

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

HEARING July 29, 2015

DISTRICT 1

CASE Co9-15-02 PRF3, LLC –
Briar Rose Lane Rezoning

REQUEST Rezone from SR
(Suburban Ranch) to CR-4
(Mixed Dwelling Type)
(9.79 acres)

OWNER PRF3, LLC
5760 E. Territory Avenue
Tucson, AZ 85750-1801

APPLICANT MJM Consulting, Inc.
Attn: Michael Marks, AICP
7002 E. 4th Street
Tucson, AZ 85710



APPLICANT'S PROPOSED USE

"The property is to be subdivided into 34 lots for residential development."

APPLICANT'S STATED REASON

"This planned development is the same as that on nearly all of the property within a one-quarter mile radius."

COMPREHENSIVE PLAN DESIGNATION

In 2014, a plan amendment from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) was approved for the majority of the site under case Co7-14-01. The more recently approved Pima Prospers Comprehensive Plan Update further amended the plan designations of the site from MIU and Resource Transition (RT) to the new designation of Medium Low Intensity Urban (MLIU). As of this writing, the Plan Update is not yet effective, but likely will be before the Board of Supervisors hears this rezoning request. The requested CR-4 zone and proposed density of 3.47 residences per acre (RAC) conform to both the current MIU and the approved MLIU plan designations. Descriptions for both MIU and MLIU are attached.

Current MIU allows a maximum density of 10 RAC. The objective of MIU is to provide opportunity for a variety of residential types, including cluster developments and single family attached dwellings with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses.

Approved MLIU requires a minimum of 2.5 RAC and allows a maximum of 5.0 RAC. The objective of MLIU is designate areas for a mix of medium density housing types, such as attached dwellings, garden apartments, and single family, as well as non-residential uses such as offices, medical offices, and hotels with special attention given in site design to assure that uses are compatible with adjacent lower density residential uses. Where possible, pedestrian and bicycle access shall be provided to commercial areas, schools, institutional uses, and other similar uses.

A small portion of the site (.07 acres) remains designated as Resource Transition (RT). This portion is floodplain and is not proposed for development but is contained within an existing graded utility easement that serves water and sewer. The RT will transition to MLIU when the Plan Update becomes effective.

The Co7-14-01 plan amendment was approved with Rezoning Policies listed in the attached Resolution 2015-27. The policies address requirements for vegetative enhancement of drainage improvements and for off-site mitigation pertaining to the site's location within the Maeveen Marie Behan Conservation Lands System.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-5 (Multiple Residence)	Wash/Residential Subdivision
South:	CR-4	Wash/Residential Subdivision
East:	CR-4	Residential Subdivision
West:	TR (Transitional)	Residential Subdivision

PREVIOUS REZONING CASES ON PROPERTY

The site has been part of three prior rezoning requests. The first, Co9-61-73, for CR-3 (Single Residence), CR-5, TR and CB-1 (Local Business) was closed with no action. The second, Co9-83-104, for CMH-2 (County Manufactured and Mobile Home) was withdrawn. The third, Co9-83-130, for CR-5 and TR was conditionally approved in 1983 for 40 acres of residential development and resulted in the developed CR-5 and TR-zoned plats adjacent to the north and west of the subject property. The subject site (the remaining 10 acres) was rezoned to CR-5 as part of that case but was not platted before the fourth expiration date. A rezoning time extension request for the site was denied by the Board of Supervisors on March 3, 1998 which closed the case.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

None

Past activity:

There has been a substantial amount of land in the vicinity of the site that has been rezoned from original SR. An attached map shows properties (in blue) within approximately one-half mile of the site for which rezoning requests have been made from 1961 to 2006. Most rezonings were approved. Some were withdrawn or denied.

Areas adjacent to and near the site were rezoned in the 1980's and early 1990's to CR-4, CR-5, and TR with resultant single-family subdivision lot development despite some instances of original rezoning approvals for attached townhome and condominium style development. There has also been a number of lower density CR-1 (Single Residence) rezonings in the general area as shown by acre-sized parcels.

Rezonings resulting in commercial service and apartment development have also occurred, including a shopping center and apartments at and near the northwest corner of Thornydale Road and Linda Vista Boulevard and retail and other commercial buildings at the northeast corner of Thornydale Road and Overton Road.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL with conditions**. The applicant proposes a CR-4 (Mixed-Dwelling Type) rezoning of a 9.79-acre partially disturbed vacant infill site east of Thornydale Road and south of Linda Vista Boulevard. The proposed development consists of 34 detached single-family residences within a subdivision plat representing 3.47 residences per acre (RAC), consistent with surrounding development and the MLIU comprehensive plan category.

Thornydale Road north of Cortaro Farms Road is currently operating over capacity, but this segment is scheduled for capacity improvements in 2018. Concurrency of infrastructure is otherwise fully met.

The site is located within the Maeveen Marie Behan Conservation Lands System (CLS); Important Riparian Area, Multiple Use Management Area, and Special Species Management Area are designations that apply to the site. Based on the property's site-specific conservation values as noted by the Environmental Planning Report on pages 7-8 below, staff recommends conditions under #9, which include a requirement for a minimum of 5.3 acres of natural open space set-aside at an off-site location, to achieve compliance with CLS Conservation Guidelines and specific Comprehensive Plan Rezoning Policies "B", "C", and "D" approved for the site in 2014 (Co7-14-01). The applicant proposes to set-aside 27 acres of natural open space at an off-site location. Staff has no objection to this proposal as it exceeds staff's recommended 5.3-acre minimum. The applicant also indicates potential for provision of vegetation enhancements within Arthur Pack Regional Park.

The applicant further indicates intent to satisfy the Rezoning Policy "A" which requires native riparian vegetation to be used to enhance drainage improvements by stating that the large common area along the north boundary (which is the Regulated Riparian area associated with the existing drainageway shown on the preliminary development plan) will be enhanced with transplanted specimens from the site. Staff recommends condition #7A to achieve compliance with the Rezoning Policy.

Planning Analysis

Staff supports the request because the proposed detached residential development represents compatible infill with surrounding detached residential development and concurrency of infrastructure exists or is scheduled to serve the proposed higher density

use. There are commercial services, a regional park, and public schools (elementary and high school) within a quarter mile. However, nearby employment locations are limited in this suburban area; and the only public transit available is a limited service Sun Tran shuttle route along Thornydale Road.

The proposed 3.47 RAC density is within the 2.5 to 5.0 RAC range required for the new Medium Low Intensity Urban (MLIU) plan designation approved for the site. The current SR zoning, which provides a maximum residential density of 0.3 RAC (3.3 acres per residence), does not allow sufficient density to conform to the MLIU designation and thus provides for inefficient residential land use given higher surrounding densities, available infrastructure including water service, and nearby public schools with excess capacity, commercial services, and recreational amenities.

Maximum building heights of 34 feet and two stories are proposed. The CR-4 maximum building height is 34 feet. Some two-story homes exist adjacent to the south and east of the site as shown on Exhibit II-B.1k on page 32 of the site analysis. The existing drainageway and proposed vegetated Regulated Riparian common area will serve to buffer any two-story homes from existing one-story homes to the northwest of the site. The 30-foot easement at the south site boundary will serve as a buffer in addition to common area within the subdivision to the south, except at the southwest corner where a different subdivision exists, but with two-story homes. Any two-story homes proposed on the two lots shown at the west boundary of the site will be subject to Zoning Code section 18.09.110 Two-story Residential Buffer Setback. The provision requires a 60-foot setback between proposed two-story development and existing one-story development's property line. The purpose of the setback is to reduce views into the side and rear yards of existing adjoining developments and to encourage less intrusive siting of two-story development in residential zones.

The site is relatively flat and consists of natural vegetation that has significant disturbance (more than 18 percent of the site per the biological investigation). Most of the site, excluding most of the Regulated Riparian area, will be graded. Of the 111 saguaros on the site, 22 will be preserved within the northerly Regulated Riparian area. A few others may be preserved in other proposed common areas and backyards of lots dependent on final grading. Required transplants will be accommodated within common areas that include detention basins. Similarly, of the 103 ironwood trees on the site, 26 will be preserved within northerly Regulated Riparian area, another 11 exist within other proposed common areas, and two others within the southern boundary easement. Those 11 ironwoods and some others within proposed lots may be preserved dependent on final grading. Required transplants will be accommodated within common areas that include detention basins. In addition to codified native plant preservation and mitigation requirements, the disturbance of what are significant numbers of these protected species will be further mitigated by the requirement for off-site natural open space set-aside of similarly valued desert habitat.

The referenced watercourse along the northwest boundary is associated with Pima County Regulated Riparian Habitat that is classified as Important Riparian Area and is 1.32 acres. The drainageway has partial erosion control improvements. The 1.62 acres of 100-year floodplain that is currently mapped by FEMA within the site along the southern boundary is

expected to be reduced to .07 acres based on hydraulic analyses. More information is provided in the Flood Control Report below.

Access is proposed from Briar Rose Lane, which is a stub road from a connecting residential street, Crestone Drive, within the subdivision to the east. Crestone Drive connects to Linda Vista Boulevard to the north and an elementary school to the east. The Briar Rose Lane stub road had been planned for access to the final CR-5 subdivision phase that was never platted with closure of the former Co9-83-130 rezoning case. More information is provided in the Transportation Report below.

Sewer connection will be made with the existing line within the Freer Drive utility easement at the south site boundary.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Tucson Water "will serve" letter in site analysis, subject to any needed facilities.
SCHOOLS	Yes	Per school capacity response email from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

The Department of Transportation has no objection to the rezoning request. Concurrency considerations have been met, as the roads in the area are functioning below capacity or have capacity improvements scheduled for the near future. The property has direct access onto Crestone Drive via Briar Rose Lane which is a stubbed road that will be extended to serve the rezoning site. This stub road was constructed specifically for the purpose of providing access to this site. Linda Vista Boulevard, Thornydale Road, and Shannon Road are the nearest major streets.

Linda Vista Boulevard is shown as a medium volume arterial on the major streets and routes plan with a planned future right-of-way of 150 feet. It is not completely constructed and terminates about 400 feet east of this site. It is a two-lane road with dirt shoulders, no curbs, bike lanes, or sidewalks. The posted speed is 35 mph and the capacity is approximately 13,200 average daily trips (ADT). There are no current traffic counts for this segment of Linda Vista.

Thornydale Road is a medium volume arterial on the major streets and routes plan with 150 feet of planned future right-of-way. Some portions are built to the full right-of-way south of the rezoning site. The segment between Linda Vista and Overton is funded and scheduled for improvements including a four-lane cross section with raised median and paved shoulders. Post construction, the capacity will be approximately 34,000 ADT. The posted speed is 45 mph and the capacity is 16,700 ADT north of Cortaro Farms Road. The current traffic count is 18,193 ADT. Construction should commence in 2018.

Shannon Road is shown on the major streets and routes plan as a low volume arterial with a planned future right-of-way of 90 feet. It is a paved two-lane county maintained road with a posted speed of 40 mph. The capacity is 15,930 ADT and the most recent traffic count is 7,637 ADT.

The proposed development shows one access point at Briar Rose Lane which will service the 34 proposed lots. The new development could generate around 340 ADT. Sidewalks will be built on both sides of the street to connect into the existing sidewalks in the neighboring subdivision.

The Department of Transportation recommends conditions under #6 of the Standard and Special Conditions in this report.

FLOOD CONTROL REPORT

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site's edges.
2. On the north, there is Pima County Regulated Riparian Habitat (PCRRH) classified as Important Riparian Area (IRA) with an underlying designation of Xeroriparian C

associated with the wash. An off-site mitigation parcel has been identified and drainage improvements located on-site are to be enhanced per the recommended condition below.

3. In the south the FEMA floodplain is designated as Zone A, meaning it is an approximate boundary. The applicant has submitted a preliminary drainage report to the District indicating that the floodplain is smaller. While the District agrees with the conclusion of the report, the change is not effective until approved by FEMA. There is also IRA associated with this wash. However, due to prior disturbance, very little was mapped on-site.
4. A Preliminary Integrated Water Management Plan has been included as required and it does comply with the requirements.
5. As required by Resolution 2008-72, the following Water Resources Impact Assessment (WRIA) has been prepared:
 - a. The site is within the Tucson Water Company service area and the applicant has submitted a letter indicating service is available.
 - b. Per the ADWR Well Registry the on-site well had water at 375 feet when drilled in June of 2008. Per "Mason, Dale, 2014, Technical Memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to decline between 10 to 30 feet and be 404-650 feet below the surface by 2025. It should be noted that the scale and resolution of these maps makes accurate assessment difficult.
 - c. The site is within the area of one inch or less of subsidence as mapped by Pima County.
 - d. The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River 3.29 miles away.
 - e. The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 1,600-3,200 feet.

The WRIA finds that the project is not expected to have adverse impacts.

In conclusion, because the floodplain is to be reduced and remaining floodplain and PCRRH is proposed to be avoided, we have no objection subject to conditions under #7 of the Standard and Special Conditions in this report.

WASTEWATER RECLAMATION REPORT

The Pima County Regional Wastewater Reclamation Department has no objection to the proposed rezoning request, subject to the rezoning conditions recommended under #8 of the Standard and Special Conditions in this report.

ENVIRONMENTAL PLANNING REPORT

Staff initially evaluated this subject property relative to the Conservation Lands System in 2005; results of that evaluation were included in a Staff Report to the Planning and Zoning Commission and are attached for your convenience.

With one notable exception – that no cactus ferruginous pygmy-owls have been detected in Northwest Tucson since 2006 - the facts of the case are remarkably unchanged since the property was first evaluated:

- the number of proposed lots (the proposal in 2005 was for 30-35 lots; the current proposal is for 34 lots);
- the property remains as an in-holding within an area developed at CR-4, CR-5, and TR densities;
- the nearest conservation open space property is Arthur Pack Regional Park (approx. ¼ mile);
- the property is still eligible for acquisition under the County's Open Space Program and is designated as a Habitat Protection Priority;
- the property is not currently being considered nor is it being offered for acquisition as an open space property;
- the property's most significant biological assets are the saguaros, ironwoods and its limited contribution to promoting resource permeability and movement;
- the property lies within the Maeveen Marie Behan Conservation Lands System (CLS); areas within the property are identified as Important Riparian Area (IRA), Multiple Use Management Area, and Special Species Management Area;
- the CLS policy allows for the modification of CLS Conservation Guidelines when the proposed land use is consistent with the goals of the Sonoran Desert Conservation Plan, does not adversely impact the landscape integrity of the CLS, retains the ability for pollination and the movement of native fauna across and through the landscape, and protects, restores, enhances on-site conservation values.

The results of that initial 2005 evaluation are relevant and transferrable to this rezoning including the recommendation that relates to modifying the application of the CLS Conservation Guidelines and revegetating with native tree and shrub species. That recommendation called for achieving at least 40% conservation which converts to a ratio of 0.66 acres of mitigation for every 1 acre of development. Given that the rezoning applicant proposes to develop 7.97 acres, the minimum amount of acceptable mitigation for this proposed rezoning is approximately 5.3 acres. The applicant has indicated a preference for providing mitigation at an off-site location. Off-site mitigation must conform to Rezoning Policies B-D established with the approval of comprehensive plan amendment Co7-14-01.

Based on the foregoing, Office of Sustainability & Conservation-Environmental Planning recommends the Special Conditions under #9 of the Standard and Special Conditions in this report.

CULTURAL RESOURCES REPORT

The cultural resources Sections I-I and II-N of the site analysis are complete and the language is appropriate and acceptable. The site analysis report is approved with no further comments necessary.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR finds the site analysis complete.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

In the attached comment dated June 9, 2015, the USFWS reports no concerns related to the site and states:

"We have reviewed and support the rezoning conditions (policies) as outlined in the materials you provided. We support the proposed off-site mitigation lands and recognize the values associated with those mitigation lands. We also support the on-site riparian enhancement as proposed. The proposed rezoning conditions will reduce effects to and support conservation of lesser long-nosed bats and the cactus ferruginous pygmy-owl."

(A 2005 communication from the USFWS contained in the rezoning site analysis indicates an unlikelihood that a pygmy owl occupies or would occupy the site based on its "fragmented and isolated nature".)

TUCSON WATER REPORT

Tucson Water has no comment regarding the proposed rezoning for the three (3) parcels (225-02-004V, 225-02-004Q and 225-02-004P) which constitute the proposed Briar Rose Lane project, other than to state that once these three (3) parcels are combined the property will meet the Tucson Water Service Area Policy.

(A memo dated March 7, 2014 from Tucson Water contained in the rezoning site analysis indicates that it will provide water service to the project site.)

SCHOOL DISTRICT REPORT

Marana Unified School District did not respond to a staff request for comments pertaining to the rezoning.

(An April 8, 2015 email to the applicant from a Marana USD official indicates that the three schools that would serve the project site, "...are equipped and have the capacity to meet the needs of (the) proposed project.")

FIRE DISTRICT REPORT

Staff has not received a response to a request for comments from Mountain Vista Fire District.

PUBLIC COMMENT

As of the writing of this staff report, staff has received one letter (attached) in opposition. The letter cites concerns with increased traffic volume and safety problems, as well as concern for destruction of natural desert habitat.

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. Submittal of a development plan if determined necessary by the appropriate County

- agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
 3. Provision of development related assurances as required by the appropriate agencies.
 4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
 5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
 6. Transportation conditions:
 - A. The property shall be served by one access point built at Briar Road Lane as shown on the preliminary development plan.
 - B. Briar Road Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.
 7. Flood Control conditions:
 - A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
 - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
 8. Wastewater Reclamation conditions:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer 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/developer shall have 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/developer 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/developer 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/developer 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/developer 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.
9. Environmental Planning conditions:
- A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
 - B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - b. Vegetation community type (s);
 - c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - d. Surface water or unique landforms such as rock outcrops;
 - e. Contribution to landscape connectivity; and
 - 3) Provision of evidence that the site shall remain in an undeveloped natural state.
 - C. Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass

Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

10. Adherence to the preliminary development plan as approved at public hearing.
11. The property owner shall execute and record the following disclaimer regarding Prop 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)."
13. 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.

Respectfully Submitted,

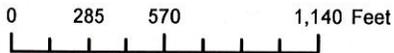
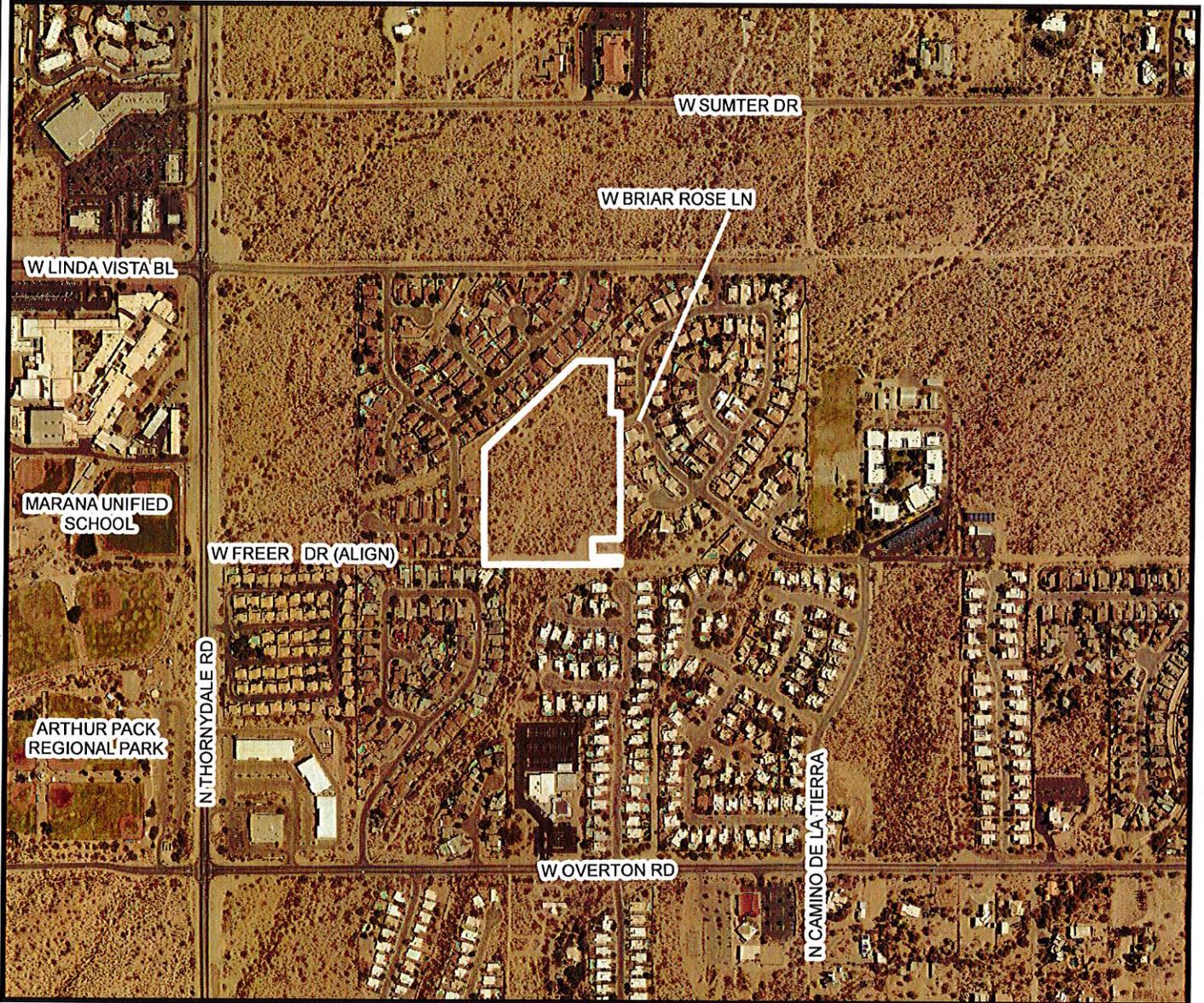
David Petersen, AICP
Senior Planner

c: PRF3, LLC, 5760 E. Territory Avenue, Tucson, AZ 85750-1801
MJM Consulting, Inc., Attn: Michael Marks, AICP, 7002 E. 4th Street, Tucson, AZ 85710

Case #: Co9-15-002

Case Name: PRF3 LLC - W. BRIAR ROSE LANE REZONING

Tax Code(s): 225-02-004V, 225-02-004Q, 225-02-004P

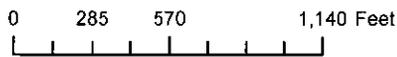
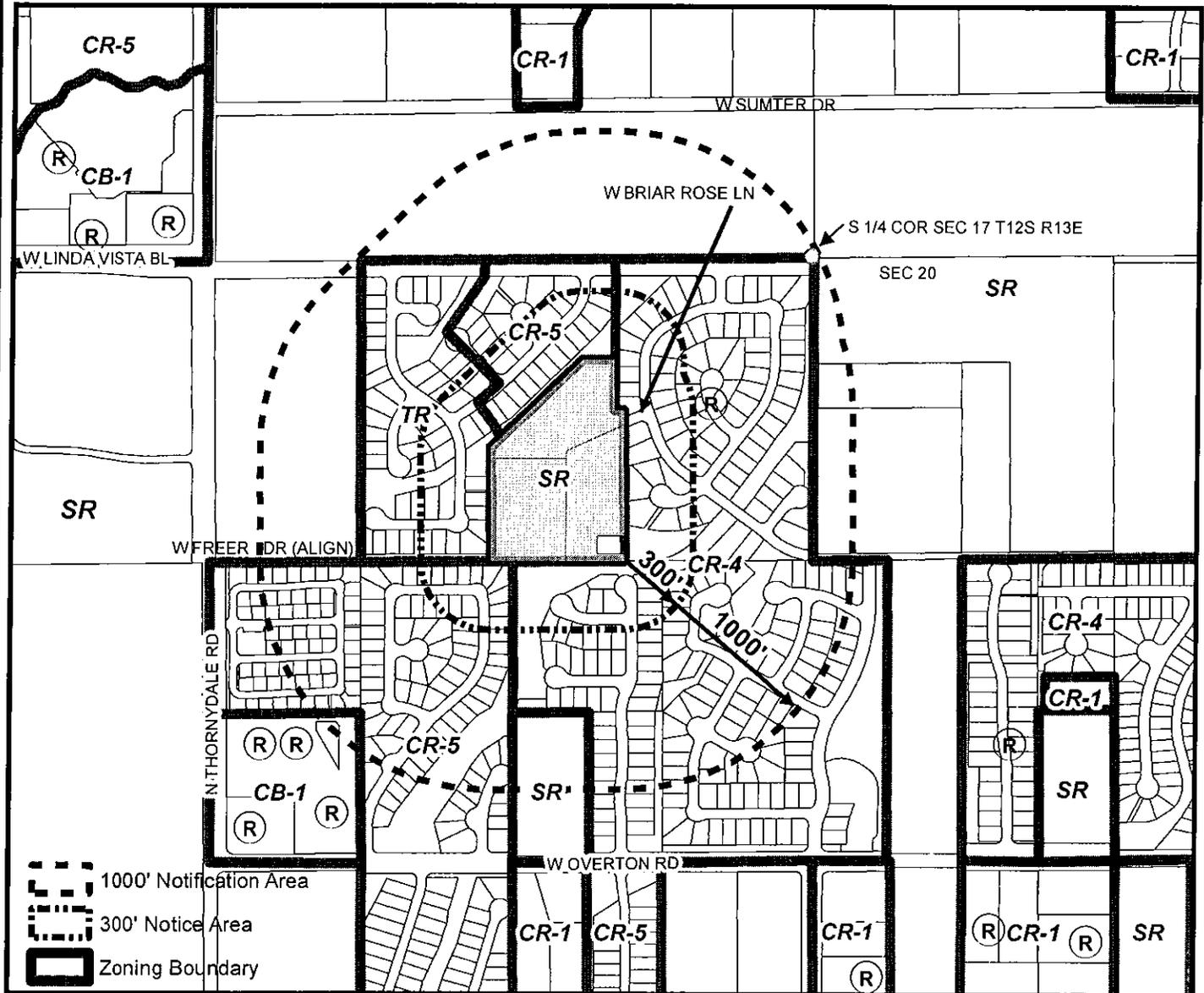


PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN (CO7-14-01)			
	Base Map(s): 161	Map Scale: 1:8,000	Map Date: 05/18/2015	

Case #: Co9-15-002
Case Name: PRF3 LLC - W. BRIAR ROSE LANE REZONING

Tax Code(s): 225-02-004V, 225-02-004Q, 225-02-004P



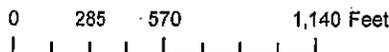
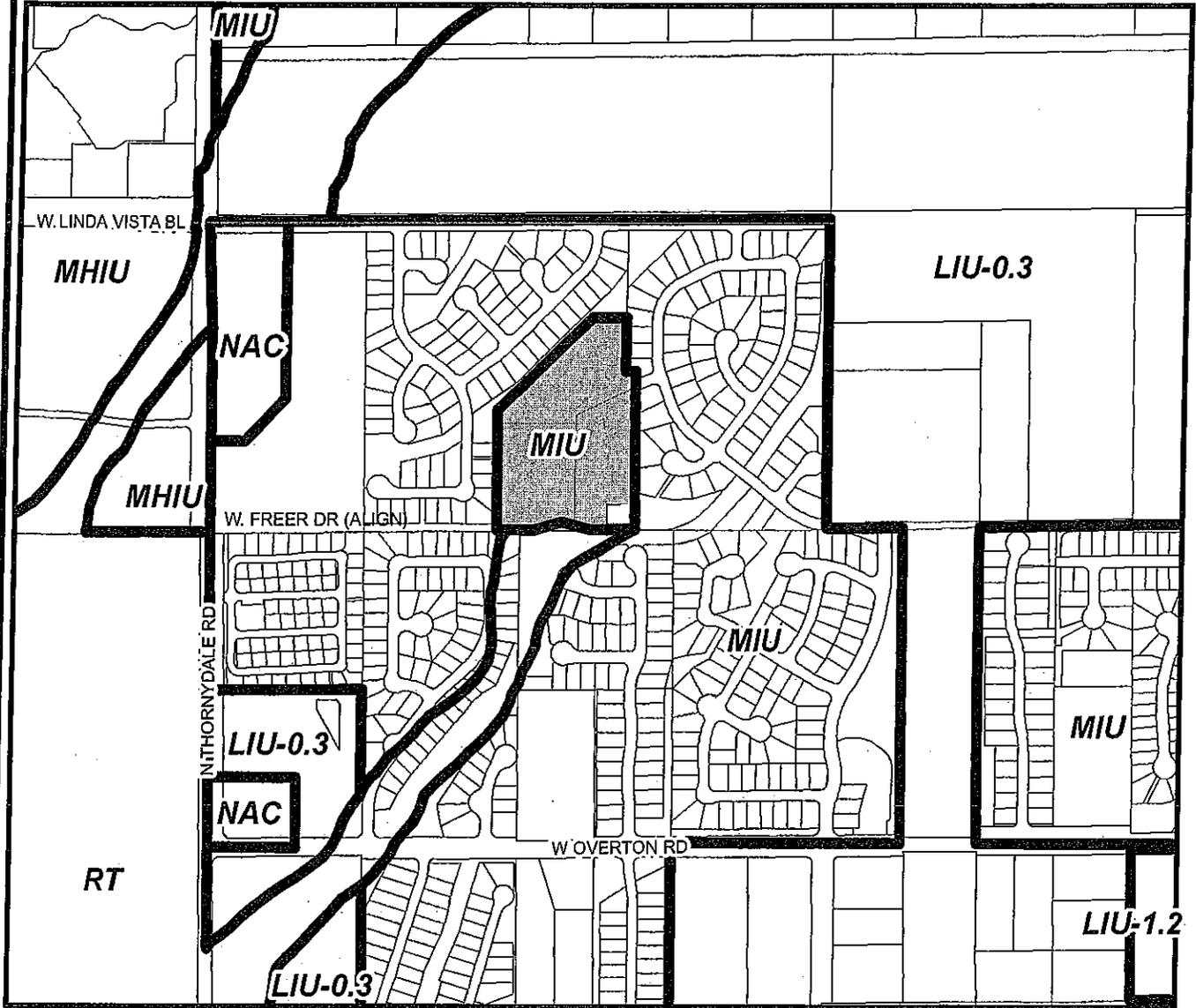
Area of proposed rezoning from SR to CR-4

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

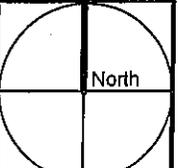
 PIMA COUNTY DEVELOPMENT SERVICES	Notes:			
	PIMA COUNTY COMPREHENSIVE PLAN (CO7-14-01)			
	Planning & Zoning Hearing: 06/24/15 (scheduled)			
	Base Map(s): 161	Map Scale: 1:8,000	Map Date: 05/18/2015	

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A

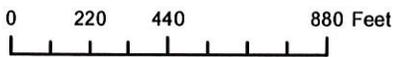
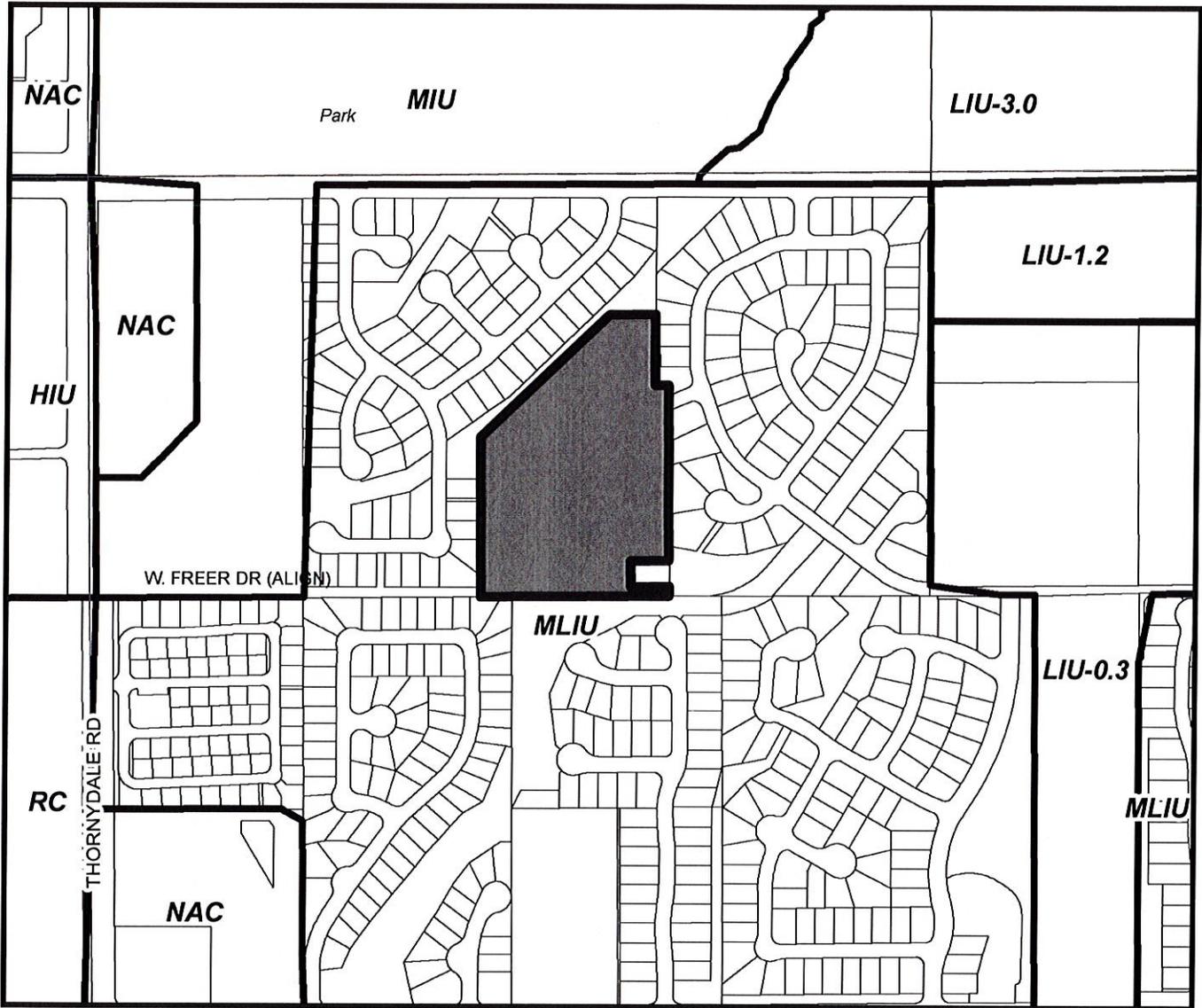


 Amendment Area

Taxcode: 225-02-004Q, 225-02-004P, 225-02-004V	<p align="center">Co7-14-01 PRF 3, LLC - W. FREER DRIVE ALIGNMENT PLAN AMENDMENT</p> <p align="center">Amend Planned Land Use From Low Intensity Urban 0.3 (LIU-0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT) 9.79 Acres +/- Subject to Rezoning Policies (RP)</p>	Location: North side of W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard
	<p align="center">Northwest Subregion Section 20, Township 12 South, Range 13 East</p> <p>Planning and Zoning Commission Hearing: August 27, 2014</p> <p>Board of Supervisors Hearing: October 21, 2014</p>	
Map Scale: 1:8,000		Map Date: June 2, 2014

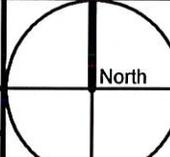
**Medium Intensity Urban
'MIU' or 'D' on the Land Use Plan Maps**

- a. Purpose: To designate areas for a mix of medium density housing types and other compatible uses.
- b. Objective: These areas provide an opportunity for a variety of residential types, including cluster option developments, and single family attached dwellings. Special attention should be given in site design to assure that uses are compatible with adjacent lower density residential uses.
- c. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 10 RAC
- d. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.
 - 1) Minimum – 3 RAC
 - 2) Maximum – 5 RAC
- e. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) GC Golf Course Zone
 - 2) CR-1 Single Residence Zone
 - 3) CR-2 Single Residence Zone
 - 4) CR-3 Single Residence Zone
 - 5) SH Suburban Homestead Zone
 - 6) CR-4 Mixed-Dwelling Type Zone
 - 7) CR-5 Multiple Residence Zone
 - 8) CMH-1 County Manufactured and Mobile Home-1 Zone
 - 9) CMH-2 County Manufactured and Mobile Home-2 Zone
 - 10) MR Major Resort Zone
 - 11) TR Transitional Zone



 Subject Property

No Notice

<p>Taxcode(s): 225-02-004Q 225-02-004P</p>	<p>IR-08 PFR 3 LLC - W. FREER ROAD ALIGNMENT</p> <p>Medium Intensity Urban (MIU) to Medium Low Intensity Urban (MLIU) 9.71 Acres +/- (MIU established with Co7-14-01, approved 10/21/2014)</p>	<p>District 1 Location: East side of N. Thornydale Rd south of W. Linda Vista W. Freer Dr align</p>
	<p>Tortolita Planning Area Section 20, Township 12 South, Range 13 East</p> <p>Planning and Zoning Commission Hearing: March 25, 2015 & April 8, 2015 Board of Supervisors Hearing: May 19, 2015</p>	
<p>Map Scale: 1:6,000</p>		<p>Map Date: 04/17/2015</p>

Medium Low Intensity Urban (MLIU)

- a. Objective: To designate areas for a mix of medium density single-family and lower density attached dwelling units; to provide opportunities for a mix of housing types throughout the region.

- b. Residential Gross Density: Residential gross density shall conform to the following:
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 5 RAC

- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs). Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements.
 - 1) Minimum – 2.5 RAC
 - 2) Maximum – 4 RAC

F. ANN RODRIGUEZ, RECORDER
Recorded By: KMS
DEPUTY RECORDER
4935

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



SEQUENCE : 20151350885
NO. PAGES : 3
RES 05/15/2015
PICK UP 18:00
AMOUNT PAID : \$0.00

RESOLUTION 2015- 27

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 9.79 ACRES, LOCATED ON THE NORTH SIDE OF THE W. FREER DRIVE ALIGNMENT, APPROXIMATELY 1,200 FEET EAST OF N. THORNYDALE ROAD AND 400 FEET SOUTH OF W. LINDA VISTA BOULEVARD, IN SECTION 20 OF TOWNSHIP 12 SOUTH, RANGE 13 EAST, IN THE NORTHWEST SUBREGION.

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

Section 1. The Pima County Comprehensive Plan Land Use Map, Northwest Subregion, is hereby amended to change the planned land use intensity category for approximately 9.79 acres, as referenced in Co7-14-01 PRF 3, LLC – W. Freer Drive Alignment Plan Amendment, located on the north side of the W. Freer Drive alignment, approximately 1,200 feet west of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard, in Section 20, Township 12 South, Range 13 East, as shown on the map attached to this Resolution as Exhibit A and incorporated by this reference, from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT).

Section 2. The Pima County Comprehensive Plan Regional, Rezoning and Special Area Policies are hereby amended to include the subject site with the following Rezoning Policies:

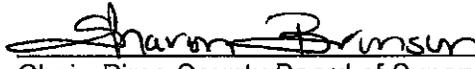
- A. Native riparian vegetation shall be used to enhance drainage improvements.
- B. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
- C. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 - 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 - 2. Vegetation community type(s);
 - 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
 - 4. Surface water or unique landforms such as rock outcrops; and
 - 5. Contribution to landscape connectivity.

D. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

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 12th day of May, 2015.


Chair, Pima County Board of Supervisors **MAY 12 2015**

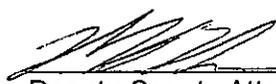
ATTEST:


Clerk of the Board

APPROVED:

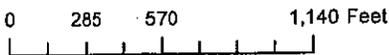
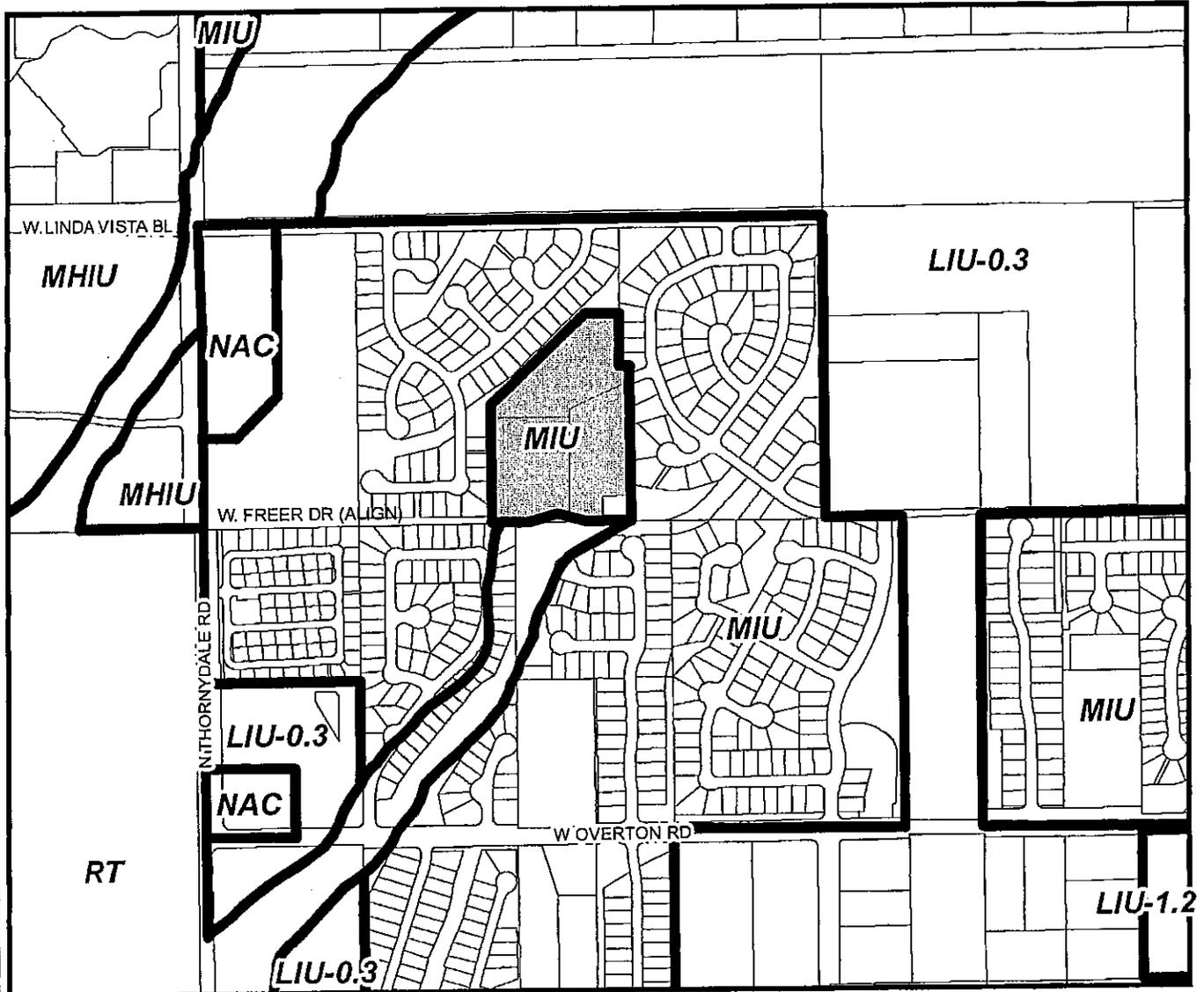

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:

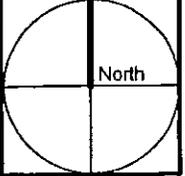

Deputy County Attorney
MICHAEL LEBLANC

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



 Amendment Area

<p>Taxcode: 225-02-004Q, 225-02-004P, 225-02-004V</p>	<p align="center">Co7-14-01 PRF 3, LLC - W. FREER DRIVE ALIGNMENT PLAN AMENDMENT</p> <p align="center">Amend Planned Land Use From Low Intensity Urban 0.3 (LIU-0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT) 9.79 Acres +/- Subject to Rezoning Policies (RP)</p>	<p>Location: North side of W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard</p>
	<p align="center">Northwest Subregion Section 20, Township 12 South, Range 13 East</p> <p>Planning and Zoning Commission Hearing: August 27, 2014</p> <p>Board of Supervisors Hearing: October 21, 2014</p>	 <p align="center">North</p>



PIMA COUNTY

SUSTAINABILITY & CONSERVATION

Memorandum

Date: May 28, 2015

To: David Petersen, Senior Planner – Development Services

From: Sherry Ruther, Environmental Planning Manager 

RE: Co9-15-02; PRF 3, LLC – W. Briar Rose Lane Rezoning

Staff initially evaluated this subject property relative to the Conservation Lands System in 2005; results of that evaluation were included in a Staff Report to the Planning and Zoning Commission and are attached for your convenience.

With one notable exception – that no cactus ferruginous pygmy-owls have been detected in Northwest Tucson since 2006 - the facts of the case are remarkably unchanged since the property was first evaluated:

- the number of proposed lots (the proposal in 2005 was for 30-35 lots; the current proposal is for 34 lots);
- the property remains as an in-holding within an area developed at CR-4, CR-5, and TR densities;
- the nearest conservation open space property is Arthur Pack Regional Park (approx. ¼ mile);
- the property is still eligible for acquisition under the County's Open Space Program and is designated as a Habitat Protection Priority;
- the property is not currently being considered nor is it being offered for acquisition as an open space property;
- the property's most significant biological assets are the saguaros, ironwoods and its limited contribution to promoting resource permeability and movement;
- the property lies within the Maeveen Marie Behan Conservation Lands System (CLS); areas within the property are identified as Important Riparian Area (IRA), Multiple Use Management Area, and Special Species Management Area;
- the CLS policy allows for the modification of CLS Conservation Guidelines when the proposed land use is consistent with the goals of the Sonoran Desert Conservation Plan, does not adversely impact the landscape integrity of the CLS, retains the ability for pollination and the movement of native fauna across and through the landscape, and protects, restores, enhances on-site conservation values.

The results of that initial 2005 evaluation are relevant and transferrable to this rezoning including the recommendation that relates to modifying the application of the CLS Conservation Guidelines and revegetating with native tree and shrub species. That recommendation called for achieving at least 40% conservation which converts to a ratio of 0.66 acres of mitigation for every 1 acre of development. Given that the rezoning applicant proposes to develop 7.97 acres, the minimum

To: D. Petersen
Re: Co9-15-02; PRF 3, LLC – W. Briar Rose Lane
Date: May 28, 2015
Page 2

amount of acceptable mitigation for this proposed rezoning is approximately 5.3 acres. The applicant has indicated a preference for providing mitigation at an off-site location. Off-site mitigation must conform to Rezoning Policies B-D established with the approval of comprehensive plan amendment Co7-14-01.

Based on the foregoing, OSC-Environmental Planning recommends the following Special Conditions:

- Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the Preliminary Development Plan.
- Prior to the approval of the Final Plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - o Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - o Vegetation community type (s);
 - o Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - o Surface water or unique landforms such as rock outcrops;
 - o Contribution to landscape connectivity; and
 - 3) Provision of evidence that the site shall remain in an undeveloped natural state.
- Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass

To: D. Petersen
Re: Co9-15-02; PRF 3, LLC – W. Briar Rose Lane
Date: May 28, 2015
Page 3

Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

cc: Nicole Fyffe, Executive Assistant to the County Administrator
Linda Mayro, Director – Office of Sustainability and Conservation

EXCERPT FROM STAFF EPT
TO P&Z COMMISSION AT
9/27/2005 PUBLIC HEARING

AGENCIES/DEPARTMENT COMMENTS

Environmental Planning:

Landscape Context. This approximately 10-acre amendment site lies within a Multiple Use Management Area, is traversed by areas designated as Important Riparian Area, and is part of a Special Species Management Area. The amendment site lies in an area that appears to be transitioning from low density residential uses (LIU 0.3, RT, SR) to higher density residential uses (MIU, CR-4, CR-5). This site lies approximately ¼ mile east of Arthur Pack Regional Park and the Mountain View High School. It is completely surrounded by and abuts properties developed as residential subdivisions at CR-4, CR-5, and TR.

Although the site is not within any of the six Critical Landscape Connections, it is within an area that the U.S. Fish and Wildlife Service believes is critically important dispersal habitat for the cactus ferruginous pygmy-owl (See following section for more detail). Additionally, the Critical Landscape Connection Subcommittee of the Science Technical Advisory Team (STAT) recommended this area to the northeast of Arthur Pack Regional Park as the third highest priority area for the expenditure of bond acquisition monies within the Tortolita Subarea. The Catalina/Oracle Highway Critical Landscape Connection is their top priority area for the expenditure of bond monies within the Tortolita Subarea.

According to the 2004 Conservation Bond, this site is identified as a potential acquisition property and is designated as a Habitat Protection Priority - High Priority Private Parcel. Staff previously informed the CAC that the owners of this parcel are seeking a comprehensive plan amendment (See attached memo dated August 17, 2005).

Species-Specific Resources. The site does not lie within the known range of the Pima pineapple cactus.

The amendment site is within the CFPO Survey Zone 1, Proposed Critical Habitat, and Draft Recovery Area. In their June 23, 2005 memo to the STAT (Attached), the U.S. Fish and Wildlife Service makes it clear that they believe northwest Tucson provides a crucial link between CFPO populations in the Altar Valley and Organ Pipe National Monument and Pinal County. They believe that retaining as much

of the existing natural open space in this area as possible is key to providing long-term CFPO conservation.

This amendment site is within 1-¼ miles of four documented CFPO nest sites. The U.S. Fish & Wildlife Service believes that the value of this property to the CFPO in northwest Tucson is limited due to its being surrounded by higher density residential subdivisions. It's greatest value is as a dispersal corridor (personal communication with S. Richardson, U.S. Fish & Wildlife Service, August 18, 2005).

Conclusion/Recommendations. The amendment site is currently undeveloped. Development under the existing SR zoning would be expected to occur in a manner consistent with other nearby SR properties where the norm is one residence per 3.3 acres. It is well documented that such rural residential uses and densities are compatible with CFPO. It would continue to provide connectivity to and from other areas with suitable CFPO habitat. Development under the proposed up-planning portends that, for all intents and purposes, the site would be converted to residential uses and densities similar to those that exist on nearby properties. Such residential uses and densities are known to be incompatible with CFPO and connectivity to and from other areas with suitable CFPO habitat would be precluded.

Application of the CLS, as specified by the comprehensive plan, triggers an 80% set-aside due to the site's location within the Special Species Management Area and 95% set-aside of Important Riparian Areas. In this area, because the Special Species Management Area designation is associated with the CFPO, compliance with the 80% set-aside is to provide for the conservation, restoration, or enhancement of habitat for the CFPO. However, this policy also allows for the modification of the 80% set-aside provided that the proposed land use is consistent with the goals of the SDCP, does not adversely impact the landscape integrity of the CLS, retains the ability of native fauna and pollination of native flora to move through and across the landscape, and will protect an enhance or restore on-site conservation values.

Given the amendment site's limited value to the CFPO and its role in the landscape, the facts of this case warrant a modified application of the CLS Conservation Guidelines. With adherence to the following, the proposed up-planning and subsequent rezonings can be expected to retain the value of this site to CFPO in northwest Tucson.

Special Area Policy Recommendation:

Exclusive of the RT designated area, at least forty percent of the remaining portion of the site shall be set-aside as natural open space. This natural open space will include a corridor of no less than 150 feet configured to parallel the west and northwest property boundaries. This corridor will be designed to maximize its value to the cactus ferruginous pygmy-owl; will be set aside as natural open space in common area ownership; and will be vegetatively enhanced with native tree and shrub species.

Flood Control District: The subject parcel includes FEMA Floodplain Zone A, "Special Studies Floodplains", and Important Riparian Areas associated with drainageways adjacent to the northwest property boundary and the southeast corner. The property is also within the Tortolita Fan Area Basin Plan and detention/retention requirements apply. There are no complaints on record affecting the property. During the rezoning and Subdivision Plat Review process the property owner(s) shall be required to submit to the Flood Control District a drainage study to determine floodplain delineations, erosion hazard setbacks, finished floor elevations, detention/retention requirements, and all weather access needs. A riparian habitat mitigation plan shall also be required.

Transportation: The property is located between Shannon Road and Thornydale Road, between Linda Vista Boulevard alignment and Overton Road. Access is via Briar Rose Lane, Crestone Drive, Highline Avenue and Camino de la Tierra, all of which are paved, two-lane, County maintained, local streets with existing 45 to 60 feet right-of-way. These interior streets connect with Linda Vista Road and Overton Road and the existing school. There are no available traffic counts for these interior subdivision streets; however, the existing traffic volume is low and the roadway capacity is approximately 5,000 ADT.

Linda Vista Boulevard is a paved, two lane, County maintained, urban collector that is designated a scenic major route per the Major Streets and Scenic Routes Plan. The traffic count for Linda Vista Boulevard is 10,300 ADT, west of Thornydale Road and the roadway capacity is approximately 15,000 ADT. No counts are available for the 0.5 mile segment east of Thornydale Road. Overton Road is a paved, two lane, County maintained, urban minor arterial that is not designated a major or scenic route.

The traffic count for Overton Road is 8,000 ADT, between Thornydale Road and Shannon Road. No improvements are planned for Linda Vista Boulevard or Overton Road.

Shannon Road is a paved, two-lane, County maintained, urban minor arterial that is designated a scenic, major route per the Major Streets and Scenic Routes Plan. The most recent available traffic

DATE: June 10, 2015

TO: David Petersen, DSD
Senior Planner

FROM: 
Greg Saxe, Ph.D.
Env. Plg. Mgr

SUBJECT: Co9-15-02 West Briar Rose Lane – Rezoning

The Regional Flood Control District (District) has reviewed the subject request and has the following comments:

1. Two regulatory watercourses impact the site's edges.
2. On the north, there is Pima County Regulated Riparian Habitat (PCRRH) classified as Important Riparian Area (IRA) with an underlying designation of Xeroriparian C associated with the wash. An off-site mitigation parcel has been identified and drainage improvements located on-site are to be enhanced per the recommended policy below.
3. In the south the FEMA floodplain is designated as Zone A, meaning it is an approximate boundary. The applicant has submitted a preliminary drainage report to the District indicating that the floodplain is smaller. While the District agrees with the conclusion of the report, the change is not effective until approved by FEMA. There is also IRA associated with this wash however due to prior disturbance very little was mapped on-site.
4. A Preliminary Integrated Water Management Plan has been included as required and it does comply with the requirements.
5. As required by Resolution 2008-72, I have prepared the following Water Resources Impact Assessment (WRIA):
 - a. The site is within the Tucson Water Company service area and the applicant has submitted a letter indicating service is available.
 - b. Per the ADWR Well Registry the on-site well had water at 375 feet when drilled in June of 2008. Per "Mason, Dale, 2014, Technical memo to the Tucson Groundwater Users Advisory Committee, Modeling results of the 2010 Supply and Demand Assessment model projection, Arizona Department of Water Resources" between the years 2010 and 2025 groundwater depth is predicted to decline between 10 to 30 feet and be 404-650 feet below the surface by 2025. It should be noted that the scale and resolution of these maps makes accurate assessment difficult
 - c. The site is within the area of 1 inch or less of subsidence as mapped by Pima County.
 - d. The nearest Groundwater-Dependent Ecosystem is the perennial section of the Santa Cruz River 3.29 miles away.
 - e. The site is within the Tucson Hydrogeological Basin, and the depth to bedrock is 1600-3200 feet.

The WRIA finds that the project is not expected to have adverse impacts.

In conclusion because the floodplain is to be reduced and remaining floodplain and PCRRH to be avoided we have no objection subject to the following recommended policies.

- a. Native riparian vegetation shall be used to enhance drainage improvements.
- a. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
- b. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.

If you have any questions about these comments, please contact our office at 724-4600.

GS/sm
cc: File



MEMORANDUM

DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION

DATE: June 9, 2015

TO: United States Fish and Wildlife Service
201 N. Bonita Ave., Suite 141
Tucson, AZ 85745

FROM: David Peterson, Senior Planner

SUBJECT: Rezoning request for your review and comments
Case: Co9-15-02 PRF 3, LLC – W. Briar Rose Lane Rezoning

USFWS

Reviewer: Scott Richardson

Address: 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745

Phone: (520) 670-6144 x 242

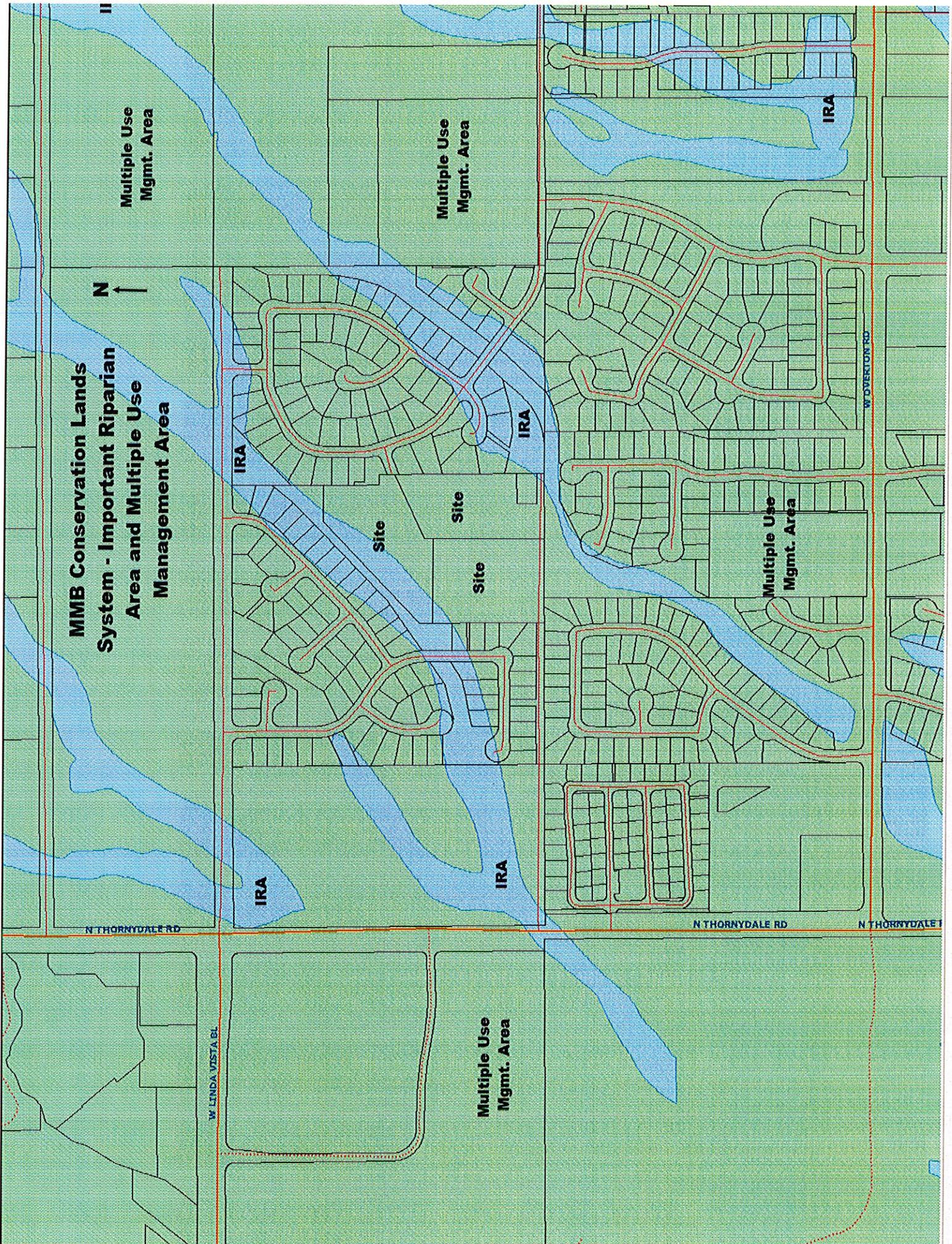
E-mail: scott_richardson@fws.gov

- No Concerns relating to the subject property
- Yes Concerns relating to the subject property

Description of species impacted, concerns and suggested mitigation measures:

We have reviewed and support the rezoning conditions as outlined in the materials you provided. We support the proposed off-site mitigation lands and recognize the values associated with those mitigation lands. We also support the on-site riparian enhancement as proposed. The proposed rezoning conditions will reduce effects to and support conservation of lesser long-nosed bats and the cactus ferruginous pygmy-owl.

MMB Conservation Lands System - Important Riparian Area and Multiple Use Management Area



Multiple Use Mgmt. Area

Multiple Use Mgmt. Area

IRA

IRA

Site

Site

Site

IRA

Multiple Use Mgmt. Area

IRA

IRA

N THORNYDALE RD

N THORNYDALE RD

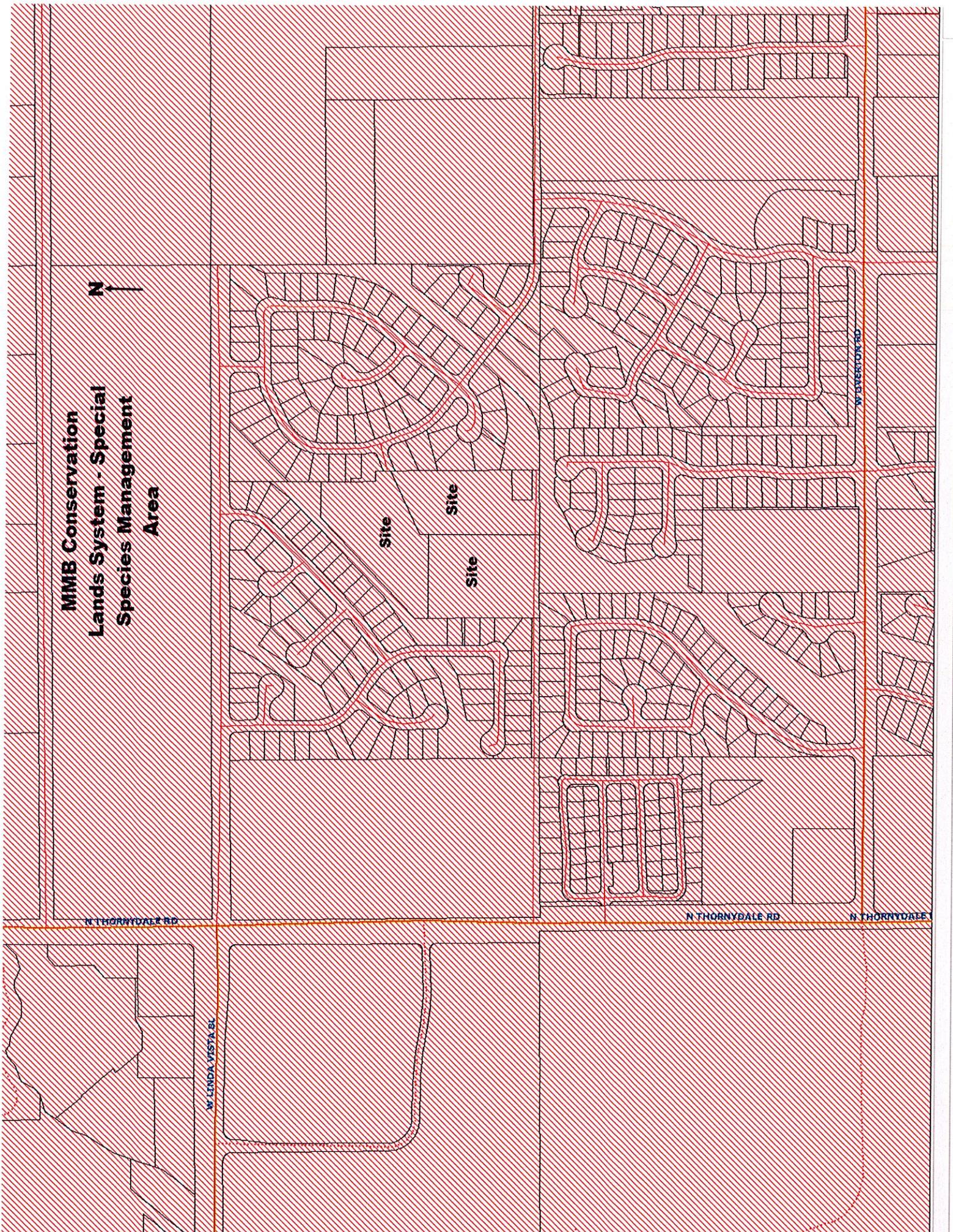
N THORNYDALE RD

W LINDA VISTA BL

W DAVENPORT RD

Multiple Use Mgmt. Area

**MMB Conservation
Lands System - Special
Species Management
Area**



N THORNYDALE RD

W LINDA VISTA BL

Site

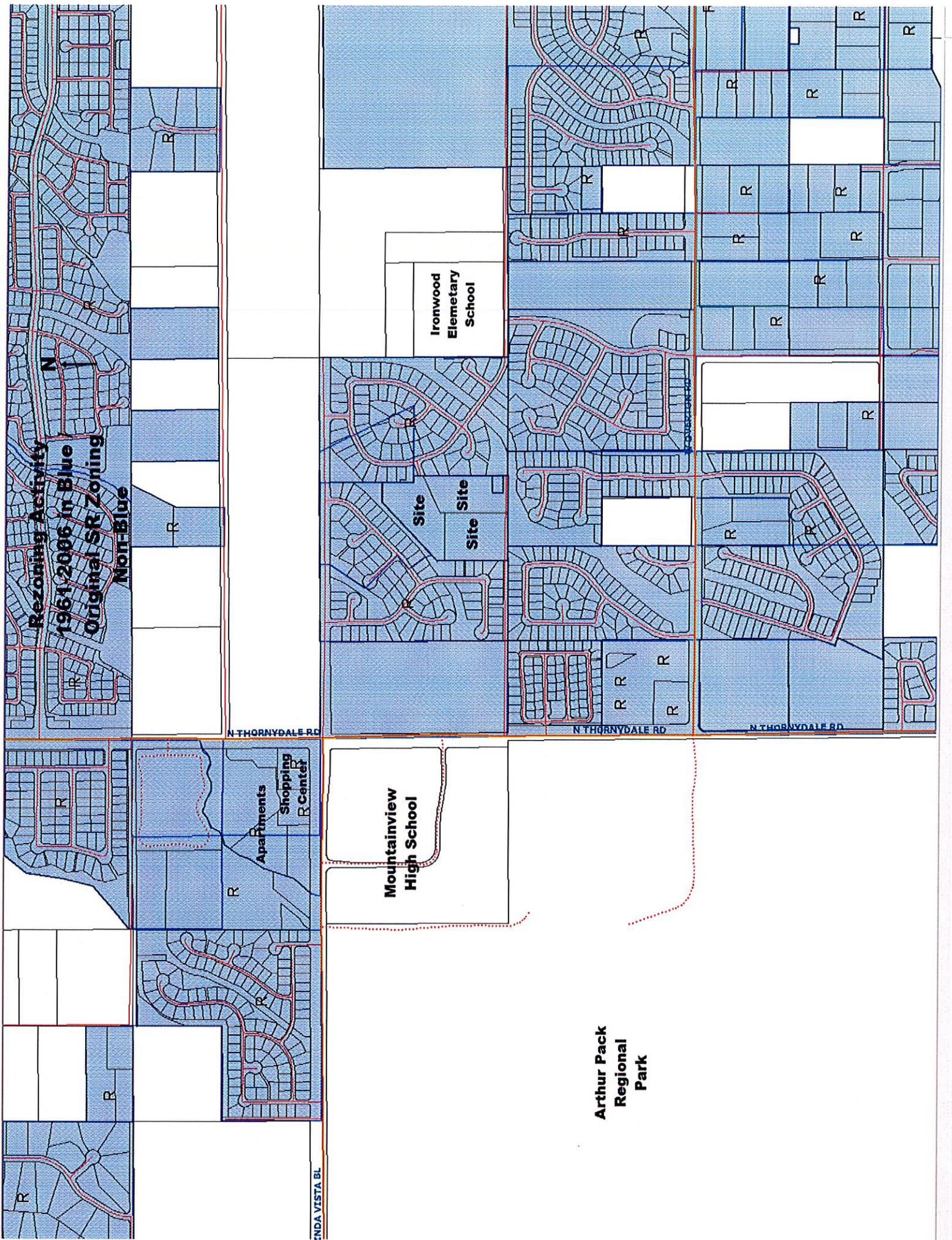
Site

Site

N THORNYDALE RD

N THORNYDALE RD

W DEXTER RD



Resoning Activity
1961-2006 in Blue
Original SR Zoning
Non-Blue

**Ironwood
Elementary
School**

**Mountainview
High School**

**Arthur Pack
Regional
Park**

Site

Site

Site

N THORNYDALE RD

N THORNYDALE RD

N THORNYDALE RD

LINDA VISTA BL

PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING

PRF3 LLC See Attachment A *

Owner Mailing Address Email Address/Phone daytime / (FAX)

Michael Marks, AICP * *

Applicant (if other than owner) Mailing Address Email Address/Phone daytime / (FAX)

* /3500 W. Feer Dr. 225-02-004V, 004Q, 004P

Legal description / property address Tax Parcel Number

9.78 ac SR CR-4 * * *

Acreage Present Zone Proposed Zone Comprehensive Plan Subregion / Category / Policies

The following documentation must be attached:

1. Assessor's map showing boundaries of subject parcel and Assessor's Property Inquiry (APIQ) printout showing **current ownership** of subject parcel. **DEEDS AND/OR TITLE REPORTS WILL NOT BE ACCEPTED.** If the applicant is not shown as the owner of the subject parcel a letter of authorization with an **original signature** matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, an **original signature** of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, an **original signature** from an officer with his/her title is required along with a disclosure of the officers of the entity.
2. Submit the site analysis fee and eight (8) copies of the site analysis document. If the proposed project will use an on-site wastewater treatment and disposal system (such as a septic system), nine (9) copies of the site analysis document must be submitted. Also submit one CD of the site analysis document.
3. For all rezonings, submit the **entire** rezoning fee.

This application is true and correct to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application.

March 13, 2015
Date

Michael Marks
Signature of Applicant

FOR OFFICIAL USE ONLY

PRF3 LLC - ~~PRF3 LLC~~ PRAR ROSE LN Co9-15-02

Case name Rezoning from Rezoning to Official Zoning Base Map Number Fee Supervisor District

SR CR-4 161 \$7282 1

MU x TRA (Special Species)

Conservation Land System category

Cross reference: Co9-, Co7-, other Comprehensive Plan Subregion / Category / Policies

Co7-14-01 | Co9-83-130 NW | MU^{4RT} | Policy Pending Reso

Received by DWA Date 4-15-15 Checked by JS Date 4-16-15

TBS 12-13-20



ATTACHMENT A

To The Rezoning Application for the Property with Access off of Briar Rose Lane and with a South Boundary being the Freer Drive Alignment

OWNER'S MAILING ADDRESS, EMAIL ADDRESS/PHONE DAYTIME/FAX

Mailing Address: 5760 E. Territory Ave. Tucson Arizona 85750
Email Address: fafarsjo@gabroylaw.com
Daytime Phone: 320-1300
Fax: 320-0717

APPLICANT'S EMAIL ADDRESS/PHONE DAYTIME/FAX

Company: MJM Consulting, Inc
Contact: Michael Marks, AICP
Address: 7002 E. 4th Street, Tucson Arizona 85710
Email Address: mjmconsulting@cox.net
Daytime Phone: 241-8876

LEGAL DESCRIPTION

A portion of the N2 of the NW4 Section 20 of Township 12 South, Range 13 East.

COMPREHENSIVE PLAN SUBREGION/CATEGORY/POLICIES

Comp Plan Subregion: Northwest

Category: MIU, except for a minor portion at the southeast corner of the property which is RT.

- Policies:
- A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
 - C. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 - 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 - 2. Vegetation community type(s);
 - 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal)
 - 4. Surface water or unique landforms such as rock outcrops; and
 - 5. Contribution to landscape connectivity.
 - D. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity
-

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Corporate Inquiry	
File Number: L-1198388-2	Check Corporate Status
Corp. Name: PRF3, L.L.C.	

Domestic Address

3507 N CAMPBELL #111
TUCSON, AZ 85719

Statutory Agent Information

Agent Name: RONNA L FICKBOHM
Agent Mailing/Physical Address:
3507 N CAMPBELL #111
TUCSON, AZ 85719
Agent Status: APPOINTED 05/02/2005
Agent Last Updated: 09/12/2005

Additional Corporate Information

Corporation Type: DOMESTIC L.L.C.	Business Type:
Incorporation Date: 05/02/2005	Corporate Life Period: PERPETUAL
Domicile: ARIZONA	County: PIMA
Approval Date: 06/21/2005	Original Publish Date: 08/18/2005

Manager/Member Information

RONNA L FICKBOHM MANAGER 2208 E THIRD ST TUCSON, AZ 85719 Date of Taking Office: 05/02/2005 Last Updated: 06/21/2005	RAYMOND F PREDENKIEWICZ MANAGER 2913 E HAWTHORNE ST TUCSON, AZ 85716 Date of Taking Office: 05/02/2005 Last Updated: 06/21/2005
THE ROLLMAN REVOCABLE TRUST	THE PREDENKIEWICZ REV TRUST

MEMBER 6582 N. PLACITA ALTA REPOSA TUCSON, AZ 85750 Date of Taking Office: 10/03/2012 Last Updated: 11/26/2012	MEMBER 2913 E. HAWTHORNE ST. TUCSON, AZ 85716 Date of Taking Office: 06/07/2011 Last Updated: 07/21/2011
FIRST TRUST CO OF ONAGA AS MEMBER CUSTODIAN FOR PATRICIA L PAYNE IRA ACCOUNT PO BOX 420 ONAGA, KS 66521 Date of Taking Office: 06/07/2011 Last Updated: 07/21/2011	FIRST TRUST CO OF ONAGA AS MEMBER CUSTODIAN FOR FRED A FARSSJO IRA ACCOUNT PO BOX 420 ONAGA, KS 66521 Date of Taking Office: 06/07/2011 Last Updated: 07/21/2011

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Document Number	Description	Date Received
<input type="button" value="01089751"/>	ARTICLES OF ORGANIZATION	05/02/2005
<input type="button" value="01318767"/>	PUB OF ARTICLES OF ORGANIZATION	08/18/2005
<input type="button" value="03483428"/>	AMENDMENT	06/07/2011
<input type="button" value="04011288"/>	AMENDMENT	10/03/2012

[Back To Top](#)

Amendments

Amendment Date	Amendment Type	Publish Date	Publish Exception
10/03/2012	AMENDMENT		WAIVE
06/07/2011	AMENDMENT		WAIVE

[Back To Top](#)

Microfilm

Location	Date Received	Description
31872001528	05/02/2005	ARTICLES OF ORGANIZATION
31919002579	08/18/2005	PUB OF ARTICLES OF ORGANIZATION

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Co7-14-01 Comprehensive Plan Amendment Approval BOS Minutes 10-21-14

10. Extension of Premises/Patio Permit

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for December 4 and 13, 2014.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elias, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

11. Fireworks Permit

Adam Bernal, Citizens for Picture Rocks, 5615 N. Sanders Road, Tucson, October 31, 2014 at 8:30 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elias, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

12. Extension of Premises/Patio Permit

06100216, James Patrick Molina, Putney's Sports Bar, 6090 N. Oracle Road, Tucson, Temporary Extension of Premises for November 1 and 2, 2014.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elias, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES



13. Comprehensive Plan Amendment

Co7-14-01, PRF 3, L.L.C. - W. FREER DRIVE ALIGNMENT PLAN AMENDMENT
Request of PRF 3, L.L.C., represented by MJM Consulting, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) and Resource Transition (RT) for approximately 9.79 acres located on the north side of the W. Freer Drive alignment, approximately 1 200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Neeley were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

- A. Native riparian vegetation shall be used to enhance drainage improvements.
- B. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
- C. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 2. Vegetation community type(s);
 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
 4. Surface water or unique landforms such as rock outcrops; and
 5. Contribution to landscape connectivity.
- D. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

Chris Poirier, Assistant Planning Director, provided the staff report. He stated that they had received 13 letters in opposition and that 5 speakers spoke in opposition at the Commission Hearing most with concerns regarding traffic. He said the property was located within the Maeveen Marie Behan Conservation Land System and contained both Important Riparian Area and Multiple Use Management Area overlaid by a Special Species Management Area. He added that one of the policies would ensure open space objectives were met.

The following speakers addressed the Board:

- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Barbara Scholten
- Raymond and Stacia Ringer
- Linda Groft

They offered the following comments:

- Support was given for the offsite mitigation and the specific recommendations from the Commission.
- The use of offsite mitigation in the Northwest corridor has become more common.
- Mitigation guidelines have been included in the Pima Prospers draft which would institutionalize the practice.
- Opposition of the change to medium density due to traffic, safety and access concerns.
- Thornydale Road needed to be widened before there was more development.
- The neighborhood would no longer be a quiet place or safe haven for children but a new neighborhood within an existing neighborhood.

Michael Marks, MJM Consulting, Inc., reported they had met with the neighbors and addressed access, traffic, two-story development, lot sizes and density. They discovered after a study that traffic was impacted by cut-through to the elementary school and that alternatives had been discussed with the school principal. He said there would be a potential for an alternative access to the north from the school through vacant property to the Linda Vista Road alignment. He stated that when Huntington Ridge was designed and platted there had been an access point off of

Crestone to the subject property for the sole purpose of providing access to the property and that the capacity of Crestone Road was designed to accommodate the future development. He spoke on the riparian area, that the designation of LIU 0.3 was no longer appropriate and that a MIU designation would recognize the urban and infill nature of the property.

It was moved by Supervisor Miller, seconded by Supervisor Elfas and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-14-01, subject to rezoning policies.

14. **Comprehensive Plan Amendment**

Co7-14-02, SIGNATURE HOMES BY MIRAMONTE, L.L.C. - W. HARDY ROAD PLAN AMENDMENT

Request of Signature Homes by Miramonte, L.L.C., represented by Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 20.0 acres located on the north side of W. Hardy Road, approximately 600 feet east of N. Thornydale Road, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Neeley were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

- A. The preliminary development plan submitted with the rezoning application shall demonstrate avoidance of the regulatory floodplain and Important Riparian Area associated with the Hardy Wash.
- B. Post-development floodplains shall be designated as Resource Transition.
- C. The location of off-site mitigation properties should be within the same general geographic region of the original project site.
- D. Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:
 - 1. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations;
 - 2. Vegetation community type(s);
 - 3. Habitat values for applicable CLS Special Species (e.g. breeding and dispersal);
 - 4. Surface water or unique landforms such as rock outcrops, and
 - 5. Contribution to landscape connectivity.
- E. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

Chris Poirier, Assistant Planning Director, provided the staff report and stated they had received two letters and a protest petition of 11 signatures in opposition. He summarized the concerns being the overall preservation of the land, traffic and flood control issues. He said the area was subject to the Multiple Use Management Area overlaid by the Special Species Management Area of the Maeveen Marie Behar Conservation Land System.

May, 7, 2015

Attn: Pima County Planning and Zoning Commission
201 N. Stone Ave., 2nd floor
Tucson, AZ 85701



RE: CASE #C07-14-01 (PRF3 zoning case) *C09-15-02*

Dear Sir/Madam:

As a longtime concerned resident of Pima County and the Huntington Ridge/Los Lindas neighborhood, and as a matter of record, I am writing to advise you of my disapproval of an attempt by a developer to rezone the area for construction that is under consideration in case C07-14-01.

The main problem for this mass infusion of smaller houses at the proposed location is traffic problems, to and from the proposed re-zoning location. Existing traffic problems are horrific and dangerous in our neighborhood, due to the elementary school commuters, pedestrians and cars and trucks cutting through the area. It often takes me 15 minutes just to get out of the neighborhood with cars backed up at the main street all the way to the proposed development. Traffic issues are even worse around the times of 7:00 am. and 2:00 pm. for school opening and closings. The routine traffic already presents a constant safety issue for the schoolchildren, their parents/visitors and local residents with cars desperately going around the long line of parents parked and waiting to pick up their children.

Also, the area being proposed for high density development are teeming with healthy and natural wildlife and desert vegetation which would be a tragedy to lose and disrupt with rezoned higher density high traffic housing.

We are are not directly connected to the planned development but in the neighborhood, but we will be highly affected by this decision. We were surprised and dismayed that we were not formally notified by the developer that they were trying to accomplish this high density rezoning. This decision is important to all of us in the neighborhood, not just the few houses directly connected to the new proposed zoning.

Please understand that we are not completely opposed to development and progress with reasonable zoning, however, to approve higher density housing in this proposed neighborhood is not the correct decision for this community or the Planning and Zoning Commission. Please don't approve this rezoning.

Sincerely,

Mark & Becky Evans
3377 W. Crestone Ct., Tucson, AZ 85742