



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 6, 2016

Title: P16RZ00001 Huebner 50% Et Al.- N. La Cholla Boulevard Rezoning

Introduction/Background:

The applicant requests a rezoning from from SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) (Small Lot Option) (7.3 acres) and TR (Transitional) (3 acres) zones for infill development of a 37-lot single-family residential subdivision and a 60-unit medical care center on a 10.3 acre site.

Discussion:

Current SR zoning allows for three single-family residences to be developed. The Comprehensive Plan designation of Medium Intensity Urban promotes a minimum of 5 up to a maximum of 13 residences per acre.

Conclusion:

The requested rezoning conforms to the Comprehensive Plan and would allow for appropriate residential density and medical uses similar to the residential densities and medical uses of nearby and surrounding properties.

Recommendation:

Staff and the Planning & Zoning Commission recommend approval with conditions.

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date: _____

County Administrator Signature/Date: _____

[Handwritten signatures and dates in blue ink]
8/16/16
8/16/16
C. DeWitt 8/16/16



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: August 15, 2016

SUBJECT: P16RZ00001 HUEBNER 50% ET AL. - N. LA CHOLLA BOULEVARD
REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 6, 2016** hearing.

REQUEST: For a rezoning of approximately 10.3 acres from SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) (Small Lot Option) (7.3 acres) and TR (Transitional) (3 acres) zones, located on the northwest corner of W. Oracle Jaynes Station Road and N. La Cholla Boulevard.

OWNER: Huebner 50% & Markland Investments, LLC 50%
Attn: Mark Weinberg
7422 N. Mystic Canyon Drive
Tucson, AZ 85718

AGENT: The Planning Center
Attn: Brian Underwood
110 S. Church Ave, Ste. 6320
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of August 15, 2016, staff has received one written comment in support of the rezoning that was presented at the public hearing of the July 13th Planning and Zoning Commission meeting.

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

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

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

TD/TT/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P16RZ00001

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FOR SEPTEMBER 6, 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: August 15, 2016

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P16RZ00001 HUEBNER 50% ET AL. - N. LA CHOLLA BOULEVARD REZONING

Request of Huebner 50% et al. represented by The Planning Center for a rezoning of approximately 10.3 acres from SR (Suburban Ranch) zone to the CR-5 (Multiple Residence) (Small Lot Option) (7.3 acres) and TR (Transitional) (3 acres) zones, located on the northwest corner of W. Oracle Jaynes Station Road and N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Membrilla and Cook were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

PLANNING AND ZONING COMMISSION HEARING SUMMARY (July 13, 2016)

Staff presented information from the staff report to the commission with a recommendation of approval with conditions.

The applicant's representative spoke. She presented additional information for the proposed development and described the cluster type residential development and the medical facility.

A commissioner asked about the hydrology related to the site. The applicant's engineer clarified that the existing hydrology contains a large amount of off-site flow, but with the proposed mitigation of the water, the impact to downstream will have a slight reduction, but generally will be left in the same condition that currently exists.

A commissioner asked about the small lot option and whether it increases density. Staff replied that the small lot option allows for additional density up to what the comprehensive plan allows.

The applicant's representative discussed that the comprehensive land use plan allows for a minimum of 5 up to a maximum of 13 residences per acre and that this proposal contains the lowest allowable density under the comprehensive plan designation of MIU (Medium Intensity Urban).

Speaker #1 discussed the impact of the water downstream onto Trisha Lane. He indicated that the amount of water that flows onto Trisha Lane has increased over the years and that the improvements to La Cholla Boulevard did not change the drainage pattern. He stated that it appears that the proposal will increase the water flows onto Trisha Lane.

Speaker #2 stated that he supports the rezoning and submitted a letter of support, but has some reservations as presented.

The public hearing was closed.

A commissioner complimented the developer/representative and staff for the collaborative effort within this case.

A commissioner commented that this is a project that is positive for the community with a creative approach.

Commissioner Gavin made a motion to recommend **APPROVAL** of the rezoning subject to standard and special conditions as presented.

Commissioner Matter gave second to the motion.

The commission voted to recommend **APPROVAL** of the rezoning (8 – 0, Commissioners Membrila and Cook were absent) with the following conditions:

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
 - A. The site is limited to two access points on Oracle Jaynes Station Road as shown on the preliminary development plan.
 - B. The site is limited to one access point on La Cholla Boulevard as shown on the preliminary development plan.
4. Regional Flood Control District conditions:
 - A. The use of modified development standards or a reduction in the number of lots may be necessary to reduce the extent of floodplain encroachment, provide sufficient detention and retention facilities, and mitigate the potential for increasing flood risk.
 - B. Easements, maintenance agreements and covenants running with the land shall be required for shared drainage facilities to be identified on the plat. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Shared detention/retention facilities shall be constructed with the first development permit, either the residential or the commercial permit whichever is constructed first, and shall be maintained solely by the property owner or homeowners association in the event the second development does not occur concurrently.
 - D. When public drainage facilities connect to private drainage facilities, junction structures to separate maintenance responsibility shall be provided.
 - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - F. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
5. Regional Wastewater Reclamation conditions:
 - A. Any off-site public sanitary sewer line shall be placed within the public right-of-way or in a public sewer easement as required by the 2016 Engineering Design Standards.
 - B. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - C. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- D. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - E. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner shall complete the construction of all necessary public and/or private regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition:
Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan as approved at public hearing.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

TD/TT/ar
Attachments

cc: Huebner 50% & Markland Investments, LLC 50%, Attn: Mark Weinberg
7422 N. Mystic Canyon Drive, Tucson, AZ 85718
The Planning Center, Attn: Brian Underwood, 110 S. Church Ave, Ste. 6320
Tucson, AZ 85701
Tom Drzazgowski, Principal Planner
P16RZ00001 File

COMPREHENSIVE PLAN

The comprehensive plan land use designates the property as Medium Intensity Urban (MIU) which allows both the proposed CR-5 and TR zones. MIU designates areas for a mix of medium-density housing types and non-residential uses such as offices, medical offices, and hotels. Detail given to site design assures compatibility with adjacent lower-density residential uses and the MIU designation encourages the provision of pedestrian and bicycle access to commercial areas, schools, institutional uses and other similar uses. The proposed 5 residences per acre conforms to the MIU land use density that requires a minimum of 5 and a maximum of 13 residences per acre. There are no Special Area or Rezoning Policies pertaining to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Residence
South:	TR/SH	Memory Care/Developed Residential Subdivision/Residential
East:	SR	Non-Conforming Medical Park/Assisted Living
West:	CR-3/SR	Vacant Residential/Vacant Amphi School Property

The subject property lies along a major corridor, La Cholla Boulevard, which is characterized with a concentration of medical uses spanning from River Road north to Orange Grove Road. The northeast and southeast corners of La Cholla Boulevard and River Road, approximately one-half of a mile south of the subject property, are the nearest bank, retail, grocery and shopping center providing local neighborhood services. Recreational opportunities also exist at that same location along the Rillito River Park with bike and pedestrian paths and equestrian access to trails.

PREVIOUS REZONING CASES ON PROPERTY

The subject site contains two parcels of land, an approximately 1-acre parcel (parcel code 101-12-001C) and an approximately 9.3-acres parcel (parcel code 101-12-002D). A rezoning request for the approximately 1-acre portion of the site, parcel code 101-12-001C was made in 1997. The rezoning case Co9-97-025 encompassed a 4.55-acres rezoning from SR to the TR zone and was approved February 7, 1998 for the existing memory care facility. The memory care facility was built out on approximately 3.55 acres and the remaining northernmost undeveloped 1-acre portion of the rezoning reverted back to the SR zone through an approved closure request. This rezoning request does not differ from the previous approved TR zone, it simply expands it. The 9.3-acres portion of the subject site, parcel code 101-12-002D, has not had a previous rezoning request.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case Co9-10-03 – Oracle Jaynes Station Road was approved by the Board of Supervisors October 4, 2011 for 11.55 acres from the SR to the TR zone for a proposed assisted living facility approximately 600 feet south of the subject site.

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR and SH (Suburban Homestead) zones. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from the mid-eighties up to 2011. Much of the activity was for TR and SP (Specific Plan) for medical office uses. Some of the rezonings were for smaller lot residential subdivisions and commercial rezonings at main intersections. The property abutting the subject site to the west was rezoned in 2003 from the SR zone to the CR-3 zone.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, medical, and commercial uses. Concurrency of infrastructure exists to serve the use. The proposed 37-lot residential use will contain a similar density as the surrounding area and the medical care center will benefit from its proximity to the Northwest Hospital and other medical offices. The residential and medical care development provides an appropriate mix of land uses and the supports a balance of housing, employment, shopping, and recreation while promoting the efficient use of infrastructure.

The property contains slopes that are greater than 15% and per the Pima County Zoning Code as a Hillside Development Zone (HDZ) will have a maximum allowable grading on site of 80%. The proposal includes 20% of the site as natural open space avoiding the areas with the steepest slopes. The southwest corner of the property contains a previously disturbed area used for the stockpiling of dirt. The northern property boundary abuts the unimproved Rudasill Road right-of-way. The owner is seeking a right-of-way abandonment to provide an opportunity for connectivity to the major thoroughfare, La Cholla Boulevard. Multi-modal forms of transportation can be employed with this provision of connectivity from the subject property to the Rudasill Road right-of-way with a pedestrian and bicycle path connecting to La Cholla Boulevard. This connectivity is preferred as this intersection is the nearest signalized intersection for safe passage across streets promoting walkable paths to schools and commercial services. La Cholla Boulevard has multiple Sun Tran bus stops, sidewalks and bike lanes with striped shoulders along both sides of the north and southbound street. The residential development will also contain sidewalk connectivity to the Oracle Jaynes Station right-of-way.

The property contains relatively dense clusters of saguaros. Most of the saguaros will be relocated within required bufferyards and common areas except for the saguaros that will be preserved in place, located outside the developed areas. A native plant preservation plan will be submitted with the subdivision plat and mitigation will be in accordance with the code. A 20-foot HDZ bufferyard is proposed along the southern portion of the site abutting the La Cholla Boulevard and Oracle Jaynes Station Road frontage adjacent to the 5 lots proposed within the southwest corner of the property. The remaining bufferyard along Oracle Jaynes Station Road will be reduced to a 10-foot bufferyard "C" with a 10-foot bufferyard "C" along the west property boundary. The northern bufferyard adjacent to the single family residence is proposed as a 20-foot natural bufferyard "C". A 10-foot bufferyard "B" adjacent to La Cholla Boulevard to buffer the skilled nursing facility is proposed. No interior bufferyards are required.

The 37-lot subdivision will be accessed by two access points onto Oracle Jaynes Station Road. The southernmost access point will serve 5 of the proposed lots and the northern access point will serve the remaining 32 lots. The applicant proposes two-story dwelling units with a maximum height of 34 feet.

The 60-unit medical care center will be accessed by a single access point along La Cholla Boulevard and is planned at a maximum height of 34 feet.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Amphitheater SD in site analysis.

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to this request as all roadways in the area are functioning at capacity or under capacity. The rezoning request is for a 50,000-square-foot medical care facility with access off of La Cholla Boulevard and 37 single family residential lots. The residential lots will have two access points onto Oracle Jaynes Station Road. The eastern access point will serve 5 lots. The remainder of the lots will be served off the western access point. The 37 single family homes will generate approximately 370 average daily trips (ADT). The medical care facility would generate approximately 119 ADT. The access points on Oracle Jaynes Station Road are located as depicted to avoid a drainage area that flows through the site.

La Cholla Boulevard is a 6-lane high volume arterial roadway with curb, sidewalk, and bike lanes. The speed limit is 45 miles per hour and the current traffic volume is 29,612 ADT. The capacity is 53,910 ADT. The roadway is built to its full cross section with 200 feet of right-of-way. No improvements are planned in the vicinity of this project. Nearby arterials include River Road and Orange Grove Road. River Road is a 4-lane medium volume arterial with exclusive right turn lanes. The existing cross section includes curb, sidewalk, bike lanes and a speed limit of 45 miles per hour. River Road is nearing capacity with a current volume of 35,703 ADT and a capacity of 37,611 ADT.

Orange Grove Road is a 5-lane medium volume arterial with curb, sidewalk, bike lanes, and a speed limit of 45 miles per hour. The current traffic count is 23,406 ADT and a capacity of 37,600 ADT. Oracle Jaynes Station Road is not listed on the major streets and scenic routes plan. It is a paved, 2-lane county maintained roadway with unpaved shoulders. The current traffic count is 28.75 ADT.

Because of the high speed limit of 45 miles per hour on La Cholla Boulevard, driveway separation and corner clearance setbacks are 230 feet. The proposed driveway on La Cholla Boulevard appears to meet these requirements. The residential driveways on Oracle Jaynes Station Road will need to be separated by a minimum of 150 feet. Additionally, the eastern driveway will need to be located a minimum 150 feet from the intersection with La Cholla Boulevard. These standards appear to be met on the preliminary development plan.

The applicants have shown interest in pursuing a right-of-way abandonment along the northern property line. Currently, there is an existing 30 foot right-of-way for Rudasill Road west of La Cholla Boulevard. There are no plans to build Rudasill Road west of La Cholla Boulevard. In order to continue Rudasill Road, additional right-of-way would need to be purchased, a home would have to be acquired, and a very large drainage structure or bridge would have to be built over the wash. Due to land uses in the area, there is no reason to extend Rudasill Road; thus, the Department of Transportation supports the abandonment of this 30 feet. Once acquired, the right-of-way could be used as a pedestrian connection and to facilitate design options along the northern property line.

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

FLOOD CONTROL REPORT

Regional Flood Control District has the following comments:

1. While the site does not include FEMA floodplains it is impacted by several significant natural and constructed drainages. Topographic relief is significant coalescing in a large wash which occupies much of the site as shown on the existing conditions hydrology exhibit IIC4. This wash empties onto Oracle Jaynes Station Road where it is joined by breakout flows from Nanini Wash. While the Nanini Wash dip section is FEMA Zone A west of the site from that point almost all the way to La Cholla Oracle Jaynes Station Road is within FEMA Zone X. All weather access in this area is therefore limited during time of flooding.
2. The drainage design is complex and has been changed to remove one large underground pipe while several smaller pipes remain with outlets in an open channel. Because the development proposed is so dense, detention and other drainage needs of the commercial site are contained within the residential site. Maintenance agreements and CCRs will be needed to ensure proper functioning over time. A condition is proposed below to ensure this occurs.
3. A satisfactory Preliminary Integrated Water Management Plan has been submitted.
4. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
 - a. The site is to be served by Metropolitan Water which does not deliver renewable supplies at this time but does have access to it.
 - b. Per the ADWR Well Inventory the closest Metropolitan well is located immediately downstream of the site across Oracle Jaynes Station Road and had depths to groundwater of 140 feet in 1995 and 177 feet in 2010.
 - c. The site is not located within a covered subsidence zone.
 - d. The nearest Groundwater-Dependent Ecosystem is the intermittent section of the Santa Cruz River 1.8 miles away.
 - e. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

The project is not expected to have adverse impacts on groundwater dependent ecosystems.

The District has no objection subject to recommended conditions #4A-F.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-G.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this request subject to the addition of condition #6.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service has no comment.

METRO WATER DISTRICT REPORT

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

SCHOOL DISTRICT REPORT

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

FIRE DISTRICT REPORT

Northwest Fire District has no objection to this request.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
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 - A. The site is limited to two access points on Oracle Jaynes Station Road as shown on the preliminary development plan.

- B. The site is limited to one access point on La Cholla Boulevard as shown on the preliminary development plan.
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- A. The use of modified development standards or a reduction in the number of lots may be necessary to reduce the extent of floodplain encroachment, provide sufficient detention and retention facilities, and mitigate the potential for increasing flood risk.
 - B. Easements, maintenance agreements and covenants running with the land shall be required for shared drainage facilities to be identified on the plat. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
 - C. Shared detention/retention facilities shall be constructed with the first development permit, either the residential or the commercial permit whichever is constructed first, and shall be maintained solely by the property owner or homeowners association in the event the second development does not occur concurrently.
 - D. When public drainage facilities connect to private drainage facilities, junction structures to separate maintenance responsibility shall be provided.
 - E. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.
 - F. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces including roads. This requirement shall be made a condition of the Site Construction Permit.
5. Regional Wastewater Reclamation conditions:
- A. Any off-site public sanitary sewer line shall be placed within the public right-of-way or in a public sewer easement as required by the 2016 Engineering Design Standards.
 - B. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - C. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - D. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.

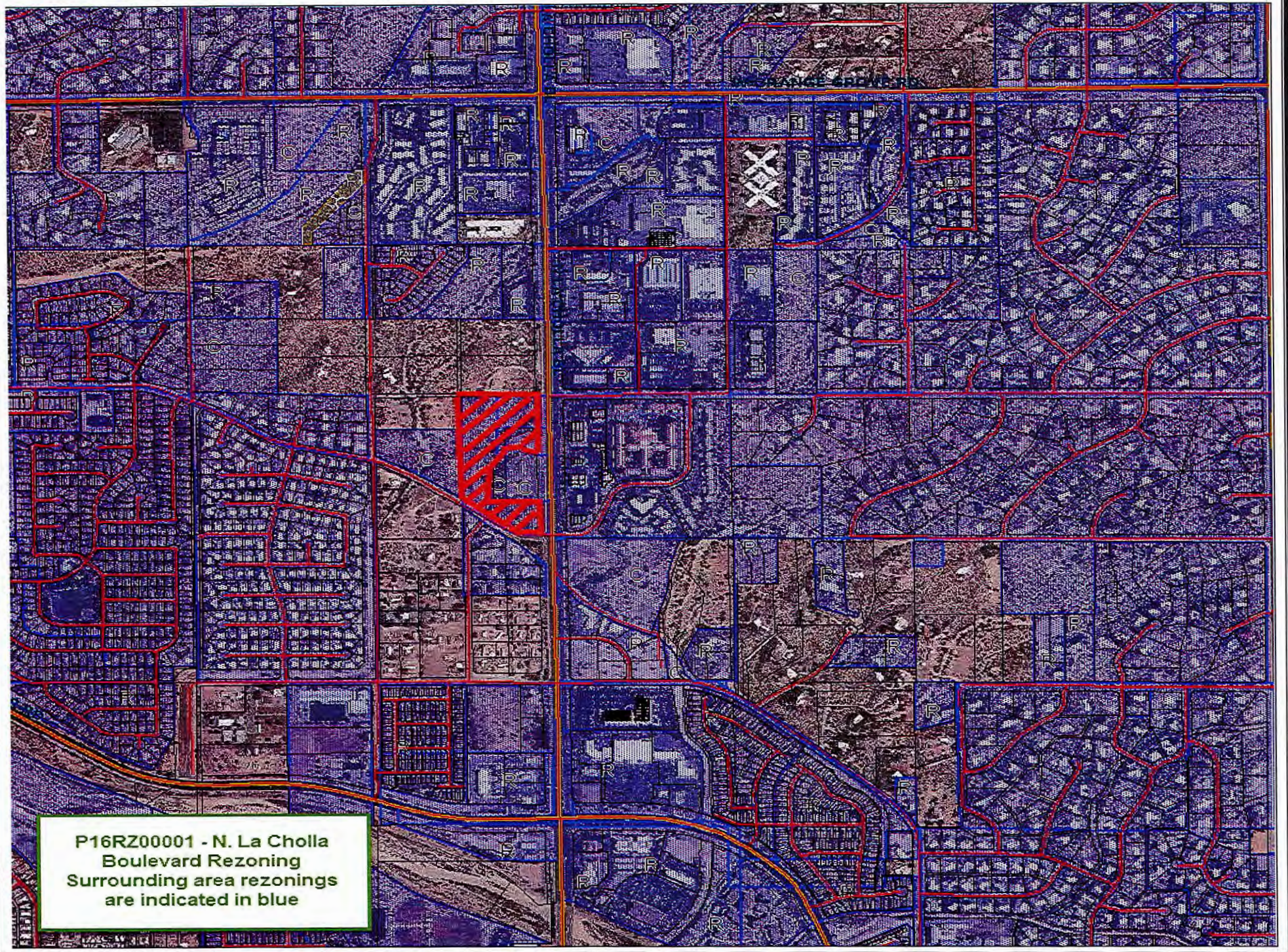
- E. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner shall complete the construction of all necessary public and/or private regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
8. Adherence to the preliminary development plan as approved at public hearing.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,



Terrill Tillman
Senior Planner

c: The Planning Center, Attn: Brian Underwood, Project Manager, 2 E. Congress St.,
Ste. 600, Tucson, AZ 85701
Mark Weinburg, 7422 N. Mystic Canyon Dr., Tucson, AZ, 85718

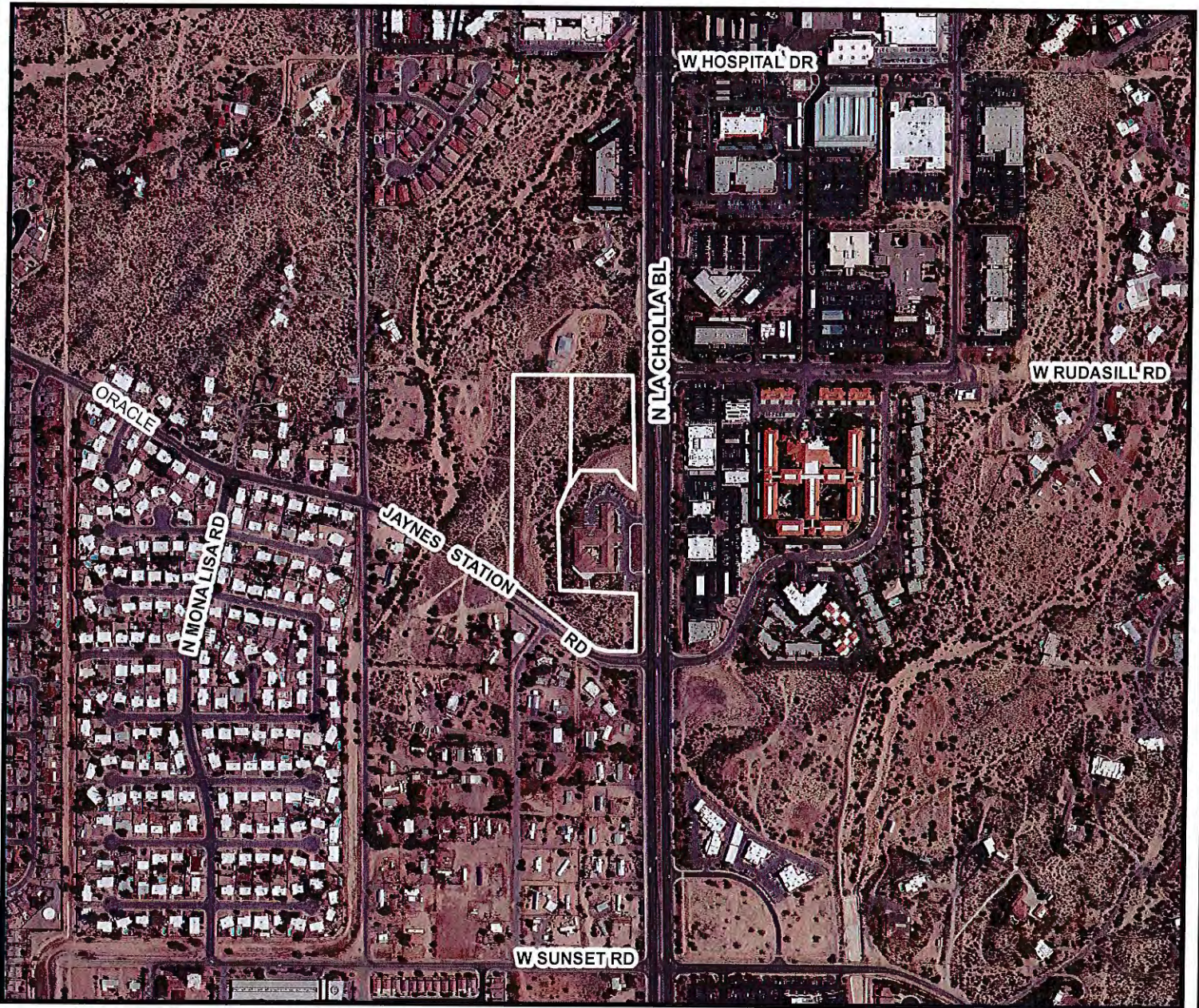


**P16RZ00001 - N. La Cholla
Boulevard Rezoning**
Surrounding area rezonings
are indicated in blue

Case #: P16RZ00001



Case Name: HUEBNER 50%, ET AL - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 101-12-001C & 101-12-002D



0 285 570 1,140 Feet




**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

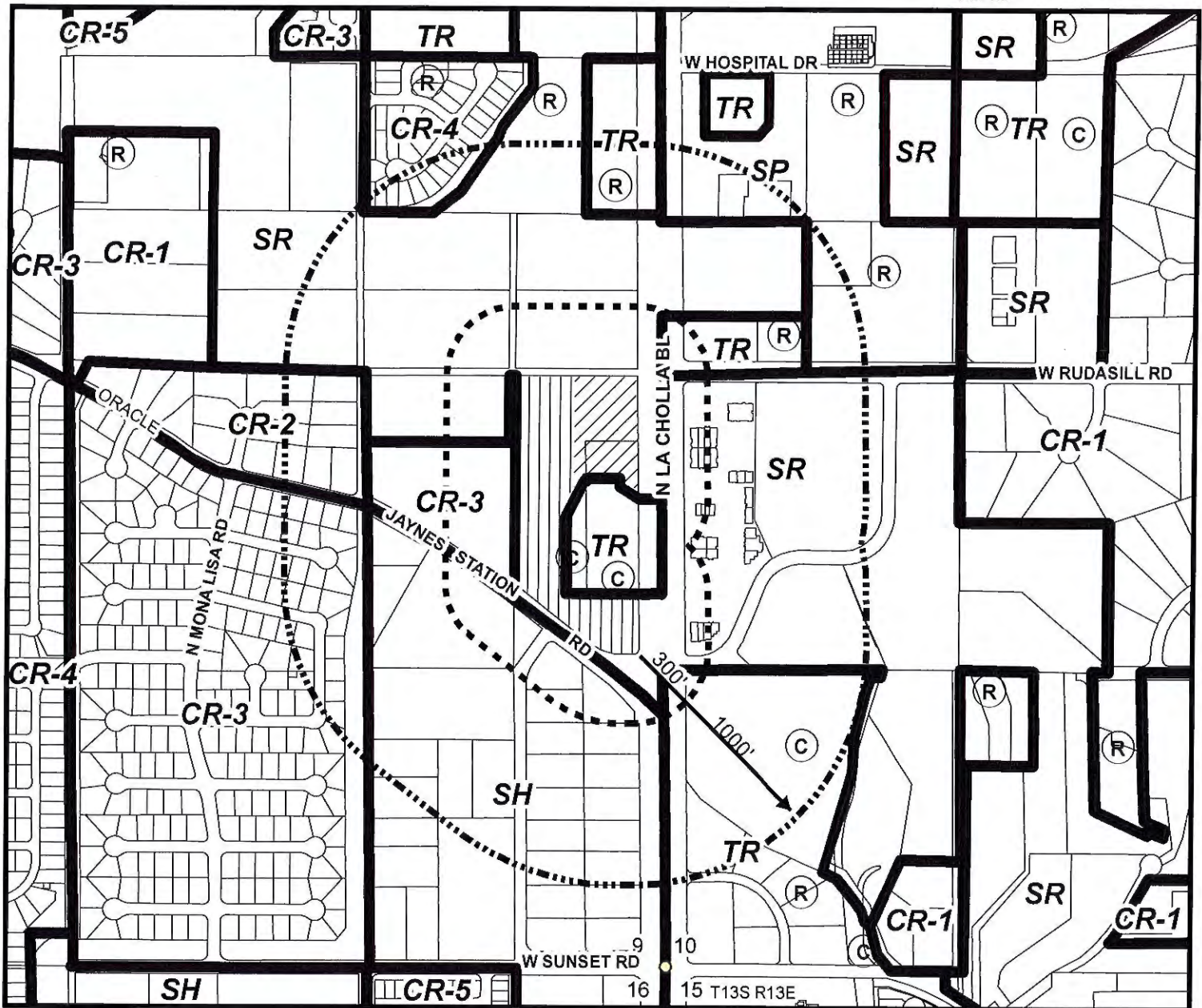
	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10			
	Planning & Zoning Hearing: 07/13/16 (scheduled)			
	Base Map(s): 45	Map Scale: 1:8,000	Map Date: 06/13/2016 - ds	

Case #: P16RZ00001

Case Name: HUEBNER 50%, ET AL - N. LA CHOLLA BOULEVARD REZONING

Tax Code(s): 101-12-001C & 101-12-002D

-  Zoning Boundary
-  300' Notification Area
-  1000' Notification Area



Area of proposed rezoning from SR to CR-5

Area of proposed rezoning from SR to TR



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

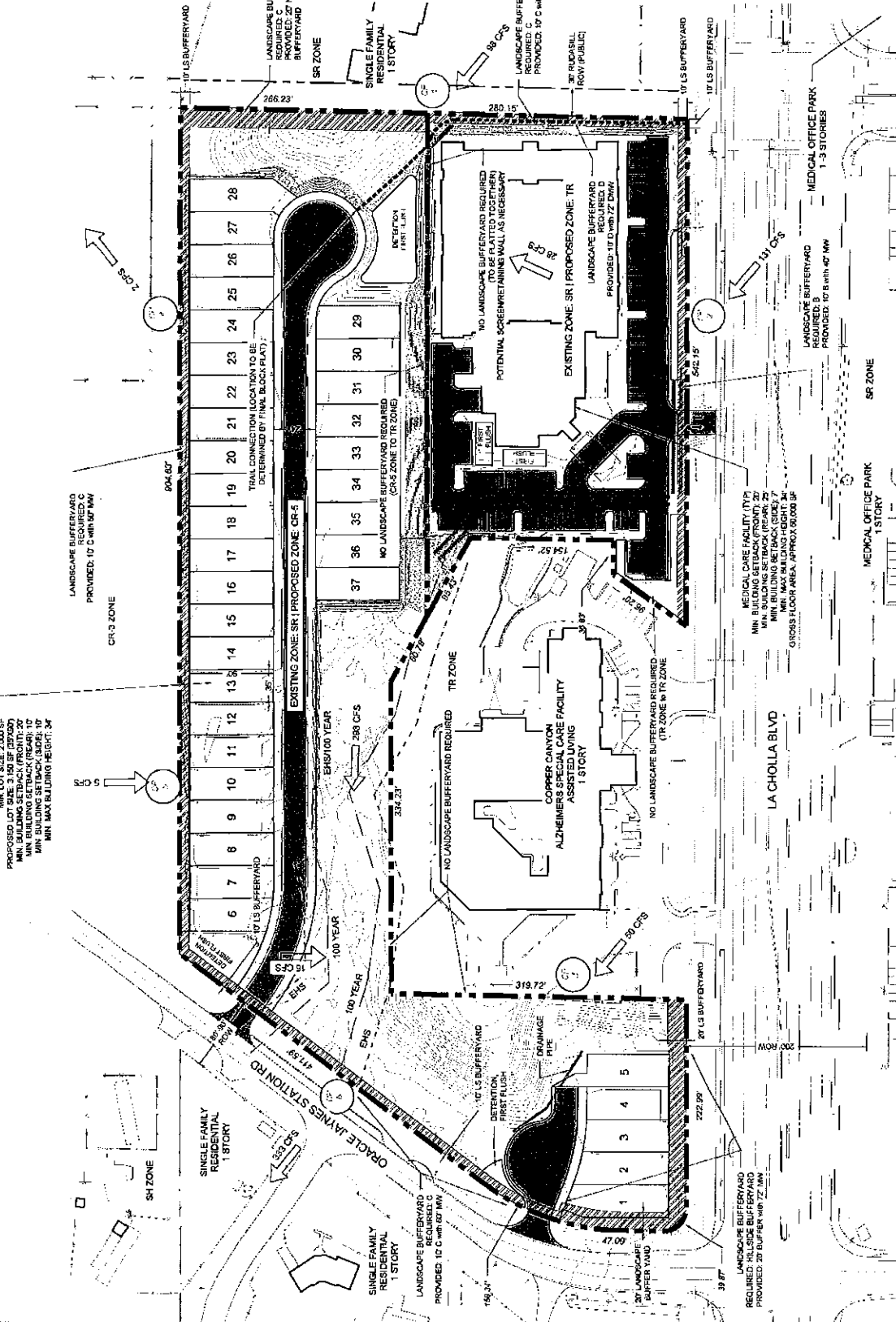
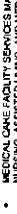
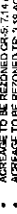
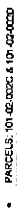
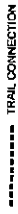
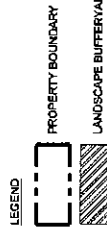
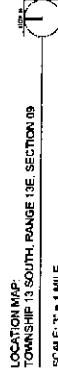
Planning & Zoning Hearing: 07/13/16 (scheduled)

Base Map(s): 45

Map Scale: 1:8,000

Map Date: 06/13/2016 - ds





LA CHOLLA & ORACLE JAYNES STATION REZONE

[illegible]



Land Use Legend and Map

Medium Intensity Urban (MIU)

Objective: To designate areas for a mix of medium-density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels. Special attention should be given in site design to assure that uses are compatible with adjacent lower-density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

Residential Gross Density: Residential gross density shall conform to the following:

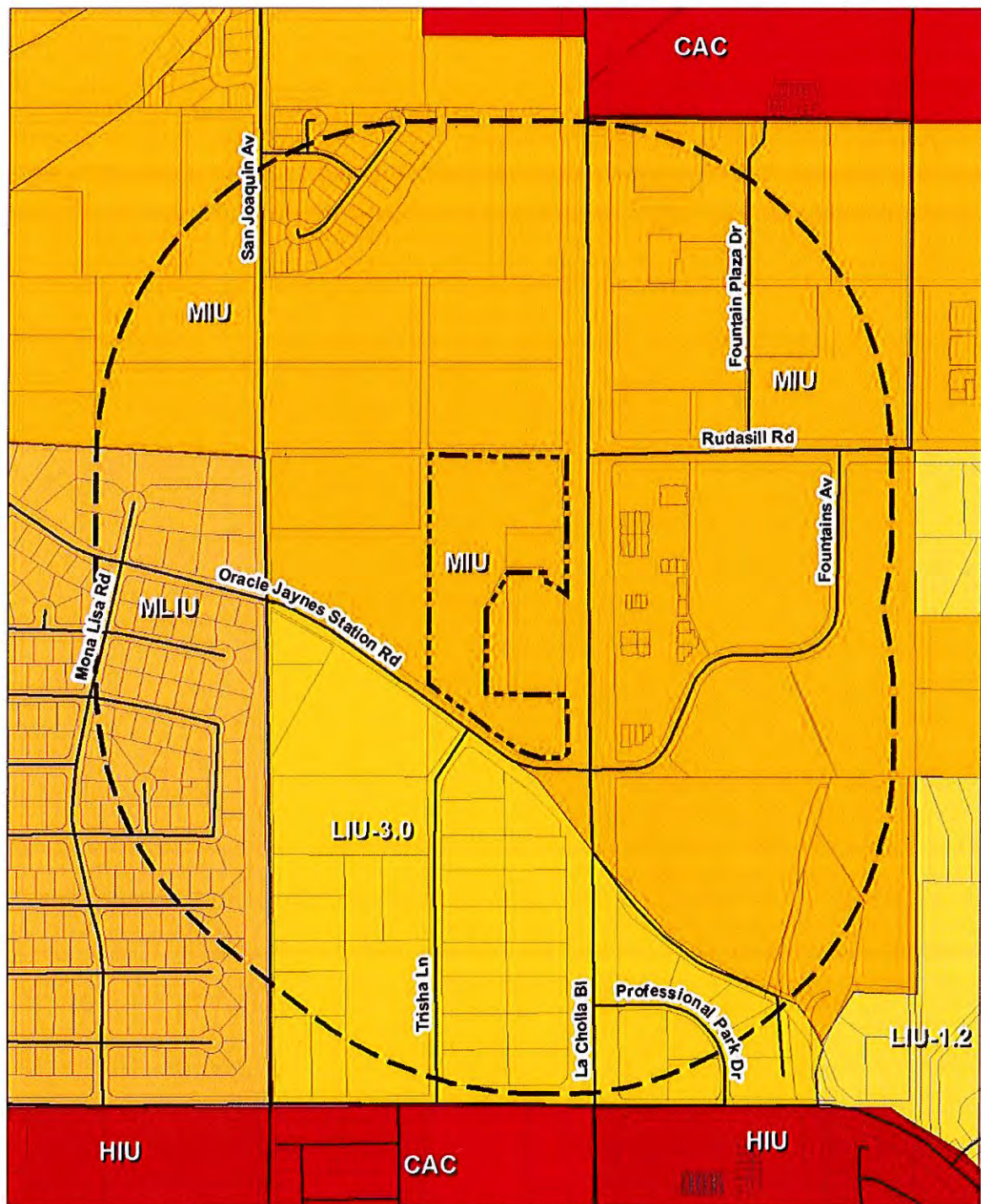
- 1) Minimum – 5 RAC
- 2) Maximum – 13 RAC.

Residential Gross Densities for Developments Using Transfer of Development Rights

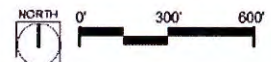
(TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- 1) Minimum – 5 RAC
- 2) Maximum – 10 RAC.

Exhibit II.A.2.c: Pima Prospers Comprehensive Plan Designations

**LEGEND****Pima Prospects Comprehensive Plan Land Use Designation**

	Project Boundary		Medium Low Intensity Urban		High Intensity Urban
	1/4 Mile Radius		Low Intensity Urban - 1.2		Community Activity Center
	Parcels		Low Intensity Urban - 3.0		
			Medium Intensity Urban		



FILE NAME: genplan_6x8.mxd
SOURCE: Pima County GIS, 2015



June 10, 2016

Dear Neighbor,

The Planning Center invites you to attend a neighborhood meeting regarding a rezoning proposal for a ± 10.3 acre property located at the southwest corner of the intersection of La Cholla Boulevard and Rudasill Road (see location map). The property is currently vacant. The proposal is to rezone the subject property from SR (Suburban Ranch) to CR-5 (Single Residence Zone) and TR (Transitional).

The proposed project is in accordance with Pima County's Comprehensive Plan. It features the development of 37 single family homes at a density of 5.5 homes per acre. Lot sizes will generally be 35' x 90' and may be two-story homes. Additionally, a medical-care facility is planned along La Cholla Boulevard, directly north of the existing Tucson Memory Care facility.

The proposed site plan incorporates measures to preserve and transplant native vegetation onsite, and provides screening and landscaped buffers around the perimeter of the development. The overall landscape design for the proposed homes and medical-care facility also incorporates native plant species and ground covers to reflect the surrounding desert environment.

Please join us on Thursday, June 23, at 6:15 pm. The meeting is being held in order to discuss the project details, the rezoning process, and to receive comments on the proposal.

The meeting will be held at the Nanini Library located at 7300 N Shannon Rd, Tucson, AZ 85741. If you have any questions, please contact Brian Underwood at (520) 623-6146 or bunderwood@azplanningcenter.com.

Comments on the proposed rezoning may also be submitted to the Pima County Development Services, Planning Division, 201 N. Stone Ave, Tucson, AZ 85701, contact phone number (520) 724-9000. Comments may be submitted verbally and/or in writing at the Planning and Zoning Commission public hearing as well, tentatively scheduled for Wednesday, July 13th.

Best Regards.



Oracle Jaynes Station & La Cholla Blvd Rezone from SR to CR-5 and TR

Date and Time: 6:15 pm, June 23, 2016

Location: Nanini Library (7300 N. Shannon Road)

In Attendance:

Mark Weinberg – Rezoning Property Owner

Jecoah Byrnes, CCIM | Principal, National Healthcare Development, Inc.

Michael Kolt, KB Home

Brian Underwood – The Planning Center

Kelly Lee – The Planning Center

5 surrounding property owners

Meeting Notes:

This meeting was a requirement of the rezoning process for Pima County. All neighbors within 1000 feet of the rezoning area were invited to this meeting and a PowerPoint presentation was shown. The PowerPoint slides included:

- Site location map showing regional context
- Aerial image of the site and surrounding properties
- Comprehensive Plan Designation Map
- Existing zoning map of the area
- Preliminary conceptual site plan
- Pima County rezoning process slide

The following are the questions or comments from the neighbors in attendance, and responses.

Neighbor: How many stories are proposed for the residential homesites? What is the height of the proposed skilled nursing facility?

- Response: Two stories for the residential and two stories for the skilled nursing facility.

Neighbor: Who wants to rezone this property? An individual private property owner or Pima County?

- Response: An individual property owner, Markland Investments.

Neighbor: Is my property included in the rezoning? Do we have to pay extra taxes? I want to be included in the rezoning.

- Response: Your property is not included in the rezoning boundary; therefore, your property taxes won't change. If you are interested in rezoning in the future, you have the ability to request a rezoning with Pima County Planning and Development Services. We cannot change the zoning of your property without your consent.

Neighbor: Is it possible for the land use to change from single family residential to apartments with the CR-5 zone?

- Response: The Site Plan shows 37 single-family residential homesites. The only way the land use can be altered to apartments is to go back to public hearing and formally request apartments and a new site plan with Planning and Zoning Commission and the Board of Supervisors.

Neighbor: Who is the residential builder?

- Response: KB Home

Neighbor: What is the quality of construction? Can you throw a rock through the wall?

- Response: The construction and architectural variation has improved over the years. Pima County now requires more articulation and setback variation to improve the aesthetics of the development.

Neighbor: Are there any shared walls?

- Response: No, all homes will be detached single family homes.

Neighbor: What about traffic?

- Response: Two points of access in accordance with Pima County Street Standards are proposed along Oracle Jaynes Station Road to serve the residential portion of the project only.

Neighbor: Are there sidewalks proposed?

- Response: Sidewalks are proposed along the internal roadways and may be provided along Oracle Jaynes Station Road. Another proposed pedestrian circulation system is required by the Safe Routes to School program in the County. A trail is proposed from the northern cul-de-sac to La Cholla Boulevard. The trail provides alternative, safe pedestrian access for the northern portion of the residential neighborhood to access La Cholla Boulevard rather than having to walk south to Oracle Jaynes Station Road and then backtrack to a safe crossing at the Rudasill and La Cholla traffic signal.

Neighbor: What is skilled nursing?

- Response: Skilled nursing is a place where patients go to recover from orthopedic surgery. They stay for approximately 2 to 3 weeks and focus on physical therapy.

Neighbor: What is the proposed lot size? What is allowed in the CR-3 zone versus the CR-5 zone?

- Response: The CR-5 zone allows for the small lot option with a minimum lot size of 2000 square feet. The CR-3 zone allows for minimum 8,000 square foot lots.

Neighbor: I am in support of the project and very interested in rezoning my property.

Neighbor: I think this is a good use for the property that will provide housing options for staff at Northwest Medical Center and the skilled nursing makes sense next to all the medical facilities in the area.

Neighbor: What is the development timeline?

- Response: Grading and development will may commence within 6-9 months.

The audience also clapped at the end of the presentation.

Meeting End Time: 7:30 pm

Author: Brian Underwood

[illegible]

DEC 23 2015

**PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING**

David Huebner, Markland Investments, LLC 7422 N. Mystic Canyon Dr 520-577-5515
Owner Address Phone daytime/ (Fax)

The Planning Center 110 S. Church Ave., Ste 6320 (520)623-6146 / (520)622-1950
Applicant (if other than owner) Address Phone daytime/ (Fax)

See attached 101-12-002D/101-12-001C
Legal description / property address Tax Code

Single Family Residential/Medical Facility Outside
What is the proposed use of the property if the rezoning is obtained? Conservation Land System category

10.3	SR	CR-5 and TR	Catalina Foothills/MIU/None
Acreage of proposed zone(s)	Present zone	Proposed zone	Comprehensive plan subregion / category / policies

The following are attached if applicable:

1. **Assessor's map** showing boundaries of subject parcel and **Assessor's property inquiry (APIQ) printout** showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an original signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an original of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be an LLC, LP, 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.
2. For rezonings that require a site analysis, submit the site analysis fee and seven copies of the site analysis document.
3. For rezonings that do not require a site analysis, submit a sketch plan in accordance with Calhoun 18.91.030.E.1.a & b. Submit a detailed description of the proposed project, including existing lands uses, the uses proposed and to be retained, special features of the project and existing on the site (e.g. riparian areas, steep slopes) and a justification for the proposed project. Include any necessary supporting documentation, graphics and maps (add documentation should be legible and no larger than 8.5"X 11").
4. For all rezonings, submit three copies of the **Biological Impact Report**.
5. For all rezonings, submit the **entire rezoning fee**.

This application is true and correct to the best of my knowledge. I am the owner of the above-described property or have been authorized by the owner to make this application. Staff is forwarding rezoning information to the following address: United States Fish and Wildlife Service, 110 S. Church Ave., Box 52, Tucson, AZ 85701.

12-23-15
Date

David Huebner
Signature of applicant

FOR OFFICIAL USE ONLY

Co9-
• Case name

Rezoning from	Rezoning to	Map no.	Fee	Supervisory district
---------------	-------------	---------	-----	----------------------

Conservation Land System category

Cross reference: Co9-, Co7-, other

MTU CK
Comprehensive Plan subregion / category / policies

Received by _____ Date _____ Checked by _____ Date _____

Dan White

Mr. Chairman, members of the commission, my name is Dan White. I am the owner of tax parcel 101-12-004A, the property which forms the west property line of the proposed development. I believe that my property is the most impacted by the proposed rezoning in that roughly 900 linear feet of my property adjoins the proposed development.

I've been asked by the current owner to make a presentation in support of the proposed development. I have reviewed the site analysis report and the conditions of rezoning as well as being present at the community meeting recently held.

I would like to preface this discussion by stating that I completely support in-fill projects in that they:

Prevent urban sprawl

Reduce vacant land which:

Promotes illegal dumping

Promotes occupation by the homeless

And Promotes crime

I speak from experience in that during my 14 year ownership of the adjoining lot I have had to haul off tons of trash left by squatters and illegal dumping. Neighbors have often called police about altercations on the property which diminishes the value of the property in the eyes of the neighborhood.

Surprisingly, it has been my experience that the County does little if anything to promote in-fill development and often small developments are held to the same standards as large ones. What exacerbates the problem is that environmental pundits and local residents commonly often see in a small development an opportunity to extract concessions that can economically make the project untenable.

I too, speak from experience on this subject in that my site went through a rezoning process in 2007 which ultimately limited the development to 1 story houses, 2.8 residents per acre, substantial improvements along Oracle Jaynes Road, and preservation of over half the site.

Please note that my site and the proposed rezoning site are both listed as medium intensity urban (MIU) as part of the County Comprehensive Plan.

Although I ~~fully~~ intend to support this project, I do so with an element of concern which I, for the record would like known to the P&Z notably:

- Based on a review of the PDP and other documents in the site analysis, the proposed buildings will be placed no less than 20' from my east property line with heights up to 34 feet. Side yard setback is 10' and the buildings would be placed at roughly the same elevation as those proposed in the tentative plat prepared for my subdivision. The net effect is a "wall" of closely spaced buildings along my eastern property line. Much of the value in my property is in the views from the hill adjoining the rezoning site and I fear that the proposed development will significantly impact such value. It can always be argued that any new development positively affects the value of the adjoining property. In this case it is the type of project that impacts property values. I personally believe that the proposed low cost housing project will have the opposite effect as related to the value of my land.
- The proposed development will make it necessary to re-think how I might develop my site (at considerable expense to me) knowing that if I wish to develop my site in similar fashion to the proposed rezoning that I will be subject to different conditions of rezoning which might again seriously impact my ability to create an economically viable project. Although this P&Z meeting is not the proper place to plead for such parity, I nonetheless want it known.
- The west entrance to the proposed subdivision may not meet minimum separation to the access road proposed as part of the tentative plat for my parcel.
- Given the fact that I may have 37 new neighbors, I will have 37 new voices that could impact any County decision on further development of my site.

I believe we all have the same objective in creating a safe and comfortable environment for us and our neighbors. To accomplish this will require the cooperation of all. This can only be accomplished by constructive dialogue and assurances by all parties.