BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 16, 2018

Title: P18CA00002 - LUMINEX LLC - E. OLD VAIL ROAD PLAN AMENDMENT

Introduction/Background:

Applicants are requesting an amendment of Pima County Comprehensive Plan land use designation from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) for approx. 24.16 acres located northeast of E. Old Vail Road and west of the S. Freeman Road alignment. Applicants propose a future rezoning for a single-family residential subdivision.

Discussion:

Amendment site is in an area of increasing residential development between Rita Ranch and Rancho del Lago in Vail. Davis-Monthan Air Force Base (DMAFB) expressed concerns about increasing residential encroachment along Approach-Departure Corridor-3 (ADC-3). Regional Flood Control District also identified presence of Xeroriparian 'C' habitat in the northeast corner of the site.

Conclusion:

Applicants and DMAFB reached agreement to reduce residential density in proposed development and provide buffering along ADC-3, and Flood Control requests avoidance of riparian habitat - these will be carried forward as rezoning policies if amendment request is approved.

Recommendation:

Planning & Zoning Commission recommends APPROVAL of the comprehensive plan amendment, subject to rezoning policies; staff also recommends APPROVAL of the plan amendment.

Fiscal Impact:

n/a

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services Telephone: 724-9000

Contact: Mark Holden, Principal Planner Telephone: 724-6619

Department Director Signature/Date: 9/27/18

Deputy County Administrator Signature/Date: 10/2/18

County Administrator Signature/Date: C. Dahlberg 10/2/18

OCT 02 '18 PM 4:47 PCC BOARD

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Steve Christy, Supervisor, District 4

FROM: Chris Poirier, Deputy Director Tom Drazowski
Public Works-Development Services Department-Planning Division

DATE: September 24, 2018

SUBJECT: **P18CA00002 LUMINEX LLC – E. OLD VAIL ROAD PLAN AMENDMENT**

The above referenced Comprehensive Plan Amendment is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 16, 2018** hearing.

REQUEST: To amend the Pima County Comprehensive Plan from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) land use designation for approximately 24.16 acres located northeast of E. Old Vail Road and west of the S. Freeman Road alignment.

OWNERS: Luminex LLC
Attn.: Joseph McReady
3360 N. Elena Maria
Tucson, AZ 85750

AGENT: The Planning Center
Attn.: Linda Morales, AICP
110 S. Church Street
Tucson, AZ 85701

DISTRICT: **4**

STAFF CONTACT: Mark Holden

PUBLIC COMMENT TO DATE: As of September 24, 2018, staff has no comments regarding the proposed comprehensive plan amendment.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO REZONING POLICIES** (8-0; Commissioners Gungle and Hook were absent).

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO REZONING POLICIES.**

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

TD/MH/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P18CA00002

FOR OCTOBER 16, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: September 24, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

COMPREHENSIVE PLAN AMENDMENT

P18CA00002 LUMINEX LLC – E. OLD VAIL ROAD PLAN AMENDMENT
Request of Luminex LLC, represented by the Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) land use designation for approximately 24.16 acres located northeast of E. Old Vail Road and west of the S. Freeman Road alignment, in Section 6, Township 16 South, Range 16 East, in the Central Planning Area. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO REZONING POLICIES** (Commissioners Gungle and Hook were absent). Staff recommends **APPROVAL SUBJECT TO REZONING POLICIES**. (District 4)

Planning and Zoning Commission Public Hearing Summary (August 29, 2018)

Staff presented information from the comprehensive plan amendment to the commission, stating that the applicant seeks to develop a single-family residential subdivision on the site. Davis-Monthan Air Force Base had expressed concerns regarding encroachment along the Approach-Departure Corridor-3 (ADC-3), and the base and developer came to an agreement that the developer will: reduce the overall density in the proposed development to 4.5 residences per acre, with density further reduced along ADC-3; provide a 20-foot buffer along ADC-3; and, record Avigation Easements against all lots in the proposed subdivision – these elements are to be added as a rezoning policy. Regional Flood Control District also noted the presence of riparian habitat in the northeast portion of the site and requested a policy to avoid development in that area.

The owner's agent spoke and provided additional information about the amendment request and the proposed residential subdivision project.

The commission had no questions and opened the public hearing. No one requested to speak and the commission closed the public hearing.

Commissioner Matter made a motion to recommend **APPROVAL** of comprehensive plan amendment P18CA00002, subject to rezoning policies; Commissioner Maese seconded.

A commissioner asked how road access to Mary Ann Cleveland W ay might be provided, especially for existing neighbors who may lack adequate financial resources; a commissioner responded that details of this sort are generally handled at the rezoning stage of a project.

Upon a voice vote, the motion to recommend **APPROVAL** passed (8-0; Commissioners Gungle and Hook were absent), subject to the following rezoning policies:

Flood Control Resource Areas including Pima County Regulated Riparian Habitat and developer-mapped floodplain shall be avoided

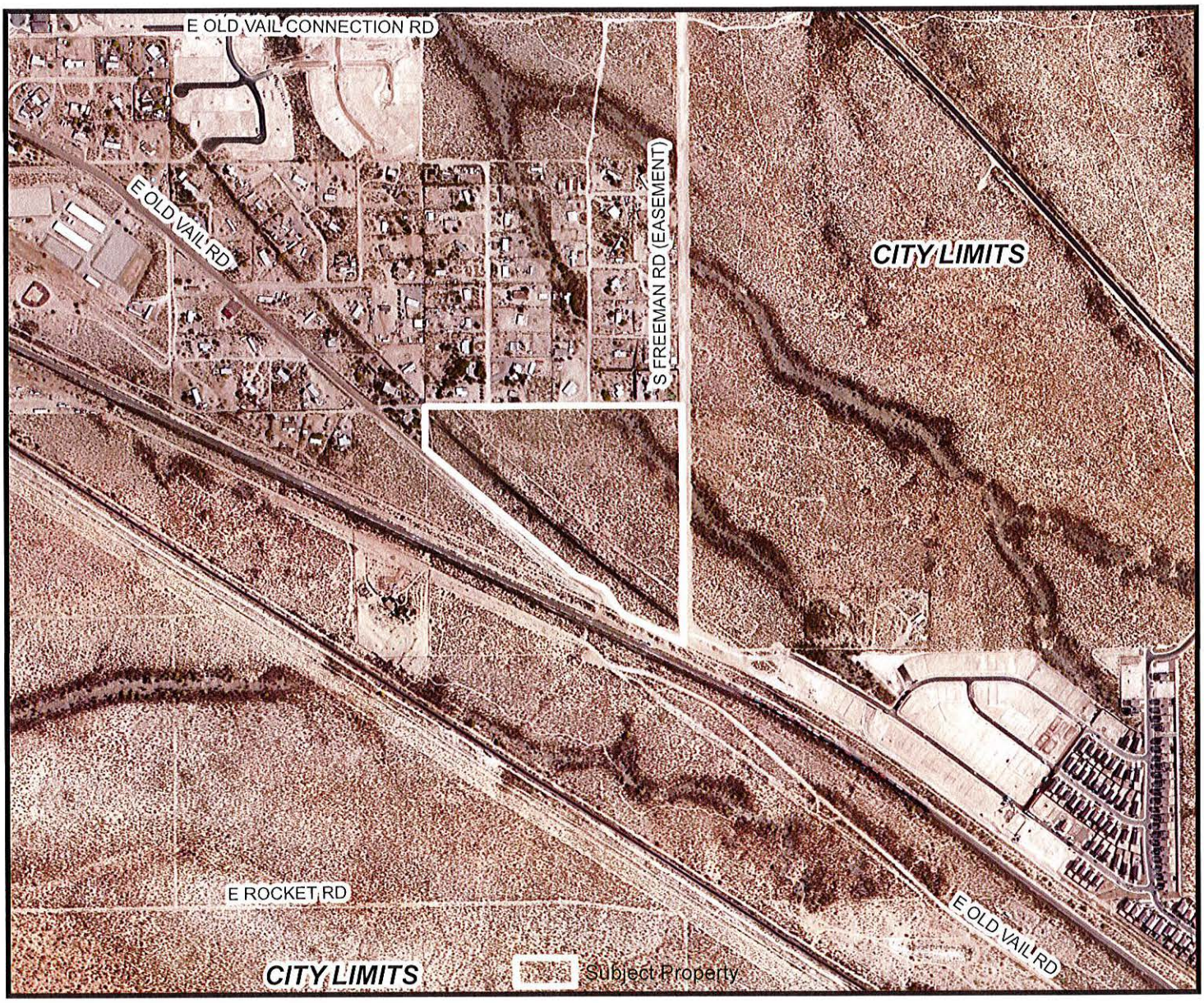
Residential density on the amendment site shall be 4.5 residences per acre (RAC), maximum, with a reduction of residential density along the DMAFB Approach-Departure Corrider-3 (ADC-3); a 20-foot buffer shall be provided between ADC-3 and residential lots; and, Avigation Easements shall be recorded and disclosed to homebuyers for all residences constructed in the proposed subdivision.

TD/MH/ar
Attachments

cc: Luminex LLC, Attn.: Joseph McReady, 3360 N. Elena Maria, Tucson, AZ 85750
The Planning Center, Attn.: Linda Morales, AICP, 110 S. Church Street
Tucson, AZ 85701
Tom Drzazgowski, Chief Zoning Inspector
P18CA00002 File

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use and Notice Area

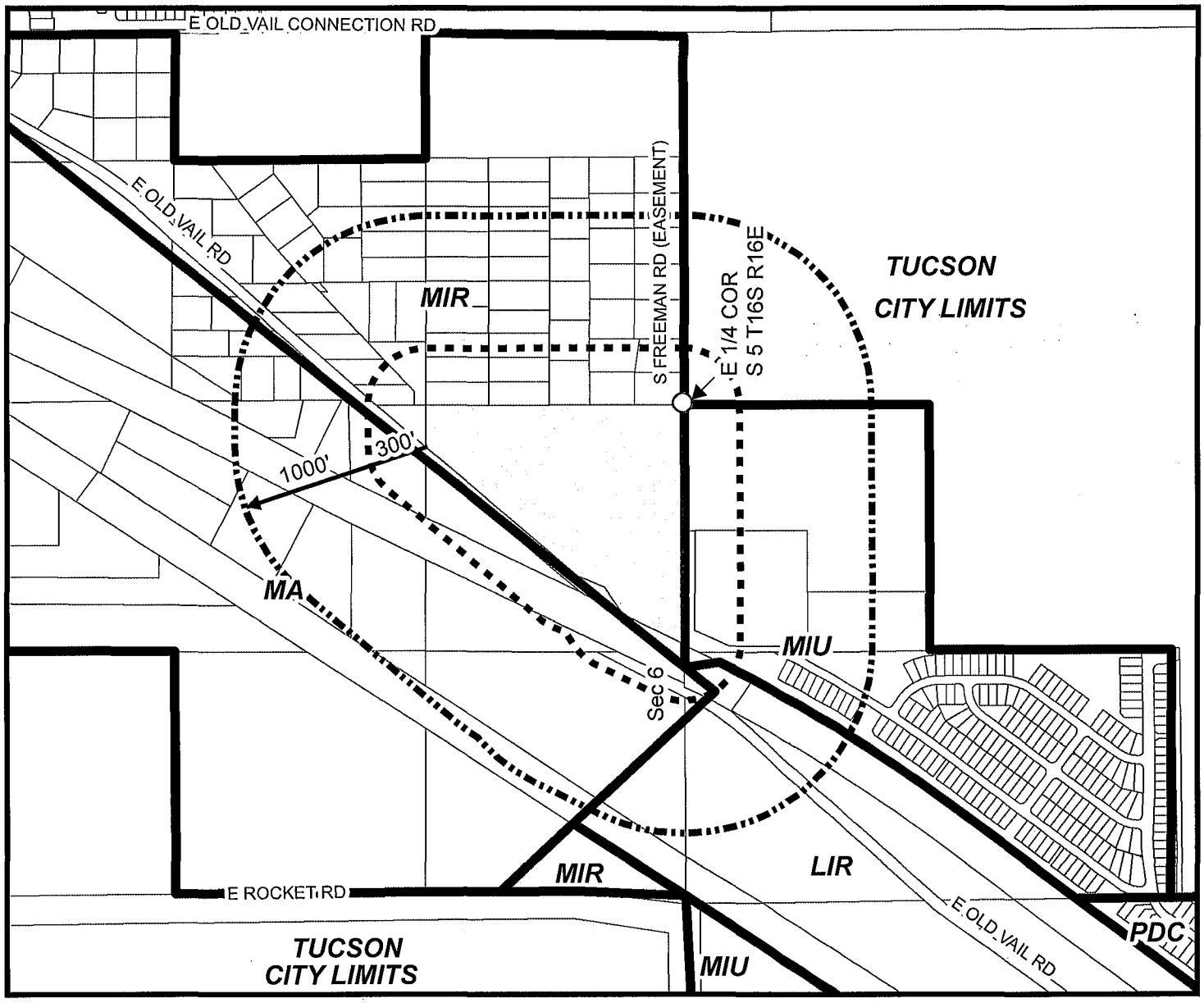


0 355 710 1,420 Feet

Taxcode: 305-09-012E	**P18CA00002 LUMINEX LLC - E. OLD VAIL ROAD PLAN AMENDMENT** Request: Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) 24.16 Acres +/-	District 4 Location: Northast of E. Old Vail Road and west of the S. Freeman Road (easement)
	Central Planning Area under Pima Prospers Section 6, Township 16 South, Range 16 East	North
	Map Date: August 9, 2018 / dms	Map Scale: 1:10,000

COMPREHENSIVE PLAN AMENDMENT

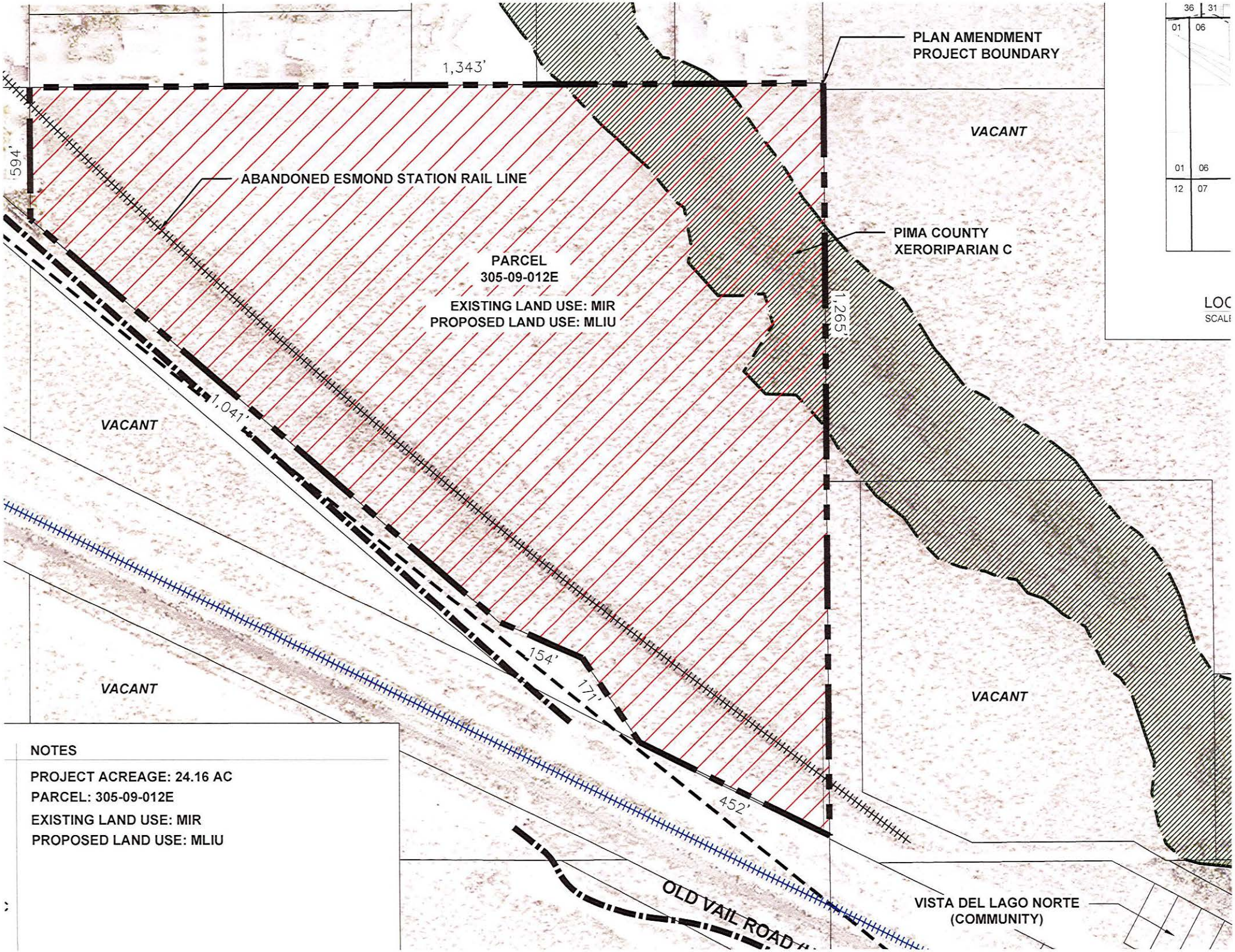
Planned Land Use and Notice Area



0 355 710 1,420 Feet

1000' Notification Area | 300' Notification Area | Subject Property

Taxcode: 305-09-012E	**P18CA00002 LUMINEX LLC - E. OLD VAIL ROAD PLAN AMENDMENT** Request: Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) 24.16 Acres +/-	District 4 Location: Northast of E. Old Vail Road and west of the S. Freeman Road (easement)
	Central Planning Area under Pima Prospers Section 6, Township 16 South, Range 16 East	North
	Planning and Zoning Commission Hearing: August 29, 2018	Map Scale: 1:10,000
	Board of Supervisors Hearing: October 16, 2018 (tentative)	Map Date: August 1, 2018 / dms



NOTES

PROJECT ACREAGE: 24.16 AC

PARCEL: 305-09-012E

EXISTING LAND USE: MIR

PROPOSED LAND USE: MLIU

2018 PLAN AMENDMENT PROGRAM

PLANNING AND ZONING COMMISSION

STAFF REPORT

Pima County Development Services

HEARING DATE	**August 29, 2018**
CASE	**P18CA00002 Luminex LLC – E. Old Vail Road Plan Amendment**
PLANNING AREA	Central
DISTRICT	4
LOCATION	Northeast of E. Old Vail Road and west of S. Freeman Road alignment
REQUEST	Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) on 24.12 acres
OWNERS	Luminex LLC
APPLICANT	The Planning Center

APPLICANT'S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN

"The subject request entails modifying the land use designation for the subject parcel, as depicted on the *Central Planning Area Planned Land Use Map*, from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU). The overall intent of the proposed amendment is to allow the property owner to apply for a future rezoning for a single-family residential subdivision with an anticipated density of five (5) residences per acre."

STAFF REPORT

Staff recommends **APPROVAL** of the proposed Comprehensive Plan Amendment, subject to the following Rezoning Policies:

Flood Control Resource Areas including Pima County Regulated Riparian Habitat and developer-mapped floodplain shall be avoided

Residential density on the amendment site shall be 4.5 residences per acre (RAC), maximum, with a reduction of residential density along the DMAFB Approach-Departure Corridor-3 (ADC-3); a 20-foot buffer shall be provided between ADC-3 and residential lots; and, Avigation Easements shall be recorded and disclosed to homebuyers for all residences constructed in the proposed subdivision

Staff recommends approval of the proposed amendment because:

- Amendment site is in a region of increasing development located between Vail and Rita Ranch, with mixed higher density subdivided and low-density rural residential development
- Amendment site is an undeveloped infill area, served by adequate existing wastewater infrastructure, though lacking direct access to arterial roads (Mary Ann Cleveland Way) and alternate modes of travel (no comment provided by water, school, or fire district)

- Davis-Monthan Air Force Base (DMAFB) is concerned with increasing development within and encroachment immediately outside the Approach-Departure Corridor (ADC) – rezoning policy addresses reducing high-density residential development immediately adjacent to the ADC

Background

The site currently has Medium Intensity Rural (MIR) Comprehensive Plan land use designation, for rural residential density of 1.2 residences per acre (RAC), maximum. The applicant is requesting Medium Low Intensity Urban (MLIU) designation, for medium density single-family and lower density attached dwellings between a minimum of 2.5 RAC to a maximum of 5 RAC.

The site is zoned GR-1 Rural Residential, and currently undeveloped (with the exception of the abandoned Esmond Station railroad ROW), relatively flat, and ranging from about 3124 feet to 3140 feet in elevation above MSL. Site vegetation is characterized as palo verde – mixed cacti, but is homogeneous creosote bush and mixed species of cholla cacti (genus *Opuntia*) with scattered mesquite, ocotillo and barrel cactus, and no saguaro nor ironwood. The two acres of Sonoran riparian scrub in the northeast corner of the site is a dense stand of mesquite, white-thorn acacia, blue palo verde and hackberry.

The site is located in an area of medium density rural residential development (GR-1 zoned) to the north and west, two Union-Pacific Railroad ROWs immediately to the south, subdivided single-family residences to the southeast, and undeveloped lands in other directions. The site has undeveloped Arizona State Lands less than a mile away to the southwest and northeast, with higher density residential and commercial development further to the southeast and northwest (Rancho del Lago in Vail and Rita Ranch on Houghton Road, respectively).

The site is surrounded by MIR land use designation to the north, Military Airport (MA) to the southwest (which only permits commercial and industrial rezonings), Medium Intensity Urban (MIU) to the east, and Low Intensity Rural (LIR) to the southeast along the railroad ROWs. The site is not covered under Rezoning Policies, but abuts Special Area Policy S-23, Approach-Departure Corridor-3 (ADC-3) overlay zone for DMAFB.

MIU-designated lands extend further to the southeast along E. Old Vail Road and the railroads. These areas, about 265 acres total, were amended from LIR through Comprehensive Plan amendments between 2005 and 2013, and all were subsequently rezoned from RH Rural Homestead to CR-5 Multiple Residence zone. In the same vicinity, of amendments processed under the 2015 Pima Prospers Comprehensive Plan update, amendment ST-15 amended land use from LIR to MIU on 160 acres on Colossal Cave Road, while ST-14 to amend the land use from LIR to Industrial (I) on 100 acres located between the two railroad ROWs was denied.

Comprehensive Plan Amendment Criteria

Staff has reviewed this plan amendment request to determine if one or more of the following criteria have been adequately met:

<u>Arizona Growing Smarter Acts</u>

The applicant states that the proposed plan amendment will promote an infill residential subdivision adjacent to comparable platted subdivisions (versus wildcat development sprawl in the area); provide affordable housing options in a region experiencing significant growth and popularity; and, make use of significant existing infrastructure provided by surrounding subdivisions, including possible access from Mary Ann Cleveland Way via ROW easement on adjacent Arizona State Land, which further enhances circulation in the area.

The site is in a region of mixed subdivided higher-density and medium-density rural residential development, and larger undeveloped areas (state and county lands) along Old Vail Road and the Union-Pacific Railroad, and undeveloped state lands further to the southwest and northeast. There are about 270 acres of residentially subdivided lands within a mile of the site, with about 185 acres of undeveloped and un-platted lands zoned CR-5 along the railroad. The site is located between Rita Ranch on S. Houghton Road (about 4 miles driving to the northwest) and Rancho del Lago at E. Colossal Cave Road (about 3¼ miles driving to the southeast), with schools, retail and other commercial services available at both locations.

Public sewer is immediately east of the site along the Freeman Road alignment. Access to Mary Ann Cleveland Way on E. Steve Street, an existing ROW easement across state land, would circulate traffic through the adjacent 200-unit subdivision (Vista del Lago Norte); Old Vail Road or the Freeman Road alignment could provide alternate access, but neither are completely paved. There are currently no dedicated bicycle lanes or sidewalks on Mary Ann Cleveland Way, and the closest SunTran transit is currently at Rita Ranch (express route and shuttle only). No comment was received from water, school, and fire districts.

The site may better support Growing Smarter elements as residential development density in the region increases, and additional infrastructure and services are provided.

Comprehensive Plan Policies, Special Area Policies, and Rezoning Policies
The applicant states that the proposed plan amendment is supported by a number of applicable Pima Prospers polices: support land uses, densities and quality housing supply for suburban and rural areas; ensure safe, diverse and quality housing supply for multiple incomes; protect DMAFB operations and maximize resources; and, support efforts to return the Construction Industry to sustainable levels of employment and construction activity.

The Comprehensive Plan, 3.1 Land Use Element addresses military airports and includes policies to ensure new and expanded residential development is prohibited within high noise or accident potential zones, and that DMAFB is not adversely impacted by encroaching incompatible development. The Pima County Economic Development Plan (Update Through 2018) identifies DMAFB as the third-largest public employer in the county, to be protected as a major employment base in the county.

The amendment site is outside of high noise and accident potential zones, but is immediately adjacent to DMAFB ADC-3. The ADC overlay zone modifies underlying allowable land uses and provides specific development standards to ensure future health and safety of residents and promote the long-term viability of the DMAFB mission. ADC-3 generally prohibits residential use, hospitals, extended care facilities and nursing homes, elementary and secondary schools, day care facilities, and permits most non-residential uses, excepting those involving significant quantities of hazardous or flammable materials.

The proposed amendment is supported by a number of Comprehensive Plan land use and housing policies. DMAFB comments regarding development along ADC-3 are below.

Maeveen Marie Behan Conservation Lands System (MMBCLS)
The proposed amendment site is **outside** the MMBCLS.

Oversights, Inconsistencies, or Land Use Related Inequities/Changes
n/a

AGENCY/DEPARTMENT COMMENTS

Regional Flood Control District
The Regional Flood Control District (RFCD) reviewed the application and has the following comments:

1. No concept plan has been submitted;
2. The site includes Pima Prospers Flood Control Resource Areas which should be avoided due to being in a natural condition upstream and downstream of the site;
3. As required, RFCD has conducted the Water Resources Impact Analysis (WRIA), including providing demand projections as follows:

    a. The site is within the Vail Water Company service area who provides Renewable and Potable Water;
    b. The site is near the eastern edge of the Tucson Active Management Area modeled by the Safe Yield Task Force wherein declines of over 30 feet are expected between 2010 and 2025 resulting in depth to water of over 500 feet;
    c. The site is not located within a covered subsidence zone, although subsidence was 1-2 inches between 1987 and 2005;
    d. The site is not within a mile of a shallow groundwater area; and
    e. The site is not within an Isolated Basin, and the depth to bedrock ranges from 3,200 to 4,800 feet.

Therefore, RFCD has no objection subject to the following Rezoning Policy:

Flood Control Resource Areas including Pima County Regulated Riparian Habitat and developer-mapped floodplain shall be avoided

Department of Transportation
From a land use perspective, this is an infill project. This area of the County has seen an uptick in new developments. Department of Transportation (DOT) has experienced several recent inquiries about traffic and safety on Mary Ann Cleveland Road. At this point, without a site plan showing access, traffic impacts, circulation and connectivity cannot be determined. This site will need an easement over ASLD property. The applicant has indicated that this has been obtained.

Connection to adjacent roadways can be made via Old Vail Road which runs along the south side of the subject parcel. The property owner owns land on both sides of the road. The site could also connect to Becker Drive and function as a phase of the Vista Del Lago Norte subdivision. Given the similar densities and uses, this could be a favorable connection. There are also several opportunities for pedestrian recreational connections such as a landscaped walking paths or mixed use paths between the developments. These opportunities are worth exploring as the development concept progresses.

DOT has no objection to this amendment request.

Regional Wastewater Reclamation Department
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received and reviewed the proposed plan amendment and offers the following comments.

The plan amendment would allow the subject property to be developed as a single-family residential subdivision subject to obtaining the proper zoning. The applicant is requesting the Medium Low Intensity Urban (MLIU) designation to support the proposed use, over the current designation of Medium Intensity Rural (MIR). The plan amendment area is located northeast of E. Old Vail Road and west of the S. Freeman Road alignment.

The plan amendment area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor and the Northwest Outfall Interceptor. A preliminary investigation by PCRWRD identified no capacity issues for this development in the downstream public sewer system at this time. The applicant will need to obtain an approved sewer capacity letter from PCRWRD at the time of the rezoning review.

The PCRWRD has no objection to the proposed comprehensive plan amendment. A 'no objection' shall not construe any action by Pima County as a commitment to provide sewer to any new development within the plan amendment area, and does not ensure that there is adequate treatment and conveyance capacity to accommodate this plan amendment area in the downstream public sewerage system.

Office of Sustainability & Conservation, Environmental Planning Division
The proposed amendment site lies outside the MMBCLS and the division had no comments on this proposal.

Office of Sustainability & Conservation, Cultural Resources Division
The division had no comment.

Department of Environmental Quality
The department had no comment.

Davis-Monthan Air Force Base
DMAFB staff met with the applicants (owner/developer and their agent) and discussed concerns of setting precedent of comprehensive plan amendments and subsequent rezoning requests that increase encroachment immediately adjacent to the ADC. The applicants offered to address issues of increasing residential density in the vicinity of ADC-3. The application states that DMAFB "...could support the requested amendment and a subsequent rezoning if the developer provides a transition of density with larger lots immediately adjacent to the ADC, combined with smaller lots on the balance of the site."

DMAFB ADCs were established during the development of the Joint Land Use Study (JLUS) in 2004 to consider safety and environmental noise generated by aircraft operations on future growth. The areas along the ADCs experience a high volume of aircraft traffic and increasing safety concerns: 80% of the flights departing DMAFB and 100% of live weapons departures are to the southeast to minimize risk and enhance safety; in addition, all DMAFB aircraft must fly on the same heading as the runway for approximately 10 miles to avoid conflict with departures from Tucson International Airport (TIA). Aircraft noise is most acute during departure, at which time aircraft are flying lower to the ground and are operating at full power.

During the development of the JLUS, it was determined that ADC-2 and ADC-3 would need to extend to the southeast 30,000 feet and 50,000 feet, respectively, from the end of the runway to provide optimal aircraft and noise safety zones.

The size and shape of the ADCs are based on DOD safety criteria in United Facilities Criteria Airfield and Heliport Planning and Design (UFC 3-260-1). The previously mentioned safety concerns and 10-mile runway heading requirement to avoid TIA departure conflicts are the basis for concerns that incompatible, high density residential neighborhoods will be developed along the ADC, which does not completely mitigate higher noise levels created by aircraft flying lower and faster on departure, nor the potential of aircraft mishaps.

DMAFB's main concern in requesting a transition to lower residential density closer to ACDs is the safety of the citizens within the city and county who would be residing in potential new developments immediately adjacent to the ADCs.

To address the transition of residential density from ADC-3, staff is recommending the following Rezoning Policy:

> *Residential density on the amendment site shall be 4.5 residences per acre (RAC), maximum, with a reduction of residential density along the DMAFB Approach-Departure Corridor-3 (ADC-3); a 20-foot buffer shall be provided between ADC-3 and residential lots; and, Avigation Easements shall be recorded and disclosed to homebuyers for all residences constructed in the proposed subdivision*

US Fish & Wildlife Service, AZ State Land Department, Vail School District, Vail Water Co.
No comments were received.

PUBLIC COMMENTS
Staff notified property owners within 1000 feet of the boundary of the proposed amendment site. To date we have received no comments from neighboring property owners.

Respectfully submitted,

Mark Holden, AICP
Principal Planner