



CITY OF  
TUCSON

DEVELOPMENT  
SERVICES  
DEPARTMENT

September 29, 2006

Michael B. Whyde  
Executive Vice President  
Pepper Viner at Civano North Ridge

Dear Mr. Whyde:

SUBJECT: Minor Change to Disturb NPPO Set Aside Area and 15% Greater Slopes for North Ridge Development - (Lot 46) in the Civano Master PAD --

The Development Services Director has reviewed your letter requesting a change to the NPPO Set Aside Area and 15% Greater Slope for the North Ridge Development - (Lot 46) in the Civano Master PAD. Per your letter the changes would provide corrective action to the north side of Lot 46 which has been previously disturbed. This corrective action would fill the land on the northern slope of the property, re-vegetate the affected area, stabilize the hillside and provide a safer and more attractive environment for Lot 46 and the overall development. The Civano Master PAD allows for minor adjustments as long as the changes are non-substantial.

#### G-4 Amendment Procedures

When changes or modifications to the PAD Districts are necessary or appropriate, proposed amendments or modifications shall conform to the following requirements:

##### Insubstantial Change

The Civano Project Manager may allow insubstantial changes to the PAD Districts administratively, provided that such changes are not in conflict with the overall intent as expressed in the Master PAD or individual PAD District documents. The following items shall be considered as insubstantial changes:

- Changes in configuration of individual development units or development parcels to include modifications to boundaries, division of larger parcels, or combinations of parcels by a maximum of 20%, as long as there is not net loss of open space and no net increase in the total number of units allowable within the Development Unit;
- Changes to the community infrastructure, such as drainage, water and sewer systems which do not have the effect of increasing or

September 29, 2006

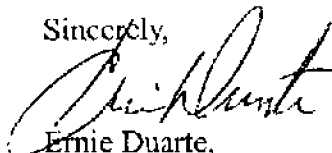
decreasing development capacity in the Master PAD, nor change the overall intent of the Master PAD;

- Any analogous interpretations of the list of permitted, exception, secondary and accessory uses of the property set forth in the PAD, as determined by the Development Services Director;
  
- Changes in residential densities not to exceed and increase of 10% of the maximum allowable in each Development Unit, provided the increase does not cause an increase in the total allowable unit count within the PAD;
- Minor modifications or adjustments to intrusions, encroachments, easements, roadway alignments or open space areas, so long as the modifications fall within the general range of target densities for the PAD and there is not net reduction in open space areas;
- Minor modifications to the location and size of trails and pedestrian paths, so long as the modifications meet the general intent of the Plan;
- Minor adjustments and/or substitutions to the development standards within the PAD that do not impact the general health, safety and welfare of the residents of the City;
- Combination of sub-districts within the Pavilions PAD for purposes of parking calculations.
- Any other items not expressly defined as Substantial Changes in LUC Section 2.6.3.11.B.3.

The modification to disturb the NPPO Set Aside Area and 15% Greater Slope for North Ridge Development - (Lot 46) in the Civano Master PAD is consistent with the intent of the PAD: it stabilizes the hillside, brings the property closer to its original condition, and provides a more attractive and safer environment for Lot 46 and the overall development. It is determined that this modification is a non-substantial change to the PAD and approved by the Development Services Director.

Please note that a copy of this letter must be attached to the Civano North Ridge development plan.

Sincerely,



Ernie Duarte,

Director

Development Services Department

September 29, 2006

cc: Albert Elias  
Roger Howlett, DUPD  
John Bcall, DUPD  
Joe Linville, DSD  
David Rivera, DSD  
Patricia Gehlen, DSD

Attachments: Applicant's Request  
DUPD Recommendation



CITY OF  
TUCSON

DEPARTMENT OF  
URBAN PLANNING  
& DESIGN

December 11, 2007

Mr. Kevin Letendre, P.E.  
PSOMAS  
800 E. Wetmore Road, Suite 110  
Tucson, AZ 85719

Dear Mr. Letendre:

The Planning Director has reviewed your letter (attached) requesting a determination for the proposed revision to Detail A in Figure 27a: Local Street Cross Section within the Civano: Sierra Morado PAD section.

The PAD recognizes and allows for minor adjustments as long as the changes are non-substantial. The regulatory zoning provisions for the Sierra Morado PAD are designed to guide the implementation for the community "vision", which provides for roadways to be visually interesting. The Civano Master PAD includes numerous local public and private, roadway cross sections, depending upon the adjacent land use category, residential product type, and requirements for efficient vehicular and non-vehicular circulation within individual parcels. The proposed revision to Detail A in Figure 27a: Local Street Cross Sections meets the criteria for non-substantial change as referenced in the Civano Master PAD because:

1. the proposed revision still meets the required one travel lane in each direction, minimum 5-foot sidewalk setback a minimum of 5-feet from curb;
2. this street section is still not allowed where single-family residential lots with driveways front the local street;
3. no change will be made to streets utilizing the wedge curb option;
4. this change matches the street cross sections and sidewalk spacing already being built throughout the Sierra Morado Development, and contributes to the community "vision" of visually interesting roadways, giving ample space for landscaping.

December 11, 2007

Therefore, it is determined that this change is a non-substantial change and is approved.

Sincerely,



Albert Elias  
Director of Urban Planning and Design

- c: Jim Mazzacco, DUPD
- John Beall, DUPD
- Roger Howlett, DUPD
- Michael Wyneken, DUPD
- David Rivera, DSD
- Patricia Gehlen, DSD

Attachments: Applicant's Request

S:CASREV/PADS/Minor Changes and Interpretations/Civano/Sierra Morado/Figure 27a

PSOMAS

November 27, 2007

John Beall  
City of Tucson Department of Urban Planning and Design  
MacArthur Building  
345 E Toole Ave  
Tucson, AZ 85701-1823

Subject: Civano Master PAD Revision  
Psomas 02032-05-1132

Dear Mr. Beall:


Psomas is proposing a revision to the Civano Master Planned Area Development. The Civano Master PAD includes the Sierra Morado PAD, the Pavilions PAD, and the Neighborhood 1 PAD, and it was most recently revised and submitted to the City of Tucson on April 7, 2005.

The requested revision is to Detail A in Figure 27a: Local Street Cross Sections which can be found in the Civano: Sierra Morado PAD section. Currently, the cross section shows a distance of 6.5' between the 6" vertical curb and the sidewalk. The Developer would like to change this distance to 5'. Please note that no change will be made to streets utilizing the wedge curb option. This change is at the developers request to match the street cross sections and sidewalk spacing to the rest of the Sierra Morado Development. This modification does not conflict with any of the underground utilities and will still provide ample space for landscaping. The attached exhibit shows the existing cross section and the new cross section.

If you have any questions please don't hesitate to contact me.

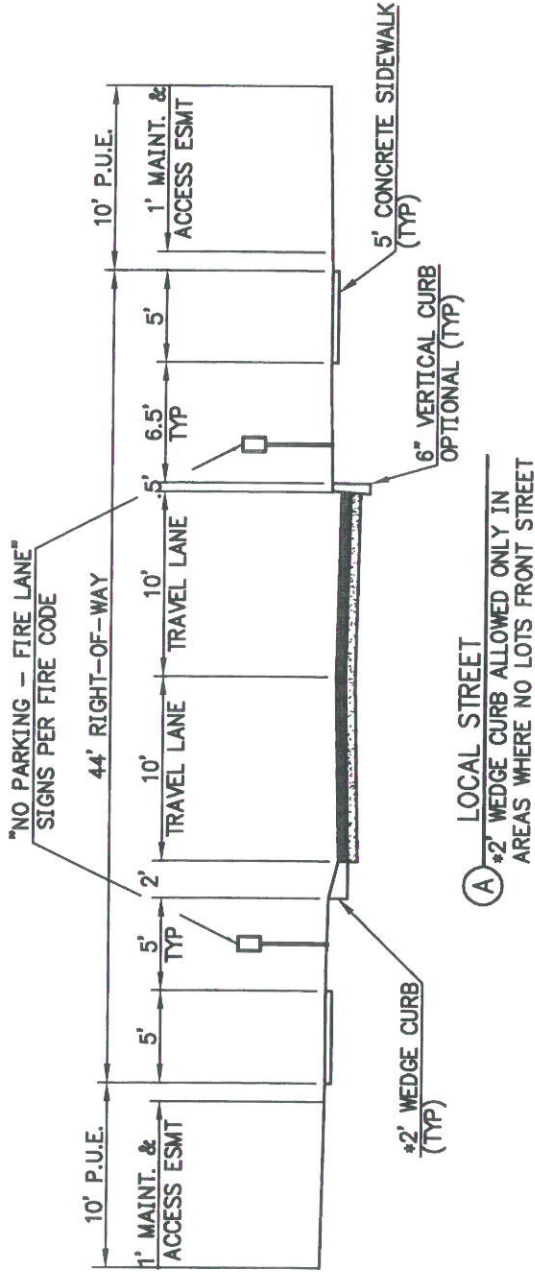
Sincerely,

**PSOMAS**

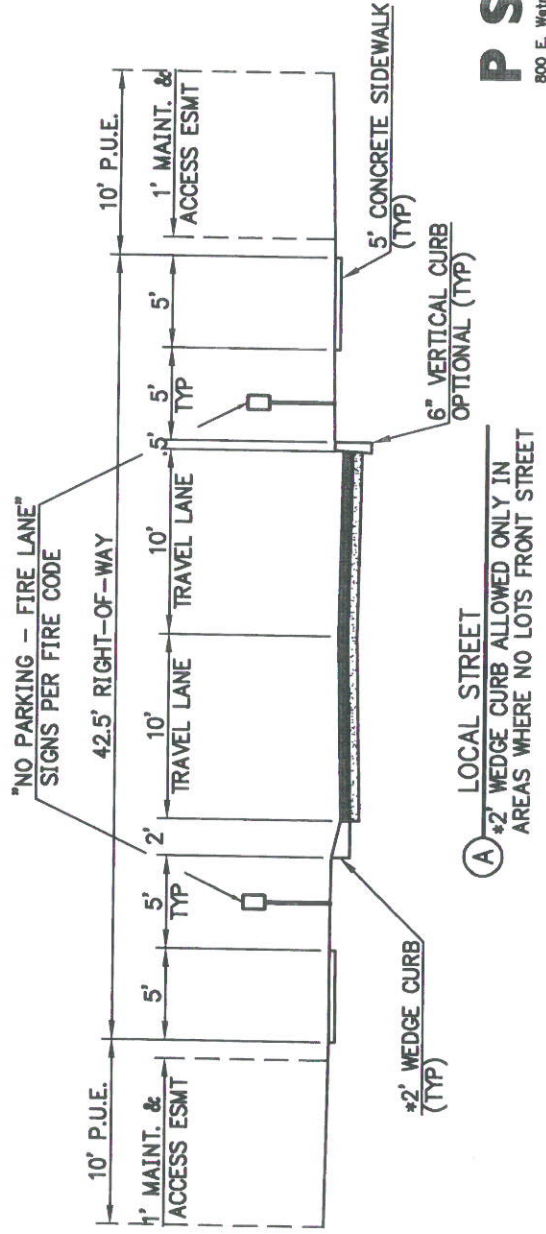


Kevin Letendre, P.E.  
Project Engineer

## EXISTING FIGURE 27A OF CIVANO MASTER PAD



## NEW FIGURE 27A OF CIVANO MASTER PAD



**PSOMAS**

800 E. Wetmore Road, Suite 110  
Tucson, AZ 85718  
(520) 292-2300 (520) 292-1290 fax  
www.psomas.com



CITY OF  
TUCSON  
PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

February 24, 2010

Mr. Michael Baruch, Principal  
L3 Project Management, LLC.  
3331 N. Riverbend Circle West  
Tucson, AZ 85750

**SUBJECT:** Clarification to the Civano Planned Area Development Zoning Rights for the Civano Nursery, Parcels 141-01-279 A & B

Dear Mr. Baruch:

I have reviewed your letter requesting clarification as to the zoning rights allowed for the Civano Nursery as found in the Civano PAD – Neighborhood 1.

Your request letter outlines that the property owner, in preparation to the future Houghton Road widening project, wishes to re-orient and improve the nursery/garden center to have direct access onto Houghton Road. Current access is provided from an interior neighborhood street, Thunder Sky Way. Your letter asks for clarification that the development standards found in Civano PAD – Neighborhood 1 for building setbacks and building heights along Houghton Road will not be subject to the Land Use Code Scenic Corridor Zone.

The Civano PAD – Neighborhood 1 District specifically addresses setbacks along Houghton Road in the Thoroughfare Standards (Exhibit 37) that call out a 10-foot building setback. The Nursery site is within the Neighborhood General District, which allows for a maximum 35' building height.

The Land Use Code (LUC) states that where a provision in a PAD District varies from the LUC, the provisions in the PAD District shall govern (LUC 2.6.3.2).

Therefore, it is determined that any proposed redevelopment of the Civano Nursery will follow the zoning rights as articulated in the Neighborhood 1 section of the PAD document. And the Nursery site will only be subject to scenic corridor zoned criteria if such criteria is not specifically addressed in the PAD.

Note also, per TDOT, it has been determined that the nursery will have access from Houghton Road as indicated in the Houghton Road Widening Project.



Mr. Michael Baruch, Principal  
L3 Project Management, LLC.  
February 24, 2010  
Page Two

The purposed access drive is 24-foot wide with 35-foot radii curb returns and will be restricted to right-in, right-out. The driveway has been designed to accommodate larger trucks for deliveries, but in light of the recent request by the property owner, TDOT has no objections permitting ingress/egress for the general public (see attached TDOT letter). It should be noted that no additional access points from Houghton Road will be permitted to or from the nursery. TDOT-Traffic requests that TDOT staff be included in the review of any future redevelopment to the nursery site.

This letter serves as clarification by the Planning and Development Services Director, that the Civano Nursery will follow the development standards in Civano PAD - Neighborhood 1 even if a provision in the PAD District varies from the Land Use Code. Please note that a copy of this letter must be attached to any development plan for the Civano Nursery.

Sincerely,  
  
Ernie Duarte, Director  
Planning and Development Services Department

c. Craig Gross, PDS  
Jim Mazzocco, PDS  
Patricia Gehlen, PDS  
John Beall, PDS  
Jose Ortiz, TDOT

Attachments: Applicant's Request

L3 Project Management LLC  
3331 N. Riverbend Circle West  
Tucson, Arizona 85750

Via Hand Delivery

February 10, 2010

Mr. John Beal (HHL?)  
City of Tucson Zoning Review Department  
201 North Stone  
Tucson, Arizona 85726

Re: The Civano Nursery, Parcels 141-01-279 A & B

Dear John,

This letter is a request for confirmation from the City of Tucson with regards to the PAD zoning rights for the above referenced parcels. The property owner, the Shipley family, is excited to begin work on an ambitious plan to redesign the nursery and garden center to embrace the future Houghton Road widening project. In preparation for the road project the Shipley's wish to re-orient and improve the nursery and garden center to directly ingress and egress from Houghton Road versus the current Thunder Sky Way entrance internal to the residential neighborhood of Civano I. The project will begin with a substantial investment in time and consulting as we work with national experts in garden center design and marketing to develop a master program and layout for the project which will include state of the art climate conditioned greenhouses for both growing and all weather retail sales. Likewise, it is important that we receive a committed response to the following questions regarding the development criteria that are applicable to our parcels.

We wish to confirm that the above referenced parcels zoned PAD 12 and therein the Neighborhood General District, Civano Nursery overlay zone are by virtue of the specific language written into the PAD entitled to the following development standards:

Building Setback at Houghton Road:	"10 ft. excluding fences, walls, overhangs for roofs and porches and shade structure overhangs and supports; which can extend up to the Houghton Road property line."
Building Height:	"35' max., excluding cool towers, wind catchers, chimneys and other vertical extensions with similar purpose under 250 sq. ft. in section and limited to 50 feet in height."

Furthermore, it is important to receive confirmation that these zoning rights specifically articulated in the PAD are not inferior to the current major streets and routes setback zone criteria L.U.C. 2.8.2.4 and 2.8.2.5 which would otherwise require a property along the Houghton Road scenic arterial street to observe a thirty (30) foot buffer setback and an additional setback and height restriction of a maximum height equal to one-third (1/3) the distance of the structure from the future right-of-way line not to

L3 Project Management LLC  
3331 N. Riverbend Circle West  
Tucson, Arizona 85750

exceed thirty (30) feet for a nonresidential structure. It is our belief that because of the specific nature of the criteria written into the ordinance PAD section 2.8.2.5.B does not nullify the PAD language.

In giving this matter consideration it may be helpful to understand the historical context of this specific project. Civano I was zoned PAD 6a in October of 1997 and later repackaged in its entirety as one component to the Civano Master PAD in April of 2005 thereby changing the zoning designation to PAD 12. At the time of the adoption of the original PAD the MS&R plan was in its tenth (10<sup>th</sup>) iteration and the PAD specifically identified Houghton as an "urban gateway". The use of a 0' wall and 10' building setbacks written into the PAD figured precisely in the layout of both residential lots and the subject nursery parcels including the spacing between Thunder Sky Way and Houghton Road. Application of a 30' buffer zone would have required Thunder Sky Way to be located an additional 30' easterly of its current location (see attached figure 1).

At the time of the adoption of PAD 12 the MS&R plan was in its twenty-third (23<sup>rd</sup>) iteration and portions of the PAD outside the Civano I PAD limits were specifically identified as subject to the Scenic Corridor Zone (SCZ) overlay zone; by contrast such specific language was not then added to the Civano I PAD district. In fact, by that time the entire Houghton Road frontage was fully developed in accordance with the PAD 6a Houghton Road setback of 0' for walls and 10' for buildings (see attached figure 2).

Today Civano Nursery seeks to maintain the economic viability of its Houghton Road location by re-orienting the entire site toward a new Houghton road entrance and making a substantial new investment in high-technology conditioned growing and retail greenhouse facilities. In order to do so the additional facilities and relocation will be tantamount to a total redevelopment of the site and the owners need confirmation that the specific, zoned language regarding setbacks and height will be honored such that the project will only be subject to scenic corridor zone criteria not specifically addressed in the PAD. We look forward to your timely and studied response on this matter.

Respectfully,

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Michael Baruch, Principal  
L3 Project Management, LLC

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Les Shipley, President  
Civano Nursery, Inc.

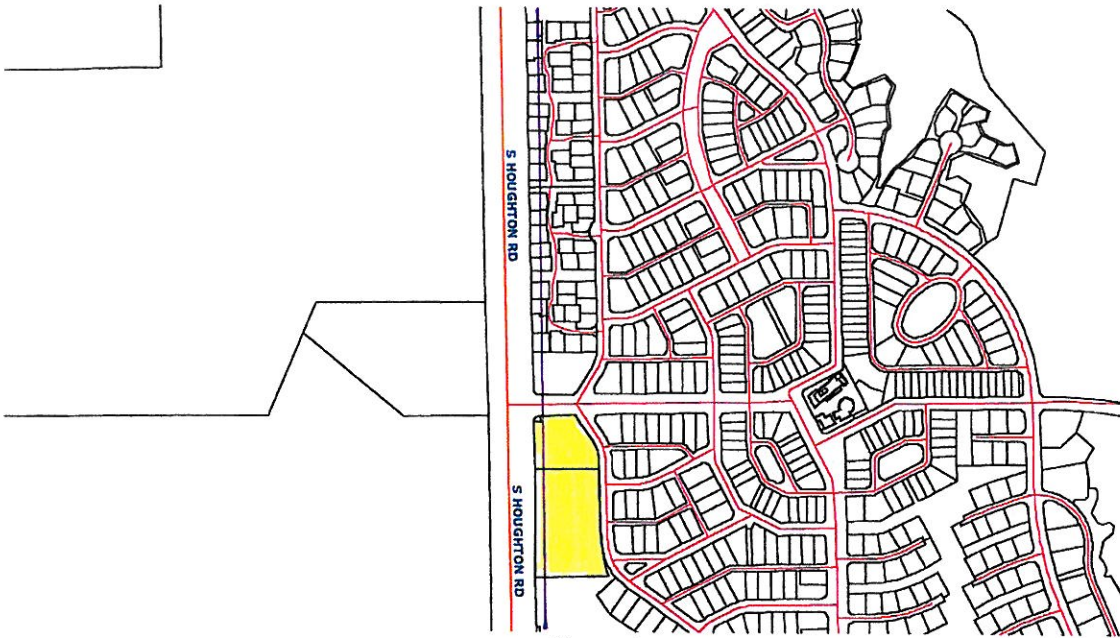


Figure 1



Figure 2



CITY OF  
TUCSON

DEPARTMENT OF  
TRANSPORTATION

May 16, 2008

Leslie Shipley  
Civano Nursery  
5301 S. Houghton Rd.  
Tucson, Arizona 85747

**Subject: Houghton Roadway Widening and Access to Civano Nursery**

Dear Mr. Shipley:

We have reviewed your access request of April 21, 2008, and are pleased to inform you that we are in agreement that the requested right-in, right-out only access into the Civano Nursery fits within the criteria of our roadway widening project, and will include it in our design.

As you recently discussed with the Project Manager for the Houghton Road widening project, this right-in, right-out access point will be constructed as a standard driveway apron. To make this possible, the Civano Nursery will need to seek permission to abandon the No Access Easement that currently exists at this location. Also, as mentioned in that discussion, we will be e-mailing you some drawings showing the specifics of the proposed driveway and to facilitate our discussions in locating the exact location with respect to your proposed development.

We would like to clarify that this access/driveway will be designed to serve only the nursery itself. Any future plans the nursery may have to extend this access through the nursery and into the Civano neighborhood to the east will need to be handled as a separate issue through the City of Tucson Development Services private development process. That process would include determining the feasibility of connecting a roadway through the development, as well as evaluating the potential traffic impacts on the neighborhood. Additionally, given the significant traffic that might use this new access point, if it passes through to the neighborhood, you may also be required to evaluate the need for an exclusive right turn lane on Houghton to accommodate these changes. This project may require the acquisition of additional right of way in the area of your property, as well as the property to the south of you, and it may require the expansion of a nearby drainage culvert to provide the necessary room for the exclusive right turn lane. These are expenses that would need to be funded by the Civano Nursery at no cost to the City.

If you have any questions or concerns, please feel free to call the Houghton Roadway Widening Project Manager, M.J. Dillard at 837-6616.

Sincerely,

James W. Glock, P.E., Director  
Department of Transportation

JWG:MJD:mc

c: Andrew Squire, Ward 4  
M. J. Dillard, TDOT  
Andy McGovern, TDOT



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

July 20, 2011

Mr. John Ward, PE  
Manager/Planning and Entitlement  
Pulte Homes – Arizona Division  
8950 North Oracle Road  
Tucson, AZ 85704

Dear Mr. Ward:

SUBJECT: Minor Amendment of Civano Planned Area Development, Sierra Morado, D-3.d. Garage Treatment, Figure 22.

I have reviewed your letter (attached) requesting a determination for the proposed revision to Figure 22 – Garage Treatment Examples within the Civano: Sierra Morado PAD section.

The PAD recognizes and allows for minor adjustments as long as the changes are non-substantial. The regulatory zoning provisions for the Sierra Morado PAD are designed to guide the implementation for the community “vision”, which provides for a diversity of product type and to minimize the perception of garages that face the street. Civano Master PAD, D-3.d. Garage Treatment policy standard outlines that within the Sierra Morado area of the Civano PAD at least 67% of the residential lots will incorporate one of the three examples depicted in Figure 22, or similar or future new garage designs to be determined by the Developer in consultation with the Civano Neighbors organization.

Given the current housing market, and in a effort by Pulte Homes to continue the development of the Sierra Morado community, Pulte is intending to offer new product lines which they feel will better serve the desires of the current new home buyer. However, any such new product line must meet the policies and development standards set forth in the Civano PAD, i.e. Garage Treatment.

The proposed revision to Figure 22: Garage Treatment Examples to include three additional new garage designs meets the criteria for non-substantial change as referenced in the Civano Master PAD because:

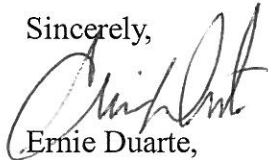
1. The Civano PAD allows for additional garage treatment designs to meet the demands of future markets;
2. Pulte is providing a new product type that will add diversity to its current housing product;

3. The proposed revision includes an attachment that outlines in letter form that Civano neighbors have been consulted regarding the additional garage design treatments;
4. Although the new product line requires a re-platting that will drop the overall percentage of residential lots incorporating one of these garage treatment designs from 67% to 65%, the re-platting for the new product line lowers the overall density by at least 136 lots or 9.15% which in turn affects the total number of available Non-garage dominant homes. This percentage reduction is minimal and still meets the overall intent of policy D-3.d. Garage Treatment.

Therefore, it is determined that this change is a non-substantial change and is approved.

Please note that a copy of this letter must be attached to the development plans. These new additional garage treatment examples as presented in your request will be incorporated into the Civano PAD as Figure 22A.

Sincerely,



Ernie Duarte,

Director

Planning and Development Services Department

cc: John Beall, PDS

Attachments: Applicant's Request



CITY OF  
TUCSON  
PLANNING &  
DEVELOPMENT  
SERVICES  
DEPARTMENT

February 24, 2010

Mr. Michael Baruch, Principal  
L3 Project Management, LLC.  
3331 N. Riverbend Circle West  
Tucson, AZ 85750

**SUBJECT:** Clarification to the Civano Planned Area Development Zoning Rights for the Civano Nursery, Parcels 141-01-279 A & B

Dear Mr. Baruch:

I have reviewed your letter requesting clarification as to the zoning rights allowed for the Civano Nursery as found in the Civano PAD – Neighborhood 1.

Your request letter outlines that the property owner, in preparation to the future Houghton Road widening project, wishes to re-orient and improve the nursery/garden center to have direct access onto Houghton Road. Current access is provided from an interior neighborhood street, Thunder Sky Way. Your letter asks for clarification that the development standards found in Civano PAD – Neighborhood 1 for building setbacks and building heights along Houghton Road will not be subject to the Land Use Code Scenic Corridor Zone.

The Civano PAD – Neighborhood 1 District specifically addresses setbacks along Houghton Road in the Thoroughfare Standards (Exhibit 37) that call out a 10-foot building setback. The Nursery site is within the Neighborhood General District, which allows for a maximum 35' building height.

The Land Use Code (LUC) states that where a provision in a PAD District varies from the LUC, the provisions in the PAD District shall govern (LUC 2.6.3.2).

Therefore, it is determined that any proposed redevelopment of the Civano Nursery will follow the zoning rights as articulated in the Neighborhood 1 section of the PAD document. And the Nursery site will only be subject to scenic corridor zoned criteria if such criteria is not specifically addressed in the PAD.

Note also, per TDOT, it has been determined that the nursery will have access from Houghton Road as indicated in the Houghton Road Widening Project.

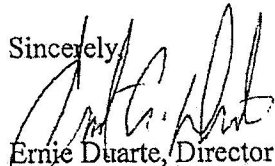


Mr. Michael Baruch, Principal  
L3 Project Management, LLC.  
February 24, 2010  
Page Two

The proposed access drive is 24-foot wide with 35-foot radii curb returns and will be restricted to right-in, right-out. The driveway has been designed to accommodate larger trucks for deliveries, but in light of the recent request by the property owner, TDOT has no objections permitting ingress/egress for the general public (see attached TDOT letter). It should be noted that no additional access points from Houghton Road will be permitted to or from the nursery. TDOT-Traffic requests that TDOT staff be included in the review of any future redevelopment to the nursery site.

This letter serves as clarification by the Planning and Development Services Director, that the Civano Nursery will follow the development standards in Civano PAD - Neighborhood 1 even if a provision in the PAD District varies from the Land Use Code. Please note that a copy of this letter must be attached to any development plan for the Civano Nursery.

Sincerely,



Ernie Duarte, Director  
Planning and Development Services Department

c. Craig Gross, PDSD  
Jim Mazzocco, PDSD  
Patricia Gehlen, PDSD  
John Beall, PDSD  
Jose Ortiz, TDOT

Attachments: Applicant's Request

L3 Project Management LLC  
3331 N. Riverbend Circle West  
Tucson, Arizona 85750

Via Hand Delivery

February 10, 2010

Mr. John Beal (HHe?)  
City of Tucson Zoning Review Department  
201 North Stone  
Tucson, Arizona 85726

Re: The Civano Nursery, Parcels 141-01-279 A & B

Dear John,

This letter is a request for confirmation from the City of Tucson with regards to the PAD zoning rights for the above referenced parcels. The property owner, the Shipley family, is excited to begin work on an ambitious plan to redesign the nursery and garden center to embrace the future Houghton Road widening project. In preparation for the road project the Shipley's wish to re-orient and improve the nursery and garden center to directly ingress and egress from Houghton Road versus the current Thunder Sky Way entrance internal to the residential neighborhood of Civano I. The project will begin with a substantial investment in time and consulting as we work with national experts in garden center design and marketing to develop a master program and layout for the project which will include state of the art climate conditioned greenhouses for both growing and all weather retail sales. Likewise, it is important that we receive a committed response to the following questions regarding the development criteria that are applicable to our parcels.

We wish to confirm that the above referenced parcels zoned PAD 12 and therein the Neighborhood General District, Civano Nursery overlay zone are by virtue of the specific language written into the PAD entitled to the following development standards:

- |                                    |  |
|------------------------------------|--|
| Building Setback at Houghton Road: | "10 ft. excluding fences, walls, overhangs for roofs and porches and shade structure overhangs and supports; which can extend up to the Houghton Road property line."        |
| Building Height:                   | "35' max., excluding cool towers, wind catchers, chimneys and other vertical extensions with similar purpose under 250 sq. ft. in section and limited to 50 feet in height." |

Furthermore, it is important to receive confirmation that these zoning rights specifically articulated in the PAD are not inferior to the current major streets and routes setback zone criteria L.U.C. 2.8.2.4 and 2.8.2.5 which would otherwise require a property along the Houghton Road scenic arterial street to observe a thirty (30) foot buffer setback and an additional setback and height restriction of a maximum height equal to one-third (1/3) the distance of the structure from the future right-of-way line not to

L3 Project Management LLC  
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Tucson, Arizona 85750

exceed thirty (30) feet for a nonresidential structure. It is our belief that because of the specific nature of the criteria written into the ordinance PAD section 2.8.2.5.B does not nullify the PAD language.

In giving this matter consideration it may be helpful to understand the historical context of this specific project. Civano I was zoned PAD 6a in October of 1997 and later repackaged in its entirety as one component to the Civano Master PAD in April of 2005 thereby changing the zoning designation to PAD 12. At the time of the adoption of the original PAD the MS&R plan was in its tenth (10<sup>th</sup>) iteration and the PAD specifically identified Houghton as an "urban gateway". The use of a 0' wall and 10' building setbacks written into the PAD figured precisely in the layout of both residential lots and the subject nursery parcels including the spacing between Thunder Sky Way and Houghton Road. Application of a 30' buffer zone would have required Thunder Sky Way to be located an additional 30' easterly of its current location (see attached figure 1).

At the time of the adoption of PAD 12 the MS&R plan was in its twenty-third (23<sup>rd</sup>) iteration and portions of the PAD outside the Civano I PAD limits were specifically identified as subject to the Scenic Corridor Zone (SCZ) overlay zone; by contrast such specific language was not then added to the Civano I PAD district. In fact, by that time the entire Houghton Road frontage was fully developed in accordance with the PAD 6a Houghton Road setback of 0' for walls and 10' for buildings (see attached figure 2).

Today Civano Nursery seeks to maintain the economic viability of its Houghton Road location by re-orienting the entire site toward a new Houghton road entrance and making a substantial new investment in high-technology conditioned growing and retail greenhouse facilities. In order to do so the additional facilities and relocation will be tantamount to a total redevelopment of the site and the owners need confirmation that the specific, zoned language regarding setbacks and height will be honored such that the project will only be subject to scenic corridor zone criteria not specifically addressed in the PAD. We look forward to your timely and studied response on this matter.

Respectfully,

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Michael Baruch, Principal  
L3 Project Management, LLC

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Les Shipley, President  
Civano Nursery, Inc.

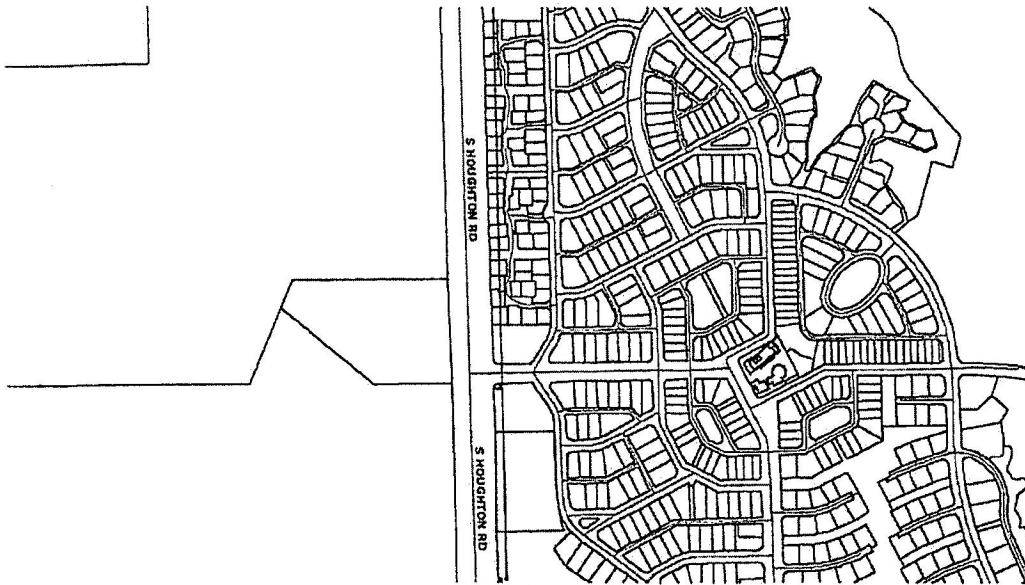


Figure 1

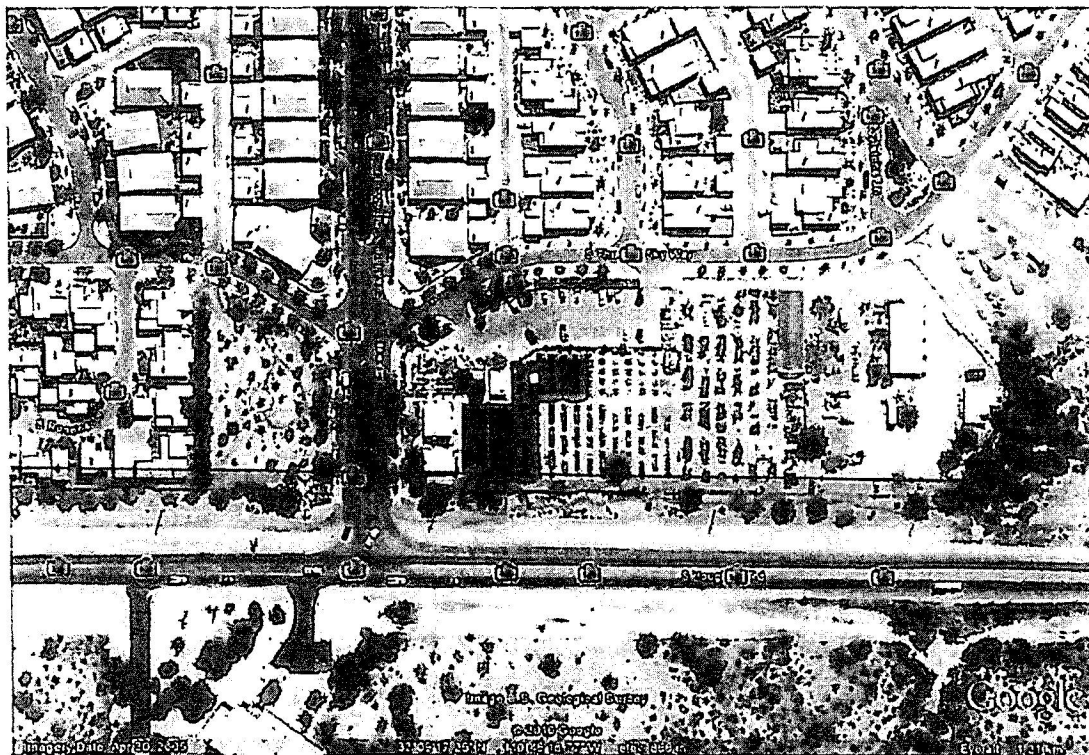


Figure 2



CITY OF  
TUCSON

DEPARTMENT OF  
TRANSPORTATION

May 16, 2008

Leslie Shipley  
Civano Nursery  
5301 S. Houghton Rd.  
Tucson, Arizona 85747

**Subject: Houghton Roadway Widening and Access to Civano Nursery**

Dear Mr. Shipley:

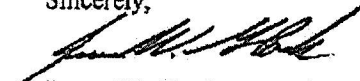
We have reviewed your access request of April 21, 2008, and are pleased to inform you that we are in agreement that the requested right-in, right-out only access into the Civano Nursery fits within the criteria of our roadway widening project, and will include it in our design. \*

\* As you recently discussed with the Project Manager for the Houghton Road widening project, this right-in, right-out access point will be constructed as a standard driveway apron. To make this possible, the Civano Nursery will need to seek permission to abandon the No Access Easement that currently exists at this location. Also, as mentioned in that discussion, we will be e-mailing you some drawings showing the specifics of the proposed driveway and to facilitate our discussions in locating the exact location with respect to your proposed development.

We would like to clarify that this access/driveway will be designed to serve only the nursery itself. Any future plans the nursery may have to extend this access through the nursery and into the Civano neighborhood to the east will need to be handled as a separate issue through the City of Tucson Development Services private development process. That process would include determining the feasibility of connecting a roadway through the development, as well as evaluating the potential traffic impacts on the neighborhood. Additionally, given the significant traffic that might use this new access point, if it passes through to the neighborhood, you may also be required to evaluate the need for an exclusive right turn lane on Houghton to accommodate these changes. This project may require the acquisition of additional right of way in the area of your property, as well as the property to the south of you, and it may require the expansion of a nearby drainage culvert to provide the necessary room for the exclusive right turn lane. These are expenses that would need to be funded by the Civano Nursery at no cost to the City.

If you have any questions or concerns, please feel free to call the Houghton Roadway Widening Project Manager, M.J. Dillard at 837-6616.

Sincerely,

  
James W. Glock, P.E., Director  
Department of Transportation

JWG:MJD:mc

c: Andrew Squire, Ward 4  
M. J. Dillard, TDOT  
Andy McGovern, TDOT

DIRECTOR'S OFFICE  
P.O. BOX 27210 • TUCSON, AZ 85726-7210  
(520) 791-4371 • FAX (520) 791-5902 • TTY (520) 791-2639  
www.cityoftucson.org





**CITY OF  
TUCSON**  
DEPARTMENT OF  
TRANSPORTATION

May 16, 2008

Leslie Shipley  
Civano Nursery  
5301 S. Houghton Rd.  
Tucson, Arizona 85747

**Subject: Houghton Roadway Widening and Access to Civano Nursery**

Dear Mr. Shipley:

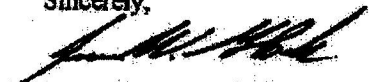
We have reviewed your access request of April 21, 2008, and are pleased to inform you that we are in agreement that the requested right-in, right-out only access into the Civano Nursery fits within the criteria of our roadway widening project, and will include it in our design.

As you recently discussed with the Project Manager for the Houghton Road widening project, this right-in, right-out access point will be constructed as a standard driveway apron. To make this possible, the Civano Nursery will need to seek permission to abandon the No Access Easement that currently exists at this location. Also, as mentioned in that discussion, we will be e-mailing you some drawings showing the specifics of the proposed driveway and to facilitate our discussions in locating the exact location with respect to your proposed development.

We would like to clarify that this access/driveway will be designed to serve only the nursery itself. Any future plans the nursery may have to extend this access through the nursery and into the Civano neighborhood to the east will need to be handled as a separate issue through the City of Tucson Development Services private development process. That process would include determining the feasibility of connecting a roadway through the development, as well as evaluating the potential traffic impacts on the neighborhood. Additionally, given the significant traffic that might use this new access point, if it passes through to the neighborhood, you may also be required to evaluate the need for an exclusive right turn lane on Houghton to accommodate these changes. This project may require the acquisition of additional right of way in the area of your property, as well as the property to the south of you, and it may require the expansion of a nearby drainage culvert to provide the necessary room for the exclusive right turn lane. These are expenses that would need to be funded by the Civano Nursery at no cost to the City.

If you have any questions or concerns, please feel free to call the Houghton Roadway Widening Project Manager, M.J. Dillard at 837-6616.

Sincerely,

  
James W. Glock, P.E., Director  
Department of Transportation

JWG:MJD:mc

c: Andrew Squire, Ward 4  
M. J. Dillard, TDOT  
Andy McGovern, TDOT

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CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

August 29, 2013

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

Dear Mr. Portner:

Subject: Determination and Clarification Letter for Civano Nursery Site Parcel Nos. 141-01-279A and B – The Civano Master PAD: Regarding Clarification of allowed uses for the Nursery site; a request for Minor Amendment to the Allowed Uses on the Nursery site; Confirmation of a Third Access Point Allowed to Thunder Sky Way; and, Clarification for a proposed New Houghton Road Access Point for Delivery Trucks to the Nursery Site

I have reviewed your letter of June 5, 2013 (see attached) requesting a determination regarding the following items:

- 1) Confirm existing and proposed uses for Civano Nursery Site;
- 2) Permit by Minor Amendment some allowed Secondary Uses to become Primary Uses on the Civano Nursery Site Parcel under specific conditions;
- 3) Confirm that a third access point would be allowed to Thunder Sky Way from the Civano Nursery Site as proposed; and,
- 4) Clarify under what conditions a proposed new Houghton Road access point to the Civano Nursery Site would be allowed.

**Item 1:** The Civano Master PAD defines the Civano Nursery as *an area for on-site plant salvage and reclamation, propagation of native and other drought tolerant plant species, demonstration and exhibition of water-efficient gardens, plant and related landscape material sales, and education oriented toward water and energy efficient landscape patterns.* In addition, a series of other uses were permitted as secondary uses.

In your request letter, you propose adding a sandwich shop/café integrated into the existing facility serving sandwiches and soup, specialty desserts, and some alcoholic beverages in an indoor/outdoor seating arrangement to be allowed as a secondary use. Staff confirms that the shop/café with the proposed menu would be determined to be an allowed secondary use under the PAD.

**Item 2:** The applicant is requesting that the following permitted secondary uses be allowed as permitted primary uses on this site under certain conditions.

Civic Use Group

- Education Use

Commercial Services Use Group

- Alcoholic beverage service
- Food service

Retail Use Group

- Food and beverage sales

These new primary uses would take place in a new health food grocery store under different ownership at the end of Parcel No. 141-01-279A. The new 14,000 square foot store would be incorporated into the master design of the Nursery site and besides selling groceries would include a sandwich shop/café, a coffee/tea bar, alcoholic beverage service, and other specialty food-service options. Consistent with the theme of the Nursery, wellness seminars and other educational events to promote health living would take place at the store. No new parcel would be created for the store.



Staff reviewed this request for new Primary Uses and found:

1. the requested Primary Uses are already allowed Secondary Uses and would introduce no new uses to the site;
2. the existing Nursery site use would be maintained;
3. the new uses would be allowed only in those cases where a proposed commercial enterprise was consistent in character with the established Nursery and would be integrated into the existing Nursery site's redevelopment; and,
4. the development of the new store would not result in the creation of a new land parcel;

Therefore, staff determined that this proposal for additional primary uses was a non-substantial change and may be approved as a Minor Amendment under the following conditions;

1. The proposed commercial enterprise is consistent in character and integrated with the existing Nursery, and,
2. The proposed commercial enterprise does not result in the creation of a new land parcel.

**Item 3:** The existing Civano Nursery site has two existing access driveways onto Thunder Sky Way. The applicant is requesting an additional access point at the south end of the Nursery site to essentially align with Royston Lane and provide ingress/egress to a new commercial enterprise on the Nursery site. In reviewing the request staff found that the two existing access points appear to have functioned well with adjacent neighborhood uses and traffic and that the City of Tucson Department of Transportation (TDOT) supports the additional access point. Therefore, staff confirms that the proposed additional access to Thunder Sky Way would be allowed subject to the approval of access design and the internal circulation of the redeveloped Nursery site by TDOT.

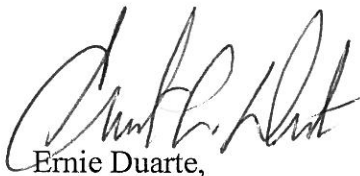
**Item 4:** In a May 16, 2008 letter TDOT, transportation staff agreed to a new limited use access point for the Civano Nursery for right-in and right-out only access to Houghton Road as part of the Houghton Road widening, subject to additional right-of-way and drainage improvements at no cost to the city. The purpose of the new access point was to provide improved access for Nursery

delivery trucks. To implement the new access point a request for abandonment of the No Access Easement that currently exists would be required. In addition, transportation staff expressed concerns that this access point could result in adverse traffic impacts on the adjacent Civano neighborhood depending on the design of the proposed third access point to Thunder Sky Way. Therefore, the creation of a new access point to Houghton Road would be based on approval of a design by TDOT that addressed:

1. access limitation to Houghton Road;
2. right-of-way and drainage improvement issues; and,
3. an a internal circulation design of the Civano Nursery site that addresses concerns of potential cut-through-traffic impacts on the adjacent Civano residential neighborhoods.

Please note that a copy of this letter must be attached to any development plan/plat submitted for redevelopment of the Civano Nursery site. Also, approval of a new Houghton Road access design by TDOT should be provided at the time of submission, if Houghton Road access is proposed.

Sincerely,



Ernie Duarte,  
Director  
Planning and Development Services Department

Attachments: Applicant's Request



## PROJECTS INTERNATIONAL, Inc.

STRATEGIC GUIDANCE  
ENTITLEMENT PROCESSES  
LOCAL ADVICE & COUNSEL

10236 E. Armada Lane  
Tucson, Arizona 85749-9460  
520-850-0917  
jpotter@projectsintl.com  
www.projectsintl.com

**June 18, 2013**

Mr. Ernie Duarte, Director  
Development Services Department (DSD)  
CITY OF TUCSON  
201 N. Stone Avenue  
Tucson, AZ 85701

**RE: CIVANO MASTER PAD  
Letter of Minor Amendment and Confirmation  
Neighborhood 1 – Civano Nursery (Parcel Nos. 141-01-279A & B)**

Dear Mr. Duarte:

This Letter pertains to the Civano Nursery's plans to expand its present operation and clarify its complement of land uses on the above-referenced parcel. The Letter's purpose is to formally confirm that this expansion and the proposed uses remain in full accordance with the prescriptions of the Civano Master PAD. We feel it will be helpful to all concerned to formally affirm compliance with the PAD prior to our future submittal of a full Development Package to the City.

This present letter builds upon a prior Clarification Letter that you issued on February 24, 2010 (copy attached) regarding the same Civano Nursery site, wherein you addressed certain issues pertaining to setbacks, the reorientation of the nursery operation towards Houghton Road, and the provision of a new vehicular access drive onto Houghton Road.

### **Introduction & Background**

As you are aware, the Civano Nursery site was part of the original Civano Neighborhood 1 PAD that was approved in October, 1997. That PAD was later incorporated, in its entirety, into the subsequent Civano Master PAD that was approved in April, 2005. The Civano Nursery was subject to the prescriptions of the designated "Neighborhood General District", having a separate set of complementary uses delineated especially for the Nursery property.

### **Item 1: Confirmation of New and Proposed Uses by the Civano Nursery**

**Issue:** The Civano Nursery operation wishes to expand its existing nursery activities to provide for a new/additional garden center building and office space, as well as expanded indoor and outdoor display areas for trees and other plant materials, landscape materials,

yard maintenance supplies, and on-going cultivation. The expanded improvements will also include several new shade structures, new paved walkways, and seating areas. The Nursery wishes to continue and expand its educational activities through the construction of extensive demonstration gardens that will provide a platform for public teaching seminars on topics such as desert landscape maintenance practices, water harvesting, seed collection, etc., as well as occasional supervised presentations of desert animal species to adult and children audiences.

Beyond these primary missions, the Nursery is also contemplating a small sandwich shop and café integrated into the facility, where patrons could enjoy a cup of coffee or tea, soup and sandwiches, specialty desserts, and a small complement of alcoholic beverages. This café would likely have both an indoor and outdoor seating component.

**PAD Provisions:** Section 3.3.2 (Neighborhood General District) of the Civano Master PAD articulates the specific uses allowed for the Civano Nursery site (p. 156).

With respect to the above-described existing and expanded nursery functions, the following uses are specifically allowed as secondary uses:

Civic Use Group

- Educational Use

Retail Use Group

- Construction material sales (landscape materials)
- General merchandise sales (landscaping and yard maintenance materials & supplies)

Wholesale Use Group

- Business supply and equipment wholesaling (plants, landscape materials & supply)

With respect to the above-described sandwich shop and café, the following uses are specifically allowed as secondary uses:

Commercial Services Use Group

- Alcoholic beverage service
- Food service

Retail Use Group

- Food and beverage sales

**Statement of Resolution:** With the above in mind, it is our position that all of the above-described existing and expanded uses of the Civano Nursery operation are fully supported by the Civano Master PAD and are in accordance with its existing prescriptions. We would respectfully ask that you confirm this conclusion.

**Item 2: Minor Amendment Regarding Additional Uses on the Nursery Property**

**Issue:** The owners of the Civano Nursery property have also been approached by a specialty health-food entity who would like to construct and operate a separate health food grocery store on the southern portion of Parcel No. 141-01-279A. This store would be approximately 14,000 SF in gross floor area and would be incorporated into the master design for the site along with the expanded Nursery operation. In addition to selling groceries, the store would also feature a sandwich shop and café, a coffee and tea bar, alcoholic beverage service, and other potential specialty food-service options.

In addition, the health-food store is similarly committed to the goal of education, which has been at the heart of the larger Civano vision since its inception. Therefore, in addition to offering healthier food choices to the buying public, they will also conduct wellness seminars and other educational events at the store to promote healthy living.

The actual store will be owned and operated by a separated entity, however it will exist on the property under a long-term land lease with Civano Nursery, Inc., who will retain ownership of the entire Nursery site.

**PAD Provisions:** Section 3.3.2 (Neighborhood General District) of the Civano Master PAD articulates the specific uses allowed for the Civano Nursery site (p. 156).

With respect to the above-described specialty health food store, the following uses are specifically articulated as secondary uses within the Civano Nursery site:

Civic Use Group

- Educational Use

Commercial Services Use Group

- Alcoholic beverage service
- Food service

Retail Use Group

- Food and beverage sales

**Statement of Request for Minor Amendment:** With all of the above in mind, and given the consistency in concept and vision of the proposed health food store with the goals of the Civano Master PAD, and given further the clear synergy and complementary relationship that would exist between the Civano Nursery operation and the proposed health store, we would respectfully request that the uses listed below for the Civano Nursery no longer be restricted solely to secondary uses, but also be allowed as *Permitted Uses* under certain conditions:

Civic Use Group

- Educational Use

Commercial Services Use Group

- Alcoholic beverage service
- Food service

Retail Use Group

- Food and beverage sales

Specifically, allowing the above as *Permitted Uses* would be limited to only those cases where a proposed commercial enterprise is consistent in character with the established Nursery and where the enterprise is similarly dedicated to the larger Civano mission of education and neighborhood integration & sensitivity. This limitation is specifically intended to prevent the open entry of more traditional retail, food service, and/or alcoholic beverage concerns (such as fast-food chains, conventional grocery stores, and bars) that would undermine the intended character and neighborhood focus of the Civano PAD.

The owners of Civano Nursery, Inc. are active, long-standing members of the larger Civano community and are in regular communication with the leadership of the adjacent Civano Neighbors Association. They have kept that leadership fully informed of their plans to expand the nursery and to establish the proposed health food store, sandwich shop, etc. as a separate-but-complementary use on the Nursery property. The Association has expressed its excitement to see more and diverse services become available to its residents and is committed to working closely with Civano Nursery, Inc. to insure that their expansion plans become reality.

**Item 3: Confirmation of Access to Thunder Sky Way**

**Issue:** The existing Civano Nursery site presently has two (2) access driveways onto Thunder Sky Way, a local street which defines the east border of the Nursery site and the west border of the Civano I, Neighborhood 1 residential subdivision. The Nursery

owner wishes to establish a third and final access driveway onto Thunder Sky Way, this being located at the very south end of the Nursery site and essentially aligning with Roylston Lane within the adjacent Civano I, Neighborhood I residential subdivision. This access point is needed to provide direct ingress/egress to the new health food store from the adjacent neighborhood and to provide sufficient circulation and delivery options for the store and for the expanded Nursery operation.

**PAD Provisions and Related DOT Considerations:** In reviewing Section 2.9 (Circulation Plan) of the Civano Master PAD (beginning on p. 145), together with all other potentially relevant portions of the manuscript, I find no limitation or prohibition to the establishment of a third driveway access point onto Thunder Sky Way as described above. The Nursery's existing two access driveways have functioned well in conjunction with adjacent neighborhood traffic and it is reasonable to believe that the same would be true in the case of a third access as long as it is appropriately and intelligently designed.

With this in mind, it is worthwhile to note that, per the May 16, 2008 letter from then-Director Jim Glock of the Department of Transportation (copy attached), DOT agreed to provide a new entry drive/access from Houghton Road into the Nursery site near its south property line. This Houghton Road access was essential in helping the Nursery better orient its presence to this adjacent arterial street. The Houghton Road improvements are presently under construction and the curb returns, driveway apron, etc. necessary for the new driveway will be constructed in conjunction with the road-improvement project.

In the aforementioned letter from Mr. Glock, he specifically mentions the potential prospect of pass-through traffic from the new Houghton Road driveway, across the Nursery site, and eastward into Neighborhood 1. For this reason, DOT specifically requested to be formally involved in the future private-development review process administered by the Planning & Development Services Department (PDSD).

**Statement of Resolution:** With the above in mind, it is our position that a third/final access point onto Thunder Sky Way is not in conflict with the Civano Master PAD nor prohibited or limited by it. We would respectfully request that you confirm this conclusion.

In light of DOT's aforementioned concerns, we will gladly work with the Department as part of the Development Package preparation and review so as to insure that proper design features are incorporated to discourage use of the Houghton Road driveway as a "pass through" or "short cut" into the Civano I, Neighborhood 1 residential subdivision. To be very clear, it is neither our intent nor our desire that the new access point onto Thunder Sky Way become the aforementioned short-cut or pass-through option for

Mr. Ernie Duarte, Director  
**Civano Master PAD – Letter of Minor Amendment and Confirmation**  
**Civano Nursery, Inc. (Parcel Nos. 141-01-279A & 141-01-279B)**  
June 18, 2013

6

residents to the east. The new access driveway is to be used only for the Nursery site and for the new/proposed health food store as described above, so we will work closely with DOT to insure that the proper design features and traffic-control particulars are incorporated into the project layout.

\*\*\*\*\*

Thank you for your review of the various above items related to the Civano Nursery property within the Civano Master PAD. In the event that you are in agreement with the facts and positions as stated above, I would request that you please provide a formal letter of minor amendment and clarification on behalf of PDSO so as to formally memorialize these matters.

It is our intent to include a copy of your letter with the future Development Package submittal for the Nursery site to the Planning & Development Services Department so as to facilitate a smooth review process for the project.

As always, please contact me with any questions you might have on the above via cell phone (520.850.0917) or email (jportner@projectsintl.com).

Best Regards,  
PROJECTS INTERNATIONAL, INC.

A handwritten signature in black ink, appearing to read 'J. Portner', with a period at the end.

Jim Portner, Principal

att. Ernie Duarte Letter of Confirmation, February 24, 2010  
Jim Glock Letter, May 16, 2008

cc: Chris Shipley, Mel Shipley, Les Shipley, Civano Nursery, Inc.





CITY OF  
TUCSON

DEPARTMENT OF  
TRANSPORTATION

May 16, 2008

Leslie Shipley  
Civano Nursery  
5301 S. Houghton Rd.  
Tucson, Arizona 85747

**Subject: Houghton Roadway Widening and Access to Civano Nursery**

Dear Mr. Shipley:

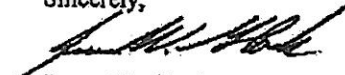
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\* As you recently discussed with the Project Manager for the Houghton Road widening project, this right-in, right-out access point will be constructed as a standard driveway apron. To make this possible, the Civano Nursery will need to seek permission to abandon the No Access Easement that currently exists at this location. Also, as mentioned in that discussion, we will be e-mailing you some drawings showing the specifics of the proposed driveway and to facilitate our discussions in locating the exact location with respect to your proposed development.

We would like to clarify that this access/driveway will be designed to serve only the nursery itself. Any future plans the nursery may have to extend this access through the nursery and into the Civano neighborhood to the east will need to be handled as a separate issue through the City of Tucson Development Services private development process. That process would include determining the feasibility of connecting a roadway through the development, as well as evaluating the potential traffic impacts on the neighborhood. Additionally, given the significant traffic that might use this new access point, if it passes through to the neighborhood, you may also be required to evaluate the need for an exclusive right turn lane on Houghton to accommodate these changes. This project may require the acquisition of additional right of way in the area of your property, as well as the property to the south of you, and it may require the expansion of a nearby drainage culvert to provide the necessary room for the exclusive right turn lane. These are expenses that would need to be funded by the Civano Nursery at no cost to the City.

If you have any questions or concerns, please feel free to call the Houghton Roadway Widening Project Manager, M.J. Dillard at 837-6616.

Sincerely,

  
James W. Glock, P.E., Director  
Department of Transportation

JWG:MJD:mc

c: Andrew Squire, Ward 4  
M. J. Dillard, TDOT  
Andy McGovern, TDOT

DIRECTOR'S OFFICE  
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C i v a n o  N e i g h b o r s

August 22, 2013

Mr. Ernie Duarte, Director  
Planning & Development Services Department (PDSD)  
201 North Stone Avenue  
Tucson, AZ 85726-7210

Subject: Expansion of Civano Nursery, Parcel 141-01-279 A & B

Dear Mr. Duarte:

Civano Neighbors (the association chartered by the City of Tucson to represent the Civano and Sierra Morado neighborhoods) hosted a town hall meeting on Sunday, August 18<sup>th</sup> to facilitate a discussion among neighborhood residents of the proposed retail and commercial expansion of the Civano Nursery site. Mel and Chris Shipley, as well as Dr. Jameth Sheridan, described their conceptual plans for this project and engaged in a lively discussion with residents at the meeting.

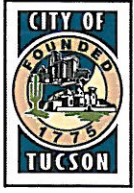
The proposed expansion would include the new main driveway entrance to be constructed as part of the Houghton Road Corridor Improvement Project, a new garden center building and expanded nursery operations, a new standalone "Trader Joe's" style health food store featuring a coffee shop, full-service deli and juice bar, and a new access point onto Thunder Sky Way to serve the new health food store and provide direct connectivity to the adjacent neighborhood.

Residents in attendance expressed great enthusiasm for Civano Nursery's proposed development and no concerns were articulated at this point in time. Civano Neighbors would, therefore, like to offer our support for Civano Nursery's proposed retail development, which promises to significantly enhance the services currently available to our neighborhood.

Yours truly,



Anita D. Bhappu, Ph.D.  
President, Civano Neighbors  
anita@civaneighbors.com  
(520) 440-2327



CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

December 17, 2013

Mr. Michael P. Gardner  
Land Project Manager  
Pulte Homes – Arizona Division  
2840 N. Country Club, #105  
Tucson, AZ 85716

Dear Mr. Gardner:

SUBJECT: Minor Amendment for Target Density and Product Type of the Civano Planned Area Development (PAD), Sierra Morado District

I have reviewed your letter (attached) requesting a minor amendment for the above revision to Sierra Morado – Unit 3.

The proposed minor amendment request is:

- 1) The number of units and target density for Unit 3 be reduced from 311 units and 3.38 RAC to approximately 173 units and 1.88 RAC;
- 2) Sierra Morado - Unit 3 to allow for only two product types instead of the required three product types, ranging in size and architectural character so as to continue to meet the core goals of the PAD for diversity, non-garage dominance and affordability.

The PAD document recognizes that amendments to the PAD Districts may become necessary from time to time for various reasons to respond to changing market demands or financial conditions, to update the Civano PAD to reflect new development conditions, and/or to respond to the requirements of potential users or builders on the property.

Therefore, it is determined that this minor amendment request is an insubstantial change and is approved.

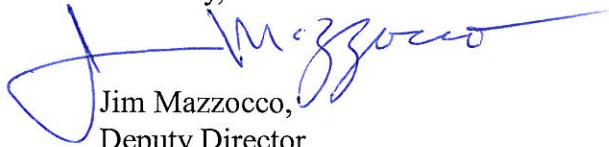
This minor amendment is supported by the following:

1. Minor amendment conforms to the criteria allowed for insubstantial changes (Civano PAD, G-4 Amendment Procedures, p. 170-172);
2. Minor amendment is not in conflict with the overall intent as expressed in the Master PAD or individual PAD Districts which allows for a variety of housing types and residential densities to create a diverse housing community of

- densities to meet the demands of future markets (Civano PAD, D-3.b. Development Unit Densities; D-3.c. Diversity in Product Type);
3. Sierra Morado District platting and construction ultimately is based on market conditions and absorption rate of the various housing product types proposed within the development (Civano PAD, C-12 Phasing and Implementation, p 78);
  4. Minor amendment will provide for four new product types (Civano PAD, D-3.b. Development Unit Densities; D-3.c. Diversity in Product Type);
  5. Unit 3 will continue to meet the requirement that at least 65%, of the residential lots will incorporate one of the approved non-garage dominant treatments (Civano PAD, D-3.d Garage Treatment and Figure 22);
  6. Minor amendment responds to revised FEMA floodplain limits where a total of 2.67 acres that were originally platted lots are no longer viable for development and is responsive to drainage constraints created by the Civano wash (Civano PAD, C-2.c. Master Development Key Planning Factors, p. 54);
  7. Revised Cumulative Natural Open Space for Units 2-4 is 159.07 acres meets PAD document requirement of 152.4 acres (Table 4 – Natural Open Space Area, p. 61).

Please note that a copy of this letter must be attached to the development package DP13-0239.

Sincerely,



Jim Mazzocco,  
Deputy Director  
Planning and Development Services Department

cc: Ernie Duarte, Director - PDS  
John Beall, PDS

Attachments: Applicant's Request



Mike Gardner  
Phone: 520.461.7076  
mike.gardner@pultegroup.com

December 5, 2013

Via Email: jim.mazzocco@tucsonaz.gov

Mr. Jim Mazzocco  
City of Tucson, Development Services  
201 N. Stone Ave  
Tucson, Arizona 85701

**RE: Civano PAD 12 (Sierra Morado) – Minor PAD Amendment Request**

Dear Jim:

The Civano PAD represents a unique effort in our community to bring together a culmination of ambitious development philosophies filled with cultural values such as live/work, community connection, Green living standards, mixed/balanced development and minimization of automobile travel. After years of moderate if not slow development within Civano, Fannie Mae took over the development and not only sold to the private development community, but endorsed the evolution of the development into one that would be viable in a production build environment. Under a revised PAD, Pulte has successfully developed a substantial portion of this community (under the name Sierra Morado), in this production build environment, while maintaining the core values of the original Civano plan such that every home has featured solar use, reduced water consumption, energy use reduction (both through solar and HVAC efficiency), waste recycling, affordability, and architectural character (garage dominance being a key measure). In fact, through the development of our Unit 1 (aka Civano II), Unit 2 East, Unit 2 West and approximately 65% of Unit 4, Sierra Morado is proudly on track to exceed every key metric that exists as a requirement of the PAD and the Development Agreement. Additionally, the community as a whole features a community recreation center that is widely used, miles of trails/paths, tree lined streets, numerous parks of various size and a strong sense of community.

During the recent past, market conditions have suggested that the demand for higher density, atypical home product configurations have nearly vanished in areas along the outskirts of the City. In recent repositioning efforts within our Sierra Morado Unit 4 East, the creation of standard lots and/or larger lots has reinvigorated the growth of the community. The viability of developing small lots/homes in a submarket that demands travel commutes to major employment centers in the range of 20-40 minutes is bleak and lends itself the potential justification of mothballing a development project.

Sierra Morado Unit 3 remains as the last component to be developed in this community. It is currently platted with a combination of lot sizes and types, wherein the smaller unique type of lots were arranged to mitigate the garage dominance requirements of the zoning documents, as particularly discussed in section D-3.d of the Master PAD. An earlier Minor PAD Amendment, approved on June 20, 2011, permitted distinct architectural options in conformance with the original PAD guidelines, in order to meet the garage dominance mitigation requirement, and as such, the community continues on track to meet or exceed this requirement. Through the repositioning efforts Pulte has employed over the last two years to keep this community a viable development opportunity, the product lines that would fit on the unique lots geared for non-garage dominance have been found ineffective. Therefore, Pulte intends to re-plate Sierra Morado Unit 3, using the lot sizes/types that have been successful in today's market environment. Attached Figure 1 shows the platting sequence to date for the Sierra Morado PAD.

Pulte has remained committed to the original Native Plant Preservation Ordinance requirements, using the 30% natural open space set aside method as provided on Table 4 of Section C-4.c.i of the PAD. As such, we have tabulated both the Natural Open Space and Functional Open Space for the Sierra Morado Units to verify conformance with the values provided in Table 4. Figure 2 shows that the revised dedicated Natural Open Space conforms to the original PAD requirements.

Per Section D-3.b of the PAD for Target and Maximum densities/intensities, Unit 3 is specified to have three product types, a net density range of 2.5-25 RAC, a target density of 3.6 RAC, a maximum of 416.4 units and a target of 347 units, all on an approximate net acreage of 96.6 acres (please see table 5 of the PAD for these figures). The current approved plat for Unit 3 has 311 lots.

Coupled with Pulte's need to replat this unit with a mix of larger, more traditional lots, the floodplain limits of the Civano Wash were recently remapped by FEMA to make a considerable portion of the southeastern quadrant of Unit 3 undevelopable. Figure 3 shows the current FEMA floodplain limits for Sierra Morado. A total of 2.67 acres that were originally platted as lots are no longer viable for development, as shown on Figure 3. As such, the Target Density for Unit 3 is no longer achievable.

Therefore, Pulte is respectfully requesting a Minor PAD Amendment with two key points:

1. The Target Density be reduced to approximately 173 developable lots outside the FEMA Floodplain to the extent possible to preserve the platted alignment of Arolla Pine

Avenue (since the sewer has been constructed), resulting in a target density of 1.88 RAC. Figure 4 shows the revised Land Use Densities for the Sierra Morado PAD.

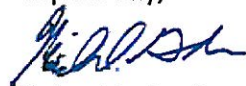
2. That Unit 3 allow for two product types, ranging in size and architectural character so as to continue to meet the core goals of the PAD for diversity, non-garage dominance and affordability. The differing architectural treatments being proposed are within the spirit of the Memorandum of Understanding's stated goal of "allowing the Developer, designers and builders flexibility in the method of achieving the standards and best advances this goal".

With regards to the garage dominance metrics, currently constructed homes and lots which are configured to be non-garage dominant continue to make up 67% of the home sites that have been developed. Of the remaining lots to be sold within Sierra Morado, a total of 137 more would be required to be non-garage dominant in order to exceed the 65% goal. Pulte is committed to meeting this target through the use of the three product lines previously approved and restricting sales to these architectural styles if necessary.

Pulte believes this proposed Minor PAD Amendment maintains the consistency of a quality master planned community, continues to meet the objectives of the original Civano vision, provides for the viable build out of the community, while reducing the demands on public infrastructure and public schools.

Should you have any questions regarding this request, please feel free to contact either myself or Justin Smith (520.360.5509, [justin.smith@pultegroup.com](mailto:justin.smith@pultegroup.com)).

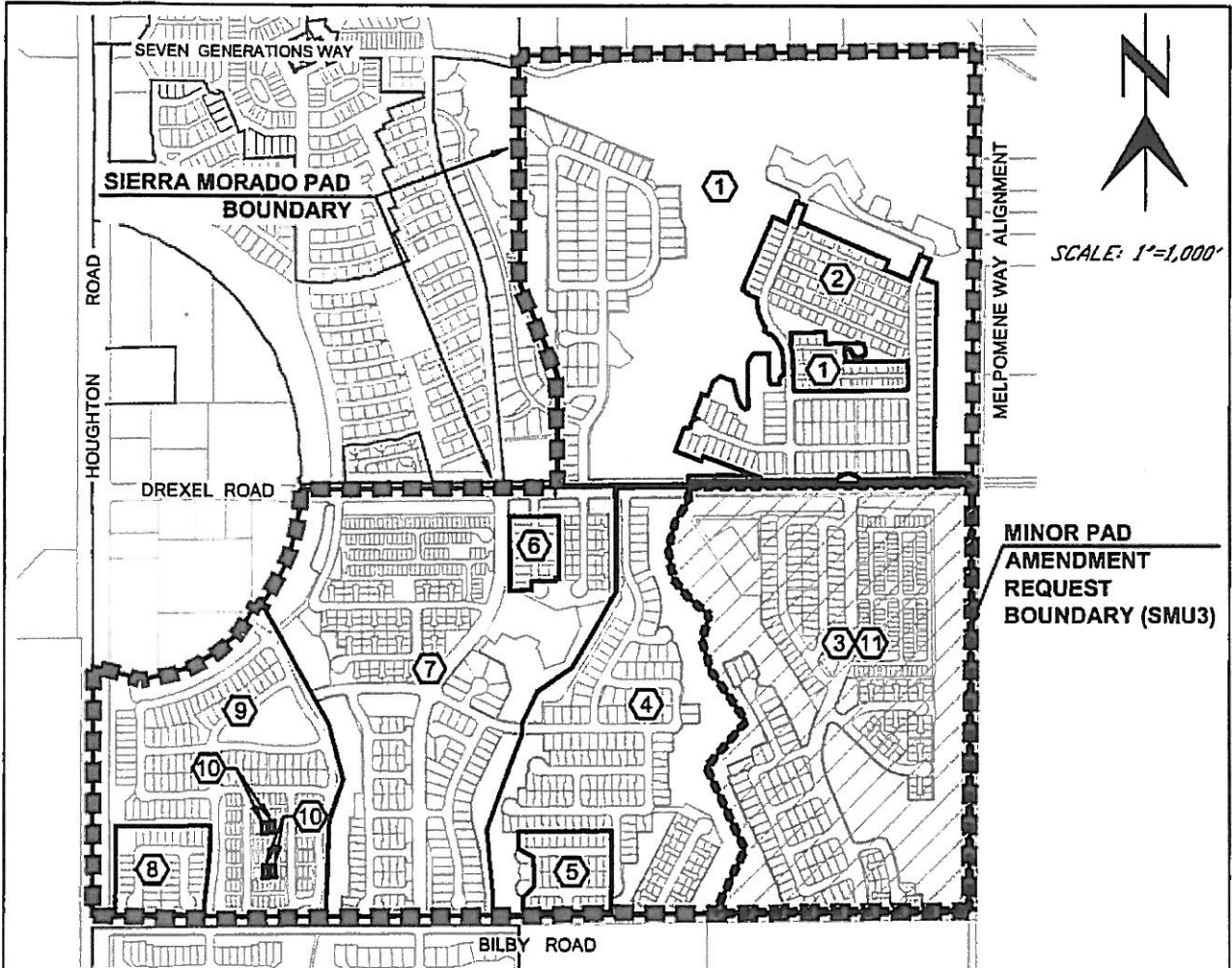
Respectfully,



Michael P. Gardner  
Land Project Manager  
Arizona Division – Tucson Market  
**PULTEGROUP, INC.**

Enclosures: (1)

Cc: Justin Smith, Josh Robinson - PulteGroup  
Greg Carlson – Carlson Engineering



**SUBDIVISION KEYNOTES**

- |   |   |
|---|---|
| ① SIERRA MORADO UNIT 4 LOTS 1118-1530, BK 62 PG 83, SEQ. No. 20071350653    | ⑩ CIVANO II COMMON AREA E, SEQ. No. 20132560429 |
| ② SIERRA MORADO UNIT 4 LOTS 1589-1759, SEQ. No. 20113530084                 | ⑪ PROPOSED SIERRA MORADO UNIT 3 LOTS 1-173      |
| ③ SIERRA MORADO UNIT 3 LOTS 807-1117 BK 62 PG 82, SEQ. No. 20071350652      |   |
| ④ SIERRA MORADO UNIT 2 EAST LOTS 586-806, BK 61 PG 51, SEQ. No. 20061320468 |   |
| ⑤ SIERRA MORADO UNIT 2 EAST LOTS 1547-1588, SEQ. No. 20113490383            |   |
| ⑥ SIERRA MORADO UNIT 2 WEST LOTS 1531-1546, SEQ. No. 20113190046            |   |
| ⑦ SIERRA MORADO UNIT 2 WEST LOTS 228-585, BK 61 PG 49, SEQ. No. 20061320465 |   |
| ⑧ CIVANO II BLOCK 2 LOTS 193-227, BK 60 PG 52, SEQ. No. 20052381290         |   |
| ⑨ CIVANO II BLKS 1-2 LOTS 1-192, BK 58 PG 92, SEQ. No. 20041910068          |   |

**FIGURE 1**

PREPARED BY:



**GREG CARLSON ENGINEERING, L.L.C.**  
 1521 E. Broadway Blvd., Tucson, AZ. 85719  
 (520)-624-0070 fax (520)-624-4197  
 e-mail: gcarlson@gceg.biz

**PLATTING SEQUENCE**

FOR  
**SIERRA MORADO**  
 LOCATED IN PORTIONS OF SECTIONS 01 & 12,  
 T15S, R15E, G&SRM PIMA CO., ARIZONA

HORIZ: 1"=1,000' REF: -  
 SCALES: VERT: - JOB NO. 13-033

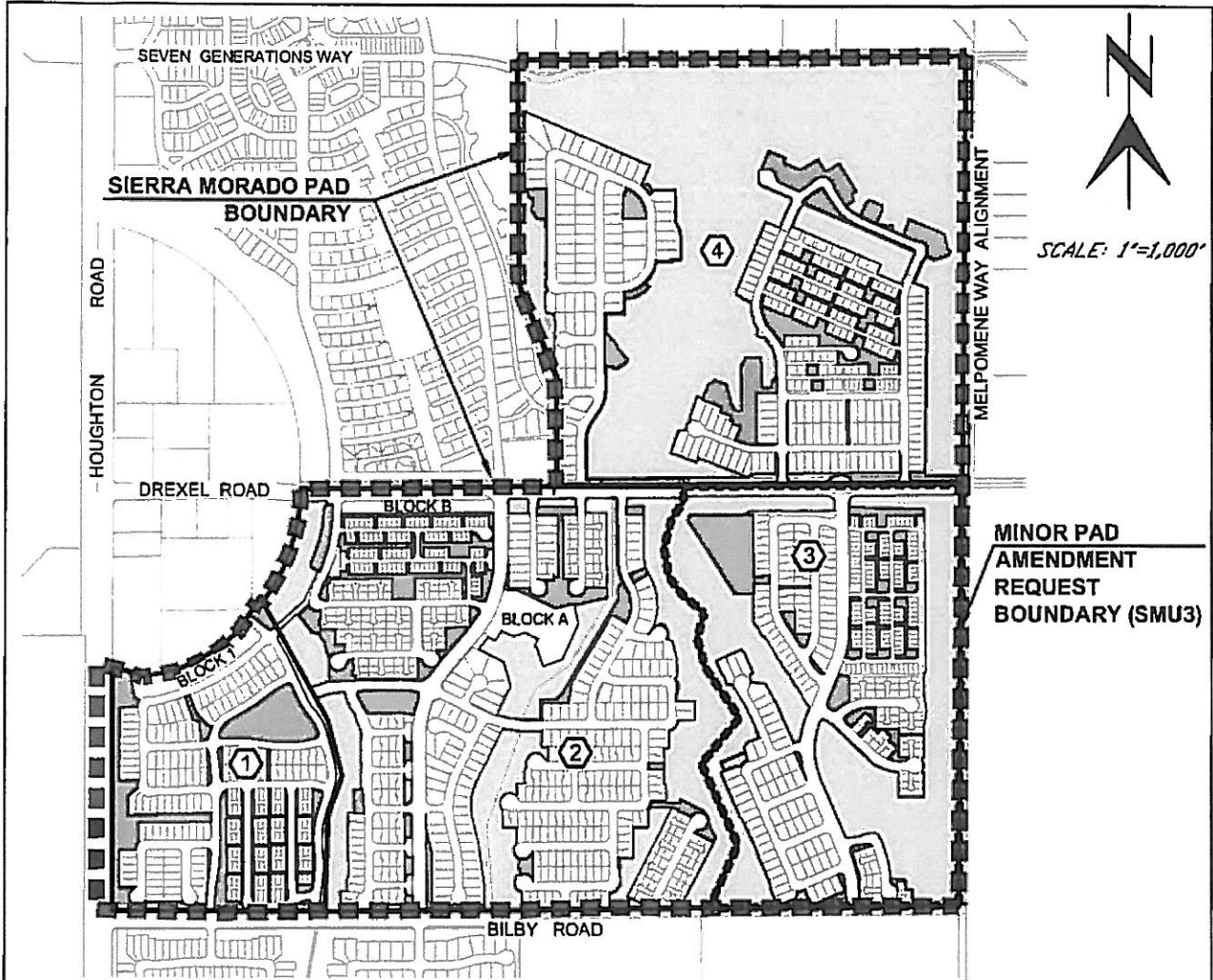
DESIGNED BY: GRC

DRAFTED BY: JF

CHECKED BY: GRC

DATE: DECEMBER, 2013





**SUBDIVISION KEYNOTES**

- ① PULTE UNIT 1, AREA=49.45 AC  
UNIT USED FULL NATIVE PLAT  
INVENTORY METHOD
- ② PULTE UNIT 2, AREA=180.20 AC  
AREA FUNCTIONAL OPEN SPACE=13.78 AC  
AREA NATURAL OPEN SPACE=37.49 AC
- ③ PULTE UNIT 3 PLATTED AREA= 91.96 AC  
FUNCTIONAL OPEN SPACE=12.17 AC  
NATURAL OPEN SPACE=37.15 AC  
  
PULTE UNIT 3 PROPOSED REVISION, AREA=91.96 AC  
AREA FUNCTIONAL OPEN SPACE=12.26 AC  
AREA NATURAL OPEN SPACE=32.56 AC
- ④ PULTE UNIT 4, AREA=162.14 AC  
AREA FUNCTIONAL OPEN SPACE=17.86 AC  
AREA NATURAL OPEN SPACE=89.02 AC

**LEGEND**

- DRAINAGE AND FUNCTIONAL OPEN SPACE
- NATURAL OPEN SPACE

**NOTE:** TABLE 4 NATURAL OPEN SPACE REQUIREMENT  
= 152.4 AC FOR UNITS 2-4.  
CUMMULATIVE NATURAL OPEN SPACE= (UNIT 2) 37.49 AC +  
(UNIT 3) 32.56 AC + (UNIT 4) 89.02= 159.07 AC  
UNIT 1 USED FULL NATIVE PLANT INVENTORY \*METHOD,  
RESULTING IN 36.6% NATURAL OPEN SPACE

**FIGURE 2**

**FUNCTIONAL OPEN SPACE &  
NATURAL OPEN SPACE  
FOR  
SIERRA MORADO**

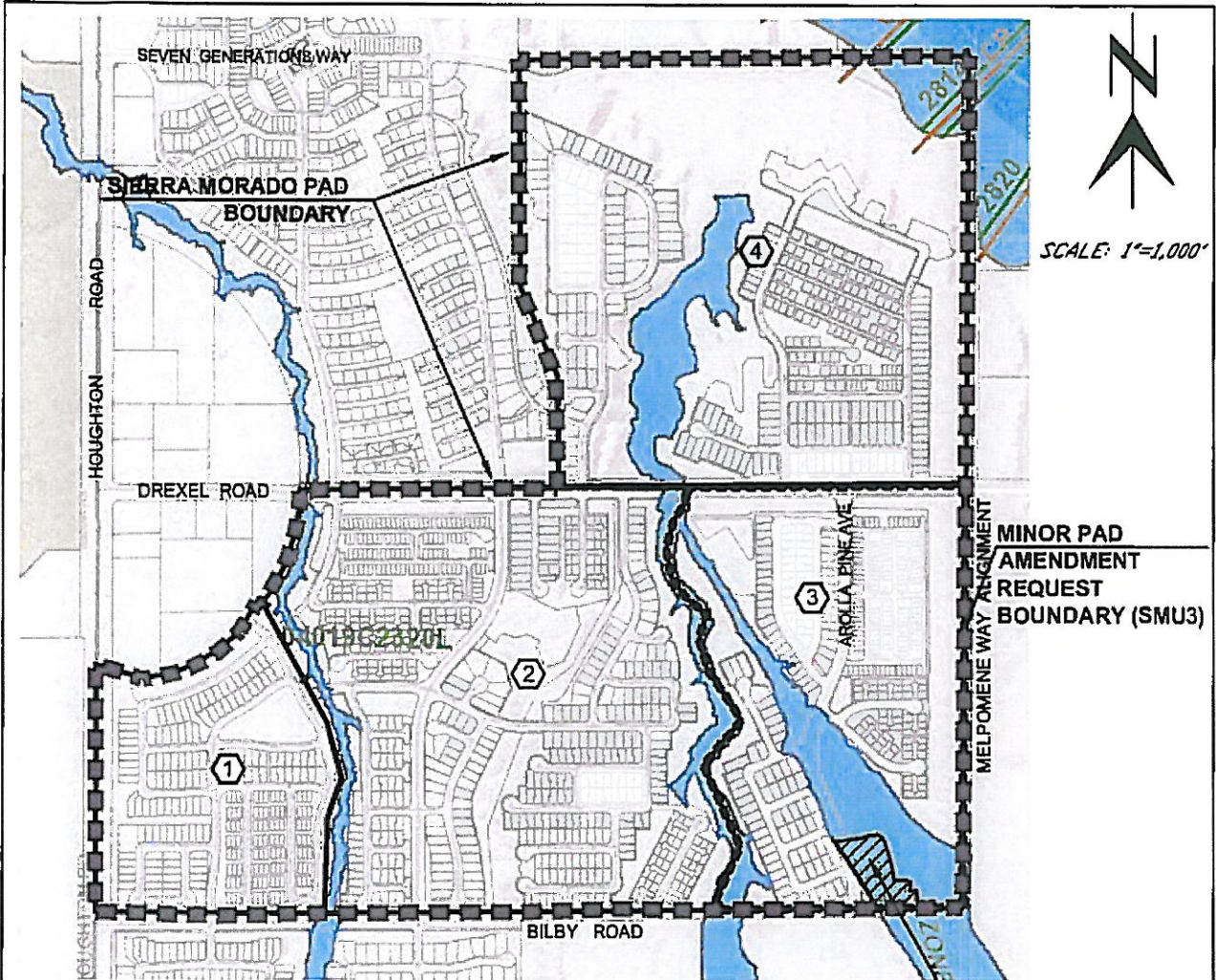
LOCATED IN PORTIONS OF SECTIONS 01 & 12,  
T15S, R15E, G&SRM PIMA CO., ARIZONA

HORIZ: 1"=1,000' REF: -  
SCALES: VERT: - JOB NO. 13-033

PREPARED BY:

**GREG CARLSON ENGINEERING, L.L.C.**  
1521 E. Broadway Blvd., Tucson, AZ 85719  
(520)-624-0070 fax (520)-624-4197  
e-mail: greg@gregeng.biz

DESIGNED BY: GRC DRAFTED BY: JF CHECKED BY: GRC DATE: DECEMBER, 2013



**AFFECTED LOTS**  
~ 2.67 AC

**LEGEND**

- ① PULTE UNIT 1
- ② PULTE UNIT 2
- ③ PULTE UNIT 3
- ④ PULTE UNIT 4

**FIGURE 3**

PREPARED BY:



**GREG CARLSON ENGINEERING, L.L.C.**  
1521 E. Broadway Blvd., Tucson, AZ. 85719  
(520)-824-0070 fax (520)-824-4197  
e-mail: gcarlson@gregcarlson.com

**CURRENT FEMA FLOOD LIMITS FOR SIERRA MORADO**

LOCATED IN PORTIONS OF SECTIONS 01 & 12, T15S, R15E, G&SRM PIMA CO., ARIZONA

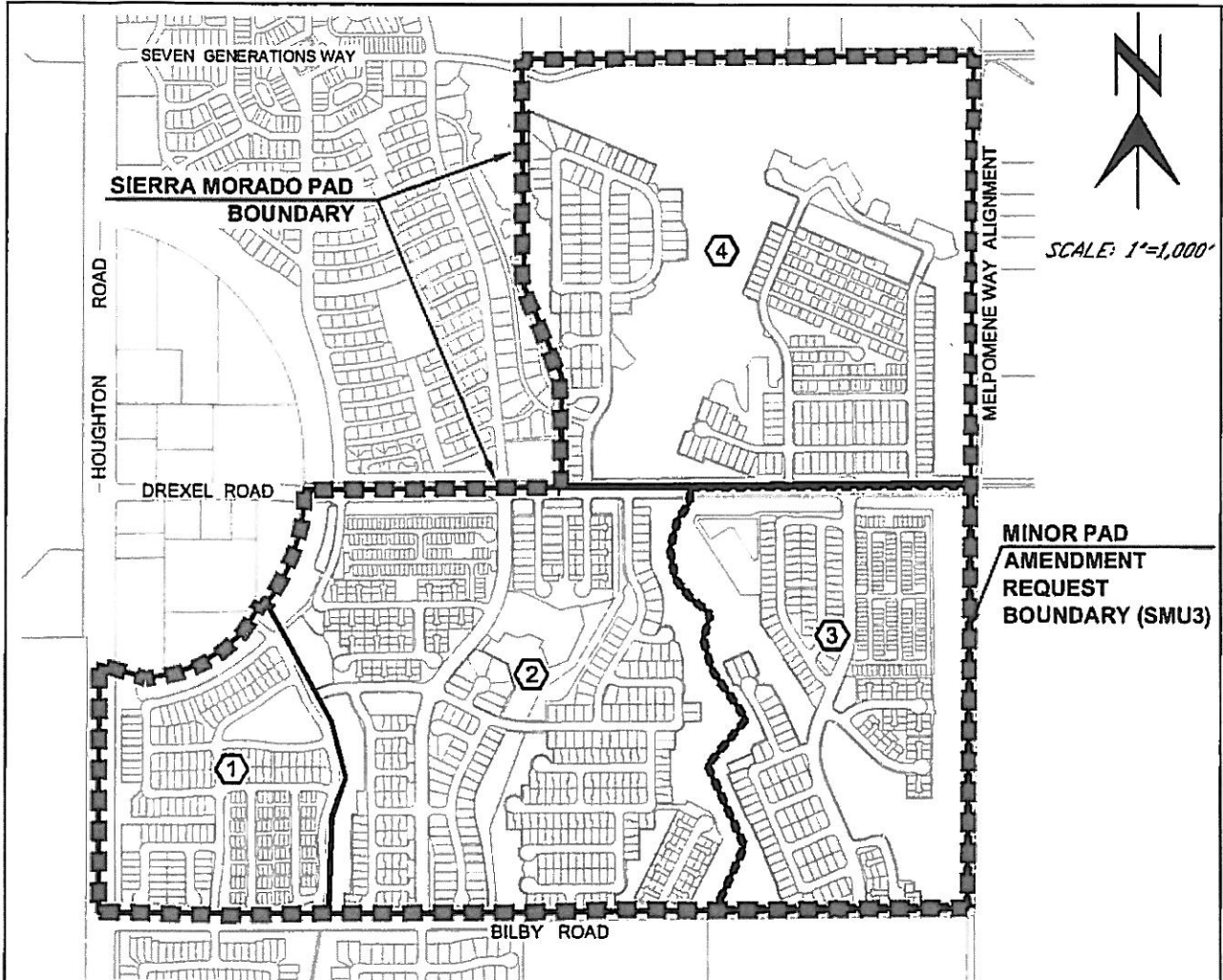
HORIZ: 1"=1,000' REF: -  
SCALES: VERT: - JOB NO. 13-033

DESIGNED BY: GRC

DRAFTED BY: JLF

CHECKED BY: GRC

DATE: DECEMBER, 2013



**LAND USE DENSITY CALCULATIONS\***

① PULTE UNIT 1. AREA=49.45 AC  
TOTAL NUMBER OF LOTS=192  
DENSITY=192/49.45= 3.88 RAC

REVISED 2005 (SEQ No. 20052381290)  
WITH NET INCREASE=35 LOTS  
REVISED DENSITY=227/49.45 AC=4.59 RAC

② PULTE UNIT 2. AREA=180.20 AC  
TOTAL NUMBER OF LOTS=579  
DENSITY=579/180.2=3.21 RAC

REVISED 2011 (SEQ No. 20113190046)  
WITH NET REDUCTION=17 LOTS  
REVISED DENSITY=562/180.2 AC=3.12 RAC

③ PULTE UNIT 3. AREA=91.96 AC  
TOTAL NUMBER OF LOTS=311  
DENSITY=311/91.96=3.38 RAC

PROPOSED REVISION 2013  
WITH NET REDUCTION=311-173=138 LOTS  
REVISED DENSITY=173/91.96 AC=1.88 RAC

④ PULTE UNIT 4. AREA=162.14 AC  
TOTAL NUMBER OF LOTS=413  
DENSITY=413/162.14=2.55 RAC

REVISED 2011 (SEQ No. 20113530084)  
WITH NET REDUCTION=106 LOTS  
REVISED DENSITY=307/162.14AC=1.89 RAC

**FIGURE 4**

\* FOR COMPARISON WITH TABLE 5,  
PAGE 87 OF PAD (REVISED 4-7-05)

<p>PREPARED BY:</p> <p><b>GREG CARLSON ENGINEERING, L.L.C.</b> 1521 E. Broadway Blvd, Tucson, AZ. 85719 (520)-624-0070 fax (520)-624-4197 g=mail@gregeng.com b=web</p> <p>DESIGNED BY: GRC      DRAFTED BY: JJ</p>	<p><b>LAND USE DENSITY</b> FOR <b>SIERRA MORADO</b> LOCATED IN PORTIONS OF SECTIONS 01 &amp; 12, T15S, R15E, G&amp;SRM PIMA CO., ARIZONA</p> <p>SCALES: HORIZ: 1"=1,000'    VERT: -    REF: -    JOB NO. 13-033</p> <p>CHECKED BY: GRC      DATE: DECEMBER, 2013</p>
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CITY OF  
TUCSON

PLANNING AND  
DEVELOPMENT  
SERVICES  
DEPARTMENT

January 9, 2015

Mr. Michael P. Gardner  
Land Project Manager  
Pulte Homes – Arizona Division  
2840 N. Country Club, #105  
Tucson, AZ 85716

Dear Mr. Gardner:

SUBJECT: Civano Planned Area Development (PAD), Sierra Morado – Unit 4,  
Modification of Residential Arbor Walk

I have reviewed your letter (attached) requesting a modification of the residential arbor walk for Sierra Morado – Unit 4.

The proposed minor amendment request is:

- 1) Eliminate Arbor Walk requirement for Sierra Morado – Unit 4, immediately adjacent to Lots 1745-1759 on White Sage Drive, and at rear of Lots 1710-1715 on Morning Shadows Drive.

The PAD document recognizes that amendments to the PAD Districts may become necessary from time to time for various reasons to respond to changing market demands or financial conditions, to update the Civano PAD to reflect new development conditions, and/or to respond to the requirements of potential users or builders on the property.

Therefore, it is determined that this minor amendment request is a non-substantial change and is approved.

This minor amendment is supported by the following:

1. Minor amendment conforms to the criteria allowed for insubstantial changes (Civano PAD, G-4 Amendment Procedures, p. 170-172);
2. Minor amendment is not in conflict with the overall intent as expressed in the Master PAD or individual PAD Districts regarding pedestrian trails and enhanced sidewalks. (Civano PAD, C-5 p. 59);
3. Sierra Morado – Unit 4 arbor walk design presents privacy impacts for a more traditional single family residential layout based. The arbor walks were originally designed to be placed along the landscaped courtyard and Natural Open Space buffer area. With the now more traditional single family

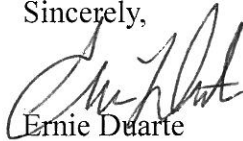
residential layout the arbor walks will adversely impact the privacy along these rear lot lines with view-fence walls.

However, this non-substantial change is approved as a Minor Amendment under the following conditions;

1. Sierra Morado – Unit 4, Lots 1710-1759 to provide natural surface walk along north side of Lot 1710, and provide natural surface connections to Natural Open Space area as shown on attached Exhibit.
2. Pocket park is still required for C.A. “B” between Lots 1759 and 1715.
3. Provide 5-foot wide ADA compliant pedestrian trail and trail easement as identified by Exhibit Keynote 4 (Civano PAD, Figure 15, p. 61).

Please note that a copy of this letter and attached Exhibit must be attached to any resubmittal of S11-038.

Sincerely,



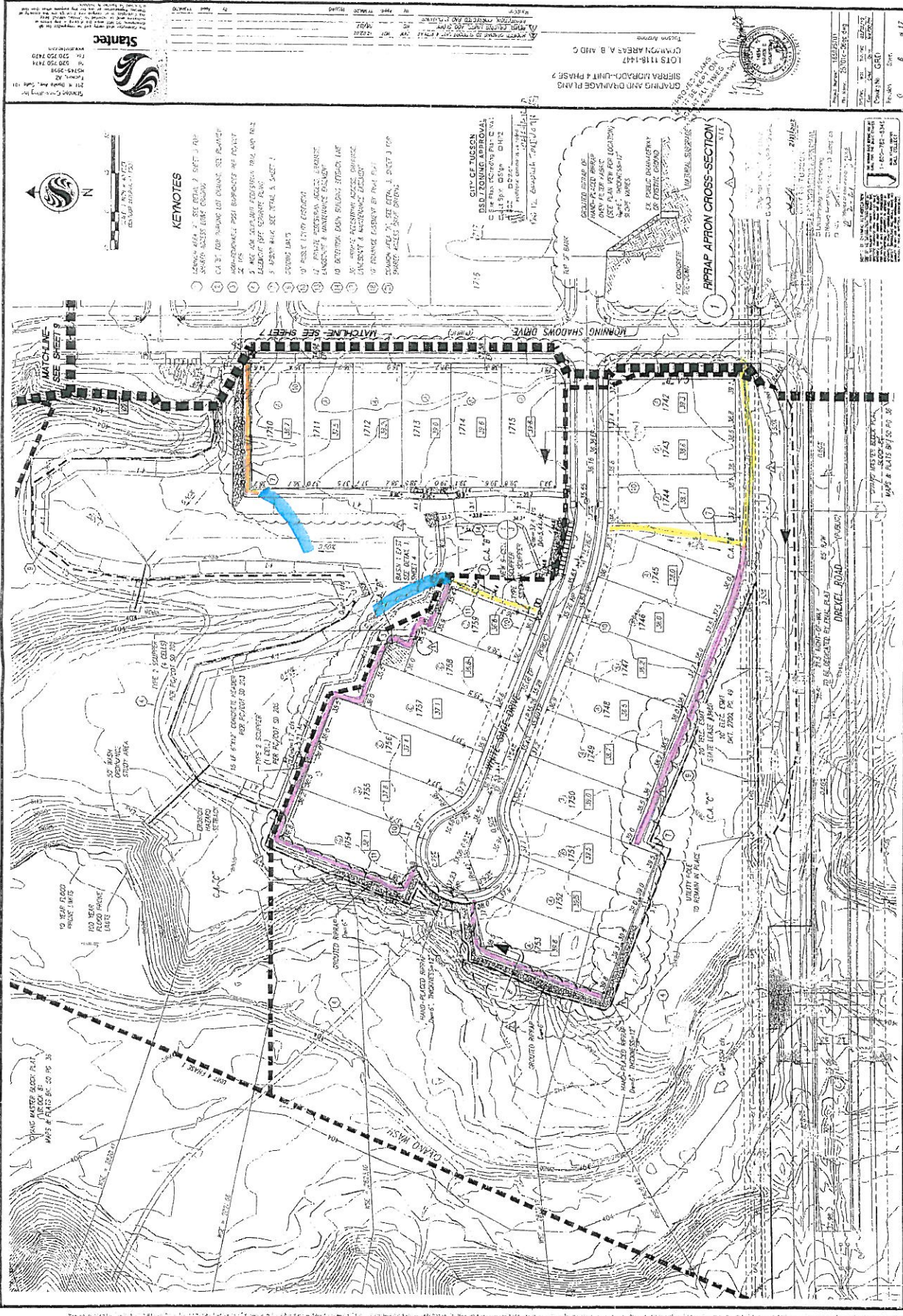
Ernie Duarte

Director

Planning and Development Services Department

cc: Warren Thompson

Attachments: Applicant's Request



- KEYNOTES**
1. CONFORM WITH THE CITY OF TUCSON SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT.
  2. CITY OF TUCSON ZONING ORDINANCE, CHAPTER 172, ARTICLE 17.02, SECTION 17.02.01.
  3. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  4. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  5. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  6. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  7. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  8. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  9. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  10. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  11. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  12. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  13. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  14. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  15. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  16. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  17. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  18. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  19. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.
  20. CITY OF TUCSON SUBDIVISION MAP ACT, SECTION 17.02.01.

Current planned configuration

- █ - CA sidewalk proposed to be constructed
- █ - Arbor walk proposed to be eliminated
- █ - proposed natural surface connect to NOS
- █ - proposed natural surface
- █ - proposed natural surface will



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