BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: September 3, 2019

Title: Co9-00-39 Smith - La Cresta Road Rezoning (Modification - Substantial Change)

Introduction/Background:

The applicant requests a modification (substantial change) of rezoning conditions #6 and #11 to allow for one additional lot containing one single-family residence.

Discussion:

The original 4.5-acre rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) zone allowed for three residences. The subject 2.26 acre lot requests a modification of rezoning condition #6 which does not allow for additional lot splitting without Board of Supervisors approval and rezoning condition #11 which limits the number of lots and single-family residences to three. The subject property is located within the Maeveen Marie Behan Conservation Lands System (CLS).

Conclusion:

The requested modifications conform to the Comprehensive Plan designation of Low Intensity Urban 0.3 through a bonus density of 1.2 residences per acre with 65% open space and re-vegetation of previously graded areas meeting the conservation guidelines of the CLS.

Recommendation:

Staff recommends approval of the modification (substantial change) of rezoning conditions subject to standard and special conditions. The Planning and Zoning Commission also recommends approval subject to standard and special conditions as modified.

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

AUG 27 '19 AM 10:50 PCA BDF BD

Department: Development Services - Planning Telephone: 520-724-8800

Contact: Terrill L. Tillman - Principal Planner Telephone: 520-724-6921

Department Director Signature/Date: 8/16/19

Deputy County Administrator Signature/Date: 8/19/19

County Administrator Signature/Date: C. Richelberg 8/20/19

PIMA COUNTY

DEVELOPMENT SERVICES

TO: Honorable Ally Miller, Supervisor, District 1

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

DATE: August 15, 2019

SUBJECT: **Co9-00-39** **SMITH – LA CRESTA ROAD REZONING**

The above referenced Modification of Rezoning Conditions is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 3, 2019** hearing.

REQUEST: For a **modification (substantial change)** of rezoning conditions #6 and #11 to allow for one additional lot for a single-family residence. Condition #6 does not allow for additional lot splitting without Board of Supervisors approval and condition #11 limits the number of lots and single-family residences to three. The applicant proposes to increase the number of lots and single-family residences to four. The approximately 2.26-acre subject property is zoned CR-1 (Single Residence) and located at **2322 W. La Cresta Road**.

OWNERS/ AGENT: Clarence R. and Helen E. Roman
2322 W. La Cresta Road
Tucson, AZ 85742

DISTRICT: 1

STAFF CONTACT: Terrill Tillman, Principal Planner

PUBLIC COMMENT TO DATE: As of August 15, 2019, staff received one letter of objection concerning the additional traffic added along the shared access easement and the increased density.

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

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

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject property lies within the Maeveen Marie Behan Conservation Lands System (CLS) Multiple Use Management Area and Special Species Management Area designations.

TD/TT/ar
Attachments

PIMA COUNTY

DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-00-39

FOR SEPTEMBER 3, 2019 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: August 15, 2019

ADVERTISED ITEM FOR PUBLIC HEARING

MODIFICATION OF REZONING CONDITIONS
SUBSTANTIAL CHANGE

Co9-00-39 **SMITH – LA CRESTA ROAD REZONING**
Clarence R. & Helen E. Roman request a **modification (substantial change)** of rezoning conditions #6 and #11 to allow for one additional lot for a single-family residence. Condition #6 does not allow for additional lot splitting without Board of Supervisors approval and condition #11 limits the number of lots and single-family residences to three. The applicant proposes to increase the number of lots and single-family residences to four. The approximately 2.26-acre subject property is zoned CR-1 (Single Residence) and located at **2322 W. La Cresta Road**. On motion, the Planning and Zoning Commission voted 8-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (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 with conditions.

A commissioner asked about the limitation of only three lots. Staff replied that State Statute limited lot splitting to three lots without a subdivision plat, but State law has since increased that number to five. Staff further replied that the original rezoning request was for four lots, however, due to neighborhood outcry, the request was reduced to three. Staff further discussed that the current improvements underway to La Cholla Boulevard and the recent comprehensive plan amendment adjacent to the subject property that was approved by the Board of Supervisors will increase the surrounding densities to the north, south, and east of the subject property to high-density development. Staff discussed that the modification of rezoning conditions is considered a substantial change and this is the appropriate path to increase the density of the subject property.

A commissioner asked the history on this pocket of CR-1 zoned property. Staff replied that within the rezoning, the original comprehensive plan designation had planned for approximately one residence per acre lots. The comprehensive plan designation was amended with Pima Prospers to its current Low Intensity Urban 0.3 designation which provides a density bonus with set aside natural open space.

The applicant presented additional information to the commission. A commissioner asked what the purpose of the request is. The applicant responded that she would like an additional home for her daughter and grandsons to live on the property and the split would allow them to have the property unencumbered.

The public hearing was closed.

A commissioner asked for clarification of the location of the driveway. Staff replied that the access drive will be shared and the rezoning condition that requires a shared access will not be amended, but the rezoning condition does not limit the number of driveways.

A commissioner asked about the distance in between driveways. Staff replied that there are distance requirements between driveways for commercial projects.

Commissioner Hook made a motion to recommend **APPROVAL** of the modification (substantial change) of rezoning conditions subject to standard and special conditions. Commissioner Matter gave second to the motion.

The commission voted to recommend **APPROVAL** of the modification of rezoning conditions subject to the following standard and special conditions: (8 – 0, Commissioners Becker and Cook were absent)

~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
~~4. Provision of development related assurances as required by the appropriate agencies.~~
~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
~~6.~~1. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
~~7.~~2. Transportation conditions:
   A. All lots shall be served by one common, paved private road/driveway from La Cresta Road. ~~The private road/driveway shall be paved (chip sealed] within six (6) months of the issuance of the first building permit.~~
   B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.

~~8.~~ ~~Flood Control conditions:~~

~~A. The property owner(s) must submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management section will determine if building permits may be issued and/or if a more detailed hydrologic and hydraulic study will be required.~~

~~B. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~

~~9.~~3. Department of Environmental Quality conditions:

A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.

B. There is a minimum setback of 50 feet from the septic system to the wash.

~~10.~~4. ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the~~ U.S. Fish and Wildlife Service condition: No saguaros or trees greater than 10 feet tall shall be removed from the site.

~~11.~~5. The subject property shall be divided into no more than ~~three~~ four lots and limited to no more than one residence per lot.

6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitalis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding *E. intermedia*, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

7. Adherence to the sketch plan approved at public hearing including the location of the residence within previously disturbed areas of the property.
8. 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.
9. 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)."

TD/TT/ar
Attachments

cc: Tom Drzazgowski, Chief Zoning Inspector
Co9-00-39 File

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

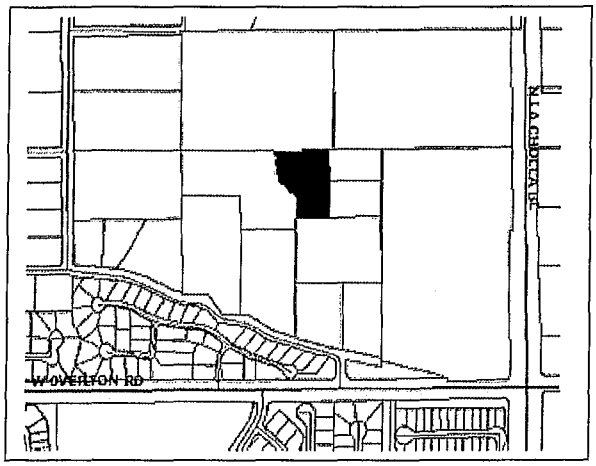
HEARING June 26, 2019

DISTRICT 1

CASE Co9-00-39 Smith – La Cresta Road Rezoning

REQUEST Modification (Substantial Change) of Rezoning Conditions on 2.26 acres in the CR-1 (Single Residence) Zone

OWNER Clarence R. and Helen E. Roman
2322 W. La Cresta Road
Tucson, AZ 85742



AGENT None

APPLICANT'S REQUEST

The applicant requests a modification (substantial change) of rezoning condition #6 that prohibits further lot splitting and rezoning condition #11 to allow for an additional lot for a single-family residence. The original 4.5 acres rezoning from SR (Suburban Ranch) to CR-1 (Single Residence) allowed for three lots and three residences.

PUBLIC COMMENT

Staff has not received any written public comments as of June 11, 2019.

COMPREHENSIVE PLAN DESIGNATION

The comprehensive plan designation of the site is Low Intensity Urban 0.3 (LIU 0.3). The objective of LIU is to designate areas for low-density residential uses with the provision for increased density with natural or functional open space set aside areas. The maximum density bonus with 65 percent open space allows for 1.2 residences per acre (RAC). The applicant is proposing to meet the LIU 0.3 plan designation density bonus by utilizing areas that were previously disturbed and re-vegetation of the site.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	SR	Unsubdivided Vacant Residential
South:	SR	Unsubdivided Vacant and Developed Residential
East:	CR-1/SR	Developed Residential and Unsubdivided Vacant Residential
West:	SR	Unsubdivided Vacant Residential and Developed Residential

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (MMBCLS)

The subject property lies within the Maeveen Marie Behan Conservation Lands System Multiple Use Management Area and Special Species Management Area designations.

STAFF REPORT SUMMARY

Staff recommends **APPROVAL** of the request for a modification (substantial change) of the rezoning conditions that prohibit lot-splitting and limits the number of lots and single-

family residences to three. The subject property contains 2.26 acres of land, larger than CR-1 zoning requires. CR-1 zoning requires a minimum area of 36,000 square feet or .83 acres and lots resulting from the proposed split will contain 1.01 acres and 1.25 acres of land. The following amended and new conditions shall apply to the subject property only, as all conditions of the original 4.5 acres rezoning were met with development of the three single-family residences:

~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~

~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~

~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~

~~4. Provision of development related assurances as required by the appropriate agencies.~~

~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~

~~6.~~1. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.

~~7.~~2. Transportation conditions:

A. All lots shall be served by one common, paved private road/driveway from La Cresta Road. ~~The private road/driveway shall be paved (chip sealed) within six (6) months of the issuance of the first building permit.~~

B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.

~~8. Flood Control conditions:~~

~~A. The property owner(s) must submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management section will determine if building permits may be issued and/or if a more detailed hydrologic and hydraulic study will be required.~~

~~B. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~

~~9.~~3. Department of Environmental Quality conditions:

A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.

B. There is a minimum setback of 50 feet from the septic system to the wash.

~~10.~~4. ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the~~ U.S. Fish and Wildlife Service condition: No saguaros or trees greater than 10 feet tall shall be removed from the site.

~~11.~~5. The subject property shall be divided into no more than ~~three~~ four lots and limited to no more than one residence per lot.

6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

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Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
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Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

7. Adherence to the sketch plan approved at public hearing including the location of the residence within previously disturbed areas of the property.
8. 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.
9. 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)."

PLANNING REPORT

Staff supports the request to modify the rezoning conditions which prohibit further lot splits and limits the number of lots and residences to three. Staff's recommendation for approval is based on these factors: 1) the proposed parcels will remain in excess of the minimum standard CR-1 lot size; 2) the future residence will be located within a previously disturbed area which limits additional impact to the conservation lands system that was not

applicable under the original rezoning and; 3) a portion of the site will be revegetated to meet the open space density bonus of the LIU 0.3 land use designation.

The minimum standard CR-1 lot is 36,000 square feet. The applicant requests to split the lot into two parcels containing 1.01 acres and 1.25 acres. Both parcels will still be larger than the minimum standard size. The smaller parcel contains an existing residence and a new residence is proposed for the larger parcel. The proposed residence will be located within the previously disturbed areas of the site and the revegetation of previously disturbed areas allows for the increased density under the land use designation of LIU 0.3. Approximately 35,110 square feet of open space and revegetation for the 1.25-acre parcel is required. The existing undisturbed area along the northern boundary is approximately 29,500 square feet and will remain as natural open space.

Access to the property will remain unchanged from the original 4.5 acres rezoning that required shared, paved access from La Cresta Road. The property will be served by on-site waste disposal and will meet the minimum square footage required to allow for one additional septic tank to serve the proposed dwelling. The property is adjacent to a recent comprehensive plan amendment that will allow for a maximum density of 4 RAC with 60 percent open space, which is much more intense than the proposed 1 RAC.

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.

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 for a modification of rezoning conditions #6 and #11 of Ordinance No. 2001-31 to allow for one additional lot and one additional residence. The subject property is located on La Cresta Road, approximately one-half mile northwest of the La Cholla Boulevard/Overton Road intersection. The requested land division will result in two lots each greater than one-acre in size. The existing residence is served by a septic system.

There is not public sewer within 200 feet of the property line.

The PCRWRD has no objection to the above listed request for modification of rezoning conditions.

The owner(s) must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal system on the additional lot at the time a development plan or request for building permit is submitted for review.

ENVIRONMENTAL PLANNING REPORT

The subject property is located near the corner of N. La Cholla Boulevard and W. Overton Road and is within the Maeveen Marie Behan Conservation Lands System Multiple Use Management Area and Special Species Management Area designations. The approval of the original rezoning (Co9-00-394) occurred prior to the effective date of the 2001 Comprehensive Plan Update which initiated implementation of the MMBCLS, and the current conditions of the subject property were present at the time the MMBCLS was developed. The additional single-family residence being requested here does not significantly affect that baseline condition.

The applicants met with the Office of Sustainability and Conservation prior to submitting their request and indicated their intent to construct the additional residence in an already-disturbed area of the property in order to minimize any additional disturbance; this is reflected in the site plan. They have also indicated in their letter of request for approval that they will re-vegetate a disturbed area of the property adjacent to the building site, as requested at our meeting.

For these reasons we support this request, and we appreciate the applicants taking the time to meet with us regarding these issues.

Environmental Planning has no objection to this request subject to the addition of condition #6.

NATURAL RESOURCES, PARKS AND RECREATION REPORT (NRPR)

NRPR has no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT (USFWS)

The area of the proposed rezoning modification is an area that has been historically occupied by two species once listed as endangered under the Endangered Species Act, the lesser long-nosed bat and the cactus ferruginous pymgy-owl. Both of these species are still currently covered under Pima County's Multi-Species Conservation Plan (MSCP). We remain involved in the conservation of both of these species and we recommend that the County direct the siting of this additional home to an area of the parcel that would avoid the removal of any existing saguaros or trees greater than 10 feet tall. This will allow the preservation of habitat for the lesser long-nosed bat and the cactus ferruginous pygmy-owl.

USFWS has no objection to this request subject to the addition of rezoning condition #4.

WATER DISTRICT REPORT

Metropolitan Water Improvement District has no comment.

FIRE DISTRICT REPORT

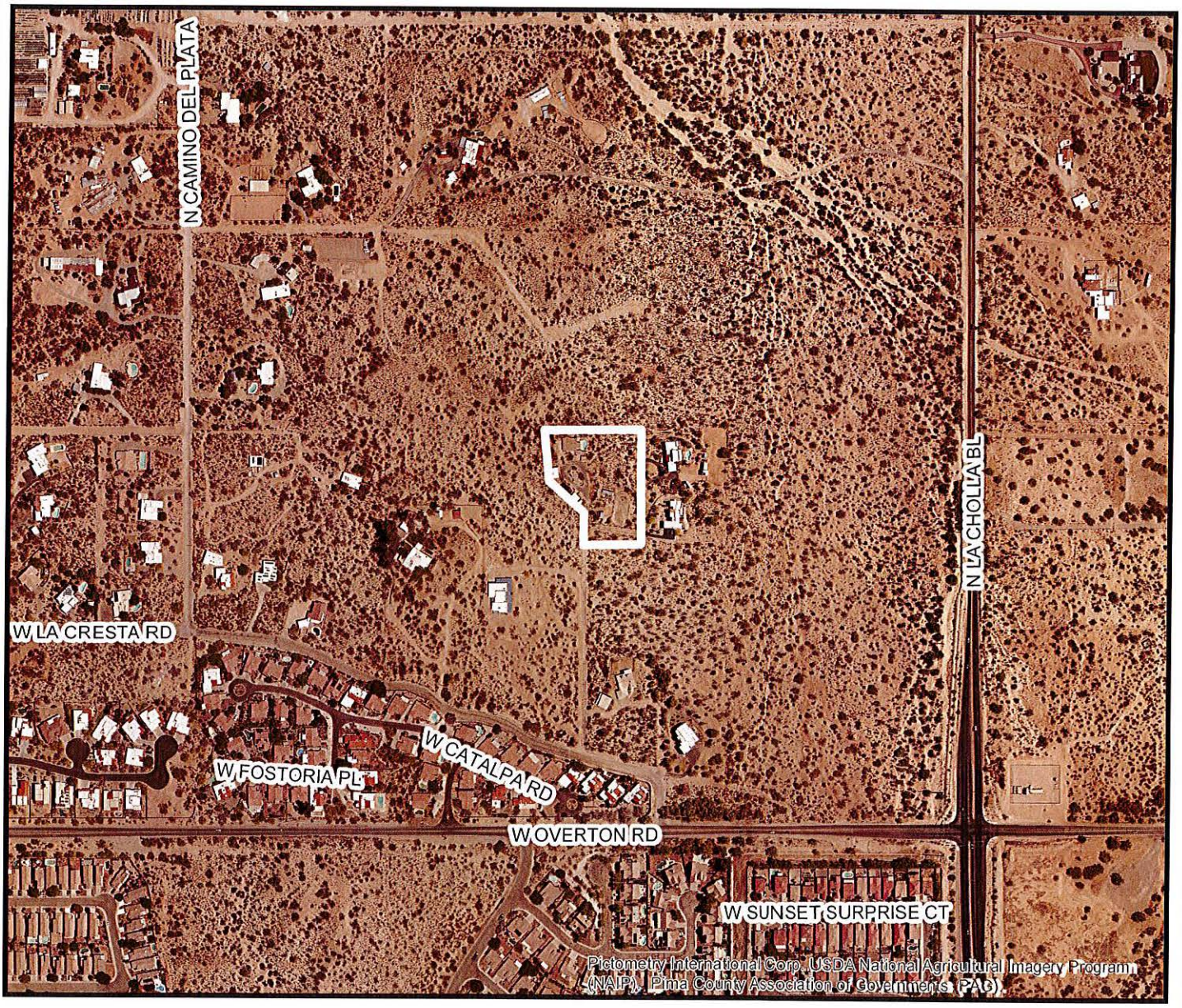
Golder Ranch Fire District has no comment.

Respectfully Submitted,

Terrill L. Tillman
Principal Planner

c: Clarence R. and Helen E. Roman, 2322 W. La Cresta Road, Tucson, AZ 85742
Co9-00-39 & P19SA00005 Files

Case #: CO9-00-39
Case Name: SMITH - LA CRESTA ROAD REZONING
Tax Code(s): 225-04-003K



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **Modification (Substantial Change) of Rezoning Conditions #6 & #11**

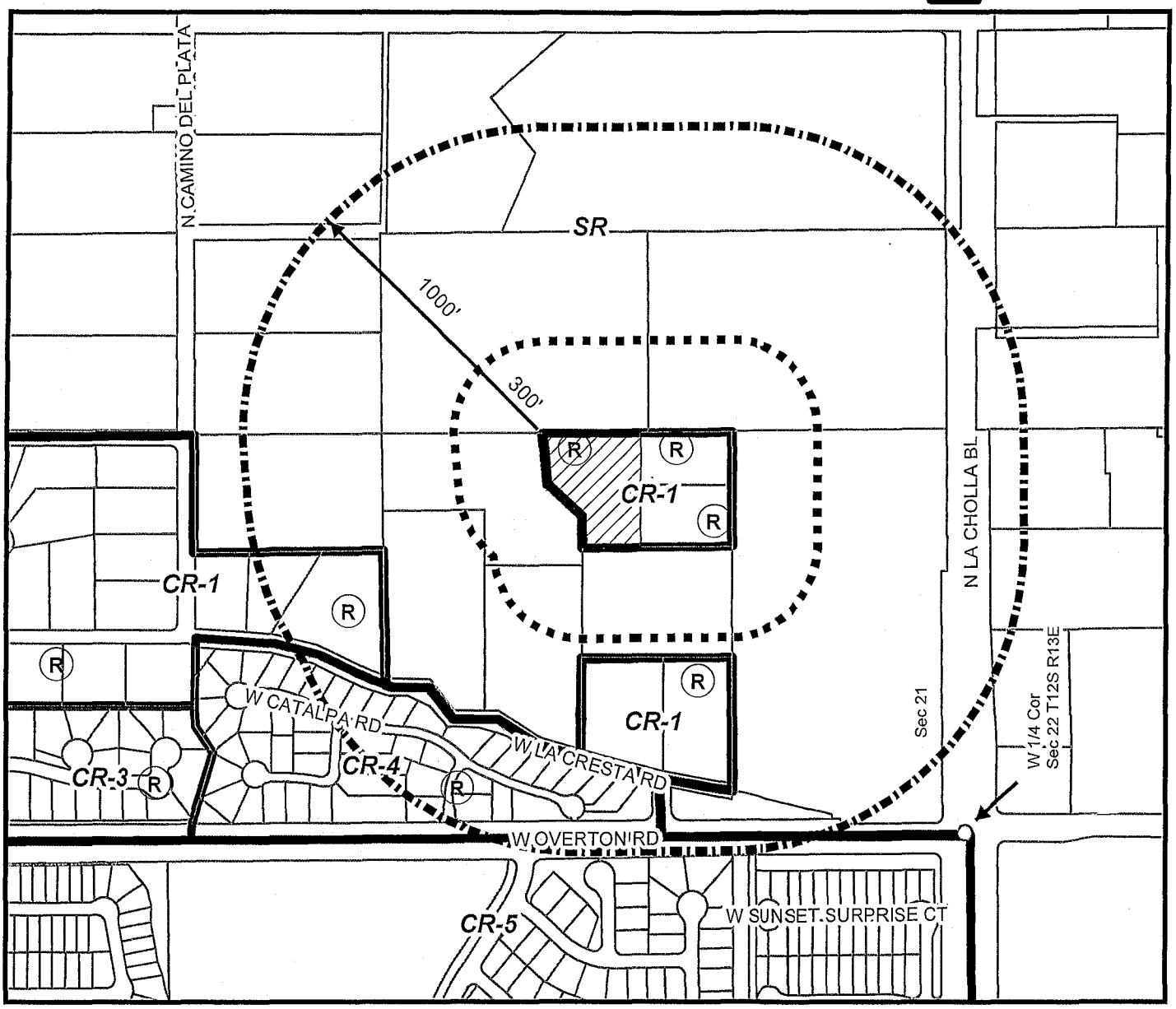
Map Scale: 1:6,000

Map Date: 6/10/2019 - ds

N W E S

Case #: CO9-00-39
Case Name: SMITH - LA CRESTA ROAD REZONING
Tax Code(s): 225-04-003K

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



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PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: Modification (Substantial Change) of Rezoning Conditions #6 & #11		
PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
Planning & Zoning Hearing: 6/26/19 (scheduled)	Board of Supervisors Hearing: TBA	
Base Map(s): 162	Map Scale: 1:6,000	Map Date: 6/6/2019 - ds

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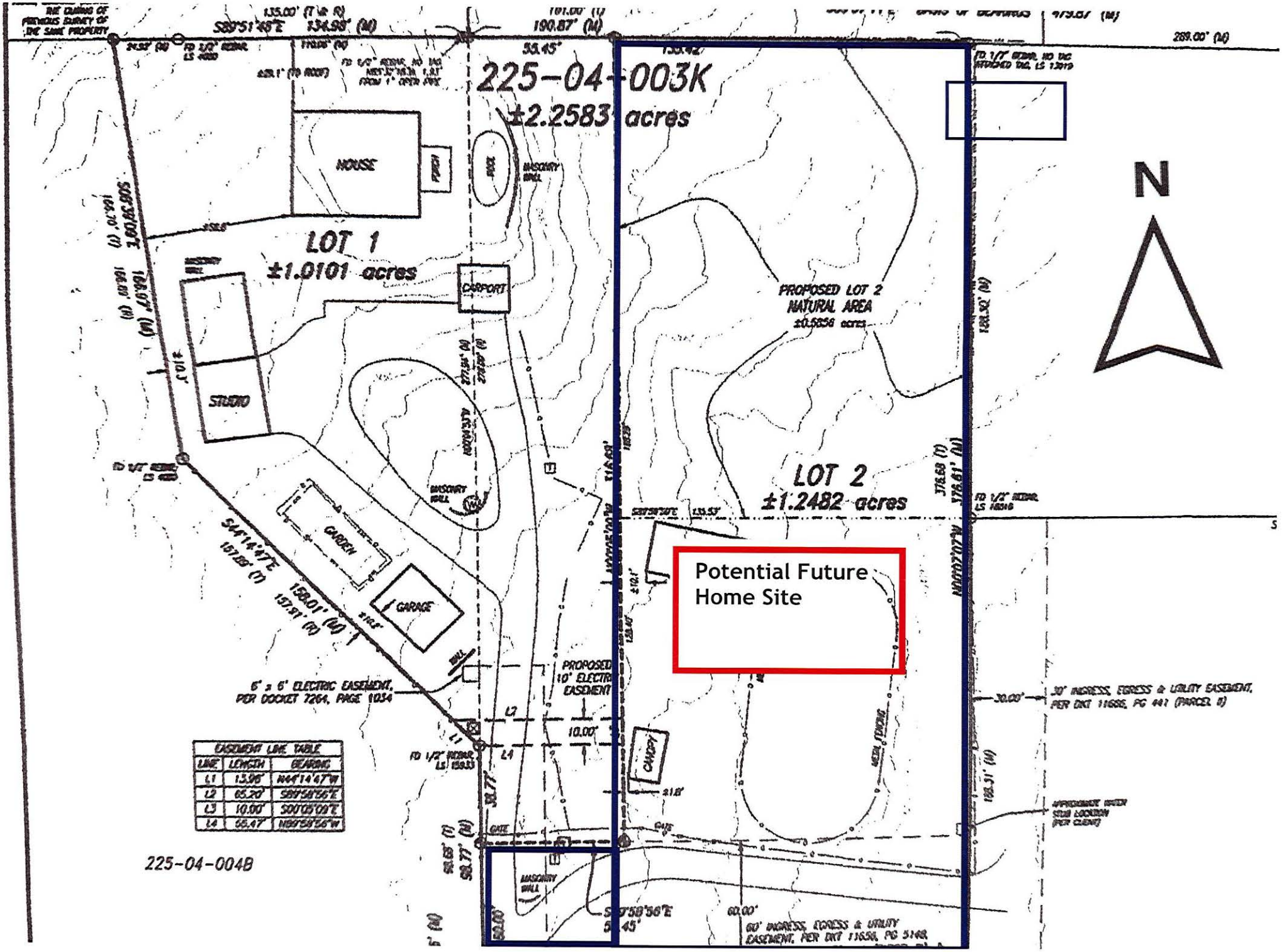
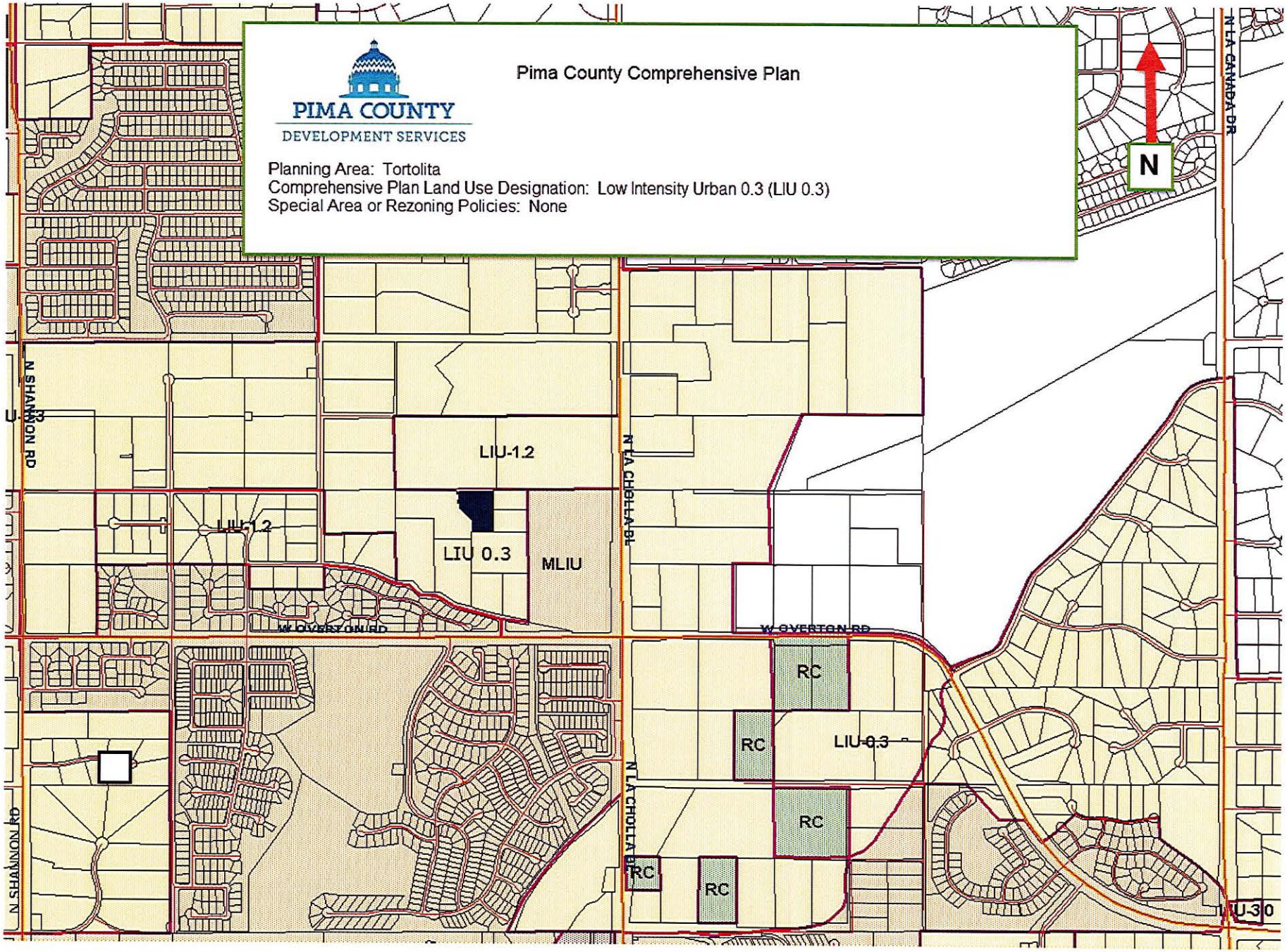


EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
L1	13.96'	N44°14'47"W
L2	65.20'	S89°58'56"E
L3	10.00'	S00°05'09"E
L4	65.47'	N89°58'56"W


PIMA COUNTY
DEVELOPMENT SERVICES
Pima County Comprehensive Plan
Planning Area: Tortolita
Comprehensive Plan Land Use Designation: Low Intensity Urban 0.3 (LIU 0.3)
Special Area or Rezoning Policies: None
N
N SHANNON RD
N LA CHOLLA BL
N LA CANADA DR
W OVERTON RD
LIU-1.2
LIU-1.2
LIU 0.3
MLIU
RC
RC
RC
RC
RC
LIU-0.3
LIU-3.0

Low Intensity Urban 0.3 (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.

- Residential Gross Density: Minimum- none; Maximum- 0.3 RAC; 0.7 RAC with 50 percent open space; or 1.2 RAC with 65 percent open space
- Residential Gross Densities for TDR Receiving Areas: Minimum- none; Maximum- 0.3 RAC; 0.7 RAC with 60 percent open space

From: Traci Maddox
To: DSD Planning
Subject: Co9-00-39 Smith - La Cresta Road Rezoning
Date: Friday, June 21, 2019 12:29:51 PM

****
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.
****

June 20, 2019

Development Services Department
Planning Division
201 N Stone Avenue
2nd Floor
Tucson AZ 85701

RE:Co9-00-39 Smith-La Cresta Road Rezoning

I strongly object to the request made by Clarence R and Helen E Roman for their property located at 2322 W La Cresta Road.

It is my understanding that the property's comprehensive plan land use designation is LIU 0.3. I am not sure this request would be within that designation. This change would create a pocket of higher density and would not match the surrounding properties. The property is accessed by an easement that is not large enough to handle additional traffic. A portion of this easement runs across my property. I am not willing to provide more land for a larger easement.

The property should stay as zoned. I strongly protest to the request of modification (substantial change) of rezoning conditions #6 and #11 to allow additional lots.

Thank you

Traci Maddox
2262 W La Cresta Road
Tucson AZ 85742

Clarence R. & Helen E. Roman
2322 W La Cresta Road
Tucson, AZ 85742

Development Services
201 N. Stone Ave
Tucson, AZ 85701
dsdplanning@pima.gov

LETTER OF REQUEST for APPROVAL OF A LOT-SPLIT

Clarence R. & Helen E. Roman
2322 W La Cresta Road
Tucson, AZ 85742
ROMANC2049@gmail.com | helen.roman@gmail.com
520-308-8032
#225-04-003K

We are respectfully requesting the Board of Supervisors grant us approval to proceed with a lot-split of our 2.25-acre property, currently zoned CR-1, to create one (1) additional lot. This property is located on La Cresta Drive, approximately ½ mile to the north and west of La Cholla Boulevard at Overton Road. We want to create one more lot from this split so our daughter and grandsons can live there in a new home.

Our property was part of a larger rezoning approved by the Board in the year 2000 under Case No. C09-00-39 (Resolution No. 2001-31). Three (3) CR-1 lots in total were created with the past rezoning with two homes built on one (1) acre lots to the east of our property. Our proposed lot split will meet the minimum lot size (36,000 SF) for our existing CR-1 zoning. The requested land division will result in Lot 1, one (1.01) acre, & Lot 2, 1.24 acres, for the parent parcel: 225-04-003K. The adjacent property to the north is pending rezoning to CR-5 (Case No. P18RZ00011).

Condition No. 6 of the approved rezoning requires written approval from the Board of Supervisors for any further split. We are submitting this request to comply with that of the rezoning condition. We understand that a separate approval for a comprehensive plan amendment is not necessary for this lot-split and that no additional portion of the 1.25-acre Lot 2 will be disturbed by building any structures. Additionally, a portion of the lot, adjacent to the building site, in the already disturbed area will be re-vegetated in accordance with the request from the Office of Sustainability and Conservation.

Enclosed in this correspondence is a Site Plan of the property and Biological Impact Report. We confirm that we are the owners of this property and there are no LLC's or other types of ownership. Site fee payment will be made on the portal upon receipt of record number and instructions.

Sincerely,

Helen E Roman

Helen Roman

520-308-8032

PIMA COUNTY
DEVELOPMENT SERVICES

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

Biological Impact Report

(Not Applicable for Rezonings that Require a Site Analysis)

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

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? MUMA
   Any Special Species Management Areas? Yes
2. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
3. Is the project Designated for acquisition as a Habitat Protection or Community Open Space property? No
4. Is the project located within the Priority Conservation Area for any of the following species?
   a. Cactus ferruginous pygmy-owl Yes
   b. Western burrowing owl Yes
   c. Pima pineapple cactus No
   d. Needle-spined pineapple cactus No

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? No

   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	Yes		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

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

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F. ANN RODRIGUEZ, RECORDER
RECORDED BY: LMD
DEPUTY RECORDER
1963 RO09

P0230
PIMA CO CLERK OF THE BOARD
PICKUP

DOCKET: 11499
PAGE: 1628
NO. OF PAGES: 4
SEQUENCE: 20010440350
03/06/2001
ORDIN 16:20

PICKUP

AMOUNT PAID $ 0.00

ORDINANCE 2001- 31

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (TAX CODE 225-04-003G) IN CASE **Co9-00-39 SMITH - LA CRESTA ROAD REZONING** LOCATED APPROXIMATELY 1,000 FEET NORTH OF THE INTERSECTION OF OVERTON ROAD AND LA CRESTA ROAD, APPROXIMATELY 1,000 FEET WEST OF LA CHOLLA BOULEVARD; AMENDING PIMA COUNTY ZONING MAP NO. 162.

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

Section 1. The 4.75 acres described on the attached rezoning ordinance map, which amends Pima County Zoning Map No. 162 is hereby rezoned from SR to CR-1.

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

2. Recording of a covenant holding Pima County harmless in the event of flooding.

3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.

4. Provision of development related assurances as required by the appropriate agencies.

5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.

6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.

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7. Transportation conditions:
   A. All lots shall be served by one common, private road/driveway from La Cresta Road. The private road/driveway shall be paved (chip sealed) within six (6) months of the issuance of the first building permit.

   B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.

8. Flood Control conditions:
   A. The property owner(s) must submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management section will determine if building permits may be issued and/or if a more detailed hydrologic and hydraulic study will be required.

   B. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.

9. Department of Environmental Quality conditions:
   A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.

   B. There is a minimum setback of 50 feet from the septic system to the wash.

10. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.

11. The subject property shall be divided into no more than three lots and limited to no more then one residence per lot.

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 11 shall be completed by October 17, 2005.

2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.

3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 11 are satisfied and the Planning Official issues a Certificate of Compliance.

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4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chair of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this twentieth day of February, 2001.

Paul W. Hijalva — FEB 20 2001

Chair, Board of Supervisors — Date

ATTEST:

Clerk, Board of Supervisors

Deputy County Attorney

Executive Secretary, Planning and Zoning Commission

107-01

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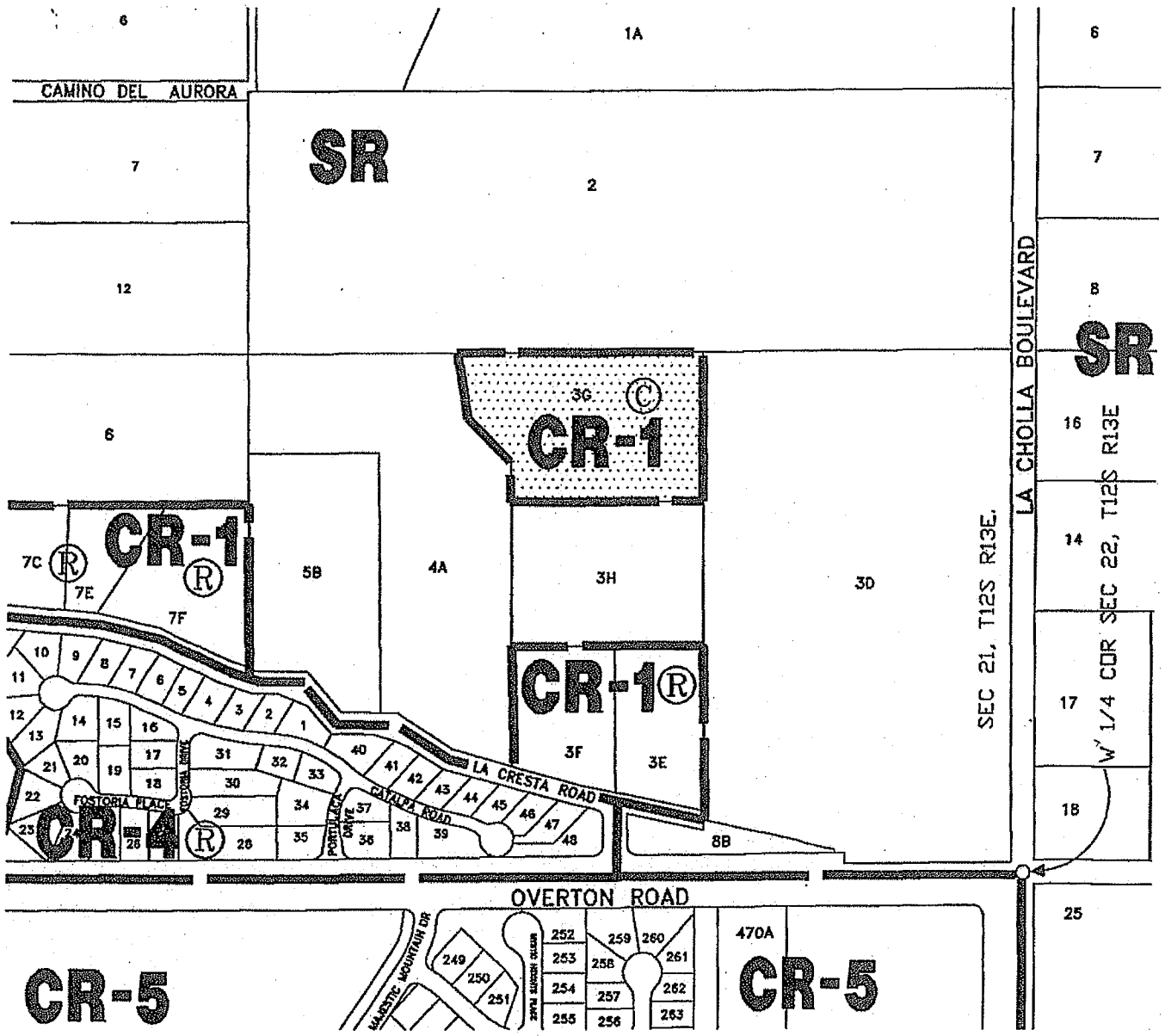
AMENDMENT NO. 47 BY ORDINANCE NO. 2001-31
TO PIMA COUNTY ZONING MAP NO. 162 TUCSON, AZ.
3G BEING A PART OF THE SE 1/4 OF THE NE /4 OF
SEC. 21, T12S R13E.

ADOPTED 2-20-01 EFFECTIVE 2-20-01



EXECUTIVE SECRETARY, PIMA COUNTY PLANNING AND ZONING COMMISSION

Ⓒ NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.75 ac±
xa-JANUARY 8, 2001

CO9-00-39
CO7-89-2
225-04-003G