

#### **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

Requested Board Meeting Date: October 16, 2018

Title: P18CA00003 HARBOUR TRUST, ET AL.-NORTH LA CHOLLA BOULEVARD PLAN AMENDMENT

# Introduction/Background:

This Comprehensive Plan Amendment reflects a desire to increase the density of a parcel of 22.5 acres from Low Intensity Urban 0.3 to Medium Intensity Urban. Approval of that request would result in a density of between 5 to 13 units per acre. Planning Commission, staff, and the applicant recommend a change to Medium Low Intensity Urban, which allows between 2.5 and 5 units per acre.

#### Discussion:

This Plan Amendment is one of two adjoining requests for land use density increases. This Plan Amendment, as well as P18CA00004, represents a request for an integrated development project. The anticipated density for this portion of the project is approximately 3.5 to 4.0 units per acre. The applicant states that the proposed plan amendment is consistent with, or further, several of the Smart Growth Principles relating to transportation, compact building designs, infrastructure expansion, and conservation of national resources.

#### Conclusion:

Consistency with Pima Prospers goals has been considered as part of this request. At the Planning Commission hearing, several nearby residents raised issues with a density of up to 13 units per acre, as well as potential design considerations. In response, the Commission approved, and the applicant concurred with, a designation of Medium Low Intensity Urban, which provides for a density of between 2.5 and 5 units per acre. Staff concurs. Also, it was pointed out that design considerations would be addressed during the rezoning process.

### Recommendation:

Fiscal Impact:

Staff and Planning and Zoning Commission recommend approval of the Comprehensive Plan Amendment to Medium Low Intensity Urban.

N/A						5 5 5	
Board of Supervisor District:							
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Departmer	nt: Development Se	ervices, Planning [	Division	Telephone: 724-880	0		
Contact:	Tom Coyle			Telephone: 724-679	2		
Departmer	nt Director Signatu	re/Date:	20	10/1/18			
Deputy Co	unty Administrator	Signature/Date:	Co-		10/2/18		
County Ad	ministrator Signatu	ure/Date: C. L	Julie	Hay 10	12/18		



TO:

Honorable Ally Miller, Supervisor, District 1

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services Department-Planning

DATE:

September 24, 2018

SUBJECT:

P18CA00003 HARBOUR TRUST ET. AL – N. LA CHOLLA BOULEVARD 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 Low Intensity Urban 0.3 (LIU

0.3) to Medium Intensity Urban (MIU) land use designation for approximately 22.5 acres located at the northwest corner of the intersection of N. La Cholla Boulevard

and W. Overton Road.

**OWNERS:** 

Harbour Trust, et al.

Attn.: Robert Harbour 4681 N. Rocky Crest Place

Tucson AZ 85750

AGENT:

Projects International, Inc.

Attn.: Jim Portner 10836 E. Armada Lane

Tucson AZ 85749

DISTRICT:

1

**STAFF CONTACT**: Thomas Coyle

PUBLIC COMMENT TO DATE: As of September 24, 2018, staff has received two correspondence 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 applicant correctly states "that the plan amendment site falls within the Multiple Use Management Area (MUMA) classification of the Conservation Lands System (CLS) and is also subject to its Special Species Management overlay, thereby increasing the CLS's established conservation and mitigation thresholds. The project will fully satisfy CLS requirements through a combination of significant onsite set-asides and off-site mitigation."

TD/TC/ar Attachments



# **BOARD OF SUPERVISORS MEMORANDUM**

Subject: P18CA00003

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# FOR OCTOBER 16, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERVISORS

FROM:

Chris Poirier, Deputy Director 2

Public Works-Development Services Department-Planning Division

DATE:

September 24, 2018

## ADVERTISED ITEM FOR PUBLIC HEARING

### **COMPREHENSIVE PLAN AMENDMENT**

# P18CA00003 HARBOUR TRUST ET. AL - N. LA CHOLLA BOULEVARD PLAN AMENDMENT

Request of Harbour Trust, Robert G. and Michelle K. Harbour Trust, Buck Family Revocable Trust and Linn Harbour, represented by Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) land use designation for approximately 22.5 acres located at the northwest corner of the intersection of N. La Cholla Boulevard and W. Overton Road, in Section 21, Township 12 South, Range 13 East, in the Tortolita 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 1)

# 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 residential development, as well as on the adjoining property immediately north of this development (P18CA00004) and is envisioned as one integrated development. Consistent with the desire of the Commission, staff gave a report on both Comprehensive Plan Amendment requests. The Commission, in the desire to facilitate public input, open the hearings for both applications, and directed that two separate votes be taken on the requests.

Staff provided an overview of both applications. Specifically, the 22.5 acre request for MIU (P18CA00003) and the 29.5 acre request for LIU 1.2 (PCA1800004). Included in the presentation was nearby land use, comp plan policies, and interagency comments concerning the project.

P18CA00003 Page 2 of 2

The applicants' agent spoke and provided additional information about the amendment request and the proposed residential projects.

The Commission had no questions and opened the public hearing. Five speakers expressed their desire to address the Commission.

One individual, Carolyn Campbell, spoke in support of the project as CLS goals and objectives would be realized through mitigation measures. Three individuals expressed concerns with the project. One individual raised the issue of the density range for MIU (5-13 RAC).

In response, the Commission addressed questions to the applicant and indicated to the audience that many of the design concerns would be addressed at the time of rezoning, which is a subsequent review.

After the applicant responded to questions, Commissioner mad a motion to close the public hearing

After clarifying the interest of the applicant, staff concurred that a designation to a density closer to 4 RAC would be appropriate, and it was noted that MLIU would be appropriate (2.5 to 5.0 RAC). No one requested to speak and Commissioner Matter made a motion to close the public hearing; Commissioner Becker seconded.

Commissioner Bain, seconded by Commissioner Membrila, made a motion to recommend **APPROVAL** of the comprehensive plan amendment P18CA00003 to **MLIU** with the following two rezoning policies:

Post development Flood Control Resource Areas to be avoided including developer mapped floodplains shall be identified at the time of Rezoning.

Developer mapped floodplains shall include habitat enhancements.

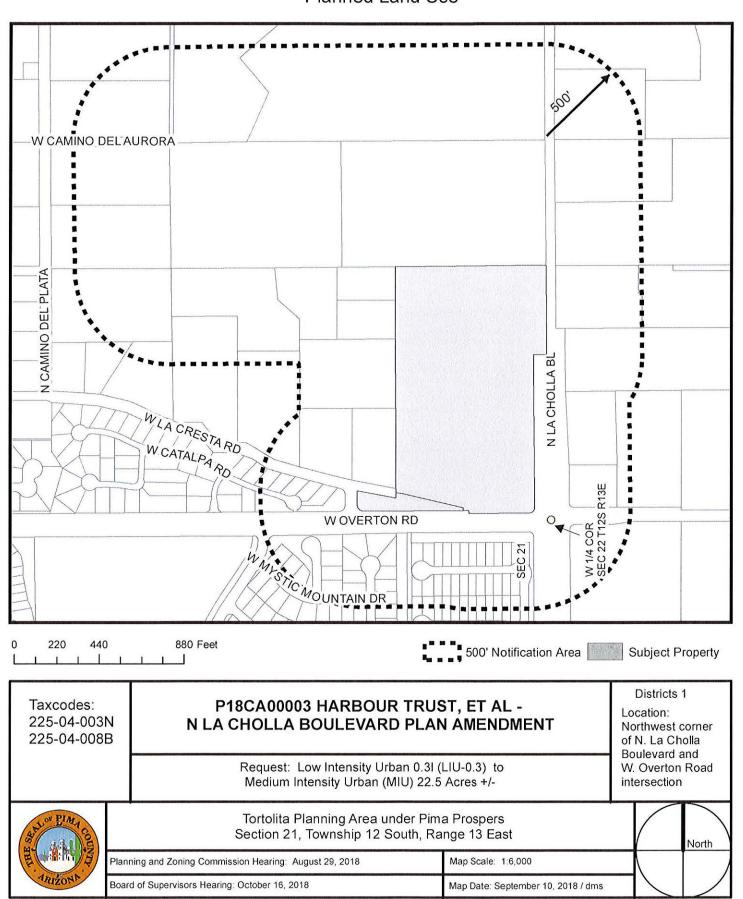
Upon a voice vote, the motion to recommend **APPROVAL** passed (8-0; Commissioners Gungle and Hook were absent).

TD/TC/ar Attachments

cc: Harbour Trust, et al., Attn.: Robert Harbour, 4681 N. Rocky Crest Place, Tucson AZ 85750 Projects International, Inc., Attn: Jim Portner, 10836 E. Armada Lane, Tucson AZ 85749 Tom Drzazgowski, Chief Zoning Inspector P18CA00003 File

# **COMPREHENSIVE PLAN AMENDMENT**

Planned Land Use





# **2018 PLAN AMENDMENT PROGRAM**

# PLANNING AND ZONING COMMISSION STAFF REPORT



HEARING DATE	August 29, 2018			
CASE	P18CA00003 Harbour Trust, et al. – N. La Cholla Boulevard Plan Amendment			
PLANNING AREA	Tortolita			
DISTRICT	1			
LOCATION	Northwest corner of the intersection of N. La Cholla Boulevard and W. Overton Road			
REQUEST	Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) on 22.5 acres			
OWNERS	Harbour Trust, Robert G. and Michelle K. Harbour Trust, Buck Family Revocable Trust and Linn Harbour			
APPLICANT	Projects International, Inc.			

# APPLICANT'S STATED REASONS TO AMEND THE COMPREHENSIVE PLAN:

"The requested comprehensive plan designation for the entire 22.5-acre property is *Medium Intensity Urban (MIU)*. The companion request for the 29.5-acre property, to the north [P18CA00004], is *Low Intensity Urban 1.2 (LIU 1.2)*. The two different land use designations being requested (*MIU* and *LIU 1.2*) were specifically chosen to create an effective density transition proceeding northward from Overton Road... These two plan amendment sites are collectively envisioned as an integrated single-family residential development. This use is justified as an expansion of the well-established urbanized core already in place to the immediate south and is further validated by the imminent extension of La Cholla Boulevard as a four-lane divided arterial northward to Tangerine Road."

#### STAFF REPORT:

Staff recommends approval of the proposed Comprehensive Plan Amendment.

# Background

As noted in the application submittal, this request is one of two adjoining land use amendment requests. P18CA00004 is to the north and west of this project area, and also requests to increase the residential land use density, albeit to the lesser 1.2 unit per acre density. A rezoning consideration would be subsequently processed should this amendment be approved which will provide for the opportunity for project-specific conditioning. Staff is supportive of this approach to consider the policy implications of a land use change prior to the addressing of more precise site design considerations.

The proposal is within an area of the County that can be described as transitioning from vacant and large lot residential use to residential subdivisions ranging from 5,000 to 37,000 squar-foot lots. A golf course development is approximately one mile to the south. The closest commercial development is at West Magee Road and La Cholla Boulevard, which is four miles to the south.

Infrastructure is available to the subject property, as is circulation via two arterial roads. Sewer and water service are also available. Comments from relevant advisory agencies follow later in this report.

This area of the region is transitioning to accommodate higher residential densities with multi-lot subdivisions. While promoting more compact and efficient residential development, careful consideration should be made in determining if adequate public services are available to current and future residents.

Compatibility with neighborhood interests and development patterns would appear to be evident in this request. Similar densities and residential styles have been developed within 3 miles of the project site. When the development is considered for rezoning, site specific conditions would be expected.

#### Plan Amendment Criteria

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

# Arizona Growing Smarter Acts

The applicant states that the proposed plan amendment is consistent with, or further, several of the Smart Growth Principles as identified by the Smart Growth Network. Specifically, the applicant identifies multi-modal transportation opportunities, compact building designs, rational infrastructure expansion, and conservation of national resources as supportive of implementation of the Growing Smarter Act. The applicant's submittal is attached for reference.

Staff concurs with the assertion forwarded by the applicant. The project follows a development pattern in the region that supports a variety of housing types and costs. With regard to services, infrastructure is in place to support this development. Similarly designed projects are within the nearby area.

Fundamental to Smart Growth principles is that growth should be provided in a manner that lessens impact to outlining areas. By focusing growth to areas where services are available, development pressure on outlining areas are lessened. This project will advance those principles.

One of the most important provisions of the Growing Smarter Acts, is that local communities would prepare and follow comprehensive land use plans. Discussion of that legislation is found within the following section of this report.

<u>Comprehensive Plan Policies, Special Area Policies, and Rezoning Policies</u>
The applicant highlights 5 areas of Pima Prospers that are consistent with this

amendment request. Specifically, he notes that the Land Use Element, Environmental Element, Housing and Community Design Element, Transportation Element, and Cost of Development Element are supported by approval of this request. The entire discussion forwarded by the applicant is attached.

In addition, staff has reviewed the proposal against the goals and policies of Pima Prospers and suggests the following policies are also applicable to this application, and are advanced by its approval.

- Supports a balance of housing, employment, shopping, recreation, and civic uses (Land Use Element).
- Promotes the integrated and efficient use of infrastructure and services (Land Use Element).
- Support land uses, densities, and intensities appropriate for the urban, suburban, and rural areas of the unincorporated County (Land Use Element).
- Ensure a safe, diverse, and quality housing supply for all income ranges for existing and future populations (Housing and Community Design Element)

There are no Special Area Policies or Rezoning Policies associated with this request.

#### MMBCLS

The applicant correctly states "that the plan amendment site falls within the Multiple Use Management Area (MUMA) classification of the Conservation Lands System (CLS) and is also subject to its Special Species Management overlay, thereby increasing the CLS's established conservation and mitigation thresholds. The project will fully satisfy CLS requirements through a combination of significant on-site set-asides and off-site mitigation." Additional information regarding CLS issues follow in the following section of this report.

It is expected that mitigation will be addressed in subsequent discretionary approvals; specifically, rezoning.

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

### AGENCY/DEPARTMENT COMMENTS:

# Regional Flood Control District:

- 1. The site is entirely within FEMA Special Flood Hazard Area Zone A in an area of distributary flow patterns and therefore is also entirely within Pima Prospers Flood Control Resource Areas.
- 2. The concept plan submitted depicts a basin and perimeter buffer yard with no indication of on-site natural or engineered drainage way set-asides.
- 3. As required, staff has conducted the Water Resources Impact Analysis (WRIA), including providing demand projections as follows:

- a. The site is within the Metropolitan Water District main service area wherein they provide Renewable and Potable Water.
- b. The site is within the Tucson Active Management Area modeled by the Safe Yield Task Force wherein declines of over 30' are expected between 2010 and 2025 resulting in depths over 350'.
- c. The site is not located within a covered subsidence zone.
- d. The site is not within a mile of a shallow groundwater area.
- e. The site is not within an Isolated Basin, and the depth to bedrock ranges from 1600 to 3200 feet.

Therefore, the District has no objection subject to the following rezoning policies.

- a) Post development Flood Control Resource Areas to be avoided including developer mapped floodplains shall be identified at the time of Rezoning.
- b) Developer mapped floodplains shall include habitat enhancements.

# **Department of Transportation:**

DOT has no objections to this request. Without a detailed site plan, traffic impacts, circulation and connectivity cannot be determined at this time. Compliance will be determined as the development progresses through the rezoning and permitting stages. Please be aware that the La Cholla roadway improvement project by the Town of Oro Valley may impact the ability to connect this development to La Cholla. Therefore, coordination with the Town of Oro Valley is recommended to avoid conflicts in the proposed project access point and the La Cholla roadway improvement project.

### 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 for your use. 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 Intensity Urban (MIU) designation to support the proposed use, over the current designation of Low Intensity Urban (LIU 0.3). The plan amendment area is located at the northwest corner of the intersection of N La Cholla Blvd and W Overton Rd.

The plan amendment area is within the PCRWRD service area and is tributary to the Tres Rios Water Reclamation Facility via the Canada del Oro Interceptor. 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 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 and Conservation, Environmental Planning Division:

The amendment site is located entirely within the Multi-Use Management Area designation of the MMBCLS. The entire site is also designated as a Special Species Management Area.

- The amendment does not occur within any CLS Critical Landscape Connection or wildlife linkage or movement area identified by the Arizona Dept. of Transportation or Arizona Game and Fish Dept.
- The amendment site was identified for acquisition as "Secondary Priority Private" under the 2004 Open Space Bond Program.
- The amendment site is located within ¼ mi to the west of a county-owned preserve.
- The amendment site lies within the Priority Conservation Areas for the Cactus ferruginous pygmy owl. No cactus ferruginous pygmy-owl (CFPO) have been detected in Northwest Tucson since 2006 when the last known CFPO was captured and placed in a captive breeding program.
- The amendment site lies outside the Priority Conservation Areas for the Western burrowing owl, Pima Pineapple Cactus, and Needle-spined pineapple cactus.
- The amendment site includes one wash running in a north-south orientation near the site's east border, a resource feature that has both on- and off-site importance as part of the La Cholla wash system to the north that contributes to landscape permeability in the immediate area. Disturbances to this resource are regulated by the Regional Flood Control District according to the Watercourse and Riparian Protection and Mitigation Requirements of Pima County Code Title 16.
- Disturbances to on-site vegetation (e.g., saguaro, ironwood trees, and any agave) are regulated by DSD according to the Native Plant Preservation Ordinance of Pima County Code Title 18.
- The application states that "The proposed project will be full compliance with the Conservation Lands System," using preservation of the site's riparian habitat and other on-site natural areas in combination with off-site mitigation to comply with CLS conservation guidelines.

#### CONCLUSIONS:

No Special Area or Rezoning Policies are recommended at this time.

Potential impacts to the CLS will be addressed at subsequent development approval stages; any required mitigation will conform to the CLS Conservation Guidelines established in Pima Prospers (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policies 1-12).

#### Cultural Resources Division, Office of Sustainability and Conservation:

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.

# **PUBLIC COMMENTS:**

Respectfully submitted

None received at time of the preparation of this report.

( ) ( )

Tom Coyle, AICP

# **COMPREHENSIVE PLAN AMENDMENT**

Planned Land Use

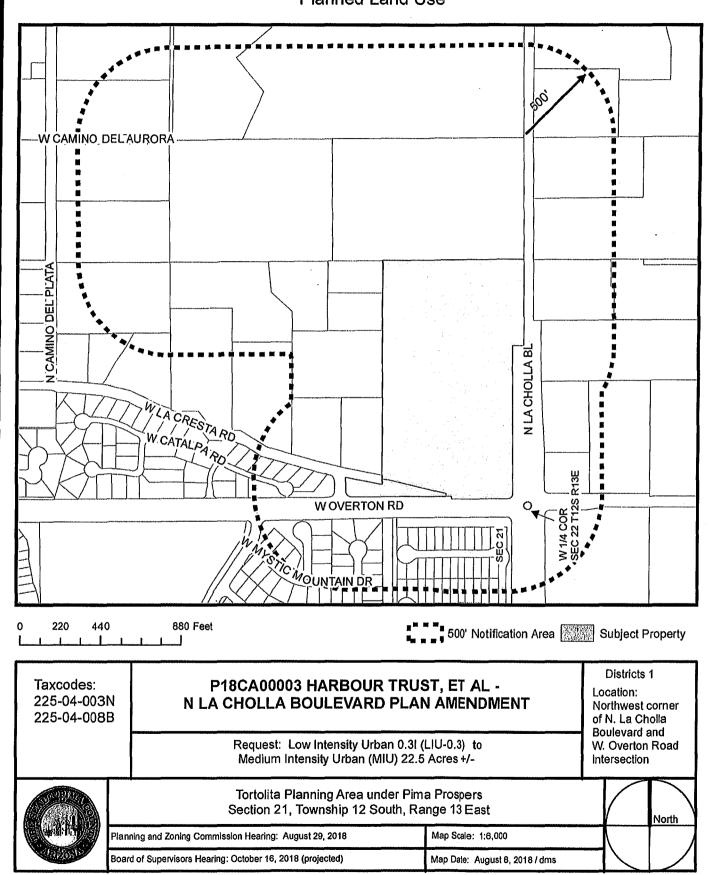


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Districts 1 Taxcodes: P18CA00003 HARBOUR TRUST, ET AL -Location: 225-04-003N N LA CHOLLA BOULEVARD PLAN AMENDMENT Northwest corner 225-04-008B of N. La Cholla Boulevard and Request: Low Intensity Urban 0.3I (LIU-0.3) to W. Overton Road Medium Intensity Urban (MIU) 22.5 Acres +/intersection Tortolita Planning Area under Pima Prospers Section 21, Township 12 South, Range 13 East North Map Scale: 1:6,000 Map Date: August 9 2018 / dms

# **COMPREHENSIVE PLAN AMENDMENT**

Planned Land Use





10836 E. Arnada lane Ecson: Arizona 85/49/9460 520-850-0917 ipother@projectsinij com www.projectsinij com

**Delivery Via Email** 

April 27, 2018

Mr. Mark Holden
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
201 N. Stone Avenue – 2<sup>nd</sup> Floor
Tucson, AZ 85701

RE:

REQUEST TO AMEND THE PIMA COUNTY COMPREHENSIVE PLAN 22.5 Acres at the NWC of La Cholla Boulevard @ Overton Road

Dear Mr. Holden:

This letter constitutes my formal request, on behalf of the property owners, to amend Pima Prospers and to redesignate the above-referenced 22.5-acre property from Low Intensity Urban (LIU 0.3) to Medium Intensity Urban (MIU).

Please note that this application is submitted as a companion request to the one also being filed by me on the 29.5-acre property to the immediate north. We see these two sites comprising a single project and, given the respective amendment requests, creating an appropriate density transition from MIU to LIU 1.2 and, ultimately, back to the existing LIU 0.3 further north.

We are filing the requests as two separate applications only because the properties are under different ownership, and it is the owners' preference that they therefore proceed separately through the public process.

This submittal is comprised of the following items:

- This cover letter
- A detailed narrative that provides an explanation and justification for these requests
- A set of three (3) graphic exhibits, two (2) of which illustrate the site context and one (1) of which provides a Framework Plan (sketch plan) for the proposal
- A letter of authorization from the property owners
- A Biological Impact Report (BIR)

Please let me know if you have any questions. We look forward to working with you through the amendment process.

Best Regards, PROJECTS INTERNATIONAL, INC.

Jim Portner, Principal

Designated Representative of the Property Owners