BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 17, 2019

Title: P19RZ00003 LUMINEX LLC, ET AL. - E. OLD VAIL ROAD REZONING

Introduction/Background:

The applicant requests a rezoning of approximately 33.78 acres from the RH (Rural Homestead) (24.16 acres) and GR-1 (Rural Residential) (9.62 acres) to CR-4 (Mixed-Dwelling Type) zone for a 140-lot single-family residential subdivision.

Discussion:

Current RH zoning (24.16 acres) allows for 5 single-family residences and GR-1 zoning (9.62 acres) allows for 11 single-family residences o be developed on site. The Comprehensive Plan designations of Medium Intensity Urban (MIU) (9.62 acres) plans for a minimum density of 5 residences per acre (RAC) up to 13 RAC and the 24.16 acres designated as Medium Low Intensity Urban (MLIU) plans for a minimum of 2.5 RAC up to 5 RAC.

Conclusion:

The proposed MIU density of 5.93 RAC (9.62 acres) and proposed MLIU density of 4.47 RAC (24.16 acres) conforms to the Comprehensive Plan.

Recommendation:

Staff recommends approval of the rezoning subject to standard and special conditions. The Planning and Zoning Commission also recommends approval subject to standard and special conditions subject to a Vail Unified School District roof top agreement in place prior to scheduling before the Board of Supervisors.

Fiscal Impact:

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman, Principal Planner Telephone: 520-724-6921

Department Director Signature/Date: 9-3-19

Deputy County Administrator Signature/Date: 9/5/19

County Administrator Signature/Date: 9/4/19

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PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Steve Christy, Supervisor, District 4

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

DATE: August 29, 2019

SUBJECT: **P19RZ00003 LUMINEX LLC, ET AL. - E. OLD VAIL ROAD REZONING**

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 17, 2019** hearing.

REQUEST: For a **rezoning** of approximately 33.78 acres from the RH (Rural Homestead) and the GR-1 (Rural Residential) zones to the CR-4 (Mixed-Dwelling Type) zone, located approximately 300 feet north of the intersection of E. Old Vail Road and S. Freeman Drive alignment, north of the Union Pacific Railroad Track.

OWNERS: Luminex LLC, Et al.
Attn: Steve Lenihan
2200 E. River Road, Ste. 115
Tucson, AZ 85718

AGENT: The Planning Center
Attn: Lexy Wellott
2 E. Congress Street, Ste. 600
Tucson, AZ 85701

DISTRICT: 4

STAFF CONTACT: Terrill Tillman, Principal Planner

PUBLIC COMMENT TO DATE: As of August 29, 2019, staff has received no written public comment.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (7-1; Commissioner Gungle voted NAY, Commissioners Becker 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 the Maeveen Marie Behan Conservation Land System (CLS).

TD/TT/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P19RZ00003

FOR SEPTEMBER 17, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 29, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P19RZ00003 LUMINEX LLC, ET AL. – E. OLD VAIL ROAD REZONING

Luminex LLC, et al., represented by The Planning Center, requests a **rezoning** of approximately 33.78 acres from the RH (Rural Homestead) and the GR-1 (Rural Residential) zones to the CR-4 (Mixed-Dwelling Type) zone, located approximately 300 feet north of the intersection of E. Old Vail Road and S. Freeman Drive alignment, north of the Union Pacific Railroad Track. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban and Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 7-1 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Gungle voted NAY, Commissioners Becker and Cook were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.**
(District 4)

Planning and Zoning Commission Public Hearing Summary (June 26, 2019)

Staff presented information from the staff report to the commission with a recommendation of approval with conditions even though school concurrency has not been met.

The applicant's representative presented additional information for the proposed development and discussed that the Vail Unified School District (VUSD) will be opening a new high school at Valencia Road and Houghton Road in May of 2020, and stated that it doesn't cover all of the schools functioning over capacity, but will alleviate some of the concern.

The developer addressed the commission and stated he will accept questions. A commissioner asked why a rooftop agreement had not been reached. The developer stated that with the fluid nature of the VUSD and land acquisitions and the fact that the rezoning site will not be developed for

the next two years, they are waiting to see where they would end up, but are willing to make a commitment if that is the desire of the Commission, but have not engaged the VUSD up to this point. A commissioner asked what the developer had done in the past to meet the needs of the VUSD. The developer stated that in the past, they had a $1,200 per lot agreement with the VUSD. The developer stated that they are trying to determine what the project itself will be and what the total number of schools within the VUSD will be at the time of development.

A commissioner asked about the former Esmond Station rail road spur that goes through the property. The developer stated that he was unaware of a rail in the property. The applicant replied that the rail had been removed and a mound was remaining. The commissioner stated that other developers had preserved that mound and utilized it as a historic tie back to a park area and asked whether there had been thought of connecting to the trail northeast of Empire High School. The applicant replied that the intent of the trail along the southern boundary greenway was for connectivity, but the property itself does not lend to preservation of the mound. The commissioner asked if the applicant had contacted the Vail Preservation Society. The applicant responded that they had not.

A commissioner asked about an adjacent small triangular property northwest the site. The applicant replied that that property is not part of their ownership.

A commissioner asked about the greenway trail along the southern boundary and location of the wall. The applicant stated that a trail would be within the 20-foot bufferyard and will connect to the existing greenway southeast of the site. A perimeter wall is planned. The commissioner commented that it seemed unlikely that anyone would want to walk along that path given its proximity to the very active railroad.

A commissioner asked how close the houses will be to the rail line and whether sound proofing will be provided. The applicant and developer replied that the houses will be approximately 80 feet away and that the houses will meet the standards for sound proofing requirements.

A commissioner asked why the request is for CR-4 and not CR-5. The applicant replied that there were density limitations put on the site through the comprehensive plan amendment process.

A commissioner asked about the proximity to the Davis Monthan Approach/Departure Corridor. The applicant replied that it is adjacent to the southern property boundary and that they worked with the Air Force base and agreed to limit the density adjacent to the approach/departure corridor.

A commissioner asked when they could expect a rooftop agreement with the school district. The developer replied that he expected they could have one in place in 30 days. A commissioner commented that it is typical for an applicant to have a rooftop agreement given the seriousness and importance of the role schools play and would appreciate that the next time a request is made before the Commission, that an agreement is in hand. The developer replied that they do take this seriously and that they have made those agreements in the past.

The public hearing was opened to the public. There was no one to speak.

The public hearing was closed.

A commissioner asked if the rooftop agreement was perhaps an extension of an existing rooftop agreement on the adjacent property. Staff clarified that it is subdivision by subdivision.

A commissioner polled interest for a continuance until a rooftop agreement could be made. Several commissioners responded in the affirmative.

A commissioner asked about the timing of the development. The developer commented that it could be up to five years and they will meet with the school district to come up with an agreement at that time. A commissioner asked how long it would take to obtain an agreement. The applicant responded that they could get an agreement in 30 days. The applicant requested a vote with the understanding that an agreement could be made prior to the Board of Supervisors hearing.

A commissioner commented that support for the project could be given, but preferred a different layout given its proximity to the historical value of the property.

Commissioner Gungle made a motion to CONTINUE for 30 days to give the applicant time to work with the VUSD. Commissioner Maece gave second. The motion failed (4 - 4, Commissioners Bain, Membrila, Tronsdale, and Johns voted NAY, Commissioners Becker and Cook were absent).

Commissioner Bain made a motion to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS** with the understanding that the rooftop agreement with VUSD shall be provided prior to scheduling before the Board of Supervisors, Commissioner Membrila gave second.

The commission voted to recommend **APPROVAL** of the rezoning (7 – 1, Commissioner Gungle voted NAY, Commissioners Becker 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. Design and location of the northeast driveway connection as shown on the Preliminary Development Plan shall ensure alignment with the adjacent MAC 25 residential street and any required right-of-way shall be obtained and recorded prior to approval of the site construction plan for that work.
   B. Prior to approval of the Tentative Plat, proof of coordination with the City of Tucson regarding the Traffic Impact Study and any subsequent City of Tucson requirements shall be provided to Pima County Development Services.
   C. If construction of the adjacent MAC 25 Subdivision and the subsequent offsite connection to Mary Ann Cleveland does not proceed, the developer of this subdivision shall be required to build out the connection or revise their layout to provide and construct an alternative access point to the public right-of-way.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

4. Regional Wastewater Reclamation conditions:
   A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
   B. The owner(s) 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(s) 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.
   C. The owner(s) 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.
   D. The owner(s) 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.
   E. The owner(s) 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.
   F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) 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.
6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

7. Natural Resources, Parks and Recreation conditions: The property owners shall dedicate to Pima County and construct a 20-foot "Public Non-Motorized Trail Easement" along the southern border of the project and a 30-foot "Public Non-Motorized Trail Easement" as depicted on the preliminary development plan for the Esmond Station Greenway.
8. A Pima Pineapple Cactus survey is required. Written coordination with US Fish and Wildlife Service for any necessary conservation or mitigation shall be provided.
9. Adherence to the preliminary development plan as approved at public hearing including the 4.5 maximum residences per acre on the western parcel designated as MLIU. There shall be no increase in the number of lots adjacent to the Davis Monthan Air Force Base ADC.
10. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
11. 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.
12. 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(I)."

TD/TT/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
P19RZ00003 File

AGREEMENT

This Agreement (the "Agreement") dated as of July 16, 2019 by and between the Vail Unified School District No. 20, a political subdivision of the State of Arizona (the "District"), and Luminex, LLC, an Arizona limited liability company, and Vail Romero, L.L.C., an Arizona limited liability company (collectively, the "Developer") its successors, assigns and/or optionees, for the project to be known as Luminex/Romero (the "Project"), the parties agree to the following:

In consideration of the potential impact of the Project on the resources of the District, the parties have agreed to the following:

1. High quality schools are in the best interest of the District, present and future residents of the District and the Project. Payment of per residence education fees as provided herein will permit the District to improve and enhance the school facilities that will serve the Project

2. The Project as described on Exhibit A attached hereto consists of approximately 33 acres that are intended to consist of single-family residences.

3. Developer, its successors, assigns and/or optionees, agrees to pay to the District education fees in accordance with the following:

    a. an amount equal to One Thousand Two Hundred and No Dollars ($1,200.00) for each residential detached dwelling constructed within the Project (the "Detached Dwelling Fee");

The Detached Dwelling Fee, Attached Dwelling Fee and the Multi-Family Dwelling Fee are collectively referred to herein as the "Education Fee." Developer its successors, assigns and/or optionees,' obligation to pay the Education Fee hereunder shall constitute a lien upon each residential lot or unit in the Project until paid. Notwithstanding anything in this Agreement to the contrary, in the event that Developer shall transfer fee title in and to all or any of such residential lots or units to a person or legal entity other than to a residential home buyer with a residential attached or detached dwelling having been substantially completed on such lot(s) or unit(s), the obligation of Developer to pay the Education Fee hereunder automatically shall cease and be deemed to be assigned to and assumed by such successor owner of such lot(s).

DEVELOPER

LUMINEX, LLC
By: Ashland Group Millennium, LLC, manager of Developer
By: The Hearon Company, manager
BY: Duff C Hearon, CEO
ITS: CEO

STATE OF ARIZONA

County of Pima ss:

Subscribed and sworn to before me this 17th of July, 2019 by Duff C Hearon, as the CEO of the limited liability company.

Signature of Notary Public

DENISE MONAHAN
Notary Public - Arizona
Pima County
Commission # 560994
My Commission Expires April 01, 2023

Notary Public, State of Arizona
My Commission Expires: 4/1/23

VAIL ROMERO, L.L.C.
By: Ashland Group Millennium, manager of Romero LLC
By: The Hearon Company, manager
BY: Duff C Hearon, CEO
ITS: CEO

STATE OF ARIZONA

County of Pima ss:

Subscribed and sworn to before me this 17th of July, 2019 by Duff C. Hearon, as the CEO of the limited liability company.

Signature of Notary Public

DENISE MONAHAN
Notary Public - Arizona
Pima County
Commission # 560994
My Commission Expires April 01, 2023

Notary Public, State of Arizona
My Commission Expires: 4/1/23

4. The Attached Fee and Detached Fee shall be paid at the closing of the sale of each residential dwelling.

5. The payment of the Education Fee described herein shall terminate if at any time a mandatory school impact fee in an amount equal to or greater than the Education Fee is imposed by the State of Arizona or any of its political subdivisions on residential development within the Project. If a mandatory school impact fee in an amount less than the Education Fee becomes legally binding on the residential development within the Project, the Education Fee shall be reduced by the difference between the mandatory school impact fee and Education Fee. In addition, payment of the Education Fee represents any and all obligations for any contribution or donation of any kind by the Developer its successors, assigns and/or optionees, with respect to the Project or any portion thereof.

6. Upon the payment to the District of a Detached Dwelling Fee, Attached Dwelling Fee and the Multi-Family Dwelling Fee, as applicable, with respect to any residential lot(s) or unit(s), such lot(s) or unit(s) shall be automatically released from the terms of the Agreement, and the District shall execute any lien release required by Developer its successors, assigns and/or optionees, upon request.

7. This Agreement shall be recorded in the office of the Pima County Recorder only after the pending rezoning is approved by the Pima County Board of Supervisors. If the pending rezoning is not approved by the Pima County Board of Supervisors before October 1, 2019, this Agreement shall be null and void and of no further force and effect.

DISTRICT:

VAIL UNIFIED SCHOOL DISTRICT NO. 20, a political subdivision of the State of Arizona

By: _____

Calvin Baker
Its: Superintendent

STATE OF ARIZONA)
) ss:
County of Pima)

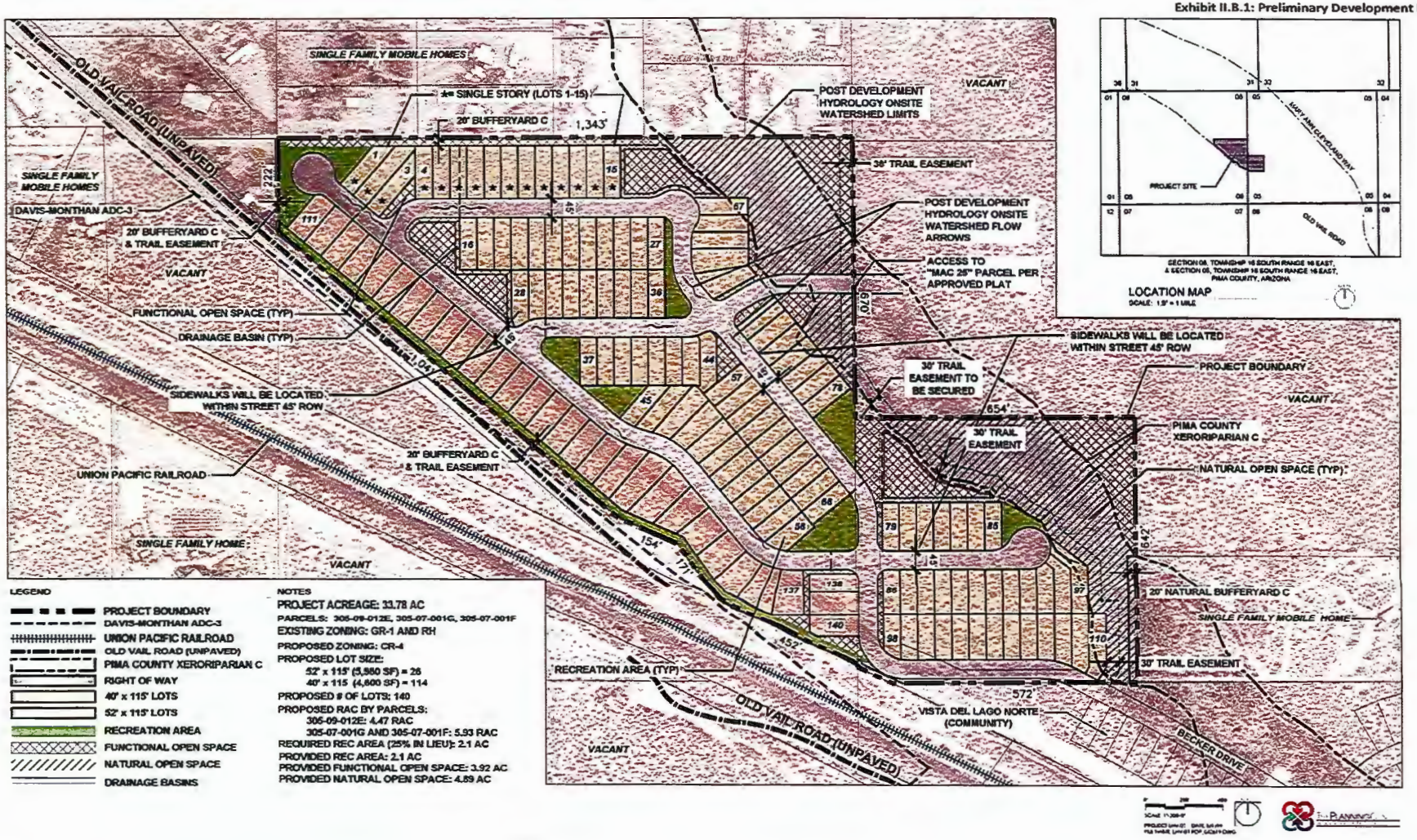
Subscribed and sworn to before me this 26th day of July, 2019 by Calvin Baker, Superintendent of Vail Unified School District No. 20, a political subdivision of the State of Arizona.

CYNTHIA A. PETERSEN
Notary Public - State of Arizona
PIMA COUNTY
My Commission Expires
August 10, 2019

_____
Signature of Notary Public

Notary Public, State of Arizona
My Commission Expires: 8/10/19

Exhibit II.B.1: Preliminary Development Plan



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

HEARING June 26, 2019

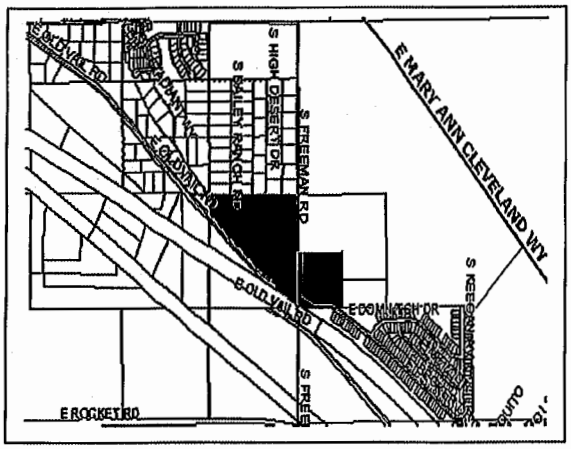
DISTRICT 4

CASE P19RZ00003 Luminex LLC, Et al. - E. Old Vail Road Rezoning

REQUEST Rezone from RH (Rural Homestead) and GR-1 (Rural Residential) to CR-4 (Mixed-Dwelling Type) Zone (33.78 acres)

OWNER Luminex LLC, Et al.
Attn: Steve Lenihan
2200 E. River Road, Ste. 115
Tucson, AZ 85718

APPLICANT The Planning Center
Attn: Lexy Wellott
2 E. Congress Street, Ste. 600
Tucson, AZ 85701



APPLICANT'S PROPOSED USE

The 33.78-acre site is planned as a 140-lot single-family residential subdivision for one- and two-story dwellings.

APPLICANT'S STATED REASON

"As a result of being located in the well-respected Vail Unified School District, the general area surrounding the property is rapidly urbanizing with medium-density residential uses similar to that being proposed."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** although school concurrency considerations have not been met. The applicant proposes a rezoning to the CR-4 (Mixed-Dwelling Type) zone on 33.78 acres for a 140-lot residential subdivision development. The proposal includes the installation of the planned Esmond Station Greenway adjacent to Old Vail Road and provides additional connectivity through the site to the north and east to ultimately connect to the Atturbury Wash South Fork Greenway. The proposal conforms to the Comprehensive Plan land use designations of Medium Low Intensity Urban and Medium Intensity Urban.

PUBLIC COMMENT

Staff has not received any written public comments as of June 11, 2019.

COMPREHENSIVE PLAN

The site consists of three parcels of land bisected by the S. Freeman Road alignment with two parcels to the east (9.62 acres) and one parcel to the west (24.16 acres). The two eastern parcels

are designated by the comprehensive plan as Medium Intensity Urban (MIU). MIU has a minimum density of 5 residences per acre (RAC) and a maximum of 13 RAC.

The western parcel is designated as Medium Low Intensity Urban (MLIU) by a comprehensive plan amendment from MIR (Medium Intensity Rural) to MLIU for approximately 24.16 acres by case P18CA00002 as approved by the Board of Supervisors, in 2018 increasing the density from a no minimum RAC up to a maximum of 1.2 RAC to a minimum of 2.5 RAC up to a maximum of 5 RAC. Resolution 2019-2 was adopted and Rezoning Policy 148 was established within the approved plan amendment. The rezoning policies applicable to the western parcel are as follows:

1. Flood Control Resource Areas including Pima County Regulated Riparian Habitat and developer-mapped floodplain shall be avoided.
2. Residential density on the amendment site shall be 4.5 residences per acre (RAC), maximum, with a reduction of residential density along the Davis Monthan Air Force Base (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.

The MIU land use designation designates areas for medium-density residential housing and non-residential uses such as offices and hotels with attention to site design assuring compatibility with lower density residential uses. Pedestrian and bicycle access should be provided for connectivity to commercial areas, schools, and other similar uses, when possible. The proposed density on the eastern MIU designated property conforms to the comprehensive plan with 5.93 RAC.

MLIU designates areas for a mix of medium-density single-family and lower-density attached dwelling units to provide for a mix of housing types. The proposed 4.47 RAC on the western MLIU designated property conforms to the comprehensive plan and rezoning policy 148.

The residences per acre were calculated by excluding the environmentally constrained areas for preserving natural open space in wash and riparian areas. There are no special area policies applicable to the site.

Rezoning Policies #1 and #2 will be met through rezoning condition #9 for adherence to the preliminary development plan (PDP) which demonstrates avoidance of the riparian and floodplain areas and ensures that the maximum RAC requirements are met. Rezoning policy #3 will be implemented as rezoning condition #7 for the 20-foot buffer provision which is incorporated into the Esmond Station Greenway and rezoning condition #10 for the avigation easements to be recorded and disclosed.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	GR-1, CR-5	Developed, Unplatted and Undeveloped Platted Residential
South:	GR-1, CR-5	Railroad, I-10/Undeveloped Platted Residential Subdivision
East:	CR-5, COT	Undeveloped Platted Residential/State Land/City of Tucson
West:	GR-1	Unplatted Developed and Undeveloped Residential/State Land

The surrounding area has some remnant areas of large tracts of land containing residential uses that were split by individuals and accessed by dirt roads. High-density cohesive subdivision development is planned or under construction in the area due to the desirable Vail Unified School District and the road improvements in the area. The single-family residences existing in the area north of the subject site are served by on-site wastewater disposal systems and are generally 1-acre properties. There are large amounts of State lands adjacent to the east and further north of

the subject site, as well as south, in between the railroad tracks and Interstate 10 from E. Rocket Road to Colossal Cave Road.

Cienega High School, Old Vail Middle School and Esmond Station Elementary School are located within two miles and are part of the Vail Unified School District. The nearest grocery and strip retail and services are approximately three miles to the southeast, located west of the intersection of Colossal Cave Road and Mary Ann Cleveland Way. Churches, restaurants, and convenience stores, grocery, and services are located within a four-mile radius along the recently improved Houghton Road corridor. Currently, the final segment of the Houghton Road to I-10 (Interstate 10) improvement is under construction increasing accessibility to the site. Hiking, biking and recreating opportunities exist immediately north of the subject property within the Atturbury Wash South Fork Greenway and along the Esmond Station Greenway. Golfing is approximately four miles from the site at the Del Lago Golf Club.

PREVIOUS REZONING CASES ON PROPERTY

There has been one previous rezoning request for the subject site. Case Co9-83-033 – Southeast Area Plan Rezoning from CI-2 (General Industrial) to the GR (Rural Residential) zone. GR is a former zoning classification that allowed for lot sizes of 8,000 square feet. The zoning code was amended in 1985 to replace the GR zoning classification with the GR-1 (Rural Residential) zone. GR-1 lots contain a minimum of 36,000 square feet. The Southeast Area Plan rezoning approved by the Board of Supervisors July 7, 1983 replaced the Houghton-Davis Monthan Zoning Plan which designated the subject site as CI-2.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case P15RZ00011 – Rocket Road Rezoning for GR-1 (AE) (Rural Residential-Airport Environs and Facilities) to the CI-2 (AE) (General Industrial-Airport Environs and Facilities) zone for 35.04 acres located approximately 700 feet south of the subject site. The rezoning was approved by the Board of Supervisors April 5, 2016 to align the property with compatible land uses in the Davis Monthan Air Force Base ADC and to implement Pima Prospers.

Rezoning Case Co9-13-015 – S. Freeman Road Rezoning for RH (Rural Homestead) to the CR-5 (Multiple Residence - Small Lot Option) zone for 25 acres adjacent to the subject site to the north and east. The rezoning was approved by the Board of Supervisors March 11, 2014.

Past activity:

Much of the privately owned land and state lands in the vicinity of the site were rezoned from original CI-2 to GR zoning under the Southeast Area Plan in 1983. Residential rezonings from 2000 through 2019 to the CR-4 and CR-5 zones occurred in the area and resulted in subdivisions. There has been a large amount of subdivided land as a result of the Vail Valley Ranch Specific Plan rezoning approved in 1998.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM

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

PLANNING REPORT

Concurrency of infrastructure exists to serve the proposed use except for the schools which are currently functioning over capacity. Staff generally supports the request because the proposed residential development can rightly be considered infill development that is compatible with the surrounding and nearby residential and commercial uses.

Smart Growth principles are employed through infill development that utilizes infrastructure in place and by creating improved transit opportunities. Currently, Sun Tran Shuttle routes are located approximately three miles away. Increased density contributes to the promotion of additional access to multi-modal forms of transportation.

The subject site is located within a rapidly growing area of the county due to the Vail Unified School District and improved access to the area. Subdivisions are under development which has spurred the growth of newly built commercial centers that support local neighborhoods.

The rezoning request supports the Physical Infrastructure Connectivity Goals and Policies established by the Comprehensive Land Use Plan, Pima Prospers. Pima Prospers encourages growth in areas within or in close proximity to existing infrastructure that increases the use efficiency of wastewater disposal. This proposal meets this policy because of the location of the recently built 12-inch sewer line that bisects the property, increasing the use efficiency of the existing infrastructure. The sewer line is located within an existing 60-foot sewer easement which will likely remain in place, but due to the preliminary nature of the development site plan, cannot ensure that the easement will not be encroached upon by the proposed private lots 79, 86 and 98. It is possible at the engineering stage of the subdivision plat that some of these lots may be lost, or a minimal shifting of lots to accommodate Regional Wastewater Reclamation Department requirements may occur, or there may be abandonment and re-recording of the sewer easement dependent upon the actual location of the sewer. Access to the wastewater man-holes and clean-outs for maintenance vehicles will be required.

The site is relatively flat and mostly undisturbed except for the sewer easement. The vegetative qualities of the site consist of Sonoran Desertscrub and there are no saguaros nor ironwood trees located on site. The site is near a priority conservation area for Pima Pineapple Cactus. United States Fish and Wildlife Service (USFWS) have requested rezoning condition #8 requiring a survey for Pima Pineapple Cactus and coordination with the USFWS if any species are found. The applicant proposes to set aside 4.5 acres of natural open space which is predominately located within the wash areas. A total of 5.2 acres of recreation area, functional open space and landscaped areas will be provided. Three landscaped detention basins will serve the site. A 20-foot wide bufferyard will be utilized along the north and western boundaries. A 20-foot natural bufferyard will be provided along the eastern boundary and a combined 20-foot bufferyard and greenway will be provided along Old Vail Road.

There are two lot sizes proposed for the site. The 26 lots adjacent to Old Vail Road and bordering the DMAFB ADC are lots containing 5,980 square feet. The remaining 114 lots will contain 4,600 square feet. Both single- and two-story heights are proposed for the site, with the exception of single story lots 1-15 adjacent to the low-density subdivision to the north.

The site's planned access is through two adjacent subdivisions connecting to the east, an undeveloped subdivision, Mac 25, and to the south, Vista Del Lago Norte, which is currently undergoing development. The Mac 25 subdivision will ultimately connect to Mary Ann Cleveland Way which jurisdictionally lies within the City of Tucson. Adjacent to Old Vail Road along the southern boundary of the subject site, the Esmond Station Greenway is planned as a 20-foot greenway trail. An additional 30-foot greenway trail through the natural areas ultimately connecting to the Atturbury Wash South Fork Greenway will be provided. The planned 20-foot wide Esmond Station Greenway trail adjacent to Old Vail Road will connect to the existing 50-foot greenway trail built in conjunction with the subdivision to the south. The proposed greenways will be built in accordance with the Pima Regional Trail System Master Plan.

Concurrency of Infrastructure:

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
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	Will-serve letter contained in site analysis
SCHOOLS	Schools are functioning over capacity	No comment, No Capacity response letter from Vail USD in site analysis.
AIR QUALITY	Yes	No comment

TRANSPORTATION REPORT

Mary Ann Cleveland Way between Colossal Cave and Houghton Roads will be the primary access of this subdivision and is within the City of Tucson jurisdictional limits and maintained by the City of Tucson Transportation Department. There is a continuous 150-foot right-of-way for Mary Ann Cleveland Way. It is a two-lane-wide, paved, rural minor arterial that is designated a scenic major route per the City Major Streets and Routes Plan and Pima County Major Streets and Scenic Routes Plan, with a planned right-of-way of 150 feet. The capacity of the roadway system is 14,900 average daily trips (ADT). The current traffic volume is 12,680 ADT per the MAC 25 Traffic Impact Study that was provided to Pima County with the development of that subdivision. The proposed subdivision will generate approximately 1,400 ADT.

The Preliminary Development Plan provided in the site analysis identifies two connections, both through adjacent subdivisions. One is being provided via Becker Drive, a local public street within Vista Del Lago Norte Subdivision and an additional access through the MAC 25 Subdivision. During review of the comprehensive plan amendment, a comment was made stating a connection to Old Vail Road was possible. During the Pima County Planning and Zoning Commission meeting on August 30, 2018 public input was received concerning access from Old Vail Road. Given public input during the process, it has been determined that 2 access points for this subdivision is sufficient.

This development is concurrent with the Pima County roadway network. Pima County Department of Transportation has no objection to rezoning conditions #2A-C.

FLOOD CONTROL REPORT

Regional Flood Control District has reviewed this request and has the following comments:

1. The site includes regulatory floodplains and habitat which the development largely avoids as shown on the PDP.
2. The application identifies the water service provider and the intent to identify conservation measures at the time of development.
3. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
   A. The site is served by the Vail Water Company, whom does provide Renewable and Potable Water.
   B. Projected demand at build-out under proposed zoning using the approved method is less than development under existing zoning due to the large amount of turf associated with low density zoning.
   C. Per Tucson Water, depth to groundwater is over 400 feet and has declined approximately 25 feet in the last 15 years.
   D. The site is not located within a covered subsidence zone, although subsidence has been observed.
   E. The site is not within a mile of a shallow groundwater area.
   F. The site is not within an Isolated Basin.

Staff finds that the project is not expected to have adverse impacts on groundwater dependent ecosystems and furthermore that no additional conservation measures are required based upon proximity to shallow groundwater or demand increases.

In conclusion, flood hazards and protection measures have been indicated on the PDP. Therefore, the District has no objection subject to rezoning condition #3.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the rezoning request and has the following comment:

The rezoning area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southeast Interceptor. Capacity for this development is currently available within the 12" public sewer G-2016-065, downstream from manhole 2506-09 (Type I 2019-7 dated January 17, 2019).

The PCRWRD has no objections to the proposed rezoning subject to the addition of rezoning conditions #4A-F.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this request subject to the addition of condition #5.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no objection subject to condition #7.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

There is the potential for the endangered Pima Pineapple Cactus to occur within the limits of the proposed development. We recommend that surveys for this species occur as a condition of the

rezoning. If any Pima Pineapple Cacti are located during surveys, we recommend that Pima County or the project proponents contact us to discuss the development of any necessary conservation measures or mitigation.

US Fish and Wildlife Service has no objection to the rezoning subject to condition #8.

WATER DISTRICT REPORT
Vail Water District has no comment but a will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT
The Vail Unified School District has no comment. Per the applicant's submittal, the site analysis indicates that the schools are functioning over capacity.

FIRE DISTRICT REPORT
Rural Metro Fire District has no comment.

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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. Design and location of the northeast driveway connection as shown on the Preliminary Development Plan shall ensure alignment with the adjacent MAC 25 residential street and any required right-of-way shall be obtained and recorded prior to approval of the site construction plan for that work.
   B. Prior to approval of the Tentative Plat, proof of coordination with the City of Tucson regarding the Traffic Impact Study and any subsequent City of Tucson requirements shall be provided to Pima County Development Services.
   C. If construction of the adjacent MAC 25 Subdivision and the subsequent offsite connection to Mary Ann Cleveland does not proceed, the developer of this subdivision shall be required to build out the connection or revise their layout to provide and construct an alternative access point to the public right-of-way.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
   A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
   B. The owner(s) 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(s) 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.

C. The owner(s) 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.

D. The owner(s) 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.

E. The owner(s) 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.

F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable 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.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) 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.

6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

7. Natural Resources, Parks and Recreation conditions: The property owners shall dedicate to Pima County and construct a 20-foot "Public Non-Motorized Trail Easement" along the southern border of the project and a 30-foot "Public Non-Motorized Trail Easement" as depicted on the preliminary development plan for the Esmond Station Greenway.

8. A Pima Pineapple Cactus survey is required. Written coordination with US Fish and Wildlife Service for any necessary conservation or mitigation shall be provided.

9. Adherence to the preliminary development plan as approved at public hearing including the 4.5 maximum residences per acre on the western parcel designated as MLIU. There shall be no increase in the number of lots adjacent to the Davis Monthan Air Force Base ADC.

10. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.

11. 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.

12. 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(I)."

Respectfully Submitted,

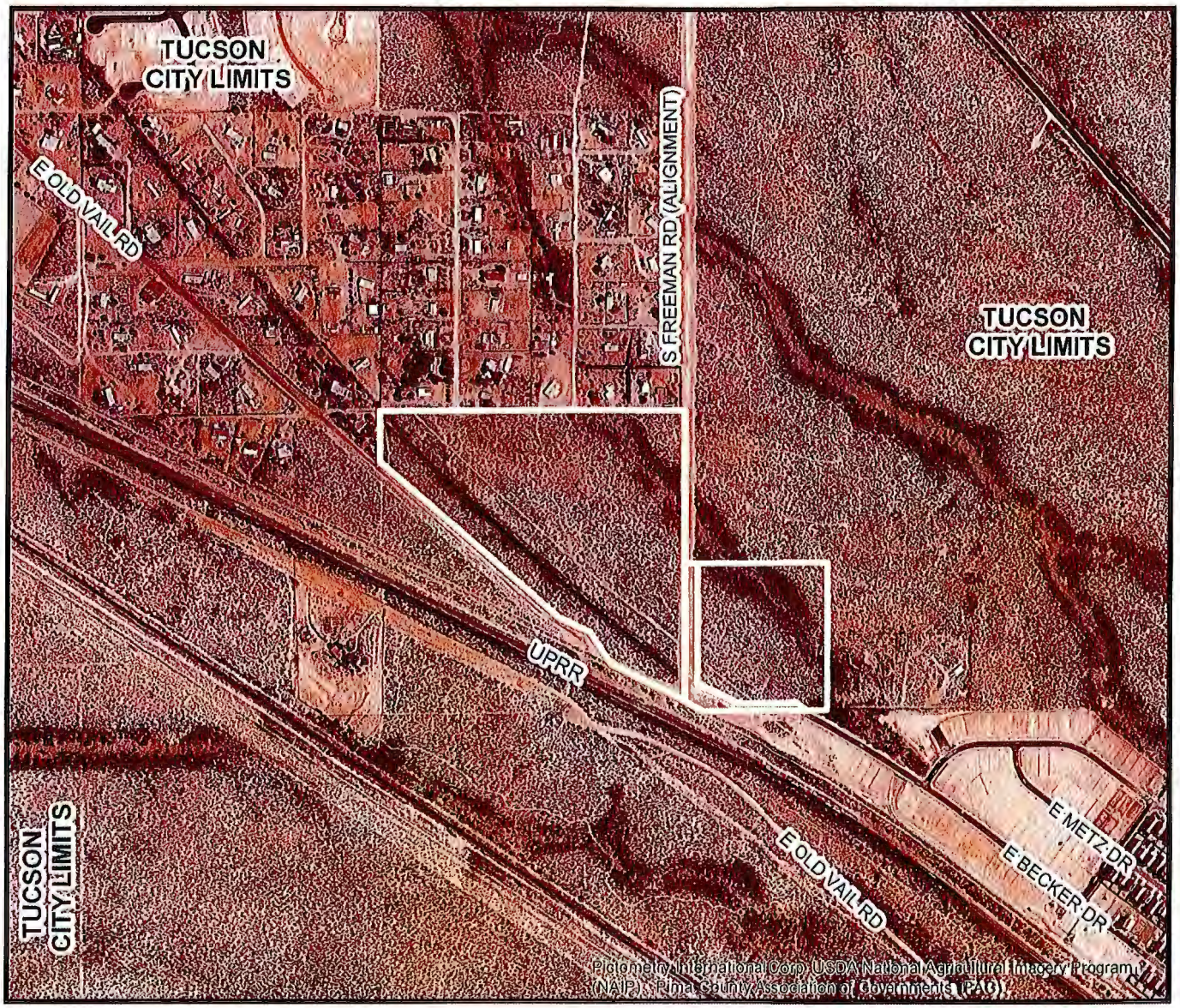
Terrill L. Tillman
Principal Planner

c: The Planning Center, Lexy Wellott, 2 E. Congress Street, Ste. 600
Tucson, AZ 85701

Case #: P19RZ00003

Case Name: LUMINEX LLC, ET AL - E. OLD VAIL ROAD REZONING

Tax Code(s): 305-09-012E, 305-07-001G, 305-07-001F



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

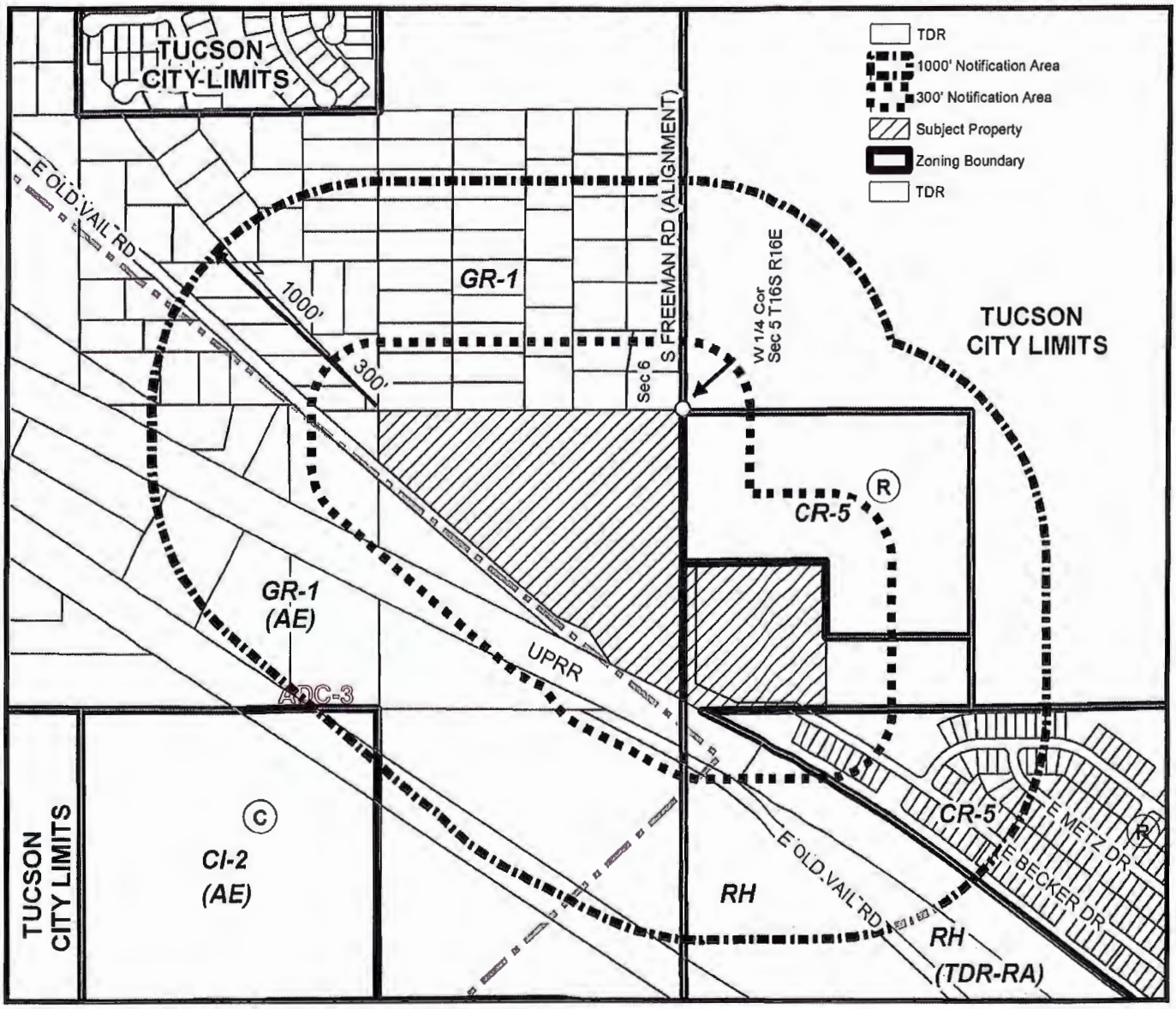
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 & PI8CA00002

Map Scale: 1:8,000

Map Date: 6/5/2019 - ds

N W E S

Case #: P19RZ00003
Case Name: LUMINEX LLC, ET AL - E. OLD VAIL ROAD REZONING
Tax Code(s): 305-09-012E, 305-07-001G, 305-07-001F



0 285 570 1,140 Feet

Area of proposed rezoning from RH & GR-1 to CR-4

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

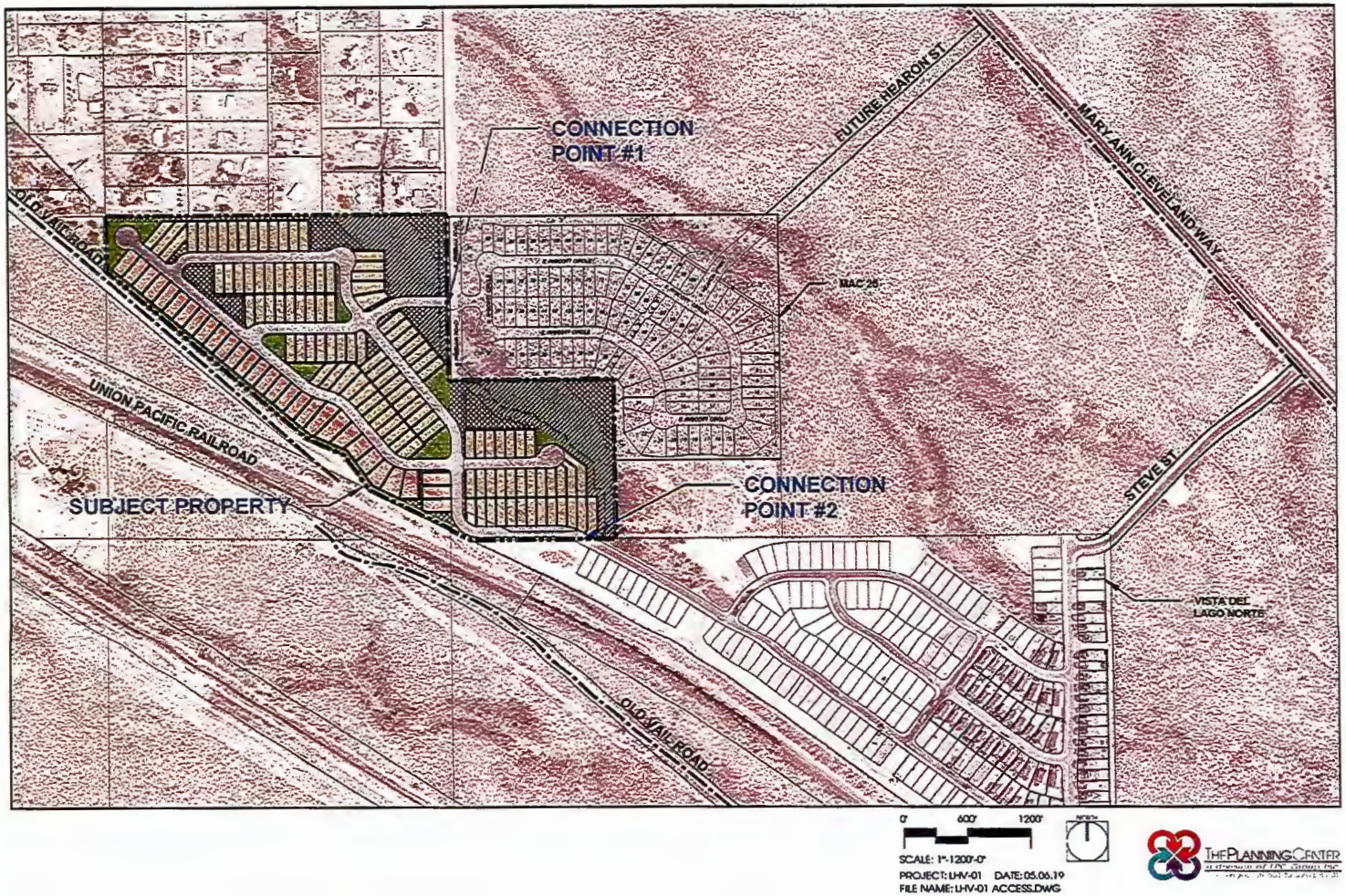
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10 & P18CA00002

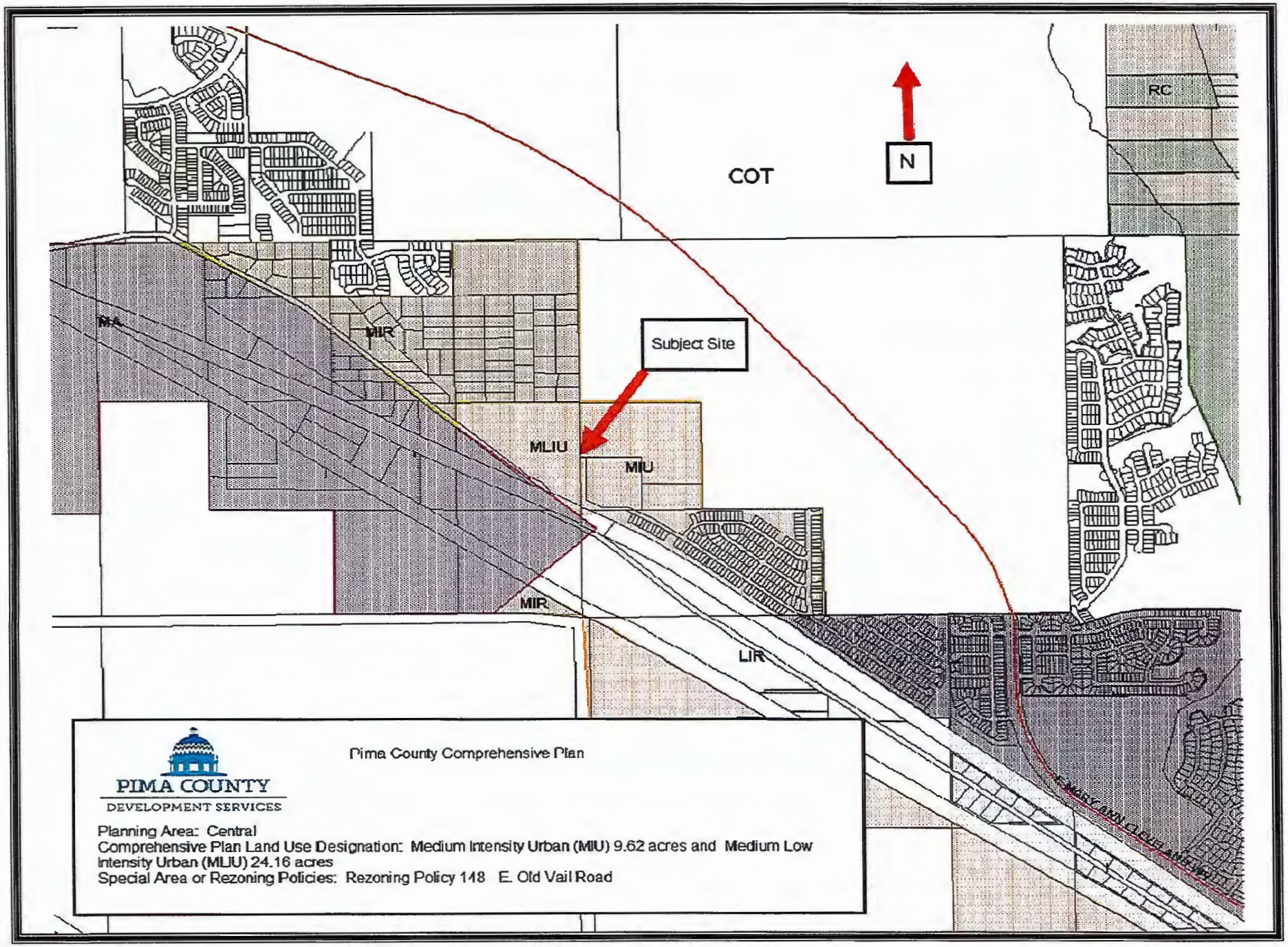
Planning & Zoning Hearing: 6/26/19 (scheduled) | Board of Supervisors Hearing: TBA

Base Map(s): 134 | Map Scale: 1:8,000 | Map Date: 6/5/2019 - ds

N W E S

Exhibit II.A.2.b: Site Access



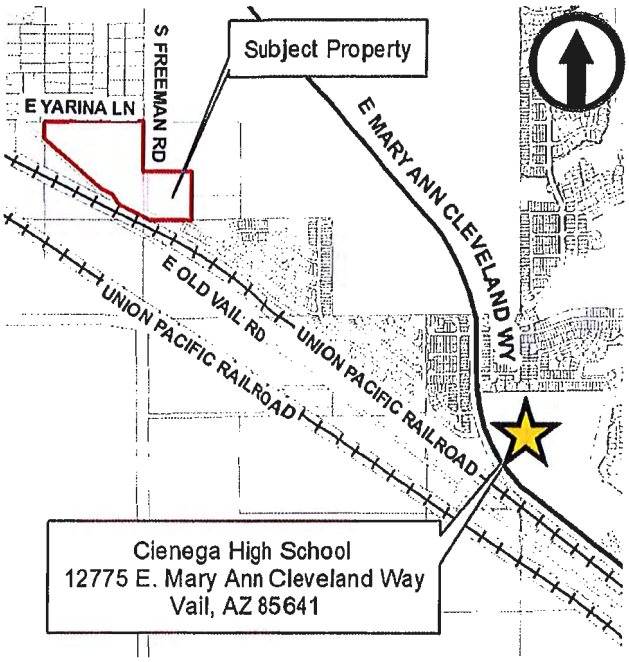

COT
N
RC
MA
MIR
Subject Site
MLIU
MIU
MIR
LIR
PIMA COUNTY
DEVELOPMENT SERVICES
Pima County Comprehensive Plan
Planning Area: Central
Comprehensive Plan Land Use Designation: Medium Intensity Urban (MIU) 9.62 acres and Medium Low Intensity Urban (MLIU) 24.16 acres
Special Area or Rezoning Policies: Rezoning Policy 148 E. Old Vail Road

THE PLANNING CENTER
a division of TPC Group, Inc.

March 26, 2019

Dear Neighbor:

On behalf of the property owners, The Planning Center would like to invite you to attend a neighborhood meeting regarding a rezoning proposal for a 33.78-acre property located north of Old Vail Road and south of Yarina Lane, approximately 1.5 miles northeast of Interstate 10 (see property location map). This proposal is to rezone the vacant parcel from RH (Rural Homestead Zone) and GR-1 (Rural Residential Zone) to CR-4 (Mixed Dwelling Type Zone) for the development of single-family residences.



This is a follow-up meeting to a meeting held on June 12, 2018 discussing an amendment to Pima County's comprehensive plan, *Pima Prospers.* As you may be aware, the Board of Supervisors approved the plan amendment ultimately allowing for this rezoning request.

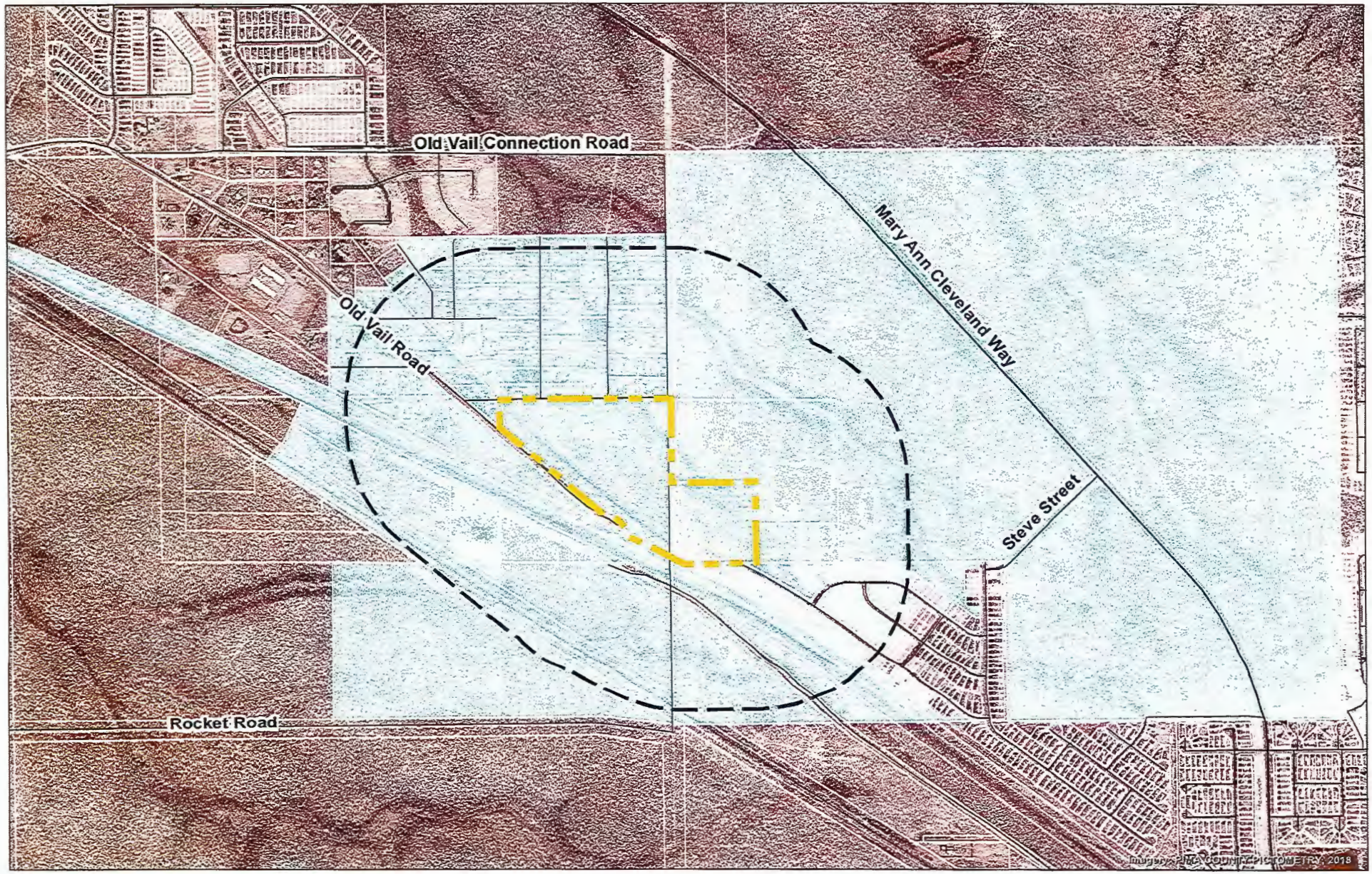
The purpose of this neighborhood meeting is to present a site plan, project details and rezoning process as well as get your feedback on the proposed plan. Since the site's hydrology was discussed in great detail at the June 12th neighborhood meeting, the project's hydrologist will also be in attendance to discuss the anticipated drainage plan and answer any other questions related to the site's drainage that you may have.

Please join us on:

Wednesday, April 10th at 5:45 PM
at Cienega High School in the Library

If you cannot attend the meeting or have questions prior to the meeting, please contact Linda Morales or Lexy Wellott at The Planning Center at 520-623-6146 or lmorales@azplanningcenter.com or lwellott@azplanningcenter.com.

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com



LEGEND

- Site Boundary
- 1000-Foot Radius (excluding ROW's)
- Notified Property Owners
- Parcels

Project Location:
Township 16S, Range 16E, and Section 05/06
Acreage: Approx. 33.78 AC
Parcel ID #s: 305-09-012E, 305-07-001G, 305-07-001F

NORTH 0 1000' 2000'

FILE NAME: mailing labels LHV-01.mxd
SOURCE: Pima County GIS, 2018

ROYAL LIVING TR
ATTN: PAMELA S ROYAL TR
5813 E 19TH ST
TUCSON, AZ 85711-5126

MATTHEWS ELMO L
9901 S DAILEY RANCH RD
TUCSON, AZ 85747-0000

CANFIELD KRISTY L
9941 S RADIANT WAY
TUCSON, AZ 85747-0000

KNOTT JON R
9920 S DAILEY RANCH RD
TUCSON, AZ 85747-8900

ELLIOTT GLENN
917 W RIM VIEW RD
PAYSON, AZ 85541-4747

DERR DEAN M
9955 S RADIANT WAY
TUCSON, AZ 85747-8958

FRENCH CYNTHIA ANN & JAMES LANCE JT/RS
PO BOX 931
VAIL, AZ 85641-0931

KOSIK MATTHEW J & STEPHANIE JT/RS
9951 S HIGH DESERT DR
TUCSON, AZ 85747-0000

TELLO JUAN J & CRISTINA JT/RS
11495 E OLD VAIL RD
TUCSON, AZ 85747-0000

COLLINS DIANA &
SMITHERMAN JESSICA JT/RS
9974 S HIGH DESERT DR
TUCSON, AZ 85747-8960

RAMSEY JOE ALLEN JR &
RAMSEY BILLIE LOUISE JT/RS
9855 E IRVINGTON RD UNIT 252
TUCSON, AZ 85730-5239

SMITH RANDALL
9908 S DAILEY RANCH RD
TUCSON, AZ 85747-8900

ACCETTA MICHAEL L & CECILIA G
9933 S RADIANT WAY
TUCSON, AZ 85747-8958

CHILDRESS WYATT JERRY
2441 E ROSLYN LN
VAIL, AZ 85641-9705

WATERS ALBERT L &
ROSETTA M JT/RS
PO BOX 1156
VAIL, AZ 85641-1156

FRALEY HEATHER & BRIAN CP/RS
9953 S DAILEY RANCH RD
TUCSON, AZ 85747-0000

TIBUS SHAELA K
11571 E SPEEDWAY BLVD
TUCSON, AZ 85748-2014

MARTINEZ DOMINIC
9954 S DAILEY RANCH RD
TUCSON, AZ 85747-8900

FESTA BRIAN & MARY R CP/RS
11585 E RABBIT BRUSH WAY
TUCSON, AZ 85747-0000

RUTHERFORD RICK & MONA CP/RS
12520 E LOS REALES RD
TUCSON, AZ 85747-8801

SEGER TIMOTHY M
9910 S HIGH DESERT DR
TUCSON, AZ 85747-0000

OCUMPAUGH CLINTON B & CRYSTAL K JT/RS
9903 S SPRING TIME DR
TUCSON, AZ 85747-0000

FEYH LAWRENCE W &
CAROLYN A CP/RS
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VAIL, AZ 85641-0841

OLD VAIL ROAD LLC
ATTN: MICHAEL & MARY MORRIS
2900 E WETSTONES RD
VAIL, AZ 85641-9084

HUGHES JAMES J & ROBIN S JT/RS
35724 N 7TH AVE
PHOENIX, AZ 85086-9573

SUTTON WILLIAM &
THESSEN PAMELA JT/RS
9942 S DAILEY RANCH RD
TUCSON, AZ 85747-8900

COOK WILLIAM A JR
9963 S HIGH DESERT DR
TUCSON, AZ 85747-0000

LEON MERRI JO
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VAIL, AZ 85641-1341

LABA RONALD J & LINDA G JT/RS
11535 E RABBIT BRUSH WAY
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9997 S DAILEY RANCH RD
TUCSON, AZ 85747-8901

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TUCSON, AZ 85747-0000

BUTLER STANLEY R
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VAIL AZ 85641-0000

MUHA JOHN F
9991 S HIGH DESERT DR
TUCSON, AZ 85747-8959

WOOD JOHN P
9985 S HIGH DESERT DR
TUCSON, AZ 85747-8959

FONTES ROBERT JR
10005 S DAILEY RANCH RD # 2
TUCSON, AZ 85747-8903

HEGNER BORIS
10000 S HIGH DESERT DR
TUCSON, AZ 85747-8935

MALDONADO AGUSTIN
10002 S DAILEY RANCH RD
TUCSON, AZ 85747-8902

EDWARDS HARRY J & ANN M JT/RS
7192 E FREESTONE DR
TUCSON, AZ 85730-3711

EDWARDS HARRY J & ANN M CP/RS
11660 E RABBIT BRUSH WAY
TUCSON, AZ 85747-8906

ADAMS JOYCE I & ADAMS MATTHEW GERALD JT/RS
11650 E RABBIT BRUSH WAY
TUCSON, AZ 85747-8906

BRYAN DONNA LYNNE & BRYAN ANGEL LYNNE &
HUTCHINSON NICKIE ANNE
12600 E TANQUE VERDE RD
TUCSON, AZ 85749-8934

GATES KAREN A
11430 E OLD VAIL RD
TUCSON, AZ 85747-8963

FONTES ROBERT III
10001 S HIGH DESERT DR
TUCSON, AZ 85747-8936

FONTES ROBERT JR &
FRANCES A CP/RS
6665 E 39TH ST
TUCSON, AZ 85730-1611

KESICKI JAMES T
% ROJAS REYNA ORDAZ
10069 S OAK CANYON LN UNIT 2
TUCSON, AZ 85756-8709

MENDOZA JOSEPH Q &
DUARTE GLORIA JT/RS
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11555 E OLD VAIL RD
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JAYKO EDWARD J JR & MARGARET L CP/RS
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NIETO JESUS & DEAUN JT/RS
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TUCSON, AZ 85747-0000

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4017 E FRANKFORT STRA
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GRECO PHILLIP
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SILVA DAVID A & PEGGY A CP/RS
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11591 E YARINA LN
TUCSON, AZ 85747-8912

NOBLIN TIMOTHY & ROBIN CP/RS
11414 E OLD VAIL PL
TUCSON, AZ 85747-8910

BARTON AMALIA
7649 E JALAPA PL
TUCSON, AZ 85710-6319

MATA ISIDRO
11462 E OLD VAIL PL
TUCSON, AZ 85747-8910

ORDUNO MAX F
PO BOX 7985
TUCSON, AZ 85725-7985

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11590 E OLD VAIL RD
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MAYER ERIKA JT/RS
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TUCSON, AZ 85747-8903

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11585 E OLD VAIL RD
TUCSON, AZ 85747-8964

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BONITA, CA 91902-1832

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TUCSON, AZ 85731-0000

EHLER RANDAL & MAXINE CP/RS
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VAIL, AZ 85641-0066

MAYER EVA A &
MARTINEZ MISAEL JT/RS
11671 E OLD VAIL RD
TUCSON, AZ 85747-8961

LARSEN CHRISTOPHER E
11585 E OLD VAIL RD
TUCSON, AZ 85747-8964

MANN THOMAS
22715 SUNSET GLEN LN
SPRING, TX 77373-8682

HERR CHRISTINE
11600 E OLD VAIL RD
TUCSON, AZ 85747-8961

MC KEEVER AARON R &
CARLEE R JT/RS
PO BOX 306
VAIL, AZ 85641-0306

ZENTENO ANGEL
11606 E OLD VAIL RD
TUCSON, AZ 85747-0000

LUMINEX LLC
ATTN: JOSEPH MC CREADY
3360 N ELENA MARIA
TUCSON, AZ 85750-2918

GUILLEN FRANCISCO & MARIA JT/RS
10690 E ESCALANTE RD
TUCSON, AZ 85730-5531

MAC 25 ACRES LLC
1050 E RIVER RD STE 300
TUCSON, AZ 85718-5739

WONDERS WM KENT TR
2941 E PLAZA ENCANTADA
TUCSON, AZ 85718-1239

WONDERS WM KENT TR
2941 E PLAZA ENCANTADA
TUCSON, AZ 85718-1239

WONDERS WM KENT TR
2941 E PLAZA ENCANTADA
TUCSON, AZ 85718-1239

MARSHALL MICHELLE
11830 E OLD VAIL RD
VAIL, AZ 85641-2853

ROMERO JOE S
7521 S PLACITA DE CERVECAS
TUCSON, AZ 85747-9621

VAIL UPRR NORTH II LLC
1050 E RIVER RD STE 300
TUCSON, AZ 85718-5739

BOHLMANN SCOTT A &
CYNTHIA A JT/RS
7217 E 28TH ST
TUCSON, AZ 85710-5503

UNION PACIFIC RAILROAD
ATTN: MICHAEL BATKO
1400 DOUGLAS ST STOP 1640
OMAHA, NE 68179-0002

LANDMARK TITLE TR 18357-T
ATTN: VISTA DEL LAGO NORTE HOA
1050 E RIVER RD STE 300
TUCSON, AZ 85718-5739

NANBARRY INVESTMENT PROFIT SHARING
PLAN
PO BOX 31058
TUCSON, AZ 85751-1058

DOS PERROS DEVELOPMENT LLC
ATTN: STEVEN KIMBLE
7411 E TANQUE VERDE RD
TUCSON, AZ 85715-3477

KOORI GERALD M
1718 W COLTER ST UNIT 156
PHOENIX, AZ 85015-2954

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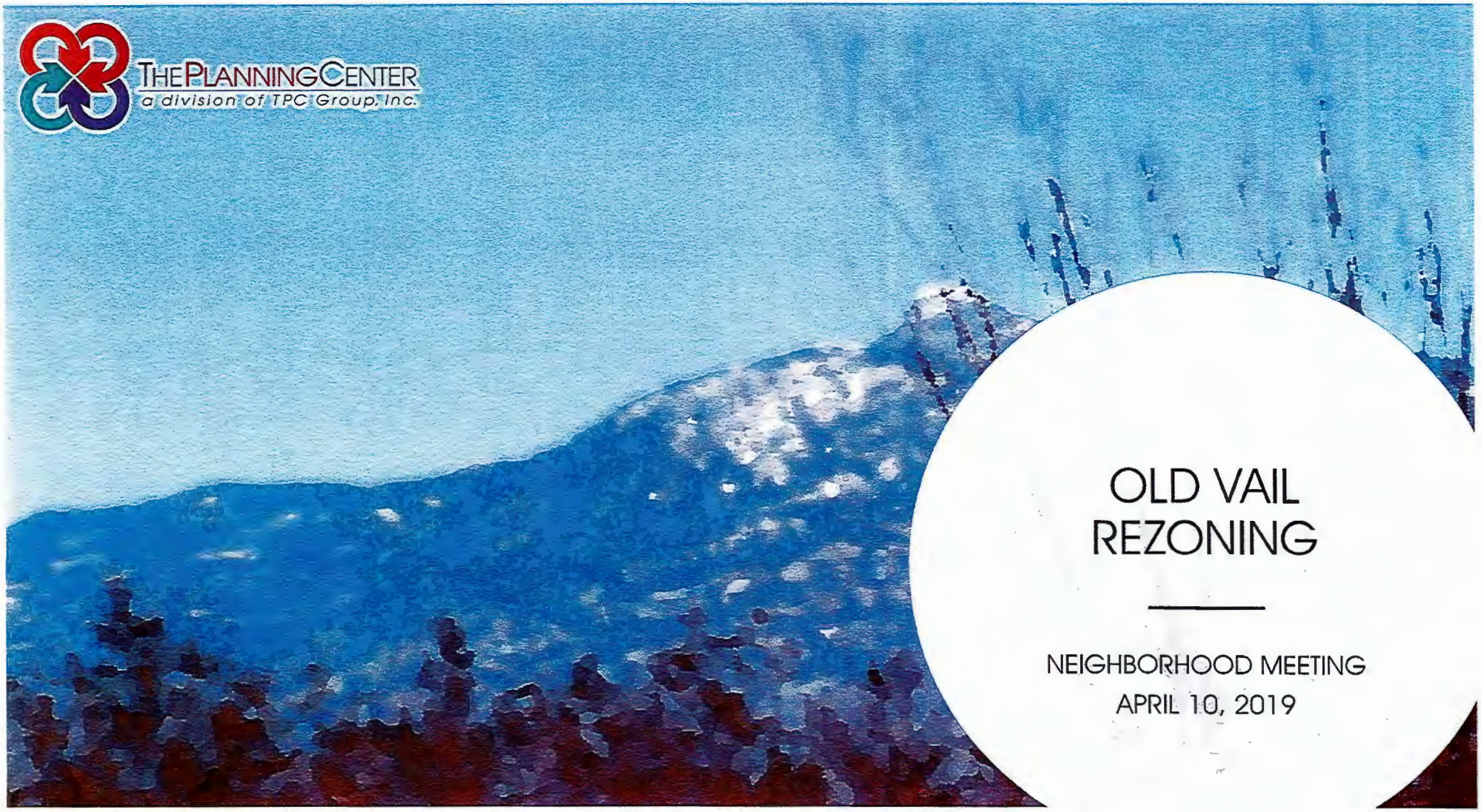
Neighborhood Meeting
Sign-in Sheet
Old Vail Rezoning

March 10, 2019

Name	Address, Zip Code	Phone	Email Address
John Muha	9991 S. High Desert	663 1388	JMuha@appliedthermal.org
Richard Eisenmann	9939 S. High Desert Dr	520-272-7334	Richard E1986@gmal.
Michael A Morris	2900 E. Wetstones Rd Vail, AZ 85641	520-977-6896	fivevidao@theriver.com



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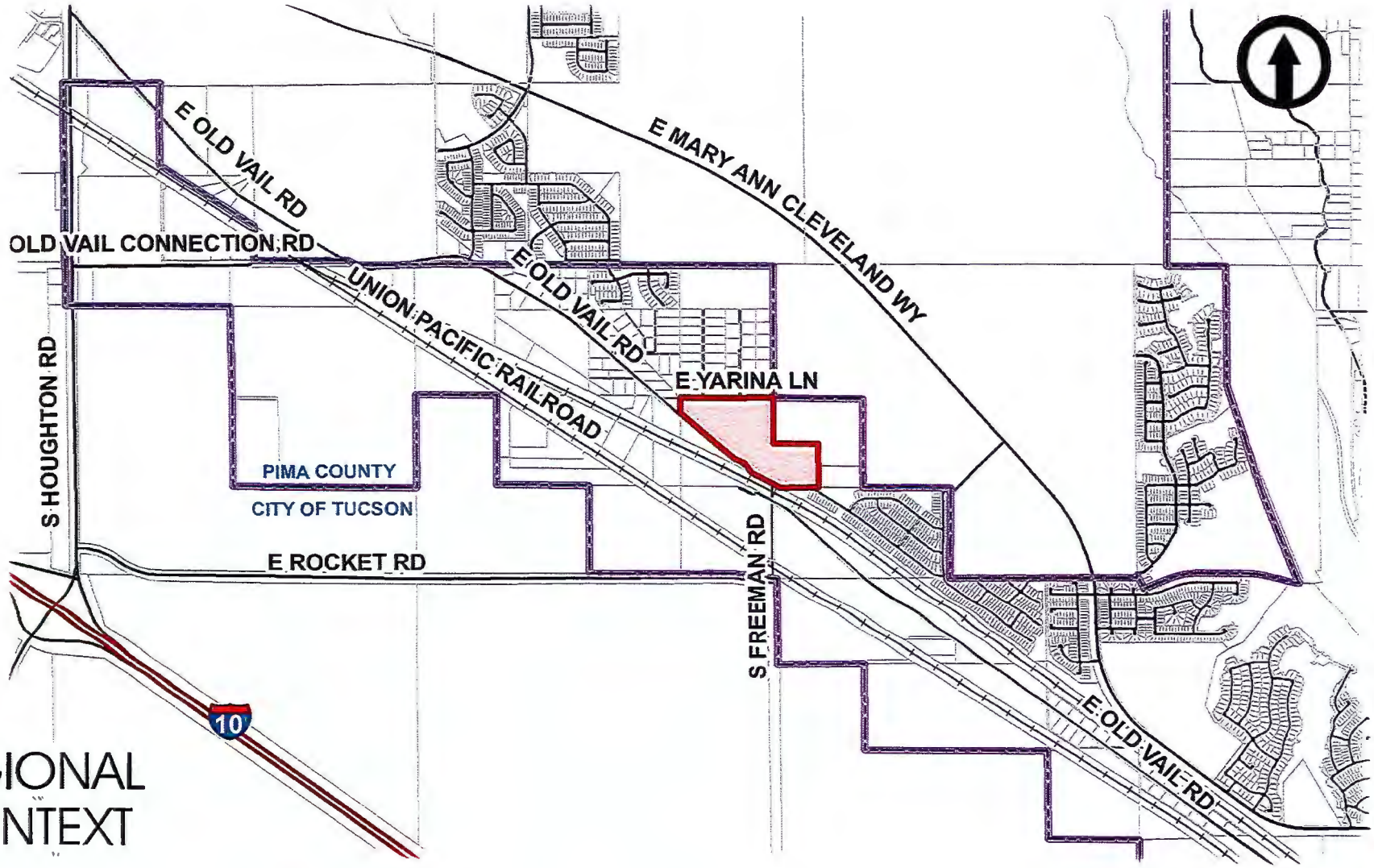
OLD VAIL REZONING

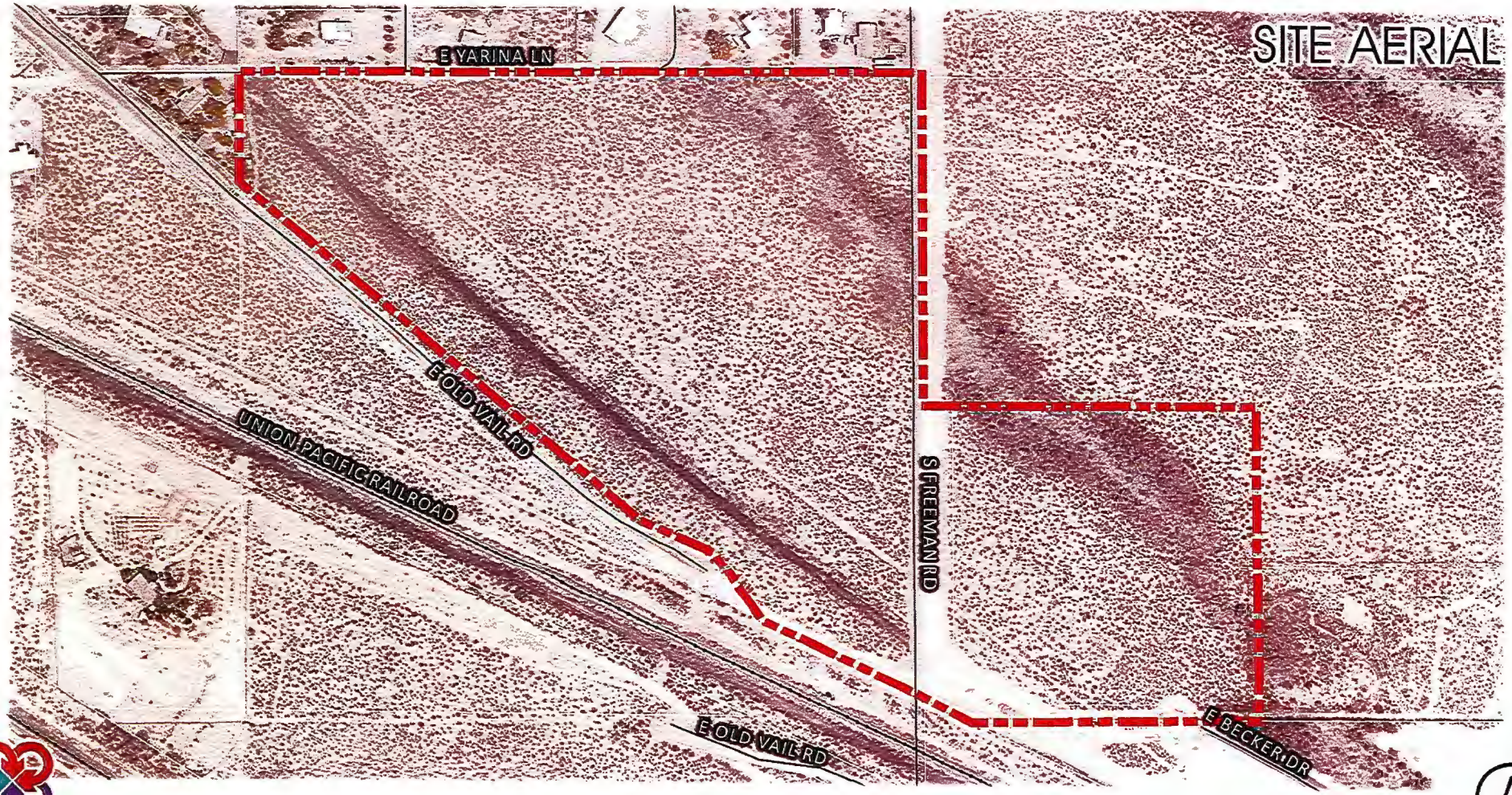
NEIGHBORHOOD MEETING

APRIL 10, 2019

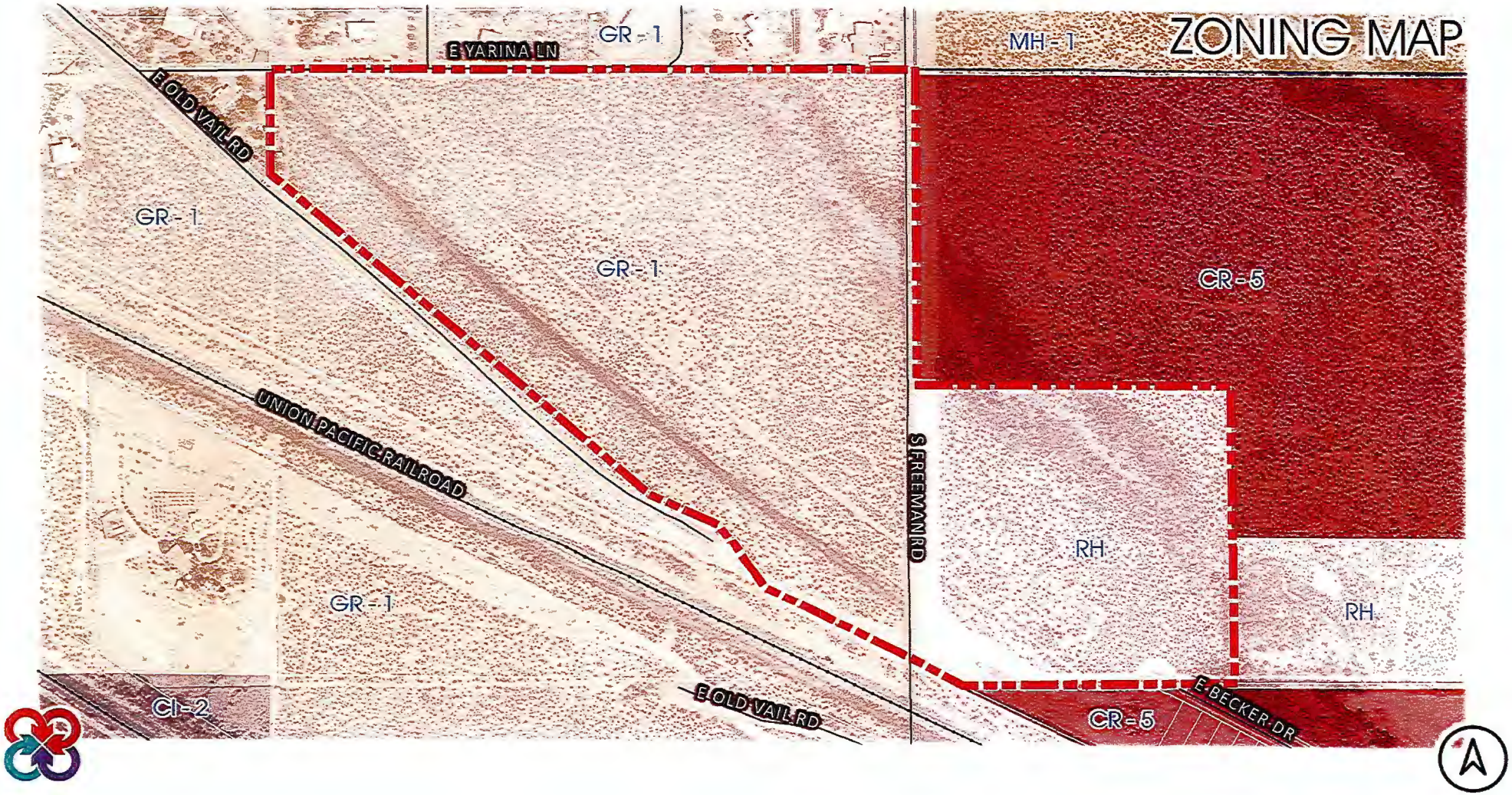


REGIONAL CONTEXT

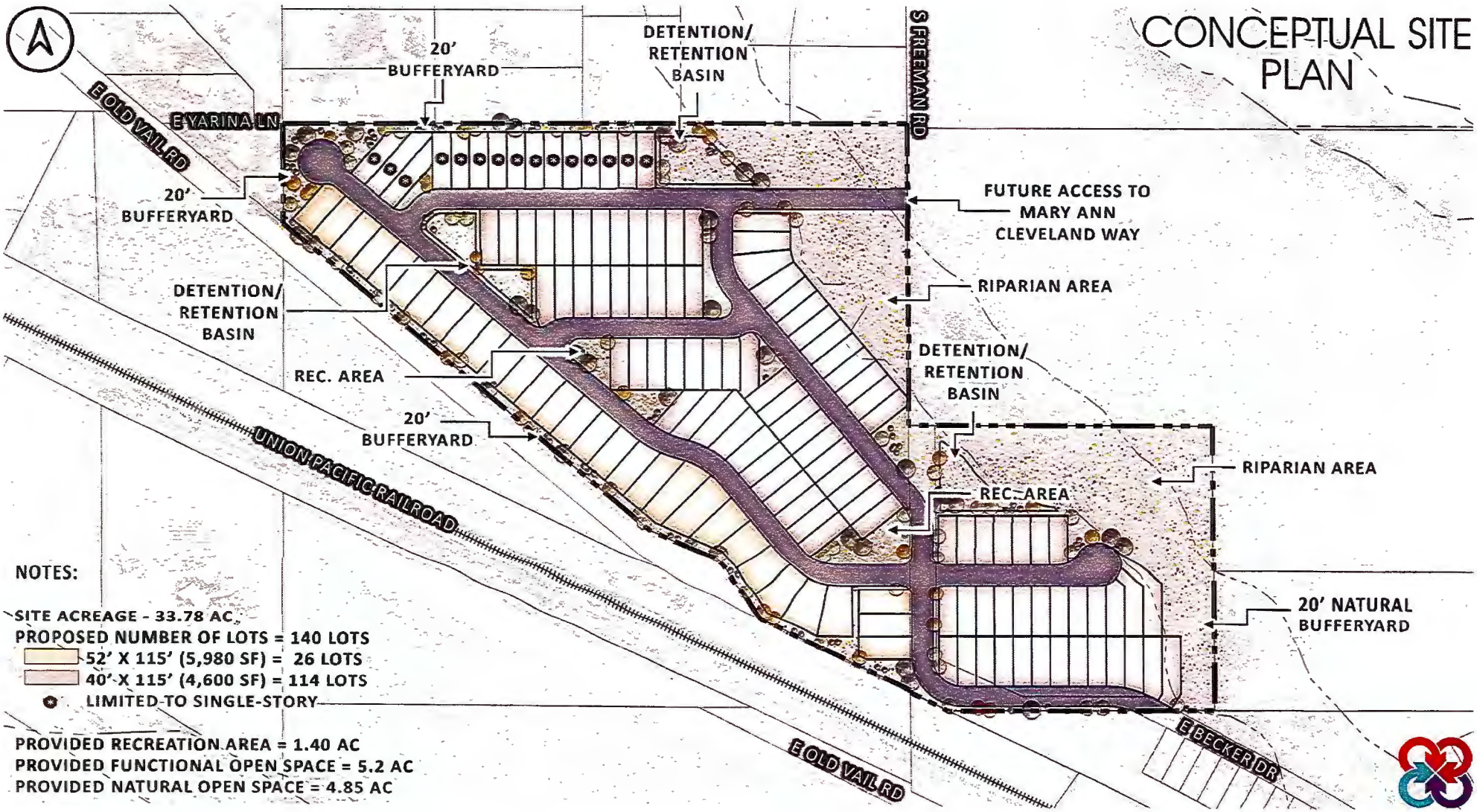
SITE AERIAL


E YARINA LN
E OLD VAIL RD
UNION PACIFIC RAILROAD
S FREEMAN RD
E OLD VAIL RD
E BECKER DR

ZONING MAP


E YARINA LN
GR - 1
MH - 1
E OLD VAIL RD
GR - 1
GR - 1
CR - 5
UNION PACIFIC RAILROAD
S FREEMAN RD
RH
GR - 1
RH
CI - 2
E OLD VAIL RD
CR - 5
E BECKER DR

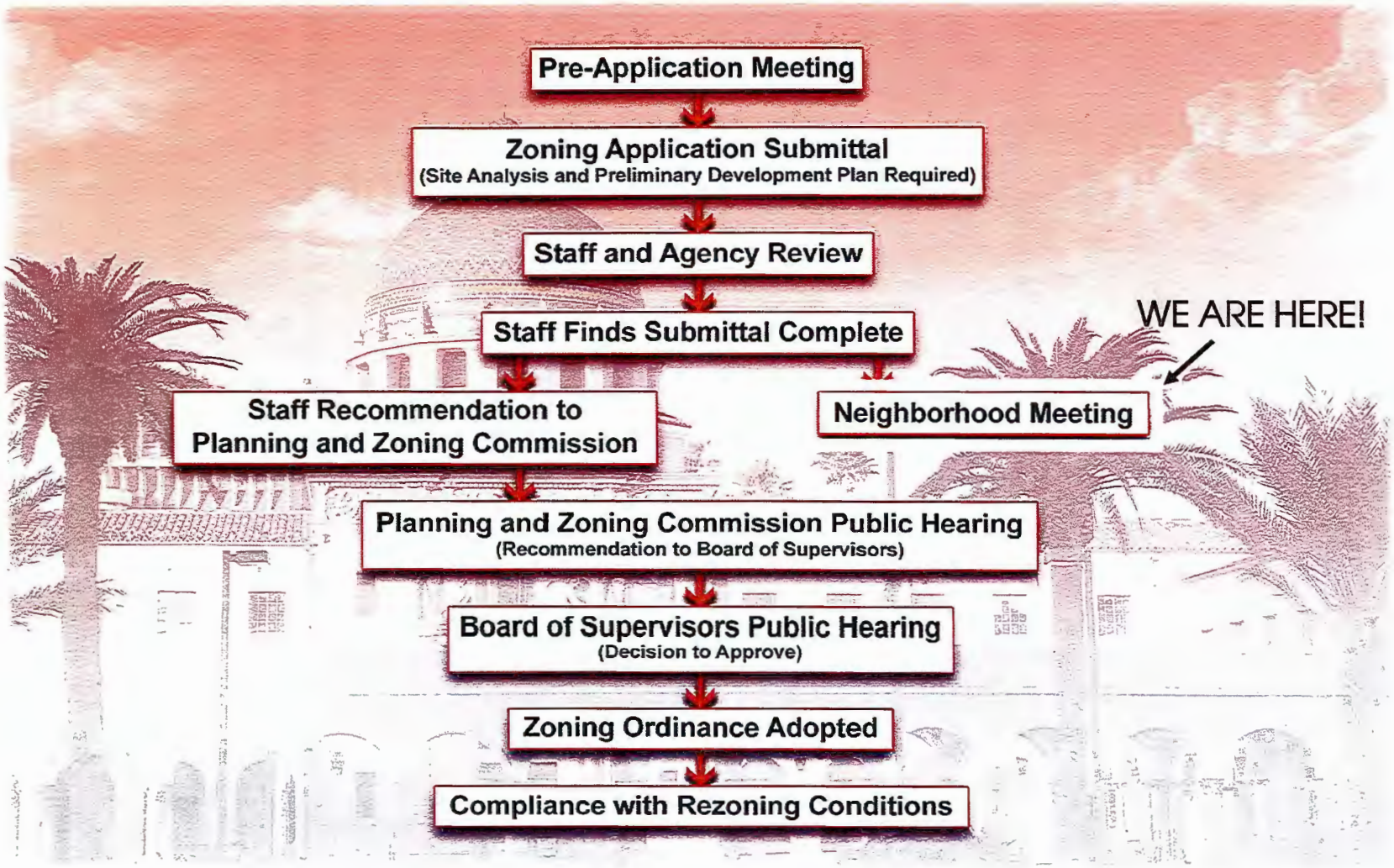
CONCEPTUAL SITE PLAN



NOTES:

SITE ACREAGE - 33.78 AC.
PROPOSED NUMBER OF LOTS = 140 LOTS
52' X 115' (5,980 SF) = 26 LOTS
40' X 115' (4,600 SF) = 114 LOTS
LIMITED TO SINGLE-STORY

PROVIDED RECREATION AREA = 1.40 AC
PROVIDED FUNCTIONAL OPEN SPACE = 5.2 AC
PROVIDED NATURAL OPEN SPACE = 4.85 AC


Pre-Application Meeting
Zoning Application Submittal
(Site Analysis and Preliminary Development Plan Required)
Staff and Agency Review
Staff Finds Submittal Complete
WE ARE HERE!
Staff Recommendation to
Planning and Zoning Commission
Neighborhood Meeting
Planning and Zoning Commission Public Hearing
(Recommendation to Board of Supervisors)
Board of Supervisors Public Hearing
(Decision to Approve)
Zoning Ordinance Adopted
Compliance with Rezoning Conditions

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QUESTIONS???

SITE AERIAL

E RABBIT BRUSH WY
E OLD VAIL RD
E OLD VAIL PL
E YARINA LN
S DAILEY RANCH RD
S HIGH DESERT DR
S FREEMAN RD
UNION PACIFIC RAILROAD
UNION PACIFIC RAILROAD
E BECKER DR
E DOMNITCH DR
E METZ DR
E OLD VAIL RD
S KEEGAN AV

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MEMORANDUM

Date: May 3, 2019 **Job No:** LHV-01

To: Terri Tillman

From: Lexy Wellott

Project: Old Vail Rezoning – Neighborhood Meeting Summary

The following provides a brief summary for the neighborhood meeting that was held on April 10, 2019 at Cienega High School for the Old Vail rezoning. All property owners within 300 feet of the rezoning boundary were invited. *Attachment A: Neighbor Notification Packet* provides a copy of the letter sent to neighbors, map of the notified property owners, and the mailing labels generated for the mailing which utilized current publicly available Pima County Assessor information.

In addition to the development team, there were three (3) neighbors in attendance at this meeting; two of which lived directly north of the rezoning area. A presentation was provided to the neighbors describing the site context, subject rezoning request, proposed site plan and the Pima County's rezoning process. *Attachment B: Neighborhood Meeting Packet* provides a copy of the sign-in sheet and the PowerPoint presentation that was presented at this meeting.

The main discussion revolved around the following two (2) topics:

1. Existing Drainage and Flooding – The neighbors discussed the current flooding that occurs in the general area and described it as being a result of the newer subdivision northwest and southeast of the project area as well as a result of the grading that occurred for sewer improvements in the Freeman Road alignment. The neighbors suggested that the sewer improvements created a 3% grade differential towards their properties, effectively creating a channel for water.

   The project hydrologist was present and noted that the neighbors experience flooding and drainage challenges largely due to the floodplain that their homes are located in. The project hydrologist described the proposed drainage solution and suggested that the existing flows will not be increased as a resulted of this development. The proposed site plan features a series of retention and detention basins which will aid in reducing the velocity of the existing flows and retain water generated by the proposed development. It was stated by a neighbor in attendance that there is no opposition our proposal, but they want some assurances that it would not be at their expense due to flooding. Through consultation with the project hydrologist and the MAC 25

a 2 e. congress ste 600 tucson az 85701
o 520.623.6146
f 520.622.1950
w azplanningcenter.com

plat project engineer, we believe that flooding in the area will reduced due to floodplain re-delineation and new topographic information.

2. Building Height – The neighbors in attendance discussed building heights and the potential for the property to be filled, raising the overall site elevation which would impact their views. To mitigate for this, the proposed lots immediately adjacent to Yarina Road have been limited to single-story.

All in all, the neighbors in attendance at this meeting recognized that this property would be developed in the near future and wanted to make sure that the above-mentioned topics were adequately addressed.

Should you have any questions or need further clarification, please do not hesitate to contact me.

Attachments:

Attachment A: Neighbor Notification Packet
Attachment B: Neighborhood Meeting Packet

RESOLUTION 2019- 2

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO PLANNING; AMENDING THE PIMA COUNTY COMPREHENSIVE PLAN LAND USE MAP FOR APPROXIMATELY 24.16 ACRES, LOCATED NORTHEAST OF E. OLD VAIL ROAD AND WEST OF THE S. FREEMAN ROAD ALIGNMENT, IN SECTION 6 OF TOWNSHIP 16 SOUTH, RANGE 16 EAST, IN THE CENTRAL PLANNING AREA FROM MEDIUM INTENSITY RURAL (MIR) TO MEDIUM LOW INTENSITY URBAN (MLIU).

IT IS RESOLVED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The Pima County Comprehensive Plan Land Use Map, Central Planning Area, is hereby amended to change the planned land use intensity category for approximately 24.16 acres, as referenced in P18CA00002 Luminex LLC - E. Old Vail Road Plan Amendment, located northeast of E. Old Vail Road and west of the S. Freeman Road alignment, in Section 6, Township 16 South, Range 16 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU).

Section 2. The Pima County Comprehensive Plan Rezoning Policies are amended to include the following Rezoning Policies for the site described in Section 1 of this Resolution:

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

B. 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.

Section 3. The various County officers and employees are authorized and directed to perform all acts necessary to give effect to this Resolution.

Section 4. This Resolution shall become effective on the date of adoption.

Passed and adopted, this 8th day of January, 2019.

Chairman, Pima County Board of Supervisors

JAN 0 8 2019

ATTEST:

Clerk of the Board

APPROVED:

Executive Secretary
Planning and Zoning Commission

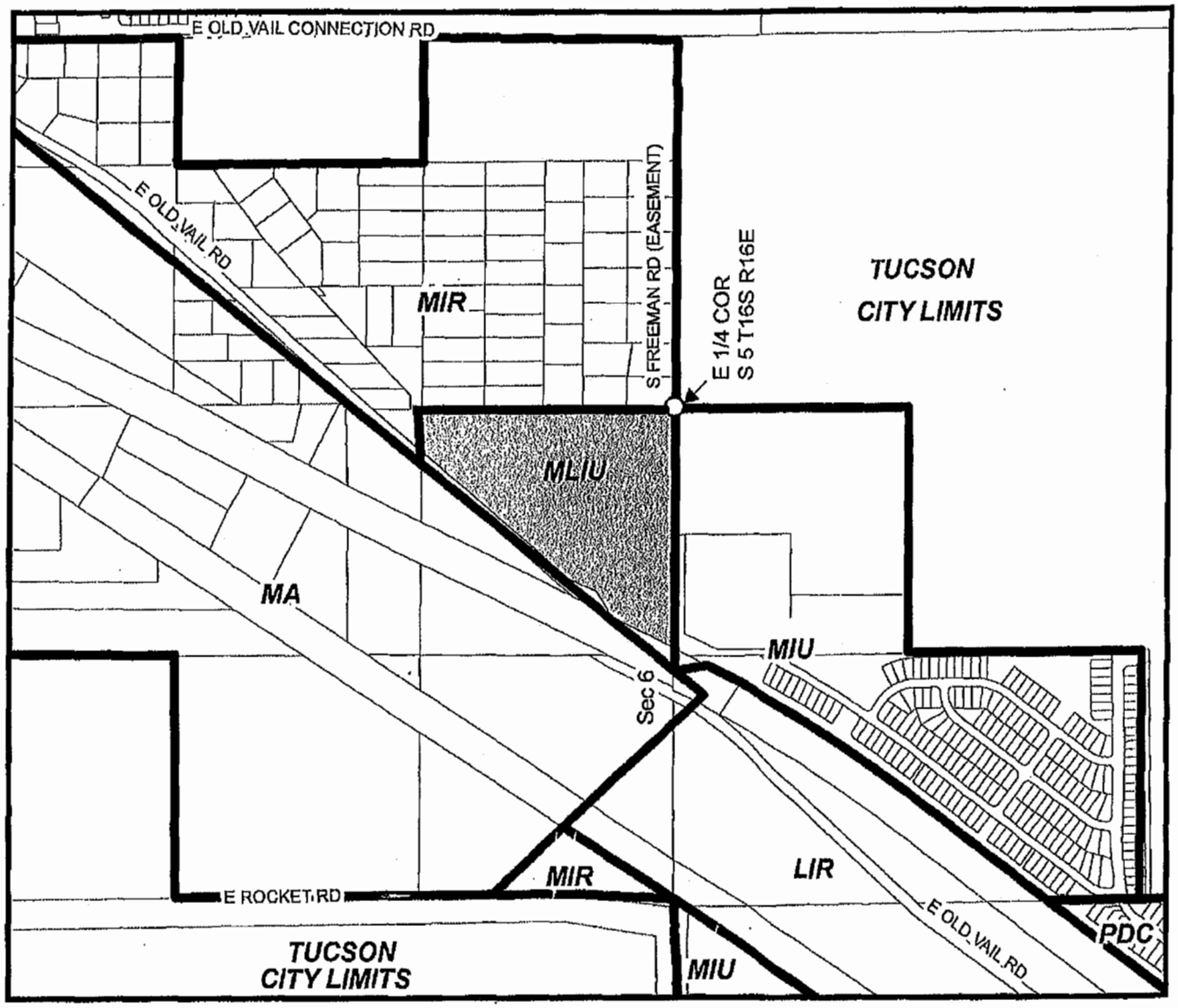
APPROVED AS TO FORM:

12/13/18

Deputy County Attorney
Lesley M. Lukach

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



0 355 710 1,420 Feet

Subject Property

Taxcode: 305-09-012E	**P18CA00002 LUMINEX LLC - E. OLD VAIL ROAD PLAN AMENDMENT** Amend Planned Land Use From Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) 24.16 Acres +/- with Rezoning Policies.	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

Planning and Zoning Commission Hearing: August 29, 2018	Map Scale: 1:10,000
Board of Supervisors Hearing: October 16, 2018	Map Date: October 25, 2018 / dms

North

Some files had been uploaded along with this submission. To download the files visit the link provided below. You will need to supply your AllForms login e-mail and password to download the files. We store all the uploaded files in zipped format, so you will need a unzipping program like WinZip to view or extract the files. Make sure you do a virus scan before trying to access these files on your system.

Download (http://allforms.[illegible])

Form Results	
Disregard	***>>> DISREGARD The message above the Form Results ROW <<<***
Note about attachments	***>>> Pima County virus software CYLANCE automatically scans files. There IS NOT a right mouse scan this file option. Attachments are scanned by our email appliance when received, then again by Cylance when saved or opened. <<<***
Owner Name	Luminex LLC - Joseph McCready and Joe Romero c/o Steve Lenihan and Duff Hearon
Owner Address	1050 E. River Road, Suite 300
Owner City	Tucson
Owner State	AZ
Owner Zipcode	85718
Owner Phone	520-271-2284
Owner_Email	steve@lenihanlaw.net
Applicant Name	LEXY WELLOTT
Applicant Address	2 E Congress Suite 600
Applicant City	Tucson
Applicant State	AZ
Applicant Zipcode	85701
Applicant Phone	520-623-6146
Applicant_Email	lwellott@azplanningcenter.com
Property Address	No Situs Address Information
Property Parcel Number	305-09-012E, 305-07-001G and 305-07-001F
Property Acreage	33.78 AC
Property Present Zone	RH and GR-1
Property Proposed Zone	CR-4
Policies	Central/ RP-148
FTP-Link	
Signature	I confirm the information provided is true and accurate 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. (By checking the box, I am electronically signing this application.)
Application Date	14-Feb-2019
More Information about this submission and submitter	
Submission ID	11100008

Date & Time	14th Feb 2019 2:03 PM
Form Location	https://web1.pima.gov/applications/rezoning/
IP Address	68.14.243.58
Browser info	Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/72.0.3626.96 Safari/537.36
Predicted Country	United States