BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: December 4, 2018

Title: P18RZ00004 LARSEN - N. TREASURE DRIVE REZONING

Introduction/Background:

The applicant (Peter Larsen represented by Tucson Historic Preservation Foundation) requests a rezoning from CR-1 (Single Residence) to CR-1 (HL) (Single Residence - Historic Landmark) on 4.19 acres.

Discussion:

The rezoning will add the Historic Landmark (HL) overlay protections designed to preserve the retained historic integrity of the property. The property meets code requirements for the HL designation, including one or more of the criteria of subsections 18.63.040(A) and (B) (all are met); the property was listed in the National Register of Historic Places in June 2018; and the application has been reviewed and recommended as a Historic Landmark by the Tucson-Pima County Historic Commission Plans Review Subcommittee. The HL designation will require preservation of the historically significant Ferguson House *(Hacienda del Bosquito)* property including the main residence, accessory structures, and still productive orchard. The applicant has provided extensive documentation supporting the request. The buildings were designed and built by Josias Th. Joesler and Murphey/Keith Building Company for Reverend George W. Ferguson (1899-1968). The Period of Significance is 1936-1937.

Conclusion:

The property meets code requirements for Historic Landmark overlay zoning which contains requirements that will serve to protect its many historically significant elements. The property is listed in the National Register of Historic Places; and the Tucson-Pima County Historic Commission Plans Review Subcommittee recommends approval.

Recommendation:

Staff recommends approval of the rezoning with a condition (common to all rezonings) to waive Proposition 207 rights and claims as precaution relative to the additional regulatory burden associated with the Historic Landmark overlay. The Planning and Zoning Commission also recommends approval with the recommended condition.

Fiscal Impact:

N/A

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: 11/20/18

Deputy County Administrator Signature/Date: 11/21/18

County Administrator Signature/Date: 11/21/2018.

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: November 16, 2018

SUBJECT: **P18RZ00004 LARSEN – N. TREASURE DRIVE REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 4, 2018** hearing.

REQUEST: For a **rezoning** of approximately 4.19 acres from the CR-1 (Single Residence) zone to the CR-1 (HL) (Single Residence – Historic Landmark) zone, on property located at the terminus of N. Treasure Drive, approximately 500 feet north of W. Orange Grove Road and approximately 650 feet west of N. Oracle Road.

OWNERS: Peter Larsen
6441 N. Treasure Drive #B
Tucson, AZ 85704-5607

AGENT: Tucson Historic Preservation Foundation
% Demion Clinco
P.O. Box 40008
Tucson, AZ 85717

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of November 16, 2018, staff has received no written public comments. No members of the public spoke at the Planning and Zoning Commission public hearing.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL WITH A CONDITION (6–0; Commissioners Bain, Gungle, Hook and Matter were absent).

STAFF RECOMMENDATION: APPROVAL WITH A CONDITION.

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

TD/DP/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P18RZ00004

FOR DECEMBER 4, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: November 16, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P18RZ00004 LARSEN – N. TREASURE DRIVE REZONING

Request of Peter Larsen, represented by Tucson Historic Preservation Foundation, for a **rezoning** of approximately 4.19 acres from the CR-1 (Single Residence) zone to the CR-1 (HL) (Single Residence – Historic Landmark) zone, on property located at the terminus of N. Treasure Drive, approximately 500 feet north of W. Orange Grove Road and approximately 650 feet west of N. Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 6-0 to recommend **APPROVAL WITH A CONDITION** (Commissioners Bain, Gungle, Hook and Matter were absent). Staff recommends **APPROVAL WITH A CONDITION**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (September 26, 2018)

Staff presented information from the staff report justifying the site's qualification as a Historic Landmark. Staff noted that this is the first Historic Landmark overlay rezoning stemming from a recent zoning code text amendment that established the overlay category.

The applicant, Demion Clinco of the Tucson Historic Preservation Foundation, spoke in favor of the rezoning. He stated that the site contains one of the premier examples of Josias Joesler's work in Tucson – one of the few outside of the Catalina foothills that articulates his design philosophy. He noted that the structures are incredibly intact. He said that the Historic Landmark designation is used in communities throughout the country and provides an opportunity to preserve our cultural heritage. He added that the owner is giving a gift to the community by going through this process with the help of the Foundation to protect the property for future generations. He stated that the funding for the process was provided by the Foundation and its contributors.

The hearing was opened to the public. No members of the audience spoke.

A commissioner asked if the trees and orchard would be preserved. Staff stated that the entire site is provided a level of protection, including its landscaping, but that no controls would be placed on surrounding properties.

A commissioner questioned the need for a condition pertaining to Proposition 207. Staff indicated that this is out of precaution and is consistent with staff's recommendation for all rezonings.

The public hearing was closed upon the return of commissioner Membrila.

Commissioner Cook made a motion to recommend approval of the rezoning subject to the special condition in the staff report.

Commissioner Maise gave second to the motion.

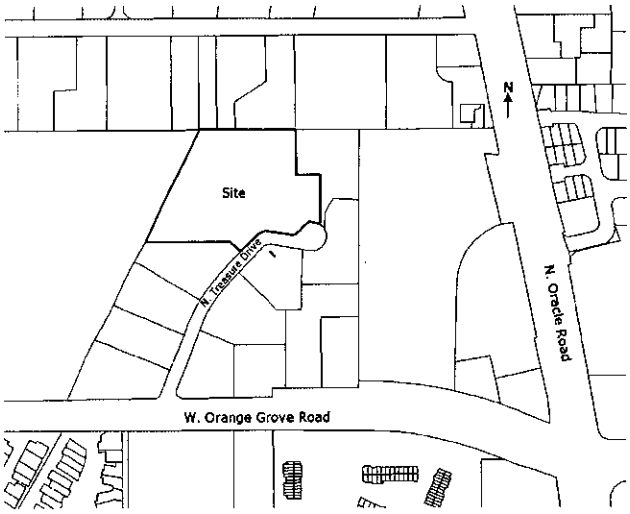
The commission voted to recommend **APPROVAL** of the rezoning, (6 – 0; Commissioners Bain, Gungle, Hook and Matter were absent) subject to the following condition:

> The property owner shall execute 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.

TD/DP/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P18RZ00004 File

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION & OFFICE OF SUSTAINABILITY AND CONSERVATION - CULTURAL RESOURCES STAFF REPORT TO THE PLANNING AND ZONING COMMISSION



HEARING September 26, 2018

DISTRICT 1

CASE P18RZ00004 Larsen – W. Orange Grove Road Rezoning (Overlay Zone)

REQUEST Rezone from CR-1 (Single Residence) to CR-1 - Historic Landmark (HL) (4.19 acres)

OWNER Peter Larsen
6441 N. Treasure Drive #B
Tucson, AZ 85704-5607

APPLICANT Tucson Historic Preservation Foundation
% Demion Clinco
P.O. Box 40008
Tucson, AZ 85717

APPLICANT'S PROPOSAL
"Historic Landmark Zone for the Ferguson House"

APPLICANT'S STATED REASON
"This historic property and home meet the Pima County Historic Landmark Zone (Ch. 18.63) Application Criteria."

COMPREHENSIVE PLAN DESIGNATION
The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 1.2 (LIU 1.2), which designates areas for low-density residential and other compatible uses at a maximum density of 1.2 residences per acre (RAC).

A portion of the site along its west boundary is recognized as Flood Control Resource Area.

A portion of the site along its east boundary falls within the area covered by Special Area Policy S-2 Catalina Foothills. This policy limits building height construction to 24 feet unless otherwise approved by the Board of Supervisors. The Board also reserves the right to limit construction to one story.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-1	Single Residences
South:	CR-1	Single Residences & Assisted Living Homes
East:	CR-1	Single Residences & Apartments (beyond)
West:	CR-1/CB-1 (beyond)	Apartments (CR-1 area contains driveway and parking)

The 13-lot CR-1 subdivision in which the site is located contains residences including several that have been expanded for use as individual small-scale assisted living homes. Vegetation within much of the subdivision includes rows of orange trees remaining from past use of the area as an orchard. The subdivision was recorded in 1955.

Low density residential uses exist north of the subdivision. Higher density apartments and commercial uses exist east of the subdivision. Apartments were recently developed west of the subdivision within old CB-1 zoning, but there is an intervening CR-1 zoned graded area associated with the apartment use that is directly adjacent to the subject property. A portion of the CR-1 area contains a driveway and parking for the apartments. Apartments and townhomes are located across Orange Grove Road south of the subdivision.

PREVIOUS REZONING CASES ON PROPERTY

Co9-55-27 Taylor Subdivision Rezoning from CR-1 to CR-2 was withdrawn.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

P17RZ00013 Alta Vista Communities Casas Adobes LLC – W. Orange Grove Rd. Rezoning (5.70 acres)
Location: Adjacent to the west of the subject property.
Action: CR-1 to CR-4 for apartments was withdrawn.

Past activity:

Non-CR-1 zoning within approximately a quarter mile of the subject property was rezoned in numerous cases dating from 1957 to 2008. These rezonings were for or allowed uses ranging from townhomes and apartments to offices and businesses that have been developed along and near Orange Grove Road and Oracle Road.

STAFF RECOMMENDATION AND SUMMARY

Staff recommends **APPROVAL of the Historic Landmark (overlay zone) with the following condition**:

> The property owner shall execute 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.

Staff supports the request because the CR-1-zoned property meets Zoning Code requirements for overlay designation as a Historic Landmark (HL), including one or more of the criteria of subsections 18.63.040(A) and (B) (all are met), the property was listed in the National Register of Historic Places as of June 2018, and the application has been reviewed and recommended as a Historic Landmark by the Tucson-Pima County Historic Commission Plans Review Subcommittee. The overlay zoning will be superimposed over the existing CR-1 zoning and provides additional regulations designed to preserve the historic integrity of the property. The overlay zoning will not regulate property outside of the bounds of the subject property.

This Historic Landmark designation will require preservation of the historically significant main residence, accessory structures, and man-made landscape (orchard). The listing of the property in the National Register of Historic Places satisfies part of the application requirements (18.63.050.B.4.e.). While the national listing lends to its prestige and community awareness, it does not, according to the Arizona State Parks and Trails website, prevent the owner of a listed property from remodeling, repairing, altering, selling, or even demolishing a building listed in the National Register with other than federal or state funds. It also does not obligate an owner to make any repairs or improvements to the property. In addition to obligation to preserve, the Historic Landmark designation will require review and approval of new construction, alterations, and demolition to the historically significant elements in accordance with Chapter 18.63 Historic Zone.

The applicant has provided extensive documentation supporting the application, and the cover letter effectively summarizes how the criteria for designation of the property as a Historic Landmark are met. The documentation also provides a baseline of information necessary for informing future developmental reviews of the site or preservation enforcement.

The Cultural Resources Report (below) provides a brief description of the historical nature of the property and also provides information on the National Register of Historic Places status of the property and the Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee's recommendation of approval of the Historic Landmark designation. The TPCHC advises the governing bodies of the county, city and town concerning various existing historical structures, sites, areas, and districts in the community.

The recommended condition to waive Proposition 207 rights and claims is a precaution relative to the additional regulatory burden associated with the Historic Landmark overlay.

CULTURAL RESOURCES REPORT

The Office of Sustainability and Conservation-Cultural Resources Division has reviewed the request and recommends approval of the Historic Landmark (overlay zone) designation for the Ferguson House.

Pima County Historic Landmark Zone (Chapter 18.63) Application Criteria

The property and home both meet the Historic Landmark Application Criteria (see below).

18.63.040 - Criteria.

A. Criteria for Historic Designation. A site, building, structure, object, man-made landscape, archaeological resource, or space is subject to designation as historic, if it can:
   1. Be authenticated as dating from a particular significant period in Pima County's history; or
   2. Be associated with the lives of outstanding historical personages; or
   3. Be associated with significant events or occurrences; or
   4. Be a good example of the architectural period in which it was built and have distinguishing characteristics of an architectural style, method of construction, or be the notable work of a master builder, designer or architect; or
   5. Contribute information of archaeological, historical, cultural, or social importance relating to the heritage of the community; or
   6. Relate to events, personages or architectural styles which are at least fifty years old. However, outstanding examples less than fifty years should be evaluated on their own merits.

B. Criteria for Establishing Historic District Zones.
   1. In determining whether an area or district shall be established as an historic district zone, the criteria of this subsection shall be applied.
   2. Not all of the criteria need to be satisfied; however, a sufficient number of the criteria should be satisfied to comply with the purpose and intent of this chapter:
      a. An historic district zone should include historic sites, buildings, structures, objects, man-made landscapes, or spaces.
      b. An historic district zone should include sites, buildings, structures, objects, man-made landscapes, or spaces in their original setting which contribute to an understanding of the heritage of the community.
      c. The sites, buildings, structures, objects, man-made landscapes, or spaces should provide the area with a sense of uniqueness, so that it is readily distinguishable from other areas of the community.
      d. The collection of sites, buildings, structures, objects, man-made landscapes, or spaces should possess integrity of location, design, setting, materials, workmanship, feeling, and association, thus constituting a recognizable entity.

C. Criteria for Establishing Historic Landmark Zones. In determining whether a single property or site shall be established as a historic landmark zone, the criteria shall include archaeological sites, historic sites, historic buildings, or historic structures which are individually listed or individually determined to be eligible for listing in the National Register of Historic Places at the local, state, or national level of significance and meet one or more of the criteria of subsections 18.63.040(A) and (B).

Property Description

The Ferguson House *(Hacienda del Bosquito)* property consists of 4.2 acres of fruit orchards and a main residence, guest house, swimming pool, cabana, and caretaker house. The orchards are still productive and privately maintained. The buildings were designed and built by Josias Th. Joesler and Murphey/Keith Building Company for Reverend George W. Ferguson (1899 – 1968). The Period of Significance is 1936-1937. Both the interior and exterior elements have desert-inspired materials and craftsmanship of John and Helen Murphey and are also representative of Joesler's European architectural training. The property—a Joesler/Murphey Romantic Revivalist style of residential architecture—had led to Tucson's beginnings of a resort-style oasis location. The description in the application states that the Ferguson House "retains sufficient integrity to convey its original Joesler/Murphey design intent… (Joesler/Murphey MPDF Section F page 188)." As defined in the Registration Requirements for Regional Eclectic, "Historic significance should be conveyed through the retention of the original lot lines, viewsheds, primary façade, setback, and landscaping (Joesler/Murphey MPDF Section F page 188)." New additions have not negatively impacted the property's historic materials.

National Register of Historic Places Status

Mr. Demion Clinco, Tucson Historic Preservation Foundation, prepared the National Register of Historic Places Registration application on behalf of the property owner and submitted the application to the State Historic Sites Review Committee (HSRC). Information for the HSRC can be found at https://azstateparks.com/historic-sites-review-committee-hsrc.

The HSRC is Arizona's official National Register of Historic Places Review Board as mandated by the National Historic Preservation Act of 1966, as amended (36 CFE § 60.3) and is a statutory standing committee of the Arizona Historical Advisory Commission (AHAC) as mandated by the Arizona State Historic Preservation Act of 1982, as amended (A.R.S. §41-151.20 sub. D). The HSRC consists of nine committee members appointed by the State Historic Preservation Officer. The HSRC assists the State Historic Preservation Officer in reviewing National Register Nominations and provides recommendations for nominating properties to the State and National Register of Historic Places.

The application was presented at the HSRC meeting in Phoenix on July 17, 2017. The Committee voted in favor of recommending that the State Historic Preservation Officer place the Ferguson House on the Arizona Register of Historic Places under Criterion C at the local level of significance and that the nomination be forwarded to the Keeper of the National Register to be listed. The property was listed in June 2018 in the National Register of Historic Places under the Multiple Property Documentation Form: The Single Family Residential Architecture of Josias Th. Joesler and John and Helen Murphey in Tucson and Pima County, Arizona, 1927-1956. The Ferguson House is significant under Criterion C as an example of the Joesler/Murphey Regional Eclectic Residence type.

National Register Criteria for Evaluation:
(https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_2.htm)

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
B. That are associated with the lives of significant persons in our past; or
C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded or may be likely to yield, information important in history or prehistory.

Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee

Following review and approval of the application for completeness by the Pima County Office of Sustainability and Conservation, the application was submitted to the Tucson-Pima County Historic Commission (TPCHC) Plans Review Subcommittee for their review and recommendation. On August 9, 2018, Demion Clinco and Pima County staff gave presentations to the Subcommittee and received a positive recommendation on the Pima County Historic Landmark designation request. The case was moved by Commissioner Stables and duly seconded by Commissioner Erickson to recommend approval of the

nomination proposal as a Historic Landmark as presented. The motion was passed unanimously 5-0.

CONSERVATION LANDS SYSTEM

The site and surroundings are located outside of the Maeveen Marie Behan Conservation Lands System.

PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comment.

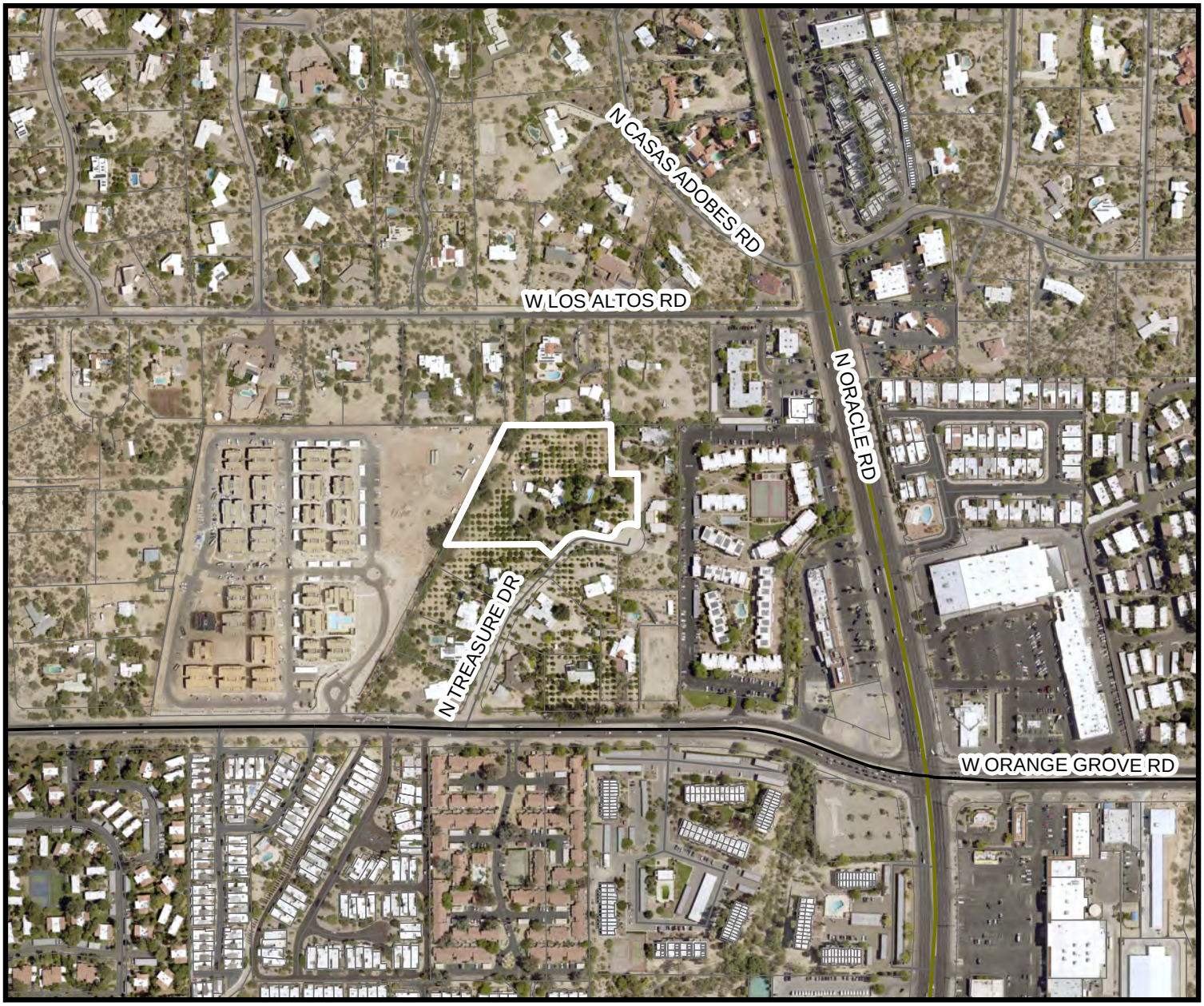
Respectfully Submitted,

Courtney Rose, Ph.D.
Program Manager

David Petersen, AICP
Senior Planner

c: Tucson Historic Preservation Foundation, % Demion Clinco, P.O. Box 40008, Tucson, AZ 85717

Case #: P18RZ00004
Case Name: LARSON - N. TREASURE DRIVE REZONING
Tax Code(s): 102-07-045C



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:6,000

Map Date: 9/07/2018 - ds

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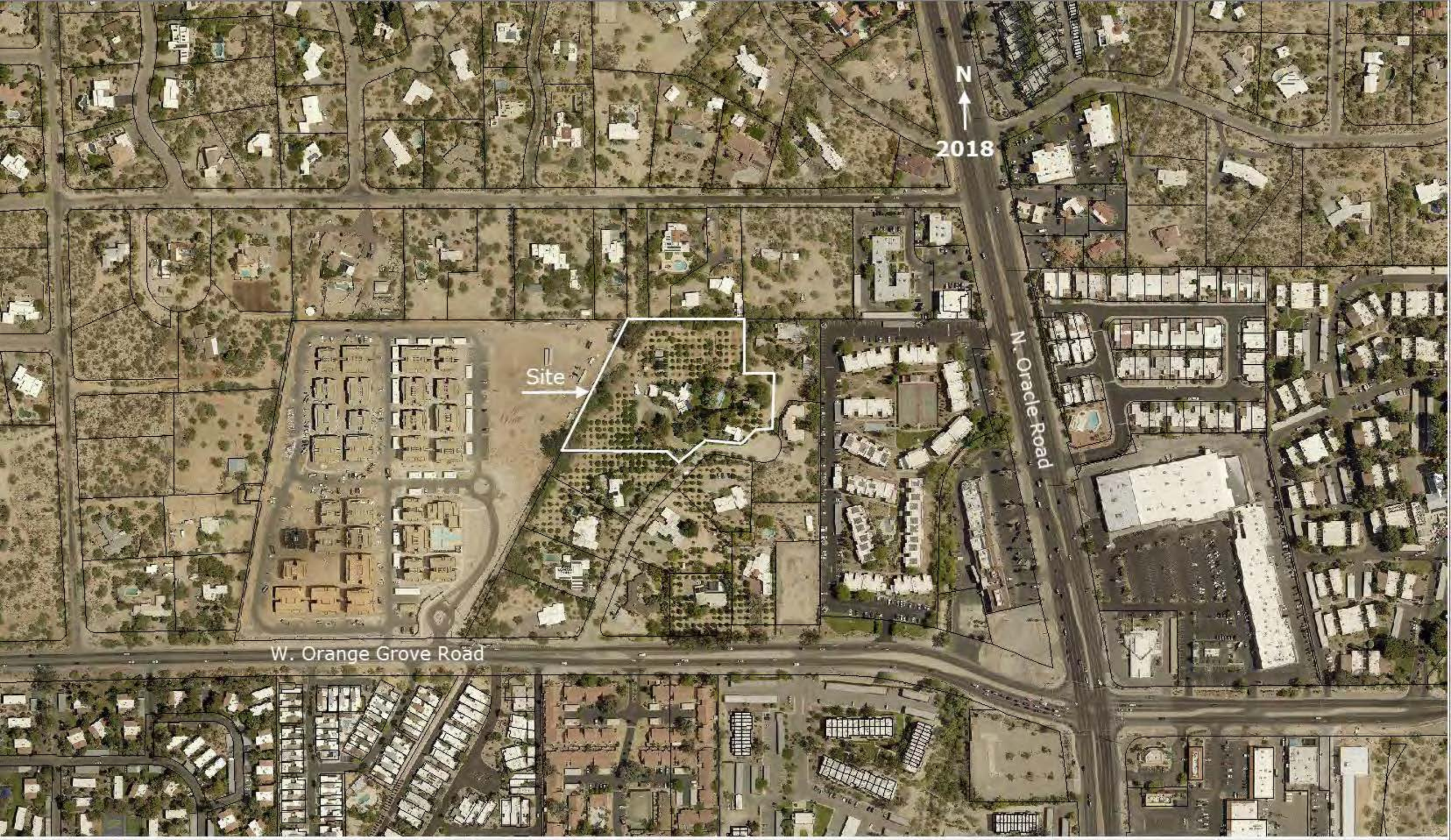

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05/14/2018
1 of 13
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