

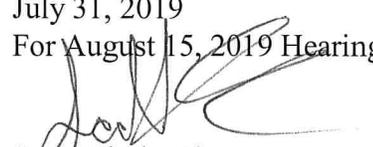


# MEMORANDUM

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DATE: July 31, 2019  
For August 15, 2019 Hearing

TO: John Iurino  
Zoning Examiner

FROM:   
Scott Clark, Director  
Planning & Development Services

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-19-08 Johnson – E. 22<sup>nd</sup> Street  
SR to RX-1 (Ward 4)

**Issue** – This is a request by Michael Marks, AICP, of MJM Consulting, Inc., on behalf of the property owner, Pamela Jo Johnson, care of Karen Patton, to rezone approximately 3.52 acres from SR to RX-1 zoning. The rezoning site is located on the south side of 22<sup>nd</sup> Street approximately 1,040 feet west of Melpomene Way (see Case Location Map). The preliminary development plan proposes rezoning the 3.52 acre parcel to allow a Lot Split to create lots of 1.85 and 1.67 acres. Access for both lots will be to E. 22<sup>nd</sup> Street.

**Planning & Development Services Recommendation** – The Planning & Development Services Department recommends approval of RX-1 zoning, subject to the attached preliminary conditions.

## **Background Information**

Existing Land Use: Single-family Dwelling with accessory outbuilding

### Zoning Descriptions:

SR: *Suburban Ranch Zone* is a very low density, large lot, single-family, residential development and suburban ranch uses. Minimum lot size is 3.3 acres.

RX-1: A *low density residential zone* that consists primarily of low density residential property, with recreational/tourist related enterprises permitted subject to lot size. Minimum lot size is 36,000 square feet.

### Surrounding Zones and Land Uses:

North: Zoned R-1; Single-family Residential  
South: Zoned SR; Undeveloped  
East: Zoned SR; Single-family Residential

West: Zoned RX-2; Single-family Residential

Previous Cases on the Property: none

Related Cases:

C9-86-11: Immediately north of the subject property, from SR and RX-1 to allow existing subdivision.

C9-97-19: Immediately to the west of the subject property, from SR to RX-2 to allow existing subdivision.

C9-05-31: Immediately south of subject property, from SR to RX-2 to allow Venado Vista Subdivision. Rezoning expired in 2016 due inaction and 10-year time limit.

These cases show a long history of rezoning from SR to higher density for new subdivisions.

**Applicant's Request** – “The plan is to split the property into two lots, leaving the existing home in one, and adding one new home in the new lot.”

**Planning Considerations** – Land use policy direction for this area is provided by *Plan Tucson*. The rezoning site is located within an Existing Neighborhood Building Block as identified on the Future Growth Scenario Map of *Plan Tucson*. Existing neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute further to neighborhood stability.

The pertinent policies of the Existing Neighborhoods Building Block include LT28.2.1, LT28.2.12, LT28.2.13 and LT28.2.14. These policies; support residential infill development of up to six residences per acre (RAC); promote environmentally sensitive design that protects the integrity of existing neighborhoods; support infill development that reflects sensitivity to site and neighborhood conditions; and, protect established residential neighborhoods by supporting compatible development.

The subject property is an irregularly-shaped rectangle with a north-south orientation. The property is roughly 622 feet long and 245 feet wide. The existing single-family residence is in the southeast corner of the property. The proposed lot will be the northerly portion of the rezoning site. The southern lot will have a “flag” access to 22<sup>nd</sup> Street, however, access will remain in its current location, and will cross the new lot. Both lots will access 22<sup>nd</sup> Street at the same location. The building pad for the proposed dwelling on the new lot is in the northeast portion of the site. The pad area is relatively flat. Field inspection by staff indicates there are currently no billboards on the rezoning site.

Twenty-second Street is designated as an Arterial Street on the *Major Streets and Routes Plan* map, with a 150-foot right-of-way (ROW). The existing ROW is approximately 115 feet wide, with a centerline offset 40 feet from the south ROW line. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 19 combined vehicle trips per day for the rezoning site. No roadway improvements are required for this rezoning.

### **Design Considerations**

**Land Use Compatibility** – The rezoning site is bounded by the Colonia De Las Brisas subdivision on the west, undeveloped, large lots to the south, a 3.92 acre site on the east (subject of the C9-19-09 rezoning case), and East 22<sup>nd</sup> Street to the north. North of the roadway is the Silverado Hills Subdivision. Three lots from Colonia De Las Brisas border the rezoning site. Those lots range from 0.56 acre to 0.63 acre in size. The proposed dwelling on the new lot will be toward the east side of the rezoning site. The pad is approximately 130 feet from the Colonia De Las Brisas Subdivision boundary. Maximum allowed building height in the RX-1 Zone is 30 feet. There are no anticipated impacts on the subdivision from the requested rezoning and proposed development.

**Drainage/Grading/Vegetation** – The rezoning site slopes from the north property line and from the south property line towards the middle of the site, where the Coronado Ridge Wash crosses from east to west. The fall is approximately 10 feet from the north and near 15 feet from the south. The wash continues west through the Colonia De Las Brisas Subdivision.

The Coronado Ridge Wash is an environmental Resource Zone (ERZ) regulatory wash, and is depicted on the Preliminary Development Plan (PDP). The wash straddles the proposed southern property line of the new lot. The regulated area is the 100-year floodplain. Additionally, there is a 16-foot Erosion Hazard Setback on either side of the 100-year floodplain. The floodplain width varies from approximately 55 feet to 85 feet as it crosses the rezoning site.

The existing driveway, from the existing dwelling, crosses the wash. Culverts run under the driveway at the crossing. The crossing can continue to be used, however, expansion of the driveway, or relocation, or other encroachment into the regulated area will require PDS review, and possibly mitigation.

Due to the proximity of the rezoning site to the existing sewer along the south side of 22<sup>nd</sup> Street, by policy, the proposed dwelling must be connected to the sewer system. A waiver from that requirement may be available to the future lot owner. That issue will be decided at the time of permitting for the new dwelling.

**Conclusion** – The proposal is in compliance with *Plan Tucson* policies. Subject to compliance with the attached preliminary conditions, approval of the requested RX-1 zoning is appropriate.

## Preliminary Conditions

PROCEDURAL

1. A development package for the building permit, in substantial compliance with the preliminary development package and required reports dated June 11, 2019, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment". The fully executed Waiver must be received by the Planning & Development Services Department before the item is scheduled for Mayor and Council action.
3. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

A copy of the archaeological assessment and survey report must be provided to the Entitlements Section at Planning & Development Services prior to scheduling the item for ordinance adoption.

4. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
5. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

A waiver to the public sewer connection requirement may be sought by the property owner. Should the waiver be granted, a permit from the Pima County Department

## Preliminary Conditions

of Environmental Quality will be required to install a private, on-site system. These decisions are to be made at the time of the building permit application.

6. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

## LAND USE COMPATIBILITY

7. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

## DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

9. Any future change in location or size of the driveway wash crossing, or other encroachment into the regulated wash area, will require review and approval per UDC 5.7 Environmental Resource Zone.

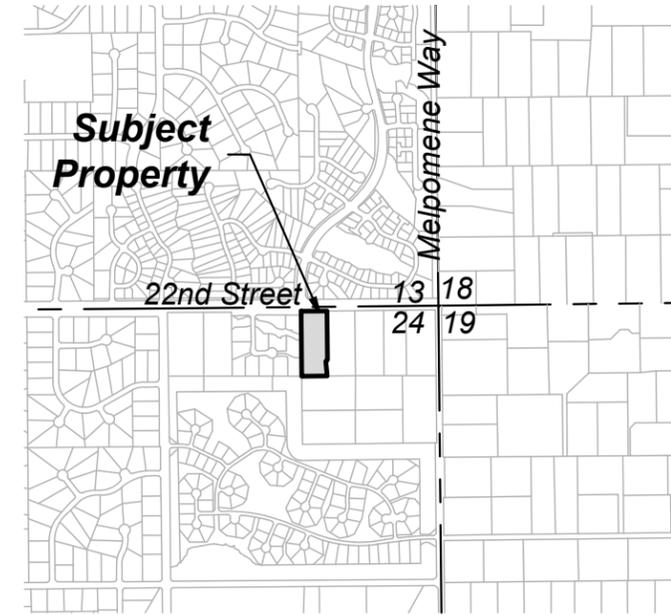
## TUCSON AIRPORT AUTHORITY NOTICE

10. According to the FAA Notice Criteria Tool, this project is located in proximity to a navigation facility and could impact navigation signal reception. The applicant shall file Form 7460 with the FAA at least 45 days before construction activities begin for the project. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes used which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Documentation of compliance with this condition must be provided to the Planning & Development Services Entitlements Division prior to scheduling the case for ordinance adoption.

General Notes:

1. THE SUBJECT PROPERTY CONTAINS 3.5 ACRES.
2. THE EXISTING ZONING IS SR.
3. THE PROPOSED ZONING IS RX-1.
4. THE EXISTING LAND USE IS ONE SINGLE FAMILY RESIDENCE.
5. THE PROPOSED LAND USE IS A TOTAL OF 2 SINGLE FAMILY RESIDENCES.
6. THE PROPERTY IS WITHIN THE BOUNDARIES OF THE RINCON/SOUTHEAST SUBREGIONAL PLAN.
7. THE PROPOSED USE AND CHANGE OF ZONING CONFORMS WITH THE NEARBY LAND USE AND ZONING.
8. THE ONE ADJACENT STREET IS 22<sup>ND</sup> STREET WHICH IS DESIGNATED BY THE MAJOR STREETS & ROUTES PLAN AS AN ARTERIAL ROADWAY.
9. THE ONLY OVERLAY ZONE THAT AFFECTS THE PROPERTY IS THE ENVIRONMENTAL RESOURCE ZONE, WHICH APPLIES TO THE AREA WITHIN THE BOUNDARIES OF THE CORONADO RIDGE WASH.
10. THE CORONADO RIDGE WASH IS REGULATORY BUT NOT A FEMA WASH NOR A WASH ORDINANCE WASH.
11. THE CRITICAL AND SENSITIVE BIOLOGICAL COMMUNITIES MAP DOES NOT AFFECT THE PROPERTY.
12. THE EASTERN PIMA COUNTY MASTER TRAILS PLAN DOES NOT SHOW ANY TRAILS WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
13. THERE ARE NO BILLBOARDS ON THE PROPERTY.
14. THERE ARE NO CURBS ON 22<sup>ND</sup> STREET ADJACENT TO THE PROPERTY.
15. THE CITY OF TUCSON DEPARTMENT OF TRANSPORTATION HAS DETERMINED THAT NO DEDICATION FOR 22<sup>ND</sup> STREET RIGHT-OF-WAY WILL BE REQUIRED. HOWEVER, THE BUILDING SETBACK ALONG 22<sup>ND</sup> STREET WILL BE THE SAME AS IF THE RW WAS DEDICATED. THAT IS SHOWN ON SHEET 2 OF THIS PDP.
16. LOT 1, AS SHOWN ON SHEETS 2 & 3, WAS DESIGNED WITH A 'FLAG' CONFIGURATION TO SATISFY THE TUCSON WATER DEPARTMENT REMOTE METER POLICY.



**Location Map**

Section 24,  
Township 14 South, Range 15 East,  
Gila and Salt River Meridian,  
Pima County, Arizona  
Scale: 3" = 1 Mile

**Received: Planning & Development Services  
C9-19-08 June 11, 2019**

**Property Owner**

Pamela Jo Johnson  
C/O Karen Patton  
10900 E. 22nd Street  
Tucson, AZ., 85748  
520-203-1001

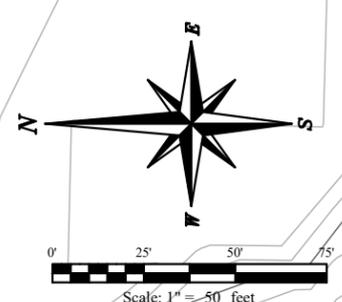
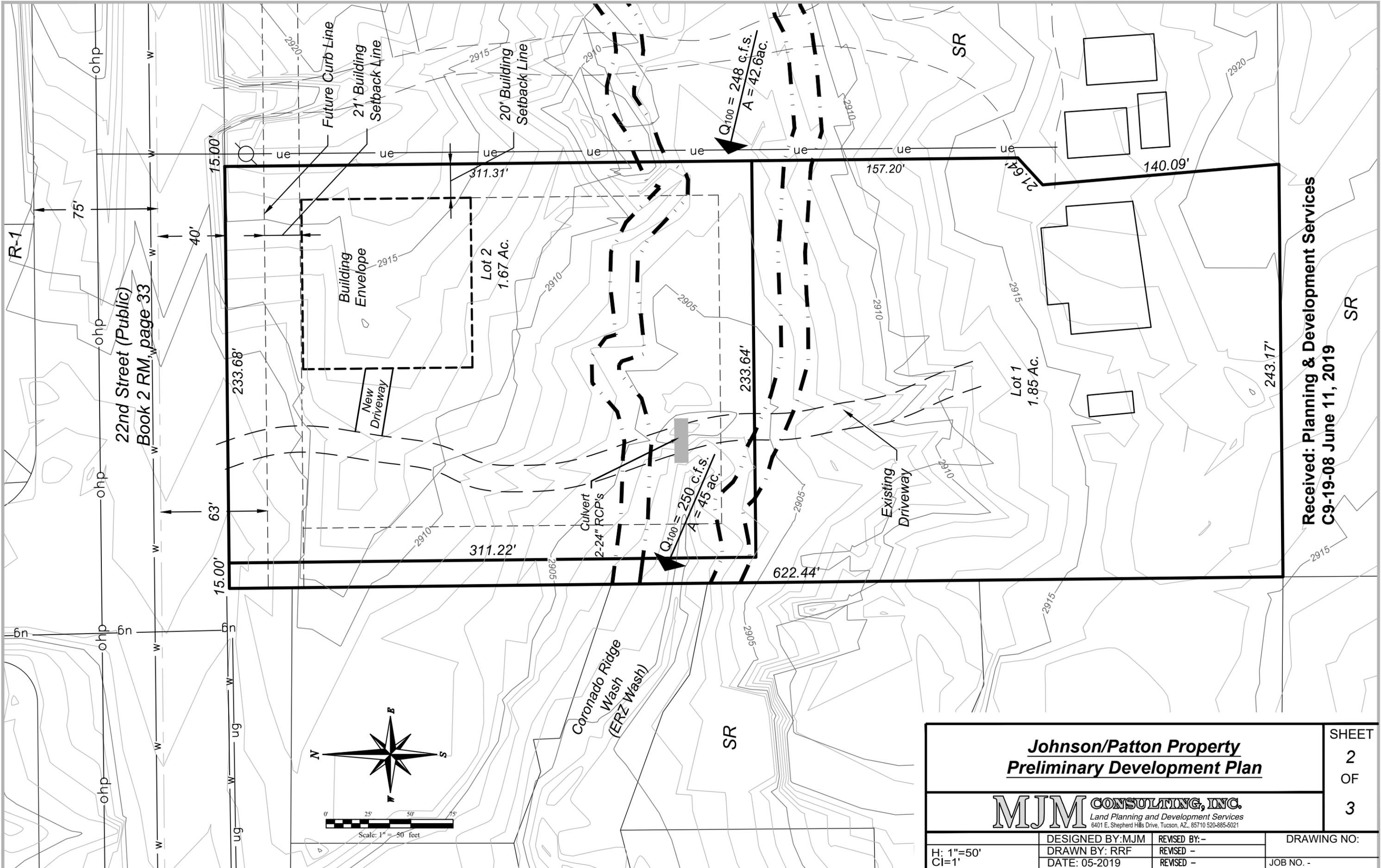
**Parcel Info**

APN: 136-09-002D  
10900 E. 22nd Street

**Applicant**

Michael Marks, AICP  
MJM Consulting, Inc.  
6401 E. Shepherd Hills Drive,  
Tucson, AZ. 85710  
520-241-8876

<b><u>Johnson/Patton Property Preliminary Development Plan</u></b>			SHEET 1 OF 3
<b>MJM CONSULTING, INC.</b> <small>Land Planning and Development Services 6401 E. Shepherd Hills Drive, Tucson, AZ., 85710 520-885-5021</small>			
	DESIGNED BY: MJM	REVISED BY: -	DRAWING NO:
H: CI=	DRAWN BY: RRF	REVISED -	
	DATE: 05-2019	REVISED -	JOB NO. -



<b>Johnson/Patton Property</b> <b>Preliminary Development Plan</b>			SHEET 2 OF 3
<b>MJMJ CONSULTING, INC.</b> <small>Land Planning and Development Services 6401 E. Shepherd Hills Drive, Tucson, AZ., 85710 520-885-5021</small>			
H: 1"=50' CI=1'	DESIGNED BY: MJM DRAWN BY: RRF DATE: 05-2019	REVISED BY: - REVISED - REVISED -	DRAWING NO: JOB NO. -

Received: Planning & Development Services  
C9-19-08 June 11, 2019

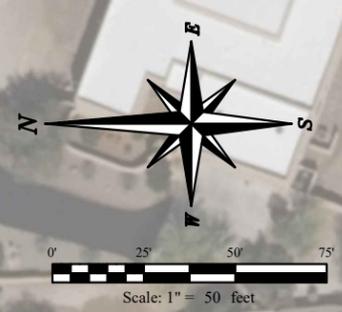
SR

SR

SR

Received: Planning & Development Services  
 C9-19-08 June 11, 2019

22nd Street (Public)  
 Book 2 RM, page 33



<b>Johnson/Patton Property Preliminary Development Plan</b>			SHEET 3 OF 3
<b>MJMJ CONSULTING, INC.</b> <small>Land Planning and Development Services 6401 E. Shepherd Hills Drive, Tucson, AZ., 85710 520-885-5021</small>			
DESIGNED BY: MJM	REVISED BY: -	DRAWING NO:	
H: 1"=50' CI=1'	DRAWN BY: RRF	REVISED -	
DATE: 05-2019	REVISED -	JOB NO. -	

**PUBLIC FACILITIES AND SERVICES REPORT FOR August 15, 2019**  
(as of July 17, 2019)

**C9-19-08 Johnson – E. 22<sup>nd</sup> Street, SR to RX-1**

**CITY AGENCIES: No Objections Noted**

**Environmental Services**

**PDSB – Engineering**

**PDSB – Landscape**

**PDSB – Sign Code**

**PDSB – Zoning Review**

**TDOT – Engineering**

**TDOT – Traffic Engineering**

**Tucson Parks and Recreation**

**Tucson Police Department**

**Tucson Fire Department**

**Tucson Water Department**

**Objections or Conditions Noted**

**PDSB – Historic Preservation Officer:** Cultural Resources Survey required.

**NON-CITY AGENCIES: No Objections Noted**

**Arizona Department of Transportation**

**Davis-Monthan Air Force Base**

**PAG-TPD:** Estimated traffic generation of proposed development: 19 vehicle trips per day.

**Pima County Transportation and Flood Control**

**Pima County Parks and Recreation**

**Tucson Electric Power**

**Tucson Unified School District**

**Objections or Conditions Noted**

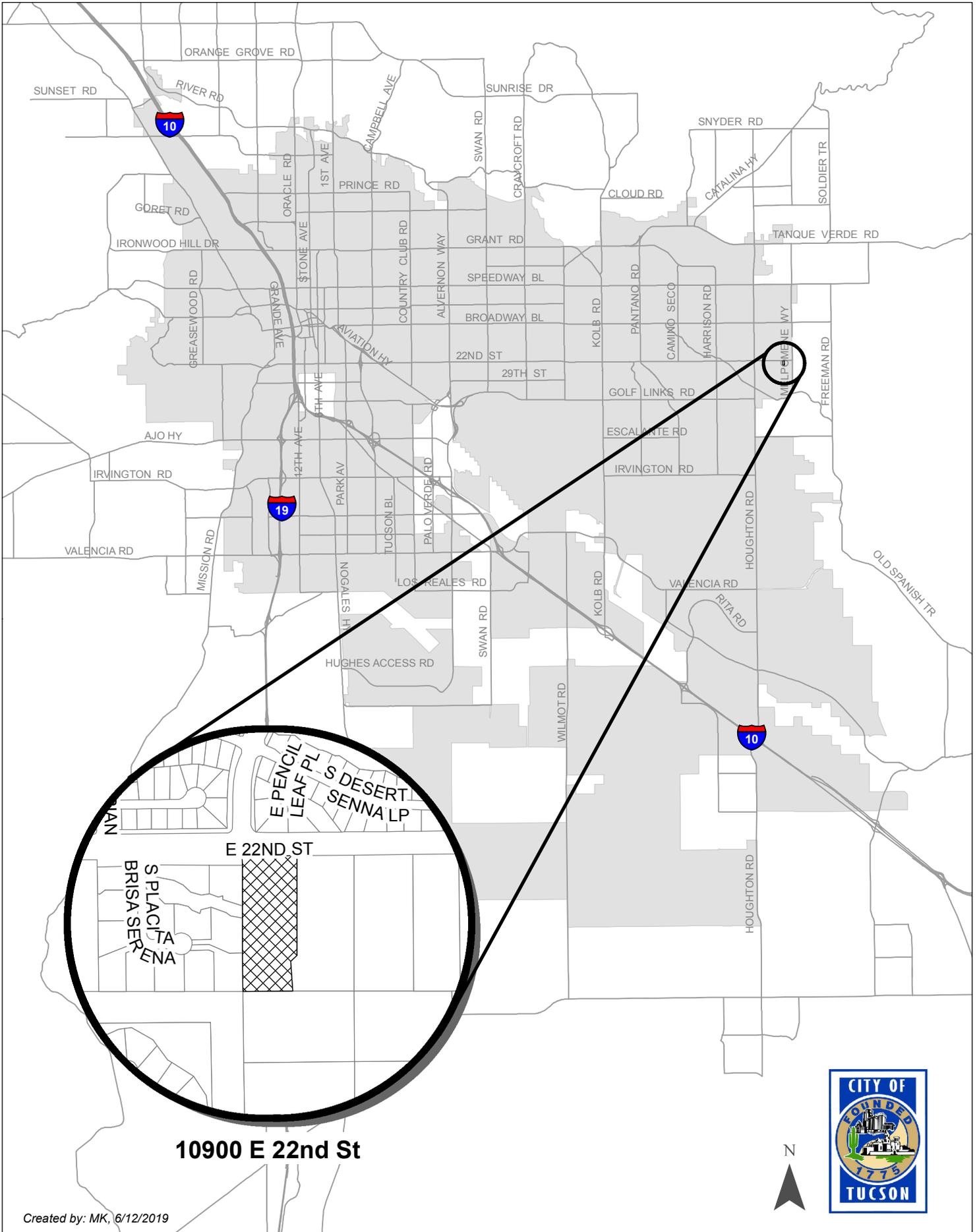
**Pima County Wastewater:** Standard Condition

**Tucson Airport Authority:** Standard Condition

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, July 31, 2019 at

<https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>

# C9-19-08 Johnson - 22nd St Rezoning Request: From SR to RX-1



**10900 E 22nd St**



**C9-19-08 Johnson - 22nd St.**  
**Rezoning Request: From SR to RX-1**



 Area of Rezoning: SR to RX-1

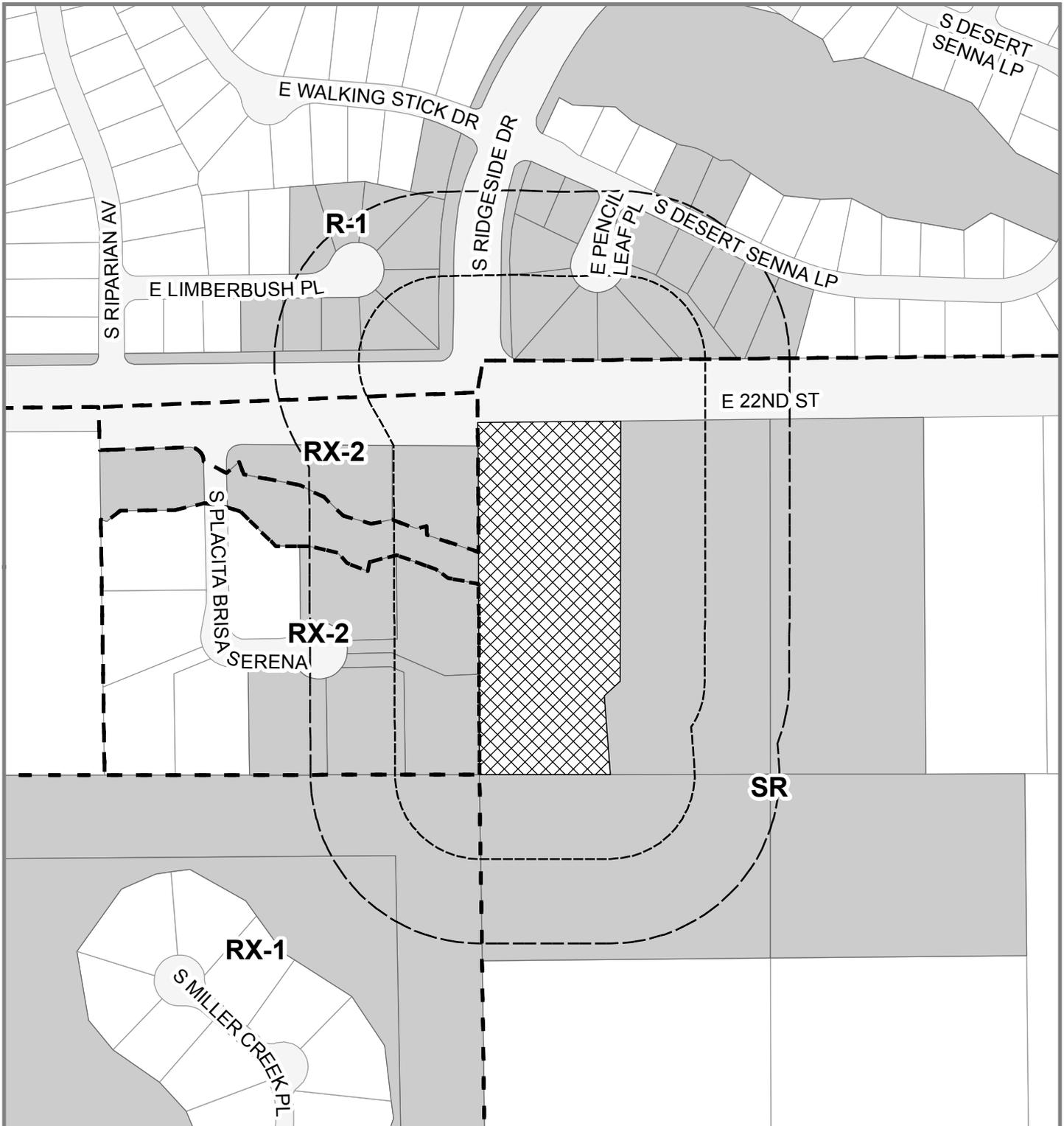
Address: 10900 E 22nd St  
Base Maps: Twp.14S Range 15E Sec.24  
Ward: 4

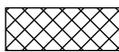
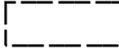


0 60 120 Feet  
1 inch = 125 feet

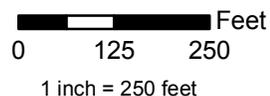


**C9-19-08 Johnson - 22nd St.**  
**Rezoning Request: From SR to RX-1**



-  Area of Rezoning: SR to RX-1
-  Protest Area (150 ft. radius)
-  Notification Area (300 ft. radius)
-  Zone Boundaries
-  Properties Notified

Address: 10900 E 22nd St  
 Base Maps: Twp.14S Range 15E Sec.24  
 Ward: 4





Place  
Stamp  
Here

City of Tucson  
**Planning and Development Services Department**  
Entitlements Section  
201 N. Stone  
P.O. Box 27210  
Tucson, Arizona 85726-7210

C9-19-08 mww

Expose this flap - Affix stamp and return

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City of Tucson  
Planning and Development Services  
Department - Entitlements Section  
201 N. Stone Avenue  
P.O. BOX 27210  
Tucson, Arizona 85726-7210

C9-19-08  
IMPORTANT LAND USE CHANGE NOTICE ENCLOSED