BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: October 6, 2020

Title: P18RZ00003 HILDRETH EUGENE LIVING TR – W. MICHIGAN STREET REZONING

Introduction/Background:

The applicant requests closure of a 7.66-acre rezoning from SR (Suburban Ranch) to the GR-1 (Rural Residential) zone.

Discussion:

The rezoning site was approved for an eight-lot residential subdivision on September 18, 2018 and will expire on September 18, 2023. The site remains undeveloped, is located outside of the MMBCLS, and no progress has been made to satisfy the rezoning conditions. Closure of the rezoning will cause the zoning to revert to SR, which complies with the Low Intensity Urban 3.0 plan designation.

Conclusion:

The property has been sold and the new owners request closure of the rezoning which consists of two parcels.

Recommendation:

Staff recommends APPROVAL of the closure to revert to original SR zoning.

Fiscal Impact:

N/A

Board of Supervisor District:

☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ All

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

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

Department Director Signature/Date: 9/14/2020

Deputy County Administrator Signature/Date: 9/14/2020

County Administrator Signature/Date: C. Richbourg 9/14/20

PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District 3

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

DATE: September 11, 2020

SUBJECT: **P18RZ00003 HILDRETH EUGENE LIVING TR – W. MICHIGAN STREET REZONING**

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, OCTOBER 6, 2020** hearing.

REQUEST: Proposal to close the 7.66-acre rezoning from SR (Suburban Ranch) to the GR-1 (Rural Residential) zone

OWNERS: Jesus Hernandez & Ana Noriega
3950 S Palant Drive
Tucson, AZ 85735

Jose Robles Jimenez
905 W Oahu Lane
Tucson AZ 85756

AGENT: Southwest Consulting Engineering
Attn: Charles Corrales
2510 W. Calle Morado
Tucson, AZ 85745

DISTRICT: 3

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of September 11, 2020, staff has received no public comment.

STAFF RECOMMENDATION: APPROVAL OF CLOSURE.

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

TD/DS
Attachments

PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: P18RZ00003

FOR OCTOBER 6, 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: September 11, 2020

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

P18RZ00003 HILDRETH EUGENE LIVING TR – W. MICHIGAN STREET REZONING
Request of Jesus Hernandez and Ana Noriega, and Jose Robles Jimenez, represented by Southwest Consulting Engineering, for **closure** of a 7.66-acre rezoning from the SR (Suburban Ranch) to the GR-1 (Rural Residential) zone, located at the northwest corner of S. Camino Verde and W. Michigan Street and addressed as **6710 W. Michigan Street and 4302 S. Camino Verde**. The rezoning was conditionally approved on September 18, 2018 and expires on September 18, 2023. Staff recommends **CLOSURE.**
(District 3)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of a 7.66-acre rezoning from SR (Suburban Ranch) to the GR-1 (Rural Residential) zone for an 8-lot subdivision of single-family residences.

REQUEST OF APPLICANT

Due to moving, the previous owner requested closure of the rezoning. With the sale of the property to two individual property owners, the new owners want to finalize the rezoning closure process so that they may build a single-family residence on the existing parcels.

PLANNING REPORT

The rezoning from SR to the GR-1 zone was conditionally approved on September 18, 2018. Rezoning Ordinance 2019-06 was adopted on January 22, 2019. The rezoning will expire on September 18, 2023. All conditions remain to be satisfied. The zoning code requires a public hearing to close a rezoning and cause the property to revert to its previous SR zoning classification (Section 18.91.100.F).

SR zoning complies with the site's Low Intensity Urban-3.0 (LIU-3.0) comprehensive plan designation. The LIU-3.0 designation does not have a minimum residence per acre but allows a maximum density of three residences per acre. The minimum site area per dwelling in the SR zone is 144,000 square feet.

The rezoning site consists of two parcels of 3.31 and 4.35 acres. The closure request is for both parcels. The site remains undeveloped and the vegetative qualities of the site are unremarkable and denuded.

The zoning north of the subject site consists of developed residential SH (Suburban Homestead) lots. To the west is a vacant SR lot, and to the east is an SH developed residential subdivision. Directly south is a combination of developed residential SH and SR lots.

Closure of the rezoning does not preclude the possibility of future rezoning of the subject parcel. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

TRANSPORTATION REPORT
No objection to closure.

FLOOD CONTROL REPORT
No objection to closure.

WASTEWATER RECLAMATION REPORT
No objection to closure.

TD/DS
Attachments

cc: Southwest Consulting Engineering, Attn: Charles Corrales, 2510 W. Calle Morado, Tucson AZ 85745
Jesus Hernandez & Ana Noriega, 3590 S Palant Dr, Tucson, AZ 85735
Jose Robles, 905 W Oahu, Tucson AZ 85756
Tom Drzazgowski, Chief Zoning Inspector
P18RZ00003 File

Case #: P18RZ00003
Case Name: HILDRETH EUGENE LIVING TR - W. MICHIGAN STREET REZONING
Tax Code(s): 21245020A & 21245020B

REZONING CLOSURE

0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes:

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Base Map(s): 38	Map Scale: 1:8,000	Map Date: 8/28/2020 - ds

N W E S

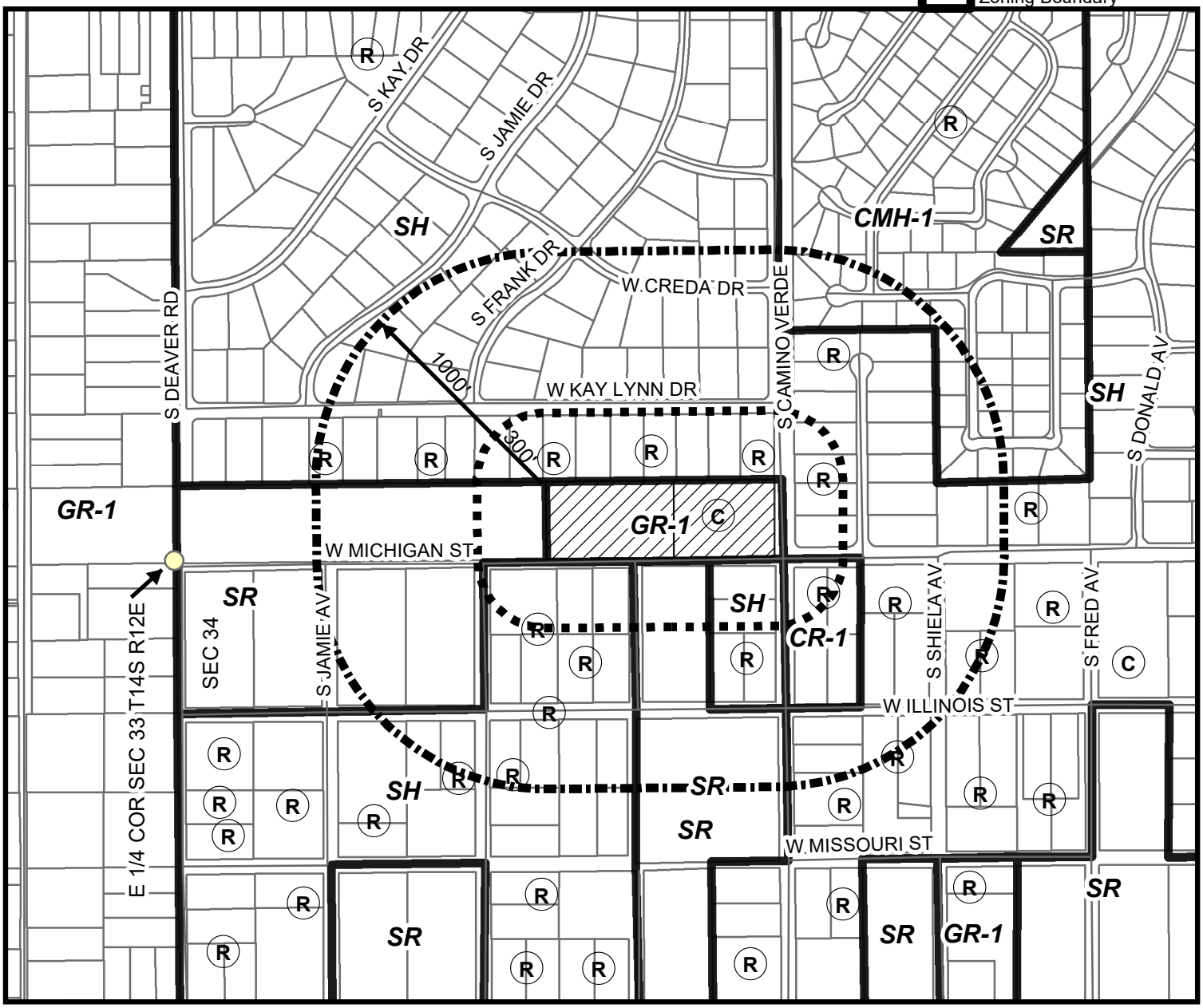
Case #: P18RZ00003

Case Name: HILDRETH EUGENE LIVING TR - W. MICHIGAN STREET REZONING

Tax Code(s): 21245020A & 21245020B

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

REZONING CLOSURE



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **REZONING CLOSURE**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Board of Supervisors Hearing: 10/6/20

Base Map(s): 38	Map Scale: 1:8,000	Map Date: 8/28/2020 - ds

N W E S

Low Intensity Urban (LIU)

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

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

Low Intensity Urban 3.0 (LIU-3.0)

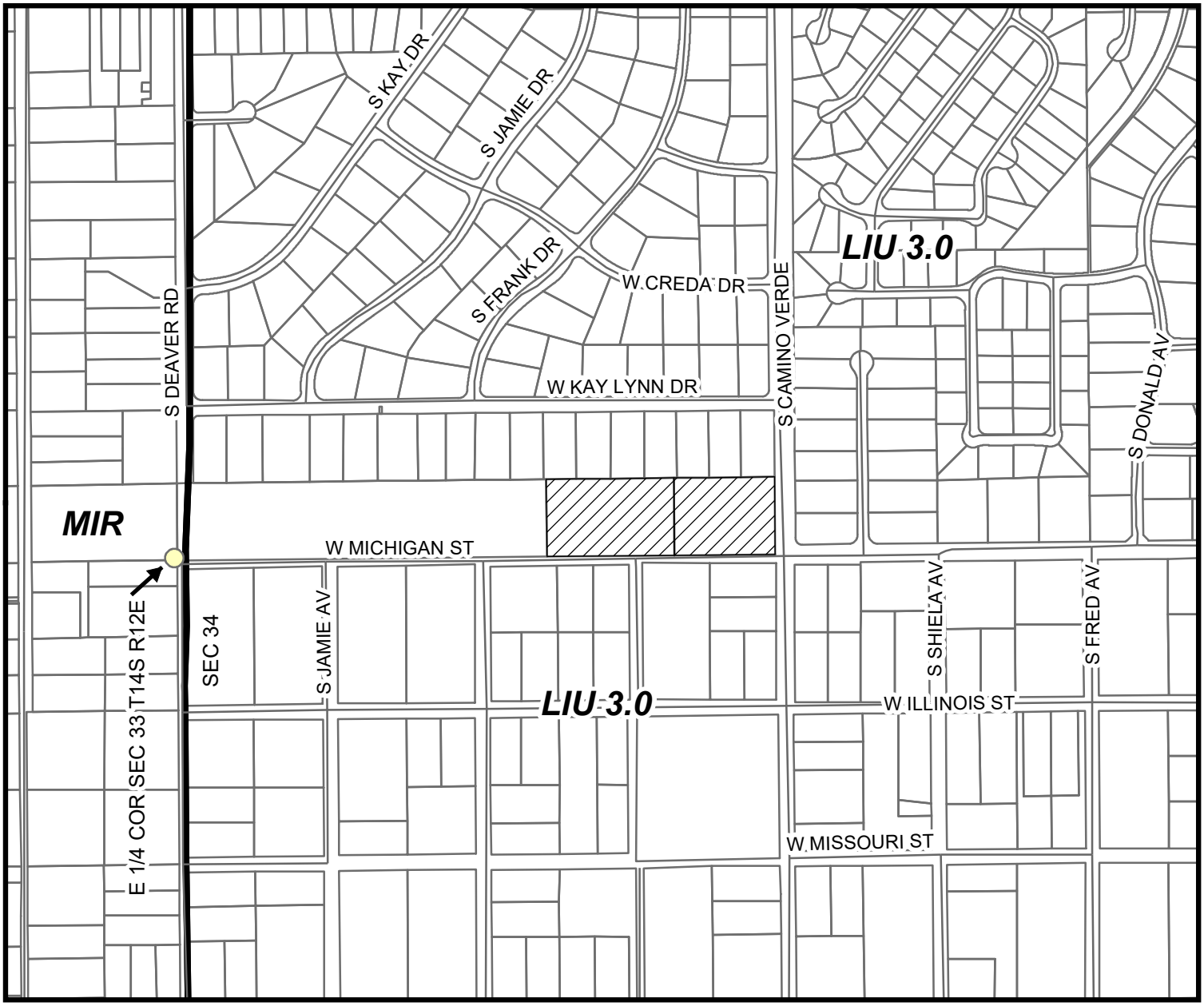
- Residential Gross Density: Minimum- none; Maximum- 3.0 RAC
- Residential Gross Densities for TDR Receiving Areas: Minimum- 1.5 RAC; Maximum- 3.0 RAC

Case #: P18RZ00003

Case Name: HILDRETH EUGENE LIVING TR - W. MICHIGAN STREET REZONING

Tax Code(s): 21245020A & 21245020B

COMPREHENSIVE PLAN EXHIBIT



0 285 570 1,140 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

PIMA COUNTY
DEVELOPMENT SERVICES

Notes: **REZONING CLOSURE**

PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10

Map Scale: 1:8,000

Map Date: 9/3/2020 - ds

N W E S

Eugene A. Hildreth
109 Grant Avenue
Wheeling, WV 26003
520-548-8799
hildrethgene@outlook.com

August 4, 2020

RE: Request of Closure of the Rezoning Case for Parcels: #212-45-020B & #212-45-020A

To whom it may concern:

I am owner of parcels #212-45-020B and #212-45-020A would like to request the closure of the rezoning case upon them. As I am no longer living in Tucson, I would like the properties to revert back to the original ~~SH~~ SR zoning.

Please do not hesitate to call with any questions, (520) 548-8799.

Cordially,

Gene Hildreth

Gene Hildreth
Owner

August 20, 2020

RE: Request of Closure of the Rezoning Case
for Parcels: #212-45-020A

To whom it may concern:

I being the current owner of parcel 212-45-020A I would like to continue the request of closure of the rezoning case upon them.

I would like the properties to revert back to the original SR zoning.

I hereby authorize Charles Corrales with Southwest Consulting Engineering to continue to working with Pima County to complete this process that has been started with the previous owner.

Charles Corrales
Southwest Consulting Engineering
2510 W Calle Morado
Tucson, AZ 85745
520-241-2621
c.corrales@swconsultingce.com

Please do not hesitate to contact Mr. Corrales or myself with any questions.

Sincerely,

Jesus M Hernandez 8/20/2020

Jesus M Hernandez

Ana H Noriega 8/20/2020

Ana H Noriega

Electronically Signed using eSignOnline™ [Session ID : c08ccea1-51e3-4b80-b336-89b49889428b]

DocuSign Envelope ID: FC726A8A-3625-4F54-920B-88926D84E1D9

August 20, 2020

RE: Request of Closure of the Rezoning Case
for Parcels: #212-45-020B

To whom it may concern:

I being the current owner of parcel 212-45-020B I would like to continue the request of closure of the rezoning case upon them.

I would like the properties to revert back to the original SR zoning.

I hereby authorize Charles Corrales with Southwest Consulting Engineering to continue to working with Pima County to complete this process that has been started with the previous owner.

Charles Corrales
Southwest Consulting Engineering
2510 W Calle Morado
Tucson, AZ 85745
520-241-2621
c.corrales@swconsultingce.com

Please do not hesitate to contact Mr. Corrales or myself with any questions 520-289-7362.

Sincerely,

DocuSigned by:
2A346A892BF1445...

8/20/2020 | 12:11 PM

Jose Robles

ORDINANCE 2019- 6

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 7.66 ACRES OF PROPERTY (PARCEL CODES 212-45-020A AND 212-45-020B) FROM THE SR (SUBURBAN RANCH) TO GR-1 (RURAL RESIDENTIAL) ZONE, IN CASE P18RZ00003 HILDRETH EUGENE LIVING TR – W. MICHIGAN STREET REZONING, LOCATED AT THE NORTHWEST CORNER OF S. CAMINO VERDE AND W. MICHIGAN STREET, AND AMENDING PIMA COUNTY ZONING MAP NO. 38.

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

Section 1. The 7.66 acres located at the northwest corner of S. Camino Verde and W. Michigan Street and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 38, is rezoned from the SR (Suburban Ranch) to GR-1 (Rural Residential) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
   A. The property owner shall dedicate 45 feet of right-of way for Michigan Street along the development frontage.
   B. The property owner shall construct Michigan Street to Pima County Standards and provide all weather access along the development frontage.
3. Flood Control condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(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.
5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site

by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

6. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
7. No mobile or manufactured housing is allowed.
8. All bufferyards located on individual lots are required to be installed prior to final inspections and shall be maintained by the owners. Any conflicting easement to bufferyard placement will require the bufferyard to be moved outside of the easement unless approval from the utility company to co-locate the bufferyard within the easement is obtained.
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)."

Section 3. Time limits of conditions. Conditions 1 through 10 of Section 2 shall be completed no later than September 18, 2023.

Section 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 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this 22nd day of January, 2019.

JAN 22 2019

Chairman, Pima County Board of Supervisors

ATTEST:

Clerk, Board of Supervisors

Approved As To Form:

12/13/18

Deputy County Attorney

Approved:

Executive Secretary
Planning and Zoning Commission

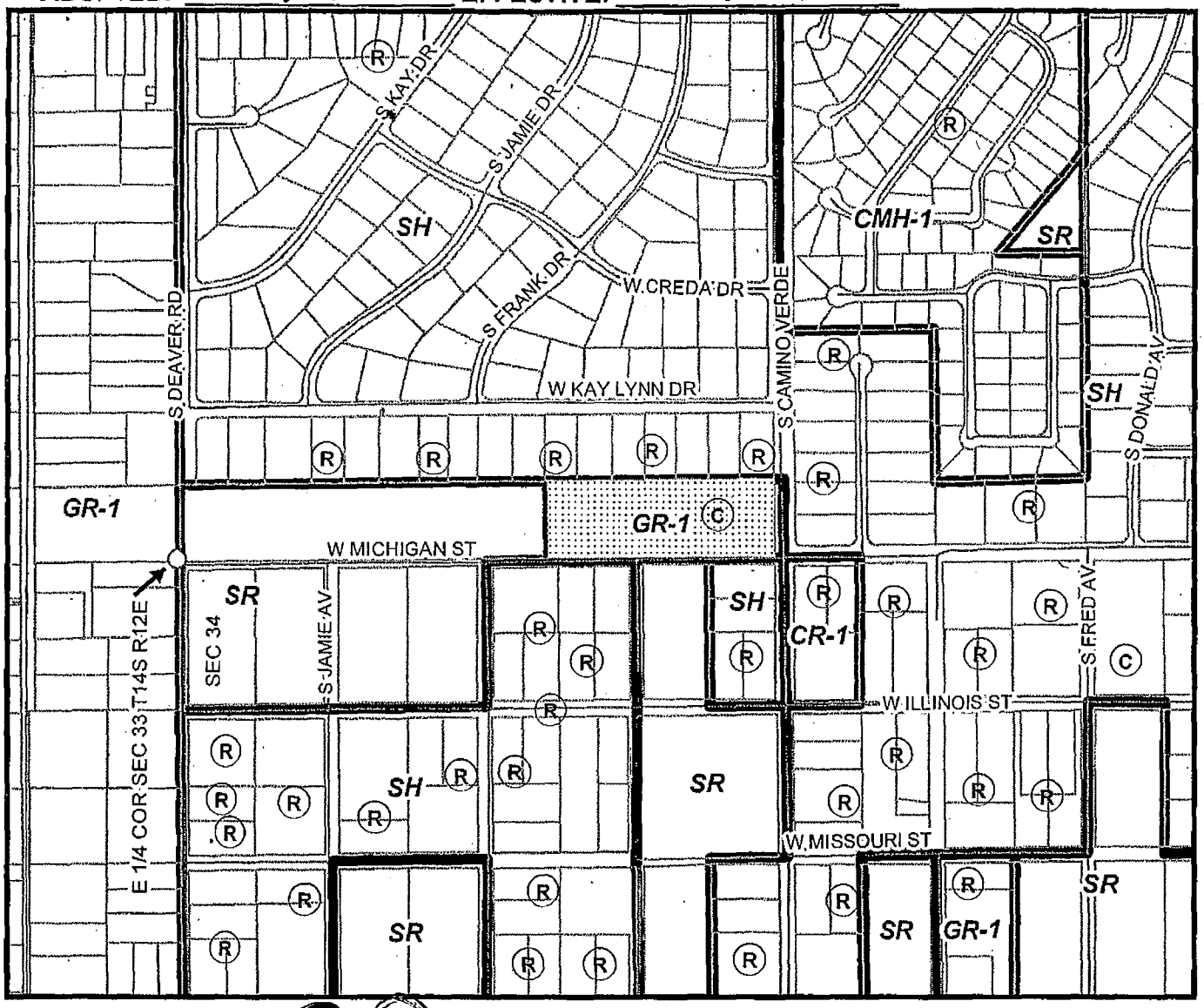
EXHIBIT A

AMENDMENT NO. 103 BY ORDINANCE NO. 2019-006
TO PIMA COUNTY ZONING MAP NO. 38 TUCSON AZ. PARCELS 20A AND 20B BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SEC 34 T14S R12E.

N W E S

0 165 330 660 Feet

ADOPTED: January 22, 2019 EFFECTIVE: January 22, 2019



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

(C) NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE FROM SR 7.66 ac
ds-October 23, 2018

PIMA COUNTY
DEVELOPMENT SERVICES

P18RZ00003
21245020A & 21245020B

PRELIMINARY DEVELOPMENT PLAN

PARCELS #212-45-020A
& #212-45-020B

PDP is for conceptual purposes only and does not give approval to associated engineering.

SCALE: 1" = 200'

PROJECT NOTES:

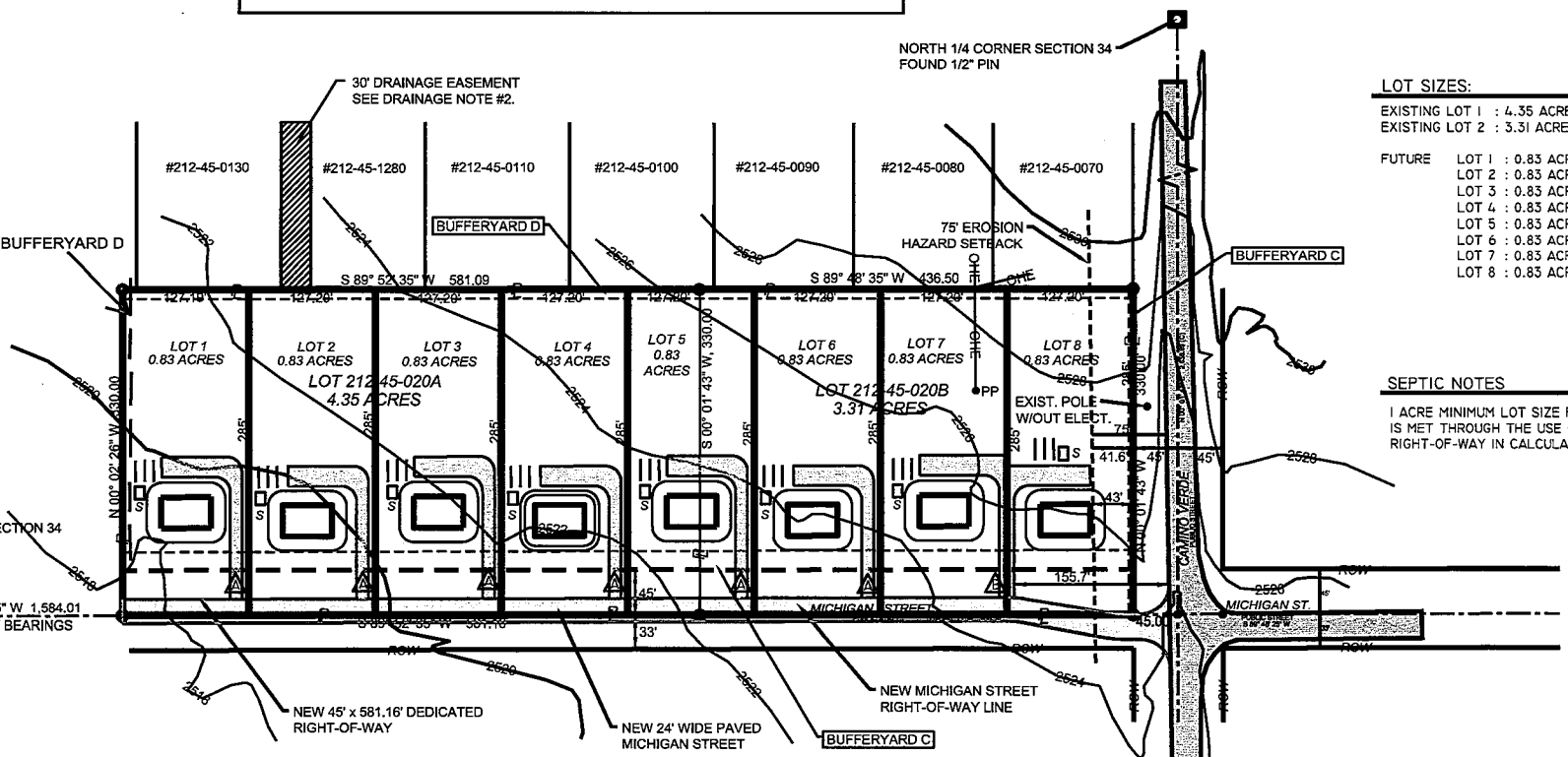
1. EXISTING ZONING = SR
   PROPOSED ZONING = GR-I
2. PROPOSED SETBACKS: FRONT = 30'
   SIDE = 10'
   BACK = 40'
3. LOTS ARE 0.83 ACRES AFTER RIGHT-OF-WAY TAKE
4. PROPOSED USE: SINGLE FAMILY HOMES
5. APPROXIMATE HOME SIZE: 1,500 TO 1,800 S.F.
6. PROPOSED HEIGHT: One & Two-Story
7. No manufactured housing
8. SEWER: SEPTIC
9. WATER: TUCSON WATER
10. ELECTRIC: TRICO
11. GAS: SOUTHWEST GAS

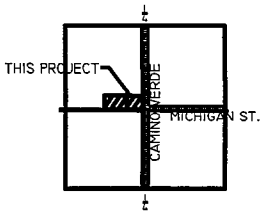
BUFFER YARDS

NORTH = BUFFERYARD D
EAST = BUFFERYARD C
SOUTH = BUFFERYARD B
WEST = BUFFERYARD D

LEGEND

- 12' INGRESS/EGRESS
- 15' SHARED INGRESS/EGRESS
- PP EXISTING POWER POLE
- OHE EXISTING OVERHEAD ELECTRIC





LOCATION MAP

NE ¼, SEC. 34, T 14 S, R 12 E

LOT SIZES:

EXISTING LOT 1 : 4.35 ACRES
EXISTING LOT 2 : 3.31 ACRES

FUTURE LOT 1 : 0.83 ACRES
LOT 2 : 0.83 ACRES
LOT 3 : 0.83 ACRES
LOT 4 : 0.83 ACRES
LOT 5 : 0.83 ACRES
LOT 6 : 0.83 ACRES
LOT 7 : 0.83 ACRES
LOT 8 : 0.83 ACRES

SEPTIC NOTES

1 ACRE MINIMUM LOT SIZE FOR SEPTIC IS MET THROUGH THE USE OF 1/2 RIGHT-OF-WAY IN CALCULATION.

DRAINAGE NOTES

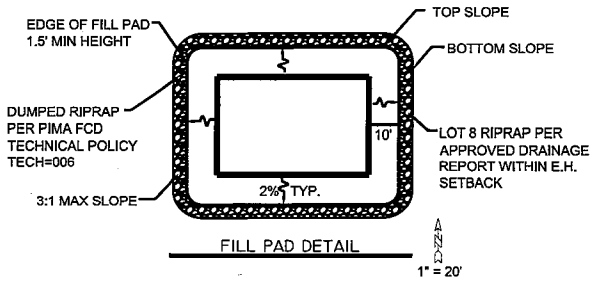
1. THERE IS A ONE-HALF FOOT DEPTH OF SHEET FLOODING ACROSS THE SITE. AN ENCROACHMENT ANALYSIS WILL BE REQUIRED AT THE TIME THE TENTATIVE PLAT IS SUBMITTED AND CHANGES TO FILL PAD ORIENTATION AND LOCATIONS MAY BE REQUIRED.

BASIS OF BEARINGS

THE NORTH-SOUTH CENTER SECTION LINE OF SECTION 34, FROM THE CENTER POINT OF SECTION 34 TO THE NORTH CENTER SECTION POINT, SAID BEARING BEING N 00° 03' 35" W, AS RECORDER IN THE CAMINO VERDE ESTATES PLAT, BOOK 45, PAGE 93.

ELECTRIC EASEMENT

THERE IS AN EXISTING TRICO ELECTRIC BLANKET EASEMENT ACROSS BOTH EXISTING PROPERTIES BY PRESCRIPTION.



FILL PAD DETAIL

1" = 20'

REFERENCES

A FIELD SURVEY COMPLETED BY EDGAR REYNOLDS AND ASSOCIATES, DATED 11/13/13 AND STAMPED BY EDGAR BRADFORD REYNOLDS, R.L.S. #31013

(C) CALCULATED

SOUTHWEST CONSULTING ENGINEERING

STEVEN M CORRALES, JR, PE, RLS
CONSULTING ENGINEERS / LAND SURVEYORS / LAND PLANNERS
2510 W. CALLE MORADO (520) 241-2621
TUCSON, AZ 85745 sce@swconsultingce.com