



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 6, 2017

Title: Co9-76-45 Estes - Ina Road Rezoning [Modification (Substantial Change) of Rezoning Conditon]

Introduction/Background:

The applicant requests modification (substantial change) of a rezoning condition which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site. The subject Lot 517 of the Heritage Hills II subdivision is 19,752 square feet and is proposed to be split into two parcels of approximately 8,925 and 10,827 square feet. The larger parcel will contain an existing residence and the smaller is proposed for a new residence.

Discussion:

The 220-acre rezoning from SR to CR-3 was approved in 1977 with a condition interpreted by staff to require "Larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site and for a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road" based on the applicant's statements for these provisions. The subsequent subdivision plat provides larger lots in the northwest area and assigns portions of lots for natural preservation which correlate to areas with steepest slopes. The subject lot is not included in the areas depicted for natural preservation and is not readily visible from Magee Road. The proposed parcels will remain in excess of the minimum standard CR-3 lot size. The larger proposed parcel has greater area than some of the other original lots in the hilly area of the subdivision north of Liberty Tree Lane. The lot is mostly mildly sloped and will not require significant cut and fill. The northern portion of the lot has the appearance of a separate lot and has been disturbed. The current Medium Low Intensity Urban plan designation of the neighborhood supports increased density. The residents of 25 lots in the neighborhood have signed in support of the lot split.

Conclusion:

Based on the factors delineated above and the Planning and Zoning Commission's recommendation for approval with additional conditions designed to ameliorate potential impacts to the neighbor to the north who objects to the request, the split of the lot into two smaller parcels is reasonable.

Recommendation:

Staff recommends approval of a modification (substantial change) of the rezoning condition subject conditions as recommended by the Planning and Zoning Commission.

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

Department: Pima County Development Services - Planning Telephone: 520-724-9000

Department Director Signature/Date: [Signature] 5-12-17

Deputy County Administrator Signature/Date: [Signature] 5/14/17

County Administrator Signature/Date: [Signature] 5/17/17



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: May 15, 2017

SUBJECT: Co9-76-45 ESTES – INA ROAD REZONING

The above referenced Modification (Substantial Change) of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JUNE 6, 2017** hearing.

REQUEST: For a **modification (substantial change) of a rezoning condition** which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site. The subject lot is 19,752 square feet and is proposed to be split into two parcels of approximately 8,925 and 10,827 square feet. The lot is zoned CR-3 and is located on the west side of Paul Revere Place, approximately 500 feet north of Liberty Tree Lane and 1,400 feet southwest of the intersection of Magee Road and Cortaro Farms Road.

OWNERS: Christopher & Carlee Korinek
7941 N. Paul Revere Pl.
Tucson, AZ 85741

AGENT: None

DISTRICT: 1

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of May 15, 2017, staff has received a sheet containing the addresses, names, and signatures of 25 residents in the neighborhood who support the split of the subject lot. Staff has also received one letter in opposition. **The single opposition letter is insufficient to require a supermajority vote by the Board of Supervisors to approve the modification (substantial change) of rezoning condition.** Concerns cited in the letter include views of the side of the proposed residence from the lot adjacent to the north, the lack of slump block construction which would not be consistent with slump block homes in the neighborhood, and effect on wildlife on the lot. At the Planning and Zoning Commission hearings, one person spoke in opposition voicing concerns of a nature similar to those cited in the letter.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (8 – 0; Commissioners Peabody Jr., and Bain were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

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

TD/DP/ar
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-76-45

Page 1 of 7

FOR TUESDAY, JUNE 6, 2017 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: MAY 15, 2017

ADVERTISED ITEM FOR PUBLIC HEARING

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

Co9-76-45 ESTES – INA ROAD REZONING

Request of Christopher and Carlee Korinek for a **modification (substantial change) of a rezoning condition** which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site. The subject lot is 19,752 square feet and is proposed to be split into two parcels of approximately 8,925 and 10,827 square feet. The lot is zoned CR-3 and is located on the west side of Paul Revere Place, approximately 500 feet north of Liberty Tree Lane and 1,400 feet southwest of the intersection of Magee Road and Cortaro Farms Road. On motion, the Planning and Zoning Commission voted 8 - 0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Peabody Jr., and Bain were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (February 22, 2017)

Staff presented information from the staff report to the commission. A commissioner asked if the support document indicated why neighbors supported the request. Staff indicated that it only contained signatures agreeing with what was proposed.

A commissioner stated confusion about the rezoning condition and asked if it was about larger lots on higher elevations. Staff explained that the condition was an interpretation of the Board's motion that only referred to "densities in the northwest and southeast" portion of the property. Therefore, staff referred back to the applicant's statements earlier in the hearing and at public meetings in which he offered to provide larger than standard CR-3 lots in the northwest portion of the rezoning site and to preserve natural vegetation visible from Magee Road. The recorded plat reflects larger lots and some areas delineated for preservation in the higher northwest area. There was no specific lot size requirement.

The commissioner alluded to this being an early version of HDZ. Staff stated it was similar. The HDZ code was in place at the time and there is reference on the plat to 15% and greater slope and average cross-slopes of lots. But the overall average cross-slope is shown in the 8% range, so it would not have triggered HDZ slope density restrictions. There is no rezoning preliminary development plan.

A commissioner asked if the applicant resided in the residence on the lot. The applicant clarified that she lives adjacent to the lot on the south side. She stated intent to live in the proposed residence as was planned when the lot was purchased. She wants her mom to buy her current house. She noted that the subject lot is large and that the existing house on it is oriented to the south leaving what appears to be a vacant lot on a separate higher level. She stated agreement with staff's recommendation.

A commissioner noted that it was unusual to have so much support for such a request. The applicant said that she spoke with residents on her street and on streets to the west and east. She said that there were 25 people on the list approving. The neighbor to the north did not care for the idea and did not sign. The neighbor would be looking over the proposed house. She tried to accommodate her with design such as no windows on the north side of the house and no patio so as not to impede with living or entertaining. She offered a fence or no fence if preferred. She realized that the proposal was a big deal for the neighbor and would be willing to listen to her issues.

Upon a commissioner's question, the applicant indicated that she was not planning a two-story house and that there would possibly be 1,500 square feet of livable space which was within the range of 1,300 to 1,700 square feet existing in the neighborhood. The house she currently lives in is 1,300 square feet and the existing house on the subject lot is 1,700 square feet.

The meeting was opened to the public. The only speaker indicated that she lives to the north of the subject lot and that she opposed the request. She showed pictures with views to the south from her front porch where she spends time. She noted that she specifically bought a house in an existing neighborhood to avoid construction and was told by her realtor that what appeared to be a vacant lot was part of the existing house to the south and would not be built on. She said that she paid a premium for her house likely due to the view. She had a reasonable assumption that the area to the south would not be built. She showed a picture from her living room and described a direct view of what would be of the side of the proposed residence which would be long due to narrow frontage. She also noted that the construction would be stucco, unlike slump block homes in the neighborhood. She feared a precedent would be set if the request was approved and noted two other lots with split potential. She said that wildlife would be impeded. She presented protest a letter from a neighborhood resident who was not present.

The applicant stated that the height of the proposed house is only 10 feet and it's at a lower elevation than the neighbor's house, so would not block mountain views. It would block the house that the neighbor currently sees on the lot. The new house would be closer to the neighbor. The house is proposed as a combination of stucco and block due to expense. She reiterated a willingness to work with the neighbor.

Upon a commissioner's question, staff indicated that there was no record of other lot splits in the subdivision. There are smaller 8,000 square foot lots outside of the hilly area. The condition for larger lots only applies to the hilly area toward Magee Road. Some of these lots are larger than 16,000 square feet which could allow splitting, but others are not.

Upon a commissioner's question, it was confirmed that the protestor's house was at the highest elevation on the street. Staff indicated that the subject lot varied in elevation. The finished floor elevation (FFE) and height of the proposed residence would be determined by the applicant. The commission could limit the height of the residence to mitigate potential impacts. The heights of the existing residences are low with low pitched roofs. The proposed house is on the higher portion of the lot. A lower finished floor would reduce the height impact.

Upon a commissioner's question, staff stated that the size of the lot directly across the street from the subject lot was 28,000 square feet. The applicant noted that the lot directly to the west was 9,000 square feet. She also indicated that there are four stucco homes in the neighborhood. She stated that the proposed house will be split level design to limit grading on the slope. This will reduce the overall height. The grade will not be raised.

Upon a commissioner's question, the applicant showed what she described as a 1,500 square foot ranch style potential house design with a flat roof (with one portion being pitched on the south side) and a possible stone stucco combination for exterior walls. She also stated that in regard to setting a precedent, certain lots have dedicated natural area and others have severe slopes which do not support splitting. Her lot is one of the only ones that could be split.

A commissioner asked staff if other lots could be split. Staff indicated that the analysis did not focus on other lots for that consideration, but that any future requests would have to go before the commission and the Board of Supervisors. Upon a cursory review, the subject lot appeared to be one that is most conducive for splitting and appeared to be two lots. Staff stated that the commission could limit the maximum height to that shown for the north side elevation closest to the concerned resident.

At a commissioner's request, staff read the letter of objection which had similar objections of those raised by the resident to the north of the subject lot.

A commissioner asked staff if a condition could be placed requiring similar block construction as that found in the neighborhood. Staff indicated that conditions for aesthetics could be recommended, including for use of slump block. This would be unusual for an area not near a public preserve or along a scenic route.

Upon a commissioner's question, staff indicated that it's subjective as to whether or not a house made of stucco in the neighborhood would "stand out".

The public hearing was closed.

A commissioner noted initial optimism with the 25 signatures in support, but that the testimony revealed that a precedent could be set for splits of other lots.

Another commissioner agreed. The commissioner asked if the lot could be lowered to which staff answered it could. Staff indicated that determining the finished floor elevation is critical for limiting height to more accurately determine impact to the neighbor.

A commissioner stated that a solution may be possible for questions raised but that at the moment it was unclear what kind of house would be built.

Commissioner Gavin made a motion to continue the case to give the applicant and the neighbor time to explore grading, FFE, and house style. He noted that most of the houses on other lots do not have a placement that lends to splitting unlike the subject lot with the southerly placement, but that some things need to be worked out. Commissioner Gungle gave second to the motion.

A commissioner questioned the worth of continuing the request if the neighbors cannot work together.

A commissioner noted understanding both the applicant's reasoning for request with the existing positioning of the house that would allow the split and the neighbor's concerns for maintaining views. The applicant and neighbor need to work together to resolve differences.

A commissioner noted expectation for a complete architectural design and elevation for a final determination. Another commissioner agreed that reasonable additional information is necessary. Another commissioner noted that final design would reveal height as part of an amended motion. Commissioner Gungle accepted the motion. He asked if the applicant and neighbor agreed.

The neighbor stated no opposition to discussion. She noted that she would be more open to slump block construction. The applicant stated a willingness to compromise.

A commissioner asked if 30 days was sufficient for architectural plans.

Staff indicated the commission could expect a commitment to building material, FFE, building height, and building mass. But the commission should not expect the applicant to undertake the expense of a full set of plans without having approval.

The commission voted to **APPROVE** the motion for a 30-day continuance (7 – 2, Commissioners Membrila and Bain voted nay; Commissioner Cook was absent).

Planning and Zoning Commission Public Hearing Summary (March 29, 2017)

Staff stated that the applicant submitted additional information regarding discussions with the neighbor to the north who objected to the request to create smaller lots with a lot split. A letter was submitted and photo exhibits including a side-by-side of before and after development of the proposed additional residence.

Staff indicated that the pre-meeting of the commission included discussion of this case. The discussion included that a second dwelling could be built on the subject lot without approval of the requested modification of rezoning condition. Also, accessory structures could be built in this (northern) area of the lot including a guest house, shed, or garage. Additionally, the applicant's letter contained proposals that could be made conditions of approval, including related to single story height, building material types, a construction fence, a slump block wall, and positioning of the dwelling on the lot.

The applicant indicated intention to build a residence or a "mother-in-law" suite, even if the lot split did not occur. She stated that the lot split makes sense for having its own utilities and address for the future. She summarized the letter stating that houses in the neighborhood are slump block and T-111. She had received a (professional) recommendation against use of slump block (preferred by

the neighbor), so the alternatives listed and depicted include brick or stone veneers as primary surfaces. T-111 (plywood siding) is used for garages in the neighborhood, but it does not perform well, so stucco would be used.

She also proposed a small slump block wall to offset the stucco look for the neighbor and a privacy fence for the neighbor during construction of the residence. Another concern was views of the site from the neighbor's house. She provided the digital imprint of the proposed house to depict the view after construction. The view of trees over the existing house on the lot is maintained. She also indicated that the finished floor elevation is about 9'-4" and typical houses are 10'-6". The highest part of the house would be 12'-4". She stated continued intent for a ranch style, generally as previously shown, but with better (exterior) materials.

She reiterated that there are four ranch-like stucco homes in the area. As far as precedent concerns raised in the initial meeting, she indicated that there may be four lots that could potentially be split. The split proposed allows ample lot sizes and setbacks. The proposed residence will not be "shoe horned". Upon a commissioner's question, she was not sure when development could occur, but thought six to 12 months was possible lacking prior experience with constructing a new home.

The neighbor to the north indicated that she met with the applicants and they saw her concerns from the vantage point of her house. She stated continued opposition to the request indicating there was no added value, aesthetics, or benefit to the neighborhood. The newer (stucco) houses referred to were on empty lots and were not lot splits. The subject lot has already been built on. She stated appreciation for the concessions offered should the request be approved.

A commissioner asked her what she considered critical conditions. She stated that the view will be completely changed and privacy will be affected.

The hearing was closed. A commissioner asked staff which of the seven items in the applicant's letter were appropriate for conditions. Staff stated the commission could consider exterior materials (item #1), a temporary construction fence and permanent slump block wall (item #2), a single-story height limit (item #4), and style and orientation on the lot (item #5). Conditions should be reasonable to ameliorate potential impacts.

Upon a commissioner's question, staff indicated that the elevation plan submitted is not the sketch plan for which adherence is recommended as a condition, and would need to be called out distinctly if the elevation plan itself was to be recommended for adherence.

Upon a commissioner's question, staff indicated that a split of the lot could be requested later after a second home is built on the lot if this initial request is denied.

Upon a commissioner's question, staff indicated that a condition for general adherence to the applicant's letter would be vague. Staff recommended separate conditions for individual items offered in the letter and that staff could work with the applicant on those conditions.

Upon a commissioner's questions, staff indicated that a condition requiring earth tone colors and low reflectivity could be recommended. The specific height listed in the applicant's letter could also be recommended.

Commissioner Gungle made a motion to approve the request with standard and special conditions recommended by staff and including a recommendation for the applicant to meet with staff to turn the first five items of the March 22, 2017 letter from the applicant into conditions.

Commissioner Membrilla gave second to the motion with an amendment requiring the exterior of the proposed residence to be in earthtone colors.

A commissioner asked for clarification of intent. Regarding structure material and height, he wanted to make sure that the applicant and the neighbor understood.

Staff noted that item #3 in the referenced letter had to do with views and questioned how it would become a condition.

Commissioner Gungle revised his motion to exclude item #3 indicating that it was not something that could easily be a condition. He summarized the motion for conditions to include item #1 regarded materials, including finishes of the house and colors, item #2 was for a temporary construction fence and then the construction of a slump block wall, item #4 was for height restrictions as presented, and item #5 was for ranch style and house orientation.

Staff clarified that staff's task was to refine the specific commitment items of the letter into conditions. Staff asked about the nature of "finish", smooth or rough stucco?

A commissioner suggested staying away from texture, smooth or rough. Unless in close proximity to the residence, one cannot discern the difference. However, the commissioner indicated that color or tones are important, as white would create glare.

Commissioner Gungle agreed.

The commission voted to recommend **APPROVAL** of the modification (substantial change) of rezoning condition for Lot 517 (8 – 0, Commissioners Peabody Jr., and Bain were absent), subject to the following conditions [which include the post-meeting formulated conditions (#'s 10-13) pertaining to item #'s 1, 2, 4, and 5 of the applicant's letter dated March 22, 2017]:

1. Larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site and a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road. Lot 517 of Heritage Hills II may be split into two parcels of approximately 8,925 and 10,827 square feet.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. General adherence to the sketch plan as approved at public hearing.
4. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.

5. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the plan area, no more than 90 days before submitting any development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
6. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
7. The owner(s) shall connect all development within the plan area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
8. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area, in the manner specified at the time of review of the development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
9. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. The exterior wall materials of the proposed residence shall not be exclusively stucco, but shall incorporate a partial slump block, brick or rock finish, which may include alternative veneers. Color(s) of external walls and roof eaves shall be earth tone.
11. A temporary fence shall be required during construction that obscures the site from view from the north. A minimum five-foot-high slump block wall shall be built north of the proposed residence.
12. The finished floor elevation at the northwest corner of the proposed residence shall be approximately 9'-4". The highest point of the proposed residence shall be 12'-4".
13. The proposed residence shall have ranch style elements, but shall be nearly square.

TD/DP/ar
Attachments

cc: Christopher & Carlee Korinek, 7941 N. Paul Revere Pl., Tucson, AZ 85741
Tom Drzazgowski, Principal Planner
Co9-76-45 File

N

2016

W. Magee Road

W. Magee Road




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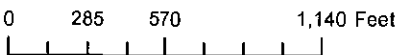
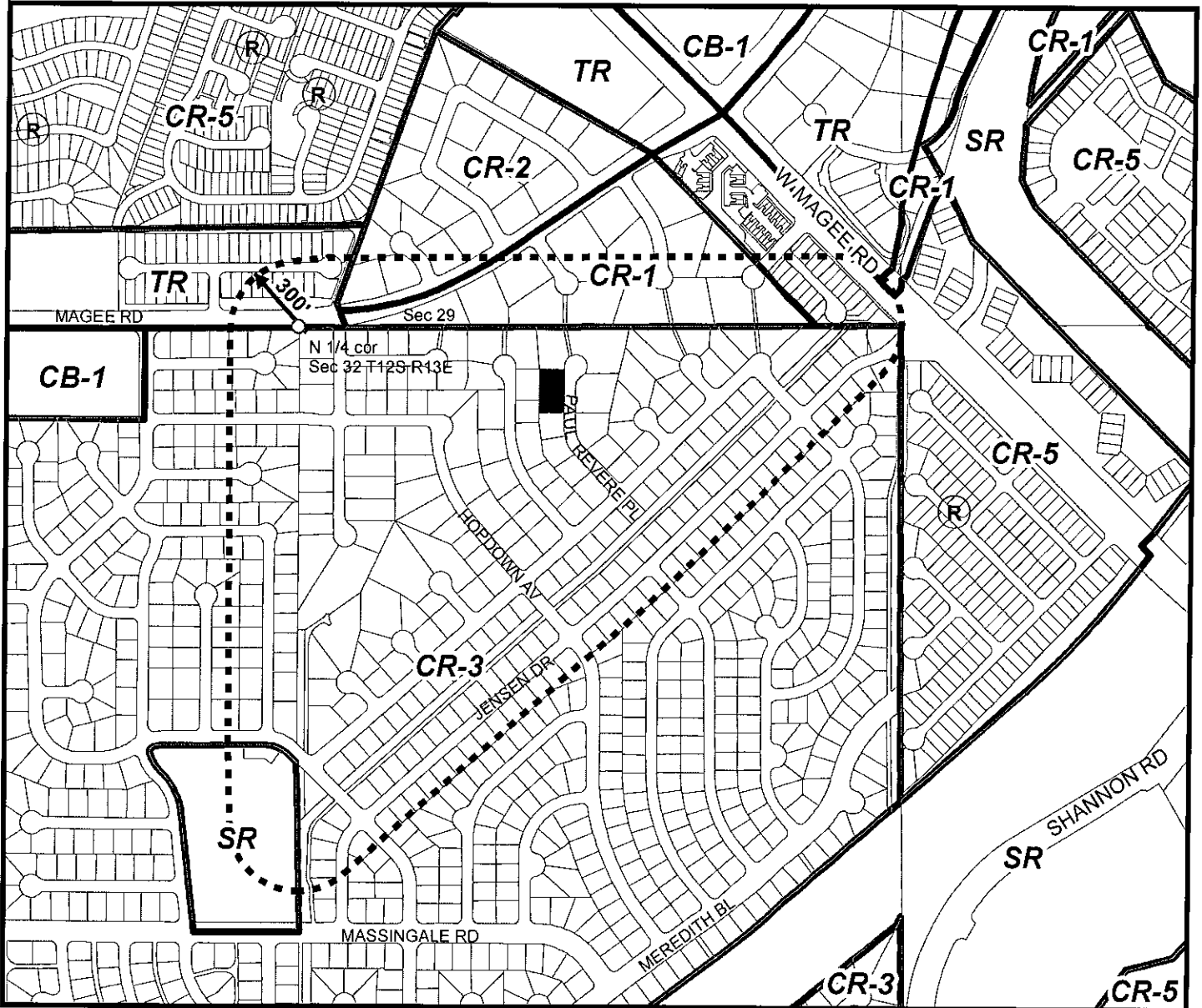


Case #: P17SA00001/Co9-76-45 (Ref: CO12-78-3)

Case Name: ESTES - INA ROAD REZONING

Tax Code(s): 225-42-3140

-  Subject Property
-  300' Notification Buffer
-  Zoning Boundary



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

Notes: **MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITION**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 2/22/17 (scheduled)

Board of Supervisors Hearing: 6/06/17 (scheduled)

Base Map(s): 114, 115

Map Scale: 1:8,000

Map Date: 1/25/2017 - ds



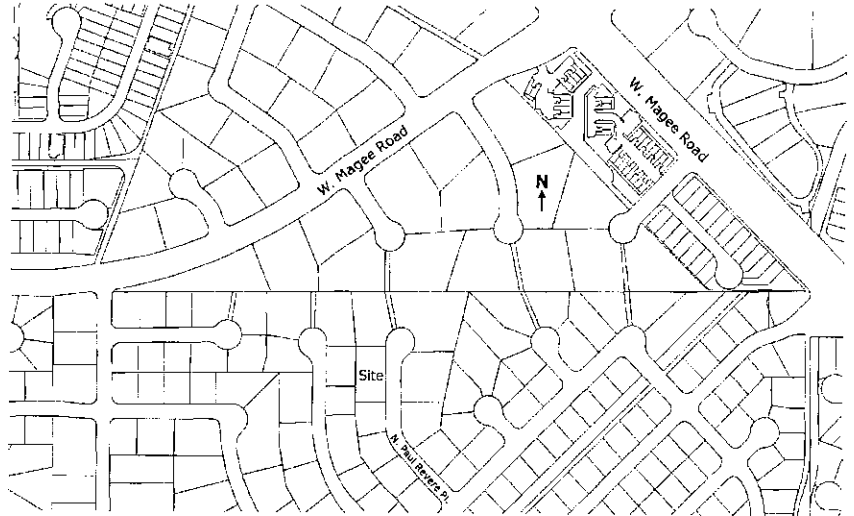
PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION

HEARING February 22, 2017

DISTRICT 1

CASE Co9-76-45 Estes –
Ina Road
Rezoning

REQUEST Modification of
Rezoning
Conditions -
(Substantial
Change) on 0.45
acre



OWNER Christopher & Carlee Korinek
7941 N. Paul Revere Pl.
Tucson, AZ 85741

AGENT None

APPLICANT'S REQUEST

Modification (substantial change) of the rezoning condition which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site to allow the split of Lot 517 of Heritage Hills II into two parcels to allow an additional residence (one residence on each parcel).

COMPREHENSIVE PLAN DESIGNATION

The comprehensive plan designation of the site is now Medium Low Intensity Urban (MLIU). The objective of MLIU is to designate areas for a mix of low to medium density single-family and attached dwelling units to provide opportunities for a mix of housing types throughout the region. Residential Gross Density: Minimum 2.5 RAC (residences per acre); Maximum 5 RAC. The subject lot and subdivision have been developed at slightly less than 2.5 RAC. The 19,751 square foot Lot 517 correlates to approximately 2.22 RAC. The 58.56-acre, 133-lot subdivision correlates to 2.27 RAC. The subdivision is zoned CR-3 (Single Residence) which requires a minimum lot size and area per residence of 8,000 square feet correlating to a gross density of approximately 5.44 RAC.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-3	Residential Subdivision Lots
	CR-1	Residential Subdivision Lots (located north of subject subdivision)
South:	CR-3	Residential Subdivision Lots
East:	CR-3	Residential Subdivision Lots
West:	CR-3	Residential Subdivision Lots

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the request for a modification (substantial change) of the rezoning condition which requires larger lots on higher elevations which are visible from Magee Road within the northwest portion of the rezoning site to allow the split of Lot 517 of Heritage Hills II into two parcels to allow one residence on each parcel subject to the following underlined conditions which shall apply to Lot 517 only:

1. Larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site and a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road. Lot 517 of Heritage Hills II may be split into two parcels of approximately 8,925 and 10,827 square feet.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. General adherence to the sketch plan as approved at public hearing.
4. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
5. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the plan area, no more than 90 days before submitting any development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
6. The owner(s) shall time all new development within the plan area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
7. The owner(s) shall connect all development within the plan area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
8. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the plan area, in the manner specified at the time of review of the development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
9. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public

sewerage system will be permanently committed for any new development within the rezoning area.

Other original conditions of the rezoning include:

1. Submittal of a complete hydraulic and hydrologic drainage report.
2. Recording an acceptable plat that will provide for necessary rights-of-way for roads and drainage.
3. Completion of the requirements for a rezoning ordinance with three years from the date of approval by the Board of Supervisors.
4. A suitable arrangement with the Pima County Department of sanitation regarding sanitary facilities.
5. Recording a covenant holding Pima County harmless in the event of flooding.
6. CR-5 development along Magee Road if the property can be sold, or larger lots than standard CR-3 lots along that portion of the property.
7. CR-1 development at the southeast corner of the rezoning site adjacent to the CR-1 zoning designated in the proposed Tortolita Area Plan.

Also, General Plat Note #8 requires Board of Supervisors' approval of lot splits.

STAFF REPORT

Staff supports the request to modify the rezoning condition which requires larger than standard CR-3 lots within the hilly northwest portion of the rezoning site, to enable the proposed split of Lot 517 into two parcels. Staff's recommendation for approval is based on these factors: 1) the proposed parcels will remain in excess of the minimum standard CR-3 lot size; 2) the larger proposed parcel has greater area than some of the other original lots in this hilly area of the subdivision north of Liberty Tree Lane; 3) the lot is mostly mildly sloped lending to development without significant cut and fill; 4) the lot does not contain established natural open space and appears to have undergone past disturbance; 5) the current Medium Low Intensity Urban plan designation of the neighborhood supports increased density; and 6) the residents of 25 lots in the neighborhood have signed in support of the lot split.

The minimum standard CR-3 lot is 8,000 square feet. The applicant requests to split the 19,751 square foot Lot 517 into parcels of approximately 8,925 and 10,827 square feet. Both parcels will still be larger than the minimum standard size; and the larger of the two parcels will be larger than some of the original lots in this subdivision phase of the rezoning, including the adjacent Lot 526 which is 9,870 square feet. The larger parcel will contain an existing residence and a new residence is proposed for the smaller parcel. Both residential structures will exceed minimum standard building setback requirements as shown on the sketch plan. The majority of the lot is mildly sloped with only a small portion containing slope greater than 15% which is located outside of the building pad areas to the rear.

The condition for "Larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site and for a covenant relating to the preservation of natural vegetation on the hills visible from Magee Road", is staff's interpretation of the Board of Supervisors' approved motion in the meeting minutes of 3-21-77 which reads in part, "...rezoning to CR-3 be approved subject to the Commission's recommendations as amended by the Board *to include the additional covenants related to the densities on the northwest and southeast sections of the subject property...*". The minutes indicate that the applicant had earlier in the hearing offered proposals which included, "...; (2) *larger lots on higher elevations at the northwest corner of the parcel and a covenant related to the preservation of natural vegetation on the hills visible from Magee Road; ...*".

A staff memo dated March 11, 1977 that summarized the positions of the applicant and area homeowners association representatives indicates that among alternatives offered by the applicant, one included, "*Larger lots on the northwest corner where higher ground is and where it can be seen from Magee Road.*" There was no mention of natural vegetation preservation in this memo or the Board's motion for approval of the rezoning. However, staff believes that the intent of the Board's motion was to include the applicant's proposals as presented in the Board minutes, to include preservation of some natural vegetation in the hillside area, and that the motivation for the requirement for both larger lots and natural vegetation preservation was visibility of this hilly area from Magee Road. The sloped land form itself would tend to reduce potential density in this area of the rezoning site.

The resultant subdivision plat for this area does, in fact, provide larger lots than other plat phases for flatter areas of the rezoning, and the plat also depicts several areas encumbering portions of contiguous lots for natural preservation which correlate to areas with steepest slopes. The subject lot is not included in the areas depicted for natural preservation and is not readily visible from Magee Road due to intervening land elevations and building development. The applicant states an intent to preserve "mature trees and cactus" on the lot.

The applicant has provided signatures of approval for the proposed lot split from residents of 25 lots within the area surrounding Lot 517. These include all lots immediately surrounding Lot 517, excluding Lot 516 adjacent to the north.

As detailed in the above Comprehensive Plan Designation section of this report, the Medium Low Intensity Urban (MLIU) plan designation of the subject lot and the larger surrounding area would require greater minimum density than provided for within this subdivision phase. The required minimum density of 2.5 RAC would be applied to new rezonings; MLIU was not in place at the time of the 1976 rezoning application. Despite the steeper grades of this particular area compared to other areas of the rezoning, the minimum 2.5 RAC requirement of the MLIU plan designation supports this request. General Plat Note #18 indicates that an average cross slope of 8.14% of lots subject to the Hillside Development Zone. Per code, this average is not great enough to require density restrictions in excess of the CR-3 zoning.

Concurrency

Concurrency of infrastructure was not analyzed for this request because the one additional dwelling unit proposed does not present significant impacts on infrastructure or services. However, the Regional Wastewater Reclamation Department recommends

standard conditions which require availability of treatment and conveyance capacity in the downstream public sewerage system.

Maeveen Marie Behan Conservation Lands System

The site is outside of the MMB Conservation Lands System.

TRANSPORTATION REPORT

The Department of Transportation has reviewed this request and has no objection to the creation of one additional residential lot. The additional lot could generate approximately 10 average daily trips (ADT). This request will not impact traffic in the vicinity of this existing residential area.

FLOOD CONTROL REPORT

The Regional Flood Control District has reviewed the request and has no comment.

WASTEWATER MANAGEMENT REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the request and has no objections to the lot split, but recommends new condition #'s 4 through 9 above pertaining to the subject Lot 517.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR has no objection to the applicant's request.

WATER DISTRICT REPORT

Metropolitan Water Improvement District has not responded to a request for comment.

FIRE DISTRICT REPORT

Mountain Vista Fire District has not responded to a request for comment.

PUBLIC COMMENT

As of the writing of this report, aside from the signatures of approval submitted by the applicant, staff has not received any written public comments pertaining to this request.

Respectfully Submitted,



David Petersen, AICP
Senior Planner

TD/DP

Attachments

c: Christopher & Carlee Korinek, 7941 N. Paul Revere Pl., Tucson, AZ 85741
Co9-76-45 & P17SA00001 Files

Date: December 29, 2016

To: Pima County Development Services

Regarding: Request Letter; Rezoning Case Co9-76-45, Subdivision Case Co12-78-3

Owner: Christopher Edward Korinek and Carlee Elena Korinek
7941 N. Paul Revere Pl.
Tucson, AZ 85741
Chris 520-282-1094, Carlie 520-256-1523

Subject Property: 7961 N. Paul Revere Pl., Tax Parcel 225-42-3140, Lot 517 of Heritage Hills II

We are requesting a modification of the rezoning condition which requires larger lots than standard CR-3 lots on higher elevations at the northwest corner of the rezoning site in-order to split Lot 517 of the Heritage Hills II subdivision. The proposed lot split meets all CR-3 requirements to split. Lots larger than the CR-3 minimum of 8,000sf are generally reflected on the subdivision plat compared to other areas of the rezoning site, but with wide variations from lot 506 @ 9,000sf to lot 433 @ 63,000sf. The lot-split we are requesting is able to generously accommodate all setbacks in regards to density. Directly behind subject Lot 517, on the same hill is Lot 526 and at 9870sf it is roughly the same lot size as the split we are requesting. Both of the new lots created would still be in-excess of the minimum 8,000sf CR-3 requirement of which the development was ultimately zoned even after this rezoning condition.

The original rezoning applicant proposed a covenant to preserve natural vegetation on the hills visible from Magee Road, but the Board motion does not directly reference the requirement and there is no evidence of such. The plat does depict areas to be preserved in natural state which has been adhered to, but the subject Lot 517 was not subject to plat designated natural area preservation. We intend to preserve the mature trees and cactus on the subject lot. There has been significant expansion of the Magee corridor since this Heritage Hills II development was created with true high density condos/apartments/subdivisions blocking the said visibility and the vegetation has matured further shielding visibility. Additionally, this particular lot simply is not visible from Magee road due to a higher grade across the street.

The current size of the lot is ^{19,752 D.P.}20,229sf/.46acres. The proposed lot split would leave the original residence on a parcel that would be ^{10,827}11,103sf and the second parcel at ^{8,925}9,126sf for a proposed residence. We have petitioned our neighbors for approval and the response is resoundingly positive for splitting the lot and building our residence (see petition attached).

Sincerely,

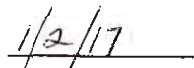


Christopher Edward Korinek

and



Carlee Elena Korinek



Date

Date: December 29, 2016

To: Pima County Development Services

Regarding: Disclosure of Ownership

- Owner on record/trustees: Korinek, Christopher E. & Carlee E. Living Trust
- Beneficiaries/successor trustees: Mason T. Davis & Jeremiah B. Novak


Subject Property: 7961 N. Paul Revere Pl., Tax Parcel 225-42-3140, Lot 517 of Heritage Hills II

Sincerely,

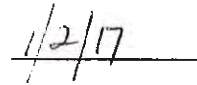


Christopher E Korinek

&



Carlee E Korinek



Date

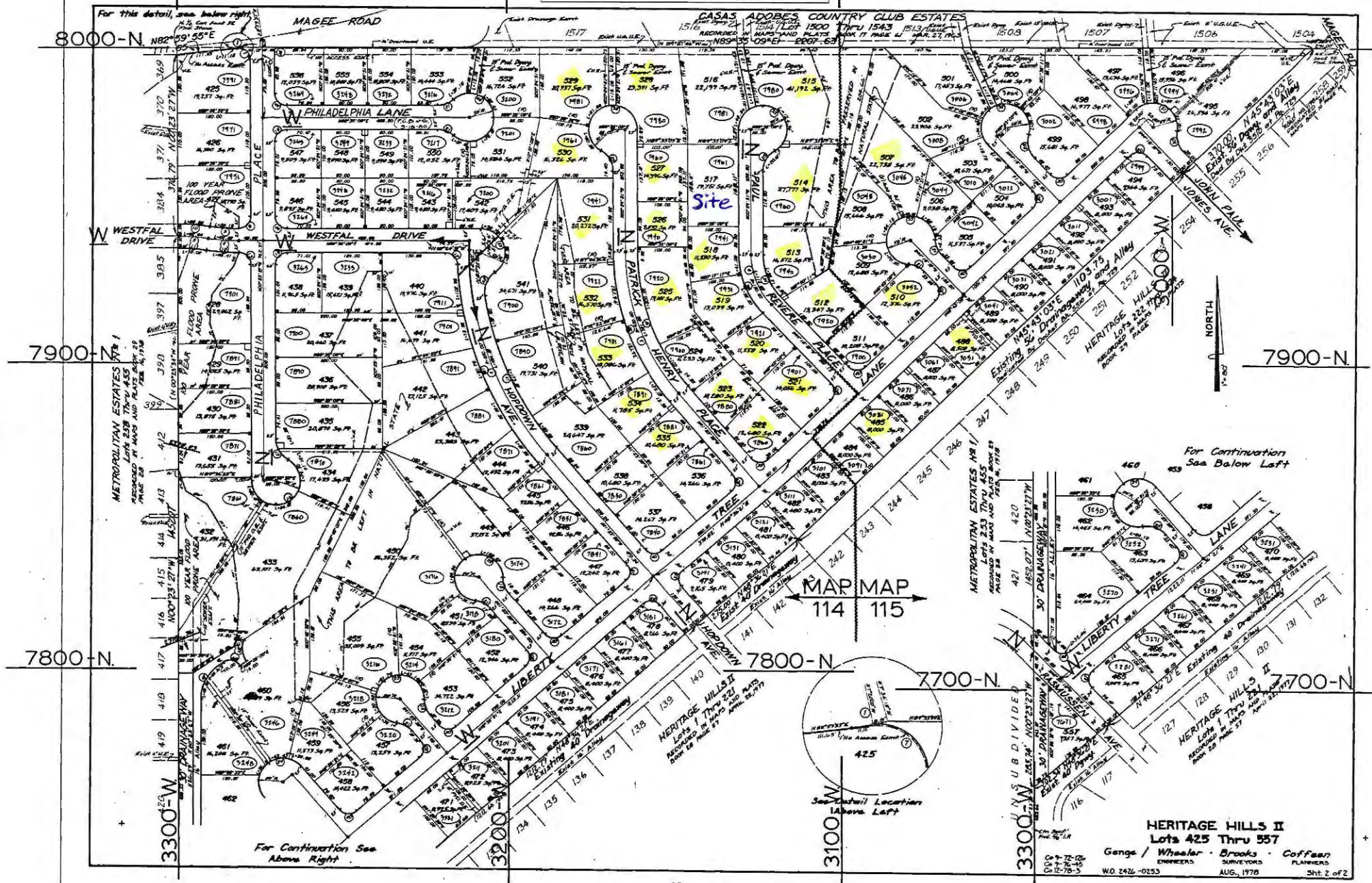
LOT SPLIT #517
7961 N. PAUL REVERE PL.

DATE	ADDRESS	NAME	SIGNATURE	LOT	YES/NO
12-17	7966 N Paul Revere	Lawrence E. Williams	[Signature]	514	Yes
12-17	7981 N Patrick Hwy	MARK ROSCMA	Mark Roscma	529	YES
12-17	7961 N Patrick Hwy	MARION MULLIGAN	[Signature]	530	YES
12-17	7941 N. PAUL REVERE PL	C. KOENIG	[Signature]	518	YES
12-17	7960 N PATRICK HWY	BREN WEPBS	[Signature]	527	YES
12-17	7940 N Patrick Hwy	ROGER JANA MULL	[Signature]	626	YES
12-17	7941 N Patrick Hwy	DAVID EL CLARK	[Signature]	521	YES
12-17	7921 N Paul Revere	BEN BARON	[Signature]	532	Yes
12-26	7931 Paul Revere	Bertha Herrmann	[Signature]	519	Yes
12-26	7901 N Paul Revere	KEVIN SACHUP	[Signature]	521	YES
12-26	7920 N Paul Revere	Christine Wadbridge	[Signature]	520	YES
12-12-10	7911 N Paul Revere	Mary J. [Name]	[Signature]	515	YES
12-12-10	7901 N Paul Revere	William K. [Name]	[Signature]	522	YES
12-24	7880 N. PATRICK HWY	Patricia [Name]	[Signature]	523	YES
12-26	7891 N. Patrick Hwy	Naomi Stewart	[Signature]	534	YES
12-26	7920 N " "	Shirley [Name]	[Signature]	525	YES
12-26	7901 N " "	Amber [Name]	[Signature]	533	YES
12-26	7881 N Patrick Hwy	Augustine [Name]	[Signature]	535	YES
12-11	3081 W Liberty	IRENE D. [Name]	[Signature]	485	YES
12-26	3051 W Liberty	PATRIC WISSEK	[Signature]	488	YES
12-26	3052 W Liberty	Caren Zimmerman	[Signature]	510	YES
12-26-16	3046 W Liberty	[Name]	[Signature]	507	YES
12-26-16	7940 N Paul Revere	B. E. ROSS	[Signature]	513	YES
12-28-16	7921 N Paul Revere	Mikel [Name]	[Signature]	520	YES
12-28-16	7980 N Paul Revere	Sue Mcclade	[Signature]	528	YES

R
R

Lot 512 D.P.

ANNOTATED COPY



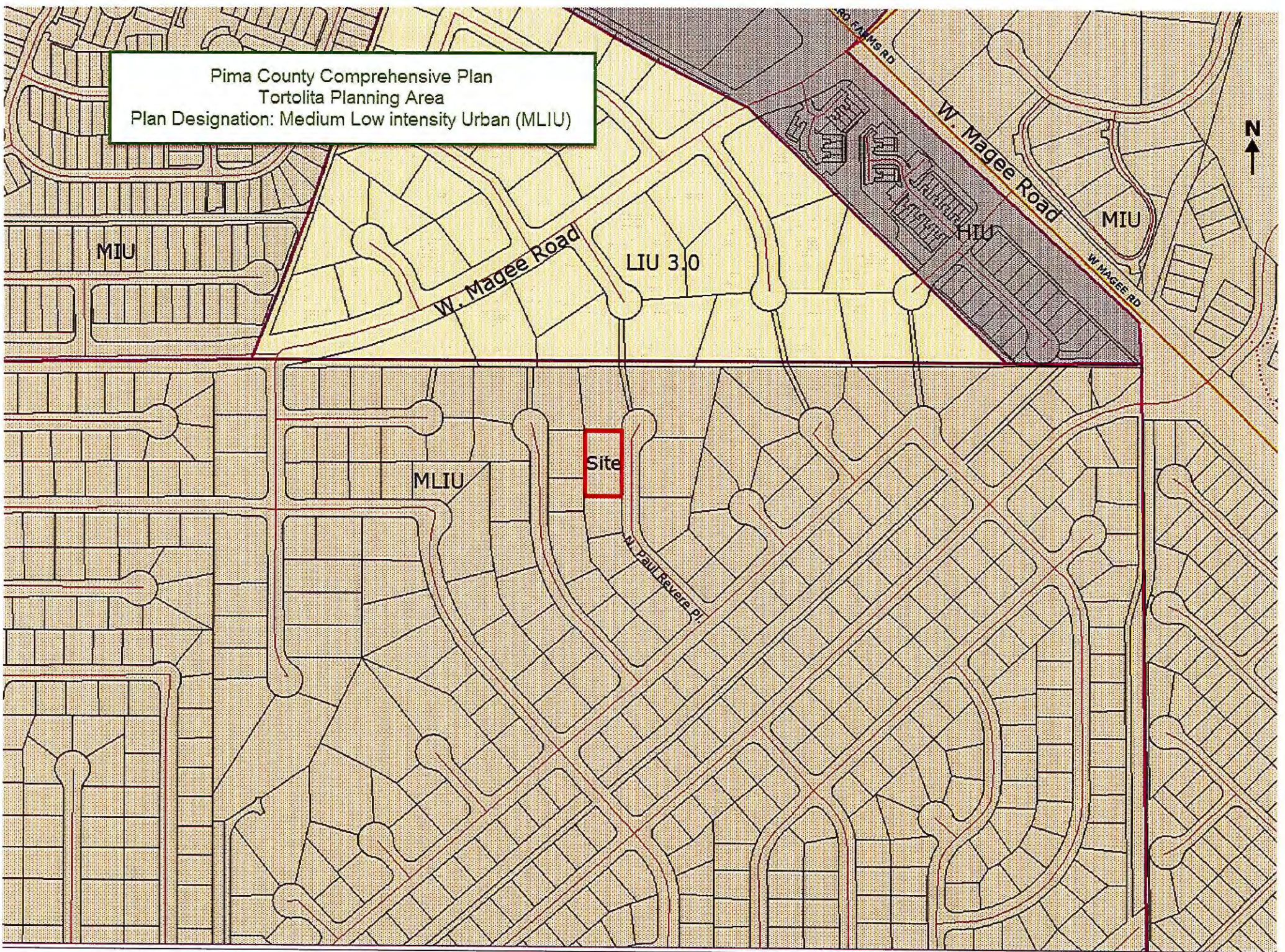
Yellow Lots in Support

Aerial and Street View of lot 517



Submitted by: Chris and Carlee Korinek Carlee Korinek Date: 1/2/17

Pima County Comprehensive Plan
Tortolita Planning Area
Plan Designation: Medium Low intensity Urban (MLIU)

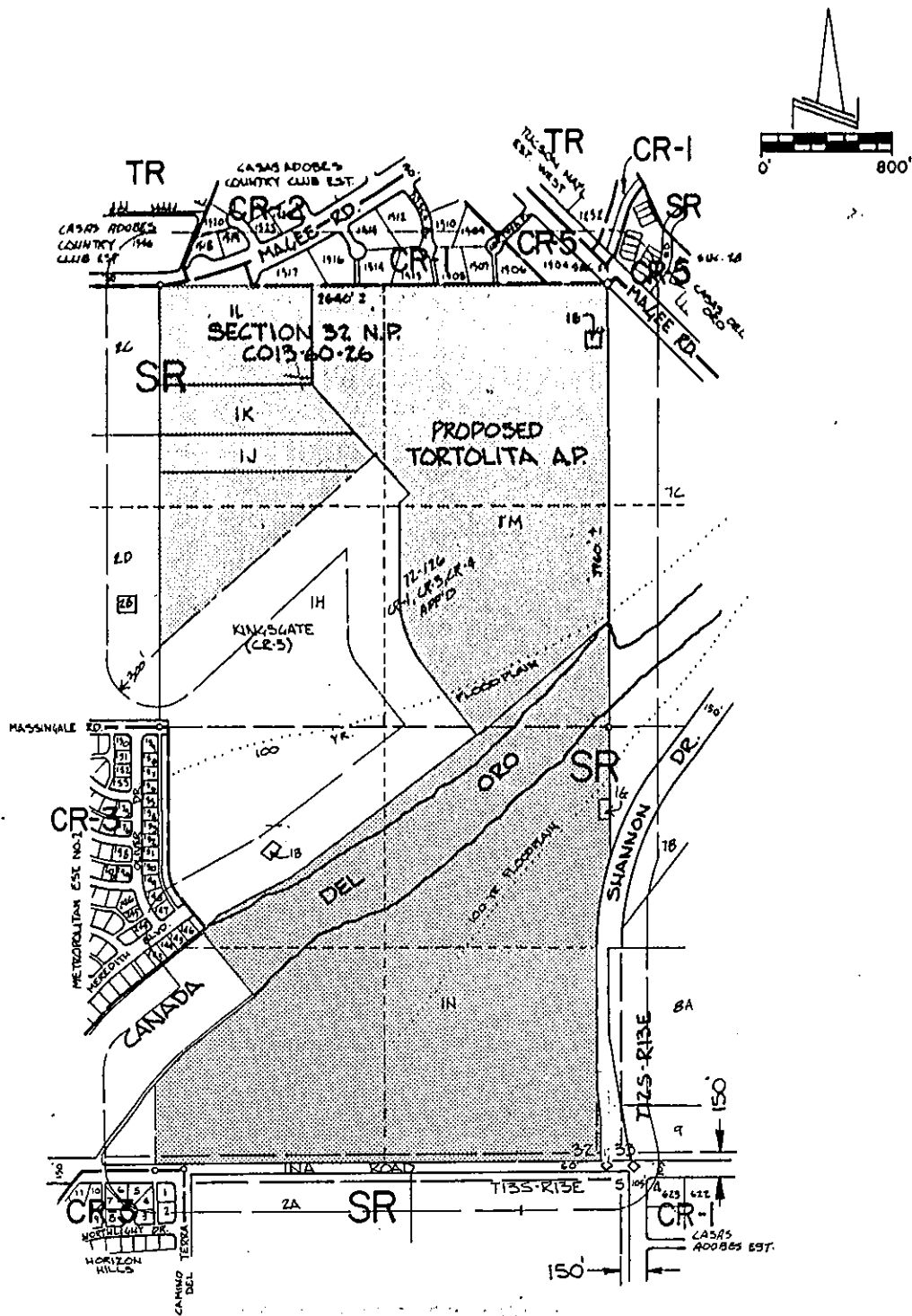


Medium Low Intensity Urban (MLIU)

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

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

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



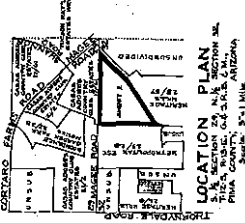
Area of proposed rezoning from **SR to CR-3**

Area of original request

Notification area _____

75-76
BASE MAP NO. 114-115

MASTER PLAN CONSIDERATIONS		
PIMA COUNTY PLANNING DEPT. TUCSON, ARIZONA	DRAWN BY <i>SG</i> DATE <u>10-22-76</u> CHECKED BY <i>[Signature]</i>	FILE NO. <u>CO9-76-45</u> ESTES - INA RD. REZONING



ASSURANCES
 THE SIGNATURE OF THIS AGREEMENT NO. 2587, 6-1-1972 FROM CONSUMERS NATIONAL BANK OF ARIZONA, INC. TO THE FIRST NATIONAL BANK OF ARIZONA, INC. IN CONNECTION WITH THE FIRST NATIONAL BANK OF ARIZONA, INC. TRUST UNDER TRUST NO. 8076, AND NOT OTHERWISE (BENEFICIARY OF TRUST NO. 8076) BEING AUTHORIZED TO EXECUTE THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN SET FORTH IS HEREBY RECORDED IN BOOK 34-1 AT PAGE 235.

APPROVALS
 BY: *[Signature]* DATE: 6/1/72
 CHAIRMAN, BOARD OF SUPERVISORS
 PIMA COUNTY, ARIZONA
 BY: *[Signature]* DATE: 6/1/72
 COUNTY CLERK
 PIMA COUNTY, ARIZONA
 BY: *[Signature]* DATE: 6/1/72
 COUNTY CLERK
 PIMA COUNTY, ARIZONA

RECORDING
 THIS INSTRUMENT IS FOR RECORD IN THE COUNTY OF PIMA, ARIZONA, ON THIS 13th DAY OF JUNE, 1972, AT 10:00 AM. BY: *[Signature]* COUNTY CLERK, PIMA COUNTY, ARIZONA.

CERTIFICATION OF SURVEY
 I HEREBY CERTIFY THAT THE BOUNDARY SURVEY ON THIS PLAT WAS PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE PIMA COUNTY FLOODPLAIN ACT, AND THAT ALL EXISTING AND/OR PROPOSED EASEMENTS, RIGHTS OF WAY, AND OTHER INTERESTS HAVE BEEN FULLY IDENTIFIED AND SHOWN HEREON IN ACCORDANCE WITH THE PIMA COUNTY FLOODPLAIN ACT.

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HERITAGE HILLS II
 Lots 425 Thru 537
 Being a subdivision of a portion of the N.E. 1/4 of Section 32, T12S, R15E, G & S.R.A. & M. Arizona
 George / Wheeler · Brooks · Compagnone
 ENGINEERS
 JUN 1, 1972
 SHEET 1 OF 2

CURVE DATA

CURVE	ANGLE	AREA	CHORD	TANGENT	ARC
1	174	10.01	4.07	1.00	1.00
2	174	10.01	4.07	1.00	1.00
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4	174	10.01	4.07	1.00	1.00
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55	174	10.01	4.07	1.00	1.00
56	174	10.01	4.07	1.00	1.00
57	174	10.01	4.07	1.00	1.00

GENERAL NOTES
 1. THE TOTAL AREA OF THIS SUBDIVISION IS 15.00 ACRES.
 2. THE TOTAL IN AREA OF NEW PUBLIC STREETS IS 1.68 MILES.
 3. PROPOSED ZONING IS G-3.
 4. ALL NEIGHBORHOODS OF THIS SUBDIVISION SHALL BE CONSIDERED TO ALL LOTS.
 5. THE NEAREST PAVED ACCESS WHICH WILL SERVE THIS SUBDIVISION IS THE 180-FOOT NO-ACCESS EASEMENT AND CREATING VIOLATION OF THE ONE-FOOT NO-ACCESS EASEMENT ARE CREATING PHYSICAL BARRIERS ON MODIFY EXISTING PHYSICAL BARRIERS OF INACCESSIBLE ACCESS.
 6. ANY UTILITIES THAT MAY HAVE TO BE RELOCATED AS A RESULT OF DEVELOPMENT SHALL BE RELOCATED AT NO EXPENSE TO PIMA COUNTY.
 7. THE WRITTEN APPROVAL OF THE PIMA COUNTY BOARD OF SUPERVISORS IS REQUIRED FOR ANY DEVELOPMENT OF THIS SUBDIVISION.
 8. THE NEAREST PAVED ACCESS WHICH WILL SERVE THIS SUBDIVISION IS THE 180-FOOT NO-ACCESS EASEMENT AND CREATING VIOLATION OF THE ONE-FOOT NO-ACCESS EASEMENT ARE CREATING PHYSICAL BARRIERS ON MODIFY EXISTING PHYSICAL BARRIERS OF INACCESSIBLE ACCESS.
 9. ANY UTILITIES THAT MAY HAVE TO BE RELOCATED AS A RESULT OF DEVELOPMENT SHALL BE RELOCATED AT NO EXPENSE TO PIMA COUNTY.
 10. THE WRITTEN APPROVAL OF THE PIMA COUNTY BOARD OF SUPERVISORS IS REQUIRED FOR ANY DEVELOPMENT OF THIS SUBDIVISION.
 11. THE AREA WITHIN THE 180-FOOT FLOODPLAIN LINES REPRESENTS FREQUENCY FLOOD, AND ALL LAND IN THIS FLOOD PRONE AREA SHALL BE CONSIDERED TO ALL LOTS.
 12. THE TOTAL IN AREA OF NEW PUBLIC STREETS IS 1.68 MILES.
 13. PROPOSED ZONING IS G-3.
 14. ALL NEIGHBORHOODS OF THIS SUBDIVISION SHALL BE CONSIDERED TO ALL LOTS.
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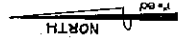
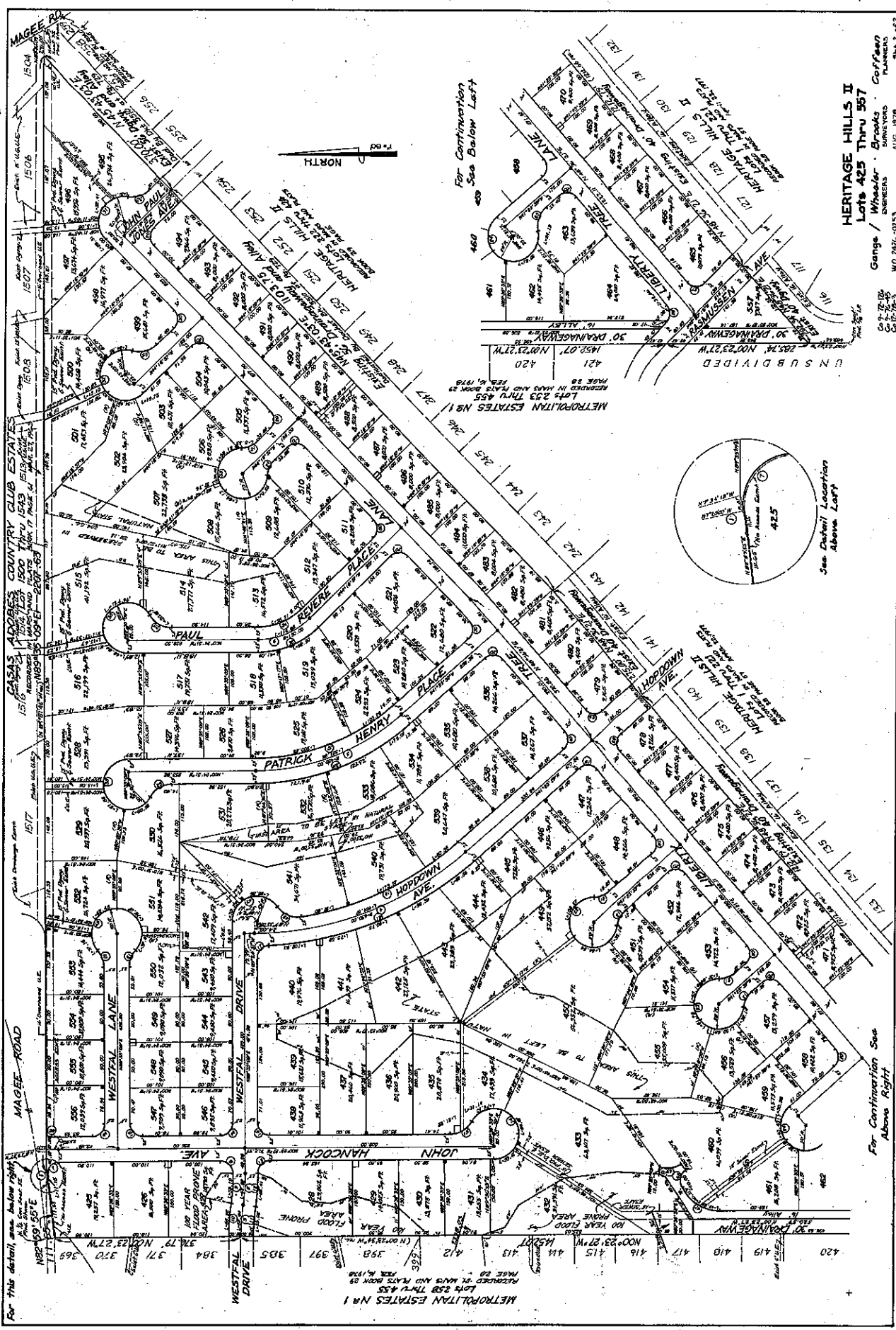
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HERITAGE HILLS II
 Lots 425 Thru 537
 Being a subdivision of a portion of the N.E. 1/4 of Section 32, T12S, R15E, G & S.R.A. & M. Arizona
 George / Wheeler · Brooks · Compagnone
 ENGINEERS
 JUN 1, 1972
 SHEET 1 OF 2



For Continuation
See Below Left

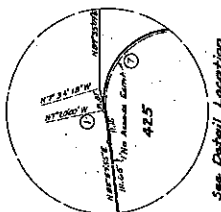
HERITAGE HILLS II
Lots 425 Thru 507

Genge / Wheeler / Brooks
SURVEYORS
AUG. 1978
NO. 292-0833
SHT. 2 OF 2

METROPOLITAN ESTATES NA I
Lots 388 Thru 455
RECORDED IN MAPS AND PLATS BOOK 29
PAGE 28
NOV. 23, 1978

METROPOLITAN ESTATES NA I
Lots 253 Thru 455
RECORDED IN MAPS AND PLATS BOOK 29
PAGE 28
NOV. 23, 1978

UNSUBDIVIDED
2857A NOV. 23, 1978
421
420



See Detail Location
Above Left

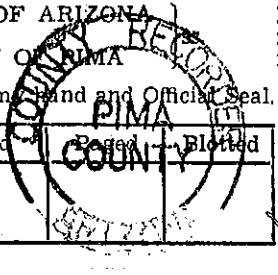
For Continuation See
Above Right

For this detail,
See Below Right

For this detail,
See Below Left

Indexed	Filed	Blotted

FORM 4-13



I hereby certify that the within instrument was filed for record in Pima County, State of Arizona

IDA MAE SMYTH

County Recorder

By Karen Foss
Deputy

117642

Book 5889 Page 766-767
 Date: OCT 25 1978 - 11:10 AM
 Request of: _____
 CLERK BOARD OF SUPERVISORS
 Fee: \$2.00

ORDINANCE NO. 1978-120

AMENDING AND CHANGING PIMA COUNTY ZONING MAPS
114 and 115 IN THE VICINITY OF
at the northwest corner of Ina Road and
Shannon Road

AS REFERRED TO IN PIMA COUNTY ORDINANCE NO. 1952-III AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

SECTION 1: That the Pima County Zoning Maps 114 and 115
 in the vicinity of at the northwest corner of Ina Road and Shannon Road

as referred to in Pima County Ordinance No. 1952-III, be and the same is hereby amended and changed to the zones as shown on the map entitled "Amendment Nos. 20 & 25 by Ordinance No. 1978-120 to Pima County Zoning Maps 114 and 115", hereto attached and by reference made a part hereof.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona, this 2nd day of October, 19 78.

APPROVED this 2nd day of October, 19 78.

E.S. B. [Signature]
 Chairman, Pima County Board of Supervisors

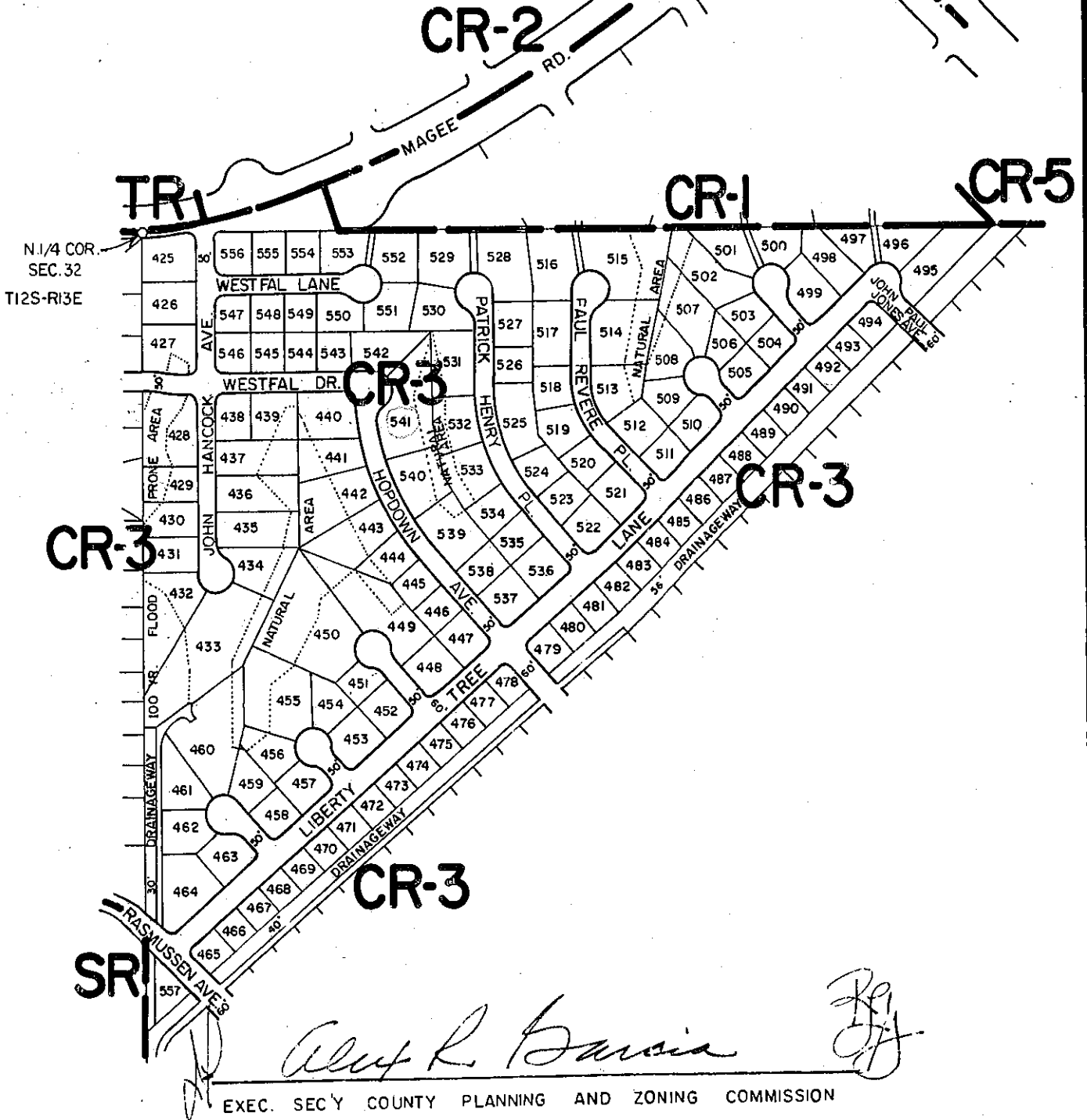
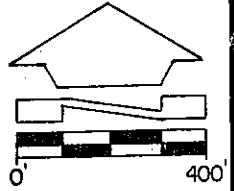
Approved as to form this 2nd day of
October, 19 78.

ATTEST

[Signature]
 Clerk, Board of Supervisors

[Signature]
 Attorney for County Planning and Zoning

AMENDMENT NOS 20 & 25 BY ORDINANCE NO. 1978-120
 TO PIMA COUNTY ZONING MAPS NOS 114 & 115, TUCSON,
 ARIZONA. LOTS 425 THRU 557 OF HERITAGE HILLS II, BEING PART
 OF THE NE 1/4 OF SEC. 32, T12S-R13E.
 ADOPTED: 10-2-78



R. ALLIMAN 9/18/78

C09-76-45
 C013-76-2