

# MEMORANDUM

**DEVELOPMENT SERVICES DEPARTMENT - PLANNING DIVISION** 

#### DATE: November 20, 2015

- TO: United States Fish and Wildlife Service 201 N. Bonita Ave., Suite 141 Tucson, AZ 85745
- FROM: David Peterson, Senior Planner
- SUBJECT: Modification of Rezoning Conditions for your review and comments Case: Co9-78-32 Matyi – Swan Road Rezoning

#### USFWS

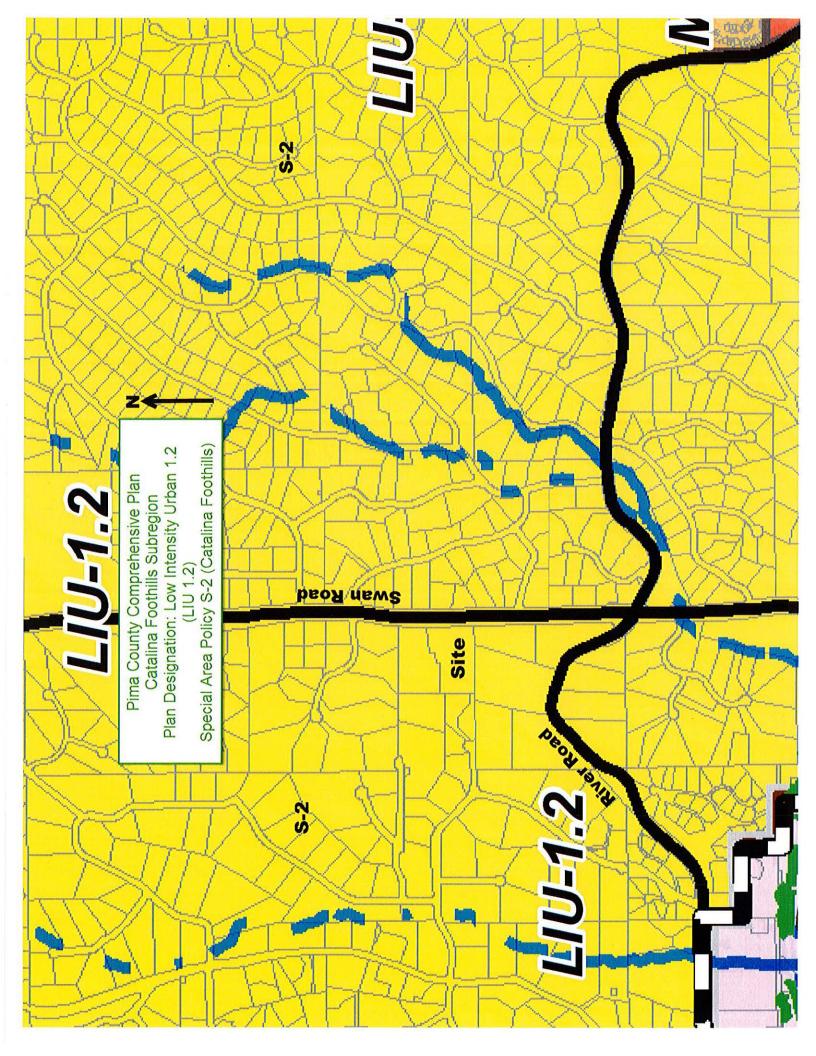
<b>Reviewer:</b>	Scott Richardson
Address:	201 N. Bonita Ave., Suite 141 Tucson, AZ 85745
Phone:	(520) 670-6144 x 242
E-mail:	scott_Richardson@fws.gov

XX No Concerns relating to the subject property

Yes Concerns relating to the subject property

#### Description of species impacted, concerns and suggested mitigation measures:

The only potential issue with this location would be the loss of any saguaros that may be on the property. This area is used by foraging lesser long-nosed bats, an endangered bat species, that forages on saguaro pollen, nectar, and fruits. We recommend that any saguaros be protected and the Pima County NPPO be implemented on this site.



#### Low Intensity Urban 1.2 Plan Designation

#### 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. <u>Objective</u>: 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 be contiguous with other dedicated natural open space and public preserves.

#### Low Intensity Urban 1.2 (LIU-1.2)

a) Residential Gross Density:

i) Minimum – none

ii) Maximum – 1.2 RAC. The maximum gross density may be increased in accordance with the following options:

- a] Gross density of 2.5 RAC with 45 percent open space;
  - or
- b] Gross density of 4 RAC with 60 percent open space.

b) <u>Residential Gross Densities for Developments Using Transfer of Development Rights (TDRs)</u>. Projects within designated Receiving Areas utilizing TDRs for development shall conform to the following density requirements:

- i) Minimum density none
- ii) Maximum 1.2 RAC. The maximum gross density may be increased in accordance with the following option:
  - a] Gross density of 2 RAC with 50 percent open space.

# **Comprehensive Plan Special Area Policy**

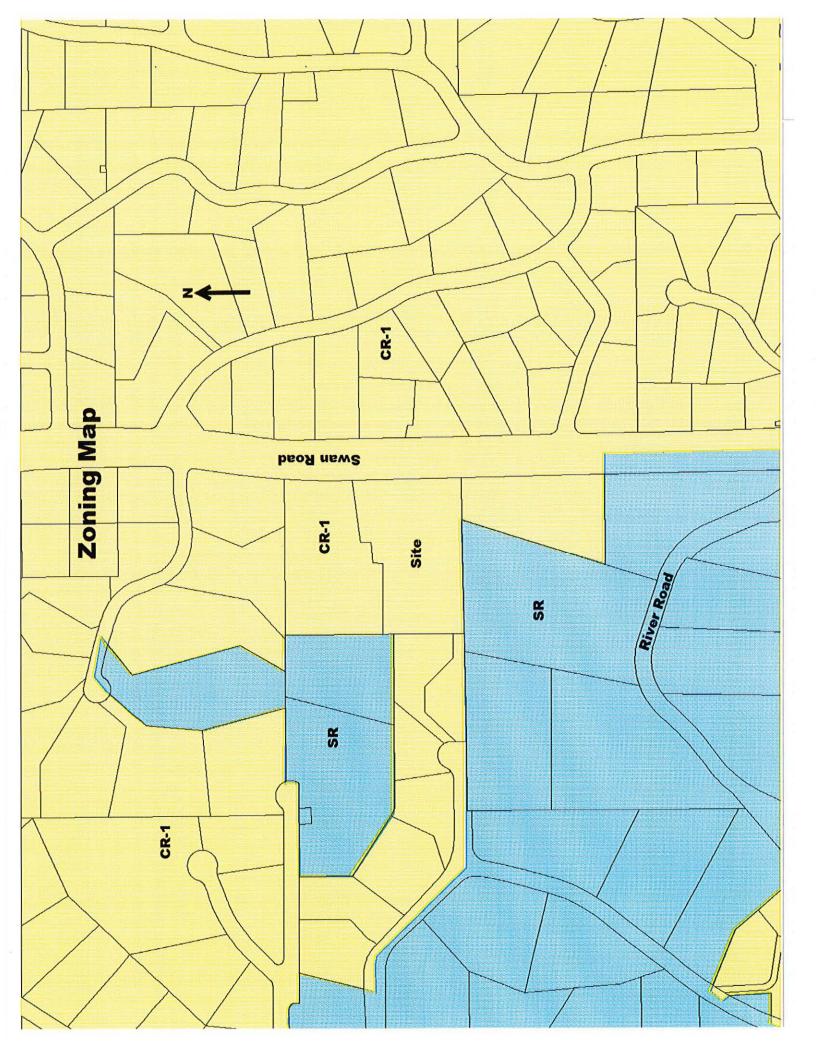
## S-2 Catalina Foothills (CF)

### **General location**

North of E. River Road, west of Sabino Creek, south of Coronado National Forest, and east of N. Oracle Road and N. Northern Avenue.

### 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.



F. ANN RODRIGU <sup>BY</sup> , RECORDER RECORDED BY: 1 DEPUTY RECORDER	THE AR AND	DOCMET: PI NO. OF PAGE	11011 354 2S: 4
1943 ROOF		SEQUENCE :	19990570125 03/25/1999
PIMA CO CLERK OF THE BOARD PICKUP	ARIZONA	ORDIN	10:43
TUCSON AZ 85701	PICKUP		

AMOUNT PAID \$ 0.00

### ORDINANCE 1999-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (TAX CODE 109-17-0230) IN CASE **C09-78-32 MATYI - SWAN ROAD REZONING;** LOCATED ON THE WEST SIDE OF SWAN ROAD, APPROXIMATELY 1/4 MILE NORTH OF RIVER ROAD; AMENDING PIMA COUNTY ZONING MAP NO. 25.

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

Section 1. The 4.55 acres described on the attached rezoning ordinance map, which amends Pima County Zoning Map No. 25, are hereby rezoned from SR to CR-1.

#### Section 2. Rezoning Conditions.

- Wastewater Management conditions:
  A. Covenant that no more than three parcels shall be created.
  - B. Covenant that each parcel shall be a minimum size of 43,560 square feet, exclusive of easements, rights-of-way, etc.
  - C. Covenant that if individual sewage disposal systems are utilized, percolation tests and soil boring requirements must be satisfied prior to the issuance of a building permit.
- 2. Transportation and Flood Control District conditions:
  - A. Prior to the issuance of building permits, covenant to provide necessary rights-of-way for roads and drainage.
  - B. Prior to the issuance of building permits, covenant to improve and pave adjacent streets and roads.
  - C. Prior to the issuance of building permits, record the necessary covenants in conjunction with the approval of a development plan.

- D. Prior to the issuance of building permits, covenant that there be no further subdividing or lot splitting without the written approval of the Board of Supervisors.
- 3. Submittal of a complete hydrologic and hydraulic drainage report.
- 4. Recording of a covenant holding Pima County harmless in the event of flooding.
- 5. Adherence to Pima County Flood Plain Management Ordinance and/or Hillside Development Zone Ordinance, if applicable.
- 6. Paving obligations for Swan Road must be met.

#### Section 3. Certificate of Compliance and amendments of conditions.

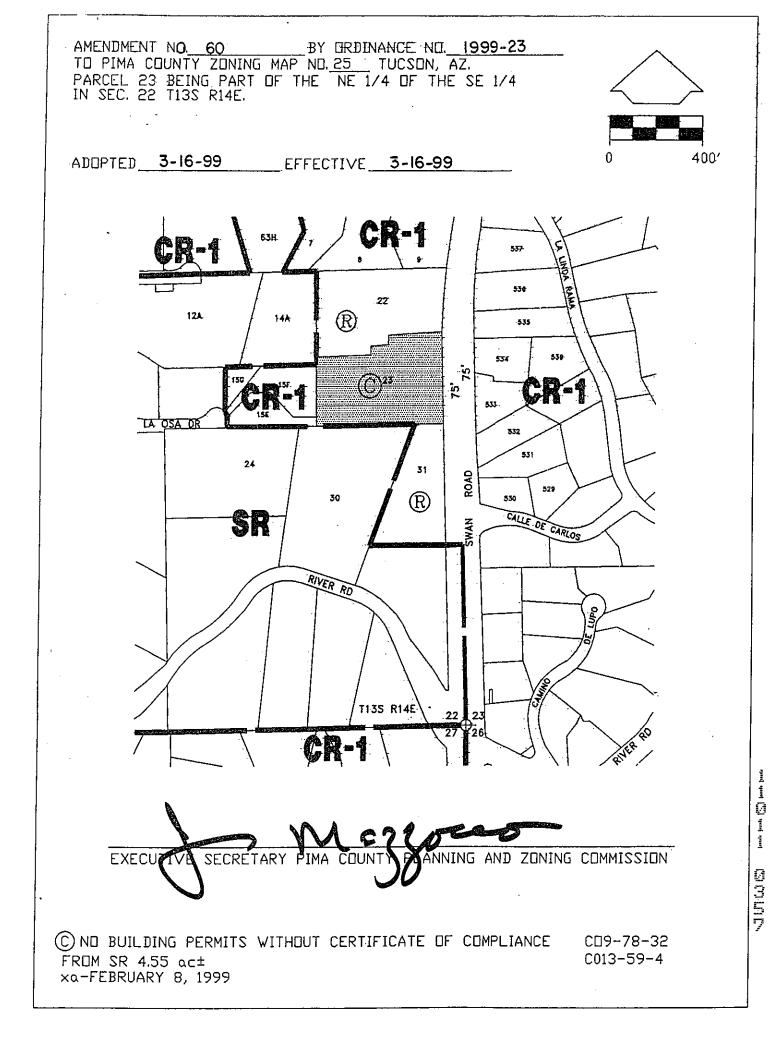
- 1. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 6 are satisfied and the Planning Official issues a Certificate of Compliance.
- 2. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

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Passed and adopted by the Board of Supervisors of Pima County, Arizona, this <u>l6th</u> day of <u>March</u>, 1999.

Shawn Bronson MAR 1 6 1999 Chair, Board of Supervisors Date ATTEST visors Exec Planning and Zoning Commission



# Cog-78-32 Rezoning Approval BOS Minutes 5-1-78



GO-78-32 OHNSTANDIMARY COMMATNIPPTITION

The Planning Director presented the request of the petitioner for waiver of platting requirement on petition (Co9-78-32) of John J. and Mary C. Matyi to rezone from SR to CR-1 approximately 4.55 acres of property on the west side of Swan Road, one-quarter mile north of River Road. No Board hearing was required as the rezoning is in conformity with the Catalina Foothills Area Zoning Plan (Co13-59-4). He reported all affected departments concur in recommending approval of the platting requirement waiver subject to the following conditions:

Wastewater Management Department . . . . . " the petitioner covenant to create no more than three parcels, each parcel to be at least 43,500 square feet, exclusive of easements and rights-of-way, and that if septic tanks are utilized percolation and boring tests will be satisfied prior to building permits being issued."

Highway Department . . . . . "completion of standard development plan requirements, including the dedication of any necessary rightsof-way and the satisfaction of County policy regarding paving."

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Dusenberry, seconded by Supervisor Joyner, and unanimously carried, to approve waiver of platting requirement.

#### 50. P&Z-P: Co14-78-1, STREET NAME CHANGES

The Planning Director presented a request from Stewart Title and Trust of Tucson for proposed street name changes because of the repetitious use of various names located in Metropolitan Estates, Lots 258 through 455, in Section 32 of T. 12 S., R. 13 E.; and reported all County agencies concerned expressed no objections and recommends approval of the request. On his recommendation, it was moved by Supervisor Yetman, seconded by Supervisor Dusenberry, and unanimously carried, to approve the request for street names changes as follows:

#### FROM

Eunice Drive Eunice Lane Rasmussen Lane Rasmussen Drive Rasmussen Circle Rasmussen Place Westfal Place Westfal Lane

#### TO

Peterson Place Alana Lane Tophoy Place Nicole Place Blacksill Drive Blacksill Drive Croxen Place Rasmusse, Place

#### 51. ROADS-RUDASILL ROAD: ABANDONMENT (P. 2204)



The Board of Supervisors on March 20, 1978, set and advertised this date for hearing on the petition of proposed abandonment, under Proceedings No. 2204, of a portion of Rudasill Road in Section 9, T. 13 S. R. 13 E. The Vice Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Joyner, seconded by Supervisor Yetman, and unanimously carried, the hearing be closed. On recommendation of the Highway Department Director, it was moved by Supervisor Joyner, seconded by Supervisor Yetman.



DEPARTMENT OF SANITATION PIMA COUNTY GOVERNMENTAL CENTER TUCSON, ARIZONA 85701

<u>M E M O R A N D U M</u>

TO: Mike Marks, Assistant Zoning Administrator Planning & Zoning Department

FROM: Jack Delaney, P.E. JAC Wastewater Management Department

RE: Board of Supervisors Transmittals

DATE: April 26, 1978

The following is to confirm our recent telephone conversation on these various rezoning cases:

1. Co9-77-10 Lehnus - Hardy Road #2 Rezoning

As per our letter of August 18, 1977 we recommend transmittal of an ordinance to the Board of Supervisors for their review and approval.

2. Co9-77-6 Hoyer - Overton Road Rezoning

We would have no objection to the six months time extension, since they apparently are working on the covenant which will include our requirements as outlined in my letter to you dated April 14, 1978.

3. Co9-64-84 Sphar - Mission Road Rezoning

Since this is a request to waive the requirements for additional rights-of-way, we would have no comments.

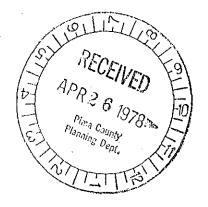
4. Co9-78-32 Matyi - Swan Road Rezoning

We would have no objection to the waiver of the platting requirements, subject to a covenant incorporating the following requirements:

a. No more than three parcels should be created.

- b. That each parcel should be a minimum size of 43,560 square feet, exclusive of easements, rights-of-way, etc.
- c. If individual disposal systems are utilized, percolation tests and soil boring requirements must be satisfied prior to the issuance of a building permit.

JLD: 1q



PIMA COUNTY HIGHWAY DEPARTMENT

1313 SOUTH MISSION ROAD • TUCSON, ARIZONA 85713.

TELEPHONE • 792-8931

BOARD OF SUPERVISORS

Katie Dusenberry District 1

Sam Lena District 2

E. S. "Bud" Walker District 3

Conrad Joyner District 4

David Yetman District 5 Mr. Alex R. Garcia, Director Pima County Planning & Zoning Pima County Governmental Center Tucson, AZ

Re: Matyi - Swan Road Rezoning Co9-78-32

JERRY R. JONES, P. E.

Director

April 21, 1978

Dear Sir:

Rezoning of this area should be subject to the following standard and special requirements:

- 1. Provide by Covenant for the following items before Building Permits are issued:
  - a. Necessary rights-of-way for roads and drainage.
  - b. Adjacent streets and roads to be improved and paved.
  - c. Recording the necessary Covenants in conjunction with the approval of a development plan.
  - d. No further subdivision nor any lot split without the written approval of the Board of Supervisors.
- 2. Submittal of a complete Hydrologic and Hydraulic Drainage Report.
- 3. Recording a Covenant holding Pima County harmless in the event of flooding.
- 4. Adherence to Pima County Flood Plain Management Ordinance #1974-86 and/or Hillside Development Zone Ordinance #1976-55 (Article 44), if applicable.
- 5. Paving obligations for Swan Road must be met.

Very truly yours,

Jerry R. Jones, P.E. Director

Donald G. Aday Subdivision Engineering



Cc: Clerk - Board of Supr.

DGA/1c

# **Comments Received Post Staff Report Completion**

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## **GERARD BUNGE**

4261 N. Swan Road - TUCSON, AZ 85718 E-Mail : wbunge41@gmail.com

14 January 2016

### PIMA COUNTY PLANNING & ZONING COMMISSION

### CASE : CO9-78- MATYI - SWAN ROAD REZONING

### **TO WHOM IT MAY CONCERN :**

I received on January 13<sup>th</sup> 2016, a notice from the "PLANNING & ZONING COMMISSION " about a "SUBSTANTIAL CHANGE" of the present CR-1 zoning, which is completely UNEXPLICABLE, UNNECESSARY AND ABSOLUTELY UNNEEDED !

This annoucement has been for me and for all my neighbors, quite a SHOCK and we are, VEHEMENTLY OPPOSED TO THIS CHANGE, WITHOUT ANY VALUE, which has been ONLY REQUESTED by "SBBL ARCHITECTURE & PLANNING, LLC", WHO is not even a resident of this area, who is DOING SO, for "ONLY A PERSONAL"FINANCIAL PROFIT", bringing to our area, an immediate devaluation of the value of ALL OUR PROPERTIES, completely disregarding the choice of all of us, long time residents of this area, perfectly satisfied with our "CR-1 ZONING" and what it entitles us.

When I came from" NORMANDY", FRANCE to Tucson, I was living on 36<sup>th</sup> Street, next to SAM LEVITZ, Warehouse, in a "SMALL DUPLEX COMMUNITY", and was able to see, how uncomfortable and unpleasant it was to live in such a crowded place !

So, after many years of hard working, as a yard man, earning \$1.00 an hour, while going to University of Arizona, or during the hot days of the Summer, loading ,in full sun, 100 Lbs block of ice, into refrigerated wagons of the PACIFIC FRUIT EXPRESS, or working after school, as JANITOR until midnight or 2 AM, cleaning Business Offices on Stone Avenue, later on, while working at TUCSON MEDICAL CENTER, in the Laboratory I was working EXTRA HOURS, until 2 or 3 AM, after my normal working shift-sleeping only few hours, because I had to be in class at the U of A by 9 AM, to attend some classes, all of that, to be able to better myself, buying some food, paying for my schooling, etc... with the ultimate vision, to be able "ONE DAY" to afford a more comfortable place

JAN 2.0 2016

Believe me, life has not been EASY FOR ME, WITHOUT ANY FAMILY IN AMERICA, but, what kept me going, was to try to realize "THE AMERICAN DREAM" and have one day, a nice comfortable house, in a quiet neighborhood, which I finally found, bought and had to make payments on it, for many years...

I hope that after having worked so hard for so many years and after finding the house of my DREAMS, I hope, that all of you, on the ZONING BOARD, will understand and realize, that I am NOT ABOUT TO HAVE THE VALUE OF MY PROPERTY DEVALUATED, because, the whim of an unknown person, not even living in the neighborhood, who would like to BUILT SOME KIND OF A SMALL CROWDED COMMUNITY and OVER CROWDING, the AUTHORIZED SPACE of his lot, by trying to be able to built, for" RENT" an EXTRA HOUSE, which is NOT ALLOWED BY THE CR-1 ZONING CODE.

The church, at the corner of River Road and Swan, has already started, in COMPLETE SILENCE, to modify the beauty of this area in the FOOTHILLS, by building and RENTING some ugly and eye sore, monstrous cellular antennas, changing immediately the RESIDENTIAL LOOK of this area and DEVALUATING THE VALUE OF ALL THE RESIDENTIAL PROPERTIES AROUND. Who wants to live next to 3 big ugly telephone antennas ? I don't understand, why "SBBL Architecture and Planning, LLC", wants to build more small houses and destroy the beauty and the greenness of the Foothills, by building more new houses, in an area, which is already saturated with a lot of rather new empty houses, which have been remaining for SALE OR FOR RENT. now for several years? Why changing the ZONING to allow more house to be build, in an area already saturated of new houses ?

I hope you will understand WHY I AM PERSONALLY VERY OPPOSED TO THIS SUBSTANTIAL UNNEEDED CHANGE OF THE ZONING - REQUESTED ONLY BY ONE INDIVIDUAL, WHO IS NOT EVEN LIVING IN THIS NEIGHBORHOOD, JUST TO IMPROVE AND SATISFY HIS "CUPIDITY" AND HIS UNSATIABLE DESIRE TO MAKE MORE MONEY AT THE EXPENSE OF OTHER PEOPLE, LIKE ME, WHO HAVE BEEN WORKING VERY HARD, ALL THEIR LIFE, TO IMPROVE THEIR STANDARD OF LIVING AND ENJOY IT.

PLEASE, ALL OF YOU MEMBERS OF THE ZONING BOARD, I HOPE YOU WILL UNDERSTAND MY FRUSTRATION AND DESPAIR AND I HOPE YOU WILL "DENY THE REQUEST" OF CHANGING THE ZONING OF MY NEIGHBORHOOD, JUST FOR THE PLEASURE OF ONLY ONE, UNKNOWN PERSON OF THE TUCSON COMMUNITY.

TO ALL OF YOU, MANY THANKS IN ADVANCE, FOR YOUR KIND CONSIDERATION OF THIS PROBLEM, I HOPE YOU WILL DENY THIS ZONING CHANGE.

WITH KIND REGARDS,

GERARD BUNGE.

Céadun



### PLANNING AND ZONING COMMISSION

### PUBLIC HEARING BEGINS AT OR AFTER

### 9:00 A.M.

If you would like to address the Planning and Zoning Commission on any item(s) on the Agenda, please complete the form below to ensure correct spelling of your name and complete information for the Minutes of this proceeding. This form should be **PUT IN TRAY BY THE COMMISSIONERS** prior to addressing the Commission.

Please step forward to the podium when the Chairman announces your name and/or the item(s) on the agenda which you are interested in addressing. State your name and address for the record.

PLEASE SPEAK DIRECTLY INTO THE MICROPHONE

SPEAKER INFORMATION - PLEASE PRINT LEGIBLY
NAME Michael Storess
ADDRESS 4503 E. SARANAC DE
CITY TUCSON STATE AZ ZIP SS718
TELEPHONE NUMBER 520-444-2280
CASE NO. AND AGENDA ITEM NO. <u>Co9-78-32</u>
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BASIC LAYOUT OF THE LOPS SUBJECT to Seling the building eavelopes.

# **Benjamin Strong**

4610 E Cerro de Aguila Tucson, AZ 85718-6931

T 520.529.4640

January 22, 2016

Pima Planning and Zoning Commission 130 W. Congress Street 1st Floor Tucson, AZ 85701

RE: Co9-78-32 Mayti - Swan Road Rezoning

Dear Members of the Committee:

As representatives of employed to ensure the integrity of the zoning rules and regulations in Pima County I implore you to take just action and deny the request of River and Swan Homes, LLC request to rezone Co9-78-32 on Swan Road.

This property was purchased with full knowledge of the zoning requirements and this request is a mere attempt for this company to get richer quicker to the detriment of the resents in all of Pima Country who abide by the rules and regulations in effect.

There is not only no need for additional housing over and beyond the three homes that will be built, but the environmental impact of homes built on less than 43,560 square feet is particularly disturbing.

But for a conflict with work I would have appeared to oppose this blatant attempt to abuse and misuse the zoning commission for the sole profit of River and Swan Homes, LLC as represented by SBBL Architecture & Planning, LLC.

Respectfully Submitted,

Benjamin Strong

JAN 2 6 2016

# Christina Bond

4610 E Cerro de Aguila Tucson, AZ 85718-6931

T 520.529.4640

January 26, 2016

Pima County Developmental Services Department 201 N. Stone Avenue 2nd Floor Tucson, AZ 85701

RE: Co9-78-32 Mayti - Swan Road Rezoning

Dear Members of the Department:

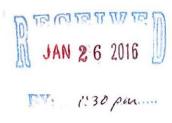
There is adamant opposition to the proposed change in zoning as requested River and Swan Homes, LLC, represented by SBBL Architecture & Planning,LLC. The residents affected by this proposal maintain that the integrity of the lots as set forth by this Commission should not be altered simply for the financial benefit of SBBL. Their request is purely motivated by financial gain.

There is currently a substantial number of homes available in the Swan and River area and since additional housing, beyond the three they are already constructing is not necessary it should not be permitted.

The Pima Planning and Zoning Commission has set standards for establishing the number of homes permitted on available acreage. Three homes are permitted and not four. Clearly thought went into the environmental impact of homes on less than 43,560 square feet. To permit SBBL to disregard these requirements for pure profit would set a very dangerous president by this Commission, whose responsibility it is to protect the integrity of the regulations in Pima County.

Thank you for your consideration of this letter and the concerns of the citizens.

incerely, stina Bor



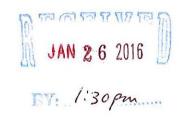
Adam and Sarah Shinske

4646 E Cerro De Aguila

Tucson, AZ, 85718

This letter is in reference to the new housing development going in off of Swan just north of river. We feel that the allotted housing development of 3 homes will be sufficient and also runs in alignment with what the current neighborhood consists of. Changing the zoning laws in the area will allow 4 homes and these homes will have smaller properties, this will provide inconsistently in the neighborhood.

Adam Shinske Sarah Shinske



GERARD BUNGE 4261 N. Swan Road - Tucson, AZ 85718 E-Mail : <u>wbunge41@gmail.com</u>



5 February 2016

## **PIMA COUNTY PLANNING & ZONING COMMISSION**

## CASE: Co9-78-32 MATYI - SWAN ROAD REZONING

TO WHOM IT MAY CONCERN :

To "ALL OF YOU, IN THE REZONING DEPARTMENT" - PLEASE, PLEASE, PLEASE - DO NOT ALLOW THIS 'SUBSTANTIAL CHANGE' IN THE PRESENT CR-1 REZONING CONDITIONS OF THE PRESENT CONDITION OF THE 4.55 ACRES LOT, AT THE SOUTH BORDER OF MY PROPERTY.

I do not understand, how such SUBSTANTIAL CHANGES in the CR-1 zoning of this area, could be allowed. The zoning of all the properties in this neighborhood have been carefully studied, and planned years ago, by the PIMA COUNTY PLANNING AND ZONING COMMISSION in order to allow the owners of all these lots, to enjoy their lots, and at the same time, making sure, that they could not abuse of their rights or disturb their neighbors by altering the living conditions or the VALUE of all those properties by building more houses and changing the unique character of their neighborhood.

The church at the corner of River Road and Swan road, has shown these last few years, a complete DISREGARD for what is called a "RESIDENTIAL" neighborhood, by building several "EYE-SORE" telephone antennas, then they have started a "soup kitchen" and they were lodging some "homeless" in their church and provided them with "TENTS" for camping on their lot, South of our property !

Furthermore, I would like to add that, since they have erected all those 3 ugly telephone antennas and have done other constructions, a great amount of precious wildlife of the Foothills, such as the Cardinals, the Oriols, the Desert Wrens, the squirrels the rabbits ,the Road Runners and the Quails have disappeared or almost disappeared ! Please help to protect our unique environment and Wildlife !

Twice, we were obliged to call the sheriff Dept. to have the homeless removed from our properties, where they have installed themselves. ,Now, this church is in the process of selling a parcel of their lot and requests a change in the zoning rules, to allow to have 4 parcels instead 3 on the parcel they want to sell, in order to build more houses and create a small "new duplex community", which is really unexplicable and unnecessary.

Again, I AM VEHEMENTLY OPPOSED, AS WELL, AS ALL MY NEIGHBORS IN OUR AREA, about this change in the zoning. By the way, SOME OF MY NEIGHBORS, HAVE NEVER RECEIVED FROM THE PIMA COUNTY PLANNING AND ZONING COMMISSION, ANY NOTIFICATIONS OF THIS REZONING ??? This is very UNFAIR TO HAVE NOTIFIED ONLY FEW OF THE RESIDENTS OF THIS AFFECTED AREA AND NOT ALL OF THEM !

We all, do hope, that you WILL RECONSIDER this rezoning CASE and DISMISSTHEIR REQUEST, MADE BY ONLY ONE PERSON, NOT EVEN LIVING IN THIS NEIGHBORHOOD WITH THE ONLY GOAL, TO MAKE MORE MONEY FOR HIMSELF, AT THE EXPENSE OF OF ALL OF US, IN THIS AREA, WHO ARE GOING TO HAVE A DEVALUATION OF THE VALUE OF ALL OUR PROPERTIES, ON WHICH WE HAVE PAID HIGH TAXES, FOR MANY YEARS !

We hope that all of you, in the Pima County Zoning Commission will UNDERSTAND OUR POINT OF VIEW, and re-examine this case and hopefully, this case will be resolved on a fair and friendly basis.

Many thanks in advance for your kind help and understanding and we hope that you will be able to help us, to resolve this very unfair and very upsetting situation .

Sincerely,

Gerard Bunge.