PIMA COUNTY
DEVELOPMENT SERVICES

DATE: June 27, 2014

TO: Planning and Zoning Commission

FROM: Terrill L. Tillman, Senior Planner

SUBJECT: Co9-14-05

This item was continued from the June 25, 2014 Planning and Zoning Commission due to lack of quorum. The staff report and recommended conditions remain the same. This report will be presented to the Planning and Zoning Commission on July 30, 2014.

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

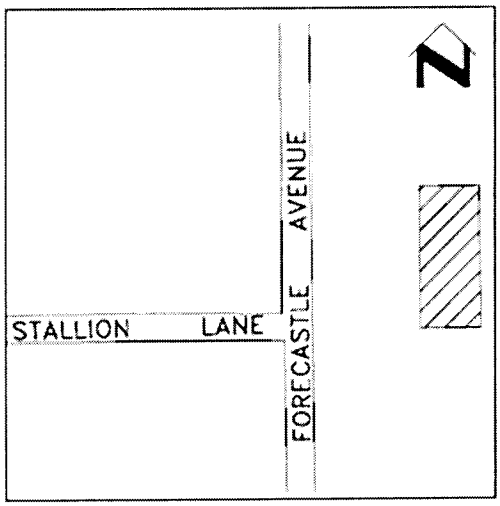
HEARING June 25, 2014

DISTRICT 1

CASE Co9-14-05 Bozzelli
North Forecastle Avenue
Zoning Plan Plat Waiver

REQUEST GR-1 (Rural Residential) to SH (Suburban Homestead) Zone
1 acre

OWNER Louise Bozzelli
16470 North Forecastle Avenue
Tucson, AZ 85739



APPLICANT'S PROPOSED USE
To allow the existing permitted secondary dwelling to remain as a permanent residence.

APPLICANT'S STATED REASON
...to reside there."

STAFF REPORT SUMMARY
The Development Services Department recommendation is **APPROVAL SUBJECT TO CONDITIONS**.

COMPREHENSIVE PLAN
The subject property is designated as LIU 3.0 (Low Intensity Urban) by the Pima County Comprehensive Plan and is located within the Lago Del Oro Zoning Plan. A rezoning request to the SH (Suburban Homestead) zone complies with the LIU 3.0 designation and the zoning plan. No special area or rezoning policies apply to the property, nor is the property located within a growth area.

MAEVEEN MARIE BEHAN CONSERVATION LAND SYSTEM (MMBCLS)
The subject property is not within a MMBCLS designation.

SURROUNDING LAND USES/GENERAL CHARACTER

North	GR-1/SH	Developed Residential
South	GR-1	Developed Residential
East	GR-1	Developed Residential
West	GR-1	Developed Residential

The surrounding neighborhood is developed low-density residential with grocery, gas, and services approximately three fourths of a mile to the east along Oracle Road.

PUBLIC COMMENT

To date of this report, staff has received no comments in response to this request.

PREVIOUS REZONING CASES ON PROPERTY

N/A

PREVIOUS REZONING CASES IN GENERAL AREA

There have been no recent residential rezonings in the area. There are five properties to the north that have been rezoned from the GR-1 to SH (one adjacent to the subject property) zone through similar requests to waive the platting requirements under the Lago Del Oro Zoning Plan. Numerous additional residential rezonings have occurred in the area under the zoning plan.

A commercial rezoning from the GR-1 to the CB-1 (Local Business) zone for a dollar store along Oracle Road was approved June 3, 2014 by the Board of Supervisors.

CONCURRENCY CONSIDERATIONS		
Department	*Concurrency Considerations Met: Yes / No / NA*	*Other Comments*
TRANSPORTATION	Yes	None
FLOOD CONTROL	Yes	None
WASTEWATER	NA	None
PARKS AND RECREATION	NA	None

PLANNING REPORT

The rezoning request is for a waiver of the platting requirements to allow a change of zoning from the GR-1 to the SH zone to allow an existing permitted temporary secondary dwelling to remain on the property permanently. SH zoning density allows one dwelling unit per 18,000 square feet. The one-acre parcel of land is large enough to contain only two units and is in keeping with the residential characteristics of the area.

TRANSPORTATION REPORT

The Pima County Department of Transportation has no objection to the requested rezoning/waiver of the platting requirements for the above referenced case. Concurrency criteria have been met since area roads are operating below capacity and the rezoning generates very little traffic. The applicants are requesting this rezoning to permanently allow their temporary secondary dwelling to remain on the property. The

request will result in two-dwellings on the property which could generate 20 trips per day. Access to the site is off an unpaved easement which serves 5 other parcels. The neared paved road is Stallion Lane approximately 250 feet west of the rezoning site. Any portion of the access easements that serve more than one residence will need to be paved/chip sealed for dust control.

The nearest major route is Oracle Road which has a current traffic count of 26,959 ADT and the traffic capacity is 37,710 ADT. Oracle Road, is a paved, five lane wide, undivided, urban minor arterial highway maintained by the Arizona Department of Transportation. The Arizona Department of Transportation's Capital Improvements Program has planned improvements to expand Oracle Road to a six-lane divided roadway. The improvements to Oracle Road include an additional 12-foot wide travel lane in each direction, 10-foot wide shoulder, raised center medians and left-turn lanes, retaining walls, noise walls, traffic signal improvements, drainage improvements, a shared use path on the east side of Oracle Road, and wildlife crossing structures.

Staff has no objection to the request subject to recommended condition #3.

REGIONAL FLOOD CONTROL DISTRICT REPORT(RFCD)
RFCD has reviewed this request and has the following comments:

1. The site is not impacted by regulatory floodplains, watercourses or riparian habitat.
2. No drainage complaints have been filed against the property.

The RFCD has no objection or recommended special conditions.

WASTEWATER MANAGEMENT REPORT
The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed this request and has no objection. The property is currently served by private on-site sewage disposal systems.

UNITED STATES FISH AND WILDLIFE REPORT
No comment.

IF THE DECISION IS MADE TO APPROVE THE WAIVE OF PLATTING REQUIREMENTS, 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:
   A. Record the necessary development related covenants as determined appropriate by the various County agencies.
   B. Provide development related assurances as required by the appropriate agencies.

C. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.

2. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
3. Pima County Department of Transportation: Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits
4. Environmental Planning condition: Upon the effective date of the rezoning ordinance associated with this rezoning, 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 shall transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current or any future property owner. Prior to issuance of the certificate of compliance, the owner(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
5. The property owner shall adhere to the sketch plan as approved at public hearing.
6. 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.
7. The property owner shall execute and record a disclaimer regarding Proposition 207 rights. The disclaimer must read as follows: "The 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 the 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)."

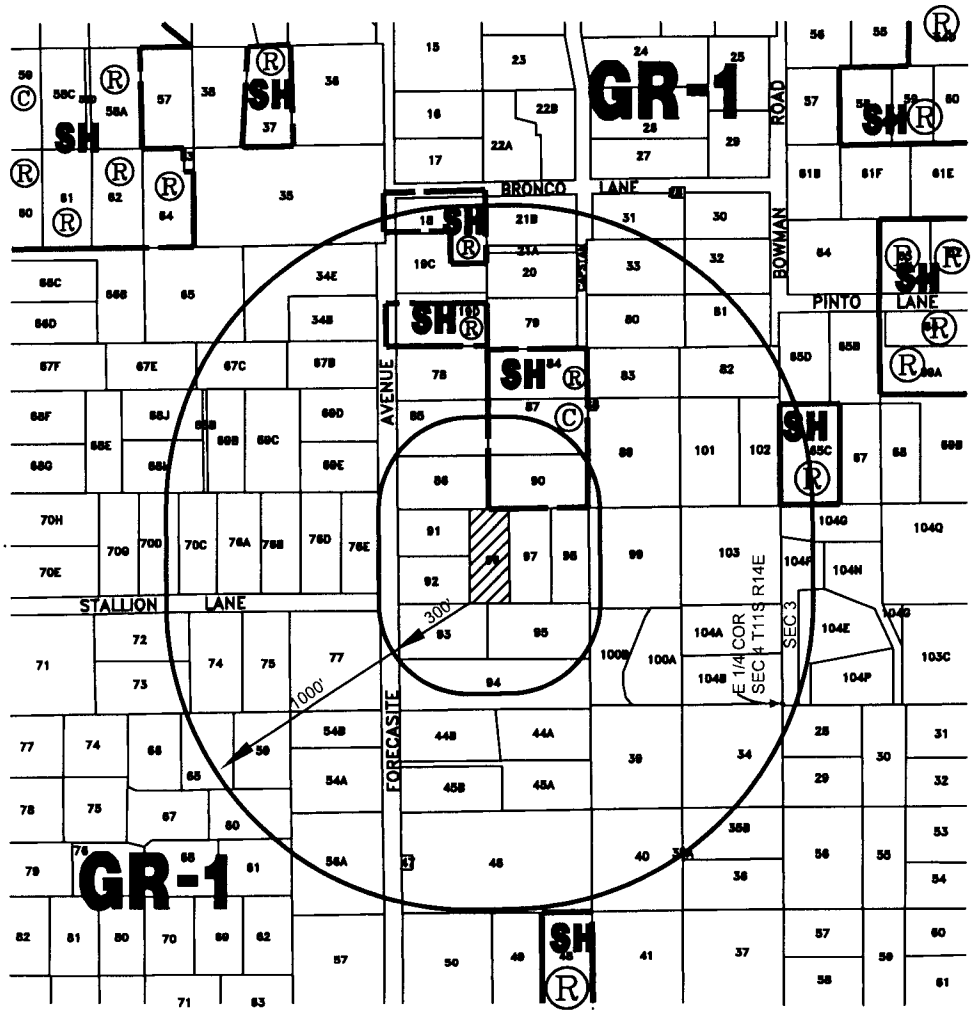
Respectfully Submitted,

Terrill L. Tillman
Senior Planner

Co9-14-05 BOZZELLI — NORTH FORECASTLE AVENUE REZONING **2012**

PIMA COUNTY COMPREHENSIVE PLAN
(C07-00-20)

0 600'



Area of proposed rezoning from **GR-1 to SH**

Notification area ——

BASE MAP 519

Notes Ref: Col3-63-17

Tax codes 222-10-0960

Date 06/02/14

Drafter DS

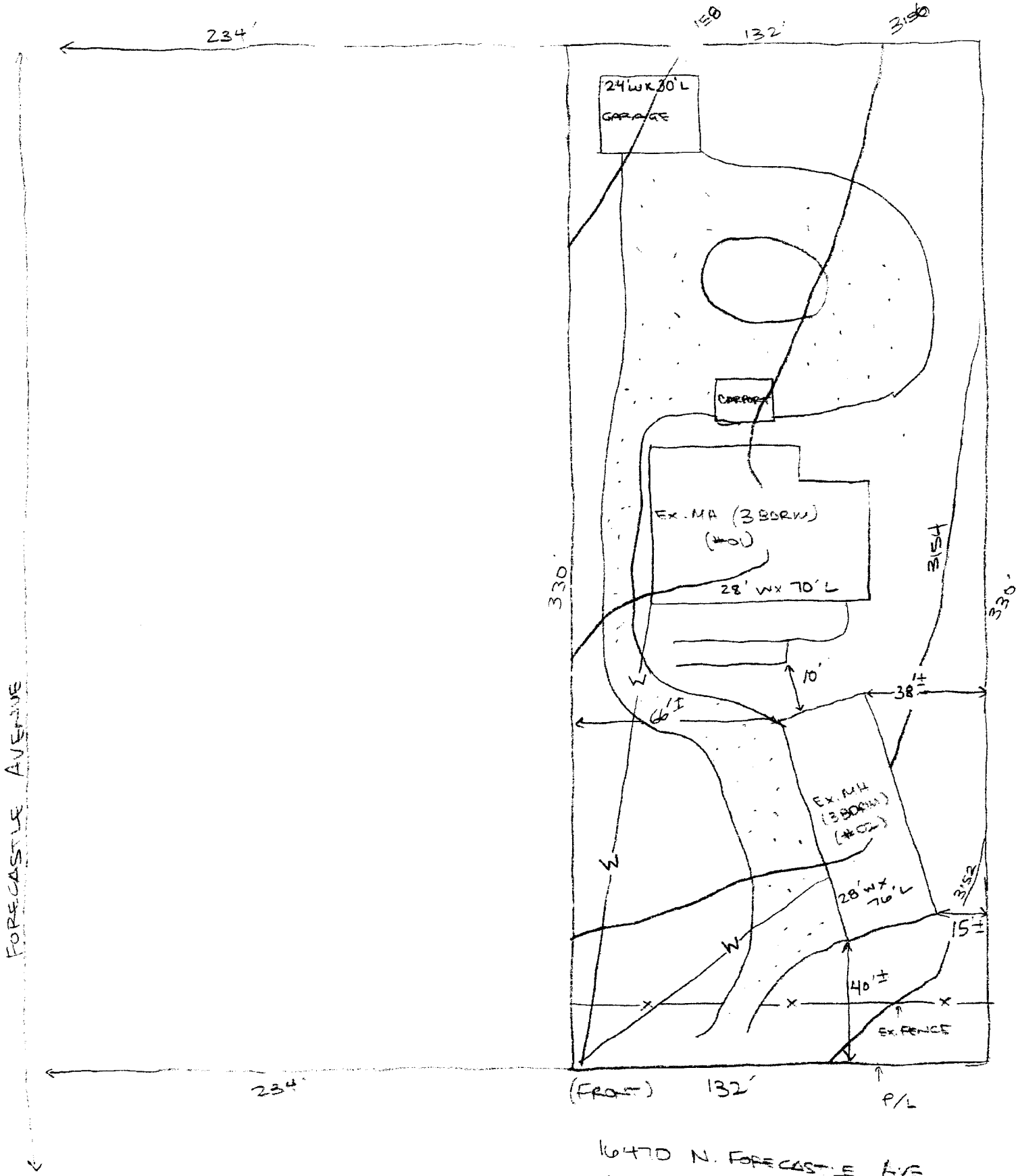
File no. C09-14-005

BOZZELLI

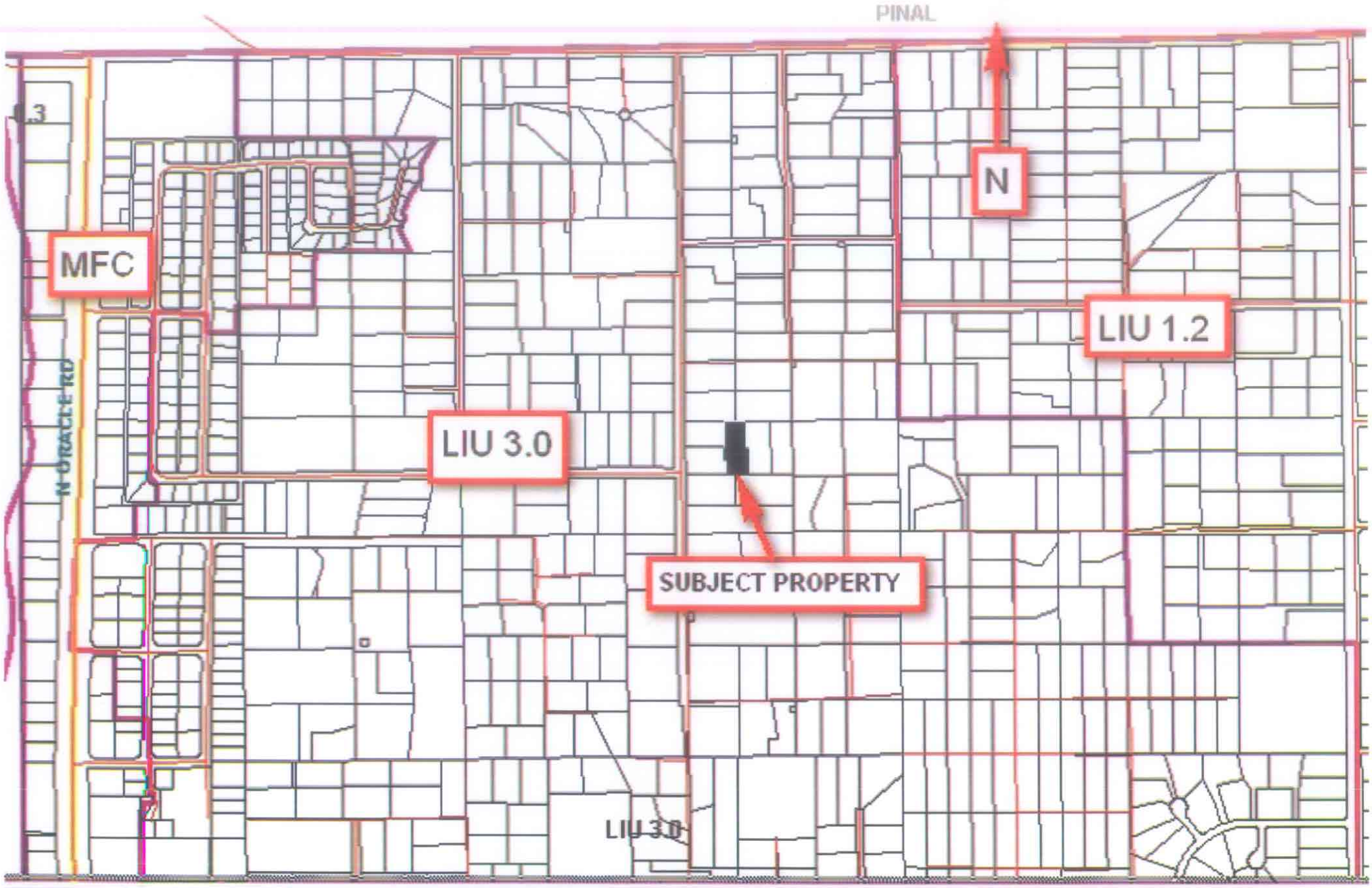
N FORECASTLE AVENUE REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION



6470 N. FORECASTLE AVE
PARCEL #222-10-0960
AREA = 1.0 AC



Pima County Comprehensive Plan
Subregion: Northwest Subregion
Designation: LIU 3.0 (Low Intensity Urban)

Low Intensity Urban 3.0
'LIU-3.0' or 'C-3.0' on the Land Use Plan Maps

(a) Minimum - none

(b) Maximum - 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:

  (i) Gross density of 4.0 RAC with 30 percent cluster open space.

(c) Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's). Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements, however the Board of Supervisors, on appeal at public hearing, may modify the required minimum density if environmental site constraints preclude the ability to achieve the minimum density.

  (i) Minimum density 1.5 RAC

  (ii) Maximum density 3.0 RAC. The maximum gross density may be increased in accordance with the following cluster option:

    (1) Gross density of 4.0 RAC with 30 percent cluster open space.