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

HEARING November 25, 2015

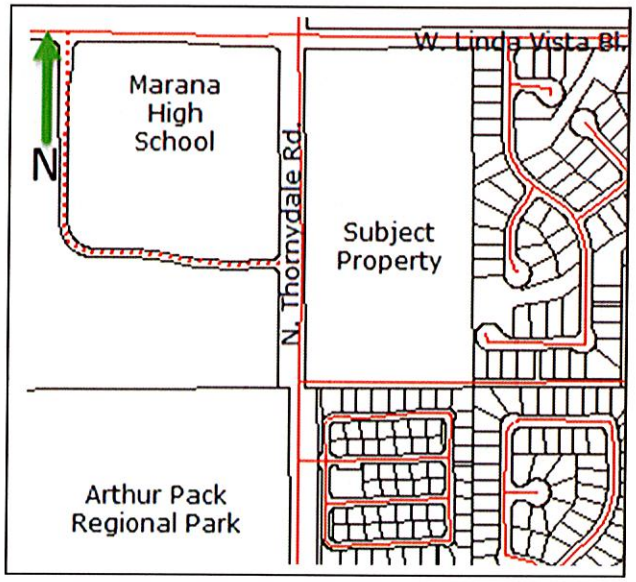
DISTRICT 1

CASE P15RZ00001 Lawrence C. Lueng N. Thornydale Road Rezoning

REQUEST Rezone from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type)(5 acres) and CR-5 (Multiple Residence) (13.01 acres) Zone

OWNER Lawrence C. Lueng, Inc.
Attn: Red Point Development
8710 N. Thornydale Rd., Ste 120
Tucson, AZ 85742

APPLICANT Projects International, Inc.
Attn: Jim Portner, Principal
10836 E. Armada Lane
Tucson, AZ 85749



APPLICANT'S PROPOSED USE

The 18.01-acre site will be developed as a 36-lot, single-family residential subdivision.

APPLICANT'S STATED REASON

"The proposed rezoning is an infill development that fits well within its surrounding, urbanizing context and will make efficient use of the existing network of public and utility infrastructure that exists."

STAFF REPORT SUMMARY

The Development Services Department recommendation is **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a rezoning to the CR-4 (Mixed Dwelling Type) on approximately 5 acres and CR-5 (Multiple Residence) zone on 13.01 acres for a 36-lot residential subdivision with 8 acres of on-site natural open space and 25 acres of off-site natural open space to meet the rezoning policies of the comprehensive plan amendment and the Maeveen Marie Behan Conservation Lands System. The site is an infill project and consistent with the density of the nearby and surrounding neighborhoods. A path will be provided through the on-site natural open space to create additional connectivity opportunities for the local neighborhoods to services and safe paths to school.

COMPREHENSIVE PLAN

A plan amendment from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity Center (NAC) for approximately 5 acres and Medium Intensity Urban (MIU) for approximately 13.01 acres was approved for by the Board of Supervisor's in 2014 by case Co7-13-03. Rezoning Policy 134 was established within the approved plan amendment and is listed below:

A. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.

B. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.

C. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.

D. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

The Comprehensive Plan Update, Pima Prospers, did not change the planned land use designations of the site but both the former NAC and MIU designation and the existing NAC and MIU under Pima Prospers differs slightly. This rezoning application was received prior to the approval of Pima Prospers, therefore, the approved comprehensive plan land use designation by case Co7-13-03 applies. The rezoning application is in conformance with the approved comprehensive planned land use plan in case Co7-13-03. For comparison, the following table demonstrates the resultant changes of the comprehensive plan update.

Pima Prospers Changes to the Map Legend (Land Use Designations)

Designation	Proposed Change	Reason for Change	Existing Density Range	Proposed Density Range	Zone Change
NAC Neighborhood Activity Center	Retain designation; add minimum & extend maximum density; delete list of zones for which rezoning requests have to comply. Generally less than 25 acres.	New minimum RAC of 5 RAC may help preclude lower-density residential uses from consuming some planned activity centers.	0-10 RAC For TDRs – 3-5 RAC	5-12 RAC For TDRs – 5-8 RAC	Delete CR-2 thru 4, TR, CMH-1, CMH-2, RVC, CB-1, CB-2
MIU Medium Intensity Urban	Retain designation; add minimum & extend maximum density; delete list of zones for which rezoning requests have to comply.	Non-residential transitional uses are now more appropriate bundled with higher-density residential development above new 5 RAC minimum.	0-10 RAC For TDRs – 3-5 RAC	5-13 RAC For TDRs – 5-10 RAC	Delete GC, CR-1 thru 5, SH, CMH-1, CMH-2, MR, TR

The objective of the NAC land use designation is to provide convenience goods and services within or near suburban residential neighborhoods for day-to-day living needs without attracting vehicle trips from outside the immediate service area. Neighborhood Activity Centers may include a mix of medium density housing types and commercial uses, but do not require a commercial component. The applicant has provided a connectivity path through the on-site natural open space to accommodate one of the objectives of the NAC land use designation providing access to convenience goods and services. The density within the NAC designation portion of the site is .45 residences per acre and conforms to the land use designation which allows a maximum of 10 residences per acre.

The objective of the MIU land use designation is to provide a variety of residential type developments with attention to site design to assure compatibility with adjacent lower density residential uses. The proposed density within the MIU land use designation is .52 residences per acre which conforms to the land use designation MIU that allows a maximum of 10 residences per acre and is compatible with the surrounding densities.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Undeveloped Residential
South:	CR-5	Developed Residential Subdivision
East:	TR	Developed Residential Subdivision
West:	SR	Mountain View High School

Located at the northwest corner of Linda Vista Boulevard and Thornydale, is the nearest bank, retail, grocery and shopping center providing local neighborhood services. Recreational opportunities exist within the Arthur Pack Regional Park which is west and south of Mountain View High School and southwest of the subject property on the west side of Thornydale Road. The park contains a golf course, ball fields, batting cages, basketball courts, playground, soccer fields, and hiking trails within the Maeveen Behan Desert Sanctuary Trails.

PREVIOUS REZONING CASES ON PROPERTY

A previous rezoning was requested in 1992 for CB-1 zoning and was closed due to the fact that no action was taken within the four-month time limit in by the zoning code in affect at that time.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Rezoning case Co9-15-02 - Briar Rose Lane for SR (Suburban Ranch) to CR-4 (Mixed-Dwelling Type) was approved by the Board of Supervisors October 15, 2015.

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 (Transitional) 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.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located within the Maeveen Marie Behan Conservation Land System (MMBCLS) classified as Important Riparian Area, Multiple Use Management Area, and Special Species Management Area. The policies of the comprehensive plan amendment address the MMBCLS conservation guidelines and allow both on-site and off-site natural open space set asides to meet the policies. The natural open space provided within this project totals 7.6 acres or 42% of the site. The proposed off-site mitigation of dedicated natural open space will make up the remaining difference and be calculated during the subdivision platting process when the off-site set aside location has been formally negotiated and approved.

PLANNING REPORT

Staff supports the request because the proposed residential development is compatible with the surrounding existing residential, public recreational opportunities, public school, and commercial uses. Concurrency of infrastructure exists to serve the use. The subject property is an infill property that will contain a similar density as the surrounding area.

The property is relatively flat, is mostly undisturbed and is traversed by several washes. The limitations of the site arise from the MMBCLS designations and riparian areas around the

washes. The vegetative qualities of the property contain relatively dense populations of saguaros and ironwood trees. Seventy percent of the ironwood trees and thirty-one percent of saguaros will be preserved in place in the on-site natural open space. Much of the salvaged vegetation from on-site will be incorporated into the proposed bufferyards and streetscapes within the subdivision. A native plant preservation plan will be submitted with the subdivision plat. A 50-foot natural bufferyard is proposed to the eastern boundary of the property and the southern boundary of the property will contain a very large natural area. A minimum 10-foot bufferyard "D" is proposed along both Linda Vista Boulevard and Thornydale Road, both designated as Major Streets and Scenic Routes (MSSR) on the Major Streets and Routes plan.

The site will be accessed by one driveway onto Thornydale Road and one driveway onto Linda Vista Boulevard. The proposal includes both two-story and one-story dwelling units with a maximum height of 34 feet. Within 200 feet of the MSSR, a maximum height of 24 feet is allowed and the structures are required to be earth tone in color. The remaining lots that are unaffected by the scenic area of applicability along Linda Vista Boulevard and Thornydale Road may be two-story subject to the two-story ordinance.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
Department/Agency	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
TRANSPORTATION	Yes	No objection. Minor Concurrency Concern with Thornydale Road.
FLOOD CONTROL	Yes	No objection, subject to conditions
WASTEWATER	Yes	No objection, subject to conditions
PARKS AND RECREATION	Yes	No objection
WATER	Yes	Metro Water "will serve" letter in site analysis.
SCHOOLS	Yes	Capacity response letter from Marana USD in site analysis.
AIR QUALITY	Yes	None

TRANSPORTATION REPORT

There is a secondary transportation concurrency concern for this case due to the over capacity nature of Thornydale Road. The subject property is located at the southeast corner of Thornydale Road and Linda Vista Boulevard. This intersection is a signalized intersection. Both

streets are listed on the Major Streets and Scenic Routes Plan with a planned future right-of-way of 150 feet. Thornydale has an existing right-of-way of approximately 100 feet. Linda Vista has an existing right-of-way of approximately 75 feet. The rezoning is proposing 36 single-family homes which could generate approximately 360 ADT. Access is shown on both Thornydale Road and Linda Vista Road.

Thornydale Road is a three-lane roadway with a continuous center left turn lane. There are no curbs, sidewalks, or bike lanes along the frontage of the rezoning site. The posted speed is 35 mph, with a capacity estimated at 13,200 ADT. Thornydale is scheduled to be widened, at which time the capacity will be approximately 34,000 ADT. The most recent traffic count is 18,193 ADT between Overton and Linda Vista, and 7,985 ADT between Linda Vista and Lambert.

Linda Vista Boulevard is a two-lane road with a left turn bay at the intersection with Thornydale. There are no curbs, sidewalks, or bike lanes and the speed limit is 35 mph. Linda Vista dead ends to the east of the rezoning site. Traffic counts are not available for the segment of Linda Vista adjacent to this site; however, west of Thornydale the current count is 10,675 ADT.

Major roadway projects in the vicinity of this project include the widening of Thornydale Road north of Cortaro Farms Road to Linda Vista. This project was approved through the RTA bond, and will fully reconstruct the road into a four-lane divided urban cross section with curbs, sidewalks, landscaped medians, and bike lanes in both directions. Construction is tentatively scheduled to start in 2018.

The Department of Transportation has no objection to this request subject to the addition of rezoning conditions #3A-B.

FLOOD CONTROL REPORT

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

1. Two regulatory watercourses impact the site. FEMA Special Flood Hazard Area Zone A impacts the wash in the northwest corner of the site. Minor encroachments have been proposed. Encroachment into the FEMA floodplain should be avoided.
2. Pima County Regulated Riparian Habitat (PCRRH) classified as Xeroriparian C and as Important Riparian Area (IRA) is associated with these washes and their tributaries. Minor encroachments have been proposed.
3. The proposal includes encroachment into floodplains and PCRRH that are identified on the Regional Hydrology Maps, which is in non-conformance with Pima Prospers and the intent of PCC Title 16. Unless justified, Resource Areas shown on the Regional Hydrology Maps including floodplains and riparian habitat shall be avoided, contained within open space and dedicated to the District if determined necessary during the platting process. Modified Development Standards process should be employed to maintain lot yield. Post development floodplains and Pima County Regulated Riparian Habitat including mitigation areas will be included in the Pima Prospers Regional Hydrology Maps.
4. A Preliminary Integrated Water Management Plan (PIWMP) has been included. In addition to meeting the Site Analysis Requirements, and in order to address the Pima Prospers Water Element, the applicant included Metropolitan Water's "Annual Water Level Monitoring Report" dated March 9, 2015. This report provided well location and more detailed groundwater trends information. This information facilitates the following staff review for compliance with the Water Policy.
5. As required, staff has conducted the Water Resources Impact Analysis (WRIA) as follows:
   A. The site is within the Metropolitan Water District service area. They *do not utilize a renewable source.*

B. Per the ADWR Well Inventory, those wells within 1 mile had depths to groundwater between 187' and 416' however dates tested range from 1982-1989. 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 at the site is predicted to change between minus 10 to plus 10 and be 351 to 400 feet below the surface by 2025.
C. The site is within a mapped subsidence zone. Between 1987 and 2005, 0 - 1 inch of subsidence was detected.
D. The nearest Groundwater-Dependent Ecosystem to the site is the perennial section of the Santa Cruz River 3.17 miles away.
E. The site is within the Tucson Hydrogeologic Basin, and the depth to bedrock is 1600-3200 feet.

Pima County's Water Resources Impact Assessment finds that the proposed **project will not have access to renewable water**. However, based upon use projections provided (18.89 af/yr) in the PIWMP, the medium size scale of the project and the distance to shallow groundwater areas, the additional water use **is not likely to have significant adverse impacts on groundwater dependent ecosystems**. Per Resolution 2008-72 and the currently effective Comprehensive Plan this finding results in a positive recommendation. Per Pima Prospers Water Resources Element Goal 3 Policy 9c & 9d, additional offsets would be required to reduce the increased water use to that of existing zoning. This method has not yet been codified and use of conservation measures committed to and identified on Table B accomplishes this offset under the approved Site Analysis Requirements.

In conclusion the District finds that the project meets concurrency requirements and has no objection subject to the recommended conditions #4A-D.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning request and has no objection to the request subject to the addition of rezoning conditions #5A-E.

ENVIRONMENTAL PLANNING REPORT

Site Conservation Values and Landscape Context

- The entire 18-acre site lies within the CLS; designations are Multiple Use Management Area and Important Riparian Area both with Special Species Management Area overlay.
- The subject site does not lie within the Priority Conservation Areas for the western burrowing owl, needle-spined pineapple cactus, or Pima pineapple cactus. It does lie within the Priority Conservation Area for the cactus ferruginous pygmy-owl.
- On-site resource conditions: Multiple riparian areas cross the site and are regulated by RFCD as Important Riparian Areas. Saguaros (110) and ironwood trees (84) occur on the site.
- The site is not within nor is it adjacent to any Pima County Preserve properties. The County owns and manages two properties in this area for conservation – Arthur Pack Regional Park and an approx. 20-acre PCDOT mitigation property. The subject site lies approx. 1.9 miles northeast of the PCDOT mitigation property and approx. 1500' northeast of the open space component of Arthur Pack Regional Park; it is also approx. 3900' northeast of the Tucson Audubon Society's Mason Center.
- The site is identified for acquisition under both the 2004 Open Space Conservation Bond Program and the proposed 2015 Open Space Conservation Bond Program.

- Landscape context: Land uses in the vicinity of the subject property are predominantly residential with some business uses along Thornydale. Other land uses in the area are a mixture of high intensity residential uses, low intensity residential uses that are more compatible with retaining native biological resources, and properties preserved as open space. The low intensity residential uses that are more compatible with retaining native biological are much more prevalent north of Linda Vista. While resources of the subject property are not physically connected to open space properties in the area, they are associated with those land uses north of Linda Vista that are more compatible with native biological resources. In this regard, the subject property does make a limited contribution to landscape permeability for biological resources.

Potential Impact to Biological Resources and CLS

According to the PDP, approx. 7.6 ac will be retained as natural open space and includes nearly all of the Important Riparian Area, 31% of the saguaros (including at least 2 of the 5 saguaros over 18' tall) and 70% of the ironwood trees. Impacts to these on-site resources will occur at later stages in the development process. Namely, the Important Riparian Area will be addressed by the *Watercourse and Riparian Habitat Protection and Mitigation Requirements (Title 16; Ch. 16.30)*; impacts to native vegetation and specifically saguaros and ironwood trees will be addressed when the proposed development is subject to the applicability of the *Native Plan Preservation Ordinance (Title 18; Ch. 18.72)*.

In keeping with Rezoning Policies established for this proposed project, a total of 33 acres of natural open space will be provided in a combination of on- and off-site areas. The PDP proposes on-site natural open space of approx. 7.6 acres; the balance is to be provided off-site.

In summation, given the site's on-site resources, landscape context, and the on-site set-aside of natural open space in conjunction with the following recommended Special Conditions, this project is not expected to significantly alter the condition or integrity of biological resources in the area or the viability of the CLS.

Recommendations

Should the Board of Supervisors approve this rezoning request, staff recommends the addition of conditions #6A-B.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #7.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

FWS concerns remain the same as submitted earlier under the proposed Comp Plan Amendment. We strongly urge compliance with the Special Species Management Area guidelines as outlined in the Comp Plan Amendment, Section 2 D. The species potentially impacted is the lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*), an endangered species listed under the Endangered Species Act, and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) , a species formerly listed under the Endangered Species Act and a species proposed for coverage under Pima County's Multi-Species Conservation Plan (MSCP). The proposed amendment occurs in an area where lesser long-nosed bats have been documented foraging and moving between roosts and foraging areas. It is our recommendation that if there the saguaros occurring within the parcel be preserved in place or salvaged and

replanted within the parcels or within conservation lands in this general area. By so doing, there should be no net loss of lesser long-nosed bat forage resources.

With regard to the pygmy-owl, this parcel occurs in an area where various design elements have been incorporated into existing roadways and developments to reduce impacts to and facilitate movement by pygmy-owls. This parcel has significant ironwood and saguaro resources that not only have value to the pygmy-owl, but is also a sensitive and valuable vegetation community. Without on-site or off-site natural open space set asides as required by the CLS guidelines, the proposed rezoning has the potential to render these actions ineffective. The pygmy-owl is a proposed covered species under Pima County's MSCP and this area is a special species management area for the pygmy-owl under the existing Comprehensive Plan. We strongly recommend that the guidelines outlined within the CLS and Comprehensive Plan be applied to this parcel if this rezoning application approved, with no more than 20% of the parcel developed and the remaining 80% configured as natural open space in a way that maintains habitat connectivity as anticipated through existing development and transportation facilities. We recommend that this parcel complies with the CLS guidelines for the special species management designation through either on-site or off-site natural open space set asides. Given the proposed configuration of potential development on this site, it appears that off-site natural open space set asides will need to be included.

METRO WATER DISTRICT REPORT

Metro Water District has no comment. A will-serve letter is contained within the site analysis.

SCHOOL DISTRICT REPORT

The Marana Unified School District has no comment. A letter of capacity to accommodate future students is contained with the site analysis.

FIRE DISTRICT REPORT

Northwest Fire District has no objection to this request.

PUBLIC COMMENT

As of the writing of this staff report, staff has received one letter (attached) in opposition that was submitted by the applicant. The opposition letter was a result of the neighborhood meeting held by the applicant. The letter cites concerns for wildlife constriction, increased traffic and pedestrian safety, as well as concern for destruction of natural desert habitat to include three night blooming cereus.

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. The owner shall:
   A. Submit a development plan if determined necessary by the appropriate County agencies.
   B. Record the necessary development related covenants as determined appropriate by the various County agencies.
   C. Provide development related assurances as required by the appropriate agencies.

D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

3. Transportation conditions:
   A. The property owner/developer shall dedicate 45 feet of right-of-way for Thornydale Road.
   B. The property is limited to 2 access points, one on Thornydale Road and one on Linda Vista Boulevard, as depicted on the preliminary development plan.

4. Regional Flood Control District conditions:
   A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
   B. If improvements modify the Special Flood Hazard Area, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) will be required.
   C. FEMA Floodplain and Pima County Regulated Riparian Habitat including mitigation area shall be contained in permanently identified natural open space through easement or dedication and shall be identified on the subdivision plat. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat. The disturbance of riparian habitat shall be nominally avoided, however, boundary modifications are permitted.
   D. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.

5. Regional Wastewater Reclamation conditions:
   A. The owner 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 to that effect.
   B. The owner 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 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 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 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 shall complete the construction of all necessary public and/or private 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.

6. Environmental Planning conditions:

A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a total of 33 acres as Natural Open Space (NOS). No less than 7 acres NOS will be provided on-site; the difference between the total 33 acres NOS and NOS provided on-site will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies (Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands) and comply with all of the following:

1) The site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site NOS;
2) Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
3) Prior to the approval of the final plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee.

B. 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, including those below. 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.

<u>Invasive Non-Native Plant Species Subject to Control</u>

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 solstitalis	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

7. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

8. Adherence to the preliminary development plan as approved at public hearing.

9. 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.

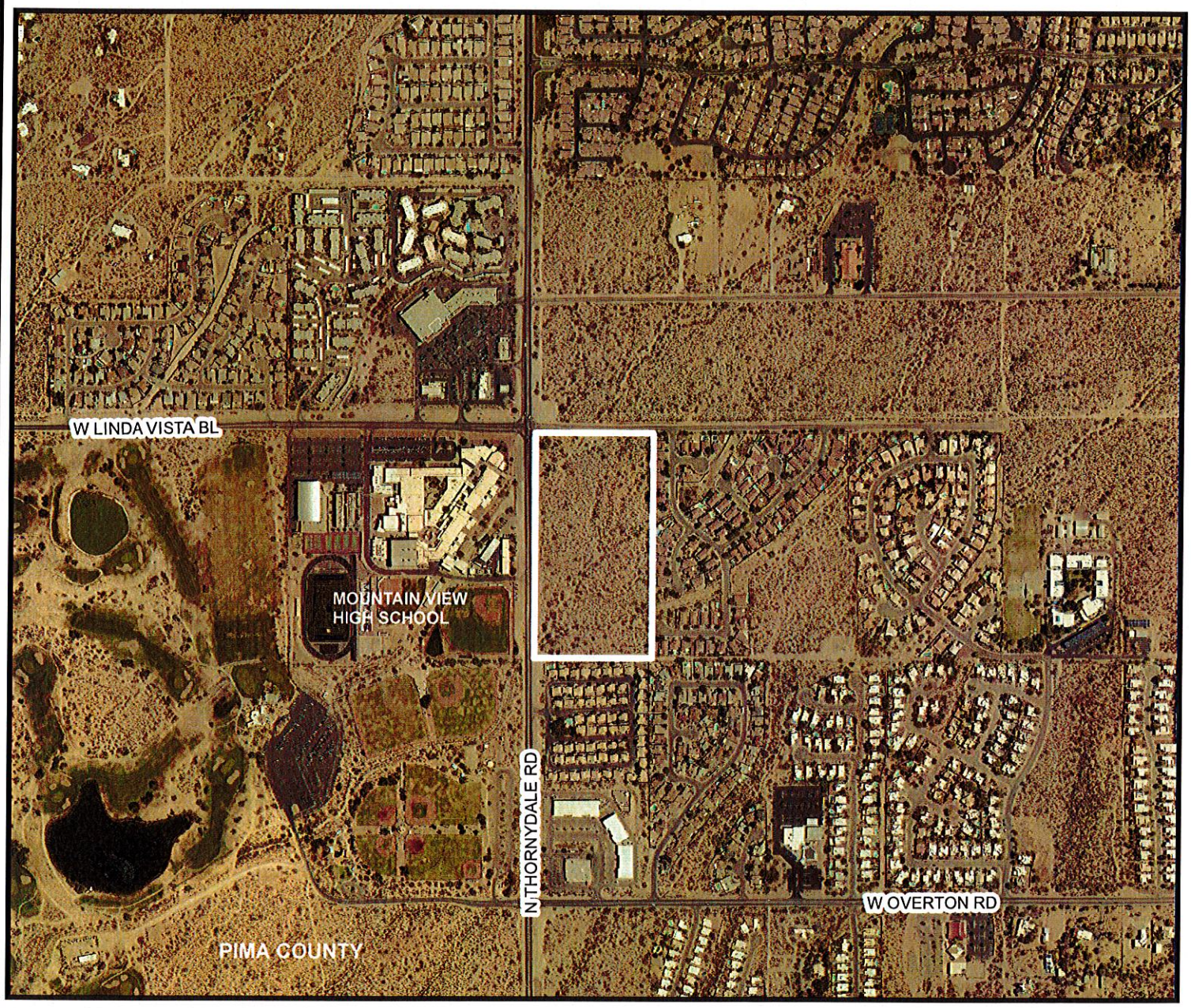
10. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights 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 Tillman
Senior Planner

c: Projects International, Inc., Attn: Jim Portner, Principal, 10836 E. Armada Lane Tucson, AZ 85749
Lawrence C. Lueng, Inc., Attn: Red Point Development, 8710 N. Thornydale Rd., Ste 120, Tucson, AZ 85742

Case #: P15RZ00001
Case Name: LAWRENCE C LUENG, INC. - N. THORNYDALE ROAD REZONING
Tax Code(s): 225-02-004M



0 360 720 1,440 Feet

Proposed rezoning from SR to CR-5

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Ref: CO7-13-03

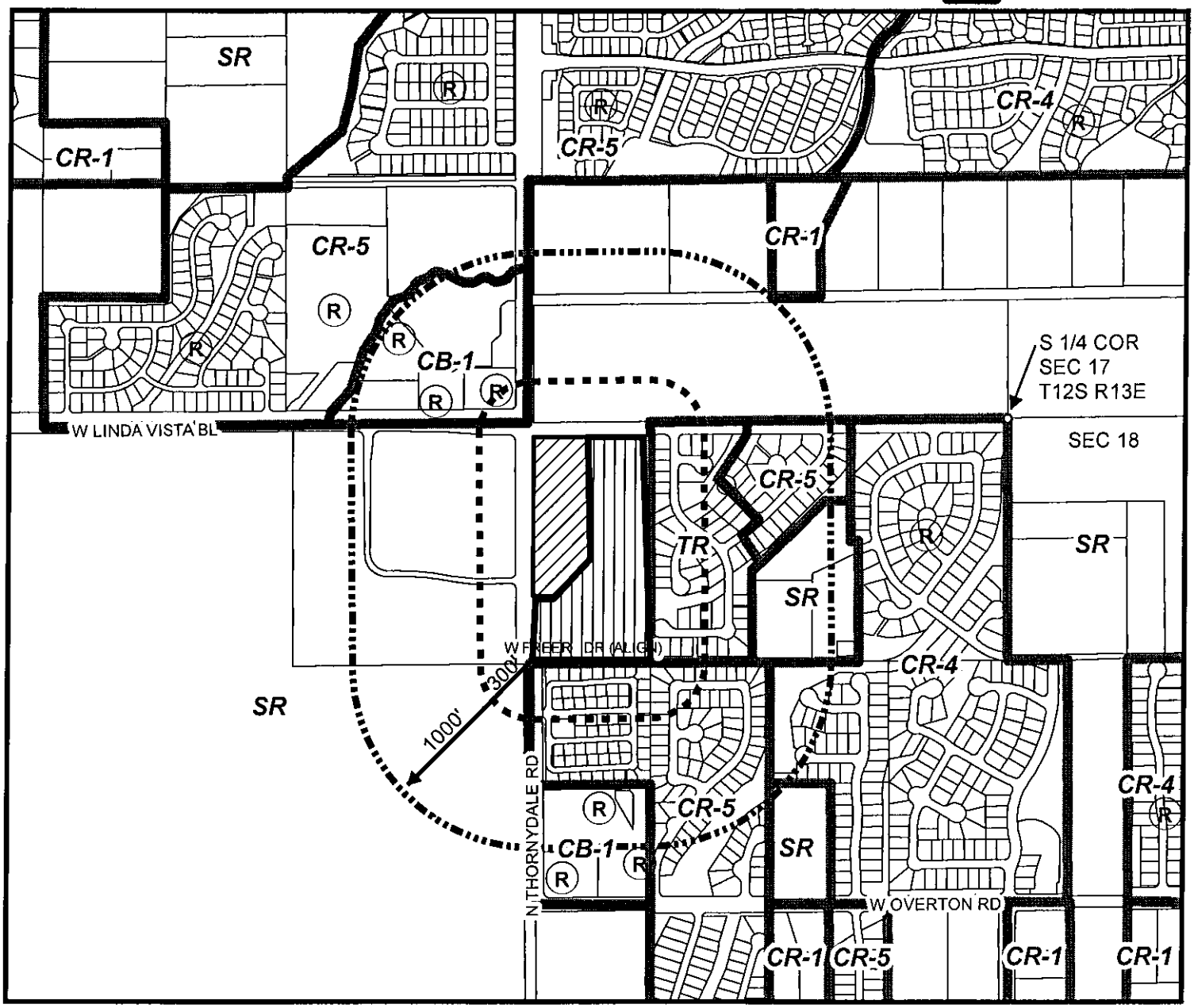
PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20

Base Map(s): 161	Map Scale: 1:10,000	Map Date: 10/30/2015

N
W E
S

Case #: P15RZ00001
Case Name: LAWRENCE C LUENG, INC. - N. THORNYDALE ROAD REZONING
Tax Code(s): 225-02-004M

1000' Notification Area
300' Notification Area
Zoning Boundary



0 355 710 1,420 Feet

Area of proposed rezoning from SR to CR-5

Area of proposed rezoning from SR to CR-4

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

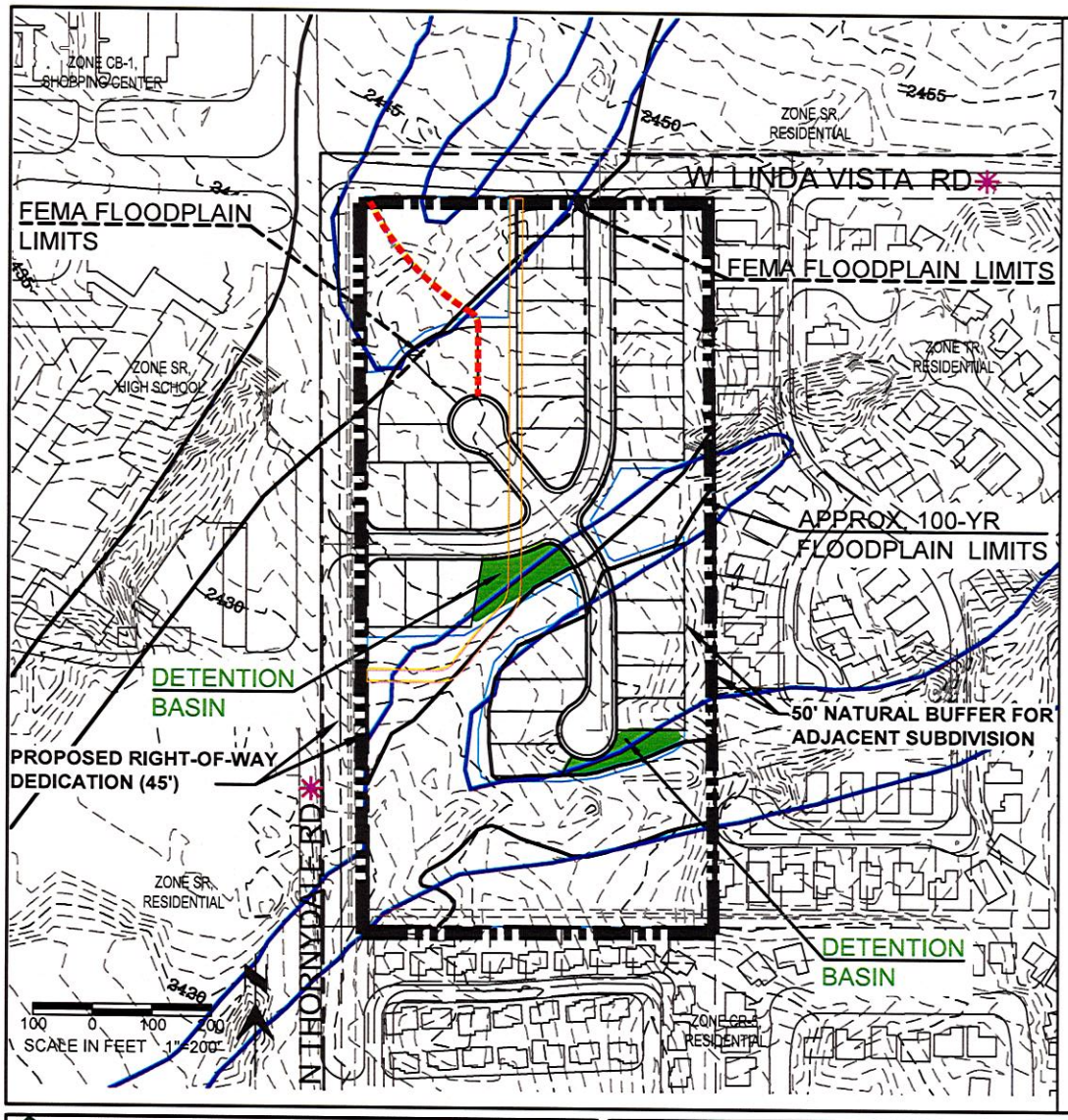
Notes: Ref: CO7-13-03

PIMA COUNTY COMPREHENSIVE PLAN CO7-00-20

Planning & Zoning Hearing: 11/25/15 (scheduled)

Base Map(s): 161 | Map Scale: 1:10,000 | Map Date: 11/05/2015

N W E S



LEGEND

- PDP Boundary
- Limit of Neighborhood Activity Center (NAC) District
- 2405 Existing Condition Topographic Contour (1' Interval)
- CLS Set-Aside Area (Natural Open Space)
- 4' Pedestrian Path for Improved Neighborhood Connectivity to Surrounding Uses
- Approximate 100-Year Post-Development Floodplain Limit
- FEMA Floodplain Limit
- Detention Basin
- Mapped Riparian Habitat Important Riparian Areas (CLS-IRA) with underlying Xeroriparian "C"
- Thornydale Road and Linda Vista Boulevard are designated Major Streets and Scenic Routes.

PROJECT AREA

Gross Area:	18.0 AC (Approximate)
Net Area (Post R.O.W. Dedication):	16.7 AC (Approximate)

PROJECT PARTICULARS

Existing Zoning:	SR
Comprehensive Plan:	NAC & MIU
Proposed Zoning (NAC Area):	CR-4
Proposed Zoning (MIU Area):	CR-5

PROPOSED USE(S)

Single-Family Residential Subdivision (36 Lots)
Typical Lot Size: 55'x115' (6,325 SF)

BUILDING HEIGHT

Maximum 34' Permitted; Project will contain 1-Story and 2-Story Residences.

ON-SITE STREETS

Proposed Right-of-Way Width:	50'
Travel Lanes:	Two (2) 12' Lanes
Total Pavement Width:	36'
On-Street Parking:	Allowed Both Sides
Sidewalks:	5' Sidewalks Both Sides

PARKING

Parking will be in accordance with Section 18.75

BUFFER YARDS

Bufferyard "D" required along Thornydale and Linda Vista frontages.

CONSERVATION LANDS SYSTEM (CLS)

Natural Open Space per this PDP: 7.6 AC

Jim Portner, Agent for Owner
PROJECTS INTERNATIONAL, INC.
10836 E. ARMADA LANE
TUCSON, ARIZONA 85749
520 850-0917

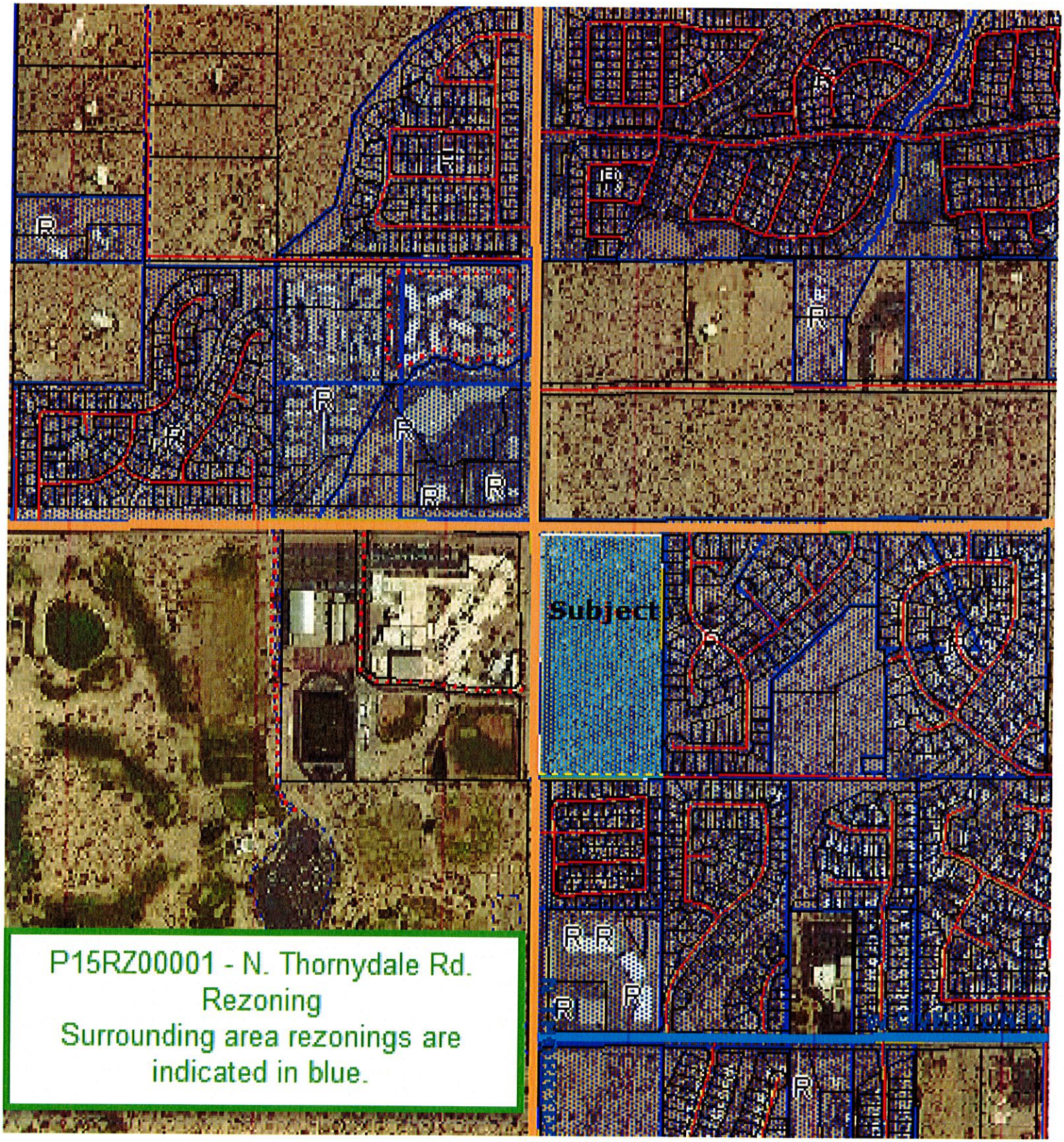
PROJECTS INTERNATIONAL, Inc.
STRATEGIC GUIDANCE
ENTITLEMENT PROCESSES
LOCAL ADVICE & COUNSEL

GRS LANDSCAPE ARCHITECTS, LLC

Red Point Development, Inc.

SEC LINDA VISTA BLVD & THORNYDALE ROAD
(Ownership Entity: Lawrence C. Leung, Inc.)
REZONING: SR to CR-4 and CR-5

EXHIBIT II-B.1a-p
PRELIMINARY DEVELOPMENT PLAN



P15RZ00001 - N. Thornydale Rd. Rezoning
Surrounding area rezonings are indicated in blue.

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

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

SEQUENCE: 20143380190
NO. PAGES: 3
RES 12/04/2014
13:21
PICK UP
AMOUNT PAID: $0.00

RESOLUTION 2014- 117

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 30.0 ACRES LOCATED ON THE SOUTH SIDE OF W. HARDY ROAD APPROXIMATELY 1,300 FEET EAST OF N. THORNYDALE ROAD, IN SECTION 29 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 30.0 acres, as referenced in Co7-13-06 Hardy-Thornydale I Associates, et al. – W. Hardy Road Plan Amendment, located on the south side of W. Hardy Road approximately 1,300 feet east of N. Thornydale Road, in Section 29, 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) to Medium Intensity Urban (MIU).

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. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.

B. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

   1. Natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;

   2. The site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;

   3. Off-site set-aside areas are acceptable to the Pima County Planning Official or designee;

4. Off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and

5. The approximate minimum total natural open space (NOS) set-aside is 75 acres; the approximate minimum on-site NOS set-aside is 10 acres; and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

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 2nd day of Dec., 2014.

Chair, Pima County Board of Supervisors

DEC 02 2014

ATTEST:

Clerk of the Board

APPROVED:

Executive Secretary
Planning and Zoning Commission

APPROVED AS TO FORM:

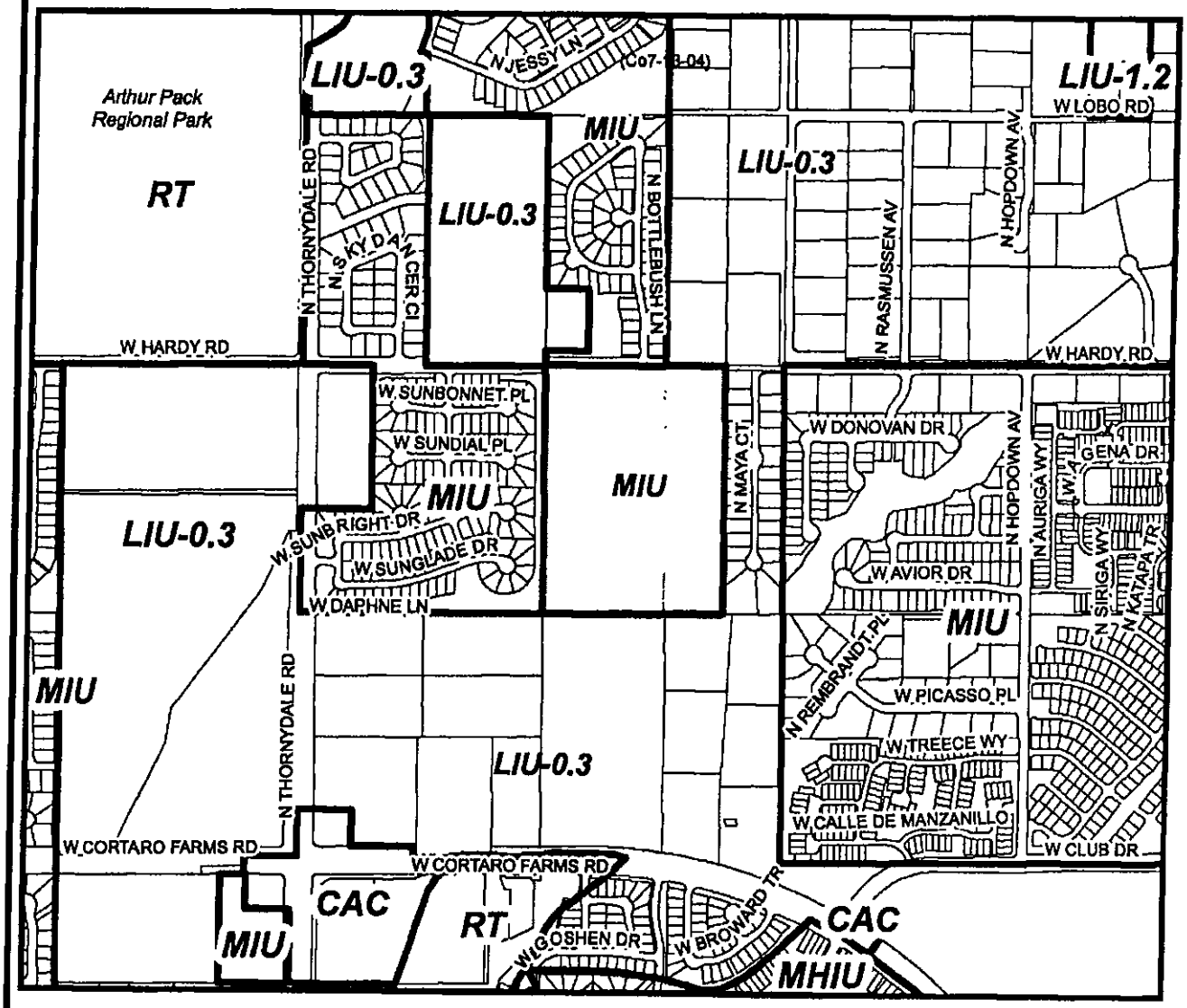
10/31/14

Deputy County Attorney

Co7-13-06

COMPREHENSIVE PLAN AMENDMENT

Planned Land Use Exhibit A



0 355 710 1,420 Feet

Amendment Area

Taxcodes: 225-29-009D 225-29-009F	**Co7-13-06 HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT** Request: From Low Intensity Urban 0.3 (LIU 0.3) To Medium Intensity Urban (MIU) 30.0 Acres +/-	Location: South side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road
	Northwest Subregion Township 12S, Range 13E, Section 29	North
	Planning and Zoning Commission Hearing: September 25, 2013 — Map Scale: 10,000	
	Board of Supervisors Hearing: November 19, 2013 — Map Date: July 2, 2014	

X:\Comprehensive Planning .\Co7-13-06\maps \\ dms

RP-134 N. Thornydale Road at W. Linda Vista Blvd (NW)

General Location

Southeast corner of Thornydale Road and W. Linda Vista Blvd. in Section 20 of Township 12, South, Range 13 East. (Ref. Co7-13-03)

Policies

A. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.

B. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.

C. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.

D. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:

- natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
- the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
- off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
- off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
- the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Pima County Comprehensive Plan 2015, Chapter 3 Use of Land Goals and Policies, Section 3.4 Environmental Element, Policy 11 Conservation Lands System Mitigation Lands

Policy 11: The following guidelines apply to lands being considered for off-site mitigation:

a) The location of off-site mitigation properties should be within the same general geographic region of the original project site;

b) Off-site mitigation property should provide the same or better resource values as the original project site including, but not limited to:

1. CLS designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
2. Vegetation community type(s);
3. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
4. Surface water or unique landforms such as rock outcrops;
5. Contribution to landscape connectivity; and
6. Demonstration that the resource and conservation values of the off-site mitigation property will be protected in perpetuity.

c) Off-site mitigation of IRA may include the purchase and transfer of water rights that directly impact and/or support groundwater dependent ecosystems.

Neighborhood Meeting Summary

Rezoning Case No. P15RZ00001
Lawrence C. Leung, Inc. – Thornydale Road Rezoning
SEC Thornydale Road @ Linda Vista Boulevard

Meeting Date & Time: Wednesday, September 30, 2015; the meeting commenced at 6:20 PM.

Location: Tortolita Middle School (Cougar Café), 4101 W. Hardy Road

Meeting Invitation & Mailing: All properties within 1000' of the site (approximately 235 in number) were mailed: 1) an invitation & explanatory cover letter; 2) a color copy of the *Framework Plan* that accompanied the approved comprehensive plan amendment application in 2014; and 3) a color copy of the proposed rezoning *Preliminary Development Plan (PDP).*

Attendance: Three (3) individuals (representing three properties) attended the meeting, accounting for a little more than 1% of the properties that were noticed.

Synopsis: Jim Portner, as applicant and representative of the property owner, welcomed the attendees and introduced Mr. Larry Kreis (General Manager) and Mike Leung (Project Manager) of Red Point Development. Portner provided a historical overview, including exhibits showing the surrounding context of the property, a summary of the approved comprehensive plan amendment, and the proposed concept plan (*Preliminary Development Plan*) accompanying the rezoning. In doing so, he highlighted the various design particulars and demonstrated their consistency with the *Framework Plan* that accompanied the aforementioned comprehensive plan amendment approval. He also outlined the anticipated process and timeline for the rezoning, including the public hearings that would be held before the Planning & Zoning Commission and the Board of Supervisors. After all of the above, the meeting was thrown open for a general discussion of neighbor questions and issues/concerns.

Neighborhood Comment: Given the small number of attendees, we simply sat around a single table and had a discussion. Following the above introductory explanation by Jim Portner, the following issues were raised:

- *Native-plant and wildlife:* One of the individuals, Mr. Brian Corn, raised his strong personal objections to the proposed land plan, calling it insensitive to the existing movement of wildlife and its impact upon native plant species. He specifically mentioned that the plan would be creating "javelina traps" and would be destroying endangered plant species such as the night-blooming cereus. He also mentioned that the plan was unfriendly to pedestrian movement and would create unsafe traffic conditions due to its proposed access onto Thornydale Road. Mr. Corn presented a written summary or his concerns, which also proposed alternatives to the current land plan, including a greatly reduced number of lots, as well as a proposal that the entire site be dedicated as a park.
- *Two-story homes:* The other two individuals expressed their concern that two-story units would compromise their privacy; they had asked whether two-story units could be eliminated along the shared boundary with the Linda Vista Ridge subdivision. It was explained that, through the use of the proposed 50' buffer/setback along the shared subdivision boundary, the project would meet the Pima County separation/setback requirement between one-story and two-story units. Nonetheless, it was agreed that we would prepare some engineering cross-sections depicting the separations and lines of sight between the two subdivisions, and that we would share these with the individuals prior to the first public hearing on the rezoning case.

- *Thornydale Road traffic issues:* There was a general concern as to the current poor condition of Thornydale Road and the existing capacity issues on it already being experienced by the current residents in the area. The proposed timing of the RTA street improvements (2018) was explained, as well as the developer's hope that the completed RTA work and the market timing of the new subdivision would jive such that the proposed new homes would be offered for sale when the new four-lane street improvements were fully in place.

After discussing all of the above, those in attendance indicated they had no further questions. The meeting then concluded at approximately 7:05 PM.

My name is Brian Corn. I live at 3762 W. Butterfly Lane. Our backyard looks into the parcel in question. I am currently retired from my former occupation in geology where among many other parts of my job, it was my job to do TES surveys (surveys for threatened and endangered species) for my employers. I also still occasionally find work as a proffessional artist and designer. I drew courtroom sketches for KOLD channel 13 for years.

...When I first moved into our home it dismayed me to see this parcel being used as a garbage dump. Over the course of months I filled our garbage cans with the mounds of trash dumped by the alley. I then built a small ruined rock wall to keep trucks from being able to back up and dump their trash easily anymore. It has worked. I have picked up and thrown away all the trash, I could find on the whole parcel and beyond. Now that the weather is cooler I can do more once again. The point of this is to tell you that I know this parcel probably better than anyone else you could talk to.

. I do not know anyone at Red Point Development, and to be honest though I am against this plan, I would make my self available for their employment, IF they see a need for a designer that can see more than the surface and the ordinary. I am sure I could be a real asset to a developer with real vision. I at least can recognize endangered species, sitting right out in the open, and I can see where parts fit into a wider whole. The Japanese have a gardening idea of borrowed landscape. It means your garden doesn't end at the wall. It should fit it's surroundings. .I know I can do that kind of design.

.

.Brian Corn
.3762 West Butterfly Lane
.Tucson AZ 85742
.520 298-1770

My objections to the plan are ;

. Constricts the main wildlife corridor into a javalina trap. Javalina can be extremly dangerous which I can personally attest to, encountering them in a narrow space, a space which would be attractive to children, would result in trajedy.

. An unneccessary exit on to Thornydale. This very spot has seen its share of fatalities. Directly across from a large highschool on a road that has periods of very heavy traffic, this exit will increase the dangers of a busy and unlit Thornydale road.

. Pedestrian unfriendly ; Children walking to School, or folks going to the store, from the neighborhoods to the southeast, can and do walk directly there on a well established path that doesn't force them next to a busy road.

. The wash to the south has begun to erode at an alarming rate. The proposed plan can only channel the washes even more than they are. This will increase the rate of erosion and dump even more debris out upon Thornydale.

. There are at least three Queen of the Night, native Night blooming Cereus, growing on the parcel. I do not believe any were found in the plant survey. These plants are precisely why these surveys are done. The Queen of the Night, ... Peniocereus greggi is Salvage restricted, and proposed endangered. Tohono Chul park has a yearly bloom night for their specimens. 2500 people were estimated to go to their last bloom night event. (there would have been more had parking been more available) These little plants are obviously much beloved by the community and they should at least be recognized as growing there. I do not believe the required plant survey found any let alone three. If that is the case someone deserves a refund on the money they spent for the survey. That three of the rare little guys grow in close proximity there is unusual. It suggests a special affinity of the plant for the conditions there.There are usually much wider spaces between individuals. The plan would destroy at least two of the known three.

.

. The plan admits itself that most of the Parcel is unsuited to building. I think the area to the south where a cul de sac is located may not at all be sound. They mark it as above 100yr flood level, but upstream development, and noticably unsound soils underneath being exposed from the increased erosion, call that boundary into real question.

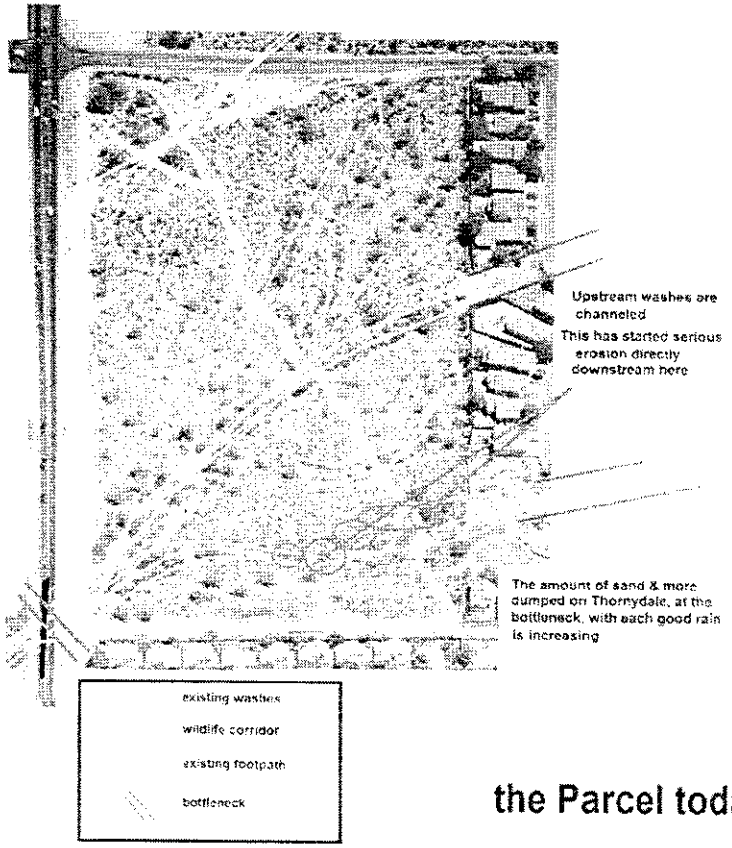
I offer two alternative proposals for the Parcel, more in keeping with the comprehensive plan, and in the spirit of what Maveen Behan hoped to see.

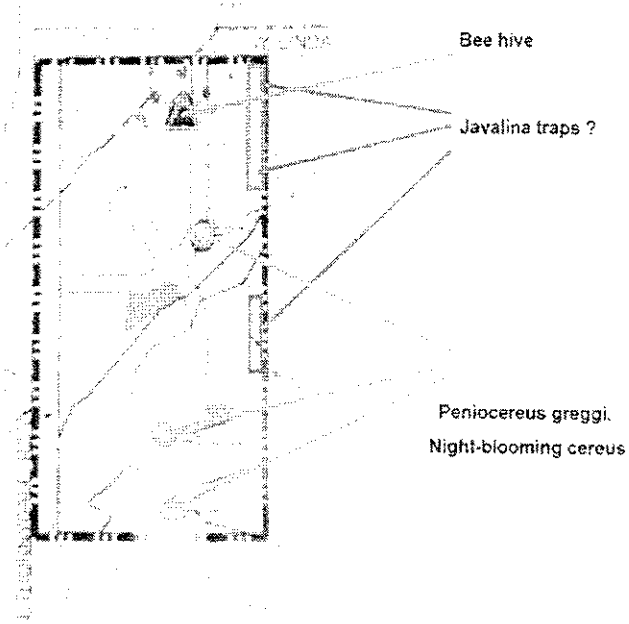
. 1 DeFacto Park . DeFacto Park would leave the parcel as open space. With improved bike and pedestian trails (away from busy roads) the whole of the neighborhood is improved. These paths can be expanded to connect more of the farther neighborhoods with Maveen Behan, which will make the whole area more attractive to home buyers. This park could be dedicated for the High School to use as a hands on classroom. Students perhaps could be the 'volunteer' labor for building proffessionally designed walls, ramadas , paths, etc.... Learning valuable hands on lessons encompassing math, history, biology etc.... lessons in real life stuff they can take to marketplace. Being able to say, "I built that" is something not to be underestimated.

. I don't believe De Facto Park would have to cost anything. Parcels, a bit larger, more suitable for homes, Parcels without better alternatives, could be swapped for DeFacto Park. Red Point Development would profit more, the kids benifit, the neighborhood benifits, the State makes more in revenue because Red Point will make more in profits.

.2 Mix. This solution has development on the best area for building alone. It eliminates the Javalina traps, and the dangerous exit to Thornydale. It also remains pedestrian friendly. I believe this parcel may be better used for a church, or a civic building rather than homes. This solution probably offers the least profit for Red Point. Which is one reason why I would prefer solution: 1, DeFacto Park.

. Red Point does a real service building fine homes for good people. Swapping this parcel, (with very limited home sites) for some land that they could have room to shine at what they do, could be a big win for everyone.

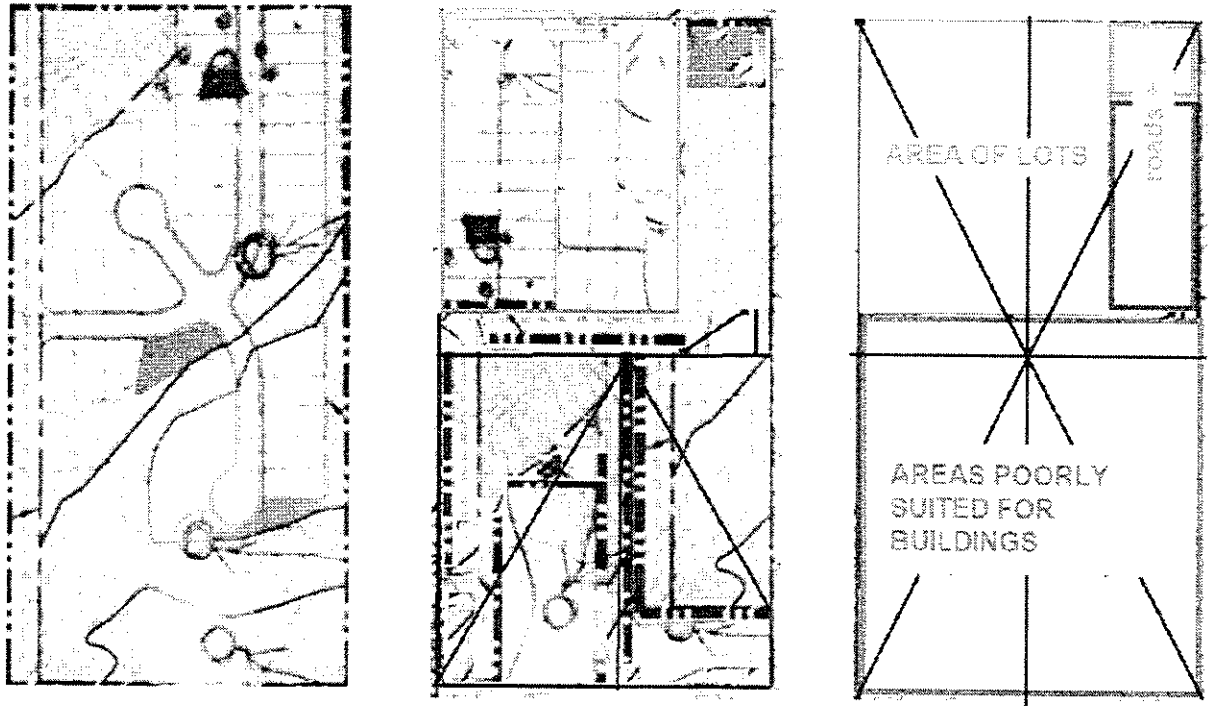




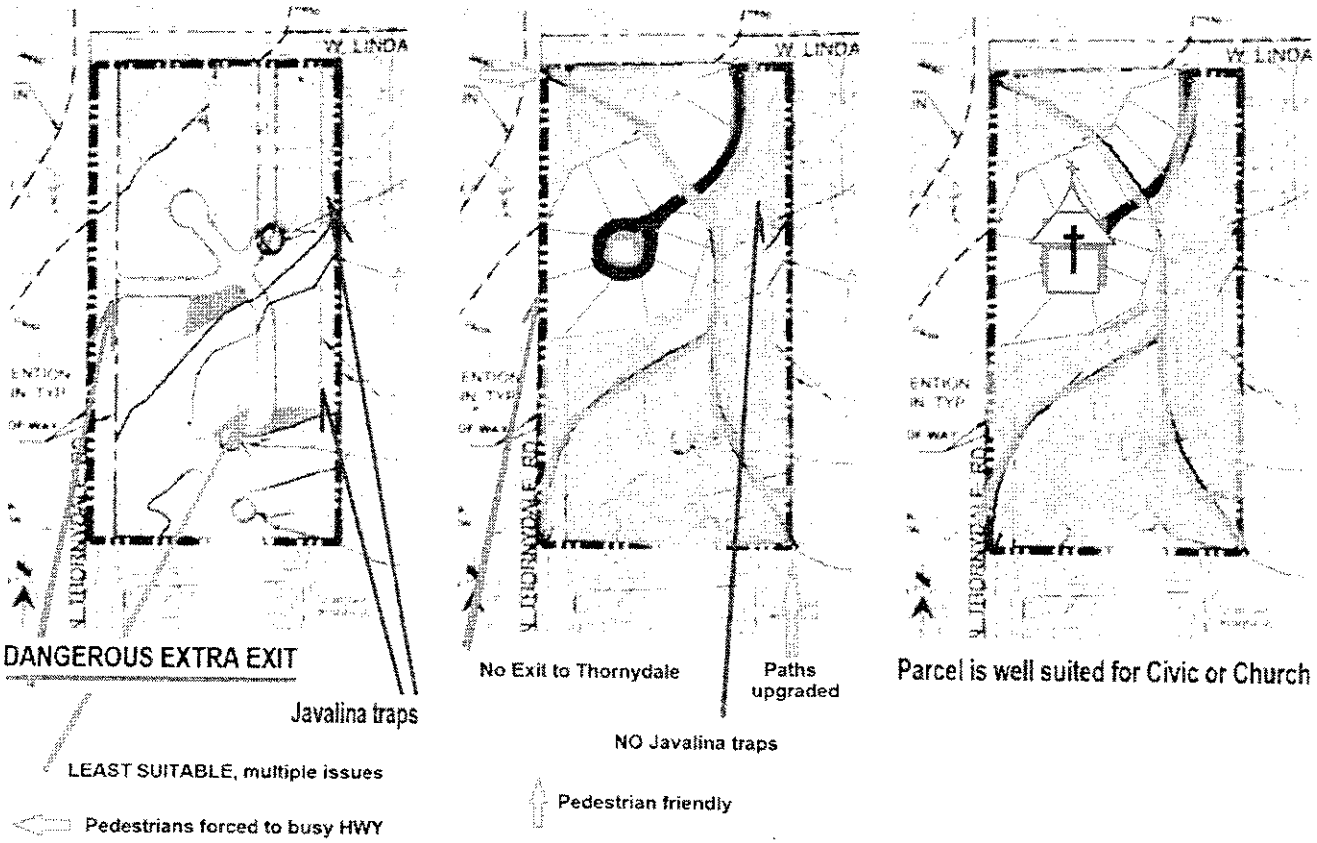
the Parcel today

3 individual Night- Blooming Cereus (there are likely more)
Blankets of native desert flowers still occur here. Which means the soils here are undisturbed.

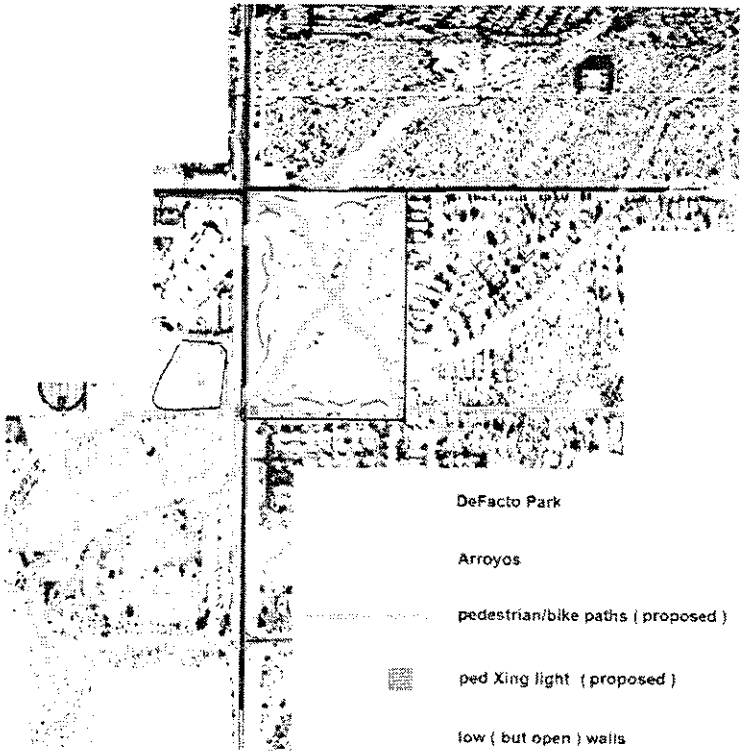
pictures taken Sept 25th 2015

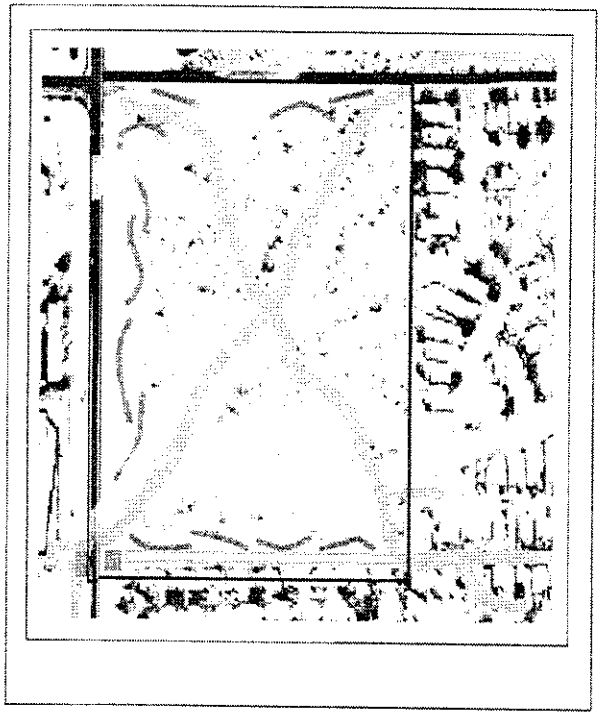


PLAN ADMITS MOST OF PARCEL UNSUITABLE FOR HOUSES



Alternative proposal pedestrian friendly



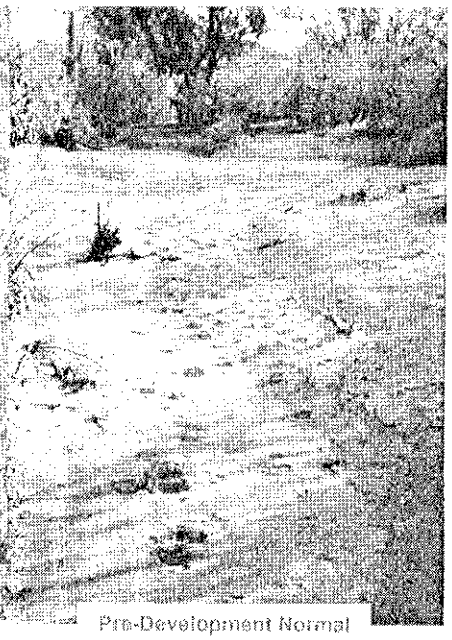


ALTERNATIVE PROPOSAL for Thornydale & Linda Vista the SE Parcel.

DeFacto Park

Lower wash

Accelerating erosion



Pre-Development Normal

CAUTION BEE HIVE

Sign-In Sheet

Full-Notice Neighborhood Meeting
P15RZ00001 – Lawrence C. Leung, Inc. – SEC Thornydale Road @ Linda Vista Blvd.
September 30, 2015 – 6:15 PM to 7:45 PM
Tortolita Middle School (Cougar Café)

Name	Street Address	Phone Number	Email Address
BRIAN CORN	3762 W Butterfly	520 290 1770	CORNRAN2@gmail.com
CURT HOLMES	9522 N. PATACONIA	520-907-2373	CURTNOLMES41@GMAIL.COM
KATHY DALECKE	9555 N FLYNN WAY	·	kmd58@msn.com

PIMA COUNTY PLANNING DIVISION
APPLICATION FOR REZONING

Owner	Mailing Address	Email Address/Phone daytime / (FAX)
Larry Kreis, GM Red Point Development, Inc.		(see attached for contact information)

Applicant (if other than owner)	Mailing Address	Email Address/Phone daytime / (FAX)
Jim Portner, Principal	Projects International, Inc.	(see attached for contact information)

Legal description / property address	Tax Parcel Number
Portion of Sec. 20, T12S, R13E	225-02-004M

Acreage	Present Zone	Proposed Zone	Comprehensive Plan Subregion / Category / Policies
18.01 AC	SR	CR-5	MIU - Northwest Sub-region

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.

July 30, 2015
Date

Signature of Applicant
Jim Portner

FOR OFFICAL USE ONLY

Lawrence C Leung Inc - N Thornydale Rd Co9- 15RZ00001
Case name

SR - CR4 to CR5 /
Rezoning from Rezoning to Official Zoning Base Map Number Fee Supervisor District

IRA/MU/SS
Conservation Land System category

Co7-13-03 RP-134
Cross reference: Co9-, Co7-, other Comprehensive Plan Subregion / Category /Policies

Received by HS Date 8-4-15 Checked by _____ Date _____

Contact Information
SEC Linda Vista Boulevard @ Thornydale Road
Rezoning Application – SR to CR-5

Assessors Parcel Number

APN 225-02-004M

Ownership Entity

Lawrence C. Leung, Inc.

In Care Of:

Mr. Larry Kreis, General Manager
Red Point Development, Inc.
8710 N. Thornydale Road
Suite 120
Tucson, AZ 85742-5032

Phone: 520.408.2300
Fax: 520.408.2600
Email: lkreis@redpointdevelopment.com

Also c/o: Greg Anderson
3573 E. Sunrise Drive – Suite 233
Tucson, AZ 85718-3206

Applicant/Agent

Jim Portner, Principal
Projects International, Inc.
10836 E. Armada Lane
Tucson, AZ 85749-9460

Phone: 520.850.0917
Fax: 520.760.1950
Email: jportner@projectsintl.com

RED POINT
DEVELOPMENT INC.

July 24, 2015

Mr. Jim Chris Poirier, Assistant Planning Director
Pima County Development Services Department
Planning Division
201 N. Stone Avenue – 2nd Floor
Tucson, AZ 85701

RE: LETTER OF AUTHORIZATION
Rezoning Application – SEC Thornydale Road @ Linda Vista Boulevard

Dear Mr. Poirier:

As the owner-of-record of the above-referenced property (Assessor's Tax Parcel No. 225-02-004M), Lawrence C. Leung, Inc. hereby authorizes Jim Portner of Projects International, Inc. to represent us as the applicant and/or agent in rezoning the property.

In the interests of disclosure, the officers of Lawrence C. Leung, Inc. are as follows:

Lawrence C. Leung, Owner

Sincerely,

Lawrence C. Leung, Owner
Lawrence C. Leung, Inc.

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The Board postponed action on this item until the end of the meeting.

This item was reopened at the end of the meeting. Andrew Smallhouse withdrew the petition for the establishment of the Redington Water Conservation District. The Board directed staff to return the bond that had been posted.

In addition, Mr. Huckelberry suggested the County begin paying an increased portion of electrical costs for the County-owned A-7 Ranch, located within the area in question and operated by the petitioner. He also recommended the Board approach the Arizona Corporation Commission to encourage the creation of a ranching category to receive special electrical rates for well pumping related to ranching, especially during drought conditions.

FRANCHISE/LICENSE/PERMIT

16. **Fireworks Permit**

Denese Veek, Caterpillar, Inc., Tinaja Hills Training Facility, 5000 W. Caterpillar Trail, Green Valley, March 1 through March 7, 2014, at 8:00 p.m.

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

17. **Extension of Premises/Patio Permit**

Donald James Royer, Tucson International Airport Fly Bar, 7250 S. Tucson Boulevard, Tucson, Permanent Extension of Premises.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, 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

18. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-03, LAWRENCE C. LEUNG, INC. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity

Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Due to the nearby location of Mountain View High School, uses permitted shall not include a drive-through restaurant, a restaurant without wait staff service, a convenience store, a gasoline service station combined with a convenience store, a confectionary store, an ice cream store, a refreshment stand, or uses consistent with an indoor amusement or recreational enterprise.
4. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
   - the site areas of plan amendment cases Co7-13-04, 05, and 06 are not eligible to serve as off-site set-asides;
   - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
   - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
   - the approximate minimum total natural open space (NOS) set-aside is 33 acres, the approximate minimum on-site NOS set-aside is 9 acres, and the approximate minimum off-site NOS set-aside is 24 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

Arlan Colton, Planning Director, provided the staff report for Co7-13-03, Co7-13-04, Co7-13-05 and Co7-13-06. He noted the property owner and the Coalition for Sonoran Desert Protection had come to an agreement regarding all four properties and that new rezoning policies had been added to the conditions. He also conveyed the information from the Marana School District that all schools in the proposed area were currently under capacity. Mr. Colton stated that in each of the four cases numerous public comments from various property owners had been received, the majority were for Co7-13-06.

Jim Portner, Red Point Development, summarized the updated plan for set aside areas and the agreement with the Coalition for Sonoran Desert Protection.

The following speakers addressed the Board:

- Deslonde Lamb
- William Scott
- Judith Yoder
- Stacia Ringer, Huntington Ridge Linda Vista
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- David Lutz
- Tom Webb
- Elizabeth Konto
- Ann Campbell
- Roy Crawford
- Pam Siebrandt
- Jed Benninghoff, Maya Court Homeowners Association
- Gilbert Williams
- Katherine Harper-Beckett
- Kenneth Fischer
- Hans Deweerdt
- Galen Deweerdt
- Rolf Ziegler

They offered the following comments:

- There were no compelling reasons to change the Comprehensive Plan.
- Current flooding issues would be exacerbated by development.
- Roads in the area were already over capacity.
- School capacity was a concern.
- The Coalition for Sonoran Desert Protection worked with the developer and was satisfied with the proposed set aside areas.
- Marana was destroying the Sonoran Desert with developments and needed to be pressured to adhere to the Sonoran Desert Conservation Plan.
- Explosive growth resulted in the need for more roads, bigger schools and more services, which had to be paid for by the taxpayer.
- The developer worked with neighbors to create an acceptable buffer area.
- A higher density population would have a negative effect on traffic, the habitat and the neighborhood.
- If Hardy Road was opened for ingress or egress, there would be an imminent domain issue.
- More housing in this area was not needed and profit was not a reason to destroy habitat.
- There was opposition to changing the Comprehensive Plan, not necessarily to development in general.
- Empty retail space was in abundance in the area and no more was needed.
- Neighborhoods were not represented in meetings between the developer and the Coalition for Sonoran Desert Protection.
- Off-site set asides would not benefit neighbors.
- The Planning and Zoning Commission voted to deny these four requests.

- People and quality of life should come before and above corporate profit and greed.
- Preservation of desert land was no longer an option but a necessity.

The following did not speak but attended in opposition:
- Will DeBoer
- Romy Phillips

The following did not speak but lent their support:
- Paul Green

It was moved by Supervisor Miller and seconded by Supervisor Elías to close the public hearing and approve Co7-13-03, subject to Rezoning Policies.

Chair Bronson offered an amendment that the motion reference and include Rezoning Policy No. 4 as recommended by staff. Supervisors Miller and Elías accepted the amendment to the motion. Upon roll call, the motion unanimously carried by a 5-0 vote.

19. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-04, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 54.95 acres located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted, "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will be provided entirely within the amendment area;
   - the site areas of plan amendment cases Co7-13-03, 05, and 06 are not eligible to serve as off-site set-asides;

- the approximate minimum total natural open space (NOS) set-aside is 46 acres, the approximate minimum on-site NOS set-aside is 46 acres, and the approximate minimum off-site NOS set-aside is 0 acres.

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-04, subject to the original Rezoning Policy No. 1 and the additional Rezoning Policy No. 2, as amended by staff.

20. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-05, MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Mandarin Associates, represented by Jim Portner, Projects International, 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) for approximately 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Notwithstanding the land use designation on the Land Use Plan, areas which will not be removed from the 100-year floodplain through implementation of plans approved by the Pima County Regional Flood Control District and areas of Pima County Regulated Riparian Habitat shall revert to Resource Transition at the next appropriate annual plan amendment program period.
2. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan, subdivision plat, and development plan. This open space shall be protected by covenant and management responsibility shall be identified on the subdivision plat or development plan.
3. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
   - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
   - the site areas of plan amendment cases Co7-13-03, 04, and 06 are not eligible to serve as off-site set-asides;
   - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
   - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and

- the approximate minimum total natural open space (NOS) set-aside is 38 acres, the approximate minimum on-site NOS set-aside is 7 acres, and the approximate minimum off-site NOS set-aside is 31 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-05, subject to the original Rezoning Policy Nos. 1 and 2, and the additional Rezoning Policy No. 3.

21. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013 and January 21, 2014, continued the following:

Co7-13-06, HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT
Request of Hardy-Thornydale I Associates, et al., represented by Jim Portner, 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 30.0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, in Section 29, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Richey voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Recommended Rezoning Policies:

1. Post development floodplains and riparian habitat shall be preserved as open space and be identified on the rezoning preliminary development plan and subdivision plat or development plan. This open space shall be protected by covenant and management responsibility identified on the subdivision plat or development plan.
2. Future development shall be in full compliance with the Special Species Management Areas conservation objectives as established by the Conservation Lands System – Regional Environmental Element. Subsequent rezoning(s) will be considered in conformance with this policy when all of the following are met:
    - natural open space set-asides will either be provided entirely within the amendment area or as a combination of on-site and off-site areas;
    - the site areas of plan amendment cases Co7-13-03, 04, and 05 are not eligible to serve as off-site set-asides;
    - off-site set-aside areas are acceptable to the Pima County Planning Official or designee;
    - off-site set-aside areas are permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or designee; and
    - the approximate minimum total natural open space (NOS) set-aside is 75 acres, the approximate minimum on-site NOS set-aside is 10 aces, and the approximate minimum off-site NOS set-aside is 65 acres (acreage may be adjusted accordingly if more than minimum on-site set-aside acreage is provided).Post development floodplains and riparian habitat shall be preserved as open space and be

(Clerk's Note: See Minute Item No. 18 for additional discussion regarding this case.)

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-13-06, subject to the original Rezoning Policy No. 1 and the addition of Rezoning Policy No. 2.

22. **Rezoning**

Co9-13-09, TITLE SECURITY OF ARIZONA TR 2055 - TANQUE VERDE ROAD REZONING

Request of Title Security of Arizona TR 2055, represented by The WLB Group, Inc., for a rezoning of approximately 41 acres from SR (Suburban Ranch) to CR-1 (Single Residence Zone) and for a rezoning of approximately 81.5 acres from SR (Suburban Ranch) to SR® (Suburban Ranch)(Restricted). The property is located on the north side of Tanque Verde Road approximately 2400 feet east of Houghton Road. The proposed rezoning conforms to the LIU 0.3, LIU 1.2 and RT Comprehensive Plan designations. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Membrila voted "Nay," Commissioner Holdridge abstained (abstention counts as "Yes" vote) and Commissioner Neeley was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AS AMENDED. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

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 a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. 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.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation: The property is limited to one access point on Tanque Verde Road as shown on the preliminary development plan.
8. Regional Flood Control District:
   A. Prior to development the property owner shall submit to the Pima County Flood Regional Control District; a drainage report including Hydraulic Analysis, Conditional Letter of Map Revision, and Riparian Mitigation Plan for review and approval that addresses the impacts of development to the federally mapped floodplain and local area drainage and to determine maximum encroachment limits, building sites, elevations and setbacks.
   B. Maximum encroachment limits shall be shown on the plat.
   C. First flush retention shall be provided within previously disturbed areas.
   D. Post-development floodplains and flood control improvements shall be in common area.
   E. Post development riparian habitat including mitigation areas as shown on the Riparian Habitat Mitigation Plan associated with the plat shall be set-aside as separate common area parcels or as easements within residential parcels to the Homeowner's Association for riparian habitat preservation, mitigation and monitoring.