



**TO:** Honorable Sharon Bronson, Supervisor, District # 3

**FROM:** Arlan M. Colton, Planning Director

**DATE:** November 19, 2014

**SUBJECT:** P1203-041 TUCSON AVRA WEST III (BLOCK "A")

A handwritten signature in blue ink that appears to read "AMC".

The above referenced Lot Split and Plat Note Waiver is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 2, 2014** hearing.

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**REQUEST:** For a lot split and plat note waiver to allow Block "A" of the Avra Valley West III subdivision to be split into three one-acre residential lots located at the northeast corner of the intersection of W. Manville Road and N. Anway Road.

**OWNER:** Heater Investments, Inc.  
7400 N. Oracle Road, #321  
Tucson, AZ 85704

**AGENT:** Greg Carlson Engineering, LLC  
Attn: Greg Carlson, P.E.  
1521 E. Broadway Blvd.  
Tucson, AZ 85719

**DISTRICT:** 3

**STAFF CONTACT:** David Petersen

**PUBLIC COMMENT TO DATE:** As of November 19, 2014, staff has received no written public comment.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS.

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM:** The subject property is located within the CLS Multiple Use Management Area.

CP/DP/ar  
Attachments



## **BOARD OF SUPERVISORS MEMORANDUM**

**Subject:** P1203-041

**Page 1 of 6**

### **FOR DECEMBER 2, 2014 MEETING OF THE BOARD OF SUPERVISORS**

**TO:** HONORABLE BOARD OF SUPERVISORS

**FROM:** Arlan M. Colton, Planning Director  
Public Works-Development Services Department-Planning Division *AMC*

**DATE:** November 19, 2014

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### **UNADVERTISED ITEM FOR PUBLIC HEARING**

#### **LOT SPLIT AND PLAT NOTE WAIVER**

**P1203-041 TUCSON AVRA WEST III (BLOCK "A")**

Request of Heater Investments Inc., represented by Greg Carlson Engineering, LLC, for a lot split and plat note waiver. The applicant requests to split Block "A" of the Tucson Avra West III subdivision into three one-acre lots. Permitting Note #1 requires that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The applicant also requests to waive Permitting Note #7 which requires submittal of a development plan or subdivision plat for review and approval prior to the issuance of any building permits for Block "A". The subject lot is zoned CB-2 (General Business) and is located at the northeast corner of the intersection of W. Manville Road and N. Anway Road. Staff recommends **APPROVAL WITH CONDITIONS**.

(District 3)

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#### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed lot split and plat note waiver, subject to the following conditions:

1. Uses are restricted to those permitted in the SH zone with the exception of trailers, or manufactured or mobile homes; and SH development standards shall apply.
2. All three lots shall be accessed by means of a joint access easement to Anway Road, located on the north side of Block "A", as shown on the site plan.

3. The joint access easement shall be paved to minimum Pima County standards.
4. An access control easement shall be recorded along all roadway frontage except at the joint access easement.
5. At the time development is proposed, the property owner shall submit a site plan to the Pima County Regional Flood Control District for review and approval. Provision of an engineering analysis may be required that establishes Base Flood Elevations for the proposed development and which demonstrates that the development does not increase the water surface elevation by more than 0.1 feet or the velocity by more than 10%, as measured at property lines.
6. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the lot split approval and plat note waiver of the Property nor the conditions of lot split approval and plat note waiver 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(I)."
7. Submittal of a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
8. Within 90 days of Board of Supervisors' approval of the lot split, the property owner shall record covenants for conditions 1 through 6.

### **PLANNING REPORT**

Staff does not object to the request to split the three-acre subdivision Block "A" into three one-acre lots for proposed site-built residences. Commercial use that would serve the rural neighborhood and passing traffic would be preferable, but the owners indicate that the property has been for sale for 10 years with no success. The property is zoned CB-2 (General Business) and was platted by the owners as Block "A" with the intent of commercial use. The owners indicate no confidence in finding a commercial user; and it appears that such prospects for service to area residents are low given the lack of critical population mass and the unlikelihood of future higher density/intensity development. There remains opportunity for commercial service uses in the vicinity on RH (Rural Homestead) zoned properties. RH provides for limited conditional uses that include grocery or convenience stores, retail or repair shops, personal services, gasoline service stations, auto repair or parts stores, and restaurants.

The nearest commercial services are in Picture Rocks, approximately 8.5 miles to the northeast via Manville Road and Sandario Road. Marana Schools are also located considerable distances away, six miles by vehicle to elementary and intermediate schools, and 11 miles to Marana High School. There is also a lack of nearby places of employment.

The Pima County Comprehensive Plan provides for low intensity plan designations, and most area zoning provides for low residential density, including adjacent CB-2 and nearby TR (Transitional) zoning that has been platted as one acre lots and is restricted to lower-density SH (Suburban Homestead) uses and development standards. In addition, much of the area land ownership is public, including Ironwood Forest National Monument located 1.5 miles to the west and City of Tucson ownership of property related to water interests. The area also lacks sewer service and is within the Conservation Lands System.

The Avra West III subdivision was platted by the owners of the subject property in 2005 subsequent to the Board of Supervisors' approval of the Multisectional Manufactured Home Subdivision Option in 2002. The subject Block "A" area, was not included in the Multisectional Manufactured Home Subdivision Option request. The request area consisted of the most of the CB-2 and all of the TR-zoned areas of a rezoning (Co9-69-94) approved in 1970. The rezoning also included a large area of SH zoning. The request was necessary to allow for manufactured home types which are otherwise not permitted in the CB-2 and TR zones. The exclusion of the area of Block "A" limits its residential use to site-built or factory-built (modular) units. A CB-1 (Local Business) area that was part of the rezoning was separately approved for the Multisectional Manufactured Home Subdivision Option at an earlier date and is also platted with residential lots.

Permitting Note #7 requires submittal of a development plan or subdivision plat for review and approval prior to the issuance of any building permits for Block "A". The note reflects an anticipation of commercial use or other intensive use of the site. The proposed split of Block "A" into three one-acre lots for residential use will not require a development plan. Development plans are required for any proposed development other than three residential units or less on an individual lot. With the recommended conditions, #'s 2, 3, and 4, for restricted joint access paved to County standards, staff finds no need for a subdivision plat for the limited development of three additional units within the existing subdivision. The applicant has provided attached legal descriptions for an ingress/egress easement and for an access control easement. Pavement to County standards will provide a durable road that is consistent with streets within the subdivision. The property is relatively flat. The Regional Flood Control District recommends condition #5 which may require an engineering analysis. The property is subject to sheet flooding.

Permitting Note #1 requires that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The plat note ensures review of proposed splits for compliance with development regulations and allows for conditions of approval to ensure compliance and to protect purchasers of property.

Recommended condition #1 restricts uses to those permitted in the SH zone, excluding trailers or manufactured or mobile homes, and requires adherence to SH development standards. This will help ensure use compatibility and consistency among the proposed lots and with the existing adjoining lots within the subdivision which are subject to a similar condition as approved under the Multisectional Manufactured Home Subdivision Option. The unrestricted CB-2 zoning would otherwise allow some uses, such as a bar or an auto repair shop, which may not be compatible with residential uses. The exclusion of trailers and manufactured and mobile homes is only added because the existing CB-2 zoning does permit these housing types. Below are main single-family residential and accessory structure setback requirements for the SH and CB-2 zones. Other standards for maximum height and site coverage exist.

<u>SH Setback Req'ts. (main / accessory)</u>	<u>CB-2 Setback Req'ts. (main / accessory)</u>
Front: 30' / 60'	20' / 15'
Side: 10' / 4' or 50' (animals)	0' / 0'
Rear: 40' / 4' or 50' (animals)	10' / 4'

The application letter indicates that subdivision CC&R's do not apply to Block "A". The subdivision public report indicates that lots are for single family residential use only. The applicant has indicated that water for the site will be served by Anway Water Company.

## TRANSPORTATION REPORT

The Department of Transportation has reviewed the referenced lot split and plat note waiver request and notes the following:

1. Block "A" of Tucson Avra West III is located at the northeast corner of the Manville Road/ Anway Road intersection. Both roads are shown on the Major Streets & Scenic Routes Plan with a 150 foot ROW. All required ROW was dedicated with the previous plat. Current traffic on both roads is approximately 1,000 vehicles per day.
2. The Department of Transportation has no objection to the request subject to the following conditions:
  - A. Development is restricted to SH zone uses.
  - B. All three lots shall be accessed by means of a joint access easement to Anway Road, located on the north side of Block A, as shown on the site plan.
  - C. The joint access easement shall be paved to minimum Pima County standards.
  - D. An access control easement shall be recorded along all roadway frontage except at the joint access easement.
3. The owner's assertion that the property could not be developed commercially because of access restrictions is not correct. A commercial development on Block "A" would be allowed a driveway on both Manville and Anway, and both driveways could be designed in conformance with current standards.

### **FLOOD CONTROL REPORT**

The Pima County Regional Flood Control District (District) has reviewed the request and offers the following comments:

1. The site is not within FEMA Special Flood Hazard Area or Pima County Regulated Riparian Habitat but is impacted by sheet flooding.
2. No drainage complaints have been filed against the property.

The District has found that the project meets concurrency requirements and has no objection subject to the following condition:

At the time development is proposed, the property owner shall submit a site plan to the Pima County Regional Flood Control District for review and approval. Provision of an engineering analysis may be required that establishes Base Flood Elevations for the proposed development and which demonstrates that the development does not increase the water surface elevation by more than 0.1 feet or the velocity by more than 10%, as measured at property lines.

### **WASTEWATER MANAGEMENT REPORT**

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the applicant's request for a lot split of Block "A" of the Tucson Avra West III subdivision into three one-acre lots. The lot split would allow the construction of a site-built home on each of the proposed lots. The applicant also requests waiver of plat note #7 which requires submittal of a development plan or subdivision plat for review and approval prior to the issuance of any building permits for Block "A". The subject property is outside of the PCRWRD service area.

The PCRWRD has no objections to the lot split or plat note waiver request.

### **ENVIRONMENTAL QUALITY REPORT**

Septic systems are allowed on lots that are one acre or more in size and that do not have a public/private sewer within 200' of the closest lot line. PDEQ has no objections with this proposal.

### **SCHOOL DISTRICT REPORT**

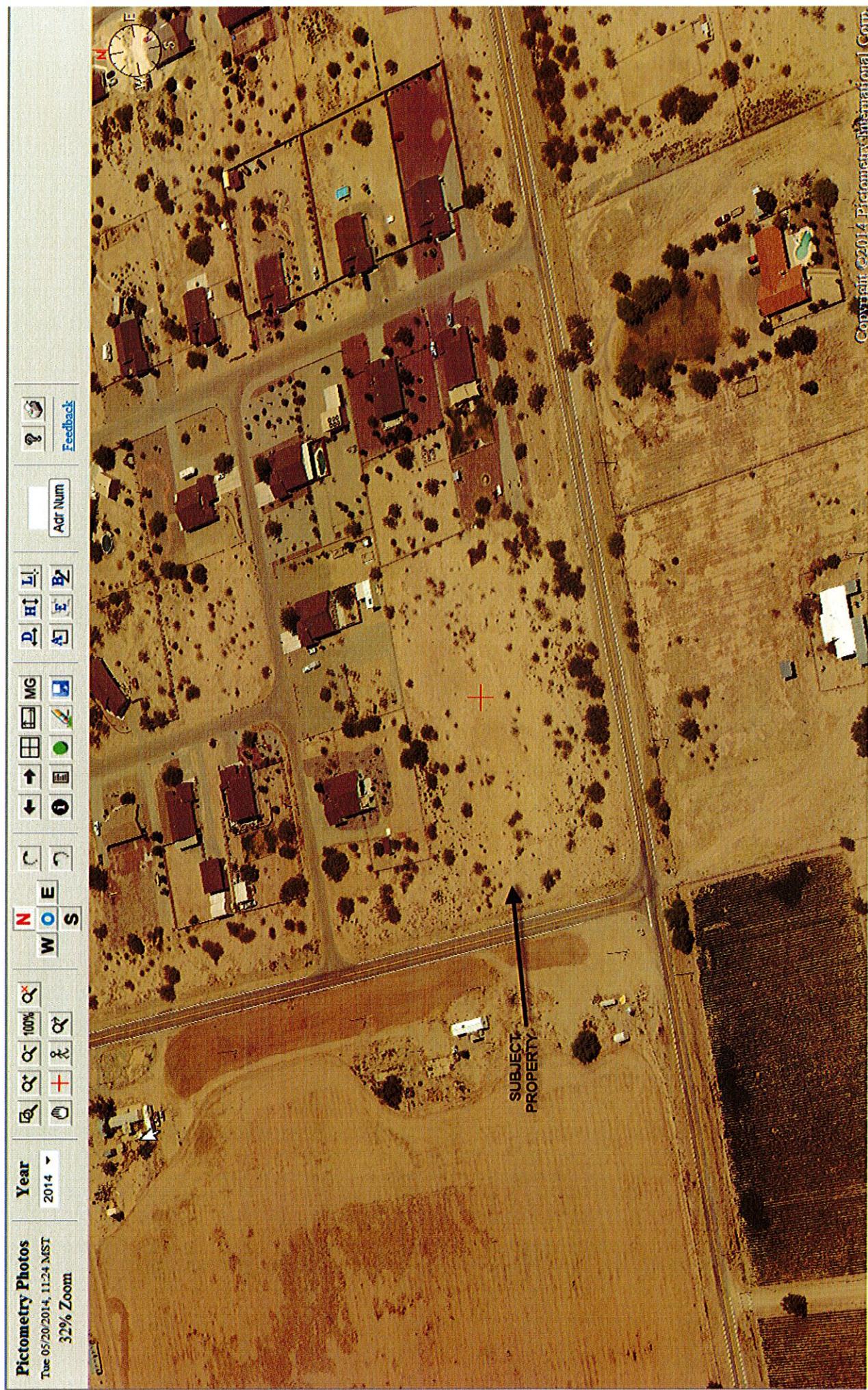
Marana Schools have no objection to this proposal. We have school capacity to handle the impact of the proposed additional homes.

**FIRE DISTRICT REPORT**

To date, Avra Valley Fire District has not responded to a request for comments.

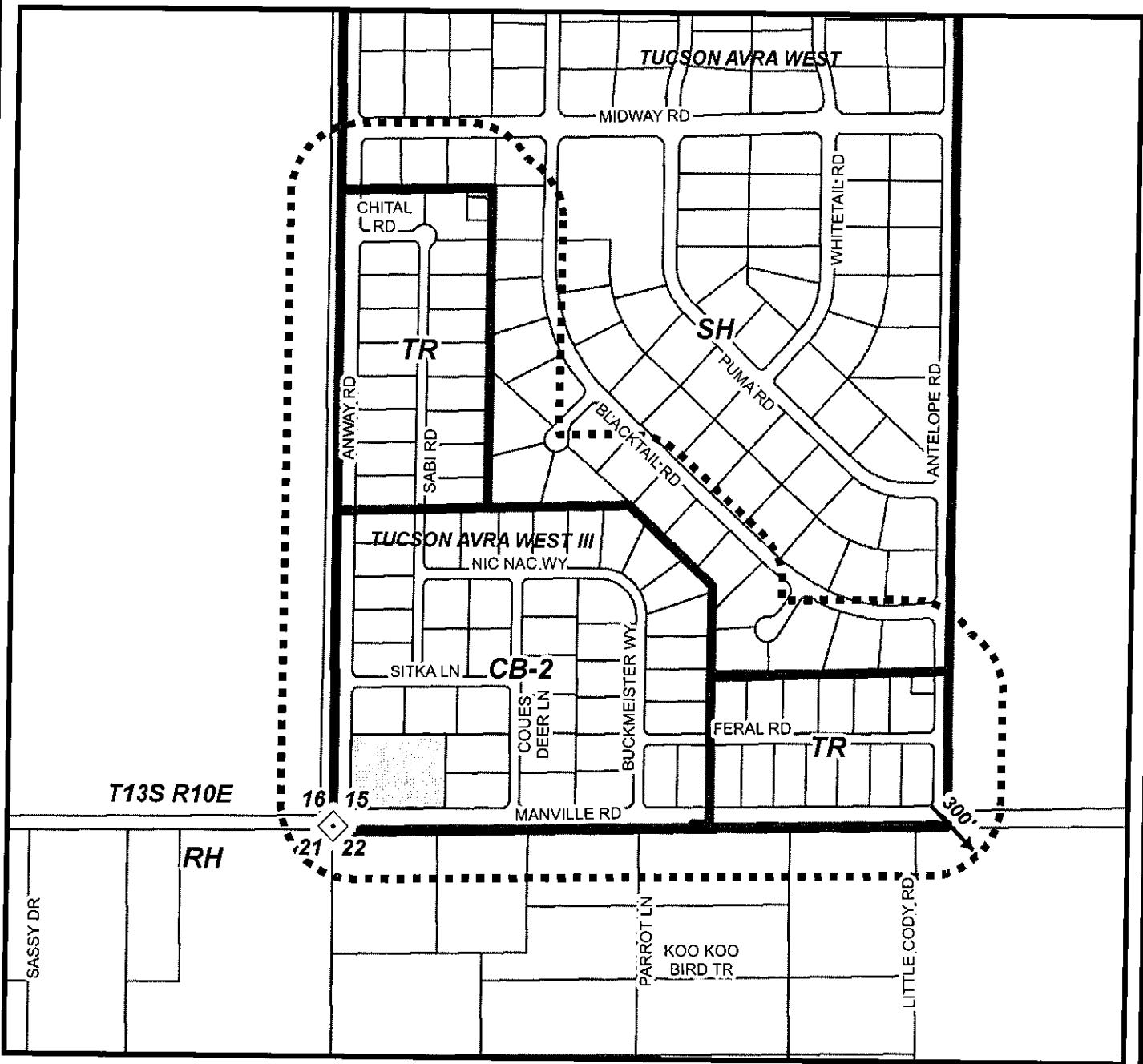
CP/DP/ar  
Attachments

c: Heater Investments, Inc., 7400 N. Oracle Road, #321, Tucson, AZ 85704  
Greg Carlson Engineering, LLC, Attn: Greg Carlson, P.E., 1521 E. Broadway Blvd.  
Tucson, AZ 85719  
Chris Poirier, Assistant Planning Director  
P1203-041 File



Case #: P1203-041 TUCSON AVRA WEST III - BLOCK A

Tax Code(s): 208-42-2530



0 265 530 1,060 Feet

300' Notification Area

Subject Property

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes: Lot Split and Plat Note Waiver for Block A

Board of Supervisors Hearing: 12/2/14

Base Map(s): 268

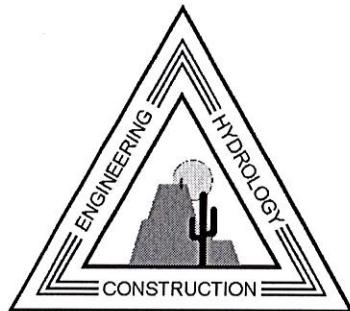
Map Scale: 1:7,500

Map Date: 11/03/2014









September 29, 2014

Pima County Board of Supervisors  
130 West Congress Street, 11<sup>th</sup> Floor  
Tucson, Arizona 85701

GREG CARLSON ENGINEERING, L.L.C.  
1521 E. Broadway Boulevard, Tucson, AZ. 85719  
(520)-624-0070 fax(520)-624-4197  
e-mail:gceng@gceng.biz

RE: Board Special Actions for plat notes #1 & #7 of Tucson Avra West III as they apply to a 3 split for Block "A" of Tucson Avra West III, BK 23, PG 72

Ladies and Gentlemen:

This request letter pertains to:

- Block "A" of Tucson Avra West III, recorded in Book 23 at Page 72.
- APN 208-42-2530.
- Property Owners: Heater Investments, 7400 North Oracle Road #321, Tucson, AZ, 85704 (520) 742-6750
- The area of Block "A" is 3.0 acres.

On behalf of my clients, I am requesting approval for a 3 split of Block "A" to conform with plat note #1- "There will be no further subdividing or lot splitting without written approval of the Board of Supervisors.

On behalf of my clients, I am requesting a waiver from plat note #7 requiring review and approval of a development plan or subdivision plat for Block "A" prior to issuance of any building permits as my clients intend to 3 split the block for site built homes.

Please consider these requests at your earliest convenience. *ALSO, THERE ARE NO CC3RS FOR THE SUBDIVISION WHICH PERTAINS TO BLOCK "A" ACCORDING*  
Sincerely, *TO THE PROPERTY OWNERS.*  
GREG CARLSON ENGINEERING, LLC

Greg Carlson, P.E.



RECEIVED  
SEP 30 2014  
BY

## David Petersen

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**From:** Greg Carlson <gregc@gceng.biz>  
**Sent:** Tuesday, October 28, 2014 1:43 PM  
**To:** David Petersen  
**Cc:** Sandra Heater  
**Subject:** Fw:

David:

Please refer to the reasons stated below by Sandra. If you need any more information, please let me know.

Thanks,

Greg

----- Original Message -----

**From:** Sandra Heater

**To:** Greg Carlson

**Sent:** Tuesday, October 28, 2014 12:08 PM

Greg, the reasons for no commercial viability are endless. We have had this property on the market more than a decade.

First, with the county restriction on ingress and egress commercial activity is impossible as it turns out. I may sue for tax adjustments actually.

Second, most of the surrounding land is held by government entities, particularly Tucson Water. Thus no other commercial ventures will come putting this property in isolation. No commercial enterprise wants or can exist in near isolation.

Third the extremely poor road maintenance and flood issues make Manville impassable many times a year.

Fourth, the population does not support commercial enterprises. No commercial developer will go where the population base cannot support the costs and maintenance of development.

Fifth, only a septic system is available there. That alone preclude grocery stores and other comparable enterprises.

It is ludicrous to suggest we continue to pay extremely high taxes on a property that, as currently zoned, has NO value. We can't even donate it as we have investigated that possibility.

Surely Pima County will understand our very deep concerns.

Thanks,

Sandra

Internal Virus Database is out of date.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 8.5.455 / Virus Database: 271.1.1/5970 - Release Date: 07/06/13 16:46:00

File Number: **-0519698-5**

[Check Corporate Status](#)

Corp. Name: **HEATER INVESTMENTS, INC.**

**Domestic Address**

% JOSEPH P HEATER  
7400 N. ORACLE, #321  
TUCSON, AZ 85704

**Statutory Agent Information**

Agent Name: JOSEPH P HEATER

**Agent Mailing/Physical Address:**

7400 N. ORACLE, #321  
TUCSON, AZ 85704

**Agent Status:** APPOINTED 07/22/1988

**Agent Last Updated:** 12/20/2013

**Additional Corporate Information**

**Corporation Type:** PROFIT

**Business Type:** REAL ESTATE

**Incorporation Date:** 07/22/1988

**Corporate Life Period:** PERPETUAL

**Domicile:** ARIZONA

**County:** PIMA

**Approval Date:** 07/25/1988

**Original Publish Date:** 08/09/1988

**Officer Information**

SANDRA H HEATER

KIMBERLY HEATER

PRESIDENT

SECRETARY

7400 N. ORACLE, #321

7400 N. ORACLE, #321

TUCSON, AZ 85704

TUCSON, AZ 85704

**Date of Taking Office:** 07/01/1988

**Date of Taking Office:** 07/01/1988

**Last Updated:** 12/20/2013

**Last Updated:** 12/20/2013

JOSEPH P HEATER

VICE-PRESIDENT

7400 N. ORACLE, #321

TUCSON, AZ 85704

**Date of Taking Office:** 07/01/1988

**Last Updated:** 12/20/2013

### **Director Information**

JOSEPH P HEATER

DIRECTOR

7400 N. ORACLE, #321

TUCSON, AZ 85704

**Date of Taking Office:** 07/01/1988

**Last Updated:** 12/20/2013

### **Annual Reports**

**DATE:** October 23, 2014



**TO:** David Petersen, DSD  
Senior Planner

**FROM:** Greg Saxe, Ph.D.  
Env. Plg. Mgr

**SUBJECT:** P1203-041 Lot 208-42-2530 Lot Split and Plat Note Waiver

The Pima County Regional Flood Control District (District) has reviewed the request and offer the following comments:

1. The site is not within FEMA Special Flood Hazard Area or Pima County Regulated Riparian Habitat but is impacted by sheet flooding.
2. No drainage complaints have been filed against the property.

The District has found that the project meets concurrency requirements and has no objection subject to the following condition:

- a. At the time development is proposed, the property owner shall submit a site plan to the Pima County Regional Flood Control District for review and approval. The applicant may be required provide an engineering analysis that establishes Base Flood Elevations for the proposed development and which demonstrates that the development does not increase the water surface elevation by more than 0.1 feet or the velocity by more than 10%, as measured at property lines.

If you have any questions about these comments, please contact me at 724-4600.

GS/sm

Cc: File