The representative said they will have to reduce the flows leaving the site because it is a critical basin and the onus will be on the developer to do that during the platting phase. He said they have had discussions with the Regional Flood Control District (RFCD) about how to do that; locate focused basins that collect street runoff or spread it over the development (resulting in a smaller visual impact). He said the developer is committed to working with the Coalition on a good solution and that a series of smaller retention basins may be the answer. It's actually not a big problem on this site because the amount to be retained is not so large given the limited area of hardscape.

Another commissioner asked if the whole idea of cluster is that there be a fair amount of open space when the structures are clustered. The commissioner said that in his mind the worst method is to leave the natural open space within the individual lots. The commissioner commented that it mentions in the submittal that the market calls for large lots. He said lots with the protected natural open space within give owners the feeling that they have large (entirely buildable) lots whereas when it is in common area, people have a better idea that it is protected area. The commissioner asked if there are safeguards to maintain the natural open space. The representative responded that there will be an enforceable line on the plat with policing by neighbors. The "No Build areas" will have an easement over them that will give the homeowners association some rights. He said that this is pretty land and he does not think disturbance will be an issue and the minimum one acre lot is a necessity given the use of septic systems as there is no sewer nearby. The representative compared it to the existing plat saying the plat has more potential for disturbance.

Staff added that they recently had the same discussion about how to protect natural open space within individual lots. One suggestion is to add a rezoning condition requiring some type of physical delineation (e.g. rocks, monuments) on the lot to make owners think twice about building over the line. The line on the paper plat is probably sufficient for the first generation homeowner but years later those lines blur.

A commissioner asked if the developer would be marketing only the light green area as private lots or the entire lot even if a portion is not buildable. The representative said they have not run into the "no-build" line as a problem; people like that a large portion is protected. He stated that there is a small enough number of lots so there will probably be one builder who will build as they sell them.

A commissioner commented that he thinks the proposed mitigation area is excellent and added that if the rezoning is approved, the county should move fast on the off-site area. The representative described the proposed off-site mitigation area and said the property is ready to go.

A commissioner asked what the development would look like if cluster was not done. The representative said he does not think it would fit; there are too many natural constraints.

Speaker #1: (Representing the Tucson Mountains Association (TMA)) The speaker said that it is nice to see that everyone is concerned about the biological values of the site. This particular property is really important biologically. The E. Idle Hour Wash connects the Tucson Mountains with the major washes. The aim of the Conservation Lands System is protecting wildlife connectivity which is absolutely key. The speaker said if areas get isolated, they get biologically degraded; this has been shown repeatedly around the world. The applicants' proposal is for an increase from 22 to 45 lots, a dense span of houses. He said the representative is trying to convince us that it can still be porous but he would like to see the evidence for that. The evidence that we see in scientific reports is for property to remain wildlife porous it needs to be must less dense than that. Increasing the number of lots from 22 to 45 is major and there are substantial blocks on that landscape. The only part that is really open is E. Idle Hour Wash without much consideration for land beyond that. There is a habitat cul-de-sac in the middle with a band of lots around the outside which is essentially blocked on one end and that is going to reduce its value. The habitat cul-de-sac will not be so attractive to many species and will be subject to disturbances like dogs despite restrictions. The speaker said the TMA was not actually consulted about the rezoning proposal. He said what they would like to see is the central area opened up and get rid of the habitat cul-de-sac. Removal of those four houses would be a minimum requirement to make this development more viable for wildlife. The site is going to be impacted no matter the design but how much damage is at issue especially since this is an area of regional importance.

A commissioner asked if the four lots were removed, would TMA have any objection to the street remaining. The speaker responded that they can live with the street. He clarified that he is not talking about a road cul-de-sac but rather a habitat cul-de-sac.

Speaker #2: (Representing the Coalition for Sonoran Desert Protection) The speaker said that the Coalition has had all of these same concerns and have been working with the applicants for years to create more open space and particularly protect the full Special Species Management Area (CLS). They are pleased with the off-site mitigation location and with the rezoning conditions as modified. There are a significant number of Saguaros and they will be subject to the Native Plant Preservation Ordinance. The Coalition wants to continue to work on the design with the applicants to protect saguaros and has provided the applicants with studies on replanting saguaros. The Coalition also

wants to work with the developer on the significant (albeit not regulated) floodplains and on locating the building envelopes. The Coalition suggested removing the trail to the TUSD property because there didn't seem to be a reason for that. They are also concerned about invasive species even though there is a condition on it. There are disturbed areas on the site that are used as trails and that is the reason for the "no motorized vehicles" condition. The Coalition was not involved in the creation of the existing 22-lot subdivision plat. They intend to work with the applicants to make the proposed rezoning project as good as possible. The speaker confirmed that the Coalition is ok with staff's edits to their additional rezoning conditions as shown on the 3/29/16 staff memo. The Coalition is supportive of this rezoning request.

A commissioner confirmed that everyone is ok with the rezoning conditions as modified.

It was added that the Coalition does not want to see huge detention basins on this property because they mean more disturbance. The Coalition will work with the applicants on more passive detention.

Speaker #3: The speaker said he is an area resident living on Sunset Road and he is present to voice concerns and objections about the rezoning. He said the residents have big 3.3 acre lots with custom homes, large open areas, and a very natural look. He said the reason he moved out there was to have a quiet, undisturbed natural feel. The rezoning would drastically change the nature of the area, it would be a more suburban track home look, and would reduce or drag down property values. Also there are wells downstream from the proposed septic fields. He questioned how to deal with that potential conflict, to maintain a potable water source. The rezoning might technically fit but it does double density and add traffic and noise. The speaker said that at the public meetings, there were some restrictions mentioned and while the dialogue is appreciated, he asked what assurances are there that the compromises made will be enforced.

Speaker #4: The speaker said they own a 3.3 acre parcel nearby which she spent two years looking for. Her property is in a place near other 3.3 acre, similar properties. The speaker said she is opposed to rezoning due to the density increase. The rezoning would change the sense of place of the area. The speaker asked what will become of the trails in the area, whether they will exist after the area is developed. She commented on the flood zone, asked how many stories will be built, and said she hopes the homeowners association will be strong enough to actually enforce the rules.

Speaker #5: The speaker commented that this rezoning sounds like it is already a done deal and asked if there are opportunities for changes. The speaker said they have the same concerns as the previous two speakers. The speaker hears all these things about the biological value but then put 45 lots on the site in an area with SR lots. The speaker said they are concerned about safety; the hill was shaved because of a traffic death. The speaker said their biggest concern is traffic plus their wells are downstream from septic systems.

The applicants' representative said there will be reduced access to Sunset Road with the rezoning plan and that capacity on Sunset Road is not an issue. The developer won't be locating 45 houses on hills or protected peaks but rather in the middle of the property. He added that Westland Resources did a study for septic and proximity to wells was part of that research so this is not an area of concern. This will be a gated subdivision which will keep prices up. As for water, they have a signed agreement with Tucson Water and will connect to a line on Sunset Road which would increase water line extension for fire. The houses will be single story and trails preserved.

A commissioner asked what about the view shed and noted the photos show few saguaros.

The representative responded that a lot of the saguaros are small nurse plants under trees. He said the minimum bufferyard is 40 feet wide and structures will be set back well beyond the no-build line. People will want their houses set back from Sunset Road. As shown now, the commissioner said it looks like most houses are set back 80 feet.

In answering the speaker's question about whether this is a done deal, a commissioner went over the purpose of the commission and said the commission makes a recommendation in the process. The Board of Supervisors make the final decision. Another commissioner added that it is not a done deal so if a resident feels strongly they should show up at the board meeting or if not that then submit written comments.

Staff said that there was a comment about operating on good faith. He said that tied to a rezoning in Pima County there are rezoning conditions which are contracts and staff will see that they are implemented. If there is a need to make a change then a modification must be done entailing notification and a public hearing. The modification will be brought back to the board. Rezoning conditions are binding law.

A commissioner said that he has always been a fan of the cluster option and it is clear in this case that the cluster does provide additional protections. He said everyone should acknowledge that this is a give and take thing – you could have 22 lots with minimal conservation or 45 lots with much higher protection. He said that the thing that troubles him is that it is not just an increase but a doubling of density. That makes it difficult and he is not sure it fits spirit of what is going on.

There was a motion to close the public hearing

A commissioner asked if there are building envelopes on the existing plat. The representative responded that there are none; only on the proposed rezoning plan.

Staff noted that there are zoning code limits on how much the 22 lots on the existing plat can be graded beyond the lines shown on the plat. He added, however, that there is no doubt the proposed rezoning would allow even less grading than the existing plat.

A commissioner made a motion to recommend APPROVAL subject to the standard and special conditions as modified (i.e. Coalition's additional conditions as revised by staff) but also add the TMA request to remove the four lots (12, 13, 26, 27). The motion was seconded (but failed the vote).

A commissioner commended the work done by the applicants and the Coalition. The commissioner said he did not hear many people say they like the rezoning proposal but heard more people say they do not like it. He said that there is still going to be a cluster of houses in the area where there wasn't and that is why he is going to have vote in opposition.

Another commissioner complemented the hard work and commented that increased density (doubling) is a substantial trading cost to acquiring open space. He said that he has not had time to deliberate whether removing the four lots accomplishes anything. Other lots could have dogs too and most of the saguaros are on the north side.

There was a substitute motion to recommend approval per the staff recommendation as revised according to the 3/29/16 staff memorandum. The motion was seconded.

The Commission voted to APPROVE the rezoning request subject to the standard and special conditions as modified (5 – 2 – 1, Commissioners Matter and Membrila voted NAY, Commissioner Mangold Abstained (which counts as a YES vote), and Commissioners Cook and Neeley were absent.

TD/JE/ar
Attachments

c: Kai Sunset 80 Property LLC, P.O. Box 2305, Cortaro, AZ 85652
The WLB Group, Inc., 4444 E. Broadway Blvd., Tucson, AZ 85711
Tom Drzazgowski, Principal Planner
Co9-15-04 File

Case #: Co9-15-04
Case Name: LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING
Tax Code(s): 214-23-2950 thru 214-23-3160

0 360 720 1,440 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Ref: CO7-13-08

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 03/30/16 (scheduled)

Base Map(s): 43, 44 | Map Scale: 1:10,000 | Map Date: 02/29/2016

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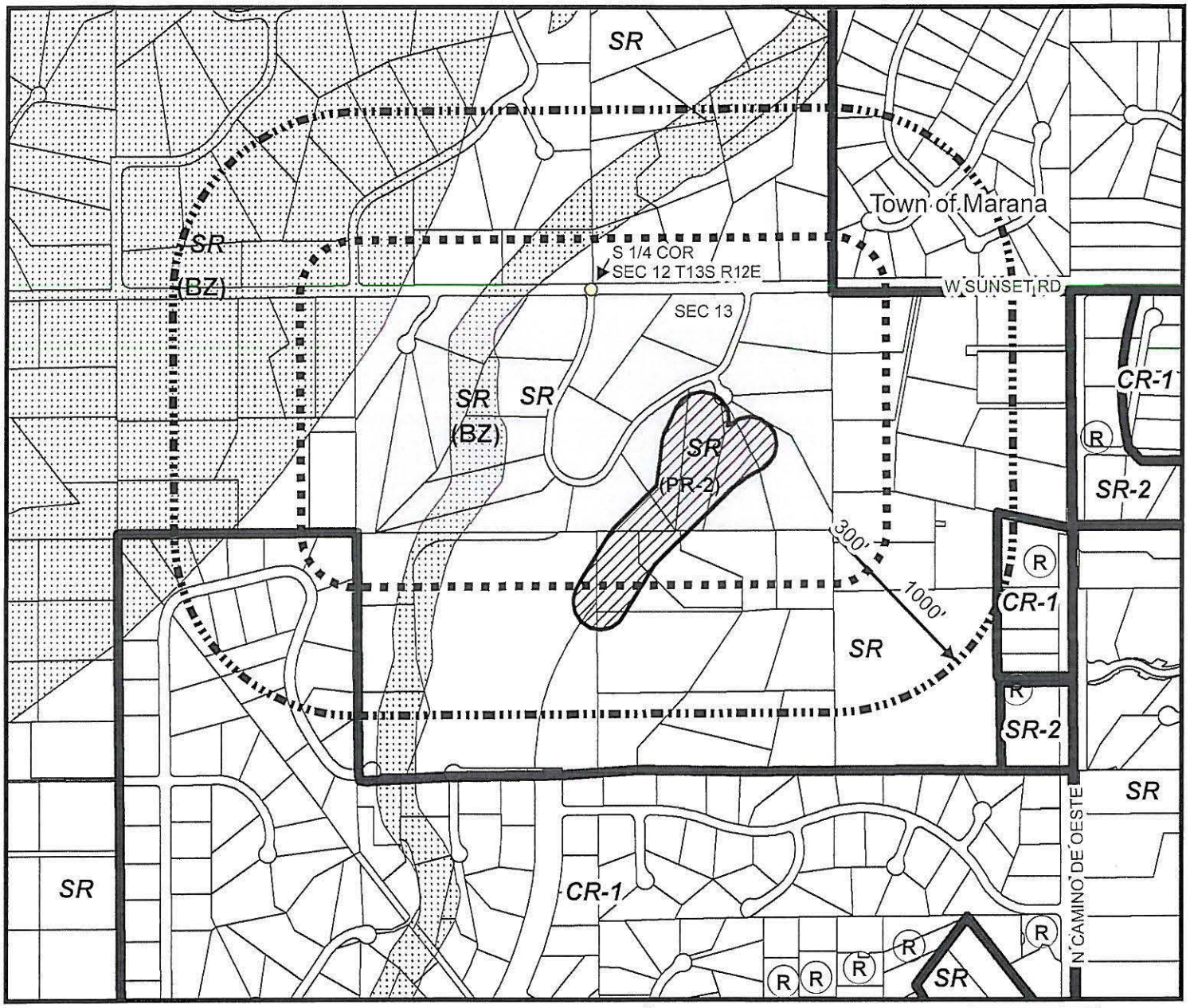
Case #: Co9-15-04

Case Name: LANDMARK TITLE TR 18109 - W. SUNSET ROAD REZONING

Tax Code(s): 214-23-2950 thru 214-23-3160

1000' Notification Area
300' Notification Area
Subject site
Zoning Boundary
Buffer Overlay Zone
Protected Peaks and Ridges - Level 2



0 355 710 1,420 Feet

Area of proposed rezoning from SR to SR-2
SR (BZ) to SR-2 (BZ)
SR (PR-2) to SR-2 (PR-2)

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

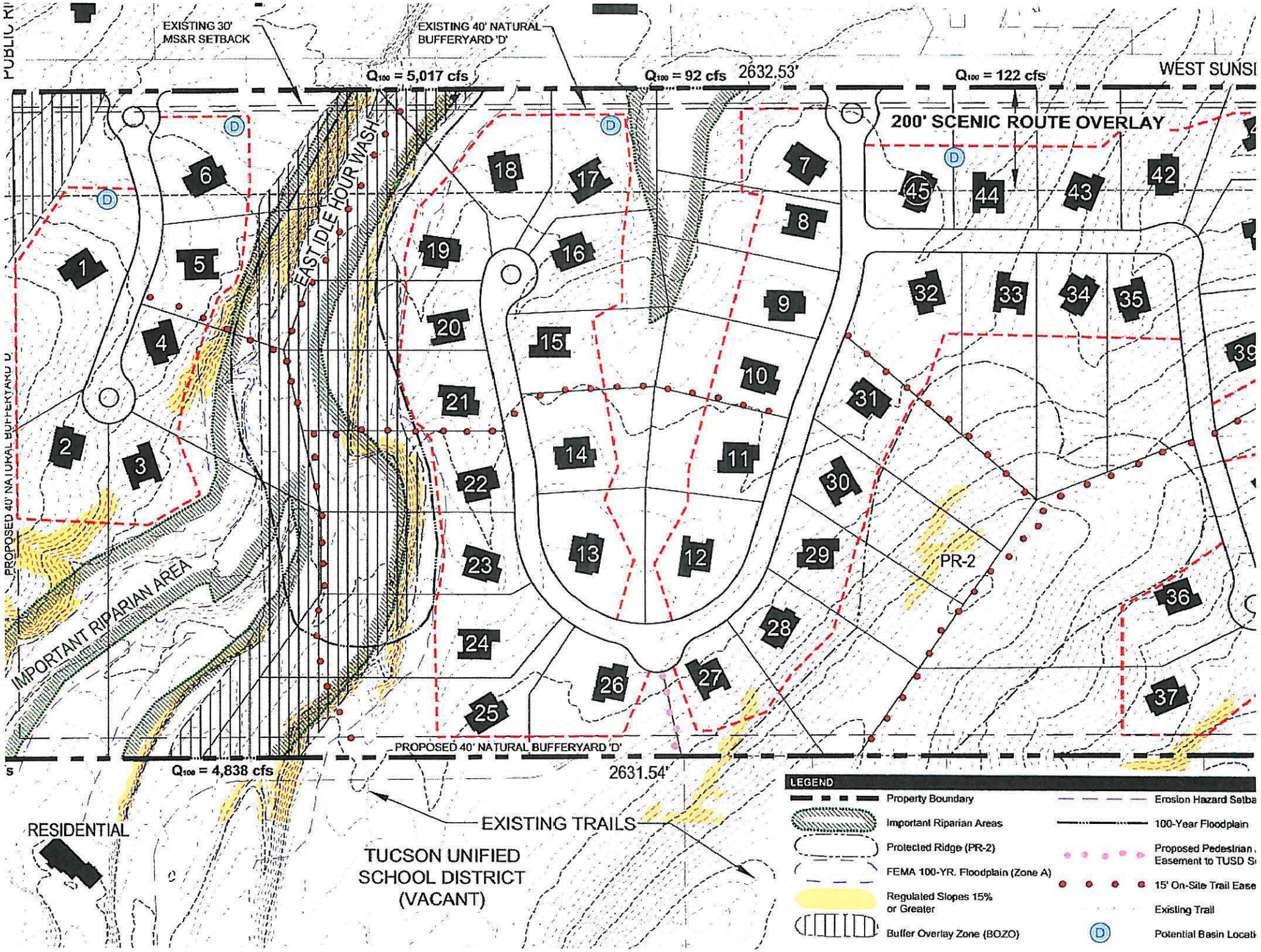
Notes: Ref: CO7-13-08

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 03/30/16 (scheduled) | Board of Supervisors Hearing: 07/05/16 (scheduled)

Base Map(s): 43, 44 | Map Scale: 1:10,000 | Map Date: 05/23/2016

N W E S


EXISTING 30' MS&R SETBACK
EXISTING 40' NATURAL BUFFERYARD 'D'
Q100 = 5,017 cfs
Q100 = 92 cfs
2632.53'
Q100 = 122 cfs
WEST SUNSI
200' SCENIC ROUTE OVERLAY
EAST IDLE HOUR WASH
PROPOSED 40' NATURAL BUFFERYARD 'D'
IMPORTANT RIPARIAN AREA
PR-2
PROPOSED 40' NATURAL BUFFERYARD 'D'
Q100 = 4,838 cfs
2631.54'
EXISTING TRAILS
RESIDENTIAL
TUCSON UNIFIED SCHOOL DISTRICT (VACANT)
LEGEND
Property Boundary
Important Riparian Areas
Protected Ridge (PR-2)
FEMA 100-YR. Floodplain (Zone A)
Regulated Slopes 15% or Greater
Buffer Overlay Zone (BOZO)
Erosion Hazard Setba
100-Year Floodplain
Proposed Pedestrian Easement to TUSD S
15' On-Site Trail Ease
Existing Trail
Potential Basin Locati

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

HEARING March 30, 2016

DISTRICT 3

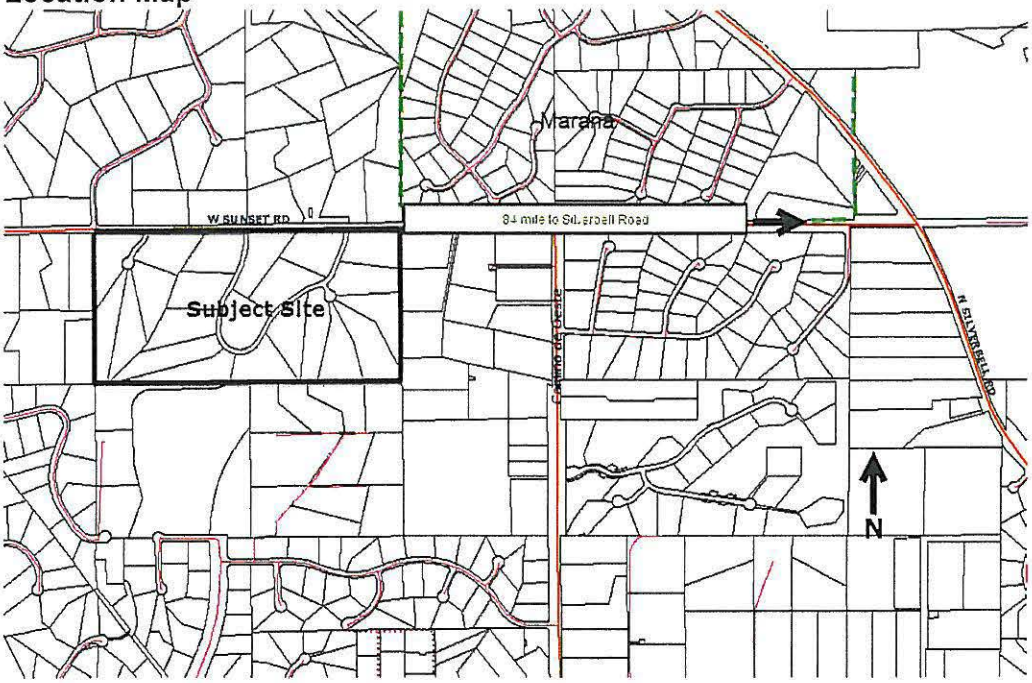
CASE Co9-15-04 Landmark Title TR 18109 – W. Sunset Road Rezoning

REQUEST Rezone from the SR (Suburban Ranch) zone, SR (BZ) (Suburban Ranch – Buffer Overlay) zone, SR (PR-2) (Suburban Ranch – Hillside Development Overlay (Level 2 Peaks & Ridges)) zone to the SR-2 (Suburban Ranch Estate) zone, SR-2 (BZ) (Suburban Ranch Estate – Buffer Overlay) zone, SR-2 (PR-2) (Suburban Ranch Estate – Hillside Development Overlay (Level 2 Peaks & Ridges)) (77.9 acres)

OWNER Landmark Title TR 18109
Kai Sunset 80 Property LLC
P.O. Box 2305
Cortaro, AZ 85652

APPLICANT The WLB Group, Inc.
4444 E. Broadway Blvd.
Tucson, AZ 85711

Location Map



APPLICANT'S PROPOSED USE

A 45-lot, lower-density, clustered residential subdivision with open space.

APPLICANT'S STATED REASON

To replace the current 22-lot subdivision plat that, "did not adequately respond to the constraints of the site including the East Idle Hour Wash Riparian area, Protected Ridge, etc." The proposal will cluster the homes in order to better preserve the protected ridge, riparian areas, wildlife corridors, and natural open space.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Platted, Low-density Residential
Northeast:	Town of Marana (~ CR-1)	Platted, Low-density Residential
South:	SR, ¼ mile is CR-1	Non-platted (lot split) Low-density Residential, Undeveloped School Site, ¼ mile Platted
Southwest:	CR-1	Platted, Low-density Residential
East:	SR, further east SR-2, CR-1	Non-platted (lot split), Low-density Residential, further east is Platted
West:	SR (Suburban Ranch)	Non-platted (lot split), Low-density Residential

PREVIOUS REZONING CASES ON PROPERTY

There have been no previous rezoning submittals for the subject site.

PREVIOUS REZONING CASES IN GENERAL AREA

The most recent nearby rezoning, approved in 2005, was for 4.25 acres from the SR zone to the SR-2 zone to allow two residences. The site is located ¼ mile southeast of the subject site. There have been at least 20 rezonings in the area in the last 35 years for a zone more intense than SR.

COMPREHENSIVE PLAN DESIGNATION

In 2013, the rezoning site was the subject of an amendment to the comprehensive plan (Co7-13-08) from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 0.5 (LIU 0.5) for 71.5 acres and included 6.4 acres of Resource Transition (RT). The Board of Supervisors approval of the amendment included direction that the property owner work with the Coalition for Sonoran Desert Protection and the Tucson Mountains Association to address these items as part of the subsequent rezoning request:

1. Extend and widen the open space corridor in and around the eastern Important Riparian Area (IRA) to better connect this open space to the open space to the south. This will be accomplished by working with the flow pattern from northeast to southwest.
2. Widen the open space on the eastern edge of the property to provide more north-south connectivity.
3. Provide more overall open space within the Maeveen Marie Behan Conservation Lands System (CLS) categories of Special Species Management Area (SSMA) and Multiple Use Management Area (MUMA).
4. Protect peaks and ridges on the property by ensuring that they will remain undeveloped.

The Board directed staff to provide a report on traffic, safety incidents and fatalities on Sunset Road.

One result of the 2015 Comprehensive Plan Update (Pima Prospers) is the deletion of the RT designation. The entire rezoning site is now designated LIU 0.5. Special Area Policy S-8 (attached) applies to the rezoning site. For this case, Special Area Policy S-8 generally suggests a maximum building height of 24 feet, locating structures to minimize visual impact, and using colors in context with the surrounding environment.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions.**

The applicant requests a rezoning for 77.9 acres from the SR zone (with portions of the rezoning site subject to the Buffer Overlay zone and another portion subject to the Hillside Development Overlay zone) to the SR-2 zone as a "Cluster" development (according to Section 18.09.040 of the zoning code) with the same overlay zones. The applicant proposes a 45-lot subdivision with 67 percent natural open space and trail easements. Off-site natural open space mitigation is also proposed as part of the CLS policy compliance. The proposed rezoning would replace the existing, undeveloped 22-lot Desert Senna Estates subdivision plat approved in April, 2006.

The site contains natural elements worthy of preservation and as opposed to the existing plat the proposed development, despite allowing more lots, is more sensitive to the preservation of these elements and CLS natural open space policies can be implemented producing a net natural resource benefit. There are, however, aspects such as the lack of services in the area, lack of alternative modes of travel, and of job opportunities that detract from greater population increase in this area. However, demand for infrastructure improvements will not be triggered by this minimal population increase. Therefore the rezoning, subject to meeting the conditions brought forward in this staff report, is appropriate for this site.

PLANNING ANALYSIS

General Area

The general area is characterized as low-density, single-family residential development, with few nearby commercial services, undisturbed natural desert, and extensive views. Sunset Road is a hilly route.

Overlay Zoning

In addition to the current SR zone, two overlay zones apply to the subject site:

- The one-mile Buffer Overlay (BZ) zone abutting Saguaro National Park (West) affects two acres of the site and the BZ also overlays the East Idle Hour Wash.
- The Hillside Development Overlay zone's Protected Peak (Level 2) (PR-2) applies to approximately eight acres in the southeastern portion of the site.

Sunset Road is a designated Scenic (but not Major Route) per the Scenic Routes Plan. Structures within 200 feet of a scenic route must meet certain requirements such as earthtone colors, specific landscape bufferyards, and a maximum height.

Physical Features

The rezoning site is located east of the Tucson Mountains, west of Camino de Oeste, on the south side of Sunset Road. Physical features of the site include:

- Eight acres of a designated protected peak (Level 2) for which the high point is 2,340 feet (the difference between Level 1 and 2 being the level of geographic significance – Level 1 has community wide significance, Level 2 has neighborhood scale significance);
- Several washes transect the site including the East Idle Hour Wash which has a peak 100-yr flow of 4800-5000 cfs;
- The site includes federally-mapped 100-year floodplain, special flood hazard area, regulated riparian habitat, IRA, and erosion hazard setbacks from three washes;
- The CLS applies with 10.6 acres of IRA, 46.3 acres of SSMA, and 28 acres of MUMA;
- Eight special status species occurrences or critical habitats exist within three miles of the subject site according to the Arizona Game and Fish Department online data reports;
- A significant population of saguaros on the site: 158 saguaros of height 6 feet or greater; 285 saguaros of height less than 6 feet;
- Other notable vegetation such as ocotillos, barrel cactus, palo verdes, mesquites, and denser vegetation are located along wash areas.

Proposed Rezoning

Overall, the rezoning proposes a 45-lot subdivision with 67 percent natural open space (52.8 acres), 3% trail easements (2.5 acres) and off-site mitigation (19.2 acres). Other features of the proposed rezoning include:

- Natural grade will not be changed more than 5' and most of the slopes of 15% or greater occur along the protected washes;
- A 40' natural landscape bufferyard will be provided on the entire perimeter;
- The residences will rely upon septic systems;
- Water service is through Tucson Water subject to a Pre-Annexation Development Agreement;
- No bicycle facilities are proposed and there is no public transit nearby;
- There are no pedestrian facilities planned other than the pedestrian access to the vacant 23.6 acre Tucson Unified School District (TUSD) property to the south and the dedication of trails;
- The developer is working with TUSD to develop an agreement (monetary or land contribution) to address the lack of high school capacity.

Development Comparison

Comparing the requested rezoning with the existing plat and existing zoning, staff finds the following differences:

- The rezoning proposes 15,000 sq.ft. buildable areas per lot plus roads and the remainder is natural open space whereas the plat designates notably less natural open space and no designated building envelopes;
- The rezoning proposes the entire protected peak (approx. 8 acres) be protected whereas the plat protects roughly half of the peak area;
- To meet the Conservation Lands System (CLS) requirements which apply only to the rezoning and not the existing plat, the applicant proposes to set aside an additional approximately 19.2 acres for off-site mitigation natural open space;
- Access points for the rezoning have been moved and reduced from that shown on the plat to improve traffic safety;
- The rezoning projection is 450 ADT (Average Daily (vehicular) Trips) compared to 220 ADT for the existing plat.

Additionally, the site plan submitted for the requisite comprehensive plan amendment case showed no lots in the southeast corner of the site whereas the rezoning proposes three lots (plus natural open space).

There are similarities between the requested rezoning and the existing plat such as all of the designated natural open space is within lots (with exception of proposed off-site mitigation). Common areas are not proposed by the applicant. While common areas are preferred by staff for the protection of natural open space and for detention basins (and may ultimately be required by the Regional Flood Control District (District) pending the outcome of a request for a waiver), presumably the applicant's desire for large lots is based on the market. Additionally, both the proposed rezoning and the plat protect the wash areas due to flood control ordinance regulations.

Potential Issues

Potential issues with the rezoning request and how or whether they have been addressed are the following: *(staff response in italics)*

1. Why do a "cluster" development and does the proposed plan qualify as a cluster development? While all of the lots are at least one acre and the overall average for the development meets the minimum lot size for the SR-2 zone, several of the proposed lots are undersized for SR-2 therefore requiring the cluster process. *Whether this layout meets the cluster standards will be evaluated by the Design Review Committee (DRC) which will hold a hearing between the Commission hearing and the Board of Supervisors hearing. The decision and comments by the DRC will be forwarded to the Board of Supervisors. The cluster process allows lot size flexibility and therefore greater protection of natural resources.*

2. The potential loss of saguaros located within the buildable areas. Three hundred fifty five (355) saguaros (80% of the total number of saguaros) are likely located within the now-conceptual buildable areas which will be specifically determined at the platting stage. *The U.S. Fish and Wildlife Service also express concern about this issue because saguaros are foraging resources for lesser long-nosed bats (an endangered species). The Native Plant Preservation Ordinance (NPPO), which the site is subject to, requires the developer/homeowner to mitigate transplanted or removed saguaros at 3:1 or 2:1 ratios depending on size. Even with replacement ratios as significant as the NPPO requires, preservation in place (or avoidance) where at all possible is preferred. The applicant states that "depending on the final location of homes and improvement requirements in these areas, many saguaros will be preserved in place".(Reference Rezoning Site Analysis pg.II-9) The Office of Sustainability and Conservation - Environmental Planning staff state that because the lots are likely to build out individually over time, impacts to the saguaros would not occur in a single event which would minimize the impact to lesser long-nosed bats. Subject to the recommended conditions, OSC-EP staff conclude that this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.*

3. A lack of commercial services in the area and reliance on cars. *The nearest commercial services are four miles to the northeast at Ina and Silverbell Roads and five miles to the southeast at Silverbell and Grant Roads. This is, in part, a result of past neighborhood opposition to locating commercial services in the area. No bicycle and limited pedestrian facilities are proposed and there is no nearby public transit. The lack of public transit is a result of the area developing as low-density development and is unlikely to change in the*

near future. The applicant states that a rural cross-section (roadway) is more appropriate to the area (as opposed to urban subdivision standards). Rural cross-sections limit non-permeable surfaces and don't include sidewalks.

4. Traffic safety on Sunset Road. *The Department of Transportation (DOT) states that in 2009, DOT completed $1.3 million of intersection improvements at the intersection of Sunset Road and Sunray Drive near the western boundary of the rezoning site. The improvements included lowering the crest vertical curve on Sunset Road in order to provide the appropriate sight distance for both safety and operational benefits.*

   Over the past 10 years, six accidents were reported on Sunset Road between Blue Bonnet and Camino de Oeste, and one accident was reported between Camino de Oeste and Silverbell. Most accidents in this area resulted from speeding and failure to yield at intersections.

5. Whether the issues brought up by the Board at the comprehensive plan amendment hearing have been addressed:

   a. Extend and widen the open space corridor in and around the eastern IRA to better connect this open space to the open space to the south. This will be accomplished by working with the flow pattern from northeast to southwest. *The site plan submitted for the comprehensive plan amendment proposed no lots in the southeast corner whereas the proposed rezoning added three lots to this area. This is an issue that should have been addressed by discussions between the Coalition for Sonoran Desert Protection and the Tucson Mountains Association and the applicant. As of this writing, the applicant has requested a letter of support from the Coalition and requested a meeting with the TMA. The applicant should be prepared to address the resolution of this issue at the Commission hearing.*

   b. Widen the open space on the eastern edge of the property to provide more north-south connectivity. *Same as above.*

   c. Provide more overall open space within the CLS categories of SSMA and MUMA. *The CLS will be met; reference the Environmental Planning comments below.*

   d. Protect peaks and ridges on the property by ensuring that they will remain undeveloped. *As proposed, the rezoning designates the peak as natural open space.*

<u>Neighborhood Meeting Issue</u>

Based on the comments recorded at the applicant-facilitated neighborhood meeting, attendees requested that the proposed development's private conditions, covenants, and restrictions (CCR's) require a minimum house size. While the County has no jurisdiction over private CCR's, specifying minimum house sizes is inconsistent with the Comprehensive Plan's (Pima Prospers) regional policies on energy efficiency (since smaller homes tend to be more energy efficient) and inconsistent with policies on providing a variety of housing options. (Reference Section 3.4 Environmental Element, Goal 2, Policy 3: Reduce greenhouse gas emissions and heat island effects by: c) Continuing to increase energy efficiency including energy efficiency standards in both County-owned and privately owned buildings (Pg. 3.37) and the overall emphasis by Section 4.3 Energy Element to promote energy efficiency.)