



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: March 20, 2018

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

Introduction/Background:

The applicant requests a rezoning from SH (Suburban Homestead) to CMH-1 (County Manufactured and Mobile Home) on 2.17 acres.

Discussion:

The rezoning will allow the proposed split of two adjacent SH parcels into four parcels for sale. Each parcel will contain one residence. The current SH zoning also allows four residences but does not allow the parcels to be split. There are three manufactured homes existing on the property. The proposed parcel sizes will require connection to the public sewer for the three dwellings that exist and the fourth proposed. On-site septic disposal is currently utilized. The applicant proposes to preserve remaining vegetation related to Conservation Lands System Important Riparian Area along the north boundary of the north parcel as depicted on the rezoning sketch plan for that parcel.

Conclusion:

The proposed density is not being increased over that currently allowed by the SH zoning; and the existing and proposed residential uses remain compatible with other residential uses in the neighborhood. There is concurrency of infrastructure; and there is a net benefit with the recommended conditions requiring connection to the public sewerage system and preservation of remaining vegetation associated with Important Riparian Area.

Recommendation:

Staff recommends approval of the rezoning with conditions. The Planning and Zoning Commission also recommends approval with conditions.

Fiscal Impact:

N/A

Board of Supervisor District:


1 2 3 4 5 All

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

Contact: David Petersen Telephone: 520-724-9000

Department Director Signature/Date:  2/28/18

Deputy County Administrator Signature/Date:  3/2/18

County Administrator Signature/Date:  3/6/18


PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Richard Elias, Supervisor, District 5

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: February 26, 2018

SUBJECT: P17RZ00009 VANDER-HAYDEN, ET AL. – S. SAN JOAQUIN AVENUE REZONING

Tom Drargowski

The above referenced Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, MARCH 20, 2018** hearing.

REQUEST: For a **rezoning** of approximately 2.17 acres from the SH (Suburban Homestead) zone to the CMH-1 (County Manufactured and Mobile Home-1) zone, on 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.

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

PUBLIC COMMENT TO DATE: As of February 26, 2018, staff has not received any written public comments. No members of the public spoke at the Planning and Zoning Commission public hearing.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (7 – 0; Commissioners Bain and Tronsdal were absent).

STAFF RECOMMENDATION: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: A portion of the subject property contains Important Riparian Area within the Maeveen Marie Behan Conservation Lands System (CLS).

TD/DP/ar
Attachments



BOARD OF SUPERVISORS MEMORANDUM

Subject: P17RZ00009

Page 1 of 3

FOR MARCH 20, 2018 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Planning Official
Public Works-Development Services Department-Planning Division

DATE: February 26, 2018

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING

P17RZ00009 VANDER-HAYDEN, ET AL. – S. SAN JOAQUIN AVENUE REZONING

Request of Gerald and Kristi Vander-Hayden, representing Debra Gowin and Shelly Gowin, for a **rezoning** of approximately 2.17 acres from the SH (Suburban Homestead) zone to the CMH-1 (County Manufactured and Mobile Home-1) zone, on 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. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted 7-0 to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS** (Commissioners Bain and Tronsdal were absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 5)

Planning and Zoning Commission Public Hearing Summary (January 31, 2018)

Staff presented information from the staff report to the commission. Staff noted that no written public comment had been received.

The owner/representative spoke in favor of the rezoning. He explained that the purpose of the rezoning was to allow the split and sale of the properties. He said it is difficult to sale one lot with two residential units on it. He noted that there was no intention to create a mobile home park.

A commissioner noted that part of the riparian area had been impacted already. He asked where the additional home would be placed. The applicant stated that the fourth home would be placed on the southeast portion of the south property (not within riparian area located on the north property).

No one else spoke.

Commissioner Gungle made a motion to recommend approval of the rezoning subject to the standard and special conditions.

Commissioner Matter gave second to the motion.

The commission voted to recommend **APPROVAL** of the rezoning (7-0, Commissioners Bain and Tronsdal were absent), subject to the following conditions:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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 as shown on the sketch plans. 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 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 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.

TD/DP/ar
Attachments

cc: 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
Tom Drzazgowski, Chief Zoning Inspector
P17RZ00009 File

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION**

HEARING January 31, 2018

DISTRICT 5

CASE P17RZ00009 Vander-Heyden, et al.
– S. San Joaquin Avenue Rezoning

REQUEST Rezone from SH (Suburban Homestead) to CMH-1 (County Manufactured and Mobile Home) (2.17 acres)

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

APPLICANT Gerald and Kristi Vander-Heyden

APPLICANT'S PROPOSED USE

Four residential parcels.

APPLICANT'S STATED REASON

"...selling each parcel individually."

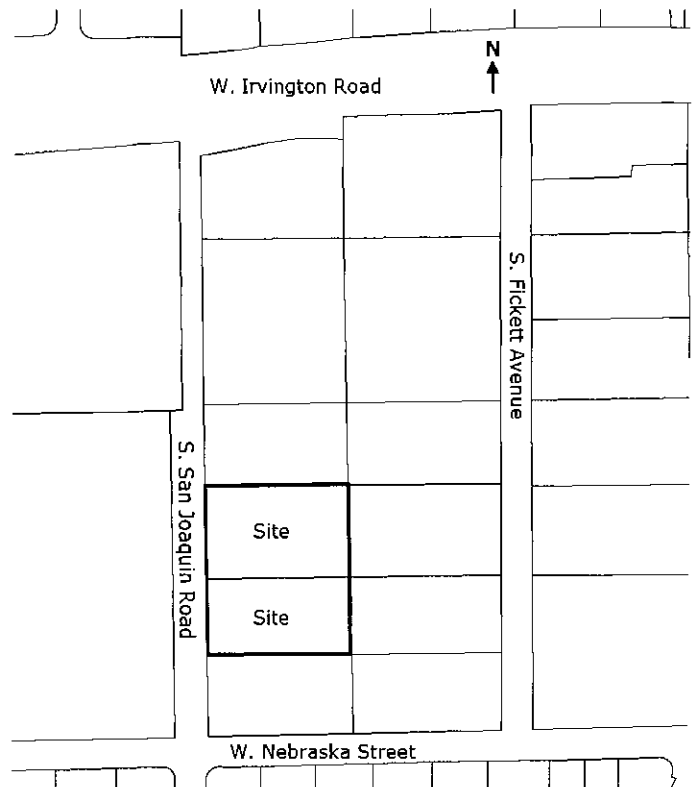
COMPREHENSIVE PLAN DESIGNATION

The Pima County Comprehensive Plan designates the subject property as Low Intensity Urban 3.0 (LIU 3.0), which designates areas for low-density residential and other compatible uses at a maximum density of 3.0 residences per acre.

SURROUNDING LAND USES/GENERAL CHARACTER

The area in general contains low-density single residences. Some government land holdings are either undeveloped or contain park and recreation amenities.

North:	SH	Residence
South:	SH	Residence
East:	SH	Residence
West:	SH	Undeveloped



PREVIOUS REZONING CASES ON PROPERTY

None

PREVIOUS REZONING CASES IN GENERAL AREA

There was a 1957 rezoning to CR-3 a quarter mile to the southeast that resulted in residential subdivision development.

STAFF REPORT

Staff recommends **APPROVAL with conditions**. Staff supports the CMH-1 (County Manufactured and Mobile Home) rezoning request, because the proposed residential development is compatible with surrounding residential development and does not represent a density increase over the existing SH (Suburban Homestead) zoning allowance. Also, concurrency of infrastructure exists to serve the site.

The applicant proposes the rezoning to allow the two approximate one-acre parcels to be split into four lots total for sale. CMH-1 zoning is necessary to splits the parcels because the current SH zoning requires a 36,000 square foot minimum site area. (An acre is 43,560 square feet.) Despite the potential for greater density with CMH-1 zoning (minimum 8,000 square feet per dwelling), the applicant proposes only four residential units as currently allowed for the SH zoning (minimum 18,000 square feet per dwelling). There are currently three residential units within the rezoning site, two on the north parcel, and one on the south parcel. A fourth unit would be placed within the area of the south parcel.

The rezoning conforms to the Low Intensity Residential 3.0 (LIU 3.0) comprehensive plan designation of the site and surroundings which allows a maximum density of 3.0 residences per acre (RAC). The four residential units proposed correlate to approximately 2.0 RAC. Recommended conditions #1 and #5 require Board of Supervisors' approval of further lot splits and adherence to the proposed sketch plans for four lots and residences. This will ensure compliance with the comprehensive plan and prevent a multi-space manufactured home park without public review.

The smaller lot sizes will require connection to the public sewerage system line within San Joaquin Road. Septic system sewage disposal is currently utilized. Conditions for use of the sewerage system are recommended by the Wastewater Reclamation Department.

The Transportation Department recommends that access be limited to two driveway connections to San Joaquin Road, one for the splits of the north parcel and one for the splits of the south parcel.

The north parcel lies within regulated floodplain and contains Important Riparian Area, part of which has been disturbed. The applicant proposes avoidance of the undisturbed portion of this riparian habitat, including adjacent associated vegetated area, constituting what appears to be over one-third of the parcel. The Flood Control District recommends conditions that require future development avoidance of this area, in addition to formal description of it on recorded deeds or a recorded survey. This will inform future owners. The rezoning sketch plan provides a rough, hand-drawn depiction of the riparian area and additional vegetation with notation for its preservation.

The Cultural Resources Office notes the existence of an archaeological site which runs through the property. They note that should a development plan ever be required, archeological mitigation may be required.

Tucson Water will serve the property, but their comments (below) regarding policy for the prohibition of remote water meters will cause a "flag pole" reconfiguration of the proposed north lot split, such that the easterly lot will retain at least 15 feet of frontage on San Joaquin Avenue. The applicant has acknowledged this in an email to staff and has submitted a revised plan intended to meet the frontage requirement.

The rezoning site is relatively flat and has been graded except for the mostly non-disturbed riparian area as noted for the north parcel. In addition to the three existing residences, there are some detached accessory structures. The applicant will need to ensure that the proposed splits meet the 8,000 square foot minimum CMH-1 lot size, as well as minimum required setbacks to new internal lot lines for existing buildings and structures. The smallest lot size proposed is approximately 11,600 square feet. The applicant does not intend to utilize the proposed CMH-1 zoning for development of a manufactured home park, standards for which would be required to be met under an approved development plan if a fourth manufactured or mobile home were placed on the site under unified ownership.

The adjacent SH-zoned residential parcels and others along the street blocks (S. San Joaquin Avenue and S. Fickett Avenue) are similar in nature to the subject property. Smaller CR-4-zoned residential lots, similar to the proposed parcel splits, are located nearby, south of W. Nebraska Street. City of Tucson jurisdiction is located approximately a half-mile to the east, east of S. Mission Road, where higher density subdivisions and apartments exist. There are commercial services within approximately a half-mile to the northeast along W. Irvington Road. Bus stops exist at the Mission and Irvington Roads intersection approximately a half mile to the northeast. Bike routes exist along Mission and Irvington Roads. An elementary school and a middle school within Tucson Unified School District are located approximately a quarter-mile to the south and a half-mile southwest respectively. TUSD comments were not solicited. A public pool is located just north of the site at the southwest corner of W. Irvington Road and S. San Joaquin Avenue. A public park is located a quarter-mile to the west of the site, between W. Irvington Road and W. Nebraska Street, and hiking, mountain bike, and equestrian trails exist north of the park. Tucson Electric Power serves the area.

Concurrency of Infrastructure

Concurrency of infrastructure exists to serve the proposed development:

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
PARKS AND RECREATION	Yes	No objection
WATER	Yes	No remote water meters
SCHOOLS	N/A	No additional density proposed
AIR QUALITY	Yes	

TRANSPORTATION REPORT

The Department of Transportation has no opposition to the rezoning requests. Concurrency considerations have been met as this request will not add additional traffic to the roadway network. The rezoning will simply split the lots into four individual lots, allowing one house on each lot. Due to the existing zoning allowing four houses, the traffic impacts of this lot split will not result in any additional houses than those already allowed.

San Joaquin Avenue and Nebraska Street are both two lane, county maintained paved roads. Neither are listed on the Major Street Plan or designated as scenic routes. The pavement for San Joaquin is rated as poor and Nebraska Street is rates as failing. Although the pavement is in poorly maintained conditions, the net increase in traffic is zero. This means the rezoning will not impact pavement conditions.

Access to the site is via San Joaquin Avenue. The northern two lots will access San Joaquin via an easement along the tree line as shown on the sketch plan. Access to the southern two lots should be established as an easement along the north side of parcel 137-12-043B. The existing access to the lot appears to be in this location.

The Department of Transportation recommends the following condition:
Access to the rezoning site shall be on San Joaquin Avenue as shown on the sketch plan. One access is allowed for the northern two lots, and one access is allowed for the southern two lots.

FLOOD CONTROL REPORT

The northern lot is entirely within regulated floodplain and includes regulated riparian habitat designated as Important Riparian Area. As noted on the sketch plan, the applicant intends to avoid the habitat shown on the proposed plan. The access easement for the proposed northeastern lot is adjacent to west Nebraska Wash. While the floodplain, erosion hazard setbacks and wash have not been shown, it appears the easement has been placed immediately south of the low flow channel. Existing structures on the northern lot have been permitted and no driveway improvements are proposed at this time. The new home location on the southern lot is not in the floodplain or habitat. The District has no objection subject to the following conditions:

- 1) 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.
- 2) The riparian area shown on the sketch plan shall be avoided by future development.

WASTEWATER RECLAMATION REPORT

The Planning Section of the Pima County Regional Wastewater Reclamation Department (PCRWRD) has reviewed the above referenced rezoning case and offers the following comments for your use. The proposed rezoning would allow the property owner to split the two subject parcels into four parcels with one residence on each parcel. There are currently three existing residences on the parcels. One additional manufactured home is proposed on one of the parcels. The rezoning area is located on the east side of S. San Joaquin Avenue, approximately 800 feet south of W. Irvington Road.

The rezoning area is within the PCRWRD service area and is tributary to the Agua Nueva Water Reclamation Facility via the Southwest Interceptor. The applicant proposes connecting to the exiting 8" public sewer line G-97-136 located along the west side of San Joaquin Avenue. The proposed estimated flows will not have significant effects on the sewer system, as indicated in the Sewer Capacity Waiver 20017-148 and Waiver 2017-157 by PCRWRD.

The PCRWRD has no objection to the proposed rezoning, but recommends conditions under #4 below.

CULTURAL RESOURCES REPORT

The Office of Sustainability and Conservation – Cultural Resources has reviewed the request and has the following comment. The West Branch archaeological site, AZ AA:16:3(ASM) runs through these parcels. If a development plan is submitted at some point in the future, cultural resources mitigation may be required.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

NRPR has no comments pertaining to the rezoning request.

ENVIRONMENTAL PLANNING REPORT

Disturbances to Important Riparian Areas will be addressed by the Regional Flood Control

District through implementation of Title 16.30 - Watercourse and Riparian Protection and Mitigation Requirements. Office of Sustainability and Conservation – Environmental Planning has no further comments.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

The U.S. Fish and Wildlife Service has reviewed two actions that you recently provided to us for review. The first is a rezoning (P17RZ00009) Vander-Heyden, et al. - S. San Joaquin Avenue rezoning, and the second is a request for modification of rezoning conditions (Co23-00-01) of the Riverside Crossing Specific Plan.

We do not have any comments on either action.

TUCSON WATER REPORT

In the letter from the applicant, (it is stated) that the "City of Tucson Water Department" has verified "that connecting to the sewer system is feasible and allowable". This statement is obviously mistaken since Tucson Water is only concerned with water service, and connecting to the sewer system is outside of our purview.

In regard to water service, there is an existing 6" Tucson Water main located in South San Joaquin Avenue. Given this proposed land division it must be noted that Tucson Water requires that for any parcel to receive water service it must have a minimum of 15' of actual frontage along the main. This must be actual property not an easement.

The condition where a water meter does not front the parcel that it is intended to serve is known as a remote meter, which is not allowed. Attached to this email is the Tucson Water Remote Meter Policy which explains the prohibition of remote meters.

The owner of a parcel that does not front on the public water main must do one of two things to obtain water service:

- 1) They must acquire a strip of land (15' wide minimum) to be combined with their parcel so as to extend said parcel to the main and have the required frontage.
- 2) Extend the public water main (at their expense) to their property and thus achieve the require 15' of main frontage in this manner. This would of course entail obtaining the required public water easement for the main extension.

Simply stated, you must either bring the property to the main, or bring the main to the property.

In the hand-drawn sketch for 5221 S. San Joaquin Avenue an easement is shown across the proposed parcel "1" to provide access to the proposed parcel "2". This is unacceptable is regard to obtaining water service. It must be actual property not an easement that fronts on the water main.

In the hand-drawn sketch for 5245 S. San Joaquin Avenue it appears that the intent is to extend the proposed parcel "2" so that there is actual frontage on San Joaquin Avenue. If

this is the case, this situation would allow for standard water meter installation to serve this parcel.

SCHOOL DISTRICT REPORT

Comments were not requested from Tucson Unified School District because the residential density proposed will not be different from the existing density allowance.

DREXEL HEIGHTS FIRE DISTRICT REPORT

Drexel Heights has reviewed the proposed rezone request and has no objection to this rezone request.

PUBLIC COMMENT

As of the writing of this report, staff has not received any written public comments.

IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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 as shown on the sketch plan. 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 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 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. § 12-113.
 - 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.

Respectfully Submitted,



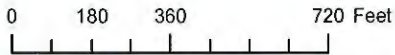
David Petersen, AICP
Senior Planner

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



Case #: P17RZ00009

Case Name: VANDER-HEYDEN, ET AL - S. SAN JOAQUIN AVENUE REZONING

Tax Code(s): 137-12-034A & 137-12-043B



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Map Scale: 1:5,000		
	Map Date: 1/2/2018 - ds		



6,612 x 3,912 (ft)

1:4,608





2016
N
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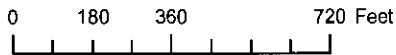
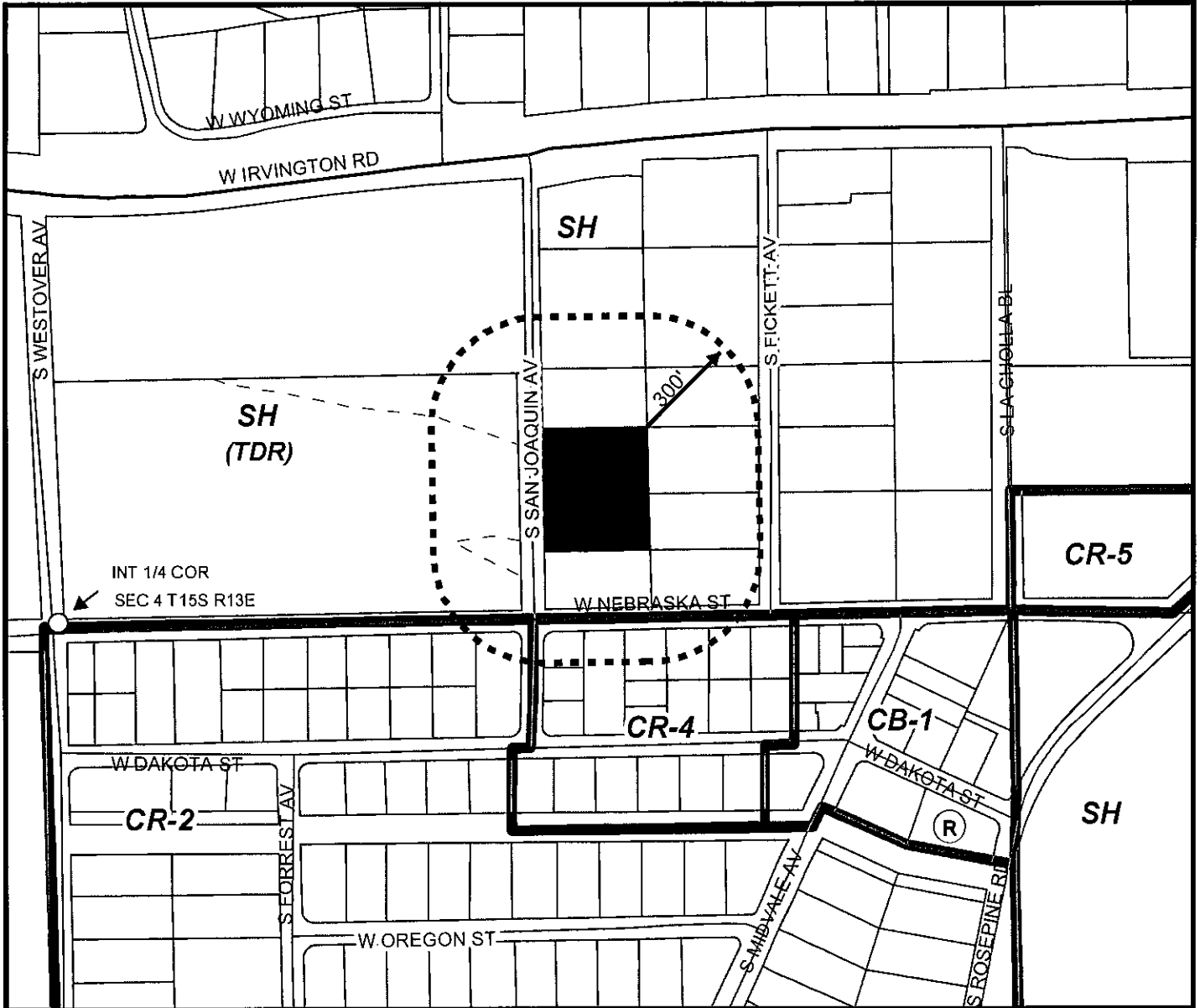


Case #: P17RZ00009

Case Name: VANDER-HEYDEN, ET AL - S. SAN JOAQUIN AVENUE REZONING

Tax Code(s): 137-12-034A & 137-12-043B



-  gdllib.GISDATA.tdrs
-  300' Notification Area
-  Subject Property
-  Zoning Boundary

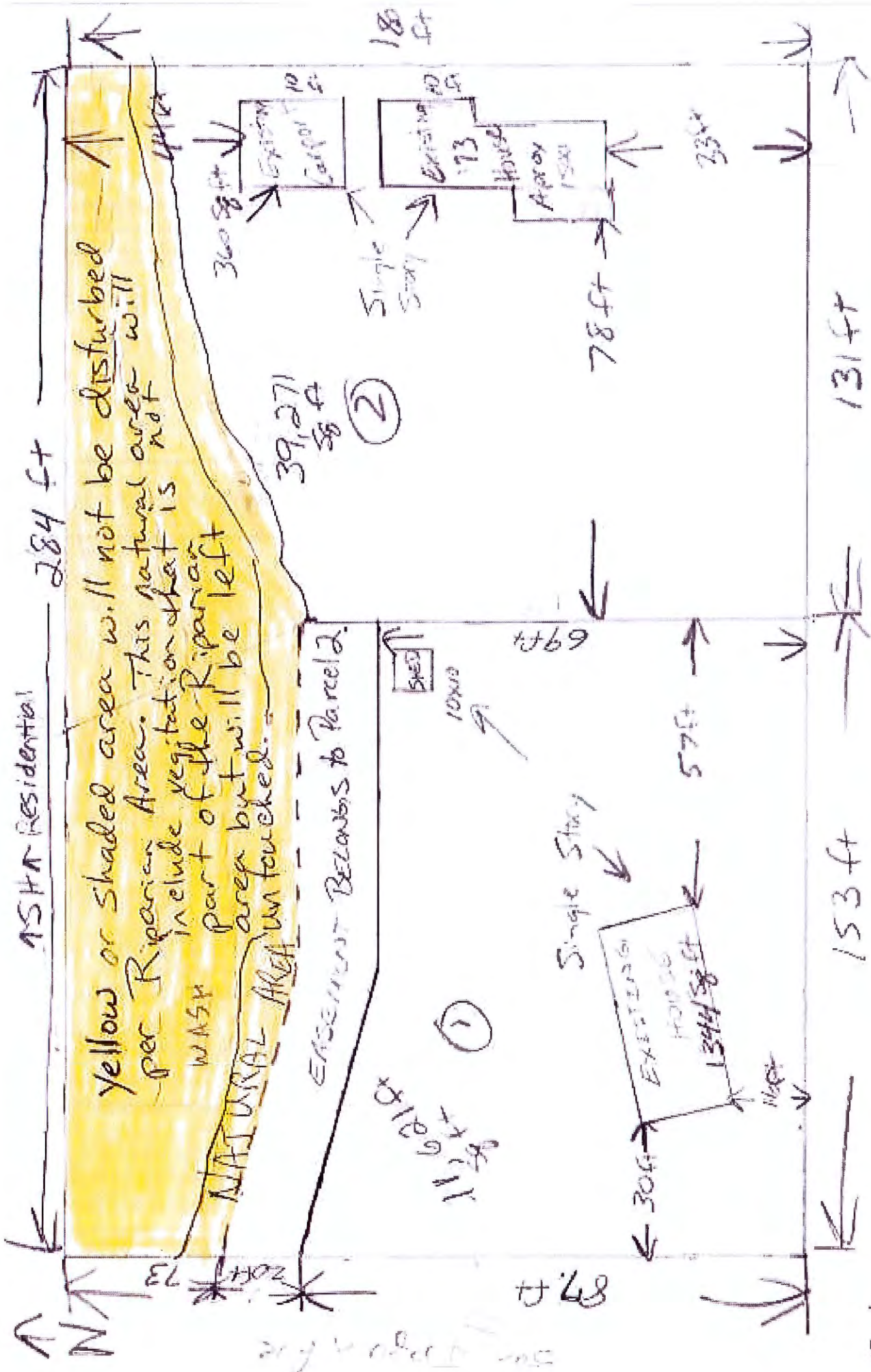


Area of proposed rezoning from SH to CMH-1



**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Planning & Zoning Hearing: 01/31/18	Board of Supervisors Hearing: March 20, 2018	
	Base Map(s): 35	Map Scale: 1:6,000 Map Date: 2/8/2018 - ds	



5221 S. San Joaquin Ave
 137-12-034A (North Parcel)

Proposed rezoning SH to CMH1 Property Split
 Require connection to sewer on West Side of San Joaquin

Scale

Mr. & Mrs. Gerald L. Vander-Heyden
4908 S. Cactus Wren Ave.
Tucson, Az. 85746
December 15, 2017

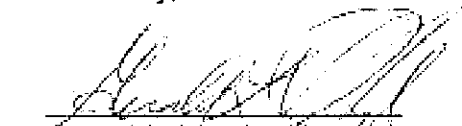
To Whom It May Concern,

We, Gerald L. and Kristi S. Vander-Heyden, the property owners of 5221 S. San Joaquin Ave. Tucson, Az. 85746 and 5245 S. San Joaquin Ave. Tucson, Az. 85746. We are proposing to rezone two properties from SH to CMH1, thus creating 4 parcels and eventually selling each parcel individually. Currently there are 3 permitted houses on the two current parcels, a fourth manufactured house will NOT be moved onto the parcel until after at least one of the 3 current houses is sold. We have NO intention of creating a mobile home park, just improving the neighborhood and increasing property values by doing so. All 3 current houses are single story as will the eventual 4th house. On the parcel at 5221 S. San Joaquin Ave. the house in the back is a 1973 manufactured home with approx. 1,500 sq. ft. with a detached 2 car carport and shed. The front house on this same parcel is also a single story 1993 manufactured home of approx. 1,345 sq. ft. The proposed new parcels will be divided approx. equally in half with an easement driveway created to the back house. We understand that the property at 5221 S. San Joaquin lies within a Conservation Lands System (CLS) which was previously disturbed prior to our ownership and the current amount of vegetation in the CLS will not change. As an offset to the Important Riparian Area (IRA) we will not disturb any of the current trees that are on the property and border the CLS. The parcel located at 5245 S. San Joaquin Ave currently has 1 single story 1989 manufactured house with approx. 1789 sq. ft. as well as a small detached shed. There is also a 2-car garage on the Northeast corner of the parcel that will remain and become part of the new 4th parcel. After the sale of at least one of the houses we plan to install a single story manufactured home on the 4th parcel with a sq. ft. of between 1,500 – 2,200 sq. ft. Under our rezoning request the three current houses will each occupy their own individual parcel and will remain in their current location. There currently is only 1 water meter per parcel for a total of 2 water meters. This will be changed so that each parcel will have its own individual water meter for a total of 4 water meters. We further understand that one of the conditions for completing the rezoning will be to connect all current and future houses to the city/county sewer system. The sewer system runs North/South along the west side of San Joaquin Ave and has been verified with City of Tucson Water Department that connecting to the sewer system is feasible and allowable.

After the 2007 mortgage industry meltdown policies were changed that severely impact home owners of SH zoned properties by preventing new mortgages on properties with 2 manufactured homes on 1 acre despite the SH zoning. The new mortgage regulations do allow for buyers to obtain a mortgage and purchase two homes on one acre with SH

do allow for buyers to obtain a mortgage and purchase two homes on one acre with SH zoning if both houses are "stick built" or 1 house is "stick built" and 1 house is a manufactured home, however it does not allow for a mortgage if both houses are manufactured homes. This left home owners with three options: 1st, do an owner carryback mortgage which can only be done if owned free and clear, 2nd, sell to a cash buyer for pennies on the dollar or 3rd, devalue the property by removing one home. We are seeking a 4th option with our rezoning petition going from SH to CMH1 would allow us to separate the 1-acre lot into two lots of approx. ½ acre each and then sell each house individually thus increasing the value of each parcel. We are not seeking to change the density of the lot or area only the rezoning to allow for the separation of the houses into two separate parcels to facilitate the sale of each property. In addition, the rezoning of these parcels will help improve the neighborhood appearance and allow home ownership vs. rentals which typically results in better upkeep of properties.

Sincerely,



Gerald L. Vander-Heyden



Kristi S. Vander-Heyden

Pima County Comprehensive Plan
Southwest Planning Area
Plan Designation: Low Intensity Urban 3.0 (LIU 3.0)
Special Area Policies S-29 SWIP & S-35 Retail



City of Tucson

LIU 3.0

LIU 3.0

W. Irvington Road

LIU 3.0

S. San Joaquin Ave.

Site

CAC

S. Mission Road

W. Nebraska St.

MLIU

MLIU

RC

Low Intensity Urban (LIU)

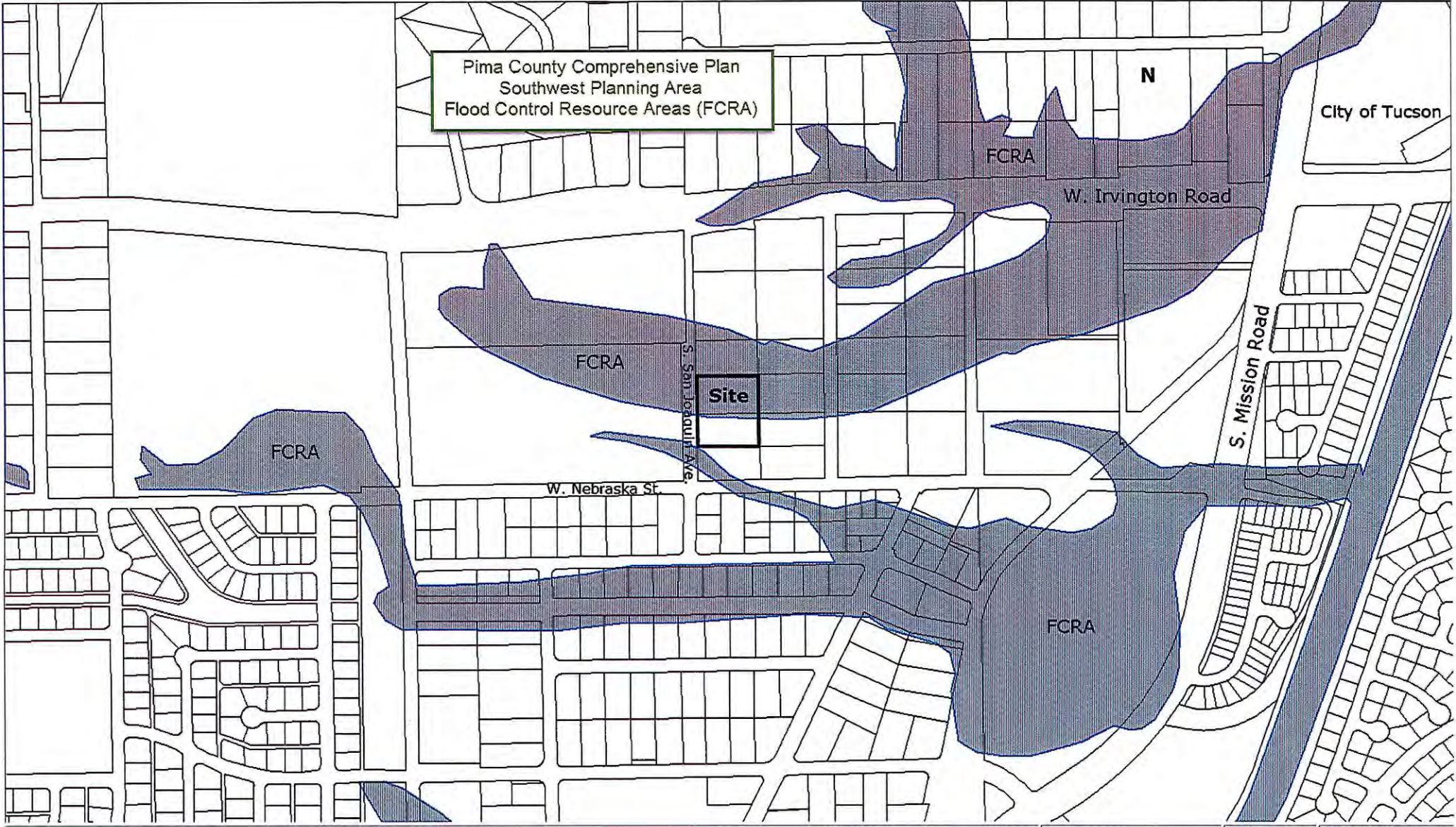
Low Intensity Urban includes four land use categories designations ranging from a maximum of 3 RAC stepped down to 0.3 RAC. The Low Intensity Urban categories are LIU3.0, LIU1.2, LIU0.5, and LIU-0.3.

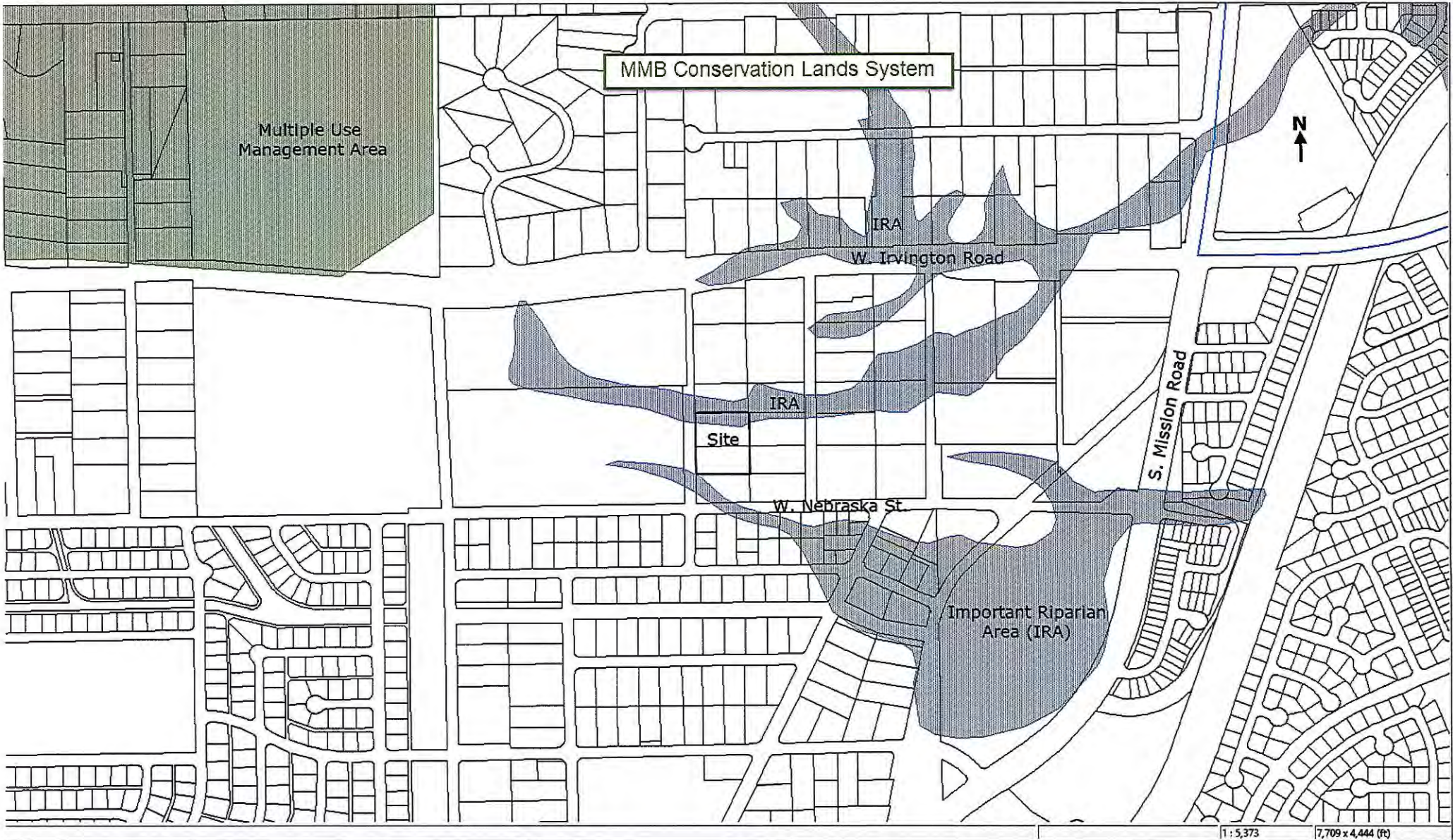
- a. Objective: To designate areas for low-density residential and other compatible uses and to provide incentives for residential conservation subdivisions to provide more natural open space. Density bonuses are offered in exchange for the provision of natural and/or functional open space. Natural open space must be set aside, where applicable, to preserve land with the highest resource value and to be contiguous with other dedicated natural open space and public preserves.

1) Low Intensity Urban 3.0 (LIU-3.0)

- a) Residential Gross Density:
 - i) Minimum – none
 - ii) Maximum – 3.0 RAC.

- b) Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs): Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:
 - i) Minimum density – 1.5 RAC
 - ii) Maximum density – 3.0 RAC.





MMB Conservation Lands System

Multiple Use Management Area

N
↑

IRA

W. Irvington Road

IRA

Site

W. Nebraska St.

S. Mission Road


Important Riparian Area (IRA)

1:5,373

7,709 x 4,444 (ft)



Departmental Procedures

SUBJECT Remote Meter Policy	Number IV-B.08	Effective Date Revised 7/14/09	Page 1 of 2
	APPROVED BY 		

I. PURPOSE

To define and standardize the department's policy regarding remote meters to minimize the operational impacts and potential legal conflicts.

II. DEFINITIONS

- A. "Remote Meter" – A meter that is connected to a water main that is not directly adjacent to the parcel which the meter services and/or has a private service line which crosses a parcel other than the parcel that is service by the meter.
- B. "Flag Pole Lot" – A reconfiguration of a parcel for the purpose of having the parcel front a water main. A minimum frontage of 15-foot width is required in order for a parcel to have frontage on a water main for the purposes of obtaining a water meter. An easement is not considered as frontage.
- C. "Public Water Easement" – A recorded easement, granted by the property owner, which gives a water utility authorization for full access to install and maintain water infrastructure within the easement. A minimum easement width of 15-feet is required for Tucson Water mains.

III. POLICY

Remote meters have historically created numerous maintenance and legal issues for the City. When a parcel, which does not front a Tucson Water main, wishes to connect to Tucson Water, a remote meter will not be an authorized mechanism for obtaining water. Instead, a parcel shall either be reconfigured as a flag pole lot to obtain frontage on the water main or a water main shall be extended to the applicants parcel. The entire water main extension cost shall be borne by the applicant. The main extension must be in a public water easement and will have a *minimum* diameter of 4-inches.

SUBJECT Remote Meter Policy	Number IV-B.08	Effective Date Revised 7/14/09	Page 2 of 2
	APPROVED BY		

Only under very unique circumstances will a waiver be granted to this policy, such as when the property is adjacent to a National Forest and there is zero chance of an extension of the water service beyond the applicant's parcel. The approval authority on waivers to this policy will be the Tucson Water Planning Administrator.

IV RESPONSIBILITY FOR REVIEW

Tucson Water, New Area Development is responsible for the review of this procedure annually on the procedure anniversary date or as necessary.