



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 3/19/2024

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

ORDINANCE: P23RZ00004 BRACHT – N. MARLIN CANYON PLACE REZONING

***Introduction/Background:**

The Board of Supervisors approved this rezoning on November 7, 2023.

***Discussion:**

The rezoning was for approximately 3.65 acres from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone to split the property into two parcels and allow one additional single-family residence.

***Conclusion:**

The Ordinance reflects the Board of Supervisors' approval.

***Recommendation:**

Approval

***Fiscal Impact:**

0

***Board of Supervisor District:**




1 2 3 4 5 All

Department: Development Services - Planning

Telephone: 520-724-6675

Contact: Donna Spicola, Senior Planner

Telephone: 520-724-9513

Department Director Signature: 	Date: <u>2-28-24</u>
Deputy County Administrator Signature: 	Date: <u>3/1/2024</u>
County Administrator Signature: 	Date: <u>3/4/2024</u>



Subject: P23RZ00004

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MARCH 19, 2024 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS
FROM: Chris Poirier, Deputy Director 
Public Works-Development Services Department-Planning Division
DATE: February 27, 2024

ORDINANCE FOR ADOPTION

P23RZ00004 BRACHT – N. MARLIN CANYON PLACE REZONING
Owner: Michael & Leah Bracht
(District 1)

If approved, adopt ORDINANCE NO. 2024 - _____

OWNER: Michael & Leah Bracht
5105 N. Marlin Canyon Place
Tucson, AZ 85750

AGENT: Same

DISTRICT: 1

STAFF CONTACT: Donna Spicola, Senior Planner

STAFF RECOMMENDATION: APPROVAL

TD/DS
Attachments

c: Michael & Leah Bracht

ORDINANCE 2024-_____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING APPROXIMATELY 3.65 ACRES OF PROPERTY (ADDRESSED AS 5105 N. MARLIN CANYON PLACE), FROM THE SR (SUBURBAN RANCH) TO THE CR-1 (SINGLE RESIDENCE) ZONE, IN CASE P23RZ00004 BRACHT - N. MARLIN CANYON PLACE REZONING (CATALINA FOOTHILLS ZONING PLAN), LOCATED APPROXIMATELY 425 FEET SOUTH OF THE T-INTERSECTION OF N. ROCK CANYON ROAD AND N. MARLIN CANYON PLACE, AND AMENDING PIMA COUNTY ZONING MAP NO. 49.

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

Section 1. The 3.65 acres located approximately 425 feet south of the T-intersection of N. Rock Canyon Road and N. Marlin Canyon Place and illustrated by the shaded area on the attached rezoning ordinance map (Exhibit A), which amends Pima County Zonings Map No. 49, is rezoned from the SR (Suburban Ranch) to the CR-1 (Single Residence) zone subject to the conditions in this ordinance.

Section 2. Rezoning conditions.

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Adherence to the sketch plan as approved at public hearing (Exhibit B).
3. Transportation conditions:
 - A. A shared access easement for legal access between the properties is required prior to issuance of a building permit.
 - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
4. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
5. 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.
6. The property owner shall execute the following disclaimer regarding the Private Property Protection Act. "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(I)."

Section 3. Time limits of conditions. Conditions 1 through 6 of Section 2 shall be completed no later than November 7, 2028.

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 Chair of the Board of Supervisors signs this Ordinance.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, on this _____ day of _____, 2024.

Chair, Pima County Board of Supervisors

ATTEST:


Clerk, Board of Supervisors

APPROVED AS TO FORM:



Deputy County Attorney
Jacob Kavkewitz

APPROVED:



Executive Secretary
Planning and Zoning Commission

EXHIBIT A

AMENDMENT NO. _____ BY ORDINANCE NO. _____
TO PIMA COUNTY ZONING MAP NO. 49 TUCSON AZ. BEING A
PART OF THE NE 1/4 OF THE SE 1/4 OF SECTION 18, T13S R15E.

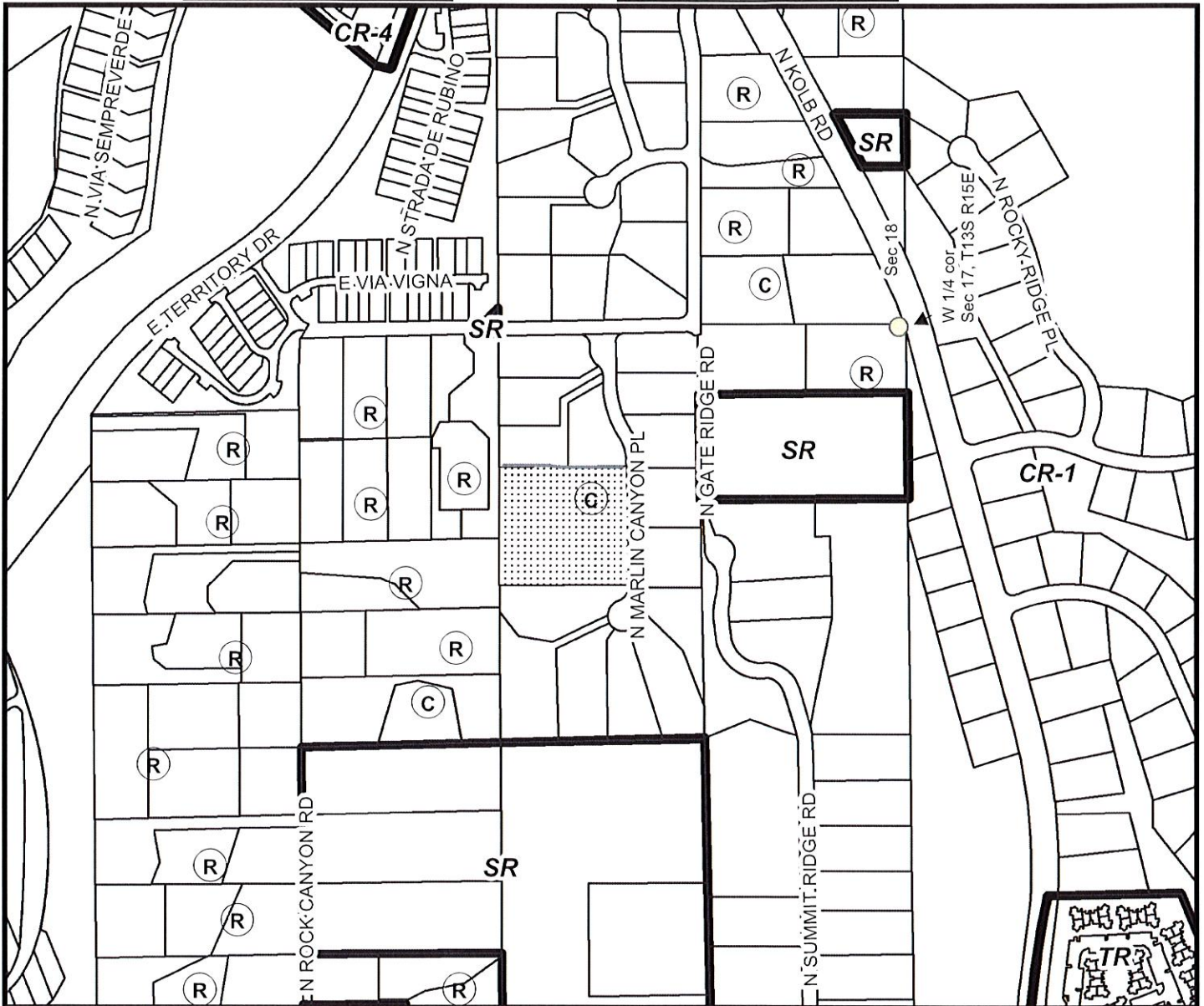


0 120 240 480 Feet



ADOPTED: _____

EFFECTIVE: _____



EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

C NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 3.65 ac
ds-January 26, 2024

P23RZ00004
114-15-0730



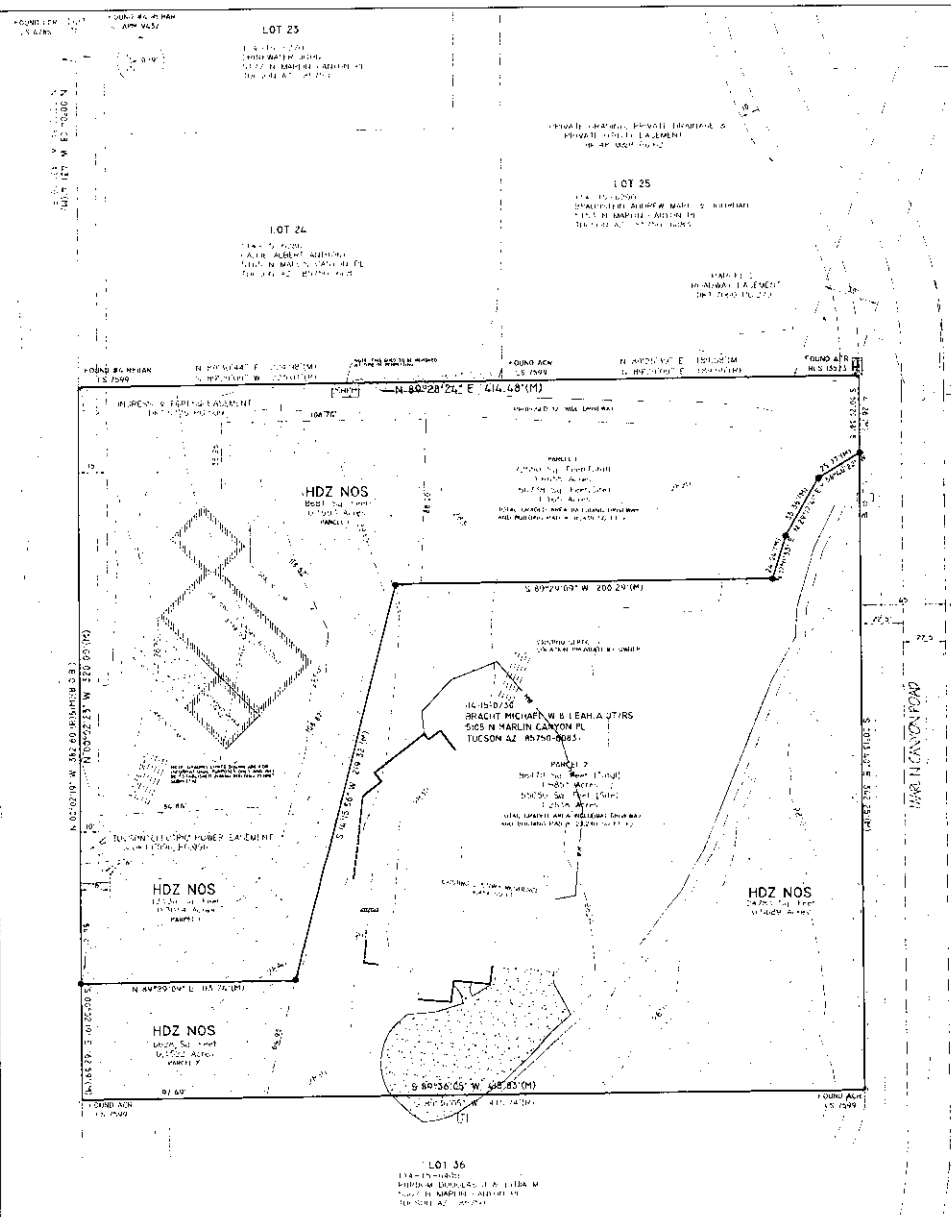
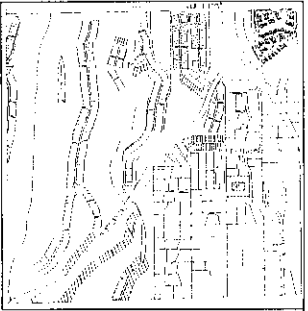


EXHIBIT B

LEGEND

- NOTE: STABBED NUMBERS WILL BE ENTERED IN THE TABLE.
- SET # & BEARING IS 5556
 - FOUND AS NOTED
 - ⊠ FOUND DISCS CAPPED SURVEY MONUMENT
 - ⊞ RECORD BEARING ON DISTANCE
 - ⊞ MEASURED BEARING OR DISTANCE
 - ⊞ AIR CONDITION
 - ⊞ CORNER OF CONCRETE
 - ⊞ EDGE OF PAVEMENT
 - ⊞ ELECTRIC PANEL
 - ⊞ MAIL BOX
 - ⊞ UTILITY
 - ⊞ TELEPHONE PEDIESTAL
 - ⊞ WALKWAY
 - BOUNDARY
 - ADJACENT PARCELS
 - CENTERLINE
 - PAVEMENT
 - BUILDING
 - WALL
 - LOG WIRE FENCE
 - CONCRETE
 - STAIRS
 - PROPOSED SPLIT
 - HIGHWAY
 - CORNER II HATCH
 - PAVEMENT HATCH
 - HIGHWAY HATCH
 - FLOODING HATCH



PARCEL 1

A PORTION OF THE SOUTH 383 FEET OF THE NORTH 85 00 00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 15 EAST OF THE GILA AND SALT RIVER MERIDIAN PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 25 OF VENTANA OVERLOOK SUBDIVISION, A SUBDIVISION OF PIMA COUNTY, RECORDED IN BOOK 48 AT PAGE 87 OF PIMA COUNTY MAPS AND PLATS, SAID POINT BEING A #4 REBAR NLS 15315;

THENCE SOUTH 89° 29' 00" WEST, ALONG THE SOUTHWEST CORNER OF LOTS 26 AND 25 OF SAID SUBDIVISION, 410.30 FEET TO A #4 REBAR NLS 2508; ON THE SOUTHWEST CORNER OF LOT OF SAID SUBDIVISION;

THENCE SOUTH 00° 00' 00" EAST, 320.00 FEET TO A #4 REBAR NLS 16584;

THENCE NORTH 89° 29' 00" EAST, 43.44 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 47° 10' 34" EAST, 219.47 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 00° 26' 00" EAST, PARALLEL WITH THE SOUTHWEST CORNER OF SAID SUBDIVISION, 400.22 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 47° 10' 34" EAST, 76.04 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 47° 10' 34" EAST, 35.36 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 58° 44' 27" EAST, 25.77 FEET TO A #4 REBAR NLS 34356;

THENCE NORTH 00° 26' 00" WEST, 11.26 FEET TO A #4 REBAR NLS 15345 AND THE POINT OF BEGINNING;

CONTAINING 77550 SQ. FEET OR 1.766 ACRES.

PARCEL 2

A PORTION OF THE SOUTH 383 FEET OF THE NORTH 85 00 00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 15 EAST OF THE GILA AND SALT RIVER MERIDIAN PIMA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 25 OF VENTANA OVERLOOK SUBDIVISION, A SUBDIVISION OF PIMA COUNTY, RECORDED IN BOOK 48 AT PAGE 87 OF PIMA COUNTY MAPS AND PLATS, SAID POINT BEING A #4 REBAR NLS 15315;

THENCE SOUTH 89° 29' 00" WEST, ALONG THE SOUTHWEST CORNER OF LOTS 26 AND 25 OF SAID SUBDIVISION, 410.30 FEET TO A #4 REBAR NLS 2508 ON THE SOUTHWEST CORNER OF LOT OF SAID SUBDIVISION;

THENCE SOUTH 00° 00' 00" EAST, 320.00 FEET TO A #4 REBAR NLS 34356 AND THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 00° 00' 00" EAST, 62.50 FEET TO A #4 REBAR NLS 31588;

THENCE NORTH 87° 36' 30" EAST, 415.85 FEET TO A ALUMINUM CAPPED NEARBY NLS 7098; SAID POINT BEING THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN DOCKET 8883 PAGE 755 IN THE PIMA COUNTY RECORDS OFFICE, PIMA COUNTY, ARIZONA;

THENCE ALONG THE EAST LINE OF SAID PARCEL, NORTH 00° 15' 00" WEST, 342.29 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 58° 44' 27" WEST, 29.77 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 29° 27' 41" WEST, 35.50 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 47° 10' 34" WEST, 26.64 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 89° 29' 00" WEST, 700.29 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 47° 10' 34" WEST, 210.32 FEET TO A #4 REBAR NLS 34356;

THENCE SOUTH 89° 29' 00" WEST, 115.76 FEET TO A #4 REBAR NLS 34356 AND TO THE POINT OF BEGINNING;

HAVING AN AREA OF 84670 SQUARE FEET = 1.943 ACRES

LOCATION MAP



PARENT PARCEL DESCRIPTION

THE SOUTH 383 FEET OF THE NORTH 85 00 00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 15 EAST OF THE GILA AND SALT RIVER MERIDIAN PIMA COUNTY, ARIZONA

EXCEPT THE EAST 250 FEET

EXCEPT ALL COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA

BASIS OF BEARING

THE WEST LINE OF THE SUBJECT PARCEL BETWEEN A FOUND #4 REBAR TAGGED IS 7599 AT THE NORTHWEST CORNER AND A FOUND #4 REBAR TAGGED IS 2099 AT THE SOUTHWEST CORNER SAID BEARING BEING NORTH 00° 00' WEST

BASIS OF ELEVATION

PIMA COUNTY CITY OF TUCSON GEODETIC CONTROL POINT L03 DESIGNATED AS A 2" BENCH COPY IN A CORNER II ELEVATION APPROXIMATELY 8.25 ABOVE GROUND BY PART OF ELEVATION 1099 AND 8.70 FEET SOUTHWEST OF THE INTERSECTION OF TERRITORY DRIVE AND KOB B ROAD SAID ELEVATION: 7296.95 (DIAGRAMS)

REFERENCES

DOCKET 8775 PAGE 384
DOCKET 8780 PAGE 384
DOCKET 8883 PAGE 755
SUBDIVISION PLAT BOOK 48 PAGE 87

NOTES

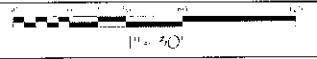
THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SHOWN ARE UNKNOWN AND ARE NOT SHOWN.

SUBDIVISION HAS MADE NO INVESTIGATION OR INDICATES WHETHER OR NOT ENCUMBRANCES OF RECORD ENCUMBRANCES OF RECORD OR COMMENTS OWNERSHIP TO THE PROPERTY OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DEVELOP.

DIMENSION OF 1/4 INCHES IS UNKNOWN AND NOT SHOWN.

CERTIFICATION OF SURVEY

I HEREBY CERTIFY THAT THE SURVEY SHOWN ON THIS MAP WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT ALL EXISTING AND OF SET SURVEY MONUMENTS WERE ACCURATELY DESCRIBED.



HAWKEYE LAND SURVEYING CO.
JERRY A. SILLIMORE, PLS. LICENSE # 1217
P.O. BOX 1000, TUCSON, AZ 85710
E-MAIL: HAWKEYE@HAWKEYELANDSURVEYING.COM

RECORD OF SURVEY
MINOR LAND DIVISION OF THE SOUTH 383 FEET OF THE NORTH 85 00 00 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 18 TOWNSHIP 13 SOUTH RANGE 15 EAST OF THE GILA AND SALT RIVER MERIDIAN PIMA COUNTY, ARIZONA.