



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: June 19, 2018

Title: P17RZ00009 VANDER-HEYDEN, ET AL. - S. SAN JOAQUIN AVENUE REZONING (Ordinance)

Introduction/Background:

The Board of Supervisors approved this rezoning subject to conditions as recommended by the Planning and Zoning Commission on March 20, 2018.

Discussion:

The rezoning was for 2.17 acres from the SH (Suburban Homestead) zone to the CMH-1 (County Manufactured and Mobile Home-1) zone to allow the split of two parcels into four parcels.

Conclusion:

The Ordinance reflects the Board of Supervisor's approval of the rezoning *with exception of Condition 2 in Section 2 pertaining to restriction of access to the rezoning site*. The condition still restricts access from San Joaquin Avenue to one driveway for the northern two lots and one driveway for the southern two lots, but the ending phrase "...as shown on the sketch plans" in the first sentence has been deleted because the sketch plan for the southern two lots (Exhibit C) does not illustrate an access driveway, and the sketch plan for the northern two lots (Exhibit B) only depicts an easement, but does indicate a shared driveway.

Recommendation:

Approval

Fiscal Impact:

N/A

Board of Supervisor District:

1 2 3 4 5 All

JUN 05 10 02 AM '18 PCC/KDF/ED *mu*

Department: Development Services Department - Planning Telephone: 520-724-9000

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date: *[Signature]* 6/5/18

Deputy County Administrator Signature/Date: *[Signature]* 6/6/18

County Administrator Signature/Date: *[Signature]* 6/7/18



Subject: P17RZ00009

Page 1 of 1

FOR JUNE 19, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official *CP*
Public Works-Development Services Department-Planning Division *Tom Drzazgowski*

DATE: June 1, 2018

ORDINANCE FOR ADOPTION

P17RZ00009 **VANDER-HEYDEN, ET AL. – S. SAN JOAQUIN AVENUE REZONING**
Owners: Gerald and Kristi Vander-Heyden, Debra Gowin & Shelley Gowin
(District 5)

If approved, adopt ORDINANCE NO. 2018 - _____

OWNERS: Gerald and Kristi Vander-Heyden
4908 S. Cactus Wren Avenue
Tucson, AZ 85746

Debra Gowin & Shelley Gowin
5245 S. San Joaquin Avenue
Tucson, AZ 85746

AGENT: Gerald Vander-Heyden
4908 S. Cactus Wren Avenue
Tucson, AZ 85746

DISTRICT: 5

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL

TD/DP/ar
Attachments

cc: P17RZ00009 File
Tom Drzazgowski, Chief Zoning Inspector

ORDINANCE 2018-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA RELATING TO ZONING; REZONING APPROXIMATELY 2.17 ACRES OF PROPERTY, LOCATED ON THE EAST SIDE OF S. SAN JOAQUIN AVENUE, APPROXIMATELY 800 FEET SOUTH OF W. IRVINGTON ROAD AND APPROXIMATELY 150 FEET NORTH OF W. NEBRASKA STREET, FROM THE SH (SUBURBAN HOMESTEAD) ZONE TO THE CMH-1 (COUNTY MANUFACTURED AND MOBILE HOME-1) ZONE, IN CASE P17RZ00009 VANDER-HEYDEN, ET AL. – S. SAN JOAQUIN AVENUE REZONING, AND AMENDING PIMA COUNTY ZONING MAP NO. 35.

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

Section 1. The 2.17 acres located on the east side of S. San Joaquin Avenue, approximately 800 feet south of W. Irvington Road and approximately 150 feet north of W. Nebraska Street and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zoning Map No. 35, is rezoned from the SH (Suburban Homestead) zone to the CMH-1 (County Manufactured and Mobile Home-1) zone subject to the conditions in this ordinance.

Section 2. Rezoning Conditions.

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation condition:
Access to the rezoning site shall be on San Joaquin Avenue. One access is allowed for the northern two lots, and one access is allowed for the southern two lots.
3. Flood Control conditions:
 - A. A Floodplain Use Permit is required for all development on the lots being split from parcel 137-12-034A including replacement of mobile and manufactured homes and driveway improvements. The extent of floodplains and habitat shall be indicated on the recorded deeds by metes and bounds legal description and/or recorded survey.
 - B. The riparian area shown on the sketch plan (Exhibit B) shall be avoided by future development.
4. Wastewater Reclamation conditions:

- A. The owner (s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (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, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing 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.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Adherence to the sketch plans (Exhibits B and C) as approved at public hearing. The number of lots and residential units is limited to four.
 6. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.
 7. 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.

Section 3. Time limits of conditions. Conditions 1 through 7 of Section 2 shall be completed no later than March 20, 2023.

Section 4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 5. The effective date of this Ordinance is the date the Chairman of the Board of Supervisors signs this Ordinance.

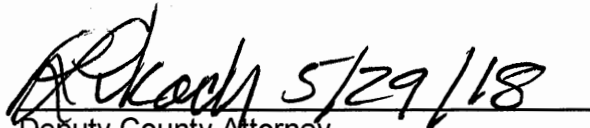
Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2018.

Chairman, Pima County Board of Supervisors

ATTEST:

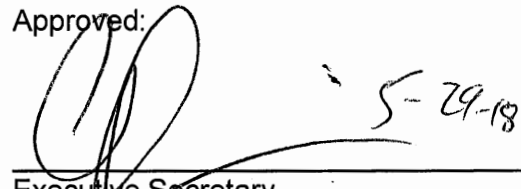
Clerk, Board of Supervisors

Approved As To Form:



Deputy County Attorney
Lesley M. Lukach

Approved:

 5-29-18

Executive Secretary,
Planning and Zoning Commission

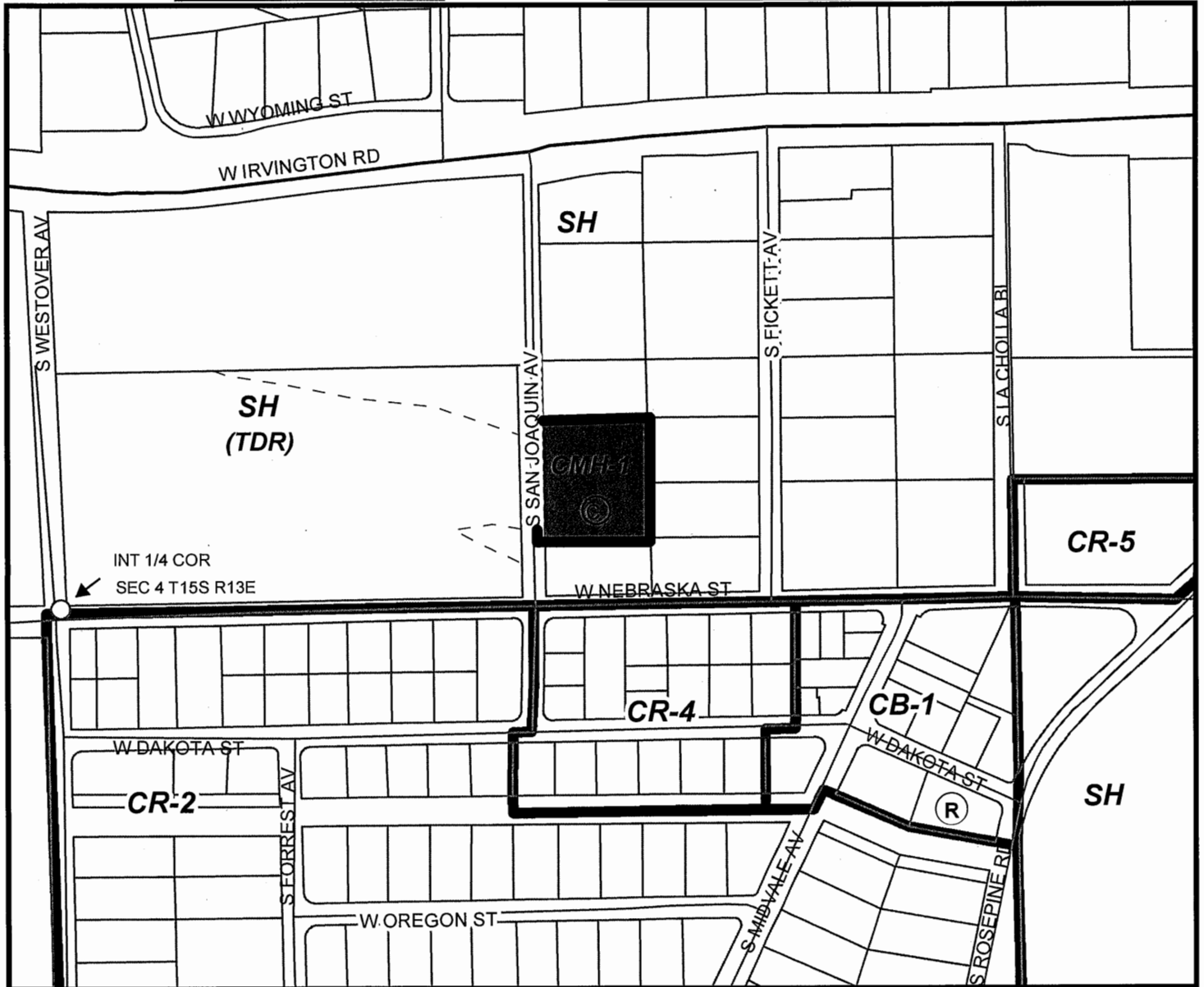
EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 35 TUCSON AZ.
PARCELS 34A AND 43B BEING A PART OF THE NE 1/4 OF SEC 4 T15S R13E.



0 100 200 400 Feet
[Scale bar with markings at 0, 100, 200, and 400 feet]

ADOPTED: _____ EFFECTIVE: _____

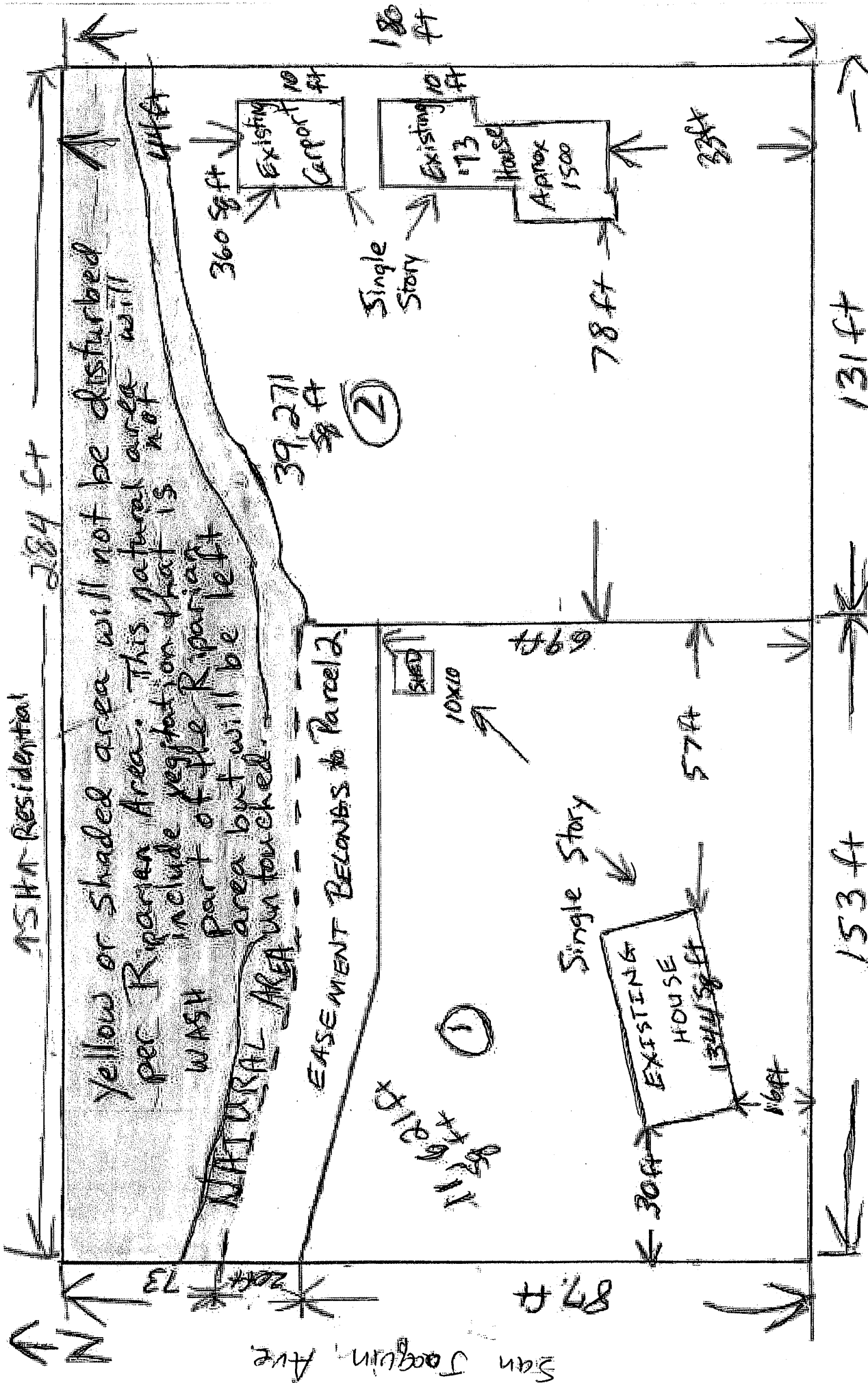


EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SH 2.17 ac
ds-March 20, 2018

P17RZ00009
Co7-13-10
13712034A & 13712043B





P17R200009 Sketch Plan

137-12-034A (North Parcel)

Approved at 3-20-18 BOS Hearing, D.P.

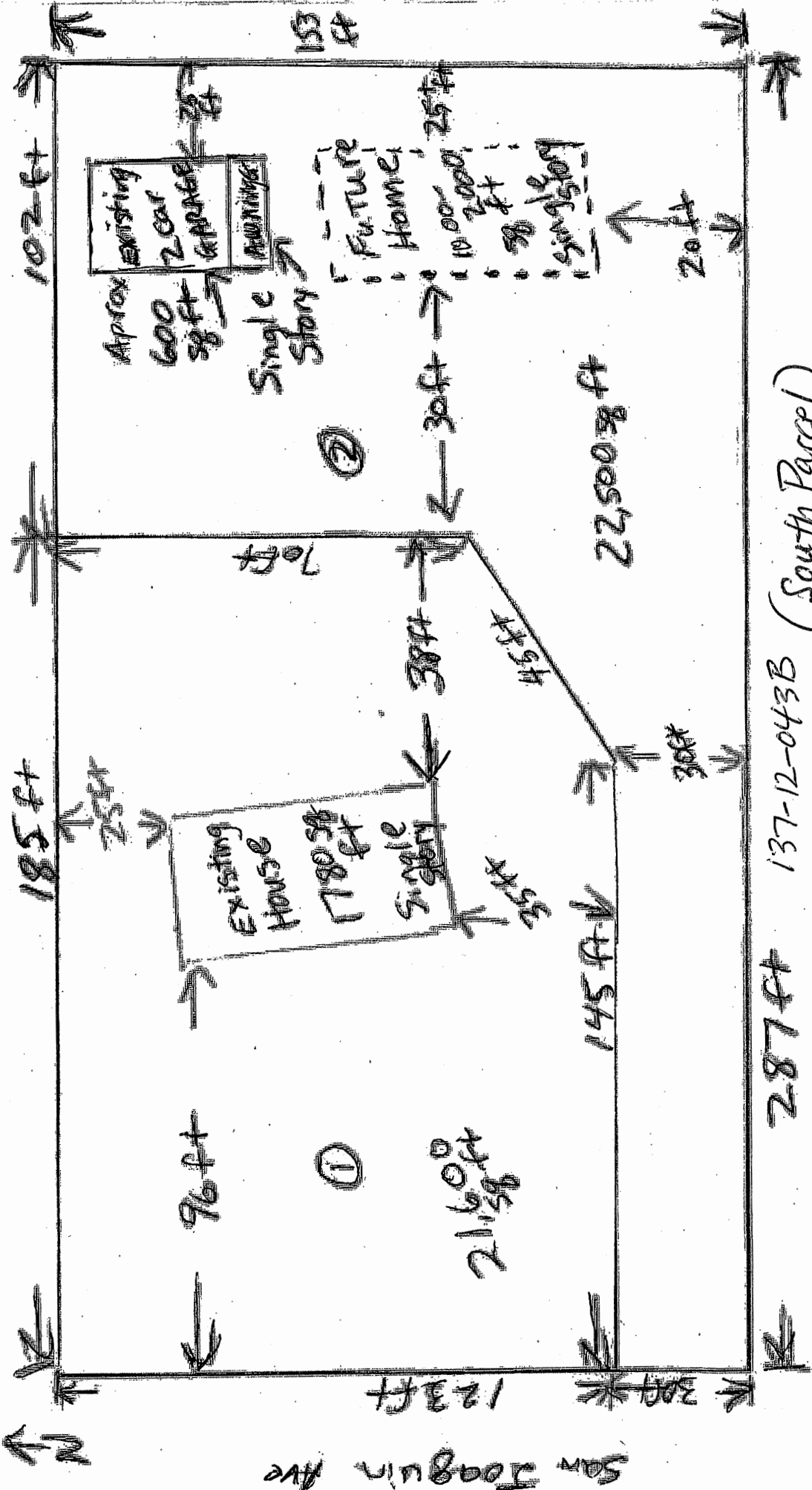
Property Split

5221 S. San Joaquin Ave

Proposed rezoning SH to CMH1
Require connection to sewer on west side of San Joaquin

Scale

1" = 30ft



(South Parcel)

P17R200009 Sketch Plan Approved at 3-20-18 BOS Hearing D.P.

5245 S San Joaquin Ave
Proposed rezoning SA to CMHT
Require connection to sewer on West side of San Joaquin Ave