



# MEMORANDUM

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DATE: May 2, 2018  
For May 17, 2018 Hearing

TO: Steven Shell  
Zoning Examiner

FROM:   
Scott Clark  
Planning & Development Services  
Director

SUBJECT: REZONING  
PLANNING & DEVELOPMENT SERVICES REPORT  
C9-18-07 Meyer and Pearson – E. Magdalena Road  
SR to RX-1 (Ward 2)

**Issue** – This is a request by Michael Marks, AICP, of MJM Consulting, on behalf of the property owner, Meyer and Pearson Trust, care of Susan Meyer, Trustee, to rezone approximately 4.55 acres from SR to RX-1 zoning. The rezoning site is located on the north side of E. Magdalena Road, approximately 300 feet east of Gollob Road and 2000 feet west of S. Harrison Road (see Case Location Map). The preliminary development plan proposes re-subdivision of Lot 31, Halcyon Acres Annex, into four (4) lots.

**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

### Zoning Descriptions:

Suburban Ranch Zone (SR): This zone provides for very low density, large lot, single-family, residential development and suburban ranch uses. Uses that would adversely affect the open space, agricultural, or natural characteristics of this zone shall not be permitted.

Residence Zone (RX-1): This zone provides for suburban, low density, single-family, residential development, agriculture and other compatible neighborhood uses.

### Surrounding Zones and Land Uses:

North: Zoned RX-1; Single-family dwellings  
South: Zoned RX-1; Single-family dwelling  
East: Zoned R-1; Single-family dwelling

West: Zoned SR; Single-family dwellings

Previous Cases on the Property: none

Related Cases:

C9-85-53 Zimmerman – Magdalena Road, SR to RX-1. This was a rezoning request to allow the development of a one-story, single-family residence located immediately to the west of the subject property on the south side of Magdalena Road, approximately 300 feet north of Old Spanish Trail. On May 15, 1985, Mayor and Council adopted Ordinance No. 6352 and on January 6, 1986, a building permit was issued, effectuating the requested zoning.

C9-96-04 Vermillion – 20<sup>th</sup> Street SR to RX-1. This was a request to rezone 2.02 acres on the south side of 20<sup>th</sup> Street, approximately 600 feet east of Camino Seco, from SR to RX-1. The applicant proposed two-one acre lots and the construction of a one story, single family residence on the new lot. On August 5, 1996, the Mayor and Council voted unanimously to deny the request. The case was closed September 5, 1996.

C9-06-06 Brett – Brown Street, SR to RX-1 This was a rezoning request for 2.54 acres located on the west side of Brown Street, approximately 300 feet south of Broadway Boulevard to create two separate parcels and to construct a new residence on the northern lot. On November 13, 2013 Mayor and Council adopted Ordinance 11128, and on December 13, 2013, the rezoning was effectuated with the recordation of a plat.

C9-07-08 Stetson-Lohman – Brown Street, SR to RX-1 This was a rezoning request for 2.66 acres located on the west side of Brown Street, south of Broadway Boulevard, to create two separate parcels and to construct a new residence on the northern lot. On June 19, 2007, Mayor and Council adopted Ordinance No. 10422 and on July 23, 2007, a lot split was recorded, effectuating the requested zoning.

C9-07-11 Gaul - Stefan Road, SR to RX-1 This was a rezoning request for 4.20 acres located on the southwest corner of Harrison and Stefan Roads to allow the creation of four, one-acre lots consisting of an existing residence on one lot and the construction of one and two-story, single-family residences on the remaining three lots. On June 26, 2007, Mayor and Council adopted Ordinance 10663 and the rezoning was effectuated on September 11, 2009 with the recordation of a plat.

C9-09-08 Freitag – Magdalena Road, SR to RX-1 This was a request to rezone approximately 1.74 acres from SR to RX-1 zoning to accommodate splitting the subject parcel into two lots. The rezoning site is located on the south side of Magdalena Road, ¼ mile west of Harrison Road. On January 12, 2010 Mayor and Council adopted ordinance 10752, and the rezoning was effectuated with approval of a land split.

**Applicant’s Request** – “The owner wishes to divide the parcel into four lots of at least one acre in size each, with one home on each. That would amount to a total of four homes. This would comply with the Pantano East Area Plan and the developed nature of the neighborhood.”

**Planning Considerations** – Land use policy direction for this area is provided by the *Pantano East Area Plan and Plan Tucson*. The rezoning site is located within an Existing Neighborhood Growth Scenario 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. Within, Existing Neighborhoods, the *Plan Tucson* 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.

*Pantano East Area Plan (PEAP)* policies support preserving the integrity of established neighborhoods, and promote low-density residential developments within the interior of established low-density neighborhoods. The PEAP defines low-density residential as six (6) residences per acre or less. The proposal meets the density requirement.

The general area extending east of Gollob Road, to Harrison Road, between Broadway Boulevard and 22<sup>nd</sup> Street, has seen numerous rezonings from SR to RX-1 for the purposes of land division and infill development. Several of these rezoning took place approximately 10 years ago and are listed above. However, these types of rezoning have occurred over the last 30 years in this area.

The subject parcel is rectangular in shape with a north-south orientation, and consisting of 4.55 acres. As stated above the subject parcel is lot 31 of the Halcyon Acres Annex. Halcyon Acres Annex includes lots of significantly different sizes. The subject parcel appears to be one of the three largest lots in the subdivision.

The surrounding land uses are all single-family residences (SFR). To the north and west are SFR on RX-1 zoned lots of various sizes, ranging from approximately one-acre to 3.5 acres. The property to the east is a 4.5 acre parcel, zoned SR. Immediately south of the subject site, south of Magdalena Road, is a SFR on 3.05 acres. The proposed density of less than one residence per acre complies with policies in both *Plan Tucson* and the *PEAP*.

Field inspection by staff indicates there are currently no billboards on the rezoning site.

### **Design Considerations**

**Land Use Compatibility** – The property is currently developed with a single-family dwelling. Three additional single-family dwellings are proposed if the rezoning is approved. Each of the lots will exceed one acre, in character with the surrounding neighborhood. RX-1 allows a

maximum building height of 30 feet, same as the maximum in SR and compatible with the the 25 foot maximum in R-1. Due to the proposed lot sizes, extensive vegetation on the site and the overall moderate grading needed for development, staff does not foresee privacy issues due to development. No specific privacy conditions are proposed.

Drainage/Grading/Vegetation – The rezoning site is relatively flat and is fairly heavily vegetated. An unmapped wash crosses the south one-half of the property, flowing from the southeast to the northwest, and bisecting proposed Lots 1 and 2. The area inundated by the wash appears to be riparian in character. The wash enters the site at 108 c.f.s in a 100 year event and leaves the site at 152c.f.s. Due to the flow exceeding 100 c.f.s., the wash is a regulated 100-year floodplain. The existing driveway that will serve Lots 1 and 2 crosses the wash. Staff is recommending a condition that the existing driveway and the proposed easement along the eastern property line will be the only wash crossings allowed in development of the site. A hydrology and hydraulic report, substantiating the information shown on the preliminary development plan, will be required at the time of Development Package review.

Road Improvements/Vehicular Access/Circulation – The property only has frontage on East Magdalena Road, consequently, all vehicle trips will begin on Magdalena Road. Lots 3 and 4 will have access by way of a new driveway along the east boundary of the site. Lots 1 and 2 will share the existing driveway. Three hundred feet west of the parcel is Gollob Road which runs north-south and connects with Broadway Boulevard and Old Spanish Trail, respectively. Depending on the trip split, the traffic impact on Magdalena Road east of the rezoning may not be 100%. No trip split information has been made available.

It should be noted that the owners of the lot, two properties east of the subject parcel, have also submitted a rezoning request (C9-18-08) for RX-1 zoning, to create 4-lot subdivision from a 4.62 acre parcel. These proposals, taken together, may generate 57.3 additional vehicle trips per day (approximately eight (8) additional peak-hour trips) in this immediate area, however, there is no indication the additional traffic will create significant problems.

**Conclusion** – The rezoning and subsequent development proposal is in compliance with the polices of Plan Tucson and the Pantano East Area Plan which support infill development that preserves the character of the neighborhood. Subject to compliance with the attached preliminary conditions, approval of the requested RX-1 zoning is appropriate.

## Preliminary Conditions

PROCEDURAL

1. A development package in substantial compliance with the preliminary development package and required reports dated March 29, 2018 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. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
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.
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.

Preliminary Conditions

8. Six (6) inch wide masonry block or greater shall be used for perimeter walls.

DRAINAGE/GRADING/VEGETATION/HEAT ISLAND MITIGATION

9. A hydrology and hydraulic report, substantiating the information shown on the preliminary development plan, will be required at the time of Development Package review.

ROAD IMPROVEMENTS/VEHICULAR ACCESS/CIRCULATION

10. Wash crossings shall be limited to the existing driveway and the proposed easement along the eastern property line.

AGREEMENT TO WAIVE ANY CLAIMS  
AGAINST THE CITY FOR ZONING AMENDMENT

This agreement ( "**Agreement**") is entered into between \_\_\_\_\_, as the owner of the property described herein ("**Owner**") and the City of Tucson ("**City**") to waive any and all claims for diminution of value that may be based upon action by the City in response to a request from the Owner. This Agreement is entered into in conformance with A.R.S. §12-1134(I).

The Owner is the holder of fee title to the property located at \_\_\_\_\_, Tucson, Arizona, (the "Property") which is more fully described in the Owner's application to the City in Case \_\_\_\_\_ and incorporated herein. The Owner, or the authorized agent of the Owner, has submitted an application to the City requesting that the City rezone the Property. The Owner has requested this action because the Owner has plans for the development of the Property that require the rezoning. The Owner believes that the rezoning of the Property will increase the value and development potential of the Property, and that this outweighs any rights or remedies that may be obtained under A.R.S. §12-1134 et. seq.

By signing this Agreement, the Owner waives any right or claim that may arise under A.R.S. §12-1134, including any claim for the reduction in the value of the Property, as a result of the enactment of the zoning amendment in Case \_\_\_\_\_.

The Owner understands that City staff may propose, the Zoning Examiner may recommend and the Mayor and Council may adopt conditions to the requested zoning that limit the potential development of the Property. The Owner acknowledges that the rezoning and conditions are a single, integrated legislative approval. The Owner agrees and consents to all conditions that may be imposed. The Owner retains the right to withdraw the rezoning application prior to a vote by the Mayor and Council or to decline to implement the necessary requirements to effectuate the zoning if the Owner disagrees with any conditions that are proposed or approved. If the Owner does not withdraw the application, the Owner shall be deemed to have accepted all adopted conditions to the requested zoning. If the Owner withdraws the application or does not effectuate the new zoning, this Agreement is null and void.

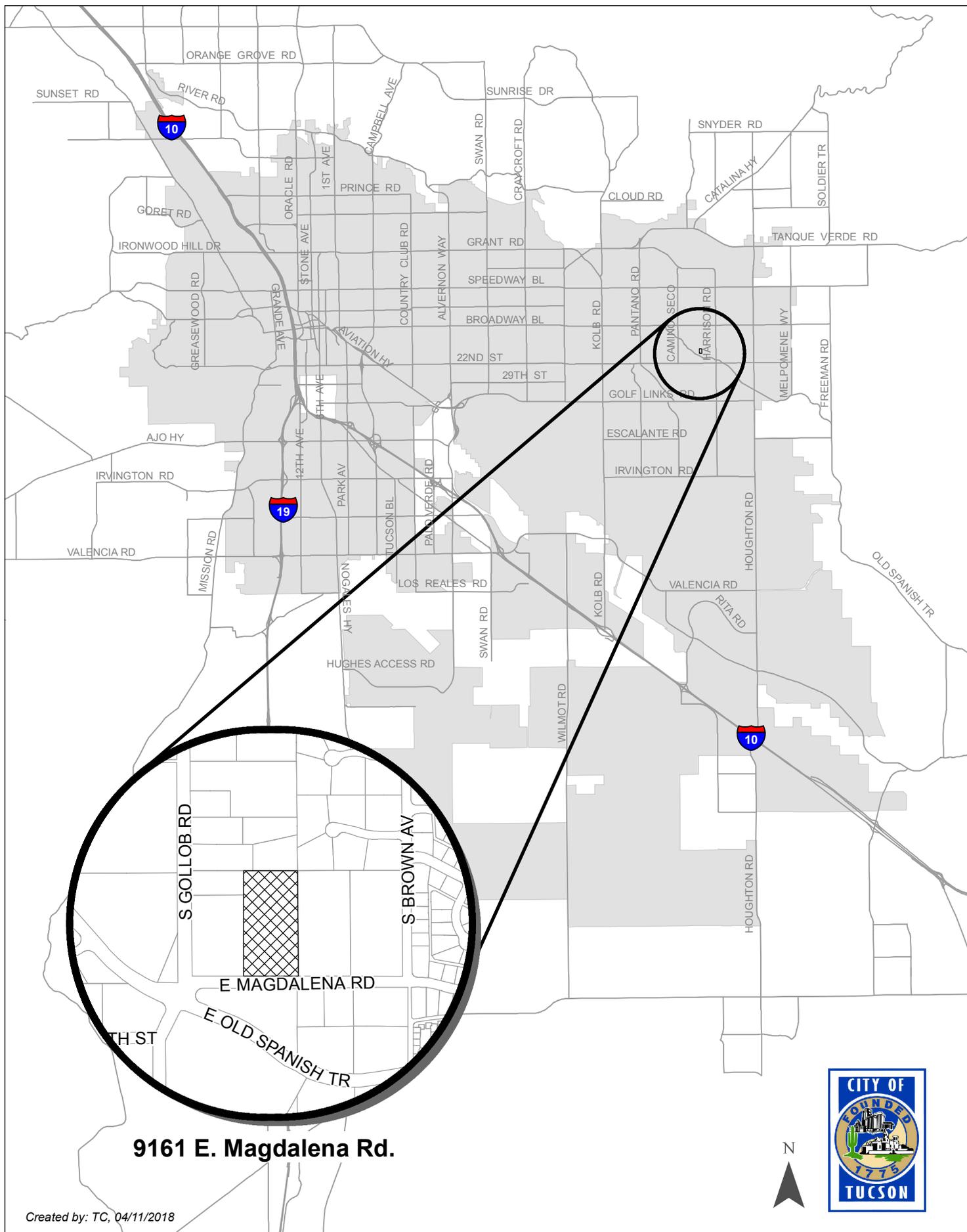
This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona. The Owner has agreed to the form of this Agreement provided and approved by the City Attorney. The Owner has had the opportunity to consult with an attorney of the Owner's choice prior to entering this Agreement and enters it fully understanding that the Owner is waiving the rights and remedies as set forth herein.

Upon execution, this Agreement shall be recorded in the Office of the Pima County Recorder.

The Owner warrants and represents that the person or persons listed herein as the Owner is/are the owner in fee title of the Property. The Owner further agrees to indemnify



# C9-18-07 Meyer and Pearson - Magdalena Road Rezoning Request: From SR to RX-1



**9161 E. Magdalena Rd.**



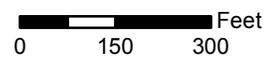
**C9-18-07 Meyer and Pearson - Magdalena Road**  
Rezoning Request: From SR to RX-1



 Area of Rezoning Request



Address: 9161 E. Magdalena Rd.  
Base Maps: Twp. 14 R. 15 Sec. 15  
Ward: 2

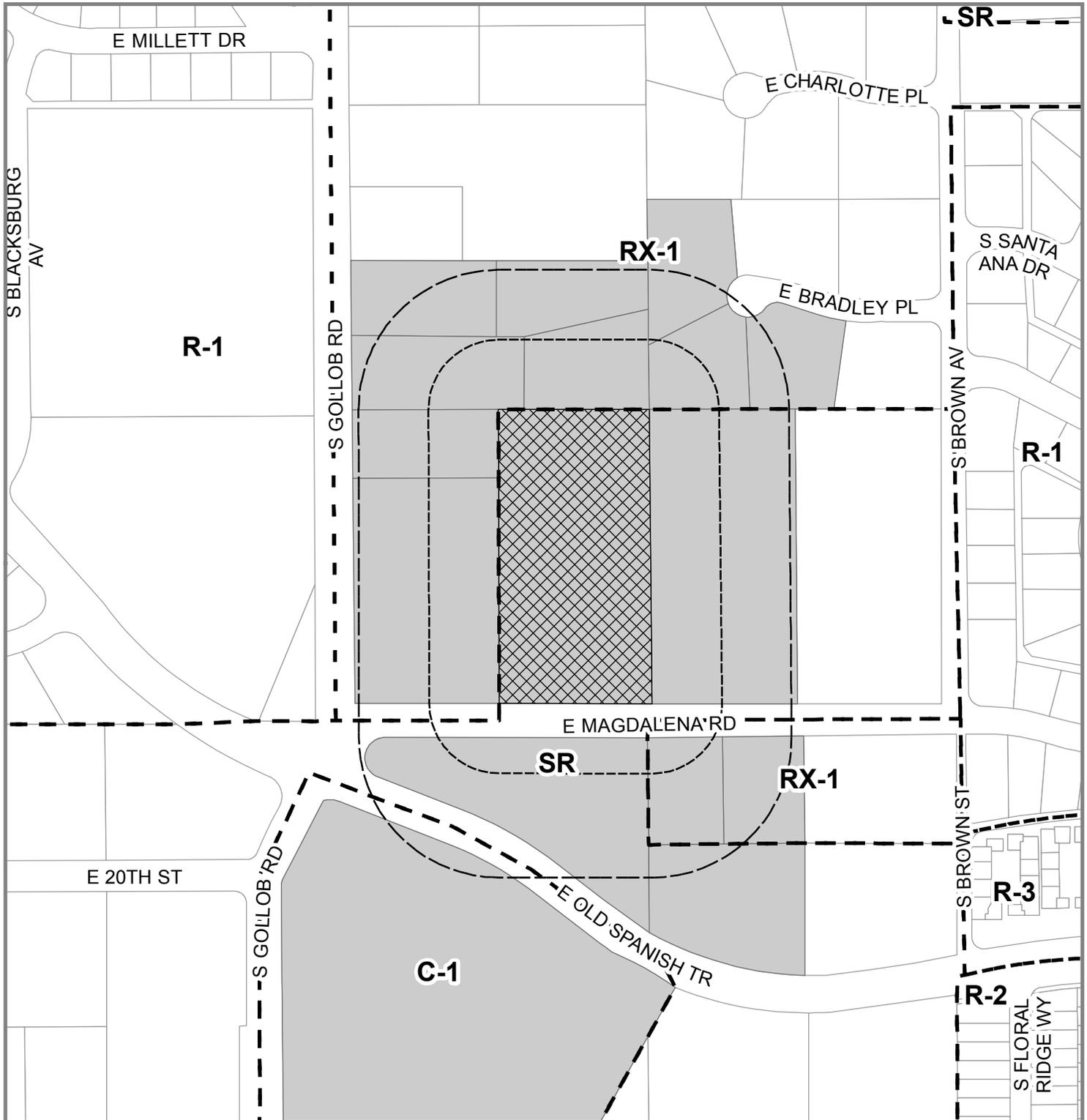


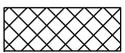
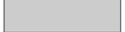
1 inch = 300 feet



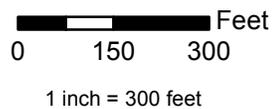
# C9-18-07 Meyer and Pearson – Magdalena Road

Rezoning Request: From SR to RX-1



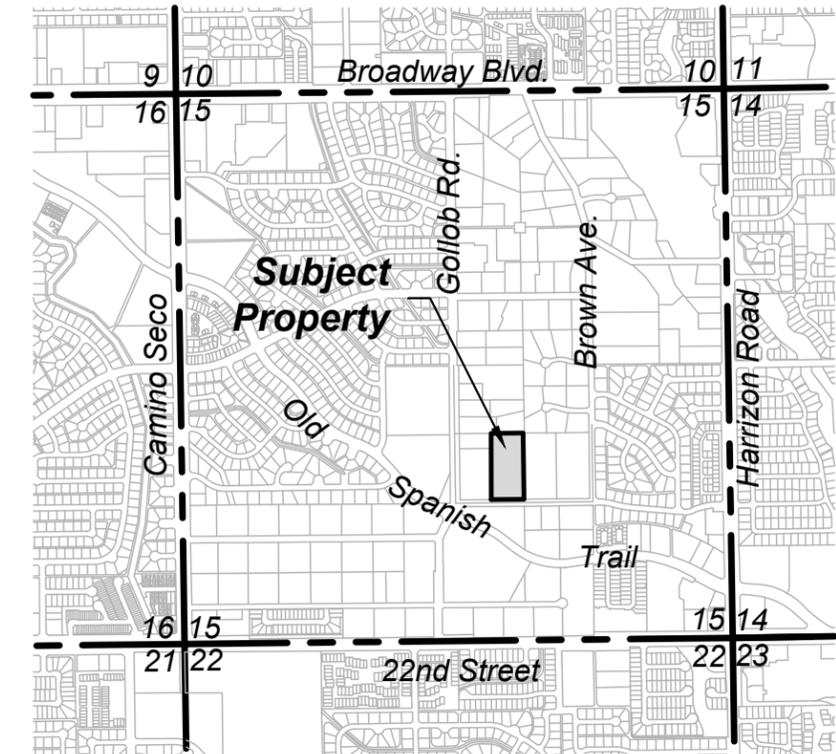
-  Subject Property
-  Notification Area (300-foot Radius)
-  Protest Area (150-foot Radius)
-  Zone Boundaries
-  Properties Notified

Address: 9161 E. Magdalena Rd.  
Base Maps: Twp. 14 R. 15 Sec. 15  
Ward: 2



**General Notes:**

1. THE SUBJECT PROPERTY IS LOT 31 OF HALCYON ACRES ANNEX (BK 8, PG 13. M&PS)
2. THE PROPERTY IS LOCATED IN SECTION 15 OF T14S, R15E.
3. THE ASSESSOR INDICATES THE SUBJECT PROPERTY TO BE 4.6 ACRES.
4. THE EXISTING ZONING IS SR.
5. THE PROPOSED ZONING IS RX-1.
6. THE EXISTING LAND USE IS ONE SINGLE FAMILY RESIDENCE.
7. THE PROPOSED LAND USE IS A TOTAL OF 4 SINGLE FAMILY RESIDENCES.
8. THE PROPERTY IS WITHIN THE BOUNDARIES OF THE PANTANO EAST AREA PLAN. THE PROPOSED USE AND CHANGE OF ZONING CONFORMS WITH RESIDENTIAL POLICY 2.
9. ALL ADJACENT STREETS ARE LOCAL STREETS AND NONE ARE DESIGNATED ON THE MAJOR STREETS & ROUTES PLAN.
10. THERE ARE NO OVERLAY ZONES THAT AFFECT THE PROPERTY.
11. THERE ARE NO WASHES ONSITE THAT ARE DESIGNATED AS A WASH ORDINANCE WASH OR AN ENVIRONMENTAL RESOURCE ZONE OR A CRITICAL AND SENSITIVE BIOLOGICAL HABITAT.
12. THERE ARE NO FEMA FLOODPLAINS ONSITE.
13. THE EROSION HAZARD SETBACK SHOWN IS CONSIDERED TO BE THE WORST CASE SINCE THE CALCULATED DIMENSION IS DEPICTED FROM THE 100 YEAR FLOOD LIMIT LINE, WHEN THE PRESCRIBED METHOD CALLS FOR IT TO BE TAKEN FROM THE EDGE OF BANK (WHICH HAS NOT BEEN DELINEATED AS OF YET).
14. THE EASTERN PIMA COUNTY MASTER TRAILS PLAN DOES NOT SHOW ANY TRAILS WITHIN THE BOUNDARY OF THE SUBJECT PROPERTY.
15. THERE ARE NO BILLBOARDS ON THE PROPERTY.
16. THERE ARE NO CURBS ON MAGDALENA ROAD AND THEREFORE THERE ARE NO EXISTING CURB CUTS TO REMAIN OR CLOSE.
17. ACCESS TO LOT 2 SHALL BE THROUGH LOT 1 OVER THE EXISTING DRIVEWAY WITH A NEW EXTENSION.



**Location Map**

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

**Property Owner**

The Meyer and Pearson Trust  
C/O Susan Meyer  
7432 E. Victoria Drive,  
Tucson AZ., 85730  
520-624-2449

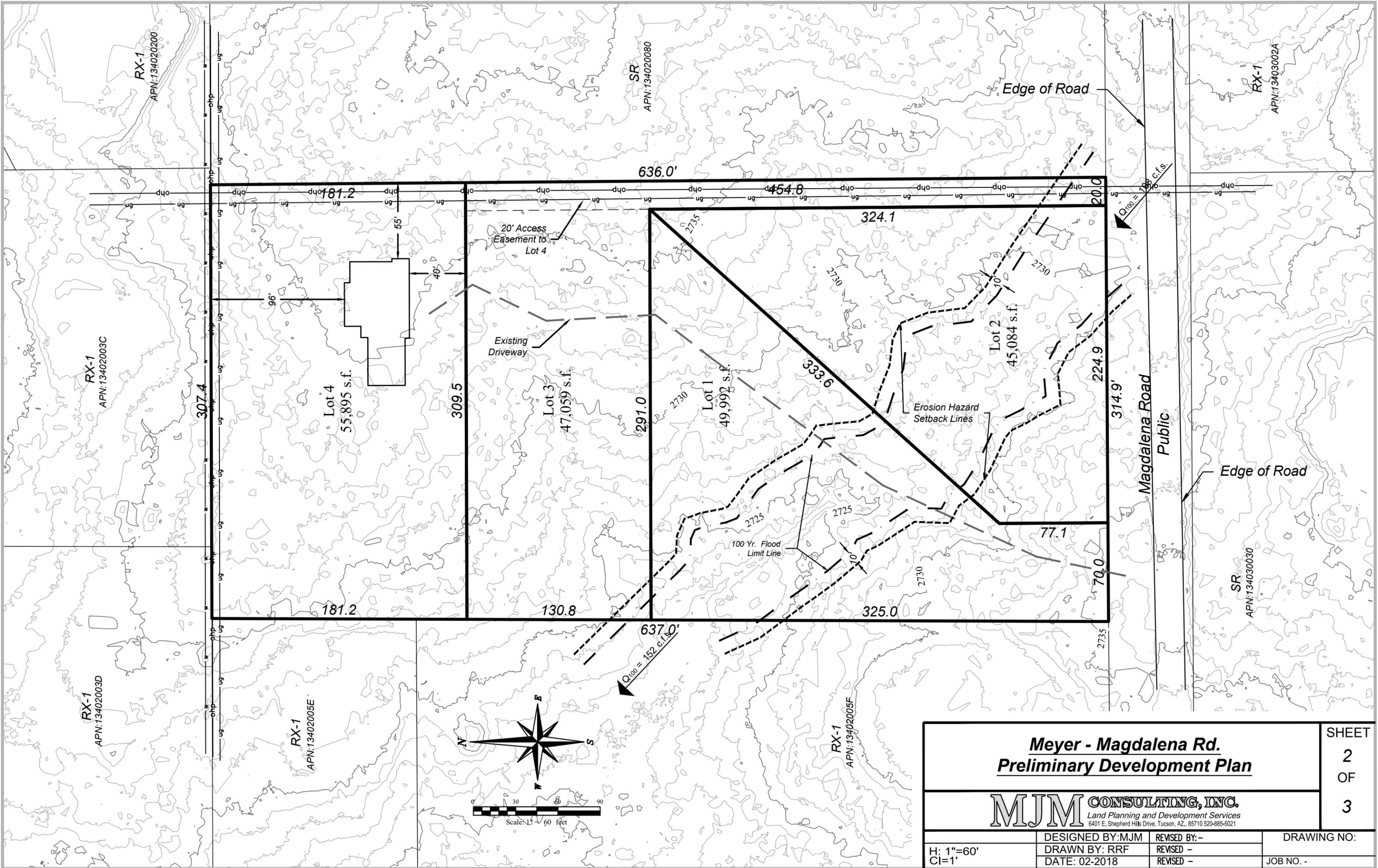
**Parcel Info**

APN: 134-02-0070  
9161 E. Magdalena Road

**Applicant**

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

<b>Meyer - Magdalena Rd. Preliminary Development Plan</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: 1"=	DRAWN BY: RRF	REVISED -	
Cl=	DATE: 02-2018	REVISED -	JOB NO. -

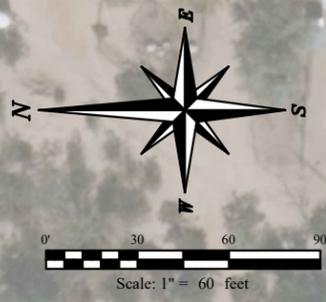
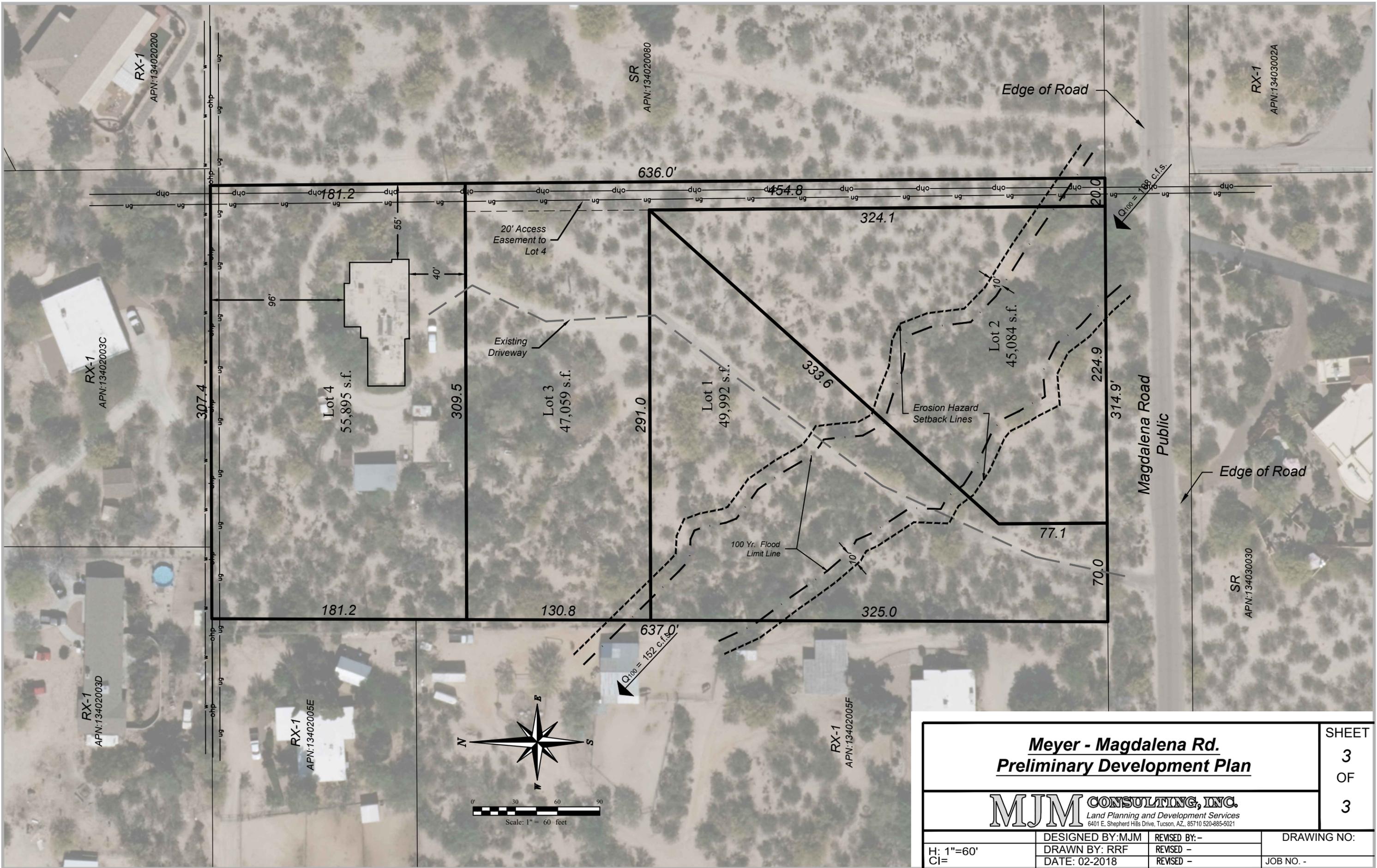


**Meyer - Magdalena Rd.  
Preliminary Development Plan**

**MJM CONSULTING, INC.**  
Land Planning and Development Services  
6401 E. Shepherd Hills Drive, Tucson, AZ, 85710 520-885-5021

SHEET  
2  
OF  
3

H: 1"=60' CI=1'	DESIGNED BY: MJM DRAWN BY: RRF DATE: 02-2018	REVISED BY: - REVISED - REVISED -	DRAWING NO: JOB NO. -
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<b>Meyer - Magdalena Rd. Preliminary Development Plan</b>			SHEET 3 OF 3
<b>MJMM 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"=60'	DRAWN BY: RRF	REVISED -	JOB NO. -
CI=	DATE: 02-2018	REVISED -	

**PUBLIC FACILITIES AND SERVICES REPORT FOR May 17, 2018**

(as of April 24, 2018)

**C9-18-07 Meyer and Pearson – Magdalena Road, SR to RX-1**

**CITY AGENCIES**

**Planning & Development Services – Engineering:** See attached comments dated April 4, 2018

**Planning & Development Services – Zoning Review:** See attached comments dated April 2, 2018

**No Objections Noted**

**Transportation – Engineering**

**Transportation – Traffic Engineering**

**Tucson Fire Department**

**Tucson Water Department**

**Planning & Development Services – Sign Code**

**Planning & Development Services – Historic Preservation Officer**

**Environmental Services**

**Tucson Parks and Recreation**

**Tucson Police Department**

**Planning & Development Services – Landscape**

**NON-CITY AGENCIES**

**No Objections Noted**

**Pima County Wastewater:** Standard Condition (See condition #5)

**Tucson Unified School District**

**Arizona Department of Transportation**

**Pima County Transportation and Flood Control**

**Pima County Parks and Recreation**

**Davis-Monthan Air Force Base**

**Tucson Electric Power**

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, May 2, 2018 at

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

**From:** Loren Makus  
**To:** Michael Wyneken; TucsonRezoning  
**Date:** 04/04/2018 2:49 PM  
**Subject:** C9-18-07

There is enough information to complete the review.

This site has a significant wash across the site as shown on the preliminary development plan. The area within the area inundated by the wash appears to be riparian in character. The site has an existing driveway crossing the watercourse. Development of the site will require submission of a hydrology and hydraulic report substantiating the information shown on the preliminary development plan.

The existing driveway and the proposed easement along the eastern property line will be the only wash crossings allowed in development of the site.

*Loren Makus*

Engineering Division  
Planning and Development Services Department  
City of Tucson  
520.837.4927

TO: Rezoning Division  
Re: Acceptance of Information for Plan Compliance (IPC)

April 2, 2018

9161 E. Magdalena Road  
134-02-0070  
SR to RX-1  
Rezoning Case Number – C9-18-07

The proposed Single-Family, Detached, Subdivision falls under UDC Article 4.8.3, TABLE 4.8-1: PERMITTED USES - RURAL AND SUBURBAN RESIDENTIAL ZONES. Residential Land Use Group With Land Use Class/Type:, subject to Use Specific Standards 4.9.7.B.6, .8, & .9

The submitted plan, showing the proposed development, is acceptable to continue the review for the zoning examiner's report.

Should you have questions, contact me at 837-4956.

Steve Shields, Principle Planner  
City of Tucson,  
Planning and Development Services Department



## Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing.

**Approvals and protests must have an owner’s signature to be recorded.**

If there are protests from 20% of the property owners within 150’ of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150’, then an affirmative vote of ¾ of the Mayor and Council (5 of 7 council members) will be required to approve the rezoning ordinance or Mayor and Council Special Exception. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations.

**Case: C9-18-07 Meyer and Pearson - E. magdalena Road, SR to RX-1  
Ward 2**

\_\_\_\_\_  APPROVE the proposed rezoning/special exception  
I/We the undersigned property owners, wish to  PROTEST the proposed rezoning/special exception

**Reason:**

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PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner’s Signature: \_\_\_\_\_ Date \_\_\_\_\_

Place  
Stamp  
Here

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

C9-18-07mw

Expose this flap - Affix stamp and return

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

C9-18-07mw

**IMPORTANT REZONING NOTICE ENCLOSED**