



MEMORANDUM

PUBLIC HEARING - APRIL 4, 2019

DATE: March 19, 2019

TO: Jim Portner, AICP, Hearing Administrator

FROM: Mark Holden, AICP, Principal Planner

SUBJECT: **P19CU00005 EL CORTIJO LLC – S. OLD SPANISH TRAIL #2**
Type II Conditional Use - Minor Resort
Michael J Marks, AICP - Agent
El Cortijo LLC - Owner

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of this Type II Conditional Use Permit (CUP) request for a minor resort, subject to conditions listed below. The proposed project meets the Pima County Zoning Code requirements for the Chapter 18.17 SR Suburban Ranch Zone, Chapter 18.67 Buffer Overlay Zoning Ordinance (BOZO), and Chapter 18.07.030.F Minor Resort regulations. The applicants have conducted outreach with neighbor representatives and Saguaro National Park, and hosted a neighborhood meeting to share the project design and answer questions.

LOCATION

The minor resort site, approximately 19.26 acres in area, is part of a larger 45.23-acre parcel (205-62-159G) located northwest of the intersection of S. Old Spanish Trail and E. Escalante Road.

SURROUNDING LAND USE OR CONTEXT

The minor resort site (site) and surrounding area are designated Resource Sensitive by the Pima County Comprehensive Plan, for parcels and land holdings in close proximity to public preserves and other environmentally sensitive areas. The site and surrounding area are zoned SR Suburban Ranch, a low-density rural zone principally for single-family residences and associated conditional uses on large lots, which ensures a considerable reservation of open space.

The site is located within the Buffer Overlay Zone (BOZ), enacted to protect the county's public preserves and preserve the open space characteristics on lands in the vicinity of those preserves, while continuing to permit economically reasonable use of those lands (Appendix A). The southern edge of the larger parcel is designated Important Riparian Area (Escalante Wash), but the site is otherwise located outside of the Maeveen Marie Behan Conservation Lands System.

The site is located at the far eastern edge of the City of Tucson, surrounded by Saguaro National Park (SNP) immediately to the east, a 1.5-acre, CB-1 Local Business commercially-zoned parcel (restaurant) at the Old Spanish Trail and Escalante intersection, and SR-zoned subdivided and non-platted residential development to the north, south and west.

PUBLIC COMMENT

Public comment has been robust with concerns related to change in use on the property, traffic in the neighborhood and region, surrounding residential property values, effect of two-story development on viewsheds (into and from within SNP), changes in zoning, precedent for new commercial development in the area, wildlife habitat and corridors, and effects on neighboring SNP.

PREVIOUS CASES ON PROPERTY

A request to rezone 40 acres at the northwest corner of Old Spanish Trail and Escalante to CB-2 General Business zone in 1972 was denied. More recently, the owners submitted an application for a Type II CUP for a minor resort in 2014 (P21-14-003) which went before the Hearing Administrator but was withdrawn prior to the Board of Supervisors public hearing.

BACKGROUND INFORMATION

A minor resort is permitted in the SR zone as a Type II Conditional Use, intended to meet lodging, convention and recreational needs of short-term visitors (Appendix B). The larger parcel has existing development in the form of eight cottages constructed in the 1950s and currently used as rental units, and communal swimming pool – these are not part of the proposed resort. The remainder of the site is undeveloped Sonoran Upland vegetation, with a mix of trees (foothill palo verde, mesquite, acacia), shrubs (creosote bush, brittlebush, desert zinnia, paper flower), cacti (prickly pear, barrel, buckthorn and chain-fruit cholla) and ocotillo. The parcel contains a sparse population of saguaro cacti.

Parcels within the BOZ of 25 acres or greater in area when the ordinance was passed (August 1998) are subject to the requirements of the ordinance. The easternmost approx. 37 acres of the larger parcel, which includes the resort site, are subject to the ordinance. The ordinance requires thirty percent of the site be preserved as natural open space (NOS) forming an interconnected system to facilitate wildlife movement across the property, and a number of design performance standards, such as setbacks for structures, building color, fencing, lighting, and landscaping.

DEVELOPMENT SERVICES DEPARTMENT

The applicants propose a minor resort on the site catering to bicyclists (a “bike ranch”). Tucson is a highly-ranked bicycling city and year-round cycling destination and the proposed resort would be located in proximity to a number of popular local biking destinations, including the county’s Chuck Huckelberry Loop Trail, Catalina Highway, Fantasy Island Mountain Bike Park, and SNP Scenic Loop Drive and mountain biking trails.

The proposed minor resort will be located on about 19 acres in the northeastern part of the larger parcel. The resort will be a mix of one- and two-story casitas with a single-story ‘Ranch House’ containing a restaurant, meeting rooms, and other gathering areas. A two-story ‘Bike Barn’ with guest rooms, fitness and training facilities, meeting rooms, bicycle rental, repair and sales, and café is also planned. Other smaller structures will include guest reception, management office, maintenance building, and swimming pool. All vehicle access and parking will be concentrated on the east end of the resort with service access along the north side. The resort meets the Minor Resort Regulations for 10-acre minimum site area, 49-guest room maximum, and a portion of the resort (Bike Barn café and bicycle retail, rental and repair) being the only services accessible to non-resort patrons.

The proposed minor resort will meet the general development standards of the SR zone, including setbacks, bufferyards, and building height (34 feet maximum). Between open space, bufferyards, and placement of buildings, main structures would be spaced at least 200 feet from the closest residences to the north and west, which meets the requirements of the two-story residential buffer setback in Chapter 18.09.110.

The proposed minor resort will also meet performance standards of the BOZO. The proposed development sets aside the necessary thirty percent NOS (in this case, a minimum of 5.78 acres for the 19.26-acre site). Additional undeveloped areas on the site that are adjacent to NOS and do not impede wildlife movement could be considered functional open space and could be credited as additional NOS at fifty percent. Structures and parking lots are set back at least 150 feet from the SNP boundary and parking lots will be screened from outside roads and the park with natural vegetation and landscape screening. All performance standards are noted on the BOZO Compliance Map submitted with the Preliminary Development Plan and will be part of the commercial Development Plan for the resort.

Neighbors raised a number of concerns regarding the proposed resort. A frequent comment was that the site should remain zoned SR Suburban Ranch. The proposed project is a conditional use that does not change the zoning on the site, which remains SR if the minor resort CUP is approved. There were also comments regarding precedent for commercial development in the region. The SR zone conditionally permits some commercial and service-oriented uses with minimum site area requirements and public hearing processes. More intense commercial uses (office, restaurant, retail, service, etc.) would require rezoning from SR to a commercial zone, preceded by an amendment of a site's comprehensive plan land use designation from Resource Sensitive to a compatible land use designation for commercial uses. The amendment and rezoning are separate processes, both with public hearings before the Planning and Zoning Commission and Board of Supervisors, and approval of the amendment is necessary before a rezoning may be requested. Under either the CUP or rezoning process, requests to permit commercial uses would be reviewed and evaluated on their merits on case-by-case basis.

Other concerns are addressed in comments from county departments and stakeholder agencies, below. Many of the specific or detailed development-related concerns (especially with regard to traffic, on-site wastewater disposal system, lighting, occupancy) will need to be addressed in the commercial Development Plan prior to permitting.

The applicant has met the requirements of the various chapters of the Zoning Code and has made an effort to communicate and work with neighbors and stakeholders. The department recommends approval of the proposed Minor Resort CUP subject to Conditions #1-4.

DEPARTMENT OF TRANSPORTATION

The Minor Resort site is located on S. Old Spanish Trail, a two-lane paved road adjacent to the property and identified as a Scenic Low Volume Arterial by the Pima County Major Streets and Routes Plan. The Department of Transportation has no objections to this conditional use permit and offers Conditions #5-6 be applied to the time of approval.

REGIONAL WASTEWATER RECLAMATION DEPARTMENT

The Planning Section of the Pima County Regional Wastewater Reclamation Department has no objection to the proposed CUP. The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system at the time a tentative plat, development plan or request for building permit is submitted for review.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Since this project is to be served by on-site sewage disposal systems, a Construction Authorization and Discharge Authorizations must be obtained prior to using any sewage disposal systems.

REGIONAL FLOOD CONTROL DISTRICT

Based on the applicant's intent, the Preliminary Development Plan and the agreements made when the applicant met with the Regional Flood Control District, the District has no objection to the proposed CUP subject to Condition #7.

OFFICE OF SUSTAINABILITY AND CONSERVATION - ENVIRONMENTAL PLANNING DIVISION

About 2.8 acres (or 6%) of the larger approx. 45-acre parcel lies within the Maeveen Marie Beehan Conservation Land System Important Riparian Area designation; however, the location of this designation is in the southern portion of the parcel, which is not subject to the proposed use at issue in this request. Any disturbances to Important Riparian Area resources that may occur are regulated by the Regional Flood Control District according to the Watercourse and Riparian Protection and Mitigation Requirements of Pima County Code Title 16. In light of this, OSC-Environmental Planning has no comments on, or objections to, this project.

OFFICE OF SUSTAINABILITY AND CONSERVATION - CULTURAL RESOURCES DIVISION

The Cultural Resources Division reviewed the Development Plan for the Type II Conditional Use Permit for a minor resort for 19.26 acres on the northwest corner of the intersection of S. Old Spanish Trail and E. Escalante Road. A cultural resources survey was conducted in 2008 (P.A.S.T. Cultural Resources Report No. 081904). The archaeological survey covered 45.16 acres, which was the entirety of parcel no. 205-62-159G. No archaeological sites were identified on the property as a result of this survey. One pre-modern building (which may have been constructed in 1954) was identified in the southern portion of the property that is not currently included in the subject property identified in this development plan proposed for a minor resort (19.26 acres). The Cultural Resources Division recommends Condition #8.

SAGUARO NATIONAL PARK

SNP staff note the proposed minor resort concept aligns with a number of National Park Service strategic initiatives for building partnerships beyond park boundaries and promoting transportation alternatives for visiting national parks; SNP East has also long been a local bicycling destination. The proposed plan shows Escalante Wash and minor washes across the site remaining in an undeveloped state, which accommodates habitat connectivity between the park and low density neighborhoods. The plan also complies with setback, height, open space, screening, and other design standards of the SR zone and BOZO. Concerns regarding additional traffic on Old Spanish Trail may be mitigated through the use of alternate modes of transportation (shuttles, bicycles).

SNP staff state that they appreciate the efforts of the owners and their agent to include the park in discussions regarding the development, and look forward to continuing to be involved as the project moves forward.

US FISH AND WILDLIFE SERVICE

USFWS has no concerns or questions.

CITY OF TUCSON PLANNING AND DEVELOPMENT SERVICES

The City of Tucson Planning and Development Services Department has no concerns.

TUCSON WATER

Tucson Water takes no exception to the proposed Conditional Use Permit.

RURAL-METRO FIRE DISTRICT

Rural-Metro Fire District has no comments.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of this conditional use permit request subject to the following conditions:

1. Development shall meet all SR Suburban Ranch Zone development standards (18.17.040), Buffer Overlay Zone Ordinance performance standards (18.67.050) and Minor Resort Regulations (18.07.030.F).
2. Adherence to the Preliminary Development Plan as approved at public hearing.

3. A commercial Development Plan in accordance with Zoning Code Chapter 18.71 shall be required.
4. The 19.26-acre minor resort site shall be divided as a separate parcel. The property owner shall not further split or subdivide the minor resort site without the written approval of the Board of Supervisors.
5. During the Development Concept/Site Construction permitting process a Tier One Traffic Impact Study will be required to identify impacts to the Pima County right-of-way and any required mitigation and improvements as a result, to be constructed by the developer. This traffic study shall not only include vehicular impacts but also include an emphasis on bicycle and pedestrian impacts.
6. The northern driveway is described as an emergency access point that will restrict all other vehicular traffic other than emergency services. The location of the gate or chain restricting access will be reviewed during the permitting process for proper signage and turn-around area.
7. Structures and septic system shall be located outside floodplain and associated Erosion Hazard Setback.
8. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

c: Steven Christy, District 4 Supervisor
Chuck Huckelberry, County Administrator
Carmine DeBonis, Jr., Deputy County Administrator for Public Works
Carla Blackwell, Development Services Department Director
El Cortijo LLC
Michael J Marks

Appendix A

Chapter 18.67 - BUFFER OVERLAY ZONE

18.67.010 - Purpose.

The purpose of this chapter is to:

1. Preserve and protect the open space characteristics of those lands in the vicinity of the public preserves while at the same time permitting the economically reasonable use of lands;
2. Protect and enhance existing public preserves in Pima County as a limited and valuable resource;
3. Establish mechanisms that will protect the public preserves and result in an ecologically sound transition between the preserves and more urbanized development;
4. Assure the continued existence of adequate wildlife habitat and foster the unimpeded movement of wildlife in the vicinity of Pima County's public preserves;
5. Provide for an aesthetic visual appearance from and to Pima County's public preserves;
6. Promote a continued economic benefit to the region by protecting the public preserves for the enjoyment of residents and visitors alike; and
7. Neither promote nor discourage changes in underlying zoning, but rather provide continuing performance standards for the unique lands within the buffer overlay zone.

Appendix B

18.07.030(F) - Minor Resort Regulations.

These regulations are intended to allow for minor resorts which meet the lodging, convention and recreational needs of short-term visitors to Pima County and are not intended to allow for the development of residential units for permanent or long-term residential use.

Permitted accessory uses:

1. Meeting rooms;
2. Restaurants and drinking establishments;
3. Retail and service establishments (not to exceed 5% of minor resort total floor area);
4. Swimming pools and spas;
5. Game courts such as tennis and racquetball;
6. Fitness and exercise centers; and
7. Equestrian facilities.

Other provisions:

Minimum site area: ten acres

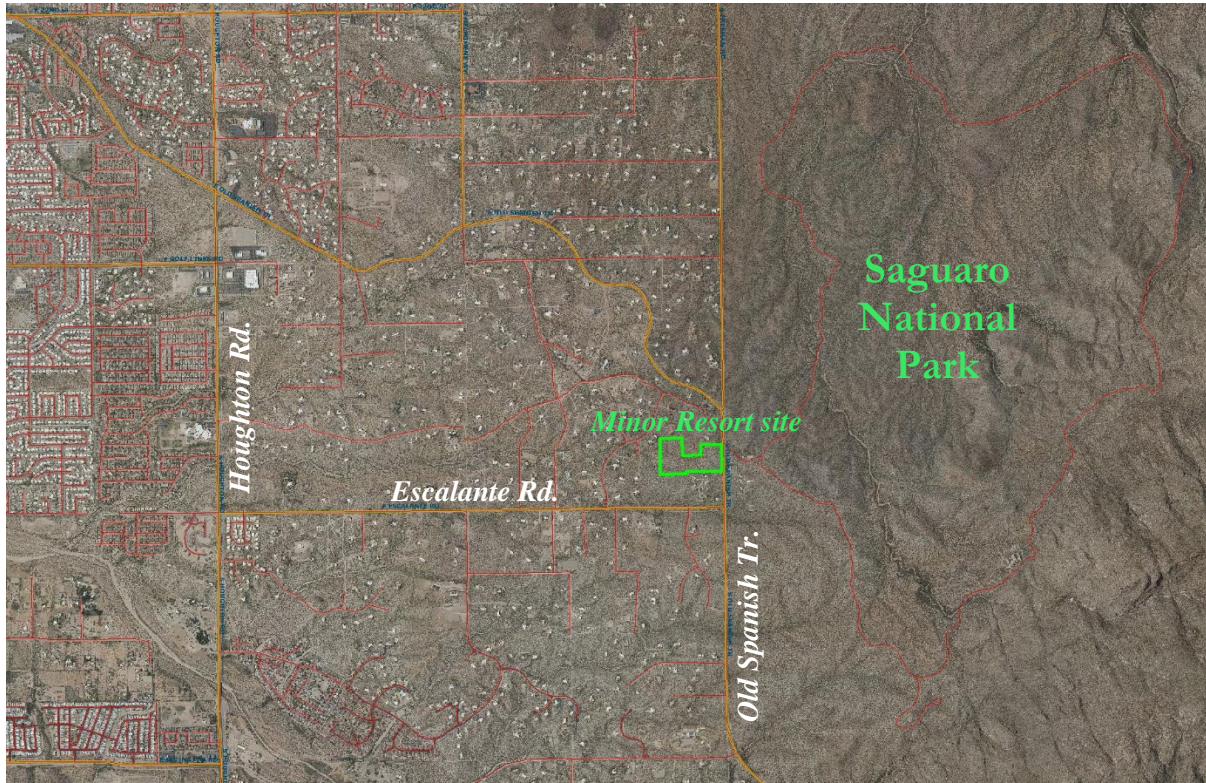
Guest rooms: fewer than fifty

Accessory uses shall be operated primarily for guests of the minor resort

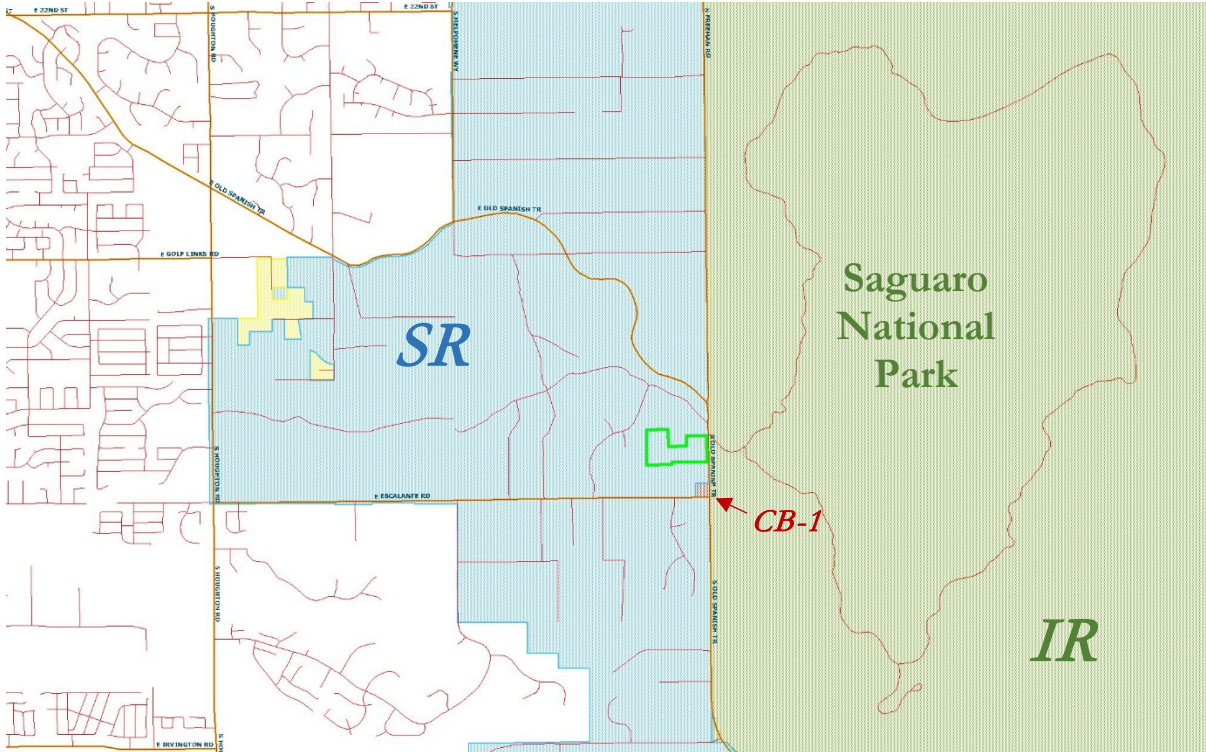
No sign identifying an accessory use shall be visible from a public street

No entrance to an accessory use shall face a public street

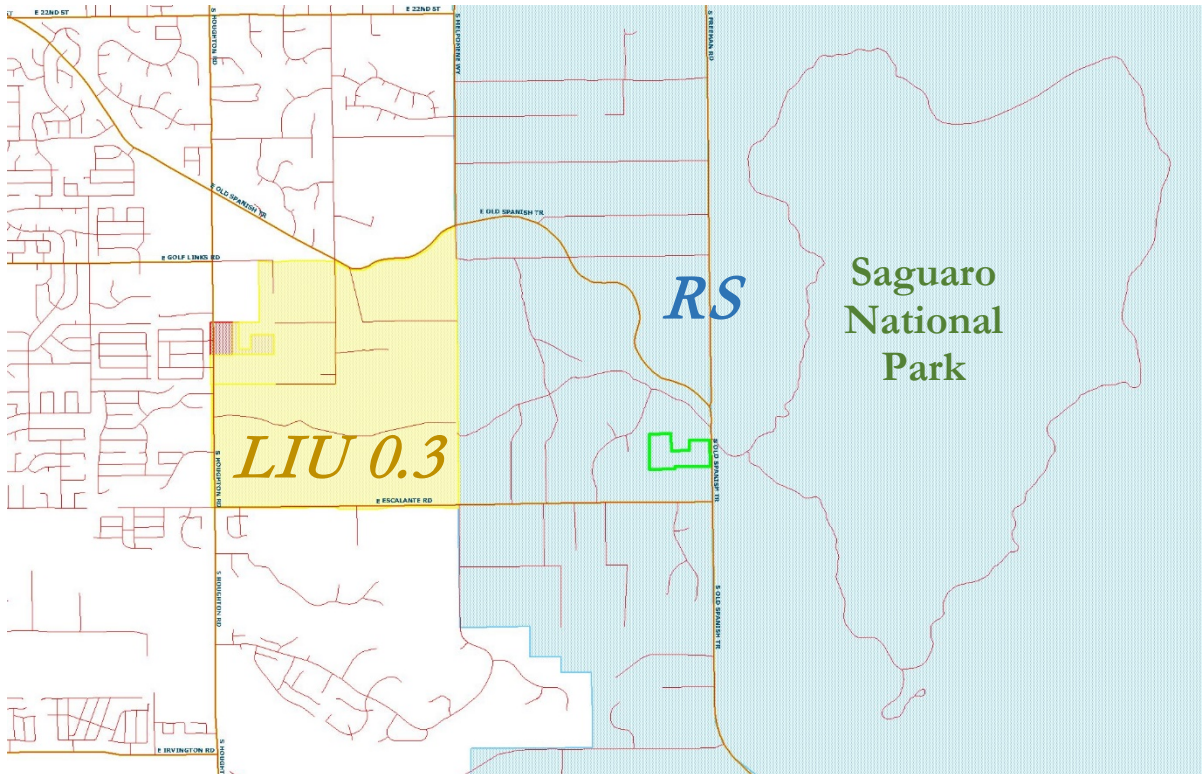
Other development standards: In accordance with the zone where located



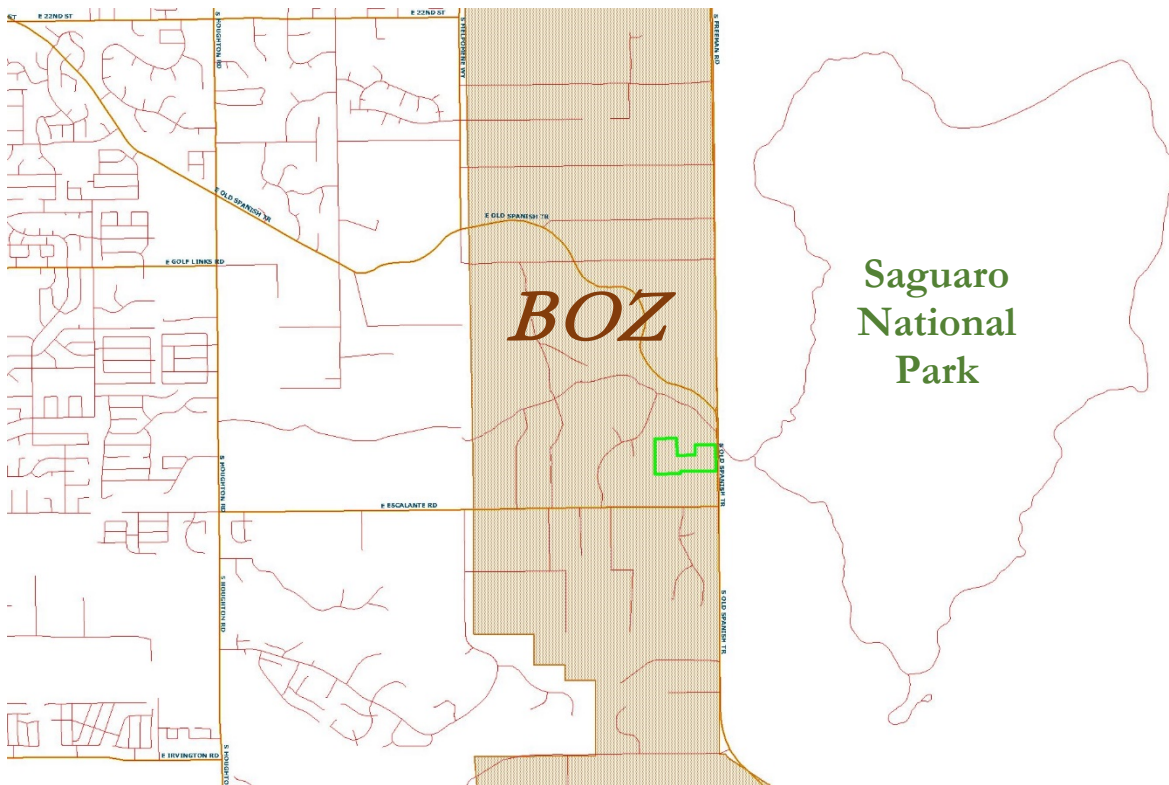
Aerial Photo



Pima County Zoning



Pima County Land Use Designations



Pima County Buffer Overlay Zone (BOZ)