# BOARD OF SUPERVISORS AGENDA ITEM REPORT



Requested Board Meeting Date: August 6, 2019

6

# Title: P19RZ00002 WICK - W. CAMINO DESIERTO REZONING #2

# Introduction/Background:

The applicant requests a rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) on 2.40 acres.

## **Discussion:**

The rezoning would allow the split a single parcel into two parcels to allow one residence on each parcel. The parcel is one of a group of nine undersized SR residential parcels otherwise existing in an area of CR-1 subdivisions. The site is adjacent to a CR-1 subdivision lot to the west. An existing residence and guest house would be located on the proposed 1.15-acre eastern parcel, and a new residence would be constructed on the proposed 1.25-acre western parcel. Staff supports the request because the two proposed residential parcels are similar to and compatible with subdivided CR-1 single residential development in the area. Also, the proposed density complies with the LIU 1.2 plan designation, and there is sufficient infrastructure and services in the area to support density greater than that permitted by SR zoning. Additionally, the proposal provides efficient residential infill; and, the proposed plan for the western lot is designed and use restricted in consideration of the nearest neighboring properties to the west and north. The design and use restrictions include greater than minimum setbacks to the west and north, a building height and single story restriction, driveway relocation and revegetation and treatment to reduce dust, installation of 10 minimum 25 gallon native trees for screening, and prohibition of keeping of horses and poultry and of junk car and boat storage. The site is not within the Conservation Lands System. There is written public opposition.

## Conclusion:

# Recommendation:

0	he higher density rezoning is compatible with the area's predominant CR-1 development pattern; and the plan for e new residence is designed and restricted in consideration of the nearest residents.							
Staff recor	endation: mmends approval of the nds approval with condition	-	nditions. The Planni	ng and Zoning Cor	nmission also	8		
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Board of	Supervisor District:							
⊠ 1	2	□ 3	□ 4	□ 5				
Departme	ent: Development Serv	ices Departmer	t - Planning Tel	ephone: <u>520-724</u>	-9000			
Contact:	David Petersen, Se	enior Planner	Tel	ephone: 520-724	-9508			
Departme	ent Director Signature/	Date:	200-	2/17/19				
Deputy C	ounty Administrator Si	gnature/Date:	Ca		7/18/19			
County A	dministrator Signature	/Date:	C/Dul	utter	7/18/19	1		



DEVELOPMENT SERVICES

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

**DATE:** July 11, 2019

### SUBJECT: <u>P19RZ00002</u> WICK – W. CAMINO DESIERTO REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY**, AUGUST 6, 2019 hearing.

- **REQUEST:** For a **rezoning** of approximately 2.40 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone on the property located on the south side of W. Camino Desierto, approximately 930 feet west of N. Paseo del Norte and approximately 1,600 feet south of W. Magee Road, **addressed as 811 W. Camino Desierto**.
- OWNERS: Brian and Catherine Wick 811 W. Camino Desierto Tucson, AZ 85704-4504
- AGENT: Bill Dycus, Shea 130 LLC 11308 N. Meadow Sage Drive Oro Valley, AZ 85737
- DISTRICT: 1

STAFF CONTACT: David Petersen, Senior Planner

**PUBLIC COMMENT TO DATE:** As of July 11, 2019, staff has received three letters in opposition to the rezoning request. No members of the public spoke at the Planning and Zoning Commission public hearing. Concerns expressed in the letters include privacy, disturbance of native vegetation, maintenance of the spacious neighborhood character, rezoning precedent, and Camino Desierto not being able to withstand construction and more traffic.

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

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

<u>MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS</u>: The subject property is located outside the Maeveen Marie Behan Conservation Land System (MMBCLS).

TD/DP/ar Attachments



# **BOARD OF SUPERVISORS MEMORANDUM**

#### Subject: P19RZ00002

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#### FOR AUGUST 6, 2019 MEETING OF THE BOARD OF SUPERVISORS

- TO: HONORABLE BOARD OF SUPERVISORS
- **FROM:** Chris Poirier, Deputy Director Public Works-Development Services Department-Planning Division

**DATE:** July 11, 2019

#### ADVERTISED ITEM FOR PUBLIC HEARING

#### REZONING

#### P19RZ00002 WICK – W. CAMINO DESIERTO REZONING #2

Brian and Catherine Wick, represented by Shea 130, LLC, request a **rezoning** of approximately 2.40 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone on the property located on the south side of W. Camino Desierto, approximately 930 feet west of N. Paseo del Norte and approximately 1,600 feet south of W. Magee Road, **addressed as 811 W. Camino Desierto**. 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 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioner Bain abstained, Commissioners Becker and Cook were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 1)

#### Planning and Zoning Commission Public Hearing Summary (June 26, 2019)

Staff presented information from the staff report to the Commission with a recommendation of approval subject to conditions found on pages 6 and 7 of the staff report. Staff stated that two letters in opposition to the rezoning had been received and a letter in response to the opposition from the property owner.

A commissioner asked if staff was aware that Mapguide shows the rezoning site as two parcels.

Staff responded that the Assessor's Office will combine the parcels with the new tax year. The 30foot-wide parcel is abandoned right-of-way that should have been combined back with the applicant's property long ago.

A commissioner asked if staff knew why the nine undersized lots were zoned SR.

### P19RZ00002

Staff stated that the lots and greater area was zoned SR in 1953 when zoning was applied to the County. The area was platted in the 1930's as large square mile section parcels and subsequently split out. In the 1960's and 70's, much of the area was rezoned to CR-1. The nine lots were split prior to 1953 and are considered legal nonconforming lots of record.

The applicant's agent noted that that the original split was in 1931 involving nine parcels on 20 acres with a metes and bounds survey. The SR was overlaid in the 1950's. The rezoning application will put the property in compliance with CR-1 zoning. The nine lots should not have been zoned SR since they were nonconforming. The area's larger tracts were rezoned to CR-1, most prominently in the 1970's. The rezoning application is following the larger tract precedents. He stated that they have worked hard with neighbors in an attempt to get consensus, making concessions that they would want if they were neighbors to the rezoning. He specifically noted that the proposed west side setback is 50 feet rather than the minimum 10 feet, and the proposed house will be placed where previous grading occurred. This will allow retention of natural vegetation in the setback area. He also stated that the neighbor to the west told him what he would want which is consistent with what the owners would want with the house. They do not want windows or lights on the neighbor's side. There would be a side load garage and parking would be screened with new plants. Fifteen native trees have already been installed with more planned.

A commissioner asked where the new driveway would be. The agent indicated it would be about 50 feet from the west side and curved to the garage.

The public hearing was opened and closed with no speakers.

A commissioner asked staff if a second residence could be built without a rezoning to which staff responded "no".

The commissioner stated that rezoning request before the Commission is a difficult decision and that it's important to consider neighborhood integrity. In this case, the subject property borders CR-1 and is undersized for its current SR zoning. The context of the area is CR-1, but there is the anachronism of these SR lots at 1.5 to 2.5 acres. If there is a precedent set, at least it's adjacent to CR-1 and not as egregious as if it were centered within the SR lots.

Another commissioner indicated mutual feelings, noting that the new lot would probably be larger than other CR-1 lots nearby given subject property was one of the larger SR parcels. If split, it would be the smallest. But efforts by the applicant for screening and limiting storage in an area that has lots of stored RV's is a compromise, so he leaned toward approval.

Another commissioner agreed. He noted that the area was unusual spatially and that it appeared that the applicant has made good faith efforts of concessions with direct neighbor input.

A commissioner asked the first commissioner to speak if he would add additional restrictions to which the commissioner responded "no".

Commissioner Matter made a motion to recommend approval of the rezoning with standard and special conditions as presented. He asked staff if all the concessions were part of the sketch plan and in conditions. Staff indicated that they were listed on the sketch plan and clarified in conditions as pertains to the zoning code.

#### P19RZ00002

Commissioner Maese gave second to the motion.

A commissioner asked staff what condition #2 meant concerning new grading to be tracked with the parent parcel and whether it was standard. Staff stated that the Flood Control District tracks cumulative riparian habitat disturbance as well as substantial improvement of structures. Permitting is based on cumulative disturbance even if the parcel is split, so that if the grading threshold is exceeded, a riparian mitigation plan is not avoided. The condition was not standard and was unique to this situation.

The Commission voted to recommend **APPROVAL** of the rezoning (8-0, Commissioner Bain abstained, Commissioners Becker and Cook were absent).

TD/DP/ar Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector P19RZ00002 File



June 18. 2019

**Re: rezoning Brian Wick** 



Dear Pima County Zoning & Planning,

I live in the neighborhood where Brian Wick wants to rezone to build additional properties on his lot. I went to the Z&P meeting May 29, 2019 but it was cancelled because of a lack of a quorum.

We have a quaint neighborhood (Nueve Casitas Association) of 9 independently built houses some of which were built in 1950's. We want to keep the flavor of the neighborhood as well as the spacious desert landscape. The houses sit on lots of 2+ acres. Infill is not appropriate.

So my plea to you is that we keep the nature and homogeneity of our neighborhood. We don't need development that does not fit and very possibly is motivated as a money making situation. Also I don't think the road, Camino Desierto, could with stand construction and more car traffic. My husband and a neighbor have worked themselves on the brick lining of the road to keep it up.

Sincerely, Dyann C. McCabe dyanncorbett@hotmail.com

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

- HEARING May 29, 2019
- DISTRICT 1
- CASE P19RZ00002 Wick W. Camino Desierto Rezoning #2
- **REQUEST** Rezone from SR (Suburban Ranch) to CR-1 (Single Residence) (2.40 acres)
- OWNER Brian and Catherine Wick 811 W. Camino Desierto Tucson, AZ 85704-4504
- APPLICANT Bill Dycus, Shea 130 LLC 11308 N. Meadow Sage Drive Oro Valley, AZ 85737

## APPLICANT'S PROPOSED USE

Residential

# APPLICANT'S STATED REASON

"[The owners] have lived at the subject property since April 2008. At the time of purchase, [they] wanted to build a new home on available and undeveloped land. Surrounding properties are primarily CR-1 (one home per 36,000 square feet). [They] would like to build the additional home for their use, allowing the existing home to be occupied by extended family."

### **COMPREHENSIVE PLAN DESIGNATION**

The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 1.2 (LIU 1.2), which designates areas for low-density residential and other compatible uses and provides incentives for residential conservation subdivisions to provide more natural open space. The maximum density is normally 1.2 residences per acre (RAC) with no required minimum density. Density may be increased to maximums of 2.5 RAC and 4.0 RAC with provision of 45 percent and 60 percent open space respectively. The proposed density for the subject property is approximately 0.83 RAC.

### SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Camino Desierto / Residential
South:	SR	Elementary and Middle School Sites
East:	SR	Residential
West:	CR-1	Residential





# PREVIOUS REZONING CASES ON PROPERTY

Co9-07-17 Wick – Camino Desierto Rezoning (2.18 acres)

Location: Subject site (excluding former road right-of-way)

Request: SR to CR-1 for two lots

<u>Action:</u> Withdrawn. On September 26, 2007, the Planning and Zoning Commission recommended denial (4-2).

# PREVIOUS REZONING CASES IN GENERAL AREA

The neighborhood to the west of the subject property was rezoned from SR to CR-1 in 1972 (Co9-72-13) and was platted as a 56-lot subdivision in 1973. Camino Desierto was extended west to serve this subdivision. The neighborhood a parcel removed to the north was rezoned from SR to CR-1 in 1955 (Co9-54-91) and was platted in 1955 as a 48-lot subdivision. The area east of Paseo del Norte was rezoned from SR to CR-1 under various cases in the 1960's and 1970's resulting in two small subdivision plats and lot splits without subdivision plats.

# **STAFF REPORT**

Staff recommends **APPROVAL with conditions**. Staff supports the CR-1 (Single Residence) rezoning request because the two proposed residential parcels are similar to and compatible with subdivided single residential development in the area, the proposed density complies with the Low Intensity Urban 1.2 (LIU 1.2) plan designation, and there is concurrency of infrastructure to serve the additional residence per agencies that have reported. Additionally, the proposal provides efficient residential infill in a mostly CR-1 residential area; and, the proposed sketch plan is designed and restricted in consideration of the existing CR-1 residence to the west.

The vicinity of the subject parcel is predominately zoned CR-1 with a non-mass grade residential development pattern of subdivided approximately acre-sized lots. Original SR zoning in the area has mostly been rezoned to CR-1. The subject property is one of a group of nine parcel splits, each containing a single residence, that remain SR. These parcels are undersized for the SR zone, ranging from approximately 1.5 acres to 2.8 acres. The SR zone requires a minimum lot size and area per dwelling unit of approximately 3.31 acres (144,000 square feet). Five of the parcels, including the subject property, appear to be large enough to be rezoned to CR-1 to allow a second residence. CR-1 requires a minimum lot size and area per dwelling unit of approximately .83 acre (36,000 square feet).

The LIU 1.2 plan designation of the subject parcel and surrounding area allows 1.2 residences per acre (RAC) which is consistent with the maximum density provided by the CR-1 zone. The proposed density of two residences on the 2.40-acre site is approximately .83 RAC. The applicant proposes to split the existing parcel which contains a residence, guest house, and detached carport/workshop into two parcels. The eastern parcel is proposed to be 1.15 acres and will retain the existing structures. The western parcel will be 1.25 acres and will contain a new residence.

Sufficient infrastructure and services in the area support density greater than that permitted by SR zoning. The proposal for one additional residence creates a very small demand. The proposed parcels will be accessed from a paved, County-maintained residential street.

Per County policy, on-site sewage disposal will be allowed due to cost of connecting to the public sewage system in the vicinity. Tucson Water reports no objections. Amphitheater Unified School District did not respond to a request for comments. An elementary school and a middle school within the district are adjacent to the subject parcel. Golder Ranch Fire District has noted approval of the request and has a station along Magee Road less than a mile travel distance from the site. Commercial services and places of employment are located along Oracle Road, approximately a half mile east of the site. There is a county park and a private golf course within two miles west of the site. A bus route extends north along Oracle Road to Ina Road and along Ina Road a half-mile south of the site. Bike shoulder routes exist along all main roads surrounding the site's neighborhood.

The proposed western parcel area is currently vacant and contains partially disturbed natural vegetation. The applicant proposes design elements and use restrictions for this parcel in consideration of the nearest neighboring property to the west and also of the property across the street to the north. Construction of a new residence will necessarily reduce the private open space on the subject property that the owners of these neighboring properties may currently enjoy from a visual or privacy standpoint. The applicant indicates having reached out to property owners within 1,000 feet of the subject property and to the nearest neighbors in particular.

The design elements include a 75-foot front (north) setback where a minimum 30 feet is required for the residence and a 50-foot west side setback where a minimum 10 feet is required. These setbacks include accessory structures. This will place the residence within the previously disturbed area on the site and allow for potential preservation of much of the natural desert vegetation within the west setback area, similar to a natural bufferyard. A 21-foot maximum building height and one-story limit is proposed where a maximum 34 feet and two stories is allowed. The driveway is described as "dust-free" with a minimum compacted decomposed granite surface. The existing graded driveway entrance to the west part of the property will be revegetated and relocated to near the proposed eastern parcel boundary. Also, ten minimum 25 gallon irrigated native trees are proposed for installation as a screen to the north and west, but actual locations are not shown on the sketch plan.

Use restrictions for the proposed western parcel include prohibiting "farm animals" including horses and poultry and prohibiting junk car and boat storage. CR-1 zoning permits one head of cattle, horses, sheep, goats, ratites, or other similar animals more than six months of age per ten thousand square feet of lot area, excluding swine and also permits any number of poultry, rabbits, and similar small animals. The use of up to two hundred square feet of area of any lot for the storage, keeping or abandonment of junk, including inoperable motor vehicles or other motor vehicles or machines or parts thereof, is permitted provided that the items are screened. A personal boat can be stored.

These proposed design and use restrictions are listed on the rezoning sketch plan which is required for adherence per the zoning code and recommended condition #3. Staff also recommends conditions #'s 4-11 to clarify the restrictions.

The subject parcel is relatively flat. It appears that between 30 to 40 percent remains

naturally vegetated. The Flood Control District notes that the site contains Regulated Riparian Habitat, accumulated disturbance of which may require Riparian Habitat Mitigation Plan. The site is not located within the Maeveen Marie Behan Conservation Lands System.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS							
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments					
TRANSPORTATION	Yes						
FLOOD CONTROL	Yes						
WASTEWATER	N/A						
PARKS AND RECREATION	Yes						
WATER	Yes						
SCHOOLS		No information from Amphitheater Unified School District					
AIR QUALITY	Yes						

# TRANSPORTATION REPORT

Transportation Concurrency within a one-mile radius has been met for this proposed rezoning. The proposed rezoning is served directly by Camino Desierto with Paseo del Norte 1,200 feet to the east, Chapala Drive 900 feet to the south, La Canada Drive approximately 0.50 miles to the west and Magee Road approximately 0.30 miles to the north. The proposed rezoning will generate approximately 10 average daily trips (ADT) and will not significantly impact the surrounding roadways.

Camino Desierto is a paved, two-lane, County maintained local road with an existing 60 feet right-of-way. There are no available traffic counts for Camino Desierto but the traffic capacity for this road is approximately 12,000 ADT. Paseo del Norte is a paved, two-lane, County maintained local road with an existing right-of-way that varies between 60 feet and 90 feet. The most recent traffic count for Paseo del Norte is approximately 3,000 ADT with a traffic capacity of 12,000 ADT. Chapala Drive is a paved, two-lane, County maintained local road with an existing 90 feet right-of-way. The most recent traffic count for Chapala Drive is approximately 1,800 ADT with a traffic capacity of 12,000 ADT.

## **Requirements:**

Development shall meet the requirements of the Subdivision and Development Street Standards.

## Conditions:

Staff recommends no Transportation conditions.

# FLOOD CONTROL REPORT

The site includes Pima County Regulated Riparian Habitat. The Regional Flood Control District has no objection subject to the following condition:

A cumulative disturbance of one third of one acre, 14,520 square feet, or more of Regulated Riparian Habitat, will require a Floodplain Use Permit and a Riparian Habitat Mitigation Plan. At the time of permitting the grading envelope created from new disturbance will be tracked with the parent parcel.

# WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has received and reviewed the proposed rezoning and offers the following comments for your use. The applicant proposes to split the property into two parcels for the use of one residence on each parcel. The existing buildings are served by on-site disposal sewage systems. The proposed second home on the western parcel will be served by septic system as well.

Pima County public sewer line S-542 is within 100 feet of the western boundary of the subject property; however, PCRWRD estimated that the cost of connecting to the public sewer is going to be greater than two times the cost of installing an on-site disposal system in which case the owner(s)/applicant should obtain a waiver from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewerage disposal system (Pima County Code 7.21.037D and 7.21.037E).

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

### DEPARTMENT OF ENVIRONMENTAL QUALITY REPORT

There was no response to a request for comments.

# CULTURAL RESOURCES REPORT

The Office of Sustainability and Conservation – Cultural Resources has reviewed the request and recommends a condition (#12 below) regarding action necessary if cultural resources are discovered.

# UNITED STATES FISH AND WILDLIFE SERVICE REPORT

There was no response to a request for comments.

# **TUCSON WATER REPORT**

Tucson Water does not take exception to nor has any comments pertaining to the proposed rezoning of the subject property located at 811 W. Camino Desierto (Parcel 225-14-2150).

# SCHOOL DISTRICT REPORT

Amphitheater Unified School District did not responded to a request for comments.

# FIRE DISTRICT REPORT

The Golder Ranch Fire District indicates approval of the request in the attached response.

# PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comments.

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

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

- 1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
- 2. Flood Control condition: A cumulative disturbance of one third of one acre, 14,520 square feet, or more of Regulated Riparian Habitat, will require a Floodplain Use Permit and a Riparian Habitat Mitigation Plan. At the time of permitting the grading envelope created from new disturbance will be tracked with the parent parcel.
- 3. Adherence to the sketch plan as approved at public hearing.
- 4. The western parcel shall have a minimum 75-foot front building setback and a minimum 50-foot west side setback for main and accessory structures.
- 5. The residence on the western parcel shall be limited to one story with a maximum building height of 21 feet.
- 6. The driveway for the western parcel shall at minimum have a compacted decomposed granite surface.
- 7. The existing graded driveway entrance to the west part of the property shall be revegetated and relocated to near the eastern boundary of the western parcel.
- 8. A minimum of ten 25 gallon irrigated native trees shall be planted within the front and west side building setback areas with the distribution of the number of trees proportional to the length of the front and west side boundaries. The trees shall be located to maximize screening from existing residences and yard areas to the north and west.
- 9 The keeping of cattle, horses, sheep, goats, ratites, or other similar animals and poultry on the western parcel shall be prohibited.
- 10. The storage, keeping or abandonment of junk, including inoperable motor vehicles or other motor vehicles or machines or parts thereof, shall be prohibited on the western parcel.
- 11. The storage of a boat(s) shall be prohibited on the western parcel.

- 12. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. § 41-865 and A.R.S. § 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 13. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
- 14. 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 any rights and/or claims pursuant to A.R.S. § 12-1134.
- 15. 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.

Respectfully Submitted,

David Petersen, AICP

David Petersen, AIC

c: Brian and Catherine Wick, 811 W. Camino Desierto, Tucson, AZ 85704 Shea 130, LLC, Attn.: Bill Dycus, 11308 N. Meadow Sage, Oro Valley, AZ 85737 Case #: P19RZ00002 Case Name: WICK - W. CAMINO DESIERTO REZONING #2 Tax Code(s): 225-14-2150



0 220 440 880 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION							
	Notes:	N					
PIMA COUNTY	PIMACOUNT	Y COMPREHENSIVE PLAN CO7-13-1		W			
DEVELOPMENT SERVICES		Map Scale: 1:6,000	Map Date: 5/6/2019 - ds	S			





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# **Excerpt from Pima Prospers FINAL (as adopted 2015)**

### Land Use Legend

The Land Use Intensity Legend is composed of a number of "urban/suburban", "rural" land use, and general categories. Urban/suburban designations are usually used in the metropolitan areas of Tucson, Green Valley and certain unincorporated communities. Rural land uses are generally used in exurban and rural locales. General categories can be found throughout the unincorporated county. Each category includes a description of the objectives and the types of uses intended for that category. In addition, most categories that allow residential uses include a minimum and maximum gross density, defined as residences per acre (RAC). Only land area zoned and planned for residential use or open space areas not including golf courses, shall be included in gross density calculations.

Effective densities throughout the rezoning process may be constrained by hydrology, open space requirements, overlay zones, cultural resources, and many other factors.

#### A. Urban/Suburban Intensity Categories

The following land use intensity categories shall be applied to designate planned land use within urban and suburban areas only:

. . . . . . . .

#### 9. Low Intensity Urban (LIU)

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

a. <u>Objective:</u> 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 to be contiguous with other dedicated natural open space and public preserves.

#### 2) Low Intensity Urban 1.2 (LIU-1.2)

- a) <u>Residential Gross Density</u>:
  - i) Minimum none

. . . . . . . .

- ii) Maximum 1.2 RAC. The maximum gross density may be increased in accordance with the following options:
  - a) Gross density of 2.5 RAC with 45 percent open space; or b) Gross density of 4 RAC with 60 percent open space.
- b) <u>Residential Gross Densities for Developments Using Transfer of</u> <u>Development Rights (TDRs)</u>: Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
  - i) Minimum density none
  - ii) Maximum 1.2 RAC. The maximum gross density may be increased in accordance with the following option:

a] Gross density of 2 RAC with 50 percent open space.

. . . . . . . .





Tucson, AZ 85704 Brian and Catherine Wick Pima County Re-Zoning Application P19RZ00002 Parcel 225-14-2150

Proposed Lot Split:

Entire Parcel Lot Size: 2.4 Acres (104,636 Square Feet Per Putt Survey)

Parcel A Lot Size: 1.15 Acres (50,178 Square Feet Per Putt Survey)

Parcel B Lot Size: 1.25 Acres (54,458 Square Feet Per Putt Survey)

#### Proposed Re-Zoning Conditions:

- 1) Front-Yard Setback shall be 75 feet.
- West-Side Yard Setback shall be 50 feet.
- A survey will be performed on Parcel B to confirm all utilities, on-site waste disposal systems are located within Parcel A. All facilities shall be moved in accordance with County and State Standards if necessary.
- Maximum height of any building on Parcel B shall be 21 feet and restricted to one story.
- No farm animals shall be permitted on Parcel B including poultry and horses.
- No junk car or boat storage shall be permitted on Parcel B.
- The driveway shall be dust-free compacted DG at minimum.
- Prior to completion of construction, 10 Native Trees with a minimum size of 25 gallons will be planted and installed with drip irrigation. The trees are intended to screen neighbors to the north and west.



[1] Sketch Plan with Proposed Rezoning Conditions

Middle School

Tucson, AZ 85704 Brian and Catherine Wick Pima County Re-Zoning Application P19RZ00002 Parcel 225-14-2150

#### Proposed Lot Split:

Entire Parcel Lot Size: 2.4 Acres (104,636 Square Feet Per Putt Survey)

Parcel A Lot Size: 1.15 Acres (50,178 Square Feet Per Putt Survey)

Parcel B Lot Size: 1.25 Acres (54,458 Square Feet Per Putt Survey)

#### **Proposed Re-Zoning Conditions:**

- 1) Front-yard setback shall be 75 feet.
- 2) West-Side Yard Setback shall be 50 feet
- A survey will be performed on Parcel B to confirm all utilities, on-site waste disposal systems are located within Parcel A. All facilities shall be moved in accordance with County and State Standards if necessary.
- Maximum height of any building on Parcel B shall be 21 feet and restricted to one story.
- 5) No farm animals shall be permitted on Parcel B including poultry and horses.
- 6) No junk car or boat storage shall be permitted on Parcel B.
- The driveway shall be dust-free compacted DG at minimum.
- Prior to completion of construction, 10 Native Trees with a minimum size of 25 gallons will be planted and installed with drip irrigation. The trees are intended to screen neighbors to the north and west.



# [2] Sketch Plan with Proposed Rezoning Conditions (Photo Overlay)

Tucson, AZ 85704 Brian and Catherine Wick Pima County Re-Zoning Application P19RZ00002 Parcel 225-14-2150



Property

Currently Zoned: Non-Conforming SR Requested Zoning: CR-1 (Application will allow a lot split, and one SFR on the created lot) [3] Vicinity and Zoning Maps (Photo Overlay)



Tucson, AZ 85704 Brian and Catherine Wick Pima County Re-Zoning Application P19RZ00002 Parcel 225-14-2150

[4] Survey – Basis of Sketch Plan



Tucson, AZ 85704 Brian and Catherine Wick Pima County Re-Zoning Application P19RZ00002 Parcel 225-14-2150

[5] Enlarged Preliminary House Plan (for Illustrative Purpose)





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# 811 W. Camino Desierto Tucson, AZ 85704 Application for Rezoning and Lot Split Pima County, Arizona (Corrected) March 31, 2019

#### Landowner/Applicant:

Brian and Catherine Wick 811 W. Camino Desierto Tucson, AZ 85704-4504 Phone: 520-275-0509 Email: brian.wick@gmail.com

#### Authorized Representative:

Shea 130, LLC Bill Dycus

#### Parcel Information:

Pima County Property I.D: 225-14-2150 Current Zoning: SR Proposed Zoning: CR-1 Parcel Size: 2.4 Acres per Putt Land Survey

#### 2.17 Per County Assessor

(Applicant has petitioned the Pima County Assessor to correct its Maps. The discrepancy is from a County abandoned easement in 1972 (**Book 15 Page 25, Roads and Maps**), which granted land back to parcels from which the easement was originally created. The petition is attached for reference.)

#### Summary Reason for Request:

Brian and Catherine Wick have owned and lived at the subject property since April, 2008. At the time of purchase, the Wick's wanted to build a new home on available and undeveloped land. Surrounding properties are primarily CR-1 (one home per 36,000 square feet). The Wicks would like to build the additional home for their use, allowing the existing home to be occupied by extended family (Catherine's Sister).

#### **Re-Zoning and Development History:**

The Wicks applied for a rezoning in 2007 **(Co9-07-17)**. The application was supported by staff. However, the application was withdrawn because of opposition from neighbors. The Wick's felt it prudent to re-apply when the need arose for building a new Single Family Home.

The Wick's built a guest home in 2016 (*P16BP05223*), where Brian's mother lives. Grading for the site was approved under (*P16FC00415*) in conjunction with the building permit.

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Most surrounding residential development was rezoned form SR to CR-1 starting in 1964 and finalized in the early 1970's. The subject property was subdivided in 1931. When Pima County zoned the area in the 1950s, the property was in its current legal description, which made the property non-conforming as zoning inception.

#### **Existing Uses and Planned Use:**

The Wick's live in a 2046 square foot single family residence with an attached carport. The home was built in 1970. An 892 square foot guest house built in 2016. Both dwellings are serviced by single water, gas and electrical services. Each home has a separate septic tank and leach field and approved by Pima County DEQ. The site has an additional storage and carport. All of the buildings and development will remain on one discreet lot, meeting zoning and PDEQ On-Site Waste Water Facility Standards. The proposed vacant lot has no structures and is partially graded – with approval of Pima County under permit number *P16FC00415*. This excess land is used to store a boat and guest parking.

Gas, Water and Electric for the proposed lot are serviced at the lot line. Metro Water services the area and has capacity to service the additional home. Access to both lots will be directly from Camino Desierto, a county maintained road.

If the application is approved, applicant intends to build a site-built home as allowed by CR1 code. We have reached out to neighbors within a 1,000 foot radius of the home and have made specific attempt to meet neighbors most closely affected by the application. The neighbor most affected by the application is George and Sarah Duke. Bill Dycus met with Mr. Duke several times to discuss his concerns for the application. Based on his concerns and site conditions – we hired Tom Kirshner of Envision Corporation to draft a preliminary home plan that would meet the Wick's needs and address Mr. Duke's concerns. Specifically, Mr. Duke wanted windows facing west (toward his property) to be discrete; outdoor living area to be far from his property (toward the eastern portion of the property), and for the home to be as far from the shared lot line as possible. A preliminary home and site plan are attached, which addresses Mr. Duke's concerns and meet rezoning conditions that applicant proposes.

- Front-Yard Setback of 75 Feet.
- West-Side Yard Setback of 50 feet.
- A survey will be performed on Parcel B to confirm all utilities, on-site waste disposal systems are located within Parcel A. All facilities shall be moved in accordance with County and State Standards if necessary.
- Maximum height of any building on Parcel B shall be 21 feet.
- No farm animals shall be permitted on Parcel B including poultry and horses.
- No junk car or boat storage shall be permitted on Parcel B.
- The driveway shall be dust-free compacted DG at minimum.
- Prior to completion of construction, 10 Native Trees with a minimum size of 25 gallons will be planted and installed with drip irrigation. The trees are intended to screen neighbors to the north and west.

811 W. Camino Desierto Re-zoning Narrative Corrected 3/31/2019

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The proposed lot has existing graded access via a locked gate, which will be revegetated. The new entrance to the proposed home will be as shown on the sketch plan attached. Additional surface area was previously graded and is used for auxiliary parking and storage. Applicant planted 15 large native desert trees on the developed portion of the property when the guest home was built in 2016. New development will be similarly planted with native trees and irrigated. A new home, will have a positive effect on the environment with regard to dust control, native vegetation and wildlife.

Much of the property is mapped as Xeroriparian "B" Habitat by Pima County. Future development on the proposed lot will meet county standards including and applications for building within the Xeroriparian "B" Habitat.

#### **Reasons to Support the Application:**

As outlined in Pima Prospers, Pima County Compressive Plan Initiative, urban sprawl has delirious environmental consequences to our community. New housing should be built in areas where infrastructure exists, but in keeping with historical norms of the surrounding neighborhood. This application allows for essential in-fill housing, even if it is for just one home.

Harelson Elementary and Cross Middle School bound the property to the south. The applicants have three children, the oldest of which will be entering elementary school next year. Allowing a home allows enrollment in stabilized urban schools.

Most of the SR zoned land surrounding the property are schools or a church. There are eight other residential lots zoned SR in the surrounding community. Those lots are all part of the "Catalina Citrus Estates" subdivision, which was recorded in 1931. All of the parcels are non-confirming SR. The Catalina Citrus Estates subdivision should have been zoned correctly at zoning inception (CR1) and the subdivision would be zoned the same as the vast majority of other parcels in the vicinity.

Four of Catalina Citrus Estates lots do not contain enough land to allow a lot spit and re-zone to CR1. An additional home on one lot will have no delirious affect to those property owners. Even if others in the Catalina Citrus Estates apply for a lot split and the rezoning, there is not enough possible land to have a negative effect on the surrounding CR1 neighborhood.

Recent commercial development east of the subject property allow for shopping, dining and entertainment within a walking distance. Proximity to schools, churches and shopping allow a family and to live, work and play in near proximity to employment, schools, and shopping.

If County Staff has any questions about the application, please call Bill Dycus at 520-400-7863. Neighbors are welcome to call Brian Wick at 520-275-0509.

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Sincerely,

Brian Wick

Catherine Wick

**Catherine Wick** 

**Property Owner** 

Brian Wick Property Owner

Bill Dycus

Bill Dycus Designated Representative

Attachments: Maps and Survey, Petition to Amend Maps,

811 W. Camino Desierto Re-zoning Narrative Corrected 3/31/2019