



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 7/25/2023

**= Mandatory, information must be provided*

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P22RZ00011 MARTINEZ JOSE AND CORDOVA TONATAZIN – E. CATALINA HIGHWAY REZONING

***Introduction/Background:**

The applicant requests a rezoning of approximately 3.61 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone to split one lot into three lots for residential development.

***Discussion:**

The current zoning allows for one-single family residence, which currently exists. The proposed three, one-acre or greater lots are compatible with the adjacent residential densities with minimal impact to surrounding properties.

***Conclusion:**

The proposed rezoning conforms to its Low Intensity Urban 1.2 Comprehensive Plan land use designation.

***Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL subject to standard and special conditions.

***Fiscal Impact:**

0

***Board of Supervisor District:**

☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Terrill L. Tillman, AICP, Principal Planner

Telephone: 520-724-6921

Department Director Signature: _____

[Signature] For

Date: _____

7/6/23

Deputy County Administrator Signature: _____

[Signature]

Date: _____

7/6/2023

County Administrator Signature: _____

[Signature]

Date: _____

7/6/2023



TO: Honorable Steve Christy, Supervisor, District 4

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

DATE: July 5, 2023

SUBJECT: P22RZ00011 MARTINEZ JOSE & CORDOVA TONATAZIN – E. CATALINA
HIGHWAY REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, July 25, 2023** hearing.

REQUEST: For a **rezoning** of approximately 3.61 acres (parcel code 114-52-036A) from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone. The site is located south of the T-intersection of E. Catalina Highway and N. Catalina Way, addressed as **9680 E. Catalina Highway**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2.

OWNERS: Martinez Jose & Cordova Tonatazin CP/RS
Attn: Cordova Tonatazin
4980 N. Camino Esplendor
Tucson, AZ 85718

AGENT: Jose Martinez

DISTRICT: 4

STAFF CONTACT: Terrill L. Tillman, AICP, Principal Planner

PUBLIC COMMENT TO DATE: As of July 5, 2023, staff has received seven written protests to the request.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 9-0 (Commissioner Tronsdal was absent)

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property is located outside the Maeveen Marie Behan Conservation Lands System (CLS).

TD/TT/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P22RZ00011

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FOR JULY 25, 2023 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: July 5, 2023

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P22RZ00011 MARTINEZ JOSE & CORDOVA TONATAZIN – E. CATALINA HIGHWAY REZONING

Tonatazin Cordova requests a **rezoning** of approximately 3.61 acres (parcel code 114-52-036A) from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone. The site is located south of the T-intersection of E. Catalina Highway and N. Catalina Way, addressed as **9680 E. Catalina Highway**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** 9 – 0; (Commissioner Tronsdal was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 4)

Planning and Zoning Commission Public Hearing Summary (May 31, 2023)

At the writing of this report and subsequent to the public hearing, staff noticed that the most current condition #3E was not used and has updated that condition to reflect current practice.

The public hearing was held virtually. Some commissioners were virtual while others attended through the telephonic option. Staff and the applicant attended and presented virtually.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions. Staff clarified that access to the property according to the sketch plan was originally planned from Catalina Highway and that the existing driveway could support the new lots without additional disturbance to the hillside. The Transportation Department had requested that the existing driveway be closed off and a 1-foot no access easement be recorded adjacent to Catalina Highway and all lots served by the existing,

improved Kleindale Road within the adjacent subdivision to the north. Staff explained that the neighbors paid for and installed a bufferyard in between Kleindale Road and the subject property to ameliorate the run-off of water during monsoon season due to the downstream flows from the subject property. The neighbors are in opposition to the request because of the additional traffic added to Kleindale Road and the diminished and partially destroyed bufferyard if access were allowed from Kleindale Road. Staff recommended striking Transportation Conditions #2A thru D if the Commission were inclined to allow access from Catalina Highway.

A commissioner asked for clarification regarding the subdivision street standards. Staff replied that this is lot split, and the subdivision street standards do not apply, however in the entitlement process, staff may apply more intensive requirements.

A commissioner asked about the downstream flows. Staff replied that this project is located within a watershed that contains large amounts of flow through water not specific to the subject property.

The applicant further discussed the merits of the project.

The hearing was opened to the public.

Speaker #1 discussed that he is an adjacent property owner and is in objection to the request due to the downstream water flows. He shared concerns for the additional traffic on their very quiet cul-de-sac.

Speaker #2 discussed that the neighbors adjacent to the subject property all got together, purchased and installed a bufferyard in between the subject property and Kleindale Road to reduce the impact of downstream water from the subject property to maintain the integrity of Kleindale Road.

The public hearing was closed.

Commissioner Matter made a motion to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** striking conditions 2A – D; Commissioner Maese gave second.

The commission voted to recommend **APPROVAL** of the rezoning 9 - 0 (Commissioner Tronsdal was absent).

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. ~~The existing driveway/access point to Catalina Highway shall be closed off and no longer utilized at the time of development.~~
 - B. ~~A 1-foot no access easement will be required along the Catalina Highway frontage.~~
 - C. ~~The site shall be limited to one, shared access point on Kleindale Road. The location and design of access point shall be determined at the time of building permitting.~~
 - D. ~~A shared access easement for legal access between the properties is required prior to the issuance of a building permit.~~
 - E. A. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.

3. Environmental Planning condition: Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.~~
4. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

TD/TT/ds
Attachments

c: Jose Martinez

GENERAL NOTES

1. THE GROSS AREA OF DEVELOPMENT IS 1.61 ACRES.
2. NET AREA OF DEVELOPMENT SITE IS 1.51 ACRES.
3. ASSUMES TAX PARCEL NO. 114-52-018A.
4. ANY UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND/OR FIELD SURVEY.
5. ANY EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO COST TO THE OWNER.
6. PROPOSED STORMWATER MANAGEMENT PLAN SHALL BE SUBMITTED TO THE TULSA COUNTY ZONING DEPARTMENT FOR REVIEW AND APPROVAL.
7. THE USE OF THIS PROJECT IS RESIDENTIAL AND IS PERMITTED IN ACCORDANCE WITH SECTION 18.2.1.1 OF THE TULSA COUNTY ZONING CODE.
8. ON-SITE SANITARY SEWER WILL BE PRIVATE COLLECTION AREA.
9. TOTAL MILES OF PRIVATE ROADS IS 0.00 MILES.
10. THIS PROJECT IS SUBJECT TO "ELUSIVE DEVELOPMENT OVERLAY ZONE".

BASIS OF BEARING

BASED ON THE TULSA COUNTY ZONING CODE, THE COMMON LINE BETWEEN LOTS 1 & 2, 2 & 3, 3 & 4, 4 & 5, 5 & 6, 6 & 7, 7 & 8, 8 & 9, 9 & 10, 10 & 11, 11 & 12, 12 & 13, 13 & 14, 14 & 15, 15 & 16, 16 & 17, 17 & 18, 18 & 19, 19 & 20, 20 & 21, 21 & 22, 22 & 23, 23 & 24, 24 & 25, 25 & 26, 26 & 27, 27 & 28, 28 & 29, 29 & 30, 30 & 31, 31 & 32, 32 & 33, 33 & 34, 34 & 35, 35 & 36, 36 & 37, 37 & 38, 38 & 39, 39 & 40, 40 & 41, 41 & 42, 42 & 43, 43 & 44, 44 & 45, 45 & 46, 46 & 47, 47 & 48, 48 & 49, 49 & 50, 50 & 51, 51 & 52, 52 & 53, 53 & 54, 54 & 55, 55 & 56, 56 & 57, 57 & 58, 58 & 59, 59 & 60, 60 & 61, 61 & 62, 62 & 63, 63 & 64, 64 & 65, 65 & 66, 66 & 67, 67 & 68, 68 & 69, 69 & 70, 70 & 71, 71 & 72, 72 & 73, 73 & 74, 74 & 75, 75 & 76, 76 & 77, 77 & 78, 78 & 79, 79 & 80, 80 & 81, 81 & 82, 82 & 83, 83 & 84, 84 & 85, 85 & 86, 86 & 87, 87 & 88, 88 & 89, 89 & 90, 90 & 91, 91 & 92, 92 & 93, 93 & 94, 94 & 95, 95 & 96, 96 & 97, 97 & 98, 98 & 99, 99 & 100, 100 & 101, 101 & 102, 102 & 103, 103 & 104, 104 & 105, 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Case #: P22RZ00011
Case Name: MARTINEZ/CORDOVA - E. CATALINA HIGHWAY REZONING
Tax Code(s): 114-52-036A

AERIAL EXHIBIT



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Scale: 1:8000

Map Date: 5/9/2023 - ds



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

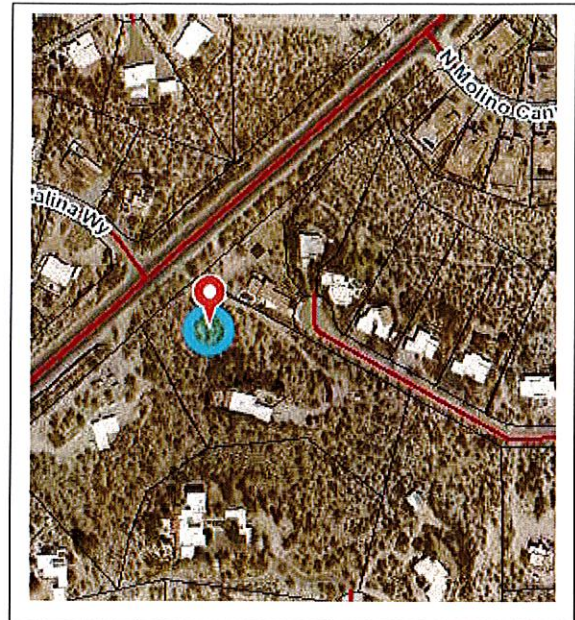
HEARING May 31, 2023

DISTRICT 1

CASE P22RZ00011 Martinez Jose &
Cordova Tonatazin – E. Catalina
Highway Rezoning

REQUEST Rezone from SR (Suburban Ranch)
(3.61 acres) to the CR-1 (Single
Residence) Zone

**OWNERS/
APPLICANT** Martinez Jose & Cordova Tonatazin
CP/RS
Attn: Cordova Tonatazin
4980 N. Camino Esplendor
Tucson, AZ 85718



APPLICANT'S PROPOSED USE

The approximately 3.61-acre subject property plans to split the lot into 3 parcels of land planned for future single-residential uses. The existing house on lot 2 of the sketch plan remain.

APPLICANT'S STATED REASON

The applicant has stated that this is life changing for his family. The intent is to split the lot into three lots and retain the lot with the existing single-family residence.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The applicant proposes a 3.61-acre rezoning to the CR-1 (Single Residence) zone to create 3 residential lots which conform to its Low Intensity Urban 1.2 comprehensive plan land use designation. The proposed low-density residential use is compatible with the adjacent residential densities and there will be minimal impacts to surrounding properties.

PUBLIC COMMENT

As of May 16, 2023, staff has not received any public comment.

Published and mailed notice of the proposal along with the website posting of staff's report will occur a minimum of fifteen days prior to public hearing. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

COMPREHENSIVE PLAN

The comprehensive plan land use designates the property as Low Intensity Urban 1.2 (LIU-1.2). The LIU-1.2 land use designation plans for low-density residential uses and other compatible uses and provides incentives for residential conservation subdivision to provide more natural open

space. Density bonuses are provided in exchange for providing open space. There are no minimum residences per acre (RAC) density and the maximum RAC is 1.2 without a density bonus. The LIU-1.2 plan density bonus allows a maximum RAC of 2.5 with a minimum of 45% open space or 4 RAC with 60% open space. The proposed 3 lots conform to the LIU 1.2 land use designation without the density bonus with a 1.2 RAC.

There are no Special Area or Rezoning Policies pertaining to the property.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-1	Developed Residential Subdivision
South:	SR	Developed Residential Subdivision
East:	CR-1/SR	Developed Residential Subdivision
West:	CR-1/SR	Developed Residential Subdivision

The surrounding residential neighborhoods are low-density subdivisions containing equivalent densities as proposed to the north, northeast and northwest of the subject property. Lower-density residential is located adjacent to the subject property to the south and southeast, part of the same subdivision plat that the subject property is located in.

The subject property is adjacent to the E. Catalina Highway thoroughfare that is residentially developed. The nearest services are located approximately one-mile south of the subject property at the corners of the T- intersection of E. Tanque Verde Road and E. Catalina Highway providing grocery, banking, retail, fast food and restaurants and personal services. Recreational opportunities exist in the McDonald District park approximately three-fourths of a mile north. Several schools are within two to four miles of the property.

PREVIOUS REZONING CASES ON PROPERTY

The has been no previous rezoning for the subject property.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity: There has been no recent activity in the general area.

Past activity:

Most of the properties in the vicinity of the site have been rezoned from the original SR zone to the CR-1 zone under the Agua Caliente Zoning Plan. The Agua Caliente Zoning Plan is no longer active, but while active, properties were allowed to obtain CR-1 zoning by completing a subdivision plat. A mix of commercial rezonings to TR (Transitional) and CB-1 (Local Business) resulted in intense development along at the T-intersection of E. Tanque Verde Road and E. Catalina Highway which have subsequently been annexed into the City of Tucson.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

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

PLANNING REPORT

Staff supports the request because the proposed lot splits are suitable and compatible with the existing residential uses in the surrounding area. The site will nominally increase the use efficiency of the site and existing infrastructure. The property is located within the Indian Hill No 2 Subdivision Plat which contains sixteen, 3.3-acre or greater lots. The approximate 3.61-acre property is identified as lot 11 and a portion of lot 10 that were combined around the 1970's. Adjacent to the property is equivalent CR-1 zoning along the full length of the northeastern

property boundary, built out with single-family residential uses. Most of the land area has been divided through the subdivision platting process which assures adequate infrastructure to support the additional creation of 2 lots.

The topography of the site rises in elevation from the northwestern property boundary towards the central portion of the property and slopes downward towards the southeastern property boundary. The 3.61-acre parcel contains some slopes of 15% or greater within 50 linear feet where the Hillside Development Zone Ordinance (HDZ) is applicable. Lot 1 is proposed for a 1.13-acre parcel of land with an average cross slope of 15.96, meeting the 1.12-acre minimum lot size required for HDZ. Lot 2 is planned as a 1.47-acre parcel with an average cross slope of 17.21 after an approximate .071-acre dedication of natural open space, meeting the 1.37-acre minimum. Lot 3 is planned for a 1.01-acre parcel with an average cross slope of 14.17 after a 13,672 square foot dedication of natural open space meeting the 1-acre minimum. Access to the lots will be via the adjacent subdivision, Kleindale Road cul-de-sac. Transportation is requiring a 1-foot no access easement along the full length of the property adjacent to E. Catalina Highway and the existing driveway to be closed off. The site will be served by septic disposal.

Most of the property is in its natural state except for Lot 2 which is currently developed with a single-family residence, pool and accessory buildings, all which will remain along with a small existing area of disturbance contained within Lot 3. Grading limitations for each lot will be employed at the time of future permitting and will generally be limited to 17,425 square feet or 30% of the lot, whichever is greater. The property contains few saguaros that will remain in place. The vegetative qualities of the site contain typical mesquite, palo verde and desert brush.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection, subject to conditions
FLOOD CONTROL	Yes	No objection, subject to conditions
DEPARTMENT OF ENVIRONMENTAL QUALITY	Yes	No objection
PARKS AND RECREATION	N/A	
WATER	Yes	Water exists to the property
SCHOOLS	Yes	Minimal impact to the School District

TRANSPORTATION REPORT

The rezoning site is located adjacent to Catalina Highway and Kleindale Road, which are paved roadways maintained by the County. Catalina Highway is classified as an Urban Minor Arterial by its federal highway code, and Kleindale Road is a local residential street. There is an existing residence on site that has an access point onto Catalina Highway that is proposed to remain, but the Subdivision and Development Street Standards does not permit individual direct access for residential lots adjacent to arterial classified roadways. Therefore, access shall be provided off Kleindale Road. All lots shall utilize the same access point off Kleindale Road, and a private access easement will be required prior to the issuance of any building permit.

There is no transportation concurrency concern with this rezoning given that the additional residential lots will not have a negative impact on the capacity of the nearby roadways. The Department of Transportation has no objection and supports this request subject to the addition of rezoning conditions #2A-E.

FLOOD CONTROL REPORT

Regional Flood Control District has no comment.

WASTEWATER RECLAMATION REPORT

The existing home utilizes a private on-site sewage disposal system. The nearest public sewer is more than 200 feet from the property located across Catalina Hwy. Future homes will also utilize on-site disposal systems, as indicated in the rezoning submittal.

Pima County Reclamation Wastewater Regional Department has no objection to the proposed rezoning. 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 a building permit is submitted for review.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no objection to this request subject to the addition of condition #4.

ENVIRONMENTAL QUALITY

The Department of Environmental Quality has no objection nor comment.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection to this request subject to the addition of condition #5.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service have no comment.

WATER DISTRICT REPORT

City of Tucson Water has no comment.

SCHOOL DISTRICT REPORT

Any impacts to the Tanque Verde Valley School District will be minimal with this request.

FIRE DISTRICT REPORT

The State Fire Marshall has no comment.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The existing driveway/access point to Catalina Highway shall be closed off and no longer utilized at the time of development.
 - B. A 1-foot no access easement will be required along the Catalina Highway frontage.
 - C. The site shall be limited to one, shared access point on Kleindale Road. The location and design of access point shall be determined at the time of building permitting.
 - D. A shared access easement for legal access between the properties is required prior to the issuance of a building permit.
 - E. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
3. Environmental Planning condition: Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
4. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may

be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Respectfully Submitted,

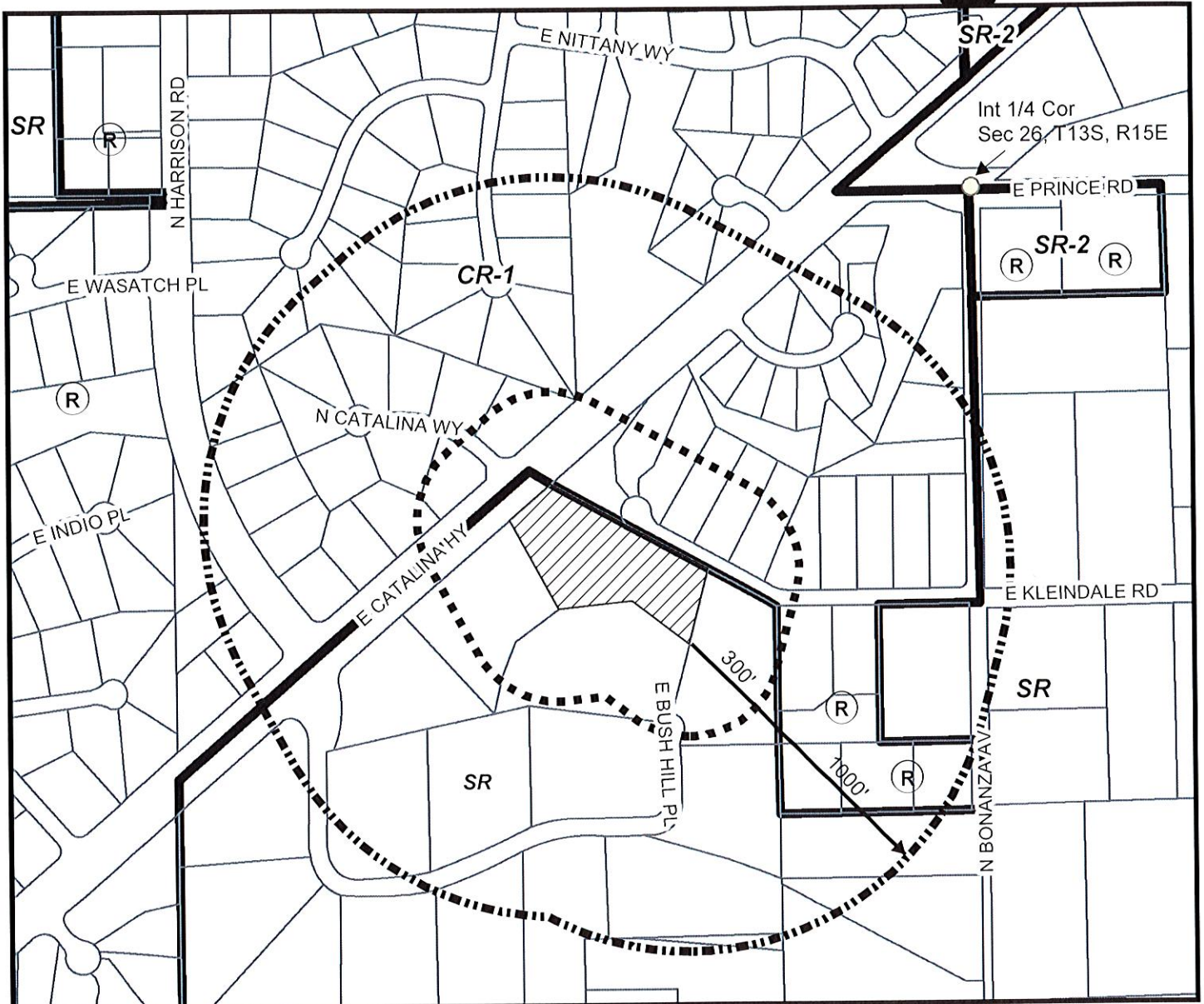
A handwritten signature in black ink, appearing to read "Terrill Tillman", with a long horizontal flourish extending to the right.

Terrill Tillman, AICP
Principal Planner

c: Tonatazin Cordova

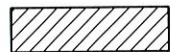
Case #: P22RZ00011
Case Name: MARTINEZ/CORDOVA - E. CATALINA HIGHWAY REZONING
Tax Code(s): 114-52-036A

-  Subject Property
-  300' Notification Area
-  1000' Notification Area
-  Zoning Boundary



0 220 440 880 Feet

Area of proposed rezoning from SR to CR-1



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 5/31/23 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 51

Scale: 1:6000

Map Date: 5/9/2023 - ds





Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

Objective: To designate areas for low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and be contiguous with other dedicated natural open space and public preserves.

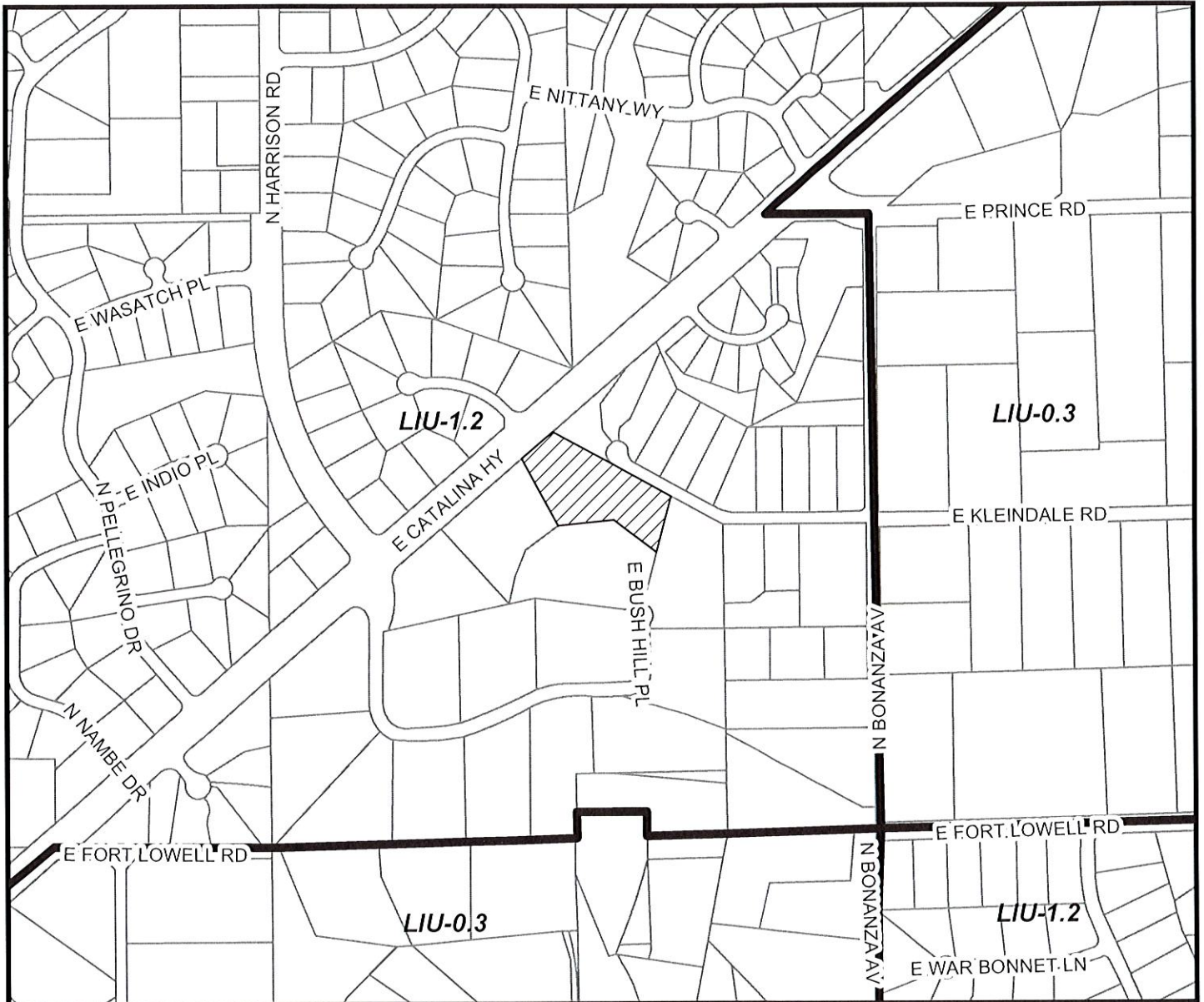
Low Intensity Urban 1.2 (LIU-1.2)

- Residential Gross Density: Minimum- none; Maximum- 1.2 RAC; 2.5 RAC with 45 percent open space; or 4 RAC with 60 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 1.2 RAC; 2 RAC with 50 percent open space

Case #: P22RZ00011
Case Name: MARTINEZ/CORDOVA - E. CATALINA HIGHWAY REZONING
Tax Code(s): 114-52-036A

COMPREHENSIVE PLAN EXHIBIT

 Subject Property



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION



Notes:

PIMA COUNTY COMPREHENSIVE PLAN C07-13-10

Scale: 1:8000

Map Date: 5/9/2023 - ds





201 N. Stone Avenue, Tucson, AZ 85701
(520) 724-9000
www.pima.gov/developmentservices

BIOLOGICAL IMPACT REPORT

(Not applicable for rezonings that require a site analysis)

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

Project ID (case no., APN no., address, or other identifying info):

Toni & Jose Martinez, 3.82 ac. at 9680 E Catalina Hwy, rezone from SR to CR-1

Part I. Information Provided by Pima County Staff

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) **NA**
Important Riparian Area
Biological Core
Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? **No**
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? **No**
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? **No**
5. Is the project located within a Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl: **SELECT**
 - b. Western burrowing owl: **No**
 - c. Pima pineapple cactus: **No**
 - d. Needle-spined pineapple cactus: **No**

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.

From: [DSD Application for Rezoning or Specific Plan](#)
To: [DSD Planning](#)
Subject: Application for Rezoning / Specific Plan Submission
Date: Monday, September 26, 2022 12:40:20 PM
Attachments: [Site Analysis Document - 2022-154 Lot 11 Indian Hills - CONTOURS & LOT SPLIT \(1\).pdf](#)

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

New submission

You received a new submission.

Owner name

Jose Martinez

Owner address

9680 E Catalina Hwy

Owner city

TUCSON

Owner state

AZ

Owner zipcode

85749

Owner phone

5202450553

Email

jose.solidfoundation.martinez@gmail.com

Applicant name

TONATZIN Cordova

Applicant address

9680 E CATALINA HWY

Applicant city

tucson

Applicant state

AZ

Applicant zipcode

85749

Applicant phone

5204996229

Applicant_email

tcordova.solidfoundation@gmail.com

Property address

9680 E CATALINA HWY

Property parcel number

11452036a

Property acreage

3.83

Property present zone

sr

Property proposed zone

cr1

Policies

Arizona

Site analysis document

[2022-154 Lot 11 Indian Hills - CONTOURS & LOT SPLIT \(1\).pdf](#)

Ftp-link**Signature**

I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)

Application date

26-Sep-2022

TO: Pima County Planning and Zoning Commission
FROM: Bitton Roy & Burns Lisa A CP/RS – P22RZ00011
RE: P22RZ00011 Martinez Jose & Cordova Tonatazin – E Cataline Highway Rezoning

In protest of the rezoning request of 3.61 acres (parcel code 114-52-036A_ from the SR (Suburban Homestead) to the CR-1 (Single Residence) zone. I am unsure as to whether the request for rezoning this single-family property is to build additional housing or to utilize the land for the family run construction business. Whatever the purpose, rezoning will negatively impact everyone in our neighborhood.

Noise Pollution and Lack of Privacy

This single-family residence has been used for business purposes since we moved in a few years ago as evidenced by commercial trailers parked on the road above/behind my home which are visible to all who live on Kleindale Road at Bonanza. The dirt road separating my home from theirs is the homeowner's only ingress and egress point, with only a small stucco wall and a wire fence separating their road/driveway from my backyard. Traffic up and down this road has become increasingly busy over the past year, especially on the weekends, which is very noisy and easily seen/heard from my backyard. Vehicle and foot traffic will increase exponentially if rezoning is permitted increasing our lack of privacy.

Water Runoff and Flooding

You may not realize, but this hillside property is part of the Tanque Verde Watershed District. Monsoon season creates significant water runoff from the hillside where this property is located. There is no retaining wall between their land and mine to prevent flooding. Culverts

have been installed on our acreage to help prevent flooding, but on occasion we still have issues. Implementation of additional structures brought about by rezoning will reduce the amount of natural land for water absorption, increasing water runoff directly onto my property below. Kleindale Road frequently becomes packed with soil from flooding during monsoon and rainy winters.

Decrease in Property Values

We purchased our home in this location to live in a quiet, rural neighborhood situated among single family homes – not to live next to rental properties, apartments, or a family run business with unsightly commercial vehicles and equipment visible in our neighborhood. Whether the intent is to utilize the land for business purposes or to build additional housing, either will decrease property values in our neighborhood.

Sincerely,

Lisa Burns

Lisa Burns
9721 E Kleindale Rd
Tucson AZ 85749

From: [thedavidzoo](#)
To: [DSD Planning](#)
Subject: Opposition to Rezoning Case P22RZ00011 Martinez Jose & Cordova Tonatazin – E Catalina Hwy on Agenda May 31, 2023
Date: Sunday, May 28, 2023 10:30:55 AM

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

TO: Pima County Planning and Zoning Commission
FROM: DAVID WILLIAM E & ESTHER K CP/RS - 9851 E KLEINDALE RD, TUCSON
AZ 85749-8331

This is another letter of protest of the rezoning request of 3.61 acres (parcel code 114-52-036A_ from the SR (Suburban Homestead) to the CR-1 (Single Residence) zone.

We have lived on E Kleindale Rd in the Anthony Estates neighborhood for five years. Our neighborhood sits immediately north of the Parcel which will potentially be rezoned. A rezoning will have negative impacts on the residents of our neighborhood. There are several reasons we oppose this request:

1. Flooding

Almost all the houses on E Kleindale Rd sit at a finished floor elevation below the road and a large portion of our small neighborhood sits immediately downhill of the Parcel in question. As is, several houses/properties are subject to significant sheet flooding and channeled water from those higher elevations during heavy rains. Over the years, we and some neighbors felt it necessary to add significant water mitigation and drainage measures to our properties, including extensive piping, culverts, swales, berms, and rock work, just to minimize flooding of our properties. The Parcel has very steep slopes where it parallels E Kleindale Rd. During monsoons E Kleindale Rd is often covered with enormous amounts of sand, dirt, and rock that washes down the hillside of the Parcel. The erosion of the hillside is very evident. The new proposed entrance off E Kleindale and the ingress/egress easement roughly paralleling the road, would serve all three resulting parcels and would surely worsen the issue of water shedding downhill. The addition of all the structures and impervious surfaces will only cause more water to shed downhill instead of being absorbed. We fear that without an extensive erosion mitigation and significant and permanent drainage infrastructure plan that drains water from all three parcels **away** from E Kleindale Rd, the flooding issue will only increase for us residents.

2. Privacy, Quiet, and Property Values

We and many of our neighbors moved to E Kleindale Rd for the privacy, lack of through traffic, rural feel, and dark skies. The current topography and natural vegetation of the Parcel provide a good visual and sound buffer against traffic noise on E Catalina Hwy and Tucson city light pollution. The addition of at least two new homes, possible outbuildings, infrastructure, and hardscapes on that hillside would negate many of these current benefits and possibly lower the property values in our neighborhood.

3. Traffic and Construction Noise

New construction, potentially spanning several consecutive years, would put an undue burden

on the current owners on E Kleindale Rd. Since the access to the new Parcels will be off E Kleindale Rd instead of E Catalina Hwy as it is currently, the constant flow of construction equipment, machinery, contractor vehicles, and the attendant noise and disturbances would make living in our neighborhood unattractive for quite some time. The three new parcels will add a minimum of 27% additional traffic on E Kleindale Rd.

4. Creeping Urbanization

If proximity or adjacency to a certain zoning category is enough justification to keep rezoning on the whim of a parcel owner, one could infinitely extend that reasoning until all parcels are eventually zoned identically. Somewhere the line has to be drawn and maintained there. Continuing to carve up land with lots of natural open space into more densely built parcels does not serve our desert environment, our dwindling water resources, or our awesome wildlife that is continually being encroached upon.

Sincerely,
William and Esther David

To: Pima County Planning and Zoning Commission

From: Crute, Malcolm E. & Peters, Debbie A.- P22RZ00011

RE; P22RZ00011 Martinez Jose & Cordova Tonatazin- East Catalina Rezoning

In protest of the rezoning request of 3.61 Acres (parcel code 114-52-036A) _from the SR (Suburban Homestead) to the CR-1 (Single Residence) zone.

Noise Pollution

It is our understanding that rezoning of this single-family property is being requested for the purpose of running the family construction business on-site in this residential community. This property has been used for a business operation since we purchased our property in 2018. We have witnessed trucks and trailers parked on the property as well as going in and out and regularly parked on the property and can be seen from our property on East Kleindale Road. Additionally, if rezoning is allowed, construction traffic will only increase causing more noise than we currently experience.

Water Runoff and Flooding

During monsoon seasons and thunder showers that occasionally pass through, there is significant water runoff that occurs from the hillside where this property is located. Implementation of concrete for construction equipment storage and grubbing the hillside will reduce the natural land for water absorption as well as increase runoff to our property directly below. There is no retaining wall between their land, East Kleindale Road and our property. East Kleindale Road already experiences soil runoff from the monsoon rains and on occasion, the county will come and sweep the runoff away.

Decrease in Property Values

We purchased our home in this location because we wanted to live in a quiet, rural neighborhood situated among single family homes-NOT to live next to a construction business with all the construction equipment and commercial vehicles visible in our neighborhood. A construction business in our neighborhood would most certainly decrease our property values moving forward,

Sincerely,

Malcolm E. Crute and Debbie A Peters

9731 E. Kleindale Road

Tucson, AZ 85749

To: Pima County Planning and Zoning Commission

From: Shawna Ruboyianes, Owner 9771 E. Kleindale Rd., Tucson, AZ 85749

Subject: P22RZ00011 Martinez, Jose and Cordova, Tonatazin. E. Catalina Highway Rezoning

Date: May 30, 2023

I hereby protest the Rezoning Request of 3.61 acres (parcel code 114-52-036A) from SR(Suburban Homestead) to CR-1 (Single Residence) Zone.

Concern #1:

I am located directly below and across the street, on Kleindale Rd., from the proposed rezoning area. I am concerned that during heavy rain storms (Monsoons), the elimination of natural contours, redirection of water and removal of natural vegetation will lead to excessive water moving down the hill onto my property and in and around my home. It should be noted that this property is on a hillside where there is an estimated 4:1 and 3:1 slope creating the potential for excessive runoff, erosion, and flooding and the property is a part of the Tanque Verde Watershed District. There are well established issues on Kleindale with soil erosion and excessive water coming off the hill at various times already requiring the county to remove the soil from the roadway. The property owners in the immediate area affected by the proposed rezoning request, have independently purchased, planted, irrigated and maintained 44 trees (Mesquite and Palo Verde) along the south side of Kleindale to assist with the erosion and provide some water control.

Concern #2:

We are further concerned about the current use of the property as the owner's are using it for commercial purposes (Construction Company) which believe is already being done against current zoning ordinances. The property is currently used as a commercial business as there are trailers, bobcats, and other equipment stored and moved in and out on almost a daily basis. This equipment is unsightly can be seen from our home and Kleindale, which, if it continues or increases, will have a negative impact on the value of our home. If the zoning is approved, it would increase the amount of traffic, especially commercial traffic, creating dust and noise, further decreasing the value of our property.

I petition the Pima County Zoning Commission to reject the request for Rezoning and require the owners of the property to stop using the property for commercial business and come into compliance with "existing" zoning requirements.

Respectfully submitted,

Shawna Ruboyianes, President of Stewart Title & Trust of Tucson and owner of
9771 E. Kleindale Rd., Tucson, Arizona 85749

To: **Pima County Planning and Zoning Commission** by email to DSDPlanning@pima.gov

From: John H. Cole and Beth Justice Cole, Owners (9741 E. Kleindale Rd., Tucson, AZ 85749)

Subject: **P22RZ00011 Martinez, Jose and Cordova, Tonatazin. 9680 E. Catalina Highway (Rezoning)**

Date: May 30, 2023

We hereby protest the Rezoning Request of 3.61 acres (parcel code 114-52-036A) from SR-1 (Suburban Homestead) to CR-1 (Single Residence) Zone.

Concern #1:

Our home and property is located directly below and across the street on Kleindale Rd. from the proposed rezoning area. We are concerned that during heavy rain storms (Monsoons), the elimination of natural contours, redirection of water and removal of natural vegetation will lead to excessive water moving down the hill onto our property, onto Kleindale, and into and around our home. It should be noted that this property is on a hillside where there is an estimated 4:1 slope in most areas and in some cases as much as a 3:1 slope creating the potential for excessive runoff, erosion, and flooding should this area be modified. There are well established issues on Kleindale already with soil erosion and excessive water coming off the hill requiring the county to remove the soil from the roadway after every heavy rain. Since the county has limited manpower and equipment resources, it is sometimes takes a week or two before the county can respond and clear the road making travel dangerous, especially for people walking or cycling. Again, any change in the development of this property will only lead to further erosion and make Kleindale even more dangerous. The property owners in the immediate area affected by the proposed rezoning request, have independently purchased, planted, irrigated and maintained 44 trees (Mesquite and Palo Verde) along the south side of Kleindale to provide some erosion protection and mitigate damage from runoff water.

We moved into the area because of the open space and the SR-1 zoning of the neighbors. If the subject property is rezoned to CR1, then numerous homes can be built on the **hillside**, dramatically influencing the runoff during heavy rains and changing the views and open space with natural vegetation to buildings and hardscape (with multiple homes, and associated roadways and driveways). If approved, the rezoning applicant can potentially have homes as close as 40 ft apart (with a special exemption) and will again alter the runoff, wildlife movement, traffic, and views. Thus any rezoning will adversely affect the value of our property as well as the serenity of the area.

Concern #2:

We are further concerned about what appears to be the use of the property for commercial purposes (Construction Company) which we believe is already being done in violation of the current zoning ordinances SR-1. The property is currently used as a commercial business as there are trailers, bobcats, and other commercial equipment stored and moved in and out on of the subject property on a daily basis. This equipment is unsightly can be seen from our home and Kleindale, which, if it continues, will have a negative impact on the value of our home and property.

Due to the above concerns, we respectfully **Petition the Pima County Zoning Commission to reject the request for Rezoning** to CR1 and require the owners of the property to stop using the property for commercial business and come into compliance with "existing" zoning requirements for SR-1.

 
John H. Cole, Consulting CEO, Pain Institute of Southern Arizona and Beth Justice Cole, Retired Social Worker

9741 E. Kleindale Rd., Tucson, Arizona 85749 (520-490-4200)

From: [Steven Owens](#)
To: [DSD Planning](#)
Subject: Rezoning case P22RZ00011
Date: Tuesday, May 30, 2023 5:43:11 PM

CAUTION: This message and sender come from outside Pima County. If you did not expect this message, proceed with caution. Verify the sender's identity before performing any action, such as clicking on a link or opening an attachment.

TO: Planning and Zoning Commission

FROM: Steven and Sherilyn Owens
9791 E. Kleindale Road
Tucson, AZ 85749
(520)749-7975

We are writing to PROTEST the above rezoning request for the following reasons:

1. Environmental:

1. A point of information: the address of the above request (9680 E Catalina Highway) is not only a residence, but also the home of Solid Foundation Construction (ROC 311850), a commercial business in a residential zoning. They already have scraped bare an approximately 1 acre plot on which they have placed stacks of old truck tires, cement mixers, misc. construction materials, construction trailers, and pickup trucks.

2. According to information from the Planning Division information phone, the owners are seeking to place 2 more homes on the land if rezoned. Kleindale residents already experience substantial run-off of water, dirt, and silt from Bush Hill, where the subject property is located. I had over 5 inches of dirt in my driveway, with silt running up to my door from Bush Hill after the last major storm. (Note: Did Pima County clean up the debris?? Noooo) The addition of two scrapped to raw dirt lots on Bush Hill will make a bad situation worse.

I was also informed that access to these proposed new lots will be from Kleindale, adding to the run off problem. Also, a number of Kleindale residents (myself included) have invested thousands of dollars, and hundreds hours of effort to plant a row of about 30 Arizona Mesquite trees on the south edge of Kleindale, creating a beautiful, arching canopy of greenery; adding to shade, serving as a wind block and increasing property values of the homes on Kleindale. (also adding to the "1 million trees planted project".) Kleindale is a well established community of over 25 years, and owners have worked hard to maintain their properties. Having lots above us scraped to bare dirt, dirt roads carved into the hillside, increasing the runoff problems, and destroying beautiful established desert growth is not in the best interests of the residents of the Kleindale area, and Pima county at large.

3. Privacy Having "new homes" built on the subject property would also greatly infringe on the privacy of Kleindale residents, with people in the "new homes" able to look down on the patios and into the homes of the Kleindale residents.

4. There are other, more suitable building sites in north east Tucson that would not require the gouging out of lots over a well established neighborhood.

Please reject this zoning request

Thank you.

From: [Raymond Seiwert](#)
To: [DSD Planning](#)
Subject: Zoning change P22RZ00011
Date: Tuesday, May 30, 2023 4:53:07 PM

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Commission Members,

I live directly across the street from the property involved at 9751 E Kleindale Rd. I have lived here for 22 years and paid a premium for the property because of the spaciousness of the neighborhood and the lack of housing congestion. My property value would suffer if this zoning were approved.

More importantly, property on the north side of Kleindale is already subject to erosion and silt deposition from rainfall on the property which is requesting rezoning. Changing to CR-1 would increase the runoff from the rezoned property resulting from having one home per .83 acres versus the current 3.61 acres. A subsequent special exception might result in houses being built as close as 40 feet to one another.

The requested zoning change is not appropriate for the steep hillside of this property.

I oppose this zoning change.

Ray Seiwert