



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 7, 2020

Title: P20RZ00003 FRIED - E. RUDASILL ROAD REZONING

JUN 23 2020 09:55:00 AM *ap*

Introduction/Background:

The applicant requests a waiver of the platting requirement of the Catalina Foothills Zoning Plan to rezone approx. 5.23 acres from SR (BZ) (Suburban Ranch - Buffer Overlay) to CR-1 (BZ) (Single Residence - Buffer Overlay) zone to create three lots.

Discussion:

The 5.23 acre lot contains one single-family residence with the applicant proposing two additional one-story, single-family residences at 18 feet in height. The Conservation Lands System Important Riparian Area will be located within natural open space. The revised sketch plan proposes pullouts on a narrow access easement, hammer head turn around on the subject property for larger vehicles, and a revision to move septic systems away from a neighboring well.

Conclusion:

The waiver of the platting requirement conforms to the Catalina Foothills Zoning Plan.

Recommendation:

Staff recommends approval subject to standard and special conditions. The Planning and Zoning Commission recommends approval subject to a revised sketch plan and modified standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:

1 2 3 4 5 All

Department: Development Services Telephone: 520-724-8800

Contact: Donna Spicola, Planner Telephone: 520-724-9513

Department Director Signature/Date: *[Signature]* 6/12/2020

Deputy County Administrator Signature/Date: *[Signature]* 6/15/2020

County Administrator Signature/Date: *[Signature]* 6/15/20



PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: June 11, 2020

SUBJECT: P20RZ00003 FRIED - E. RUDASILL ROAD REZONING

The above referenced Waiver of the Platting Requirement is within your district and is scheduled for the Board of Supervisors' **TUESDAY, JULY 7, 2020** hearing.

REQUEST: For a waiver of the platting requirement of the Catalina Foothills Zoning Plan. The applicant requests a **rezoning** of approximately 5.23 acres from SR (BZ) (Suburban Ranch – Buffer Overlay) zone to CR-1 (BZ) (Single Residence – Buffer Overlay) zone on a property located on the south side of E. Rudasill Road approximately 1,900 feet west of N. Sabino Canyon Road addressed as **7590 E. Rudasill Road**.

OWNERS: Ellen Fried
7590 E. Rudasill Road
Tucson AZ 85750

AGENT: Simons Home Designs
Attn: Greg Simmons
1670 N. Kolb Road, Suite 144
Tucson AZ 85715

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of June 9, 2020, staff has received two written public comments, including one letter in support from a nearby owner and real estate agent for the Fried property and one letter in opposition due to inadequate vehicular access and new lot configuration.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO A REVISED SKETCH PLAN AND MODIFIED STANDARD AND SPECIAL CONDITIONS (9-0; Commissioner Membrila Abstained; Commissioner Gungle was absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The western approximately 225 feet of the rezoning site contains Important Riparian Area within the Maeveen Marie Behan Conservation Land System (CLS).

TD/DS/ar
Attachments



PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P20RZ00003

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FOR JULY 7, 2020 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: June 11, 2020

UNADVERTISED ITEM FOR PUBLIC HEARING

WAIVER OF THE PLATTING REQUIREMENT

P20RZ00003 FRIED – E. RUDASILL ROAD REZONING

Request of Ellen Fried, represented by Simmons Home Designs, for a waiver of the platting requirement of the Catalina Foothills Zoning Plan. The applicant requests a **rezoning** of approximately 5.23 acres from SR (BZ) (Suburban Ranch – Buffer Overlay) zone to CR-1 (BZ) (Single Residence – Buffer Overlay) zone on a property located on the south side of E. Rudasill Road approximately 1,900 feet west of N. Sabino Canyon Road addressed as **7590 E. Rudasill Road**. 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 9 – 0 to recommend **APPROVAL SUBJECT TO A REVISED SKETCH PLAN AND MODIFIED STANDARD AND SPECIAL CONDITIONS** (Commissioner Membrilla Abstained; Commissioner Gungle was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND MODIFIED CONDITIONS**.
(District 1)

Planning and Zoning Commission Public Hearing Summary (May 25, 2020)

Staff presented information from the staff report to the commission with a recommendation of approval with conditions.

The applicant's agent presented additional information for the proposed development of three lots. He stated that the proposed home sites will be placed where vegetation has been cleared or where the thinnest vegetation exists on the property. The homes will not exceed 18 feet in height, and access will be through an existing road. Each lot will have a septic system installed and electrical lines will be underground to the homes.

A commissioner asked who is providing water to the site. The applicant stated that Tucson Water is the water provider.

The hearing was opened to the public.

Speaker #1 discussed positive reasons to approve the request, noting that there is a shortage of homes for sale in the area and that the property currently has no restrictions.

Speaker #2 stated concerns with traffic impacts noting that the current lane is 11 feet wide and two cars cannot go past each other leaving one car to back up. The speaker stated that a different access needs to be established or the current access widened. The speaker stated that part of the access is paved and pavement should be carried through to the paved area versus chipsealing.

Speaker #3 also discussed the access road issues and that it has no turnouts. The speaker would like to make sure that there is a shared responsibility for the upkeep of the road.

Speaker #4 stated concerns regarding wildcat splitting of property and road width.

Speaker #5 who will be the builder/purchaser discussed the possible use of Rudasill Road (a paved private road at this location) as the main access but indicated that this requires permission from the adjoining property owners. If Rudasill Road access is not granted, the adjoining easement is 30 feet wide but the travel lane is narrower and he would prefer not to disturb vegetation. The speaker suggested pullouts instead of widening the full length of the road.

Speaker #6 stated a concern that a new septic system would not be 100 feet from his well.

Speaker #7 stated a concern about a two-story home being built.

Another stated representative of the applicant indicated that there will be CCR's to limit homes to 18 feet in height. Furthermore, the builder will guarantee the septic system is the required distance from a well.

The commission closed the public hearing.

A commissioner asked staff if a special condition is required for the 100' setback between the septic system and the wellsite.

Staff stated that the setback is required by code and will be verified during permit review.

A commissioner asked if there could be a revised sketch plan to show how the narrow access will be rectified for the Board of Supervisors and neighbors to review.

Staff stated that a revised sketch plan addressing the access issue would need to be submitted before scheduling this case to the Board of Supervisors.

Commissioner Matter made a motion to recommend **APPROVAL SUBJECT TO A REVISED SKETCH PLAN AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. Commissioner Maese gave second.

Staff clarified that condition #7 is applicable to new home construction; and Commissioner Johns requested modification to condition #7 as follows: utilities shall be underground on the rezoning site for new structures. Commissioners Matter and Mace accepted the amendment.

Commissioner Membrila stated he will abstain on his vote. He said that he would like to see the revised sketch plan prior to the case moving forward to the Board of Supervisors. He indicated preference for a 30-day delay, but would not propose a motion for continuance.

Upon roll call vote, the commission voted to recommend **APPROVAL** of the rezoning (9-0; Commissioner Membrila Abstained; Commissioner Gungle was absent) subject to the following conditions:

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. A 30 foot ingress/egress easement shall be recorded for the new proposed lots as shown in the sketch plan. All lots shall be served by this common, private road/driveway (easement) from the existing ingress/egress easement. The private roadway/driveway shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. 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. Flood Control condition: Floodplains, floodway, Important Riparian Area and Erosion Hazard Setbacks shall be avoided by all development. Easements and covenants, conditions, and restrictions shall be recorded at the time of the split.
4. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
5. Building heights are restricted to a maximum of 24 feet.
6. The owner(s) shall dedicate a Non-Motorized Trail easement to Pima County and construct the Esperero Wash single track trail in accordance with the Pima County Standards.
7. The utilities shall be underground ~~within the rezoning site~~ on the rezoning site for new structures.
8. Adherence to the sketch plan as approved at public hearing, including a maximum of three lots.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection

P20RZ00003

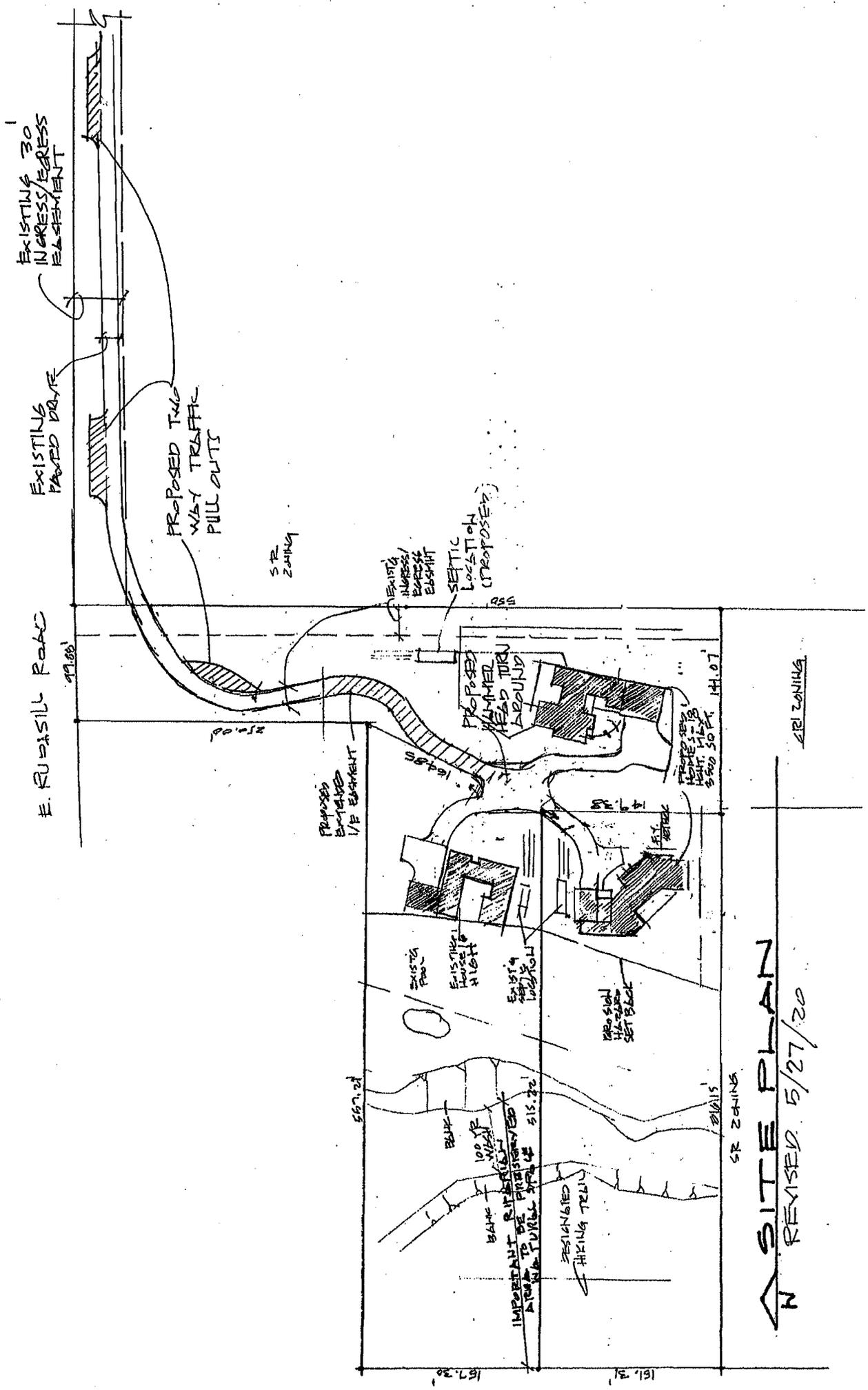
Page 5 of 5

Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

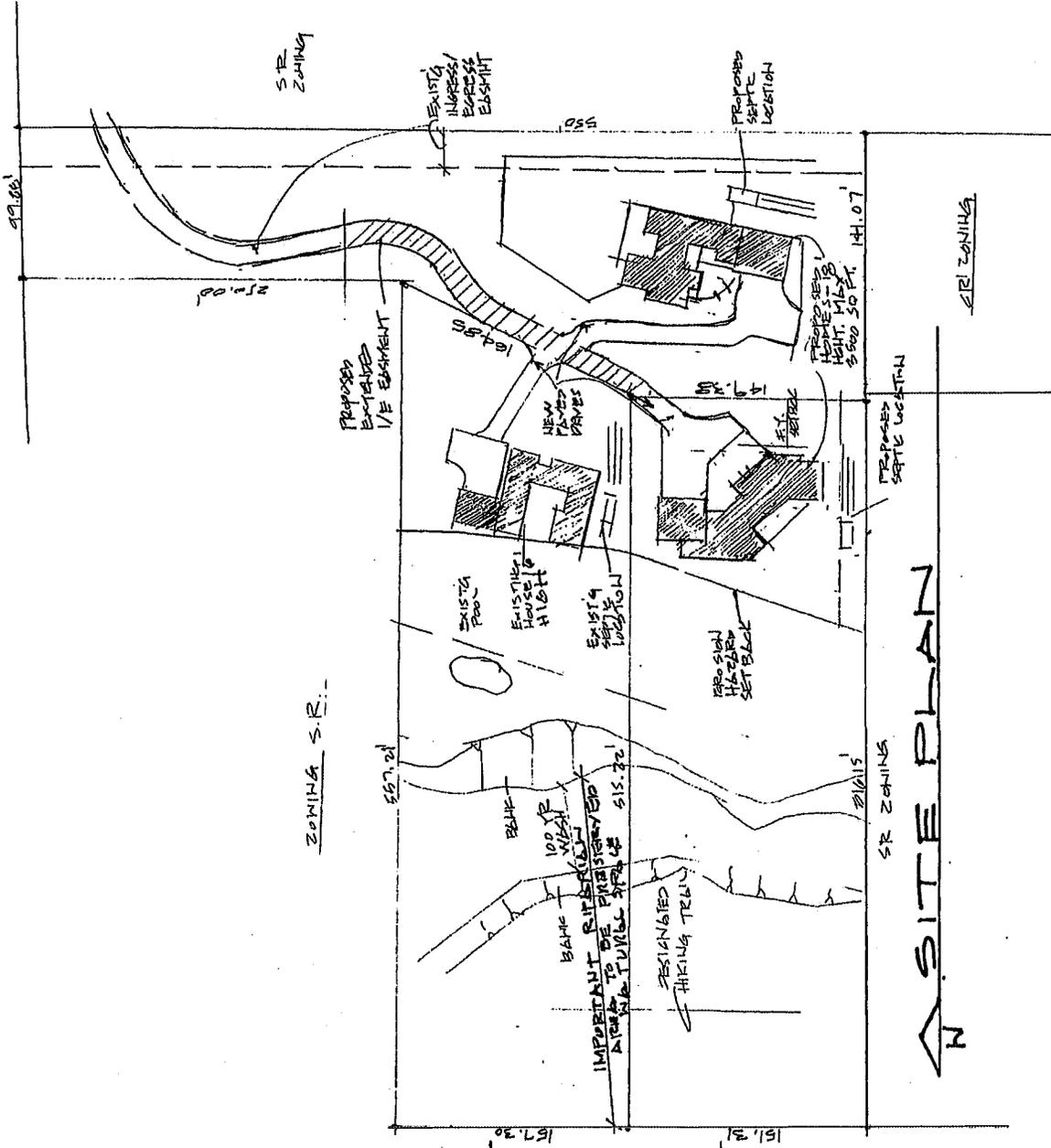
TD/DS/ar
Attachments

cc: Ellen Fried, 7590 E. Rudasill Road, Tucson AZ 85750
Simons Home Designs, Attn: Greg Simmons, 1670 N. Kolb Road, Suite 144
Tucson AZ 85715
Tom Drzazgowski, Chief Zoning Inspector
P20RZ00003 File

Revised Sketch Plan
Submitted June 5, 2020



E. RUSSELL ROAD



N SITE PLAN

ZONING S.R.

SE ZONING

ER1 ZONING

SR ZONING

EXISTING HOUSE/ EGRESS EASMENT

PROPOSED SEPTIC LOCATION

PROPOSED EXTENDED 1/4 EASEMENT

NEW LAMBS DRIVE

EXISTING POOL

EXISTING HOUSE

EXISTING DRIVE

PROPOSED STATION HOUSE SET BACK

IMPORTANT BE PRESERVED TREES TO BE PURCHASED 515.72

RESTING TRAIL

157.30

151.21

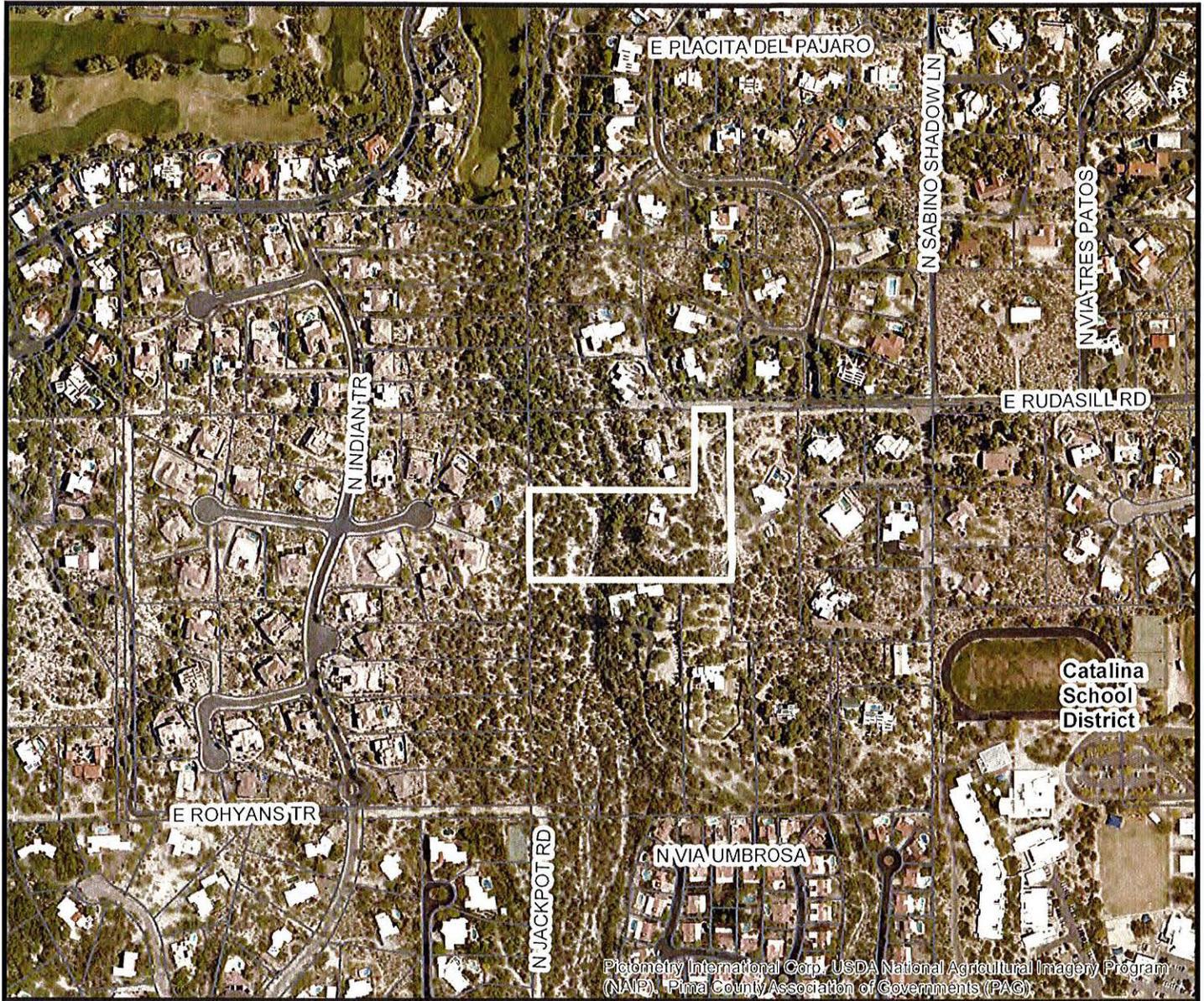
141.07

PROPOSED SEPTIC LOCATION

PROPOSED SEPTIC LOCATION

N

Case #: P20RZ00003
 Case Name: FRIED - E. RUDASILL ROAD REZONING
 Tax Code(s): 114-05-011R



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

Notes: **Waiver of the Platting Requirement**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10



Map Scale: 1:6,000

Map Date: 5/6/2020 - ds

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

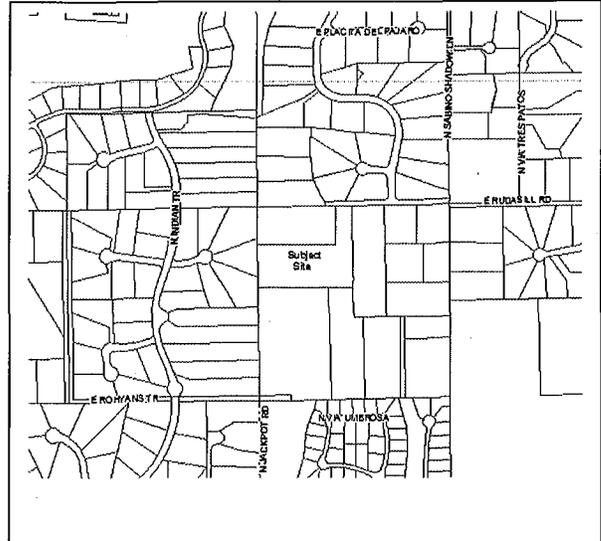
HEARING May 27, 2020

DISTRICT 1

CASE P20RZ00003 Fried - E. Rudasill Road Rezoning

REQUEST Waiver of the Platting Requirements of the Catalina Foothills Zoning Plan (Co13-59-04) to Rezone from SR (BZ) (Suburban Ranch – Buffer Overlay) zone to CR-1 (BZ) (Single Residence – Buffer Overlay) zone on 5.23 acres

OWNER Ellen Fried
534 Forest Avenue
New Rochelle NY 10804



APPLICANT Simmons Home Designs
Attn: Greg Simmons
1670 N. Kolb Road, Suite 144
Tucson, AZ 85715

APPLICANT'S PROPOSED USE
Create three CR-1 lots on 5.23 acres of land.

APPLICANT'S STATED REASON
Allow for two additional residences and create three parcels of greater than one and one-half acres each.

PUBLIC COMMENT
Staff has not received any written public comments as of May 11, 2020.

COMPREHENSIVE PLAN
The subject property is designated Low Intensity Urban 1.2 (LIU-1.2) land use under the Pima County Comprehensive Plan. The stated purpose of the LIU Land Use Category is for "...low density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space..." LIU-1.2 allows a maximum density of 1.2 residences per acre (RAC). The site is subject to Special Area Policy S-2 Catalina Foothills, which limits the height of structures to 24 feet with a potential one-story limit.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR/CR-1	Single-family residences
South:	SR/CR-1	Single-family residences
East:	SR/CR-1	Single-family residences
West:	CR-1	Single-family residences

PREVIOUS REZONING CASES ON PROPERTY

The subject site lies within the area of the Catalina Foothills Zoning Plan (Co13-59-04). The plan provides for CR-1 zoning with an approved subdivision plat. The applicant seeks a waiver of the subdivision plat requirement.

PREVIOUS REZONING CASES IN GENERAL AREA

There have been several CR-1 rezonings in the area using the Catalina Foothills Zoning Plan through both the subdivision process and waivers of the platting requirement. These include Canyon View Estates Amended Subdivision to the north of Rudasill Road, Ventana Reserve II Subdivision directly west of the subject site, as well as five approved rezonings to the east and north of the subject property. Additionally, rezoning's within one-half mile of the subject site have been approved to SH, CR-1, CR-2, CR-4, and CR-5. The rezoning cases in the area have occurred between 1978 and 2011.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (CLS)

The subject property is located within the Maeveen Marie Behan Conservation Lands System (CLS). The western approximately 225 feet of the site is designated CLS Important Riparian Area.

PLANNING REPORT

Staff recommends **approval** of the request subject to conditions found on pages 4 and 5 of the report. Staff supports the request because the proposed rezoning conforms to the Comprehensive Plan for LIU-1.2, and the CLS Important Riparian Area is proposed to be set aside as natural open space. Relative to concurrency, the impact of the rezoning should be minimal as only two additional residences are proposed. The average area per parcel created is 1.74 acres, which is significantly larger than the minimum lot size of 36,000 square feet (0.83 acres) for the CR-1 zone.

The request for CR-1 is through a Waiver of the Platting Requirement of the Catalina Foothills Zoning Plan. Plats are normally required for six or more lots, and also require paved access and underground utilities. Due to the size of the site and development restrictions consisting of Important Riparian Area and an erosion setback area, only three lots are proposed. Most of the access to the site is paved. Condition #'s 2A and 7 respectively, are recommended by staff and will provide the driveway (easement) within the subject site to be paved (chip sealed) and utilities to be underground within the rezoning site.

The 5.23 acres will be split into three parcels with areas of 1.5, 1.78 and 1.95 acres. There is currently one residence on the property; the applicant proposes two additional residences. Each lot will contain a one-story, single-family dwelling with a maximum height of 18 feet, and each dwelling will require an on-site sewage disposal system. The Catalina Foothills Special Area Policy allows a building height of 24 feet. Recommend condition #5 restricting building height to 24 feet.

The site is relatively flat and natural vegetation is partially disturbed with a home currently existing on the mid-portion of the property. The Esperero Wash and Important Riparian Area traverses the western portion of the site. The applicant proposes to set aside the Important Riparian Area as natural open space. Flood Control recommends condition #3 which requires avoidance of Important Riparian Area. Also staffs recommended condition #8 requiring adherence to the proposed sketch plan depicts the Important Riparian Area to be preserved.

Within the proposed natural open space the Esperero Wash single track trail is planned per the Pima Regional Trail System Master Plan. Staff recommends condition #6 for dedication and construction of the trail. The site is located within the Buffer Overlay Zone (BOZO). BOZO normally applies to new rezonings, but will not apply to this site because the Catalina Foothills Zoning Plan predates the BOZO requirement.

Concurrency of Infrastructure

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
WASTEWATER	N/A	No objection
PARKS AND RECREATION	Yes	No objection, subject to conditions
WATER		Tucson Water - No comments provided
SCHOOLS		Catalina Foothills USD - No comments provided

TRANSPORTATION REPORT

The proposed rezoning site is located immediately south of Rudasill Road, a private local road within Canyon View Estates Subdivision. However, the primary access to the rezoning site is provided within the neighboring properties to the east through an ingress/egress easement adjacent to Rudasill Road. The nearest public roadway is N. Sabino Canyon Road approximately 1,900 feet east of the site.

The sketch plan and rezoning is for the creation of two additional residential lots. The additional lots could generate approximately 20 average daily trips (ADT) and will not impact traffic in the vicinity of this existing residential area. The proposed internal circulation will require an additional ingress/egress easement to provide legal access to the three proposed lots.

There are no concurrency concerns with this request. The Department recommends rezoning conditions #2A-B.

FLOOD CONTROL REPORT

The site includes Federal Emergency Management Agency floodplain and floodway and Important Riparian Area. The proposed site plan avoids these areas. The District has no objection subject to condition #3.

WASTEWATER RECLAMATION REPORT

The Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the

above referenced request for rezoning and has no objection to the proposed rezoning but offers the following comment: The nearest public sewer is 700 feet from the subject site. The proposed residential units will be served by private on-site sewage disposal systems. The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems at the time a tentative plat, development plan or request for building permit is submitted for review.

ENVIRONMENTAL PLANNING REPORT

The subject site is located partially within the Important Riparian Area (IRA) designation of the Maeveen Marie Beehan Conservation Lands System (CLS). The proposed sketch plan avoids this area and will be set aside as natural open space. Environmental Planning has no objection to this request.

CULTURAL RESOURCES REPORT

Cultural Resources has no objection subject to rezoning condition #4.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Development Services Department on behalf of Natural Resources, Parks and Recreation has no objection but recommends condition #6 for dedication and construction of a single track trail easement as shown on the site plan.

UNITED STATES FISH AND WILDLIFE SERVICE (USFWS) REPORT

USFWS did not respond to a request for comments.

WATER DISTRICT REPORT

Tucson City Water did not respond to a request for comments.

SCHOOL DISTRICT REPORT

Catalina Foothills School District did not respond to a request for comments.

FIRE DISTRICT REPORT

Rural Metro Fire District reviewed the request and has no comment.

TUCSON ELECTRIC POWER (TEP) COMPANY REPORT

TEP did not respond to a request for comments.

IF THE DECISION IS MADE TO APPROVE WAIVER OF THE PLATTING REQUIREMENT, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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. A 30 foot ingress/egress easement shall be recorded for the new proposed lots as shown in the sketch plan. All lots shall be served by this common, private road/driveway (easement) from the existing ingress/egress easement. The private roadway/driveway shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. 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. Flood Control condition: Floodplains, floodway, Important Riparian Area and Erosion Hazard Setbacks shall be avoided by all development. Easements and covenants, conditions, and restrictions shall be recorded at the time of the split.
4. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
5. Building heights are restricted to a maximum of 24 feet.
6. The owner(s) shall dedicate a Non-Motorized Trail easement to Pima County and construct the Esperero Wash single track trail in accordance with the Pima County Standards.
7. The utilities shall be underground within the rezoning site.
8. Adherence to the sketch plan as approved at public hearing, including a maximum of three lots.
9. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
10. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,

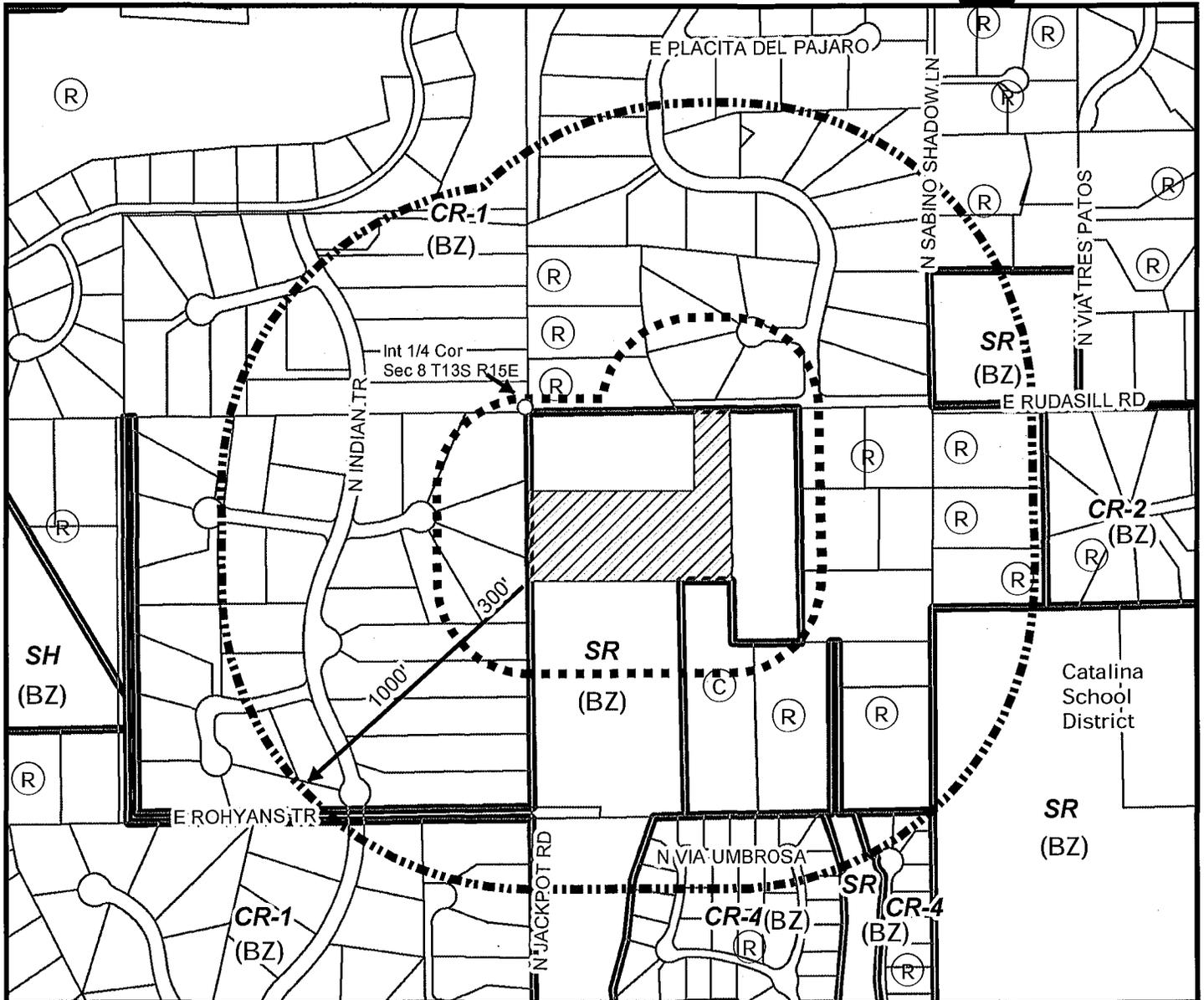
Donna Spicola
Planner

TD/DS
Attachments

c: Simmons Home Designs, Attn: Greg Simmons, 1670 N. Kolb Road, Suite 144,
Tucson, AZ 85715
Ellen Fried, 534 Forest Avenue, New Rochelle. NY 10804

Case #: P20RZ00003
 Case Name: FRIED - E. RUDASILL ROAD REZONING
 Tax Code(s): 114-05-011R

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



0 220 440 880 Feet

Area of proposed rezoning from SR (BZ) to CR-1 (BZ) 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION

Notes: Waiver of the Platting Requirement

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Planning & Zoning Hearing: 5/27/20 (scheduled)

Board of Supervisors Hearing: TBA

Base Map(s): 49

Map Scale: 1:6,000

Map Date: 4/29/2020 - ds





Land Use Legend and Map

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 LIU-3.0, LIU-1.2, LIU-0.5, 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.

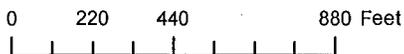
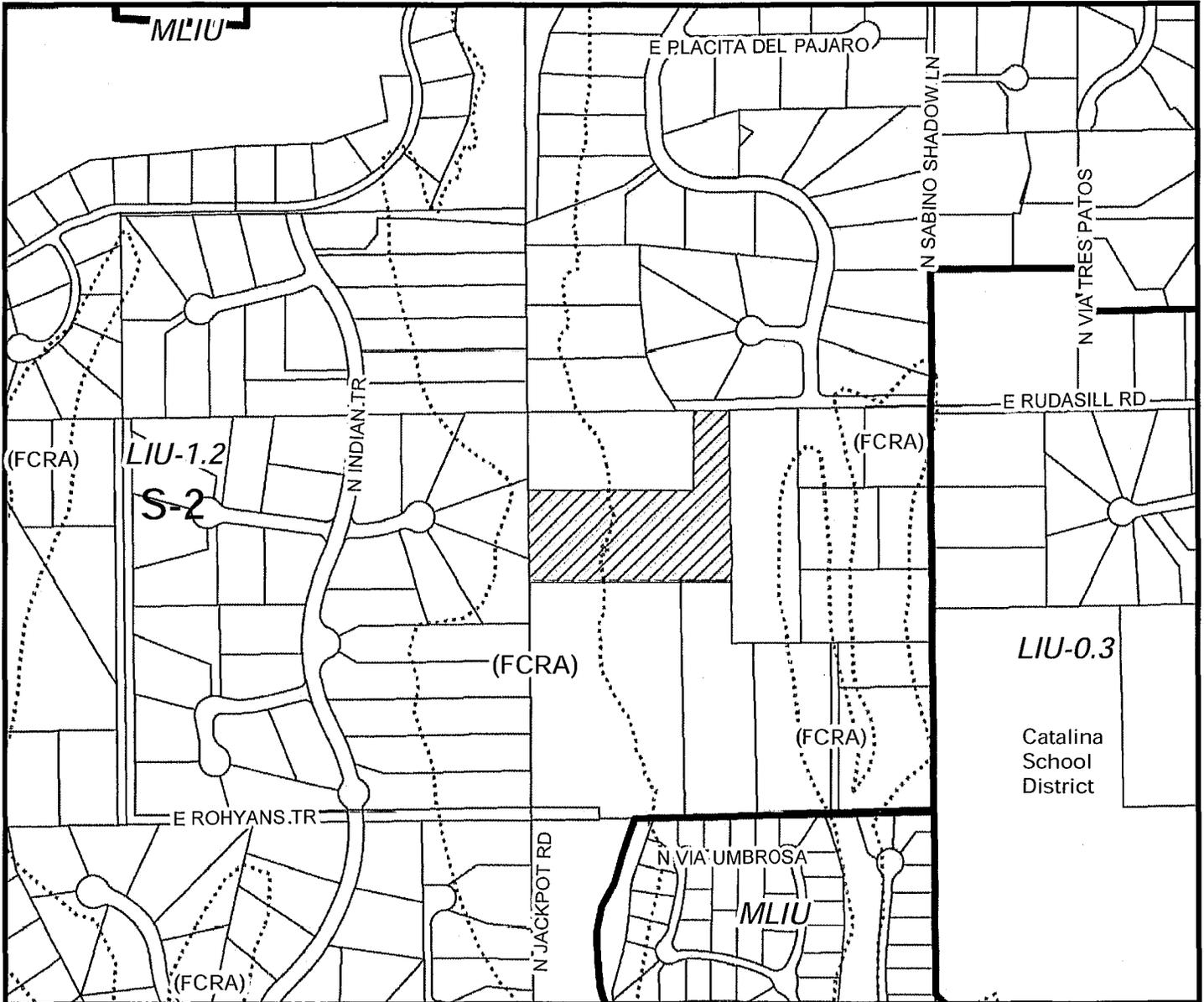
Low Intensity Urban 1.2 (LIU-1.2)

- 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 #: P20RZ00003
 Case Name: FRIED - E. RUDASILL ROAD REZONING
 Tax Code(s): 114-05-011R

Comprehensive Plan Exhibit

 Flood Control Resource Area (FCRA)
 Subject Property



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION



Notes: S-2 - Special Area Policy

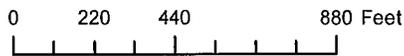
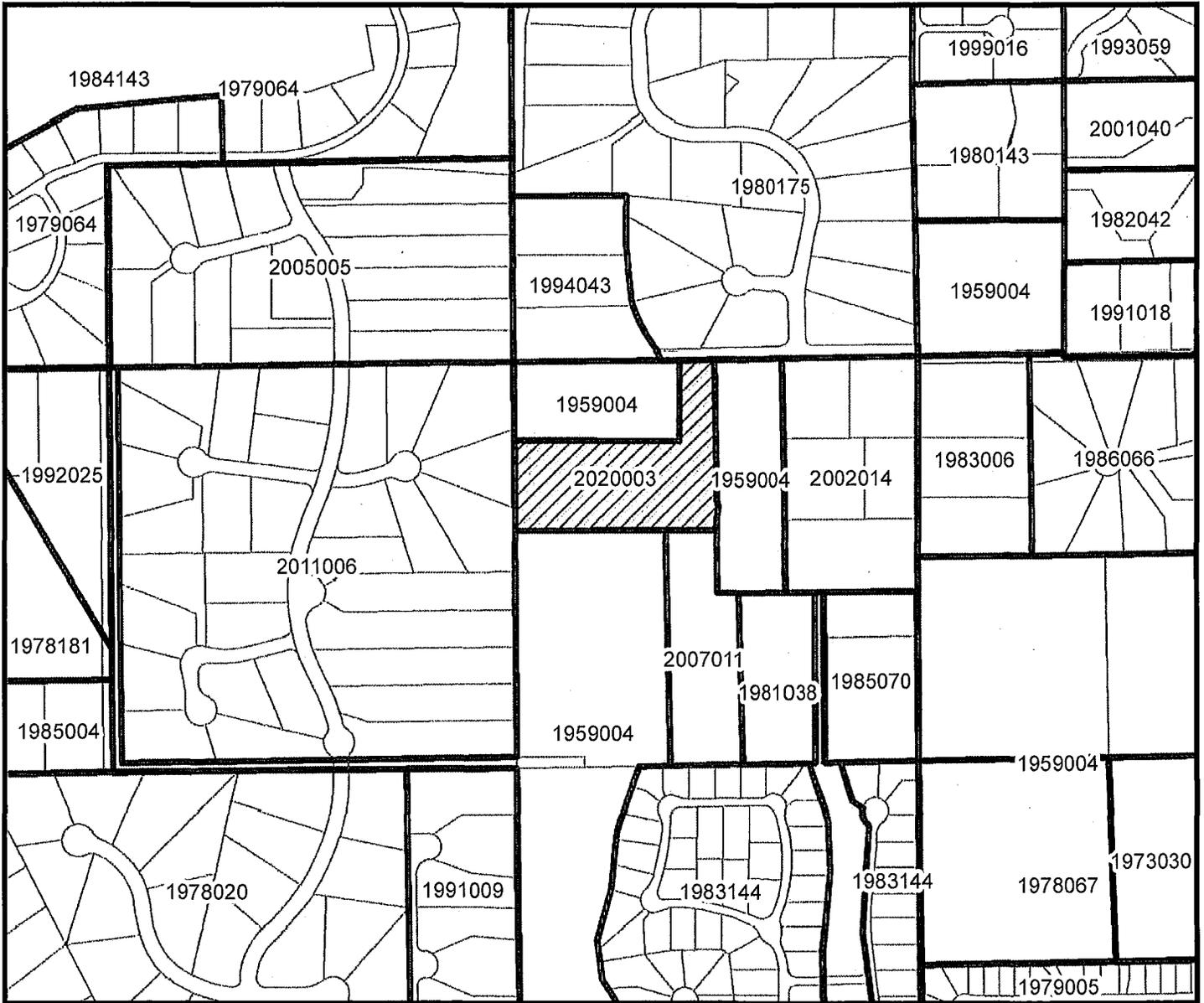
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:6,000

Map Date: 4/29/2020 - ds



REZONING HISTORY MAP



Area of proposed rezoning from SR (BZ) to CR-1 (BZ) 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION



Notes:



Map Scale: 1:6,000

Map Date: 4/29/2020 - ds



PIMA COUNTY

DEVELOPMENT SERVICES

201 N. Stone Avenue, 2nd Floor
Tucson, AZ 85701-1207
(520) 724-9000

Biological Impact Report

(Not Applicable for Rezoning 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.

This report will include information provided by both Pima County Planning staff (Part I) as well as the applicant (Part II).

Part I. Information Provided by Pima County staff:

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

- 1. Is the project located in the Maeveen Marie Behan Conservation Lands System?
- Any Special Species Management Areas?
- 2. Is the project in the vicinity of any of the six Critical Landscape Linkages?
- 3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property?
- 4. Is the project located within the Priority Conservation Area for any of the following species?
 - a. Cactus ferruginous pygmy-owl
 - b. Western burrowing owl
 - c. Pima pineapple cactus
 - d. Needle-spined pineapple cactus

Part II. Information Provided by the Applicant:

- 1. Has the owner of the project site had any communications with Pima County about the County potentially acquiring the property?

If yes, provide a summary of those communications: _____



PIMA COUNTY
DEVELOPMENT SERVICES

2. Several species are of particular interest. Please fill out the following table to the best of your ability.

Species	Ever found on project site?	Date of last observation if found on project site?	Future surveys planned?
Cactus ferruginous pygmy owl	No	<input type="text"/>	<input type="text" value="(Select)"/>
Western burrowing owl	No	<input type="text"/>	<input type="text" value="(Select)"/>
Pima pineapple cactus	No	<input type="text"/>	<input type="text" value="(Select)"/>
Needle-spined pineapple cactus	No	<input type="text"/>	<input type="text" value="(Select)"/>

Contact the Office of Sustainability and Conservation at 520-724-6940 if you have any questions about this report.

Request Letter For a Non- Site Analysis Rezoning (as a waiver of plotting requirement
For Catalina Foothills Zoning Plan to obtain CR-1 zoning)

Date: February 20, 2020

Existing Address: 7590 E. Rudasill Rd. Tucson AZ., (Tax parcel 114-05-11R)

Owner: Ellan J. Fried

The parcel of land is currently a 5.233 acre of land zoned SR and we are requesting a rezoning to CR-1 which will coincide with our proposed lot split of the existing 5.233 acre parcel to 3 parcels. Most of the lots adjacent to this parcel are zoned SR however, one adjoining lot to the south is CR-1 and most of the lots adjoining that lot are also CR-1.

There is a 100 year flood prone wash well below the proposed building sites to the west of the existing parcel with the designated erosion hazard setback at the edge of the existing home and at the edge of our proposed S.W. parcel. There is an existing 2656 sq.ft. home that will be refurbished on the existing property to the N.W. allowing for two parcels to the S.E. and S.W. to be developed with each of the proposed parcels to be split to be over 1.5 acres each (1.504, 1.779 & 1.949). One parcel will have the existing house and the other 2 parcels would be developed for two additional single-story homes (not to exceed 18' in height) 3000- 3500 sq.ft. each with three car garages and each will have a septic system located per the site sketch. There is an existing pool west of the existing house that is in the erosion hazard setback that may, or may not, be demolished.

The area of the parcels, that are beyond the building pads to the west, on each side of the 100 year wash and between the two proposed southern parcels, is relatively dense with natural desert vegetation; mostly palo-verde and mesquite trees, creosote and hop bush with ocotillos, barrel cactus and a few saguaros further to the west. However, the two new proposed building pads are more open areas where it might have been graded in years past, or a structure might have previously been built and demolished years ago. Also, there is a minor wash that is located between the proposed building pads that will be left as is. There is a designated hiking trail on the far west side of the existing parcel, beyond the 100 year flood prone area, that is far away from our proposed building pads and does not negatively affect them, or us the trail, and it will stay intact and usable.

There is an existing access easement to the east of the parcel with a drive that services the properties to the east of our site and a designated easement through the north upper part of our parcel that services the existing home on the site and the home to the north of our property. We will be extending that easement to service the two new parcels and it is planned to pave this drive. The water and gas service will be coming along that drive and the electrical from an existing overhead transformer off of the S.W. corner of the property then underground to the new proposed homes.

To recap, our desire is to rezone the existing parcel from SR to CR-1 through the "waiver of platting requirements for Catalina Foothills Zoning Plan" as a requirement to then split the existing 5.233 acre parcel to 3 parcels.

Sincerely submitted,

Greg Simmons, Simmons Home Designs

534 Forest Avenue
New Rochelle, NY 10804
February 9, 2020

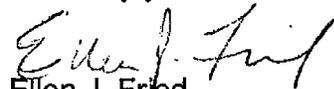
Pima County Planning and Zoning Department
Tucson, AZ

Re: 7590 E. Rudasill Road
Tucson, AZ 85750

To Whom It May Concern,

I am the owner of the property at 7590 E. Rudasill Road, Tucson. I am requesting a rezoning from SR to CR-1 and give permission to Greg Simmons of Simmons Home Designs the authority to make the necessary submittals to the Pima County Planning and Zoning Department on my behalf.

Sincerely yours,



Ellen J. Fried

Owner

7590 E. Rudasill Road
Tucson, AZ 85750

**Public
Comment
For
P20RZ00003**

From: Vinny Yackanin <vinny@yackanin.com>

Sent: Tuesday, May 19, 2020 2:04 PM

To: DSD Planning <DSDPlanning@pima.gov>

Cc: vinny@longrealty.com; lecocqconstructionco@gmail.com; simmonshomedesigns@gmail.com; Ellen J Fried <ejf208@nyu.edu>

Subject: P2ORZ00003 Fried-E. Rudasill Road Rezoning

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.

Attention Development Services Department, Planning Division. To whom it may concern:

I am writing a letter of support for the Fried-7590 E. Rudasill Rd Rezoning Case #P2ORZ00003. I am a neighbor and live approx. 450' east of the Fried property. For full disclosure I am also a Long Realty agent and represent Ellen Fried and represent the future Buyer of the subject property.

Please note in 2003, I also assisted the owners of 7660 E Rudasill Rd in the rezoning of their property which included 7.59 acres that was rezoned from SR to CR1 (Case C09-02-14). The west boundary line of the 7660 E Rudasill property is located approx 300' east of the Fried property. The rezoning of 7660 E Rudasill created a total of 5 lots and 4 new custom homes were built on the land. The 5 homeowners in the development myself included contribute to a Rudasill Rd maintenance fund every year handled by Canyon View Estates (CVE) the gated community located to the north.

For a summary of the Fried rezoning, Ellen Fried is selling her deceased father's home located at 7590 E Rudasill Road which is situated on 5.235 acres and is zoned SR. I believe SR zoning allows for a church, a school, trailers, horses, etc. The Fried property currently has a partial dirt road access, overhead utility lines and the home is in very poor condition. The Fried property is under contract to be sold to a well-known and respected custom home builder Al LeCocq. Al LeCocq has built 8 homes in our immediate area. The actual development of the 7660 E Rudasill Rd property mentioned above was also handled by Al LeCocq. That included development of the land, the paved streets, creation of easements, removal of electrical poles, utility lines placed under ground, etc. Al LeCocq also built 3 of the 4 new custom homes in that development.

The Fried/LeCocq contract is subject to the rezoning of the Fried property from SR to CR1 which allows one home per acre. The subject property is designated Low Intensity Urban under the Pima County Comprehensive Plan. Greg Simmons of Simmons Home Designs is handling the rezoning process for Ellen Fried. Greg Simmons and Al LeCocq have worked together for many years. Greg is also very well-known and respected in his field. The plan with the new development after rezoning is approved is to create only 2 additional lots therefore the 3 lots will be approx. 1.5 to 1.9 acres in size. Al LeCocq may remove the existing older home since it is in extremely poor condition and build a new luxury custom home in its place as well as new custom homes on the other 2 lots. The driveway to the property will be paved (no more dirt road!!), there will be easements and covenants, conditions and restrictions placed on the development that will help maintain the integrity of the area and neighboring property values. Some existing overhead utility lines and poles at the property will be removed. The development (and future owners of the homes) will participate in the Rudasill Rd maintenance fund payable to CVE as well as a

participate in a fund to help maintain the paved road access from Sabino Shadow Lane to the Fried property.

Please feel free to call me (520-349-2747) with any questions or email (vinny@longrealty.com). Greg Simmons number if needed is 520-591-4134. Al LeCocq's number if needed is 520-358-2084.

Please confirm receipt of this email.

Best regards, Vinny



Vinny Yackanin, ABR, CRS
Vice President Member of the Executive Council
Top 1% in Tucson and Nationally
30 Years Experience
Long Realty Company
1890 E. River Road
Tucson, AZ 85718
Direct: 520-918-2409
Email: Vinny@LongRealty.com
Website: vinny.longrealty.com

May 25, 2020

USPS TO: Development Services Department
Planning Division
201 N. 1st Floor
Tucson, Arizona 85701

Email to:
DSDPlanning@pima.gov

Regarding: P20RZ00003 FRIED – E. RUDASILL REZONING

Members of the Pima County Planning and Zoning Commission:

My residence is within the notification area of the Fried property which is proposed for rezoning consideration by the Pima County Planning and Zoning Commission at its Wednesday May 27, 2020 Commission hearing. My primary residence of 29 years, Parcel ID: 114-05-011E, shares a common boundary with the subject property on the south and east sides of the property.

I have strong concerns about the proposed development plan which calls for the 5+ acres to be split into three residential lots following rezoning to CR-1.

For your information:

I am a retired property developer/homebuilder who understands rezoning procedures, property development and the single-family residential building process. I do not dispute the owners right to rezone the property to CR-1 nor the developer's choice to purchase the property and split the acreage.

I have a longstanding professional relationship with the builder who plans to develop the property. He is a competent developer/builder and a professional friend.

Notwithstanding the above, my concerns regarding the addition of three new residential lots on the subject property include:

- ✓ Inadequate vehicular access,
 - the 11-foot-wide, 1010-foot-long access lane is incapable of supporting five residential properties and the oversize vehicles which support them.
 - Improving the lane to accommodate the new traffic requirements is impractical and would likely not be supported by the parties to the easement and other adjacent property owners.
 - To support my belief of inadequate access to the subject property. I have enclosed a series of three photographs, with explanations, which show the vehicle access points as they currently exist including unattractive parallel roadways, and a tiny lane which, subject to the development plan, will become a major traffic nightmare for all users.
-

- ✓ Though the appropriate acreage is available to split the property into three lots, there are significant challenges.
- One third of the western portion of the property lies within the FEMA 100-year flood plain.
 - The eastern most proposed lot, as shown on the preliminary three lot layout done by Precision Land Surveying, Inc. measures approximately 559' north to south, 130' on the north and 157' on the south. I believe the configuration of this lot is awkward for residential development.
 - There is also a 30' ingress/egress easement within the lot. Because access to all three lots must traverse a large portion of this lot, I believe its value as a residential property is reduced.

For the above reasons, as owner of one of the two adjacent properties most impacted by this rezoning and lot split, I cannot support the plan as shown on the preliminary lot layout.

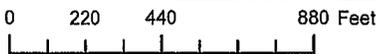
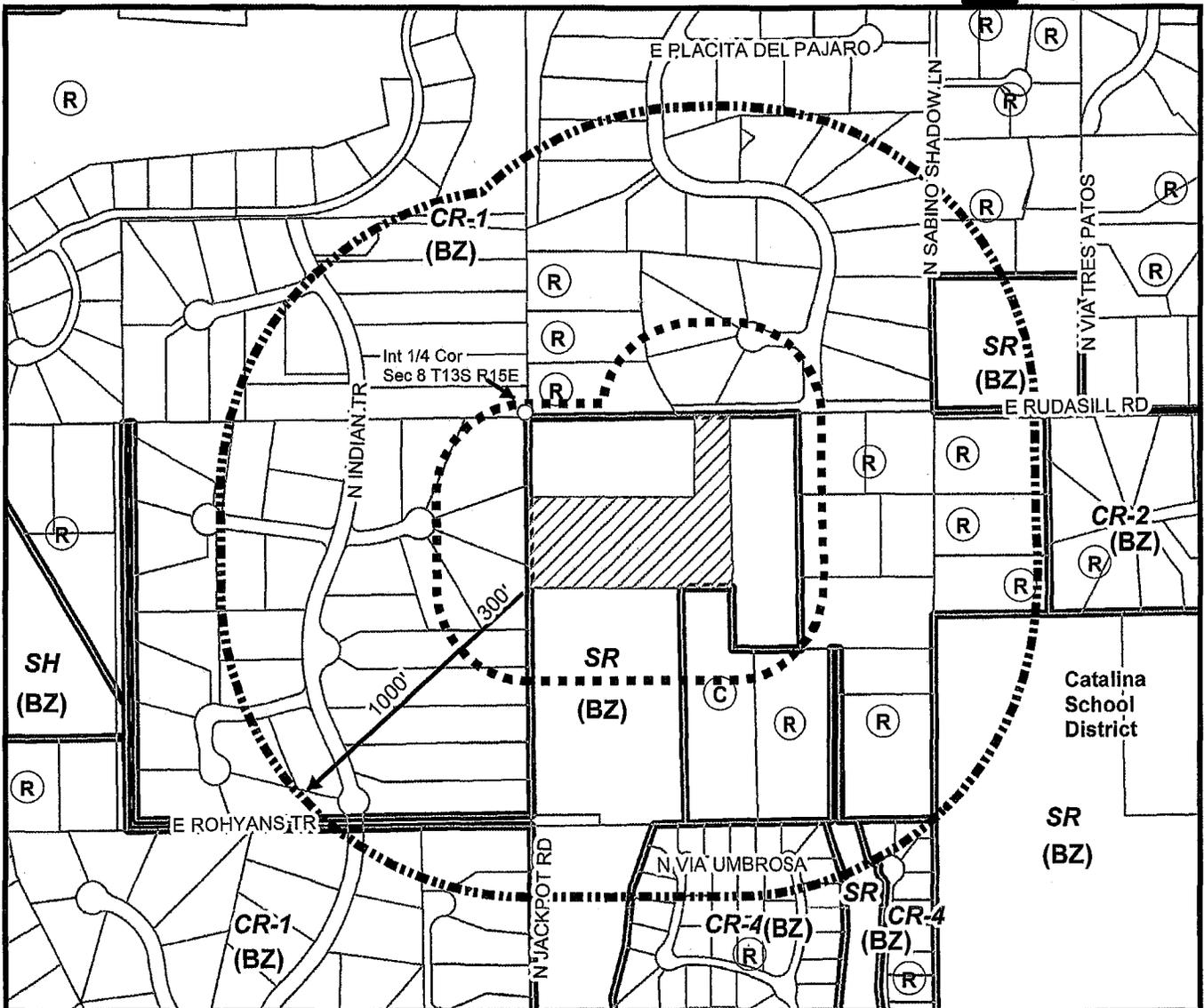
Respectfully submitted,



Art Flagg
5985 N. Sonoran Sky Place
Tucson, Arizona 85750-0950
520-360-4455

Case #: P20RZ00003
 Case Name: FRIED - E. RUDASILL ROAD REZONING
 Tax Code(s): 114-05-011R

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



Area of proposed rezoning from SR (BZ) to CR-1 (BZ) 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
 PLANNING DIVISION**

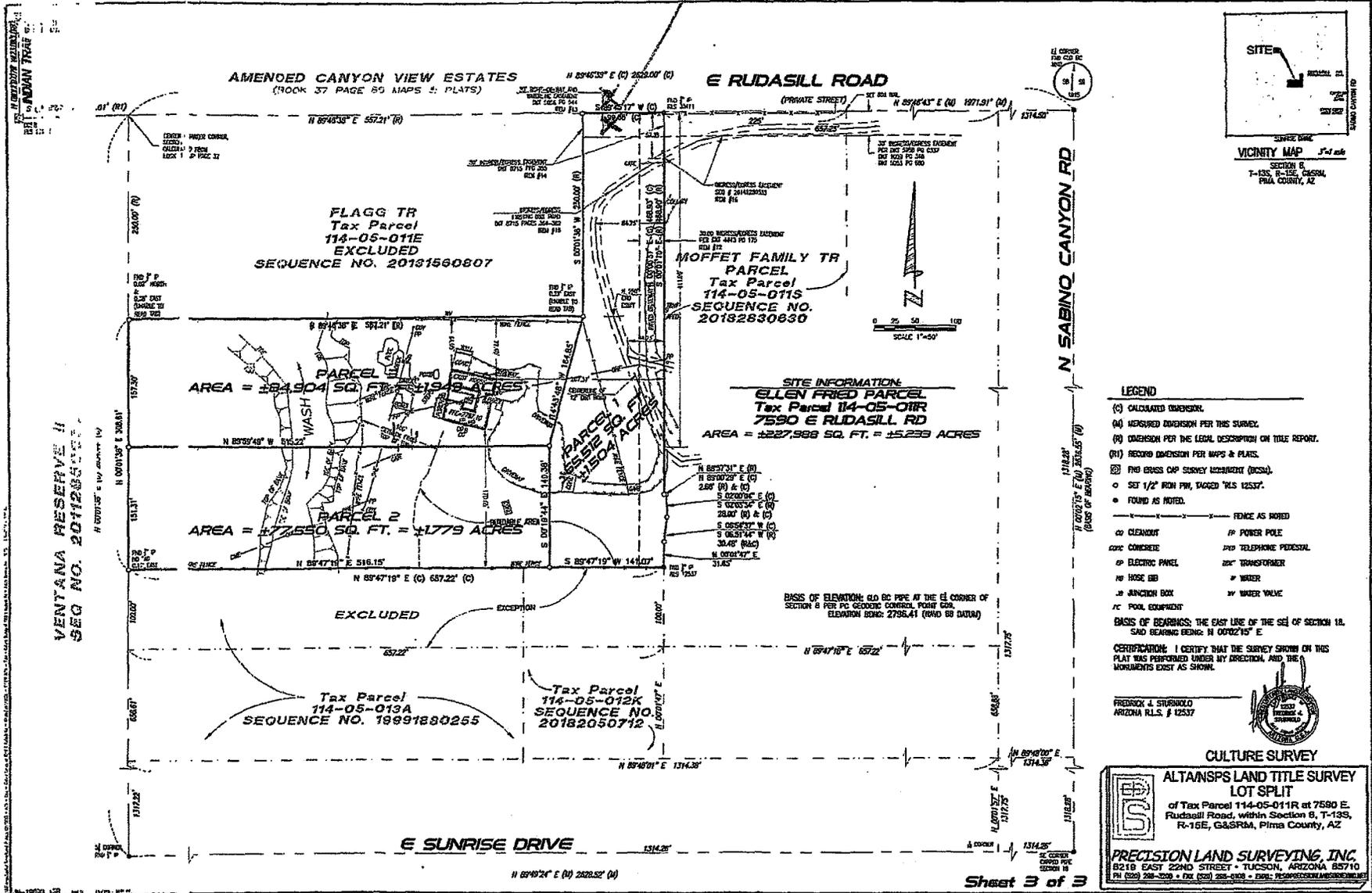


Notes: Waiver of the Platting Requirement	
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10	
Planning & Zoning Hearing: 5/27/20 (scheduled)	Board of Supervisors Hearing: TBA
Base Map(s): 49	Map Scale: 1:6,000 Map Date: 4/29/2020 - ds



Rudasill Rd

Water Meter & Main COT Water Line

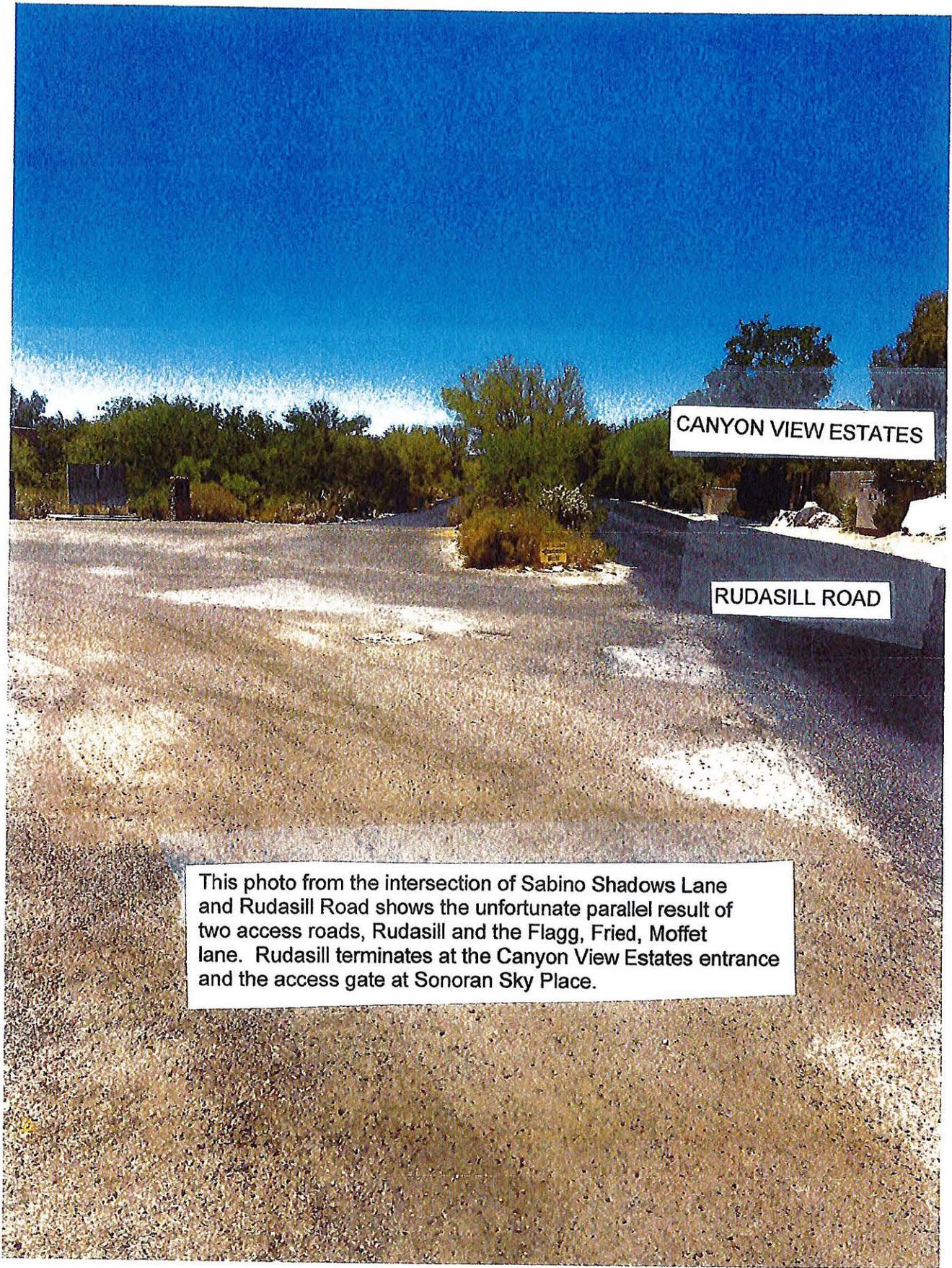


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SEQUENCE NO



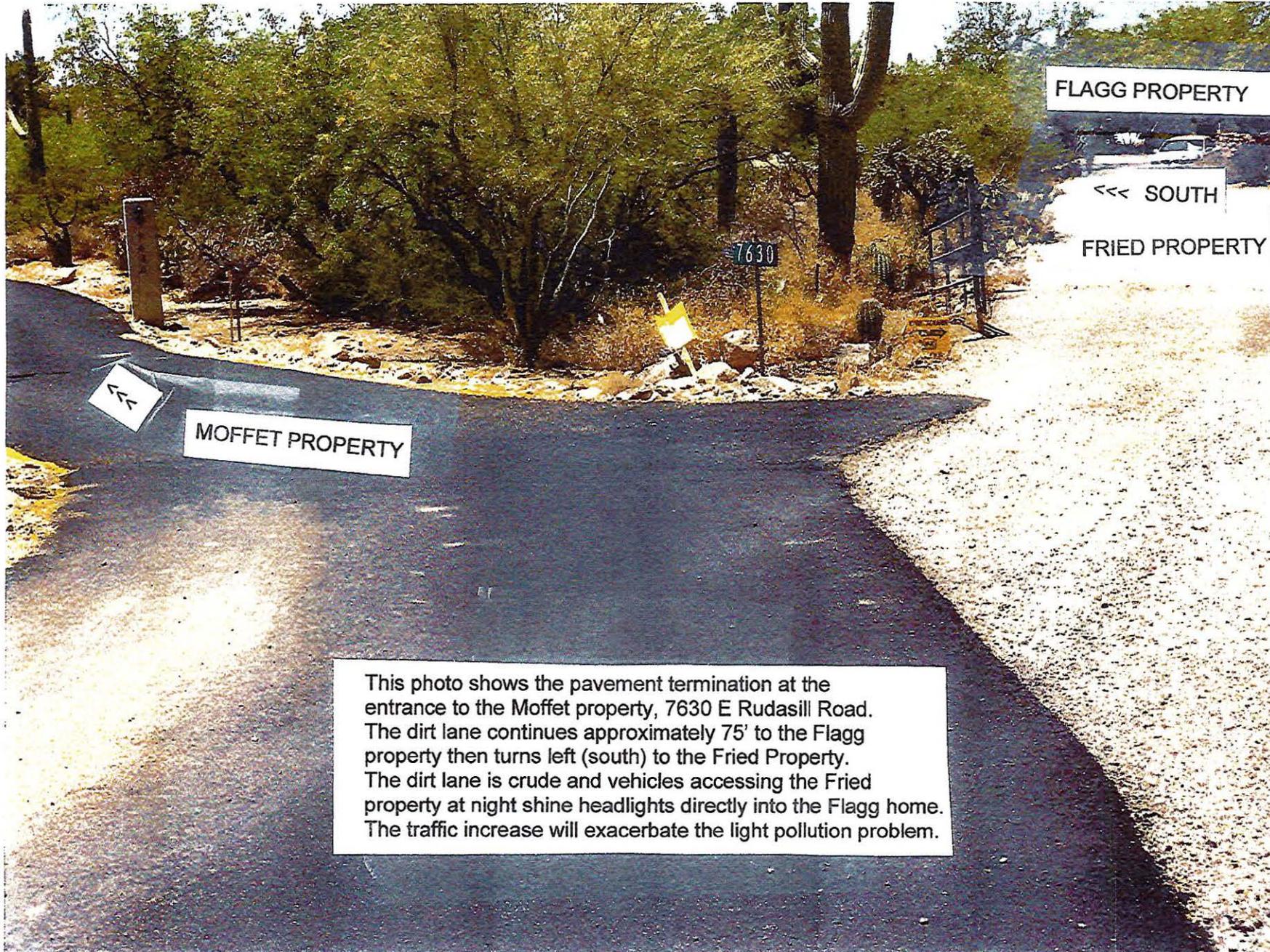
This photo at the turn off from Rudasill Road to Sabino Shadows Lane, a fully paved 20' roadway serves approximately eight residences. Ahead to the east is the Flag, Fried, Moffett access easement (darker pavement). This easement currently serves three properties but with the addition of three lots on the Fried Property, the 11' wide, 1010' long, partially paved lane is completely incapable of accommodating the additional traffic load. When user vehicles meet head on, one will be required to back up allowing the other to pass. This is an untenable situation.



CANYON VIEW ESTATES

RUDASILL ROAD

This photo from the intersection of Sabino Shadows Lane and Rudasill Road shows the unfortunate parallel result of two access roads, Rudasill and the Flagg, Fried, Moffet lane. Rudasill terminates at the Canyon View Estates entrance and the access gate at Sonoran Sky Place.



MOFFET PROPERTY

FLAGG PROPERTY

<<< SOUTH

FRIED PROPERTY

This photo shows the pavement termination at the entrance to the Moffet property, 7630 E Rudasill Road. The dirt lane continues approximately 75' to the Flagg property then turns left (south) to the Fried Property. The dirt lane is crude and vehicles accessing the Fried property at night shine headlights directly into the Flagg home. The traffic increase will exacerbate the light pollution problem.