Tor PIMA COUNTY

BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 6, 2021

Title: P21RZ00003 PANNELL - E. PINTO LANE REZONING

Introduction/Background:

The applicant requests a rezoning (waiver of the platting requirement of the Lago Del Oro Zoning Plan) of approximately 1.23 acres from the GR-1 (Rural Residential) to the SH (Suburban Homestead) zone for two single-family residences on one lot. The Lago Del Oro Zoning Plan provides for SH zoning with an approved subdivision plat.

Discussion:

Current GR-1 zoning allows for one residence which currently exists on the property. The proposed SH zoning request will allow a second residence on one parcel. The Comprehensive Plan designation of Low Intensity Urban 3.0 (LIU-3.0) designates areas for low-density residential development at 3.0 residences per acre (RAC), maximum.

Conclusion:

The proposed rezoning (waiver of the platting requirement) conforms to the LIU-3.0 Comprehensive Plan designation with approximately 1.44 residences per acre (RAC).

Recommendation:

Staff and the Planning and Zoning Commission recommend APPROVAL of the rezoning (waiver of the platting requirement) subject to standard and special conditions.

Fiscal Impact:

0

Board of Supervisor District:								
⊠ 1	□ 2	□ 3	□ 4	□ 5	□ AII			
Department: Development Services - Planning Telephone: 520-724-8800								
Contact: Donna Spicola, Planner Telephone: 520-724-9513								
Department	Director Signatu	ure/Date.	Q 6/14	1/2/				
Deputy Cou	inty Administrato	or Signature/Date:	5	(6/14/2021			
County Adn	ninistrator Signat	ture/Date:	Pul	celtury	6/14/21			
			* *					



TO:

Honorable Rex Scott, Supervisor, District-1

FROM:

Chris Poirier, Deputy Director

Public Works-Development Services-Department-Planning

DATE:

June 15, 2021

SUBJECT:

P21RZ00003 PANNELL – E. PINTO LANE REZONING

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' TUESDAY, July 6, 2021 hearing.

REQUEST:

For a rezoning (waiver of the platting requirement) of approximately 1.23 acres from the GR-1 (Rural Residential) to the SH (Suburban Homestead) zone on property located on the northeast corner of N. Forecastle Avenue and E. Pinto

Lane, addressed as 3711 E. Pinto Lane.

OWNER:

Terry Pannell

3751 E Pinto Lane Tucson, AZ 85739

AGENT:

Same

DISTRICT:

1

STAFF CONTACT: Donna Spicola, Planner

PUBLIC COMMENT TO DATE: As of June 15, 2021, staff has not received any comments.

PLANNING & ZONING COMMISSION RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (6 - 0) (Commissioners Bain, Tronsdale, Membrila and Maese were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

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

TD/DS Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P21RZ00003

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FOR JULY 6, 2021 MEETING OF THE BOARD OF SUPERVISORS

TO:

HONORABLE BOARD OF SUPERMASORS

FROM:

Chris Poirier, Deputy Director,

Public Works-Development Services Depart

DATE:

June 15, 2021

UNADVERTISED ITEM FOR PUBLIC HEARING

REZONING (WAIVER OF THE PLATTING REQUIREMENT)

P21RZ00003 PANNELL - E. PINTO LANE REZONING

Terry Pannell requests a rezoning (waiver of the platting requirement of the Lago Del Oro Zoning Plan) for approximately 1.23 acres from the GR-1 (Rural Residential) to the SH (Suburban Homestead) zone on property located on the northeast corner of N. Forecastle Avenue and E. Pinto Lane, addressed as 3711 E. Pinto Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (6-0) (Commissioners Bain, Tronsdale, Membrila and Maese were absent). Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

(District 1)

Planning and Zoning Commission Public Hearing Summary (May 26, 2021)

The public hearing was held virtually and telephonically. The staff, applicant and speakers presented either virtually or telephonically.

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

A commissioner asked about the need to waive the platting requirement. Staff stated that to get the desired SH zone, rather than going through the zoning plan platting process, property owners must request a waiver of the platting requirement from the Commission and the Board, essentially a modification of an old zoning plan condition requiring a plat to rezone.

The commissioner asked if this is the case within all of the Lago Del Oro Zoning Plan or unique to this property. Staff stated there are a couple active zoning plans and a good portion of Catalina Foothills is affected by the zoning plan. The commissioner asked if the waiver may be requested for any rezoning or if SH zoning is the trigger. Staff responded that there are other zones within

P21RZ00003 Page 2 of 2

the Lago Del Oro Zoning Plan but GR-1 to SH zone is the most common request.

The applicant/owner stated that he would like the request to be approved.

A commissioner asked the applicant why he wanted the rezoning. The applicant stated that he wanted to add a single-wide to the property for his nephew to live in so he will be nearby to assist in taking care of the property.

The hearing was opened to the public.

No one from the public spoke.

The public hearing was closed.

Commissioner Matter made a motion to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS, Commissioner Hook gave second.

The commission voted to recommend **APPROVAL** of the rezoning (6 - 0) (Commissioners Bain, Tronsdale, Membrila and Maese were absent) subject to the following conditions:

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

- 1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Adherence to the sketch plan as approved at public hearing.
- 3. 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.
- 4. 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/DS Attachments

c: Terry Pannell, 3751 E Pinto Lane, Tucson, AZ 85739 Thomas Drzazgowski, Chief Zoning Inspector P21RZ00003 File

M. Forecastle AVE Form 35 From Property Center Forecastle Ave. '←23'→₁ 14'x70° Proposed Eron Property 1 Priveway 18 wide F. Pirto **EXISTING** From Property Line 24×60 150 From Property LINE 3711 E. Pinto IN. Parcel # 222-10-07:80

Case #: P21RZ00003

Case Name: PANNELL - E. PINTO LANE REZONING

Tax Code(s):222-10-0780

Aerial Exhibit



0 180 360 720 Feet

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT PLANNING DIVISION Notes: Waiver of the Platting Requirement PIMA COUNTY PIMA COUNTY DEVELOPMENT SERVICES Map Scale: 1:5,000 Map Date: 4/23/2021 - ds

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

HEARING May 26, 2021

DISTRICT 1

CASE P21RZ00003 Pannell – E. Pinto

Lane Rezoning

REQUEST Waiver of the Platting Requirements

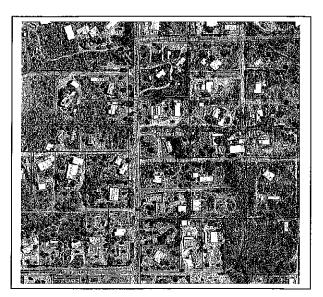
of the Lago Del Oro Zoning Plan (Co13-63-17) to Rezone from GR-1 (Rural Residential) to the SH (Suburban Homestead) zone on

1.39 acres

OWNER Terry Pannell

3751 E Pinto Lane Tucson, AZ 85739

APPLICANT Same



<u>APPLICANT'S PROPOSED USE</u>

The applicant proposes residential use.

APPLICANT'S STATED REASON

Allow for two residences on one parcel, one residence is existing and one residence is proposed.

STAFF REPORT SUMMARY

Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The applicant proposes a Waiver of the Platting Requirement of the Lago Del Oro Zoning Plan to rezone the property to the SH zone and add an additional residence to the current parcel. The proposal conforms to the Comprehensive Plan land use designation of Low Intensity Urban 3.0 (LIU-3.0).

PUBLIC COMMENT

Staff has not received any written public comments as of May 3, 2021.

COMPREHENSIVE PLAN

The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 3.0 (LIU-3.0), which designates areas for low-density residential and other compatible uses at a maximum density of 3.0 residences per acre (RAC) with no required minimum density. The proposed density for the subject property is approximately 1.44 RAC. There are no special area or rezoning policies associated with this site.

SURROUNDING LAND USES/GENERAL CHARACTER

North: SH / GR-1 Developed Residential

P21RZ00003 STAFF REPORT
Page 1

South: GR-1 East: SH / GR-1 GR-1

West:

Developed Residential Developed Residential Developed Residential

PREVIOUS REZONING CASES ON PROPERTY

The subject site lies within the area of the Lago Del Oro Zoning Plan (Co13-63-17). The plan provides for SH zoning with an approved subdivision plat. The applicant seeks a waiver of the subdivision platting requirement.

PREVIOUS REZONING CASES IN GENERAL AREA

In the area of the subject site, approximately twenty-two rezoning requests under the Lago del Oro Zoning Plan were approved between 1983 through 2014 from the GR-1 to the SH zone. The rezonings allowed an additional residence under the SH zone.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)

The subject property is located outside the Maeveen Marie Behan Conservation Lands System.

PLANNING REPORT

Staff has no objection to the Waiver of the Platting Requirement and to rezone to the SH zone because the proposed residential development is compatible with other residential development in the area, and the proposed density complies with the Low Intensity Urban 3.0 plan designation. Relative to concurrency, the impact of the rezoning should be minimal as only one additional residence is proposed. The site can be accessed from either N, Forecastle Avenue or E. Pinto Lane. An additional residence will not impact the capacity of the adjacent roadways.

The request for SH is through a Waiver of the Platting Requirement of the Lago Del Oro Zoning Plan. Plats are normally required for six or more lots, and also require paved access and underground utilities. Due to the size of the site only an additional residence is proposed. The lot is served by a septic system but it is unclear whether the new residence will share the same system currently being used for the existing residence or if a new septic system will be installed. Pima County Department of Environmental Quality (DEQ) approval will be required in either circumstance. The nearest public sewer is located more than 2000 feet to the west. The subject site is located outside of the Tucson Water Service area but is contiguous to parcels that are within the service area. The applicant states that water is from a private well with a 1/6 parcel share.

The property is relatively flat and is naturally vegetated with approximately 18 small to medium mesquite trees, one palo verde tree and one saguaro cactus. The site is not located within the Maeveen Marie Behan Conservation Lands System.

A variety of commercial services are available along the N. Oracle Road corridor, about two-thirds of a mile to the west. The nearest public K-8 school is located within an approximate three-mile travel distance. The school is located south of E. Golder Ranch Drive and east of N. Oracle Road. A fire station is located within an approximate two-mile travel distance. The nearest bus transit stop is located at E. Hawser Street and N. Oracle Road.

Sewer does not serve the area nor is E. Pinto Lane a paved road. The area lacks some valueadded constructed infrastructure improvements that improve livability and increase the tax base that supports service demand.

P21RZ00003 STAFF REPORT The GR-1 zone allows one residence per thirty-six thousand square feet. SH allows for one dwelling per eighteen thousand square feet with a minimum lot size of thirty-six thousand square feet.

Concurrency of Infrastructure

CONCURRENCY CONSIDERATIONS							
Department/Agency	Concurrency Considerations Met: Yes / No / NA	Other Comments					
TRANSPORTATION	Yes	No objection					
FLOOD CONTROL	Yes	No objection/comment					
WASTEWATER	Yes	No objection					
PARKS AND RECREATION	N/A	N/A					
WATER	N/A	Served by well					
SCHOOLS	N/A	N/A					

TRANSPORTATION REPORT

The Department of Transportation reviewed the request and has no objection and recommends approval of the proposed rezoning.

FLOOD CONTROL REPORT

The Regional Flood Control District reviewed the proposed rezoning request and has no objections or conditions. Floodplain and Regulated Riparian Habitat do not impact this property.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the rezoning submittal and offers the following comments. This request is to rezone a 1.4-acre property to allow an additional residence subject to the approval of the platting requirement waiver. The subject property is located outside of the PCRWRD service area.

It is unclear whether the new residence will share the same septic system with the existing residence. Utilization of the existing or installation of a new septic system for the proposed residence will require review and approval by DEQ.

PCRWRD has no objection to the proposed rezoning request. 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.

WATER DISTRICT REPORT

Lago del Oro Water Company did not respond to a request for comments.

GOLDER RANCH FIRE DISTRICT REPORT

Golder Ranch Fire District did not respond to a request for comments.

P21RZ00003

TUCSON ELECTRIC POWER COMPANY REPORT

Tucson Electric did not respond to a request for comments.

UNITED STATES FISH AND WILDLIFE SERVICE COMMENTS:

United States Fish and Wildlife Service has no concerns related to the subject property.

IF THE DECISION IS MADE TO APPROVE THE REZONING (WAIVER OF THE PLATTING REQUIREMENT), 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. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- 2. Adherence to the sketch plan as approved at public hearing.
- 3. 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.
- 4. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,

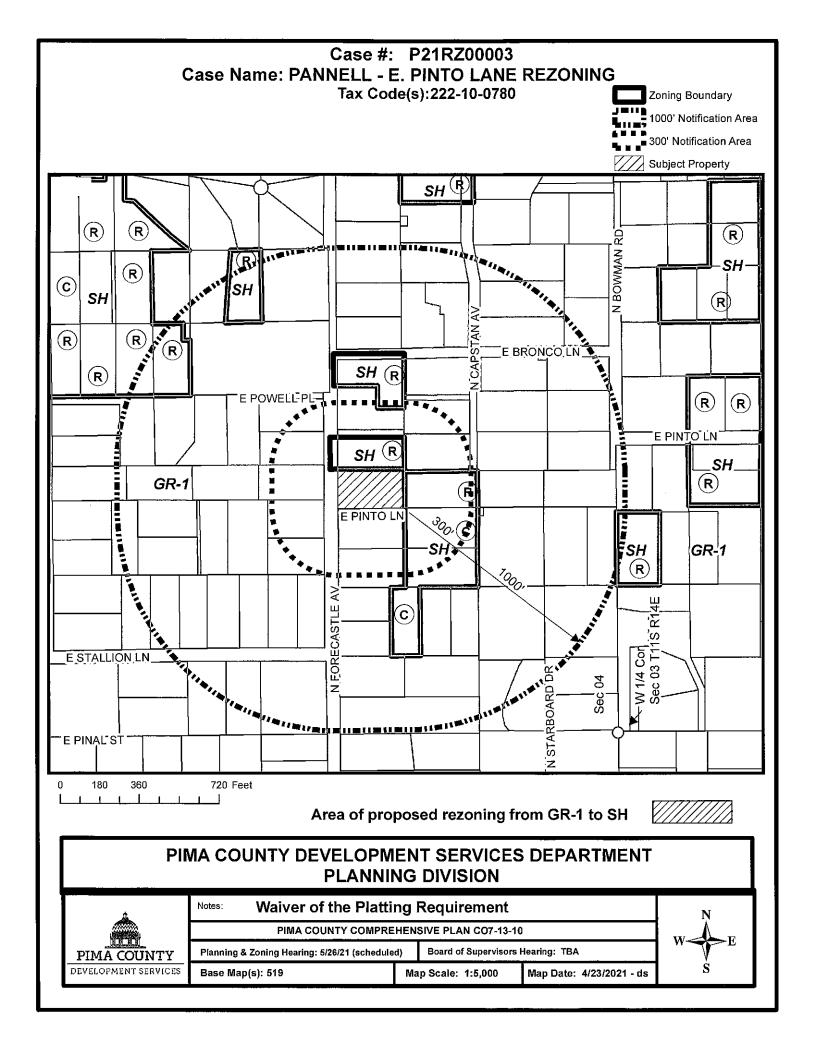
Donna Spicola

Donna Spicola Planner

TD/DS Attachments

cc: Terry Pannell, 3751 E Pinto Lane, Tucson, AZ 85739 Tom Drzazgowski, Chief Zoning Inspector P21RZ00003 File

P21RZ00003 STAFF REPORT





Land Use Legend and Map

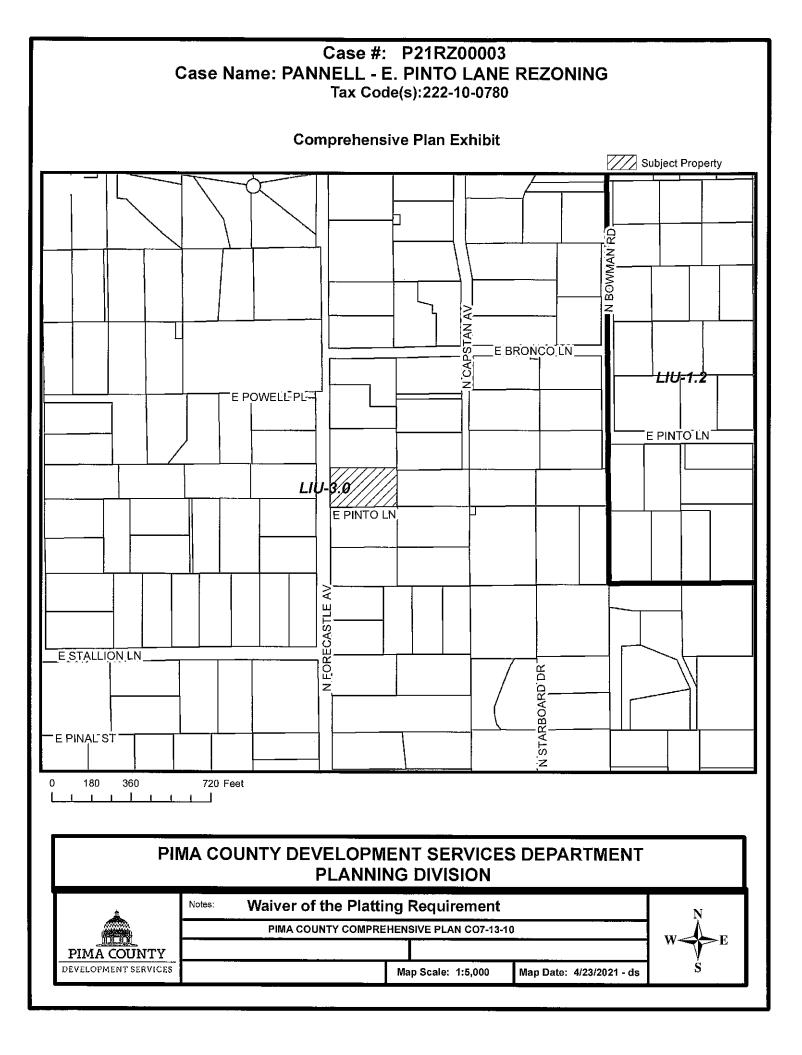
Low Intensity Urban (LIU)

Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are 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





201 N. Stone Avenue, Tucson, AZ 85701 (520) 724-9000 www.pima.gov/developmentservices

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.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

INSTRUCTIONS FOR SAVING FORM: 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. If you fill out the form before you download it, the info you entered will not be saved.

Project ID (case no., APN no., address, or other identifying info):

Terry Pannell - 3711 E Pinto Lane

Part I. Information Provided by Pima County Staff

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

 Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections) NA

> Important Riparian Area Biological Core Multi-Use Management Area

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

Part II. Information Provided by the Applicant

The Applicant will provide the following information to the best of their knowledge, as applicable:

- Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No If yes, provide a summary of those communications:
- 2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

Questions about this form?

Contact the Office of Sustainability and Conservation at (520) 724-6940.

Terry Pannell

3751 E. Pinto Ln

Tucson AZ 85739

520-979-4246

Dozzer7@outlook.com

1.23 acres or 53,727 square feet

Parcel # 222-10-0780 at 3711 E. Pinto In Tucson AZ 85739

I am requesting a waiver of the platting requirement of the Lago del Oro Zoning Plan, to change the zoning on my property from GR-1 (Rural Residential) to SH (Suburban Homestead).

To Donna Spicola

From Terry Pannell dozzer@outlook.com

Subject: RE: Request Special Action for 3711 E. Pinto Ln Tucson AZ 85739

This request is needed for my relative(s) to live on the property near me and to help maintain the property.

The total number of residential units is 1 existing and 1 proposed.

There will be 2 mobile homes on this property.

The water comes from a private well and is already existing on the property. The existing Septic is a 1000-gallon tank and will be 18 feet from the proposed mobile home. This septic was certified by Gross Septic on January 18th 2021 and the certificate is on file with Pima County under 3711 E. Pinto Ln.

The vegetation on this entire property includes 18 small to medium Mesquite trees, 1 Palo Verde tree and 1 Saguaro Cacti.

Thank You, Sincerely,

Terry Pannell 3751 E. Pinto LN Tucson AZ 85739

520-979-4246 dozzer@outlook.com