



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: August 2, 2016

Title: Co9-78-32 Matyi – Swan Road Rezoning (Resolution)

Introduction/Background:

The Board of Supervisors approved a Modification (Substantial Change) of Rezoning Conditions subject to modified conditions for this Rezoning on April 19, 2016.

Discussion:

This Resolution reflects the Board of Supervisors' approval of the Modification (Substantial Change) of Rezoning Conditions.

Conclusion:

The rezoning conditions contained in Rezoning Ordinance 1999-23 may be waived or amended by resolution.

Recommendation:

Staff recommends that the Board of Supervisors approve this Resolution.

Fiscal Impact:

0

Board of Supervisor District:

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

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

Department Director Signature/Date: *[Signature]* 7/11/16

Deputy County Administrator Signature/Date: *[Signature]* 7/12/16

County Administrator Signature/Date: *C. DeWitt* 7/12/16



Subject: Co9-78-32

Page 1 of 1

FOR AUGUST 2, 2016 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

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

DATE: July 11, 2016

RESOLUTION FOR ADOPTION

Co9-78-32 **MATYI – SWAN ROAD REZONING**
Owner: River and Swan Homes, LLC
(District 1)

If approved, adopt RESOLUTION NO. 2016 - _____

OWNER: River and Swan Homes, LLC
811 N. Grand Avenue
Nogales, AZ 85621-2217

AGENT: SBBL Architecture + Planning, LLC
Attn: Thomas Sayler-Brown
15 E. Pennington Street
Tucson, AZ 85701

DISTRICT: 1

STAFF CONTACT: David Petersen

STAFF RECOMMENDATION: APPROVAL.

CP/DP/ar
Attachments

cc: Co9-78-32 File
Tom Drzazgowski, Principal Planner

RESOLUTION 2016-_____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; IN CASE Co9-78-32 MATYI – SWAN ROAD REZONING; LOCATED ON THE WEST SIDE OF SWAN ROAD APPROXIMATELY ONE FOURTH-MILE NORTH OF RIVER ROAD, AMENDING REZONING CONDITIONS SET FORTH IN SECTION 2 OF ORDINANCE NO. 1999-23.

The Board of Supervisors of Pima County, Arizona finds that:

1. On May 1, 1978, in rezoning case Co9-78-32, the Pima County Board of Supervisors approved the rezoning of approximately 4.55 acres located on the west side of Swan Road approximately one-fourth mile north of River Road, as shown on Exhibit A from SR (Suburban Ranch) to CR-1 (Single Residence) subject to conditions.
2. On March 16, 1999, the Pima County Board of Supervisors adopted rezoning Ordinance 1999-23, recorded in Docket 11011 at Page 0354, rezoning the approximate 4.55 acres described in rezoning case Co9-78-32 and memorializing the conditions.
3. On October 22, 2015, the owner(s) of the approximately 4.55 acres applied for a modification (substantial change) of rezoning conditions to waive conditions 1(A) and 1(B).
4. On April 19, 2016, the Board of Supervisors approved a modification (substantial change) of rezoning conditions to waive conditions 1(A) and 1(B) with modified and additional conditions.
5. Section 3 of Ordinance 1999-23 and the Pima County Code allow the Board of Supervisors to amend the rezoning conditions by resolution.

NOW, THEREFORE, IT IS RESOLVED:

Section 1: The rezoning conditions in Section 2 of Ordinance 1999-23 are restated and modified as follows:

1. ~~Wastewater Management~~ Environmental Quality conditions:
 - A. ~~Covenant that no more than three parcels shall be created. The owner/developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems on the subject property at the time a request for a building permit is submitted for review.~~

- B. ~~Covenant that each parcel shall be a minimum size of 43,560 square feet, exclusive of easements, rights-of-way, etc. All proposed residential parcels must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.~~
 - C. ~~Covenant that if individual sewage disposal systems are utilized, then percolation tests and soil boring requirements must be satisfied prior to the issuance of a building permit.~~
 - D. Parcels shall be of sufficient size and designed in such a manner to accommodate the proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable setbacks for on-site sewage disposal.
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. The common driveway/roadway shall be paved (chip sealed) within six (6) months of the issuance of building permits.~~
 - C. ~~Prior to the issuance of building permits, record the necessary covenants in conjunction with the approval of a development plan. Floodplain and Pima County Regulated Riparian Habitat mitigation areas shall be contained in permanently identified open space through easement or dedication.~~
 - D. ~~Prior to the issuance of building permits, covenant that t~~There shall be no further subdividing or lot splitting of residential development 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. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
 7. Adherence to the revised sketch plan as approved at public hearing (EXHIBIT B).
 8. Building heights are restricted to a maximum of 24 feet.

9. All utility lines, including electric utility lines servicing individual parcels, shall be located underground.
10. 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.
11. The property owner shall execute and record 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(I)."

Section 2. Section 3 of Ordinance 1999-23 is amended as follows:

1. No building permits shall be issued based on the rezoning approved by this Resolution until all conditions 1 through 6 11 are satisfied and the Planning Official issues a Certificate of Compliance.
2. The rezoning conditions of Section 1 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.


Passed and adopted, this _____ day of _____, 2016.

Chair, Pima County Board of Supervisors

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:


Deputy County Attorney
Lesley M. Lukach

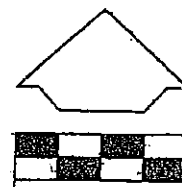
APPROVED:


Executive Secretary
Planning and Zoning Commission

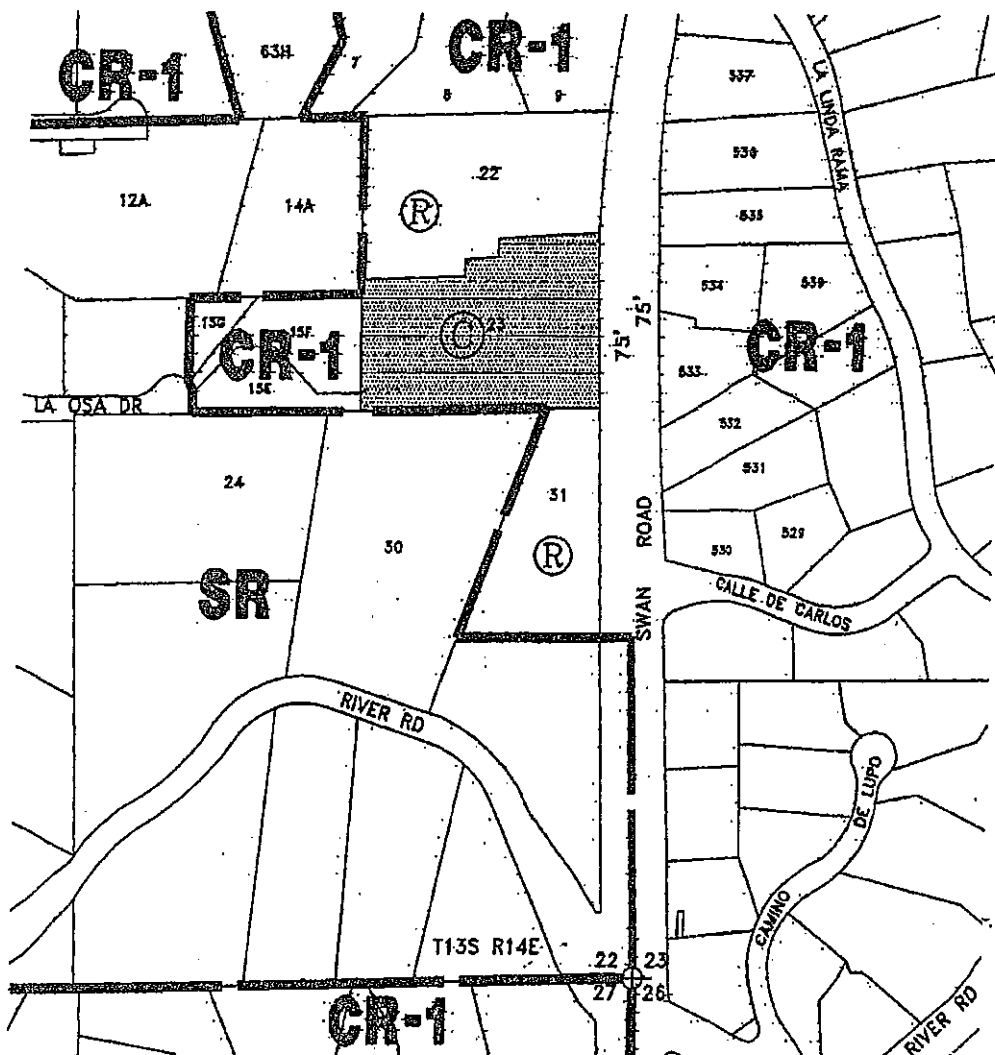
EXHIBIT A

AMENDMENT NO. 60 BY ORDINANCE NO. 1999-23
TO PIMA COUNTY ZONING MAP NO. 25 TUCSON, AZ.
PARCEL 23 BEING PART OF THE NE 1/4 OF THE SE 1/4
IN SEC. 22 T13S R14E.

ADOPTED 3-16-99 EFFECTIVE 3-16-99



0 400'



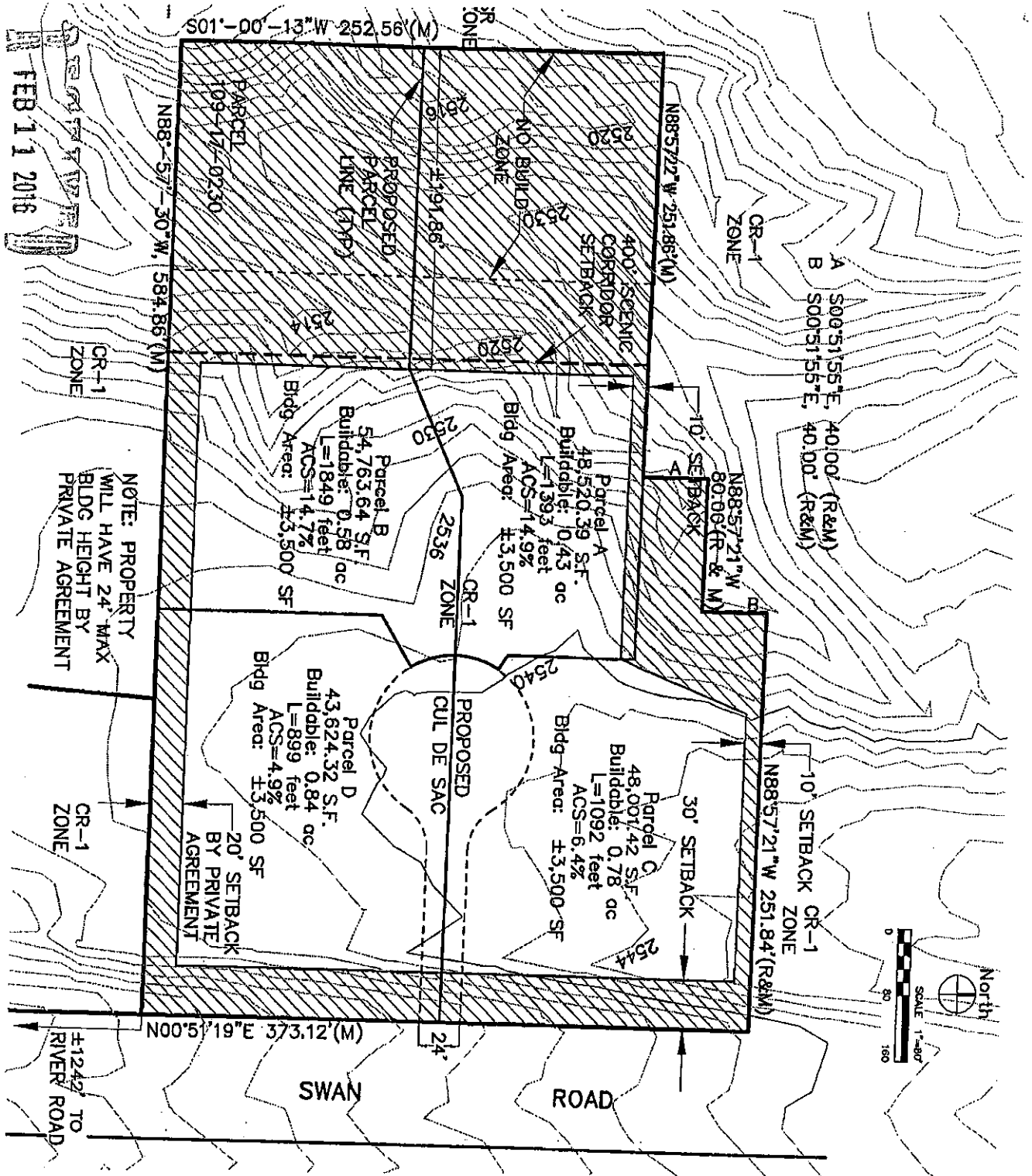
EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

© NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
FROM SR 4.55 ac±
xa-FEBRUARY 8, 1999

C09-78-32
C013-59-4

1947

EXHIBIT B



Revised to reflect 20' setback along south property line. D.P.
 094-78-32 Sketch Plan
 Approved by BOS 4-19-16 D.P.



PRELIMINARY NOT FOR CONSTRUCTION

SBBL Architecture + Planning

15 E. Pennington Street Tucson, Arizona 85701
 t: 520.620.0255 f: 520.620.0535 e: sbbl@sbbl.biz

NEAR NWC RIVER & SWAN

**SWAN ROAD
 HOMESITES**

TUCSON, ARIZONA

Date: 2-11-16
 Proj. No.: 15051
 Revision No.:
 Sheet No.:

SP-1