



MEMORANDUM

PUBLIC WORKS DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

TO: Honorable Ally Miller, Supervisor, District # 1

FROM: Arlan Colton, Planning Director

DATE: August 21, 2013

SUBJECT: Co9-56-91 Murphey and Others Rezoning

The above referenced Waiver of Rezoning Conditions (Non-Substantial Change) is within your district and is scheduled for the Board of Supervisors' **TUESDAY, SEPTEMBER 3, 2013** hearing.

REQUEST: The applicant requests to waive the subdivision plat requirement for the development of one additional lot containing 1.13 acres of land. The remaining one acre parcel of land is developed with a single family residence.

OWNER: David M. Zapf and Karen L. Phillips
Attn: David M. Zapf
5354 N. Sundown Dr.
Tucson, AZ 85718

AGENT: David M. Zapf

DISTRICT: 1

STAFF CONTACT: Terrill Tillman

PUBLIC COMMENT TO DATE: As of August 15, 2013, staff has not received any comments.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside the Maeveen Marie Behan Conservation Land Systems.

CP/TT/ar
Attachments



Board of Supervisors Memorandum

Subject: Co9-56-91

Page 1 of 4

FOR SEPTEMBER 3, 2013 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan Colton, Planning Director
Public Works-Development Services Department-Planning Division

DATE: August 21, 2013

ADVERTISED ITEM FOR PUBLIC HEARING

WAIVER OF REZONING CONDITIONS (NON-SUBSTANTIAL CHANGE)

Co9-56-91 **MURPHEY and OTHERS REZONING**

Request of David Zapf & Karen Phillips for a **waiver (non-substantial change)** of the rezoning condition which prohibits use of parcels containing less area than the minimum lot size (144,000 square feet or approximately 3.31 acres) for the SR (Suburban Ranch) zone until an approved subdivision plat is recorded. The subject site is approximately 2.13 acres rezoned from SR to CR-1 (Single Residence) in 1958. The request is to split the subject parcel into two lots containing approximately 1 acre and 1.13 acres. The subject parcel is located approximately one quarter mile south of Sunrise Road and one quarter mile west of Craycroft Road. Staff recommends **APPROVAL WITH CONDITIONS**.
(District 1)

STAFF RECOMMENDATION

Staff recommends **APPROVAL WITH CONDITIONS** of a waiver of the requirement for a subdivision plat for the proposed lot split, both of the proposed lots will meet the minimum lot size for the CR-1 zone. Should the Board of Supervisors decide to approve this request, staff recommends the addition of the following standard and special conditions:

1. Recording of a covenant holding Pima County harmless in the event of flooding.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Prior to the preparation of the development-related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.
4. Adherence to the site plan for the two lots as approved at public hearing. Each of the two lots is restricted to residential and related accessory uses.
5. The maximum building height shall be 24 feet.
6. Utility services to individual residences shall be underground.
7. Prior to any development on the site, a sketch plan shall be submitted to the Pima County Regional Flood Control District to determine whether a Floodplain Use Permit is required.

COMPREHENSIVE PLAN DESIGNATION

The subject parcel is located within the Catalina Foothills Comprehensive Plan Subregion and designated Low Intensity Urban 1.2 (LIU 1.2) which allows low density residential uses with a maximum density of 1.2 residences per acre. The proposed lot split, CR-1 zoned subject parcel would conform to the LUI 1.2 plan designation.

Special Area Policy S-2 Catalina Foothills (CF) applies to the site and its vicinity. This policy limits the building heights to a maximum of 24 feet without Board of Supervisors approval and provides the Board of Supervisors the right to limit the height to one-story. Rezoning condition #5 establishing the maximum building height of 24 feet has been added to reflect the height of the S-2 Catalina Foothills Special Area Policy but does not limit the height to one-story.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	CR-1	Residential (Sunrise Estates Subdivision)
South:	CR-1	Residential (Haciendas Francisco Soz Subdivision)
East:	CR-1	Residential
West:	CR-1	Residential

STAFF REPORT

Request/Analysis

The subject property is a 2.13 acres parcel within an approximate 4,000 acre SR to CR-1 rezoning approved in 1958 within the Catalina Foothills area. Ordinance CR-1 zoning was granted subject to a covenant which prohibits use of parcels containing less than the acreage required for SR zoning (144,000 square feet or approximately 3.31 acres) without an approved subdivision plat. The applicant requests to waive the subdivision plat requirement for the development of one additional lot containing 1.13 acres of land. The remaining one acre parcel of land is developed with a single family residence.

The subject property is located one-quarter mile south of Sunrise Drive and one-quarter mile west of Craycroft Road and could be described as a remnant of past subdivision activity in the surrounding area. The property contains a minimal area of 15% or greater slopes and is subject to the Hillside Development Zone (HDZ) Chapter 18.61. The proposed 1.13 acre parcel slopes downhill from the highest elevation in the east to the lower west elevation with a large, buildable flat area in the center. The eastern most parcel boundary is encumbered by the Flecha Caida Wash which runs north to south. The site has existing paved access along the northern boundary of the property and contains a culvert where the pavement bisects the wash. The vegetative qualities of the site are typical for the area and include cacti, Palo Verde trees, and various types of bushes. The site does not contain any large saguaros. The Native Plant Preservation Ordinance will be applied to the subject property at the time of permitting.

Staff recommends approval of the waiver of the subdivision plat because only two lots are proposed. State statute allows up to five lots to be created by an individual and sold or leased without the requirement of a subdivision plat which is also consistent with requirements of the Pima County Zoning Code. The CR-1 zone requires a minimum size of 36,000 square feet or .83 acres. Since the properties are proposed to be 1 acre and 1.13 acres, the CR-1 zoning designation limits the potential for a future lot split. The existing paved access and provision for underground utilities (condition #6) will suffice in the absence of a subdivision plat. Compliance with zoning setbacks and floodplain requirements can be readily achieved.

Concurrency

The site meets applicable Concurrency Review Criteria for infrastructure availability.

Maeveen Marie Behan Conservation Lands System

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

TRANSPORTATION REPORT

Staff has reviewed this request and has no objection and requires no conditions recommendation since the site is served by existing paved access.

FLOOD CONTROL REPORT

Staff has reviewed this request and has the following comments:

1. Fletcha Caida Wash crosses the vacant eastern parcel that is being created. Immediately downstream of the site the District has flowage responsibility for this wash.
2. No Pima County Regulated Riparian Habitat is located within the site.
3. No drainage complaints or violations are associated with this parcel.

Staff has no objection to this request subject to the standard hold harmless condition #1 and special condition #7.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Staff has reviewed this request for requirements on-site sewage disposal and air quality and has the following comment:

In accordance with Pima County Code 7.21.027.A no on-site disposal system shall be approved or installed on a single-family residential lot of less than one acre (43,560 sq.ft.), including easements and designated rights-of-way.

PUBLIC COMMENT

As of August 15, 2013, staff has not received any comments.

CP/TT/ar
Attachments

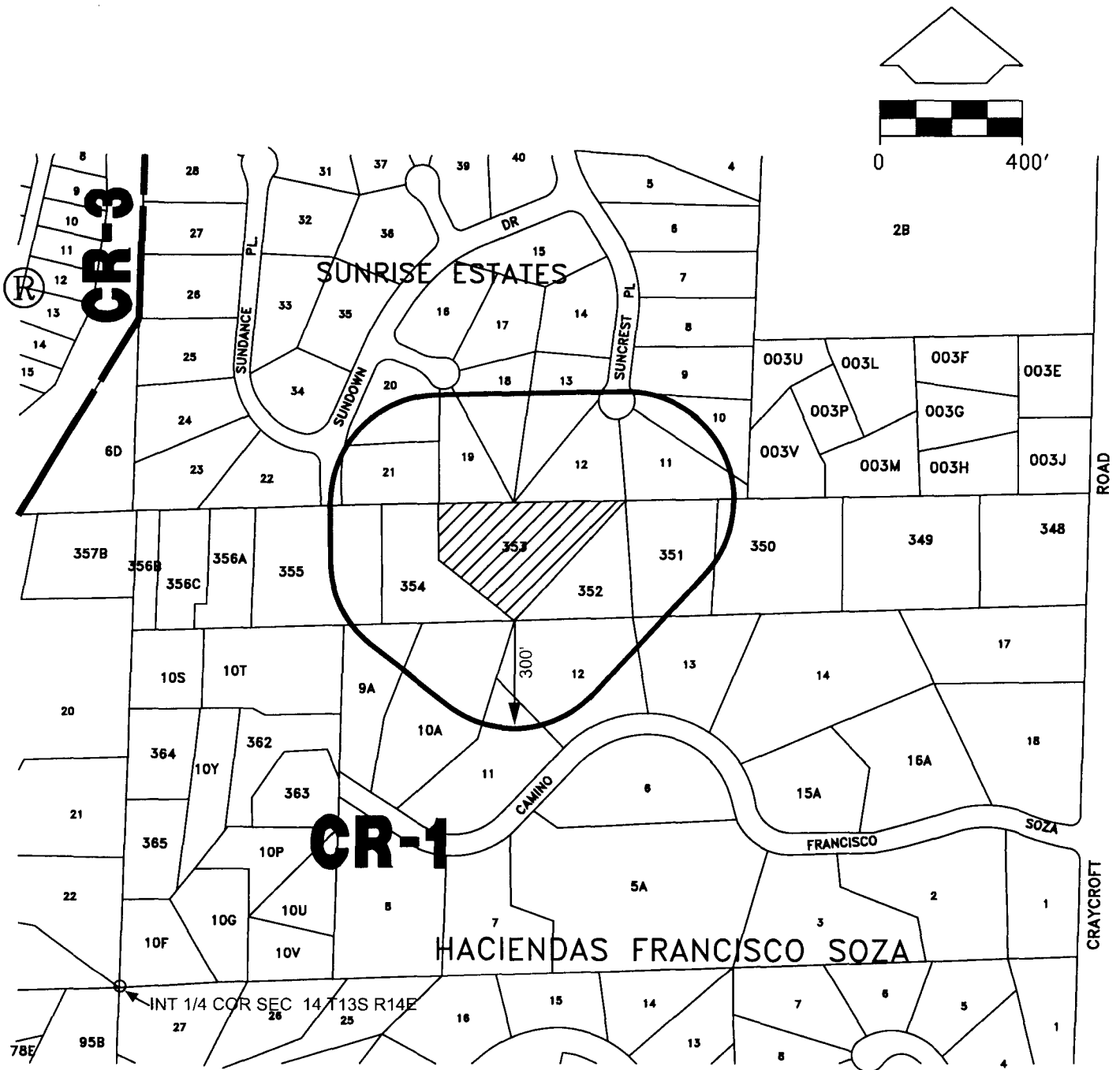
c: David M. Zapf and Karen L. Phillips, Attn: David M. Zapf
5354 N. Sundown Dr., Tucson, AZ 85718
Chris Poirier, Assistant Planning Director
Co9-56-91 File



2

SUBJECT PROPERTY

N SUNDOWN DR



Petition area



Notification area



BASE MAP 48

Notes Ref: Col3-58-1

Tax codes 109-11-3530

Date 08/05/13

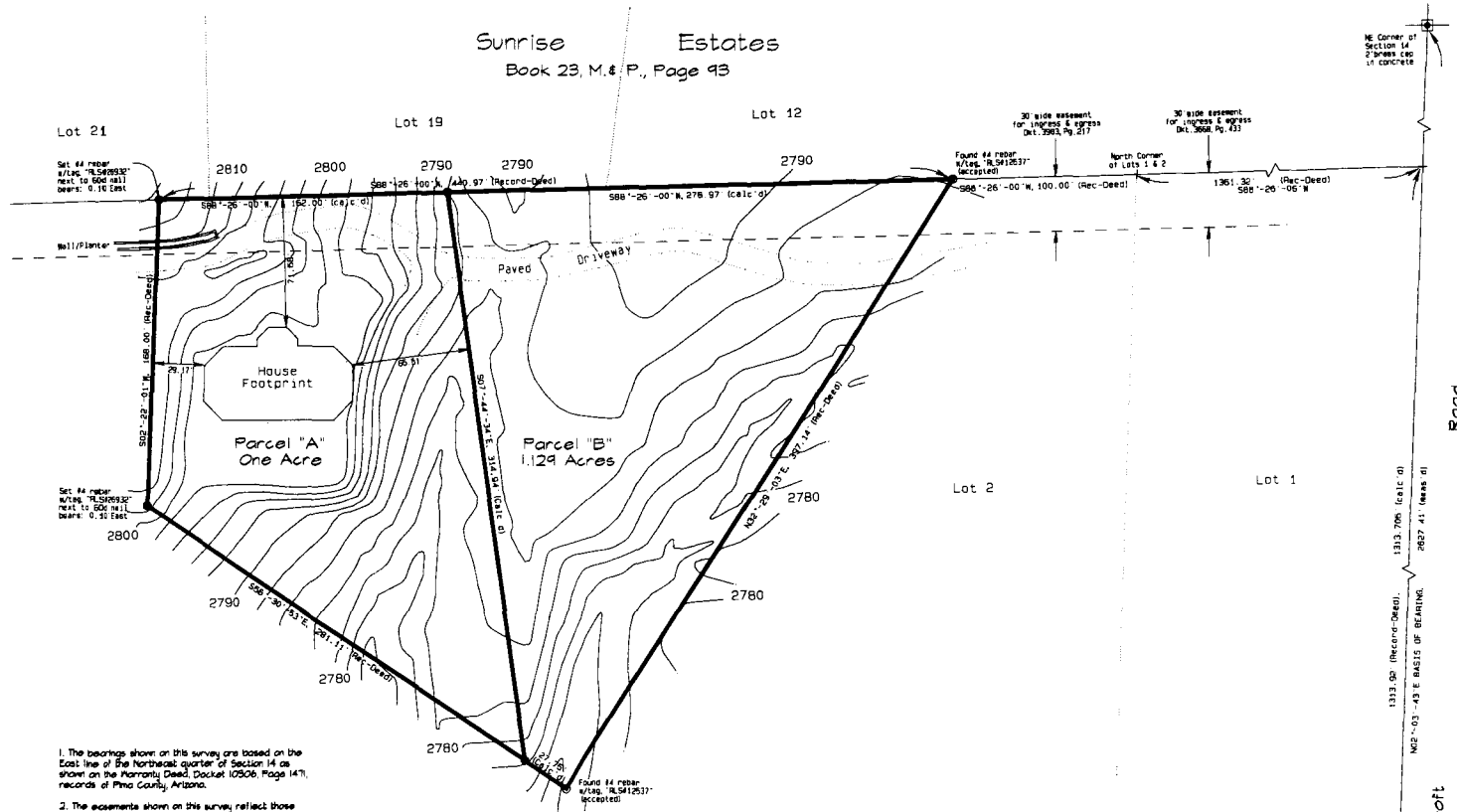
File no. C09-56-91

Drafter DS

MURPHY AND OTHERS REZONING

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Sunrise Estates Book 23, M. & P., Page 43



1. The bearings shown on this survey are based on the East line of the Northeast quarter of Section 14 as shown on the Homestead Deed, Docket 10506, Page 147, records of Pima County, Arizona.

2. The easements shown on this survey reflect those listed within the Schedule "B" items of the Commitment for Title Insurance issued by Commonwealth Land Title Insurance Company, Effective Date: 05/26/2000 at 1:30 a.m. The Surveyor has not made an independent search for easements of record, Out-Of-Line Deeds or for any other title ownership evidence that a current title search and report may disclose.

3. The topography as shown on this survey is based on NAVD 83 datum using Pima County/City of Tucson Department of Transportation Geomatics Control Point 121; a 2-inch brass cap survey monument marking the northeast corner of Section 14, Elevation 2837.11 feet.

5. This symbol, "●" represents a 1/2" rebar with a brass tag stamped "RL5 #26452" set during the course of this survey.

AVERAGE GROSS SLOPE CALCULATIONS

per Pima County Zoning Code 18.61.051

$$\text{Average Gross Slope} = \frac{1 \times L \times 0.0025}{A}$$

1 = Contour interval in feet (This survey shows 2-ft).
L = Combined length in feet of contour lines within parcel.
0.0025 = Conversion Factor (sq. ft. into acres x 100)
A = Parcel area in acres.

PARCEL A
2 x 3345 x 0.0025 (divided by 10) = 15.38%

PARCEL B
2 x 2495 x 0.0025 (divided by 1.124) = 12.20%

SEQUENCE _____
Fee _____
State of Arizona _____
County of Pima _____
I hereby certify that the instrument was filed for record at the request of _____
Date _____
Time _____
Witness by hand and Official Seal: _____
day and year above written
F. ANN RODRIGUEZ, County Recorder
By _____ Deputy

Results of Survey

Client: David M. Zapf & Karen L. Phillips	Settlemyer, LLC - Land Surveying Services P.O. Box 12612, Tucson, Arizona, 85712, Phone: 520-512-0666 Fax: 520-512-1866, e-mail: Survey@settlemyerllc.com
Drawn: Rob	
Checked: Jan	Boundary Survey, Topography and Minor Land Division of a portion of the East half of Lot 2, Section 14, Township 14 South, Range 13 East, Gila & Salt River Meridian, Pima County, Arizona
Date: July 25, 2012	
Job No: 4652 PM-2	

Certification of Survey
I hereby certify that this survey was performed under my direction and that all monuments exist as shown.



DAVID M. ZAPF & KAREN L. PHILLIPS

5354 N. Sundown Dr. Tucson, Arizona 85718

Telephone 520-615-6493

May 27, 2013

Terrill L. Tillman
Senior Planner
Pima County Development Services
201 N. Stone; 2nd Floor
Tucson, AZ 85701

Re: lot split parcel 109-11-3530


Dear Ms. Tillman,

My wife and I own property in Section 14 of the foothills zoned CR-1. We are in the process of splitting off approximately an acre parcel from the 2.13 acre parent parcel. We are requesting an unsubstantial change waiver of rezoning condition. Please reference rezoning Case No. C 09-56-91, as this may have been a precedent case.

Attached are the following items:

- Survey/site plan with 2 foot contours with average cross slope calculations for the proposed parcels
- Assessor's profile sheet and map
- Biological impact report (we're not grading or disturbing any land on either parcel)
- Explanation or justification for the request
- Check for fee of \$2,923.00 payable to the Pima County Treasurer.

Sincerely,


David Zapf
dz.tucson@gmail.com

Lot split parcel 109-11-3530

DAVID M. ZAPF & KAREN L. PHILLIPS

5354 N. Sundown Dr. Tucson, Arizona 85718

Telephone 520-615-6493

Justification for Lot split parcel 109-11-3530

We've owned this property since 1996 and have lived here in our primary residence since 2002. During this time we've experienced unprecedented declines in property values which were unforeseen. We are requesting this lot split so that we may sell off a one acre parcel in the future if necessary. We are requesting this waiver due to the changes in natural conditions that have occurred since the original rezoning approval and the restrictive nature of the rezoning condition requiring a subdivision plat for two parcels.

Low Intensity Urban

LIU (or C) on the Land Use Plan Maps

- a. Purpose: To designate areas for low density residential and other compatible uses; to provide incentives for clustering residential development and providing natural open space; and to provide opportunities for a mix of housing types throughout the region.
- b. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Projects utilizing any of the cluster options set forth in this section shall conform with the provisions of Section 18.09.040 Cluster Development Option. Residential gross density shall conform with the following:

2) Low Intensity Urban 1.2:

- (a) Minimum - (none)
- (b) Maximum - 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster options:
 - (i) Gross density of 2.5 RAC with 30 percent cluster open space, plus 15 percent natural open space; or
 - (ii) Gross density of 4.0 RAC with 30 percent cluster open space, plus 30 percent natural 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:

Minimum – (none)

Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following cluster option:

- (i) Gross density of 2.0 RAC with 30 percent cluster open space plus 20 percent natural open space.

S-2 Catalina Foothills (CF)

General location: Portions of T12, T13S, R13E, R14E, R15E.

Policy: No construction of building exceeding 24 feet in height shall be permitted without specific authorization from the Board of Supervisors. The Board of Supervisors reserves the right to limit construction to one story.

DAVID M. ZAPF & KAREN L. PHILLIPS

5354 N. Sundown Dr. Tucson, Arizona 85718

Telephone 520-615-6493

**PIMA COUNTY DEVELOPMENT SERVICES
BIOLOGICAL IMPACT REPORT**

Re: Lot split parcel 109-11-3530

Landscape Resources.

- Neither of the proposed parcels is wholly or partially within any Maeveen Marie Behan Conservation Lands System Category including Important Riparian Areas and Special Species Management Areas.
- Neither of the proposed parcels is in the vicinity of any of the six general areas identified as Critical Landscape Linkages
- Neither of the proposed parcels is a Habitat Protection or Community Open Space priority acquisition property.

Species-Specific Information (including Pertinent Federally-Threatened and Endangered Species)

- The proposed parcels occur within Area 1 of the Priority Conservation Area for the cactus ferruginous pygmy-owl. The proposed parcels have not been surveyed for pygmy-owls but we've lived on the property for 11 years and have not seen them. No surveys are planned.
- Neither of the proposed parcels occur within the Priority Conservation Area for the western burrowing owl
- Neither of the proposed parcels occur within the Priority Conservation Area for the Pima pineapple cactus
- Neither of the proposed parcels occur within the Priority Conservation Area for the needle-spined pineapple cactus.

Co9-56-91 BOS Minutes 4-22-58 (Continued to 6-5-58)

ZONING - CATALINA FOOTHILLS AREA PLAN (C13-58-1); MURPHEY AND OTHERS PETITION (Co9-56-91)

APR 22 1958

The Chairman announced that this is the time and the place for hearing on (1) proposal to amend a portion of the County's plan for the area between Oracle and Sabino Canyon roads and between the Rillito River and the Coronado National Forest and (2) the petition of John W. Murphey, Leo B. Keith, and Harold F. Vinson for rezoning from SR to CR-1 of certain property lying generally between Hacienda del Sol and Sabino Canyon Road and between the Rillito River and the Coronado National Forest. The Associate Planning Director (John S. Tsaguris) reported that the petition is supported by necessary consents. The Planning and Zoning Commission recommends

1. "That the County plan for the area between Oracle Road, Sabino Canyon Road, the Rillito and Coronado National Forest, be amended with respect to proposed future zoning and the general character, extent and location of proposed major streets and routes, as shown on map C13-58-1, Catalina Foothills Area Plan
2. "That the zoning changes from SR to CR-1 shown on such plan (C13-58-1) be made effective by ordinance only, when and after the major streets and routes related to such rezoning have been dedicated or established in a manner satisfactory to the Board.
3. "That the Board authorize and direct the Commission and the County Engineer to avail themselves of the services of professional personnel offered by Messrs. Murphy, Keith and Vinson for the purpose stated, and **
4. "That the Board direct the County Zoning Inspector to issue no permits in such area rezoned from SR to CR-1 in accord with the minimum standards of CR-1 zoning until an acceptable subdivision plat has been duly recorded as the same may be required by County subdivision standards and procedures."

** The petitioners "have volunteered the services of professional personnel in assisting in developing further phases and refinements of the County plan for this area, surveying and establishing the precise appropriate location of major streets and routes in accord with the County plan as amended and the dedication thereof over properties which they own or control."

APR 22 1958

The Clerk reported receipt of the following:

1. Letter from Mr. Vinson requesting the Board to approve the Commission's recommendations to rezone his property together with other land in the Catalina Foothills area.
2. Letter from Frederick D. Whittlesey, Triangle S Ranch, stating that he considers it a dangerous precedent to grant this rezoning prior to submission of a subdivision plat for the area; suggesting that a new county residence classification (providing perhaps two acres for each homesite) be instituted to lend more flexibility for use of the terrain in this area, where CR-1 allows too small a homesite and SR provides for a lot size that is too expensive to be practical; and requesting that the petition be denied.

2/7

The Chairman inquired whether anyone wished to be heard on these proposals.

B. G. Thompson, attorney representing Mr. Murphey, spoke in support of the Commission's recommendations and pointed out that the area to be rezoned is substantially smaller than that covered by the original petition. The terrain makes it impossible, he said, to utilize each acre for a homesite; but the petitioners want as far as feasible to develop the area for CR-1, which bounds, to a considerable extent, the petitioned area. He urged that the zoning change be approved.

APR 22 1958

Manny Uffner, owner of property west of Sabino Canyon Road, stated he was one of the signers of the original petition for the rezoning. His property was posted giving notice of the proposed change; however, the Planning and Zoning Commission later deleted his property from the district. He added that he represents Mrs. Frank R. Doulberry (owner of eighty-three acres in Section 17, T. 13 S., R. 15 E.), a Mr. Rhinehart, and other of his neighbors who are very much in favor of CR-1 zoning and who are willing to submit subdivision plats for development of their land. He inquired why their properties are not included in the area under consideration for rezoning.

3/7 In reply to questions from Mr. Uffner, Mrs. Doulberry, David A. Garber, and members of the Board, the Associate Planning Director gave the history of the case and told of studies made and of hearings held on the matter, after which the Commission reduced the district to be rezoned and imposed certain conditions upon which the zoning change should be approved. He pointed out that two separate matters have been advertised for consideration at this time; namely, (1) the rezoning of properties owned or controlled by Messrs. Murphey, Keith, and Vinson and (2) the over-all plan for the entire Catalina Foothills area, which encompasses not only proposed future zoning but also location of major streets and routes through the area. He explained that the district covered by the rezoning comprises approximately 4,000 acres, representing one holding. The Commission has imposed on these petitioners requirements with which the small landowner is not faced; they must employ at their own expense engineers to make a complete survey and provide for a major street system not only through the petitioned area but through their other holdings already zoned CR-1 within the area. If the Commission had recommended following the usual procedure in requiring the filing of a subdivision plat prior to the rezoning, the Commission would have, he declared, been in the position of forcing on these people premature platting; for it is impossible

APR 22 1958

to know the details a plat should have on it five or ten years from now. The Commission members feel that under certain conditions the whole area from Oracle Road to Sabino Canyon Road is suitable for CR-1 development; and should the Board approve this over-all plan, setting forth the policy for future zoning in the area, the other property owners may follow normal procedures in having their land rezoned to CR-1. It should be made clear, however, he concluded, that no sweeping change of zone for the entire planned area is proposed at this time.

Frank J. Barry, attorney appearing on behalf of the Suburban Federation, asked that he be given time to obtain the services of a court reporter so that a verbatim report of the hearing will be available. After the court reporter arrived, the Chairman again asked whether anyone wished to be heard on these matters.

4/7

In answer to an inquiry from Martha Kondy (owner of property in Section 20, T. 13 S., R. 15 E.), who stated that although she had signed the petition, her property was not included in the area to be rezoned, the Associate Planning Director informed her she had signed only the consents petition.

Robert Eppstein stated that as a property owner within 300 feet of the petitioned area, he had signed the consents petition in the belief that the CR-1 zoning would be effected according to acceptable County standards and procedures. In reply to a question from Mr. Eppstein, the Deputy County Attorney stated that while he is not the legal adviser for the Planning and Zoning Commission, he is of the opinion that the courts would not uphold the restrictions or qualifications on zoning suggested by the Planning and Zoning Commission in this case; and he considers such a restriction a "gentleman's agreement."

The following persons representing associations spoke at length in opposition to the CR-1 zoning as proposed:

APR 22 1958

E. B. Thompson, president, River Road Association.

Guy Greene, president, Suburban Federation (organization representing Sahuaro Forest Associates and the Rillito Valley, Tucson Mountains, Tanque Verde Valley, and River Road associations).

Edward H. Nelson, president, Tanque Verde Valley Association.

Rosemary Edmonston, Tucson Mountains Association.

Mr. Barry.

5/7
Their consensus is that they and the groups they represent do not want to stand in the way of orderly growth of suburban areas; however, they are apprehensive that the asserted departure from procedure as proposed by the Commission in this case affords no protection that the area will not be exploited and developed to the fullest use of the land regardless of topography and will set a dangerous precedent in other suburban areas. They expressed concern about what they termed delegating to a subdivider's professional staff (responsible not to the Board of Supervisors, but to a private subdivider) the duty to determine how an area should be developed. Reference was made to Section 2503-e of the zoning ordinance to show that the petitioners can, without changing the zoning classification, develop 50% of their land in substandard lots if topography, terrain, and certain other conditions make it economically unfeasible and impractical to enforce the minimum area requirements of the zoning classification. It was suggested that an amendment to the zoning ordinance be made to set up a classification that would be between CR-1 (allowing one residence to an acre) and SR (allowing one residence to four acres).

Mr. Barry estimated that one-half of the property owners consenting to the rezoning placed conditional approval upon their consents; and on this basis, the petition would not have the required 51% consents. He filed the following with the Clerk:

APR 22 1958

1. Letter signed by Russell B. and Mable L. Fairgrieve asking that their names be removed from the rezoning petition until such time as complete maps and plats are presented and approved for the petitioned area.
2. Protest petition signed by seventeen owners of property "within the zoning area involved in the zoning change."
3. Letter from Sanitary District No. 1 of Pima County to Mr. Greene stating "that the District has made a preliminary study of the area in question; however, it is necessary to make additional studies with respect to the question of sewerage disposal."
4. Carbon copy of a letter from Suburban Federation to the Planning and Zoning Commission requesting consideration of an amendment to the zoning ordinance to establish a residential zoning classification permitting a minimum lot size of two and one-half acres and stating reasons for this request.

6/7

Mr. Nelson read and filed a letter from Tanque Verde Valley Association opposing the rezoning, stating that public hearings and information on the matter have been inadequate, and asking that the Board return the case to the Commission for restudy and rehearing.

APR 22 1958

John Denton, 500 North Campbell Avenue, read and filed a statement setting forth his objections to the rezoning, questioning the effectiveness of the zoning laws and the master plan, and requesting that the case be returned to the Commission with the direction to revise the master plan and make a new recommendation on the basis of the revision and that all existing SR zones be replanned and SR classification be eliminated from the revision.

The following persons appeared in opposition to either the rezoning or the conditions set forth in the Commission's resolution:

John W. Ross, attorney representing Major L. A. Lohr, owner of property in the area.

David G. Watkins, attorney representing James Bennett, Ina Road west of Campbell Avenue.

7/7

Mrs. Thomas Morgan, East River Road.

C. John Klimback, Cloud Road, representing owners of 800 to 900 acres of land in the area.

John Bender, subdivider of Flecha Caida Estates.

B. G. Thompson, attorney for Mr. Murphey, stated that it seems the opposition to the rezoning has not come from the owners of land immediately adjacent to the petitioned area and that he assumes that the Commission's attorney feels the restrictions outlined in the Commission's resolution are valid or else he would not have approved it. He concluded by asking that the Board grant the rezoning and not return the matter to the Commission.

After much discussion, the Chairman stated that the Board will take the matter under advisement and submit its report by June 5, 1958.

Co9-56-91 Rezoning Approval

BOS Minutes 6-5-58

1

ZONING - MURPHEY AND OTHERS PETITION (Co9-56-91)

JUN 5 1958 On April 22, 1958, the Board of Supervisors postponed to this date a decision on the petition of John W. Murphey, Leo B. Keith, and Harold F. Vinson for rezoning from SR to CR-1 of certain property lying generally between Hacienda del Sol and Sabino Canyon Road and between the Rillito River and the Coronado National Forest. The Clerk reported receipt of the following:

1. Letter from Mrs. Annette W. Eggleston, Deer Run Ranch Estates, opposing the Murphey rezoning petition and recommending a new zoning classification of approximately two and one-half acres.
2. Letter from Randolph Jenks requesting consideration of a new zoning classification of approximately two acres.
3. Letter from W. J. Holliday, Jr., supporting the proposed rezoning.
4. Letter from Mr. and Mrs. Frank R. Doulberry requesting inclusion in the proposed rezoning from SR to CR-1.
5. Letter from Joseph U. Gracchiolo, legal counsel for the Planning and Zoning Commission, relative to the withholding of building permits in connection with rezoning changes which are approved by the Board.
6. Letter from John W. Murphey, together with two legal instruments: (a) "Agreement to Grant Highway Easements", and (b) "Declaration of Establishment of Conditions and Restrictions."

The Chairman inquired whether anyone wished to be heard on this matter. Frank J. Barry, attorney appearing on behalf of the Suburban Federation, spoke in opposition to the rezoning and pointed out that the area, which comprises some 3,600 acres, is from five to seven miles from any subdivision development and the proposed rezoning is, in his opinion, impractical. Mr. Barry stated that the Federation is opposed to modification of any petition, that all evidence relative to this or

(2)

any petition should be brought to the attention of the public, that his organization represents citizens throughout the entire Tucson area who are interested in the future development of Pima County, and that they recommend the matter be referred back to the Planning and Zoning Commission for study in connection with a proposed intermediate zoning classification of two and one-half acres.

2/2 Wilbert E. Dolan, Jr., attorney representing the petitioners, spoke in support of the rezoning and made explanations relative to the restrictions and conditions contained in the recommendation of the Planning and Zoning Commission. He expressed his approval of the Commission's recommendations with the exception of the following, which restrictions he stated are obviated by the instruments Mr. Murphey has filed with the Board:

JUN 5 1958 "c) That the zoning changes from SR to CR-1 shown on such plan (C13-58-1) be made effective by ordinance only when and after the major streets and routes related to such rezoning have been dedicated or established in a manner satisfactory to the Board."

"d) That the Board direct the County Zoning Inspector to issue no permits in such area rezoned from SR to CR-1 in accord with the minimum standards of CR-1 zoning until an acceptable subdivision plat has been duly recorded as the same may be required by County subdivision standards and procedures."

Mr. Weaver stated his opinion that this petition is no different from any other rezoning petition or subdividing now being carried on in the Tucson area, that the deed restrictions will hold and that the subdivision will have to conform to the recommendations and standards of the Planning and Zoning Commission.

After further discussion, it was moved by Mr. Weaver, seconded by Mr. Kay, and carried that the Board of Supervisors approve the rezoning from SR to CR-1, that the Board accept and record the instruments presented by the petitioners, and that the necessary ordinance be drawn.

zings No. 1000)

was set this date for
present of Rayline
was reported that
property owners
plans a letter from
them in the vicinity,
which required whether

John W. Murphy,
was discussed at
a meeting a sub-
area should be
throughout area, such
as involved in the
would be considered
implied that a
and of Supervisors
minutes of April
present is to be a
of River Road,
then made will be
out of traffic

proposed steps
better. He pointed
population of the
SR to CR-1, justify
are north of River
the Court, Engineer
being requested for
the protected

expressed the opinion
of self establishment
and should accept it.
by, as stated by Mr.
to approve, assess,
which property
and so

Rezoning Ordinance for Co9-56-91 (Large Area) 9-2-58

14. ORDINANCE NO. 1958-50 - MURPHY REZONING (Co9-56-91)

SEP 2

1958 The Clerk presented a proposed ordinance rezoning property lying generally between Hacienda del Sol and Sabino Canyon Road and between the Rillito River and the Coronado National Forest from SR to CR-1, as approved by the Board of Supervisors on June 5, 1958. It was moved by Mr. Weaver, seconded by Mr. Jay, and carried that the Board pass and adopt and order recorded an ordinance entitled

ORDINANCE NO. 1958-50

AMENDING AND CHANGING PIMA COUNTY ZONING MAPS 24, 25, 26, 47, 48, 49, AND NORTH ONE-HALF T. 13 S., R. 14 E. IN THE VICINITY OF RIVER ROAD, SABINO CANYON ROAD, AND HACIENDA DEL SOL AS REFERRED TO IN PIMA COUNTY ORDINANCE NO. 1952-III AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith.

ORDINANCE NO. _____

AMENDING AND CHANGING PIMA CO.

24, 25, 26, 47, 48, 49 and nor

IN THE VICINITY OF River hoo
and Hacienda Del Sol

AS REFERRED TO IN PIMA COUNTY
AND REPEALING ALL ORDINANCES A
IN CONFLICT HERewith.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS U

Section 1. That the Pima County Zoning

north one-half T. 13 S., R. 14 E. IN THE VICIN

and Hacienda Del Sol

as referred to in Pima County Ordinance

amended and changed to the zones as show

NOS. 3, 6, 1, 2, 4, 1, and 1

to Pima County Zoning Maps 24, 25, 26, 4

here to attached and by reference made a

SECTION 2. That all ordinances and pa

herewith be and the same are hereby repea

PASSED AND ADOPTED by the Board of Su

this 21 day of _____

APPROVED THIS 21 day of _____

ATTEST:

Elias J. Hernandez
Clerk, Board of Supervisors

NG (Co9-56-91)

Finance rezoning property lying
Sabino Canyon Road and between
Moral Forest from SR to CR-1, as
June 5, 1958. It was moved
carried that the Board pass
entitled

1958-50

COUNTY ZONING MAPS
NORTH ONE-HALF T.
CITY OF RIVER ROAD,
HACIENDA DEL SOL AS
ORDINANCE NO. 1952-
ANCES AND PARTS OF
WITH.

ORDINANCE NO. 1958-50

AMENDING AND CHANGING PIMA COUNTY ZONING MAPS

24, 25, 26, 47, 48, 49 and north one-half T13S, R14E

IN THE VICINITY OF River Road, Sabino Canyon Road,
and Hacienda Del Sol

AS REFERRED TO IN PIMA COUNTY ORDINANCE NO. 1952-111
AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES
IN CONFLICT HERewith.

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

Section 1. That the Pima County Zoning Maps 24, 25, 26, 47, 48, 49, and
north one-half T13S, R14E IN THE VICINITY OF River Road, Sabino Canyon Road,
and Hacienda Del Sol

as referred to in Pima County Ordinance No. 1952-111 be and the same are hereby
amended and changed to the zones as shown on the map entitled "Amendments
NOS. 3, 6, 1, 2, 4, 1, and 1 by Ordinance No. 1958-50
to Pima County Zoning Maps 24, 25, 26, 47, 48, 49 and north one-half T13S, R14E "
here to attached and by reference made a part hereof.

SECTION 2. That all ordinances and parts of ordinances in conflict
herewith be and the same are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED by the Board of Supervisors of Pima County, Arizona,
this 2d day of September, 1958.
APPROVED THIS 2d day of September, 1958.

ATTEST:

Edna L. Hansen
Clerk, Board of Supervisors

John W. Murphy
Chairman, Board of Supervisors

Approved as to form this ____ day
of ____, 19__.

Attorney for County Planning and Zoning

5. ZONING - MURPHEY PETT

AUG 19 1958

On August 5, 1958
(Andre M. Paure) to
in the John W. Murph
Board on June 5, 1958
del Sol and Sabino Ca
the Coronado Nationa
the Planning Directo
area, preparation of
to effect the approv
the necessary maps w